

down, I think there is only one piece of private property, not counting that old subdivision development, between there and Mount Vernon. So you can't get that lower shoreline so that it looks like Rosslyn or something. This is not possible.

Mr. GUDE. Then your feeling would be that in the granting of this particular segment you would have no objection to granting the entire area—I think it was under the original request—the entire triangle?

Dr. CAIN. I don't know about the initial request, because by the time it got to me it had been cut down considerably.

Mr. MOSS. Would the gentleman yield?

Mr. GUDE. Yes.

Mr. MOSS. I submitted evidence for the record yesterday that would indicate that as of January 1966, there were plans to develop all the area in the submerged land in front of Hunting Towers; and that there is still a pending application. And that is in the record as an exhibit.

Mr. GUDE. But this permit application had not come to your desk until October of 1967; is that correct?

Dr. CAIN. That is correct.

Mr. GUDE. That is the first time you were aware of this request?

Dr. CAIN. Yes, sir.

Mr. GUDE. Then your rationale for personally agreeing to the granting of the permit for the orange area would extend to the entire area?

Dr. CAIN. May I refer to the other map? Do you mind?

I believe this corresponds. There is a question—and this is the one that initially concerned the National Park Service—as to where the Federal riparian ownership really stops or commences. And this goes, I think, to the question of where the 0-0 line is. That is the mean low water line. I am not able to testify expertly on this, but I again have been told, and believe—and there is that line here—and if this is recent data, this is an area that has been subject to fill and sedimentation. Then certainly this tract, part of which is federally owned, couldn't be handled like that one.

Furthermore, I understand that in this long triangle they dropped back to this gray line. So I believe we are talking about these two parallel polygons here, one of which is impinged upon by Federal ownership.

So I am unable to forecast what might happen in the future. But I think your point is, if this fill is granted according to the orange patch, it would be much easier, I would suspect, to get a permit for additional fill to the north of that.

Mr. GUDE. To the north of that. But the two polygons to the east of it are actually very similar to the orange polygon, except for the very small portion in the upper lefthand corner of the orange polygon. That would be tidal water, shallow—

Dr. CAIN. I understand that the two applicants have dropped interest in the eastern part. But now I understand from Mr. Moss that this isn't necessarily so. I am not an expert. I can't testify on this.

Mr. GUDE. Well, for the time being they have evidently prudently dropped their interest in those two to the east. But my point was not so much as to what the applicants were thinking, but as to your feeling as an expert—a professional—in this field, that the rationale for granting the orange area would apply also to all the other three segments, if it came to your desk.