

distance of 920 feet on the southwesterly side and 875 feet on the northeasterly side.

Oral statements will be heard, but for accuracy of record, all important facts and arguments should be submitted in writing, as the records of the hearing will be forwarded for consideration by the Department of the Army. Written statements may be handed in at the hearing or mailed beforehand to the district engineer, U.S. Army Engineer District, Baltimore, Post Office Box 1715.

We request that your written statements be presented in quadruplicate.

The Federal law pertaining to the issuance of the requested permit is set forth in section 10 of the River and Harbor Act of March 3, 1899, which I will now read:

"SEC. 10. The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor or refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same."

The Secretary of the Army has succeeded the Secretary of War as far as the language of that law is concerned.

In addition, and in considering applications under the law—that is, in addition to consideration under section 10 which pertains to navigation—the Secretary of the Army coordinates with the Fish and Wildlife Service, the National Park Service, and the Federal Water Pollution Control Administration in accordance with the Fish and Wildlife Coordination Act and the memorandum of understanding dated July 13, 1967, between the Secretary of the Interior and the Secretary of the Army.

To clarify the record, the application under consideration today was submitted originally by the applicant in July 1964.

Also, an application for a similar fill and bulkhead was received in July 1964 from Hunting Towers Operating Co., Inc. Work under the two applications would have provided for one consolidated fill.

At the direction of the Chief of Engineers, action on these applications was deferred pending resolution of a riparian rights problem which involved Federal property under the jurisdiction of the National Park Service. The Chief of Engineers also directed that upon resolution of the riparian rights problem, a public hearing should be conducted.

A recent letter, October 10, 1967, received from the Department of the Interior, indicates that the area to be filled by Howard P. Hoffman Associates, Inc., will not encroach on the riparian or property rights of the Federal Government. However, the Department of the Interior indicated that the fill proposed by Hunting Towers could probably involve Federal property rights. Accordingly, no further action is proposed at this time with regard to Hunting Towers application.

It is desired to have a full and frank expression of the views of all interested parties at this hearing and to have as complete a statement as possible on all information bearing upon the application.

The Department will give full weight to all evidence and arguments presented and all pertinent material which the parties wish considered should be brought out at this hearing.

Presentation, after the hearing, of evidence and arguments is not desired by the reviewing authorities unless it is clearly shown that the evidence is new and material, and there are good reasons why it could not have been presented at this hearing.

In order that the reporter may make all statements a matter of record, we would very much like to have all speakers give their full name and address, and the interest they represent, as they arise to speak.

In that connection, we have microphones at each side of the room. Those of you who come up to speak, to the microphones, that particular microphone will