

boundary question was also reviewed again by our legal staff and we found that the application as it was then drawn did not conform exactly to our claim of riparian interest.

I also visited the site itself in company with Director Gottschalk and a well-informed member of the Park Service staff. We viewed the area from the immediately adjoining property, from the George Washington Memorial Parkway land on the south side of the creek, and from various vantage points on the Jones Point property to the north. We inspected the Dyke Marsh area from the marina site to see its relationship to the proposed development.

My discussions with Director Gottschalk and others concentrated on actual wildlife use of the area. From this I concluded that the data submitted on this point did not refer specifically, or even very importantly, to the actual creek mouth. Rather, these waterfowl use data had primary reference to Dyke Marsh and the several thousand acres of water and marsh in the general vicinity, with very little if any of that use being in the north half of the creek mouth. The critical issue was therefore posed as to whether the displacement of 9 acres of open water would work such a dislocation of wildlife use as to warrant a prohibition on the use of property which was not in Federal ownership. My observation of the water area immediately affected showed it to be shallow, turbid, and apparently heavily polluted. No birds were present, although a few were visible in the area to the south. I was unable to get any professional opinion that the fill operation would have any adverse effect through siltation of downstream waterfowl habitat.

Similarly, the impact of the project on adjacent park areas was not clearly evident. Structures on the proposed fill would be largely on line with existing high-rise buildings which have already modified the scenic vista. The fill area is not visible from the principal points of interest on the Jones Point property, and the development plans of the Park Service already call for a screen of trees which will minimize, if not avoid, any visual intrusion on other parts of the planned park.

On balance, therefore, I reached the conclusion that those who continued to express concern over this project, both in and out of our Department, were motivated more by consideration of its precedent for future intrusions than by any specific and present threat to existing values. I share this concern because we are deeply committed to the improvement of the Potomac Valley. But I also feel that the domino or precedent theory is not applicable here. What we have is an area that has already been extensively filled—the present bulkhead line extends far beyond the natural shore. High-rise apartments already provide the background against which new structures will be placed. Moreover, from Hunting Creek south to Mount Vernon most of the undeveloped shoreline is in Federal ownership as parkland and, therefore, adequately protected.

In responding to the corps request for a definitive statement of departmental views, I concluded that there was no reasonable basis for disturbing our position as it had stood for the preceding 6 months—but with two important caveats. My letter of April 26 makes it abundantly clear that our conclusions about conservation values applied to this specific area only and solely because of the alterations already made by intensive development, highway and bridge construction, accumulated pollution, and prior landfills. It was clearly stated that similar intrusions on the undeveloped portions of the Potomac shoreline would be strenuously opposed. Of more immediate consequence, our position with regard to the proprietary interests appurtenant to Jones Point ownership was clarified and expanded. We stated precisely that the incidents of riparian ownership, including access to the main channel of the stream and the right to future accretions as fast land, extended to the east boundary of South Royal Street as projected to the thread of Hunting Creek. Under this concept, which we are confident in maintaining, a corner of the projected fill area would have been in violation of that line. You will note that the permit as it was approved by the Corps of Engineers has been modified to delete that corner, so that the permitted fill now approximates 9 acres, as compared to the 36 acres contemplated in 1963.

Mr. Chairman, I have the deepest respect for the scientific and technical capability of the Department's staff. I seek and value their advice. I yield to it on technical matters and am influenced by it on policy issues. In my view, however, the views expressed by some of those staff members in this instance represented subjective value judgments or preferences not based on clearly demonstrable evidence. I share those preferences; I look forward to a comprehensive program that will preserve the Potomac and prevent the destruction of its shoreline.