

Mr. BLACK. They are not before us now, Mr. Chairman.

Mr. MOSS. That is very interesting. They are before the Corps of Engineers?

Mr. BLACK. Yes, sir.

Mr. MOSS. And so the matter is not really resolved. The one permit was modified, but was there any stipulation that the claim on the part of the applicants was being abandoned?

Mr. BLACK. So far as requests for a further permit might be concerned, I do not know that there was any such agreement. But the Solicitor's office has assured us that we have a strong case, and it appears extremely unlikely that any applicant is going to buy that kind of a lawsuit in the thicket of riparian ownership law that would be involved here. In fact, the dispatch with which the applicant in the case that is under investigation now agreed to the deletion of this further area certainly indicates to me that they do not want to go in and buy a lawsuit. And we have indicated clearly, and I so indicate now, that we would resist any further encroachment into the area that we are now claiming lies within the riparian rights and ownership of the Federal Government.

Mr. MOSS. Of course, these people have shown remarkable patience. From 1964 to 1967 the thing was quiet. There was no action taken at all. And suddenly it emerges as a very active matter, what is to prevent it from emerging 2 or 3 years from now, and letting them buy the lawsuit to seek the value that land will have?

Mr. BLACK. I can only speculate, Mr. Chairman, But this is essentially a legal matter in a difficult area. I know of no more complex area of the law. And I don't know that I can contribute to the dialog by speculating on what the applicants might do.

Mr. MOSS. I just wanted it clear that there was no agreement, nothing stipulated by the applicant that they would not make a further speculation at a future date for the very section that was knocked out of the permit application which was acted on.

Mr. BLACK. I know of no such stipulation.

Mr. MOSS. Nor is any such connotation to be contained in this record?

Mr. BLACK. No. But we have indicated our firm resistance to any further such efforts. And the matter that is under investigation now is the fact that we apparently did not resist strongly.

Mr. MOSS. Mr. Secretary, I recall rather vividly in 1964 that the Department stated very vigorously its opposition to the area for which a permit has now been granted. And I have been around here long enough to recognize that the departmental position is changed. So I have become somewhat cynical as to the permanence of these arrangements. You may continue.

Mr. BLACK. When I visited Jones Point on this trip that I indicated, Mr. Chairman, we had the site development plans for that park. And those plans called for leaving the eastern portion of the Hunting Creek shoreline in its natural state. There are large trees there, rather heavy vegetation in that area. And it was my feeling that that would act as an effective screen against intrusion by adjacent private land development. But I think, that fact notwithstanding, the most significant intrusion is already there, which is in the form of the existing apartment buildings. And they are several hundred yards closer to the Fed-