

but the whole region which covers several thousand acres, I would guess—maybe not that much—of water or marine area. And during our examination of the site, Mr. Chairman, I think that this again was a pivotal consideration in the decision I arrived at for the Department to interpose no final objection.

I inquired very specifically and repeatedly of Dr. Gottschalk, the Director of the Bureau of Sport Fisheries and Wildlife, about the distribution of waterfowl use, and whether the usurpation of some 9 acres immediately adjacent to an existing high-rise, high-density development, would displace any significant number of birds. And Director Gottschalk, who had participated in the annual census activity, and who is Dr. Uhler's superior, who had been involved in this case expressed the opinion that the impact, if any, would be minimal or immeasurable. I want to make it clear that he indicated that there would be sufficient area preserved to take care of the wildlife, and that there was not significant danger to it.

So I would like to summarize with respect to the factual evidence as I observed it, that I didn't feel that it made for a persuasive case, Mr. Chairman. Measured against the standard which I considered appropriate—and that is basically whether there was such a preponderance of evidence of tangible damages as to warrant reversal of the last position of record which the Department had taken and which the corps had been prepared to act upon. I concluded that our position was a weak one, and that renewed objection was not realistic and could not be sustained.

Now, I certainly want to speak with all deference and respect to those who feel strongly that this project will have a detrimental effect on intrinsic values, on wildlife values, and on conservation values. But my review of the matter and discussions with interested parties indicate that really the basic concern—and it is one that you have mentioned yourself, Mr. Chairman, which has been brought up repeatedly in these hearings—is whether the precedent effect of this, rather than the immediate effect per se of this 9-acre fill in front of the existing Hunting Towers Apartments, is the major issue.

Mr. Moss. Mr. Secretary, I would like the record to reflect that that is a most imprecise interpretation. It is a concern, but it is not a primary concern.

Mr. BLACK. The precedent effect was of concern, and perhaps of primary concern, and certainly of major concern to me, because of the Department's longstanding view that the Potomac should be protected and enhanced. And as a responsible official in the Department of the Interior I do not want to take a position for the Department which would erode that policy. So precedent was a major concern with me.

And on this I do take quite a different view from that which has been expressed by other witnesses and by individuals in the Fish and Wildlife Service.

And the question has been raised by Park Service people. I don't think, Mr. Chairman, that this is a signal for wholesale attack on the undeveloped Potomac shoreline, for the very simple reason that it is the last point that represents extension of existing development. Beyond this point we can take our stand on legitimate grounds and support them on the basis of real conservation values, not make weight arguments and statistical manipulations. In this instance—