

Mr. McCLOSKEY. That memorandum, then, of April 9 from the Director of the Fish and Wildlife Service was prepared in conjunction with the National Park Service and your staff?

Mr. HARTZOG. Yes sir.

Mr. McCLOSKEY. Can you tell me, if you know, Mr. Hartzog, why that memorandum representing the professional judgment of the Park Service and the Bureau of Sport Fisheries and Wildlife is not included in the letter by Under Secretary Black to the Corps of Engineers, dated April 26?

Mr. HARTZOG. I do not know.

Mr. McCLOSKEY. You do not know why there is no reference to your findings and judgments?

Mr. HARTZOG. No, sir.

Mr. McCLOSKEY. I have no further questions.

Mr. JONES. Mr. Indritz?

Mr. INDRITZ. Mr. Hartzog, is the combined sewer on Royal Street within the boundary lines of Royal Street?

Mr. HARTZOG. Yes. It is underneath the street, as a matter of fact. Is it not?

Mr. HORNE. Yes.

Mr. HARTZOG. Underneath the street.

Mr. INDRITZ. What is the east boundary of the fill area which is included in the permit issued by the corps on May 29?

Mr. HARTZOG. I would rather look at the permit than to rely on the map, but the map would seem to indicate it is a southerly projection of Royal Street.

Mr. INDRITZ. Would the east boundary of the fill area be the east boundary of Royal Street extended?

Mr. HARTZOG. I am advised by Mr. Horne, who has been intimately involved in this, that it does involve the east line of Royal Street. The map I have here would not verify that one way or the other.

Mr. Horne calls my attention to a map, which is section AA of a proposed bulkhead and fill-in of Hunting Creek, which is an attachment to the permit which shows that it is a projection to the southward of the east line of Royal Street.

Mr. INDRITZ. Therefore, if the combined sewer were extended, would it run through the easterly line or the easterly portion of the fill area?

Mr. HARTZOG. Yes, sir; it would.

Mr. INDRITZ. Have you read the permit issued by the corps on May 29?

Mr. HARTZOG. Yes, sir.

Mr. INDRITZ. Have you read subsection (k) of that permit?

Mr. HARTZOG. That is the one referring to the Federal Water Pollution Control Administration. Yes, sir.

Mr. INDRITZ. Where in that provision is there any requirement that the permittee must give a right-of-way through its fill area for the construction of such an extension of the combined sewer?

Mr. HARTZOG. Well, sir; there is no specific language on that point. I have written a memorandum, which I believe you may have in your files, to the Assistant Secretary for Water Pollution calling his attention to the need either to extend it or to make provision for its extension. This subparagraph (k) says that "the permittee shall comply promptly with * * * such regulations, conditions, or instructions in