

existing Hunting Towers Apartment buildings, which have military tenants in 200 of the 795 units. Numerous surveys by the Department of Defense, by Northern Virginia Fair Housing, Inc., and others have established that Hunting Towers Apartments maintain a policy of racial segregation and intend to continue this policy.

No assertion that the apartments to be constructed on this filled land will be operated on a nondiscriminatory basis can be credible as long as a policy of discrimination continues at the existing apartments. The new apartments would form part of the existing racially segregated apartment complex.

Under present circumstances, a decision to grant the permit would constitute Federal action in support of racial discrimination in housing. This would violate section 1978 of the Revised Statutes as well as established policy of the Defense Department. Moreover, since it is appropriate to employ the off-limits sanction to secure open housing, it would seem equally desirable to withhold the permit on the same basis.

I stress that the taint of racial discrimination is sufficient by itself to require rejection of this application. On the other hand, even if racial discrimination were in no way involved, the proposed fill would be objectionable on the conservation grounds I have outlined.

The "general policies on the issuance of permits" for fills in any navigable water of the United States (under 33 U.S.C. 403) as set forth in the Federal Register of December 7, 1967, provides that:

"The decision as to whether a permit will be issued, will be predicated upon the effects of the permitted activities on the public interest * * *"

In this case, approval of the permit would seriously harm the public interest. It is clearly intended as a foot in the door which would be followed by the application of Hunting Towers Operating Co. and perhaps other requests to use the public right to the Potomac River for private gain.

This permit ought to be completely, finally, and permanently rejected.

Congressman Moss and I protested the application of the Hoffman firm and Hunting Towers Apartments when they were first made back in 1964. We did so because we felt that the application was an attempted land grab at public expense.

If one follows the logic behind these applications, then it is open to any and all who want to build high-rise apartments to appeal to the Corps of Engineers to give them a section of the Potomac, and since the channel of the Potomac is only a few hundred feet wide, this could result in a myriad of high-rise apartments on the public domain with a small sewer down the middle that used to be the Potomac.

I hope that the Federal Government will protect the public interest in the maintenance of this important tidal area for two reasons:

One, permission for land fills in the Hunting Creek Estuary would damage valuable conservation and park assets;

And two, Federal approval by the Corps of Engineers of a project to be carried out by applicants involved in the rental of housing on a racial discriminatory basis would be contrary to both law and public policy.

First, the conservation point:

The proposed fill would eliminate one of the few places left on the Potomac River with the necessary ecological conditions needed as a restingplace for diving ducks such as canvasback, redhead, bluebills, ruddy ducks, and buffleheads.

The importance of the area in which it is sought to make the fill results from the fact that its depth is just the right depth, ranging from a few inches to several feet, to produce the midge insects and the so-called Japanese snails which are such attractive foods for diving ducks. These conditions are very scarce.

If this area is filled in, that will about end it as far as the diving ducks in the Potomac are concerned in the Washington area.

I have twice made inspections of the precise area sought to be filled, the first in 1964 when the applications were presented and when the applications were not favorably acted on; then again, last December 9. On both occasions, I saw hundreds of diving ducks. Back in December 9, 1967, I saw a whistling swan as well as other wildlife using the estuary.

Feeling that under the Coordination Act, the judgment of the trained career biologists of the Fish and Wildlife Service of the Federal Department of the Interior is determinative, I communicated with Francis Uhler, who is biologist in the Patuxent Wildlife Research Center, Federal Bureau of Sport Fisheries and Wildlife. I communicated with him both back in 1964 and most recently.