

permit to Howard P. Hoffman Associates, Inc., to construct a bulkhead and to fill in Hunting Creek at Alexandria, Va.

Under section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403), Congress has granted authority to the Secretary of the Army, acting through the Corps of Engineers, to issue permits for the performance of any work in the navigable waters of the United States. An important responsibility of the Secretary of the Army in the exercise of this authority is to determine whether any proposed work is consistent with the public interest. When fish and wildlife resources are involved, the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c), requires coordination with the U.S. Fish and Wildlife Service and consideration of their views as a basis for decision on the proposed work. The issuance of a permit for such work is also predicated upon the effects of permitted activities on the public interest, as embodied in other Federal law and policy, such as the effects on water quality, recreation, and natural resources, as well as navigation.

On July 13, 1967, the Secretary of the Army and the Secretary of the Interior signed an agreement detailing how we would cooperate in combating pollution and in conserving the natural resources and recreational values in dredging, filling, excavating, and other related work in navigable waters of the United States. It makes specific provision for review at Secretarial level whenever any substantive differences in opinions have not been resolved at the local level. The policies and procedures in the agreement governed our actions in the case under discussion.

The Hunting Towers Operating Co. and Howard P. Hoffman Associates, Inc., applied on October 9, 1963, for a Department of the Army permit for bulkheading and filling wedge-shaped adjoining water areas totaling about 36 acres. Public notices of this proposal were sent to all known interested parties on March 24, 1964. Objections were received from several Congressmen, the National Park Service, the U.S. Fish and Wildlife Service, and various conservation interests. The applicants subsequently submitted a revised proposal reducing the areas of fill to about 19 acres. The revised plans were submitted to the objectors who in most instances reiterated their objections. The report of the findings of the District Engineer was reviewed thoroughly in the Office, Chief of Engineers. After careful consideration of all pertinent data, the Chief of Engineers directed the District Engineer on November 20, 1964, to withhold issuance of the permits until the matter of riparian rights of property under the jurisdiction of the National Park Service was settled, and then to hold a public hearing to develop further the facts in the case.

On October 10, 1967, the Assistant Secretary of the Interior advised the District Engineer that the matter had been reconsidered in the light of existing conditions in the area, and that it had been concluded that the granting of the applications on the basis of the revised plans would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly that Department's objection was withdrawn. The Assistant Secretary of the Interior indicated, however, that the proposal of the Hunting Towers Operating Co. application might involve Federal property rights under the jurisdiction of the National Park Service which might eventually have to be resolved in court. Subsequently, Howard P. Hoffman Associates, Inc., requested that its application be processed since there was no riparian rights problem involved concerning its property. The agent for Hunting Towers Operating Co. indicated that the intent of that company could not be determined and that a decision concerning their application would not be forthcoming in the foreseeable future.

The Governor of the Commonwealth of Virginia, in a letter dated December 1, 1967, requested to be informed whether the Corps of Engineers had any objection to the proposed work prior to making the conveyance of certain submerged lands located in Hunting Creek, Alexandria, Va., authorized by chapter 546, Acts of Assembly of 1964, Commonwealth of Virginia.

The Federal Water Pollution Control Administration, in a letter dated December 15, 1967, advised that the project would not result in any adverse effects on water quality.

A public hearing to consider the application of Howard P. Hoffman Associates, Inc., only was held at Alexandria, Va., on February 21, 1968. Prior to the hearing the matter of the management of the existing Hunting Towers apartment development practicing racial discrimination in its rental policy was brought into the case.

At the hearing Congressman Henry S. Reuss, for himself and in behalf of Congressman John E. Moss, objected to the application on the basis that the project constituted a land grab, would destroy valuable conservation and park assets, contemplated housing on a racially discriminatory basis, and would seriously harm the public interest. Conservation interests among them, representatives of the Izaak Walton League of America, the Audubon Society, Virginia Society of Ornithology, Daughters of the American Revolution, the Wilderness Society, Valley View Citizens Association, the Sierra Club, the Northern Virginia Conservation Council, and concerned individuals objected to the application on the grounds that the recreational and fish and wildlife values of the area should be conserved. The Alexandria branch, Washington Urban League, and the Alexandria Council on Human Relations opposed the project unless the apartment development would be opened to all without regard to race, creed, or color.

A review of the situation following the hearing, by our District Engineer in Baltimore, showed that the Bureaus of the Department of the Interior concerned with parks, conservation, recreation, and pollution had withdrawn all objections to issuance of the permit and had indicated that the project would not adversely affect the area from these standpoints. The National Park Service had no objection to Howard P. Hoffman Associates, Inc., application from a riparian rights standpoint. The Virginia Division of the Izaak Walton League had withdrawn its objection to the work. The city of Alexandria had reached agreement with the applicant on engineering problems as related to flooding and sewage disposal considerations at the site. Further, the applicant had stated that there was no connection between it and Hunting Towers Operating Co. and that it would not engage in racial discrimination practices in the operation of the facility.

Subsequent to the submission of the report and the recommendations of the District and Division Engineers for evaluation at the Washington level, we were advised informally that the Department of the Interior desired to review their position again. Accordingly, on April 15, we referred the matter to the Department of the Interior for their further comments in accordance with the July 13, 1967, agreement between our Departments. On April 26, the Under Secretary of Interior stated that the pending application would encroach upon the property interests of the United States to the extent of any of the fill area that lies east of the South Royal Street line projected and recommended that the limited area in question be excluded from the application. No other objections were raised. By letter dated April 30, 1968, the applicant submitted revised plans excluding the area in question and stated that "It is expressly understood that no part of the bulkhead or fill area will extend toward the body of the river beyond the east line of Royal Street extended, as it is now laid out and exists in the city of Alexandria." The objections of the Department of the Interior to issuance of the permit had thereby been removed.

Since the issues raised concerning riparian property rights, conservation, recreation, and pollution were now resolved insofar as the responsible Federal agencies were concerned, and since the applicant had stated that the apartment development would be open to all without regard to race, creed, or color, and since there was no objection to the proposed work from the standpoint of navigation, the District Engineer was authorized on May 21, with the concurrence of the Special Assistant to the Secretary of the Army for Civil Functions, to issue the permit for the work as revised on April 30, 1968, subject to the conditions of Eng Form 1721 (Civil) and the following additional condition:

(k) That the permittee shall comply promptly with any regulations, conditions, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State agency are hereby made a condition of this permit.

On June 13, the permittee was requested not to construct bulkheads and any other structures or engage in filling operations under the permit pending the hearing of this subcommittee and consideration thereof.

(Whereupon, at 4:30 p.m., the committee adjourned, subject to the call of the Chair.)

APPENDIX

PART I.—LIST OF DOCUMENTS PERTINENT TO HEARING BY SUBCOMMITTEE ON NATURAL RESOURCES AND POWER CONCERNING APPLICATIONS FILED BY HOWARD P. HOFFMAN ASSOCIATES, INC., AND HUNTING TOWERS OPERATING CO., INC., TO BULKHEAD AND FILL IN PART OF HUNTING CREEK, NEAR ALEXANDRIA, VA.

1. Letter, June 17, 1964, from Regional Director Walter A. Gresh, Bureau of Sport Fisheries and Wildlife, to district engineer, Corps of Engineers—cites data to support the Bureau's opposition to the applications.
2. Attachment to item 1 above—Report by Francis M. Uhler, biologist, Patuxent Wildlife Research Center (Oct. 26 and Nov. 19, 1963).
3. Letter, October 10, 1967, from Assistant Secretary of the Interior Stanley A. Cain, to Col. Frank W. Rhea, district engineer, with attached plats—withdraws Interior Department's objections to the applications.
4. Letter, January 30, 1968, from Assistant Secretary Cain, to Colonel Rhea— informs corps that Interior Department will not testify at corps hearing on February 21, 1968, concerning Hoffman Associates' application to fill in Hunting Creek.
5. Memorandum, March 15, 1968, from Assistant Secretary Cain, to Director, Bureau of Sport Fisheries and Wildlife—requests Bureau to make a new study of the Hunting Creek area.
6. Memorandum, April 4, 1968, from Director, National Park Service, to Secretary of the Interior—recommends that Interior Department restudy its decision of October 10, 1967, concerning filling of Hunting Creek.
7. Memorandum, April 8, 1968, from Assistant Secretary Cain to Director, National Park Service—states that his earlier decision was "based first on political considerations" and that "I will be happy to reverse myself if BSWF makes a strong case and if NPS can give me evidence of the important values."
8. Memorandum, April 9, 1968, from Director, Bureau of Sport Fisheries and Wildlife, to Assistant Secretary Cain—states that the restudy requested by Assistant Secretary Cain's memorandum of March 15 "confirms the position taken in 1964 by representatives of the Bureau of Sport Fisheries and Wildlife and the National Park Service that issuance of the permit by the Corps of Engineers would not be in the public interest."
9. Memorandum, April 10, 1968, from Assistant Secretary Cain to Director, Bureau of Sport Fisheries and Wildlife—states "that I am now reversing the position that I took earlier."
10. Memorandum, April 16, 1968, from Assistant Secretary Cain to Gen. Harry G. Woodbury, Jr.—informs Corps of Engineers that Assistant Secretary Cain reversed his position, and refers to telephone conversation with General Woodbury of April 10, in which it was agreed that General Woodbury would request Under Secretary of the Interior David S. Black to "get this issue resolved."
11. Letter, April 15, 1968, from General Woodbury to Under Secretary David S. Black—requests the Under Secretary to state Interior Department's position "at the earliest practicable date since the applicant has indicated the urgency of a prompt decision."
12. Letter, April 26, 1968, from Under Secretary Black to General Woodbury—with attached plat and notice of hearing—states that Interior Department "would, of course, prefer that there be no additional intrusions upon

- the existing Potomac environment"; indicates that the Department has made a "deferral in this instance * * *"; and states that "If a permit is to issue in this case * * * potential conflict should be avoided by excluding" a triangular area approximately three-fourths of an acre in size.
13. Letter, April 30, 1968, Howard P. Hoffman Associates, Inc., to Corps of Engineers, with attached plat—agrees to modification of application so that the fill area will not extend beyond the east line of Royal Street extended.
 14. Permit issued May 29, 1968, by Corps of Engineers to Howard P. Hoffman Associates, Inc.
 15. Memorandum of understanding between the Secretary of the Interior and the Secretary of the Army, dated July 13, 1967—concerning review of applications for dredging, filling, and excavation of navigable waters.
 16. Excerpt from Fish and Wildlife Coordination Act, as amended by the act of Aug. 12, 1958 (Public Law 85-624; 72 Stat. 564; 16 U.S.C. 662 (a) and (b)).

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DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Atlanta, Ga., June 17, 1964.

DISTRICT ENGINEER, U.S. ARMY, CORPS OF ENGINEERS,
Baltimore, Md.

DEAR SIR: Reference is made to your letter of May 20, 1964, concerning our objection to the issuance of Department of the Army permits to Howard P. Hoffman Associates, Inc., and Hunting Towers Operating Co., Inc., for the construction of bulkheads and placement of fill in Hunting Creek at Alexandria, Va. Your request therein for detailed data with regard to the effects of the proposed fill upon fish and wildlife in Dyke Marsh and in the waters of Hunting Creek is hereby acknowledged.

The applications in question request permits to bulkhead and fill wedge-shaped adjoining tracts jutting about 2,000 feet from the northwest shore into the mouth of Hunting Creek. This 36-acre fill will extend across the frontage of Jones Point, an area under the jurisdiction of the National Park Service.

Dyke Marsh is an intertidal area, most of which is emergent during low tide. Vegetation is composed entirely of fresh marsh or swamp species. Waterfowl utilizing the marsh for feeding and resting are predominantly puddle ducks such as mallard, black duck, pintail, teal, shoveller, and wood duck. In addition, a few diving ducks and a great variety of marsh birds, shore birds, song birds, gulls, and fur animals frequent the area. A detailed description of Dyke Marsh and adjacent waters is given in the appended report entitled, "Plants and Animals Noted in Dyke Marsh and Adjacent Waters Along the Tidal Potomac River, Fairfax County, Va., With Suggestions Regarding Development for Aquatic Wildlife in That Area."

Waters in the mouth of Hunting Creek east of George Washington Memorial Parkway are generally shallow and average 2 to 3 feet deep. Although these waters are fresh, they exhibit tidal influence of about 2½ feet. This area is bordered on the north and south by National Park Service lands (Jones Point and Dyke Marsh) and urban development and on the west by a highway causeway.

The shallow waters in the mouth of Hunting Creek are generally turbid and thereby limit the growth of aquatic vegetation. A combination of soft bottom and high fertility provides excellent habitat for native mollusks, Japanese snail, midge larvae, and killifish. The great volume of food these species provide attracts numbers of gulls, terns, and diving ducks, primarily ruddy duck, greater and lesser scaup, ring-necked duck, canvasback, and bufflehead. Approximately 3,000 to 5,000 scaup and ruddy ducks overwinter in the general area. The following excerpt from Christmas counts conducted by the Audubon Naturalist Society is indicative of the numbers and variety of waterfowl utilizing Hunting Creek.

AUDUBON CHRISTMAS COUNTS (WATERFOWL), WILSON BRIDGE TO BELLEHAVEN PARK-ALEXANDRIA, VA.

Species	Dec. 26, 1959	Dec. 26, 1960	Dec. 30, 1961	Dec. 29, 1962	Dec. 28, 1963
Canada geese		10		15	32
Mallard	5	15	38	67	103
Black duck	28	71	1,006	150	1
Gadwall					44
Pintail	75	160	184	55	5
Green-winged teal		2	44		6
Shoveller	4				1
Wood duck	2		7	1	34
Redhead		10	4		7
Ring-necked duck	2	21	103		72
Canvasback	28	1,200	4,000+	109	1,000+
Greater and lesser scaup duck	39	61	38	40	72
Bufflehead	3,822	1,500	6,000+	539	948
Ruddy duck	84	6	5		
Mergansers					
Total	4,089	3,056	11,434	976	2,325

Counts by ornithologists and qualified observers show the 5-year average over-wintering waterfowl population to be—

Ruddy duck	4,000
Scaup	2,000-3,000
Ring-necked duck	300-400
Black duck	200
Canvasback	100
Mallard	80
Bufflehead	50
Pintail	50

¹ Occasionally 1,500.

Fishery resources in Hunting Creek area are of low quality and consist primarily of catfish, carp, and gar. Fisherman utilization is relatively low.

The diversity of wetland habitat provided by Dyke Marsh and Hunting Creek has been historically an attraction to a variety of waterfowl. These areas were formerly heavily utilized by duck hunters but are now closed to hunting by the city of Alexandria and the National Park Service. At present, they are heavily utilized by naturalists and other persons interested in studying or observing the natural flora and fauna of the region. Every species of waterfowl normally occurring along the Atlantic seaboard, with the exception of American scoters and eiders, has been recorded in the vicinity. Bellehaven picnic grounds at the north end of Dyke Marsh and Jones Point afford the principal means of access for the general public to observe these resources. The esthetic appeal and value of these pursuits are largely intangible and cannot be evaluated in monetary terms.

For many decades, urban, municipal, and industrial developments have gradually reduced natural wetland habitat in the vicinity of metropolitan Washington, D.C., until at present Dyke Marsh and Hunting Creek constitute two of the better remaining areas. The construction proposed in the subject permit applications will further encroach on these remnant wetland habitats. About 35 acres of productive creek bottoms will be filled and permanently lost as waterfowl feeding and resting areas, which, by virtue of location, produce a significant esthetic resource. The obstruction resulting from bulkheading and filling will alter natural silting processes at the mouth of Hunting Creek and may accelerate the formation of mudflats thus further reducing valuable habitat. Ensuing development on the proposed fills will constitute a disturbance factor which will adversely affect waterfowl and shore bird utilization in the general area and seriously obstruct public observation and enjoyment from the National Park Service's access area at Jones Point.

We conclude that the ecological factors of shallow productive waters, adjacent marshes, and abundant food supply combine to make Hunting Creek an attractive area for waterfowl and other water-oriented wildlife. The combination of available wildlife and public access provides an opportunity for the observation, study, and enjoyment of aquatic life in the immediate vicinity of our Nation's Capital. Therefore, the Bureau feels that every effort should be made to protect these esthetically valuable resources.

Sincerely yours,

WALTER A. GRESH,
Regional Director.

PLANTS AND ANIMALS NOTED IN DYKE MARSH AND ADJACENT WATERS ALONG THE
TIDAL POTOMAC RIVER, FAIRFAX COUNTY, VA., WITH SUGGESTIONS REGARDING
DEVELOPMENTS FOR AQUATIC WILDLIFE IN THAT AREA, OCTOBER 26 AND NOVEM-
BER 19, 1963

(By F. M. Uhler, Patuxent Wildlife Research Center)

At the request of the U.S. Fish and Wildlife Service's Branch of River Basins, the writer joined representatives of the National Park Service, Dr. F. S. Henika of the Branch of River Basins, and other interested persons in a biological evaluation of the Dyke Marsh and contiguous waters along the fresh water section of the tidal Potomac River south of Alexandria, Va.

These inspections were made to facilitate the selection of a 5-acre tract in a section controlled by the Potomac Sand & Gravel Co. that will compensate for overredging by that firm on an adjacent section of the marsh which is being developed by the National Park Service.

Biologists Maurice Sullivan and L. Kay Thomas from the Capital Parks regional office of the National Park Service aided in the inspections and arranged for boat transportation from the Belle Haven Marina at the north end of the Dyke Marsh on November 19. Mr. George R. Lamb of the District of Columbia chapter of the Audubon Society kindly operated his motorboat for the inspection made on October 26, 1963. Congressman Henry S. Reuss, his wife, and daughter, and several members of the Audubon Society joined in that visit. Detailed observations were made by the use of hip boots.

The east sections of the Dyke Marsh (units C and D) front on the open river and are being dredged as a source of sand and gravel by the company which controls those tracts. Units A and B, owned by the National Park Service, lie between these dredged sections and the George Washington Memorial Parkway. The north end of the Dyke Marsh forms the south border of the broad mouth of Big Hunting Creek at its junction with the Potomac River. The Hunting Creek marshes are rapidly being eliminated by land fills, but the remaining section along the west edge of the memorial parkway still serves as a feeding ground for many kinds of shoal-water ducks and other waterfowl, while the shallow, open section of the creek mouth serves as an outstanding feeding ground for hundreds of diving ducks with lesser scaup and ruddy ducks predominating. This section produces an amazing volume of certain mollusks and midge larvæ (Chironomidae) that serve as food for the diving ducks. The fertile effluent from the Washington and Alexandria sewage disposal plants stimulates a heavy production of minute algae that render most of the waters too turbid for the successful growth of submerged seed plants, but fortunately these algae provide food for the midge larvæ and for myriads of the Japanese snail (*Viviparus japonicus*) as well as several native mollusks that are important foods for many kinds of ducks. The shallow tidal waters also have large numbers of killifish (chiefly *Fundulus heteroclitus*) that serve as food for many waterfowl.

Because of the importance as a diving duck feeding ground of this shallow, open-water section in the embayment at the mouth of Big Hunting Creek, every effort should be made to protect this feeding area against destruction by either filling or dredging. These shallow, open waters, together with the adjacent marshes, compose an unsurpassed opportunity for the conservation, enjoyment, and study of aquatic life in the vicinity of our Nation's Capital.

The main Dyke Marsh is dominated by narrowleaf cattail that merges into a pumpkin-ash and red maple swamp on the higher sections. Along the tidal channels and in the deeper pockets, a colorful array of less abundant marsh plants supplies beauty and a great variety of foods for shoal water ducks. Wood ducks were particularly abundant in this section, where the pumpkin-ash seeds and arrow-aram fruits supply an abundance of their favorite foods. Mallards and black ducks also were scattered throughout this section, while the more open way, in the vicinity of Belle Haven and New Alexandria, had considerable numbers of pintails, shovellers, green-winged teal, and many ring-billed, herring and Bonaparte's gulls. On November 19 about 1,600 scaups, 400 ruddy ducks, and 25 to 30 buffleheads were noted on the river adjacent to the Dyke Marsh. During the summer and early autumn several species of herons and egrets commonly feed in these marshes. Occasional woodcock were flushed while wading in soggy soils of the ash swamp along the edge of the parkway, and a few Wilson's snipe were noted over the marsh.

The Dyke Marsh is very shallow, and most of it is emergent during ebbtide. The tide has a normal fluctuation of about 2½ to 3 feet, but only during periods of prolonged drought does a very slight trace of brackish water back up into this section from the lower Potomac. The vegetation is composed entirely of fresh-marsh or swamp species. In spite of the fact that much of the marsh is dominated by narrowleaf cattail and could be benefited by a moderate increase in water levels, its channel borders and deeper pockets, as well as its swampy edges, have a fascinating assemblage of moist-soil plants, including many Old World species that probably have been established as waifs in the course of generations of waterborne trade.

The following lists of plants noted in the marsh and along its moist borders, even though the growing season was past, indicates the richness of the flora:

MARSH PLANTS AND MOIST-SOIL HERBS

*=fair duck food, **=good, ***=excellent

Royal fern (*Osmunda regalis*) locally common.

Narrowleaf cattail (*Typha angustifolia*) dominant.

*Broadleaf arrowhead (*Sagittaria latifolia*) locally abundant.

***Wildrice (*Zizania aquatica*) occasional to locally abundant.

***Rice cutgrass (*Learsia oryzoides*) abundant.

***Walter's wild millet (*Echinochloa walteri*) locally common.

Makino grass (*Arthraxon hispidus*) locally abundant.

***Fall panicum (*Panicum dichotomiflorum*) rare.

Switchgrass (*Panicum virgatum*) rare.

Gama-grass (*Tripsacum dactyloides*) occasional.

**Cyperus sedges (*Cyperus erythrorhizos*, *C. odoratus*, and *C. brevifolius*) locally abundant.

**Common three-square (*Scirpus americanus*) occasional.

**River bulrush (*Scirpus fluviatilis*) locally abundant.

Arrow-arum (*Peltandra virginica*) locally abundant (excellent for wood ducks).

Sweetflag (*Acorus calamus*) locally abundant.

*Pickerelweed (*Pontederia cordata*) locally abundant.

Yellow iris (*Iris pseudacorus*) locally common.

Blue flag (*Iris versicolor*) occasional.

Common dayflower (*Commelina communis*) locally common.

**Asiatic dayflower (*Aneilema keisak*) rare.

Wood-nettle (*Laportea canadensis*) locally common.

Richweed (*Pilea pumila*) locally abundant.

**Halberd-leaf tear-thumb (*Polygonum arifolium*) abundant.

**Arrow-leaf tear-thumb (*Polygonum sagittatum*) locally abundant.

***Dotted smartweed (*Polygonum punctatum*) common.

**Asiatic smartweed (*Polygonum cespitosum*) locally abundant.

***Tidemarch waterhemp (*Acnida cannabina*) occasional.

**Spatterdock (*Nupher luteum*) locally common.

Lizard's-tail (*Saururus cernuus*) locally abundant.

Marsh-cress (*Rorippa palustris*) occasional.

Potato-bean (*Apios americana*) locally common.

*Jewelweed (*Impatiens biflora*) abundant.

Rose-mallow (*Hibiscus moscheutos*) occasional.

Fringed loosestrife (*Lysimachia ciliata*) locally common.

Hedge bindweed (*Convolvulus sepium*) locally common.

*Dodder (*Cuscuta* sp.) abundant parasite on Jewelweed.

Bur-cucumber (*Sieyos angulatus*) locally abundant.

Ironweed (*Vernonia* sp.) locally common.

Climbing hempweed (*Mikania scandens*) locally abundant.

Wing-stem (*Actinomeris alternifolia*) locally common.

Beggar-ticks (*Bidens laevis*) locally abundant.

Swamp sunflower (*Helienium autumnale*) occasional.

WOODY PLANTS

Black willow (*Salix nigra*) locally common.

Spicebush (*Lindera benzoin*) locally common.

*Swamp rose (*Rosa palustris*) occasional.

River locust (*Amorpha fruticosa*) locally abundant.

Poison ivy (*Rhus radicans*) locally abundant.

**Winterberry (*Ilex verticillata*) occasional.

Red maple (*Acer rubrum*) common.

Asiatic pepper-vine (*Amphelopsis brevipedunculata*) locally abundant.

**Silky dogwood (*Cornus amomum*) locally common.

Pumpkin-ash (*Fraxinus tomentosa*) abundant (excellent for wood ducks).

**Buttonbush (*Cephalanthus occidentalis*) common.

Swamp-haw (*Viburnum nudum*) occasional.

Arrow-wood (*Viburnum dentatum*) locally abundant.

A study made during the growing season will undoubtedly add many other marsh and swamp plants as frosts had caused the vegetation to disintegrate before these observations were made. A few drifting plants of sago pondweed (*Potamogeton pectinatus*) and wild celery (*Vallisneria spiralis*) in the open water at the north end of the Dyke Marsh indicate that some of these important, submerged, seed plants still exist in sections where the water is clear enough to permit the necessary penetration of sunlight.

Muskrat signs were plentiful along most of the tidal channels, and raccoons and mink are among additional fur-bearers that are likely to occur there.

In addition to the abundant, viviparus, Japanese snail, several native snails and clams, including *Goniobasis virginica*, *Helisoma* sp., *Musculium* sp., and larger thin-shelled clams, were common in the shallow waters. These, and a good supply of crayfish, compose useful sources of invertebrate foods for aquatic wildlife.

Any development program should include plans for partially filling the deeply dredged sections to create shallow zones, less than 6 feet in depth. It is possible that fill material can be obtained from the unproductive high areas that are being invaded by willows, and from the top layer of some excessively dense cattail beds that have no surface water. The latter areas would be greatly improved for aquatic wildlife by creating depths that range from a few inches to 3 feet at normal high tide. Much of the remaining Dyke Marsh has been built up to an unproductive elevation through the accumulation of plant debris and silt. The creation of shallow, connected openings by means of a dragline operating from mats or by dredging may also be worthy of consideration, and the judicious use of explosives for creating small openings in the high sections of the marsh is worth a trial. However, an interspersed of approximately equal areas of marsh and shallow, open water would create optimum conditions for use by most types of aquatic wildlife. A sheltering ridge should be maintained between the east edge of the marsh and the wind-swept open river wherever feasible.

If the water is fairly clear, such valuable submerged plants as wild celery, sago pondweed, and other pondweeds (*Potamogeton* and *Najas* spp.) thrive best in water 3 to 5 feet deep. However, turbidity caused by the activities of bottomfeeding fish, especially carp and catfish, and by dredging operations as well as by algae and other material in the effluent from the sewage disposal plants retards the production of most submerged vegetation in this vicinity.

Much of the Belle Haven Marina appears to be too shallow for satisfactory motor boat use during the ebb-tide. Depths of at least 6 feet would facilitate such activities. A considerable volume of silt from that area could be used to backfill the nearby deeply dredged sections of the former marshes, thereby improving them for aquatic wildlife, while preventing the possible establishment of unwanted submerged vegetation in the shallow waters of the marina. The retaining walls of the marina are in poor condition and should be repaired before such deepening is undertaken.

Marsh plants vary considerably in their water requirements. Such important species as rice cutgrass, Walter's wild millet, smartweeds, tidemarsch waterhemp, and most sedges thrive best on sites that are flooded only by the higher stages of the normal tides; while wildrice, spatterdock, and arrow-arnum usually make their optimum seed production on those sites that remain shallowly submerged during ebttide.

Most of the waterfowl foods listed in this report will gradually become established by natural means wherever suitable water depths and bottom soils are supplied. This process can be hastened, however, by harvesting the seeds of outstanding food plants in nearby beds during September and broadcasting them immediately on the edges of the new fill.

Tree cavities suitable for the nesting of wood ducks are rare in the vicinity of the Dyke Marsh. This beautiful waterfowl could undoubtedly be increased considerably by the erection of predator-proof and starling-deterrent nesting houses along the borders of the open waters. Small islands, or other offshore loafing structures to provide freedom from disturbance would also be very useful in attracting many kinds of aquatic birds.

Nature trails, bird observation points, and fishing sites can be developed from parking areas that should be created along the west boundary of the Dyke tract, where human activity will not be unduly disturbing to the wildlife of the central marshes. The Belle Haven picnic grounds at the north end of the Dyke Marsh already supply excellent opportunities for persons interested in watching the activities of large flocks of diving ducks, gulls, terns, and many other waterfowl.

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U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 10, 1967.

Col. FRANK W. RHEA,
District Engineer, Corps of Engineers, U.S. Army Engineer District, Baltimore, Baltimore, Md.

DEAR COLONEL RHEA: In response to public notices dated March 24, 1964, NABOP-P (Hunting Towers Operating Co., Inc.), and NABOP-P (Hoffman, Howard P., Associates, Inc.), the National Park Service and the Bureau of Sport Fisheries and Wildlife advised the Corps of Engineers of their opposition to the granting of the requested permits on the grounds that the construction of the proposed bulkhead and fill would adversely affect fish and wildlife, park and recreation values in the area, and might adversely affect the riparian rights of the United States as owner of the area in Alexandria, Va., known as Jones Point. Revised applications filed in July 1964, which reduced the area of the proposed fill, were reviewed by the same two bureaus of this Department and were opposed on the same basis as the original applications.

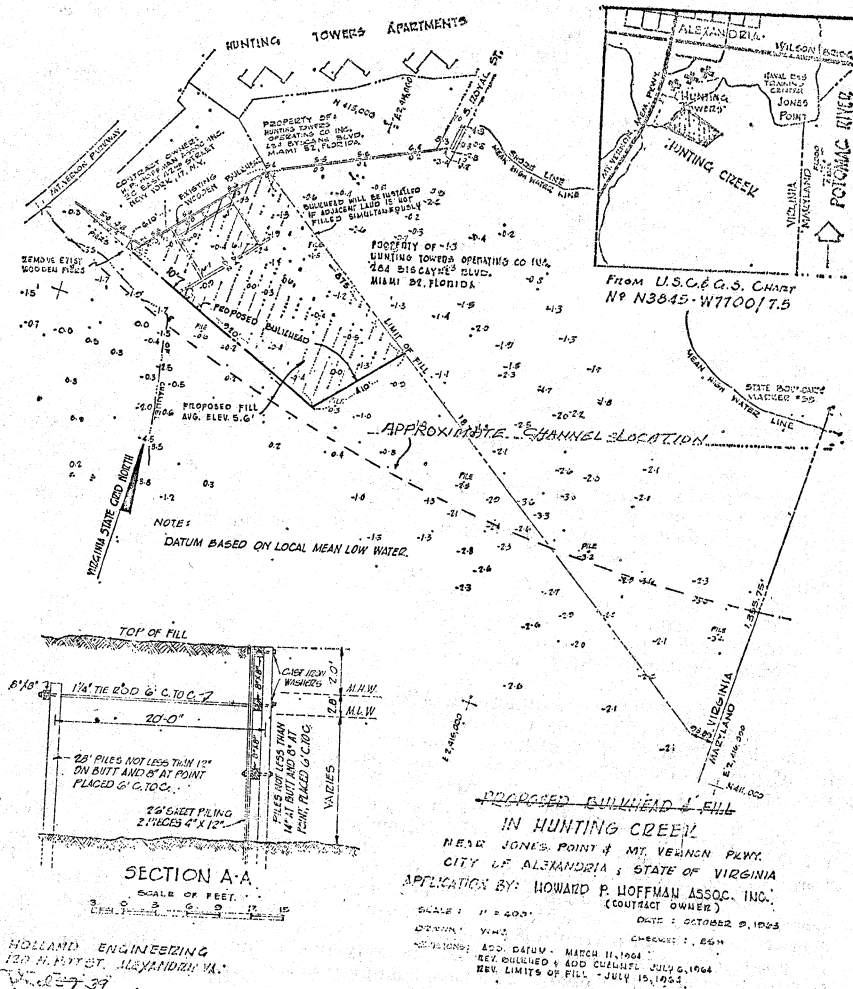
However, since that time we have reconsidered our interests in this matter, in the light of existing conditions in the area. We have concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly, we withdraw the objections interposed to the granting of the permits in accordance with the revised applications.

This withdrawal is subject to the following understanding. The frontage of the federally owned land at Jones Point extends from the Maryland-Virginia boundary to the east line of South Royal Street. Our lawyers have advised us that it is their best judgment that the Federal property interest extends to a westerly boundary line which follows the east line of South Royal Street projected southerly into Hunting Creek. They also advise that the assertion of title to this line by our Department is not entirely free of question since conditions in Hunting Creek have changed and are changing so radically, it may be ultimately resolved only by a court of law.

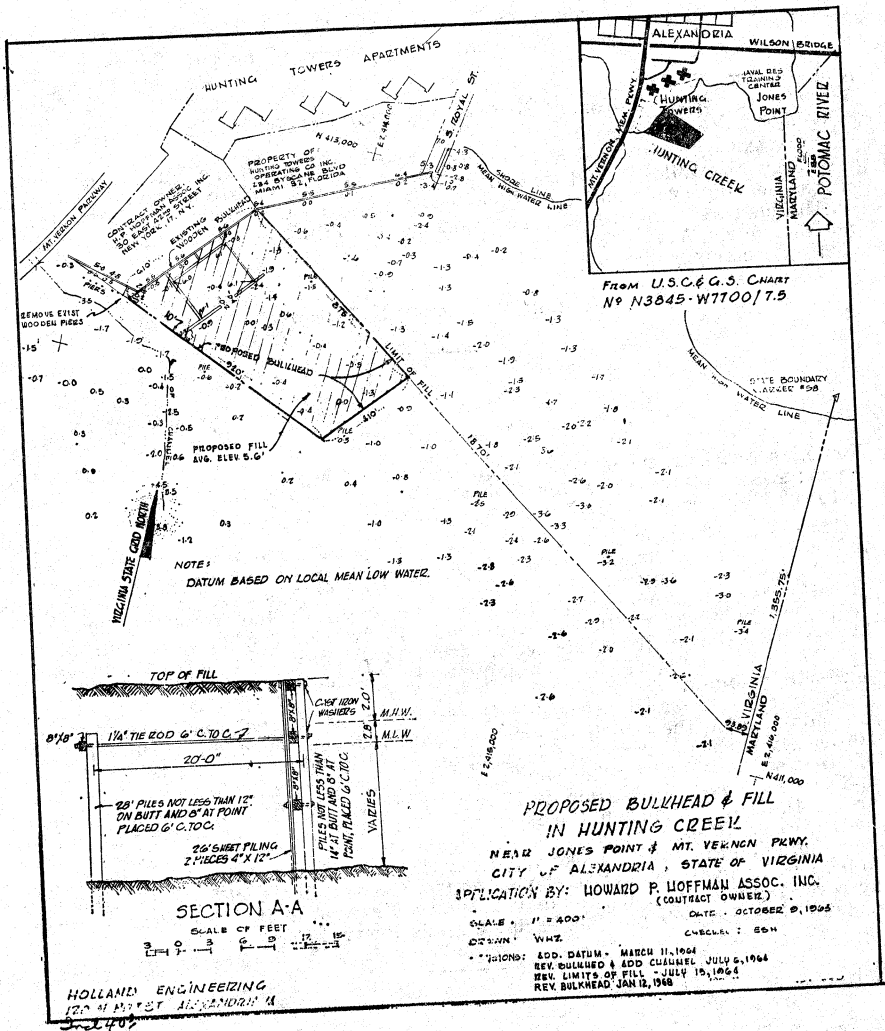
There are enclosed marked prints of the revised plans accompanying your public notice of July 1964, bearing our Map File No. NCR 117.5-680 and 681 and showing this asserted interest of the United States in red. There is also enclosed a map prepared by the National Capital Region, National Park Service, titled National Park Service Boundary, Hunting Creek, George Washington Memorial Parkway, NCR 117.5-708, showing our latest survey of the mean low waterline in Hunting Creek at our Jones Point Park together with other pertinent information.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.



HOLLAND ENGINEERING
120 N. H. ST. ALEXANDRIA, VA.
7-39



DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1968.

Col. FRANK W. RHEA,
District Engineer, Baltimore District, Corps of Engineers,
Baltimore, Md.

DEAR COLONEL RHEA: I have talked with the people in the Bureau of Sport Fisheries and Wildlife and we believe that we do not need to present testimony at the hearing (your notice of January 17, 1968) on the application of Howard P. Hoffman Associates, Inc., for a bulkhead and filling permit in Hunting Creek at Alexandria, Va.

Sincerely yours,

STANLEY A. CAIN,

Assistant Secretary for Fish and Wildlife and Parks.

MEMORANDUM

MARCH 15, 1968.

To: Director, Bureau of Sport Fisheries and Wildlife.
From: Assistant Secretary for Fish and Wildlife and Parks.
Subject: Hunting Creek dredging permit.

The pot still boils on the decision I made some time ago to remove objections to this permit reversing an earlier decision made before I was Assistant Secretary.

The latest difficulty arises from Mike Frome who has asked that I reverse myself. His point is not so much the fish and wildlife value of the few acres to be behind bulkhead on the upstream side of the mouth of the creek as it is his assertion that to grant this permit would practically assure a continuous line of high-rise buildings along the shore south of Hunting Creek, which doesn't necessarily follow.

Today I had a chance to speak to Secretary Udall about the problem. He had earlier relegated the decision to me and had raised no objection to what I did. He merely wishes that we get a scientific-technical basis that can be stood on, whether we go "yes" or "no" on issuance of the permit. This being the case, and since I made my earlier decision without asking for a new study of the area, I think that one should be made now. Will you please have two or three of the Bureau staff—types who ordinarily make such judgments in river basins—go over there and take a new look? Whatever the judgment of the Bureau turns out to be, I will go with it, as will the Secretary. Incidentally, I will not be bothered by reversing myself, if it should turn out that way. And if it doesn't, I'll have to take Mike Frome's possible barbs. C'est la guerre!

STANLEY A. CAIN.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., April 4, 1968.

MEMORANDUM

To: Secretary of the Interior.
Through: Assistant Secretary for Fish and Wildlife and Parks.
From: Director, National Park Service.
Subject: Proposed land fill in Hunting Creek.

In March 1964, Hunting Towers Operating Co. and Howard P. Hoffman Associates requested permission from the Corps of Engineers to construct bulkheads and place fill in Hunting Creek from their existing shoreline to a point near the Maryland-Virginia boundary at the mouth of Hunting Creek. It was their contention that their riparian rights extended from the present shoreline to the navigable waters of the Potomac River since in their opinion Hunting Creek was no longer navigable. By action of the General Assembly of 1964, the Governor and Attorney General of Virginia were authorized to convey the submerged lands to the applicants.

The Department of the Interior in 1964 opposed the conveyance of the submerged lands and the issuance of the fill permits on the grounds that the bulkhead and fill would adversely affect fish and wildlife and park and recreation values in the area, and might adversely affect the riparian rights of the United States as owner of Jones Point Park. Revised applications filed in July 1964 which reduced the area of the proposed fill were opposed on the same basis as the original applications.

Recently, the Department reconsidered its interests in this matter in the light of existing conditions in the area and concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area.

An important principle—that is, the preservation of our fast disappearing natural environment, which you have creatively defended with great honor and high distinction—would appear to me to be involved here.

The bills before Congress to preserve estuarine areas, and the Potomac River study as well, highlight the need to preserve the natural environment along the Potomac estuary. Moreover, further studies of the area are being recommended.

The alterations of wetland areas and the consequent loss of natural values and environmental quality in an area where they are at a premium by virtue of riparian ownership could set a precedent which might have disastrous consequences along the Potomac estuary and elsewhere. In short, this small concession at Hunting Creek might be pointed to as a precedent for the right to undertake far larger and more destructive high-rise projects in other embayments along the Potomac.

All things considered, I recommend the desirability of the Department restudying its recent decision at Hunting Creek.

GEORGE B. HARTZOG, Jr.

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DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1968.

(BLUE ENVELOPE) MEMORANDUM

To : Director, National Park Service.
From : Assistant Secretary for Fish and Wildlife and Parks.
Subject : Proposed landfill at Hunting Creek.

I have read and surmised your April 4 memorandum to the Secretary, through me. I would like to clarify my role, which has not been an enviable one. I was told by BSWF that the original field report on the area under discussion was in weak opposition to the permit and that the fish and wildlife values claimed for the area were "upgraded" here in Washington. It was further stated that this was at least partly in response to certain congressional opinions. This was before I was Assistant Secretary. When the matter was brought to my attention some months ago by BSWF, I was informed that some of the congressional objections had been withdrawn. John Dingell had done so in writing to the district engineer of the Corps. It was implied that others were no longer opposed. It was at that point that I withdrew Interior's opposition, a decision based first on political considerations and second on the feeling that the values were not great in the area to be filled.

Congressmen Moss and Reuss have let me know their displeasure.

More recently, I have asked BSWF to make a field examination of the area, since it had not been looked at for several years. I have not had a report on this yet.

I am sending a copy of this memorandum along with yours to the Secretary. Several weeks ago when I discussed the problem with him briefly, he said at that time that he was leaving its solution to me.

I will be happy to reverse myself if BSWF makes a strong case and if NPS can give me evidence of the important values.

STANLEY A. CAIN.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., April 9, 1968.

MEMORANDUM

To: Assistant Secretary for Fish and Wildlife and Parks.

From: Director.

Subject: Hunting Creek dredging permit.

In response to your memorandum directive of March 15, we have reviewed the effects dredging and filling in Hunting Creek would have on fish and wildlife. Specialists in ecology and waterfowl management from our Division of River Basin Studies and Wildlife Research and a representative of the National Park Service participated in the field investigations.

Dyke Marsh and the associated waters at the mouth of Hunting Creek are intertidal, much of which is emergent at low tide. Vegetation is composed of fresh marsh and swamp species. Waters of the immediate area of Hunting Creek are mildly polluted. This has added to the food supply of a variety of waterfowl and other aquatic birds. Primary use of the area is by mallards, black ducks, shovelers, pintails, scaup, ruddys, and teals. Canada geese also frequent the area.

Fishery resources in Hunting Creek are of low quality and use is restricted to an occasional angler for catfish or carp.

Although the present permit application of the Howard P. Hoffman Associates, Inc., would result in significantly less fill than the original 1964 application, the effects on waterfowl use of the area would not materially change. The diversity of the wetland habitat provided by Dyke Marsh and Hunting Creek would be altered by the project and its resultant development to the detriment of waterfowl and other aquatic birds.

In addition to our concern over direct effects on fish and wildlife habitat and utilization in the area, we are also concerned over the effects the proposal will have on the overall environment, the long-range scenic qualities of the river shoreline, and the outlook from the Federal parklands to the east of George Washington Memorial Parkway.

In these times, we believe it is particularly important that we preserve or create open areas in the immediate vicinity of large urban centers which will afford the citizens an opportunity to observe and enjoy wildlife and other works of nature. The Hunting Creek area presently provides such an opportunity which will become increasingly important in the future.

The preservation of this area represents the type of action contemplated under the current Federal-State proposal for protection and improvement of the Potomac River.

The study just completed confirms the position taken in 1964 by representatives of the Bureau of Sport Fisheries and Wildlife and the National Park Service that issuance of the permit by the Corps of Engineers would not be in the public interest. As a matter of fact, we believe that the present emphasis given to urban recreational developments, beautification of the Potomac River and preservation of wetlands adds to our position of opposition to this project.

Regardless of protestations to the contrary, granting this permit will have the effect of opening the way for a succession of similar actions both above and below the mouth of Hunting Creek. I make that positive statement in the full knowledge that it will be challenged as an opinion, which it is. It is an opinion, hardened after watching situation after situation in which the natural scene has become a victim of the "nibbling" phenomenon, one characteristic of which is that each "nibble" is used as justification for the next. At Hunting Creek the baylet remaining between Jones Point and the proposed fill area will be completely vulnerable. Below Dyke Marsh private interests are already starting a dredge and dump project without any Federal approval. This action must be halted, but our reluctance to support a permit denial by the Corps of Engineers at Hunting Creek has made them question our position elsewhere on the Potomac.

I think we must urge the corps not to grant this permit. We might say, as Webster did about Dartmouth College, that "It is a small thing, but there are those who love it."

JOHN S. GOTTSCHALK.

APRIL 10, 1968.

MEMORANDUM

To: Director, Bureau of Sport Fisheries and Wildlife.
 From: Assistant Secretary for Fish and Wildlife and Parks.
 Subject: Hunting Creek fill permit.

Thank you very much for your report to me on the Hunting Creek fill permit, dated April 9, 1968. This is in response to my request of March 15, 1968, when I said: "Will you please have two or three of the Bureau staff—types who ordinarily make such judgments in river basins—go over there and take a new look." This was not a formal request for "field study." Your response is in effect a reiteration of the position of the Bureau back in 1964, and I agree that there has probably been little change since then.

I am in the position of having to accept your statements of the fish and wildlife values associated with the site and those regarding open space, scenic, and recreational values, and I do so gladly.

What this means is that I am now reversing the position that I took earlier. This is done on a basis of such statements from the Bureau, based on the recent report by personnel from the Bureau and the National Park Service, such as "The diversity of the wetland habitat provided by Dyke Marsh and Hunting Creek would be altered by the project and its resultant development to the detriment of waterfowl and other aquatic birds * * *. We are concerned with the effects the proposal will have on the overall environment, the long-range scenic qualities of the river shoreline, and the outlook from the Federal parklands * * *. The study just completed confirms the position taken in 1964 * * * that issuance of the permit by the Corps of Engineers would not be in the public interest."

I accept your professional judgment. Since the National Park Service participated in preparation of the April 9 report, I am furnishing a copy of this memorandum to the Director of the Service.

STANLEY A. CAIN.

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APRIL 16, 1968.

MEMORANDUM

To: Gen. Harry G. Woodbury, Jr., Office of the Chief of Engineers.
 From: Assistant Secretary for Fish and Wildlife and Parks.
 Subject: Hunting Creek permit.

You will remember that I talked to you on the phone late last Wednesday, April 10, 1968. After a meeting with representatives of the Bureau of Sport Fisheries and Wildlife and with my Deputy and Staff Assistants that afternoon at which time they recommended unanimously to me that I reverse the position that I had taken earlier, I prepared the attached memorandum to Director Gottschalk.

I understood from the phone conversation that you would send the permit request over to Interior, following the procedure that was in the agreement between Secretary Resor and Secretary Udall. This would go to Under Secretary Black, according to the machinery of the agreement, but I understand from his office that it has not yet been received. Perhaps you are awaiting a paper report from the Bureau, which is the normal reporting level.

In that case, I am sending with this memorandum a copy of my memo to the Bureau, of April 10, and am sending to the Bureau a copy of this memo to you.

Under Secretary Black is anxious to get this issue resolved, because he is getting numerous telephone calls on the matter.

STANLEY A. CAIN.

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APRIL 15, 1968.

Hon. DAVID S. BLACK,
Under Secretary of the Interior,
Washington, D.C.

DEAR MR. BLACK: I refer to applications from Hunting Towers Operating Co. and Howard P. Hoffman Associates, Inc., dated October 9, 1963, for permits to bulkhead and fill wedge-shaped adjoining water areas totaling about 36 acres in

Hunting Creek, at a point on the northerly shore at Alexandria, Va. A copy of the revised plans of Howard P. Hoffman Associates, Inc., is attached.

Public notices were sent to all known interested parties on March 24, 1964. Objections were received from the National Park Service, the Fish and Wildlife Service, several Congressmen, and various conservation interests. By letter of July 17, 1964, the applicants submitted revised plans reducing the areas of fill to about 19 acres. A copy of the revised plans were submitted to the objectors who in most instances reiterated their objections. The district engineer submitted his report on the application on September 16, 1964, and on November 20, 1964, the Chief of Engineers directed the district engineer to withhold issuance of the permits until the matter of the riparian rights of property under the jurisdiction of the National Park Service was settled, and then to hold a public hearing to further develop the facts in the case.

On October 10, 1967, the Assistant Secretary of the Interior informed the district engineer that granting of the applications on the basis of the revised plans would not significantly affect recreation or conservation values in the Hunting Creek area and accordingly withdrew the Department's objections. He indicated, however, that the Hunting Towers Operating Co., Inc., application might involve Federal property rights under the jurisdiction of the National Park Service which might eventually have to be resolved in court. Subsequently, Howard P. Hoffman Associates, Inc., requested that its application be processed since there is no riparian rights problem involved concerning its property. The agent for Hunting Towers Operating Co., Inc. indicated that the intent of that company could not be determined and their decision concerning their application would not be forthcoming in the foreseeable future. The Federal Water Pollution Control Administration in a letter dated December 15, 1967, advised that the project would not result in any adverse effects on water quality.

A public hearing to consider the application of Howard P. Hoffman Associates, Inc., only was held at Alexandria, Va., on February 21, 1968. Prior to the hearing the matter of the management of the existing Hunting Towers apartment development practicing racial discrimination in its rental policy was brought into the case.

At the hearing Congressman Reuss for himself and in behalf of Congressman Moss objected to the application on the basis that the project constituted a land grab, would destroy valuable conservation and park assets, contemplated housing on a racially discriminatory basis, and would seriously harm the public interest. Representatives of the Izaak Walton League of America, Audubon Society, Virginia Society of Ornithology, Daughters of the American Revolution, the Wilderness Society, Valley View Citizens' Association, the Sierra Club, the Northern Virginia Conservation Council, and concerned individuals opposed the application on the grounds that the recreational and fish and wildlife values of the area should be conserved. The Alexandria Branch, Washington Urban League, and the Alexandria Council on Human Relations opposed the project unless the apartment development would be open to all without regard to race, creed, or color.

The Bureaus of the Department of the Interior concerned with parks, conservation, recreation, and pollution have withdrawn any objections and have indicated that the project will not adversely affect the area from these standpoints. The National Park Service has no objection to Howard P. Hoffman Associates, Inc. application from a riparian rights standpoint. The Virginia Division of the Izaak Walton League withdrew its objection to the work. The City of Alexandria has reached agreement with the applicant on engineering problems as related to flooding and sewage disposal considerations at the site. The applicant has stated that there is no connection between it and Hunting Towers Operating Co. and that it would not engage in racial discrimination practices in the operation of the facility. There is no objection to the proposed work from the standpoint of navigation.

The district and division engineers recommend that the permit be granted since the issues raised concerning riparian property rights, conservation, recreation, and pollution have been resolved insofar as the responsible Federal agencies are concerned, there is no objection to the proposed work from the standpoint of navigation, and the applicant has stated that the apartment development would be open to all without regard to race, creed, or color.

I concur in the views of the district and division engineers and had proposed to recommend to the Secretary of the Army that I be authorized to approve the application under the provisions of section 10 of the River and Harbor Act of March 3, 1899, and authorize the district engineer to issue the permit subject to

the conditions of Engineer form 1721 (Civil) and the following additional condition :

(k) That the permittee shall comply promptly with any regulations, conditions, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State agency are hereby made a condition of this permit.

However, I have been informally advised that the position of the Department of the Interior has been changed and therefore in accordance with the policies set forth in the memorandum of understanding between our departments dated July 13, 1967, I refer the application to you for your consideration.

I would appreciate your comments at the earliest practicable date since the applicant has indicated the urgency of a prompt decision.

Sincerely yours,

H. G. WOODBURY, Jr.,
Brigadier General, USA, Director of Civil Works.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 26, 1968.

Brig. Gen. H. G. WOODBURY, Jr., USA,
Director of Civil Works, Office of the Chief of Engineers, Department of the Army,
Washington, D.C.

DEAR GENERAL WOODBURY : By letter dated April 15, 1968, you have requested a current statement of this Department's position on an application for a bulkhead and fill permit which would affect 19 acres of presently submerged land in Hunting Creek, Alexandria, Va.

This application has been pending in various forms since October of 1963. When it was originally circulated for agency comment, two Bureaus of this Department expressed objection to the project on the following grounds: (1) infringement of riparian rights and other property interests of the United States appurtenant to ownership of Jones Point Park lands, and (2) the destruction of estuarine environment and waterfowl habitat. When plans for the development were substantially modified, both of these objections were reiterated, but action on the application was suspended pending further analysis of the property interests issue. After a lapse of nearly 3 years, Assistant Secretary Cain advised by letter of October 10, 1967, that the Department's objections were withdrawn, subject to the understanding that the property interests of the United States in its Jones Point Park lands extended from the Maryland-Virginia boundary line westward to a line representing the east side of South Royal Street projected into Hunting Creek.

The Department was not represented by witnesses at the public hearing conducted on February 21, 1968, and has only recently had opportunity to examine the record of that proceeding. In that process two items have been noted with sufficient concern as to require clarification. At pages 6 and 9 of the transcript, representatives of the corps and the applicant made general statements concerning the resolution of property, title, or boundary issues. These statements warrant the conclusion that all claims by the United States had been abandoned or waived as to this application. As such, they misconstrue the extent and full import of the reservation expressed in Assistant Secretary Cain's letter of October 10, 1967.

The National Park Service asserts actual title along the entire frontage of the Jones Point park property to the east boundary of South Royal Street as projected southward to the line of mean low water (0.0 line). In addition, however, the incidents of riparian ownership (including access to the navigable portion of the stream, future fast land additions through accretion, and related property interests) are claimed to the thread of Hunting Creek along the same frontage. The pending application, even as modified, would encroach upon these property interests of the United States to the extent of any of the fill area that lies east of the South Royal Street line, projected as described above (identified as the cross-hatched area on the attached diagram of the project plan).

If a permit is to issue in this case, therefore, potential conflict should be avoided by excluding the area in question, essentially a triangular piece approximating three-fourths of an acre in size. In any event, any permit recipient should be put on notice of potential claims and that its issuance in no way implies waiver of Federal property interests.

Also in the hearing, the engineering consultant to the applicant stated that rate of siltation in Hunting Creek had accelerated rapidly, to as much as a foot a year, and that larger areas are now exposed at low tide. Our observations tend to confirm this trend which suggests increased accretion to riparian lands and a corresponding decrease in the area of the creek bed.

Without a complete tracing of a continuous mean low waterline around the present Hunting Creek estuary, precise conclusions cannot be drawn. However, the extent of the siltation described lends added weight to the reservation or understanding expressed in Assistant Secretary Cain's letter of October 10, as clarified herein.

As to the damage to conservation values, I have received and considered the views of people in and out of this Department who entertain concern on this point. I have also made a visual inspection of the affected area in the company of technical experts on the subject. While there is no doubt of the opinions reached by those concerned with the conservation impact, their position is founded on subjective judgment considerations rather than any factual evidence which would support valid objection by this Department.

This Department would, of course, prefer that there be no additional intrusions upon the existing Potomac environment. Our deferral in this instance is dictated solely by the circumstances that the proposed fill project is immediately adjacent to high density development, is clearly segregated from areas of prime conservation value, and would not per se usurp waters subject to concentrated waterfowl use. It follows from this, however, that we will feel compelled to register strenuous objection to any extension of this project or to any similar development which would pose a threat to Dyke Marsh (except to repair past damage from excessive dredging) or to any other undeveloped portion of the Potomac shoreline.

Sincerely yours,

DAVID S. BLACK, *Under Secretary.*

HOLLAND ENGINEERING,
Alexandria, Va., April 30, 1968.

CORPS OF ENGINEERS,
Gravelly Point,
Washington, D.C.

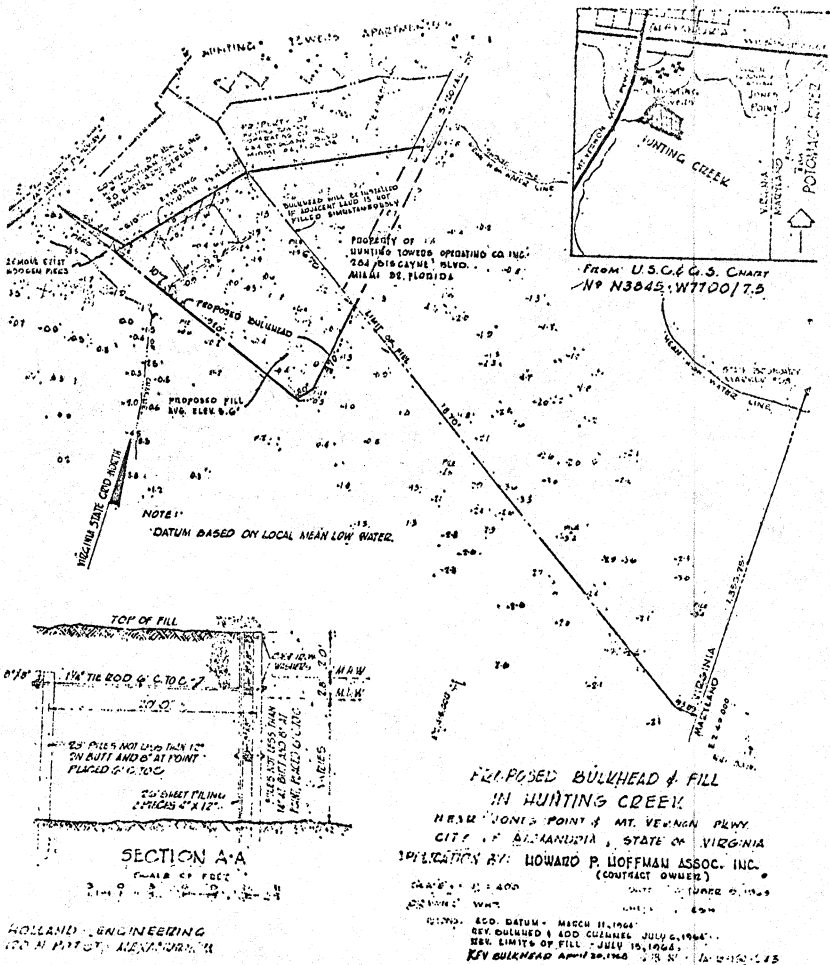
(Attention of Mr. Dominick or Mr. DeSista).

GENTLEMEN: On behalf of Howard P. Hoffman Associates, Inc., contract owners, we hereby consent and agree to the modification of the application submitted by us on July 15, 1964, for a bulkhead and fill in the Hunting Creek estuary. (See revised application plat attached showing revised date of April 30, 1968.)

It is expressly understood that no part of the bulkhead or fill area will extend toward the body of the river beyond the east line of Royal Street extended, as it is now laid out and exists in the City of Alexandria.

Yours very truly,

HOWARD P. HOFFMAN ASSOCIATES, INC.,
EDWARD S. HOLLAND, Project Engineer.



DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. (See *Cummings v. Chicago*, 188 U.S. 410.)

PERMIT

U.S. ARMY ENGINEER DISTRICT, BALTIMORE,
CORPS OF ENGINEERS,
Baltimore, Md., May 29, 1968.

NABOP-P (Hoffman, Howard P. Asso., Inc.) 1
HOWARD P. HOFFMAN ASSOCIATES, INC.,
New York, N.Y.:

Referring to written request dated October 9, 1963, and to a subsequent revised request dated April 30, 1968, over signature of Edward S. Holland, Holland Engineering, I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of section 10 of the act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", you are hereby authorized by the Secretary of the Army, to construct a bulkhead and to fill in Hunting Creek at a point on the northwest shore at Alexandria, Va., in accordance with the plans shown on the drawing attached hereto titled: "Proposed Bulkhead and fill in Hunting Creek near Jones Point and Mount Vernon Parkway—City of Alexandria, State of Virginia—Application by: Howard P. Hoffman Associates, Inc.—(Contract—Owner)—Date October 9, 1963—Revisions: Additional Datum—March 11, 1964—Rev. Bulkhead and add channel July 6, 1964—Rev. limits of fill—July 15, 1964—Rev. Bulkhead April 30, 1968, Job No. VA 6-151-2 and 3," subject to the following conditions:

(a) That the work shall be subject to the supervision and approval of the district engineer, Corps of Engineers, in charge of the locality, who may temporarily suspend the work at any time, if in his judgment the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly and no large refuse piles, ridges across the bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material in the waterway. If the material is to be deposited in the harbor of New York, or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the supervisor of New York Harbor, New York City.

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interest of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the

¹The drawing referred to is identical to the map attached to the Holland Engineering letter dated Apr. 30, 1968, and is not reproduced here.

Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of the Army may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That the United States shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(h) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard, shall be installed and maintained by and at the expense of the owner.

(i) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(j) That if the structure or work herein authorized is not completed on or before 31st day of December 1971, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(k) That the permittee shall comply promptly with any regulations, conditions, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instructions in effect or prescribed by the Federal Water Pollution Control Administration are hereby made a condition of this permit.

By authority of the Secretary of the Army:

FRANK W. RHEA,

Colonel, Corps of Engineers, District Engineer.

The U.S. Code of Federal Regulations, title 33, subpart 67.30-5(c) states that all structures erected in navigable waters in depths in excess of 3 feet at mean low water require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in water depths in excess of 3 feet at mean low water, you must contact the Commander (O-2), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705, to ascertain the need for the placement of obstruction lights.

MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF THE ARMY

In recognition of the responsibilities of the Secretary of the Army under sections 10 and 13 of the act of March 3, 1899 (33 U.S.C. 403 and 407), relating to the control of dredging, filling, and excavation in the navigable waters of the United States, and the control of refuse in such waters, and the interrelationship of those responsibilities with the responsibilities of the Secretary of the Interior under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 *et seq.*), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c), and the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a *et seq.*), relating to the control and prevention of water pollution in such waters and the conservation of the Nation's natural resources and related environment, including fish and wildlife and recreational values therein; in recognition of our joint responsibilities under Executive Order No. 11288 to improve water quality through the prevention, control, and abatement of water pollution

from Federal and federally licensed activities; and in recognition of other provisions of law and policy, we, the two Secretaries, adopt the following policies and procedures:

POLICIES

1. It is the policy of the two Secretaries that there shall be full coordination and cooperation between their respective Departments on the above responsibilities at all organizational levels, and it is their view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field or organizational unit most directly concerned. Accordingly, District engineers of the U.S. Army Corps of Engineers shall coordinate with the regional directors of the Secretary of the Interior on fish and wildlife, recreation, and pollution problems associated with dredging, filling, and excavation operations to be conducted under permits issued under the 1899 act in the navigable waters of the United States, and they shall avail themselves of the technical advice and assistance which such directors may provide.

2. The Secretary of the Army will seek the advice and counsel of the Secretary of the Interior on difficult cases. If the Secretary of the Interior advises that proposed operations will unreasonably impair natural resources or the related environment, including the fish and wildlife and recreational values thereof, or will reduce the quality of such waters in violation of applicable water quality standards, the Secretary of the Army in acting on the request for a permit will carefully evaluate the advantages and benefits of the operations in relation to the resultant loss or damage, including all data presented by the Secretary of the Interior, and will either deny the permit or include such conditions in the permit as he determines to be in the public interest, including provisions that will assure compliance with water quality standards established in accordance with law.

PROCEDURES FOR CARRYING OUT THESE POLICIES

1. Upon receipt of an application for a permit for dredging, filling, excavation, or other related works in navigable waters of the United States, the district engineers shall send notices to all interested parties, including the appropriate regional directors of the Federal Water Pollution Control Administration, the U.S. Fish and Wildlife Service, and the National Park Service of the Department of the Interior, and the appropriate State conservation, resources, and water pollution agencies.

2. Such regional directors of the Secretary of the Interior shall immediately make such studies and investigations as they deem necessary or desirable, consult with the appropriate State agencies, and advise the district engineers whether the work proposed by the permit applicant, including the deposit of any material in or near the navigable waters of the United States, will reduce the quality of such waters in violation of applicable water quality standards or unreasonably impair natural resources or the related environment.

3. The District engineer will hold public hearings on permit applications whenever response to a public notice indicates that hearings are desirable to afford all interested parties full opportunities to be heard on objections raised.

4. The District Engineer, in deciding whether a permit should be issued, shall weigh all relevant factors in reaching his decision. In any case where Directors of the Secretary of the Interior advise the District Engineers that proposed work will impair the water quality in violation of applicable water quality standards or unreasonably impair the natural resources or the related environment, he shall, within the limits of his responsibility, encourage the applicant to take steps that will resolve the objections to the work. Failing in this respect, the District Engineer shall forward the case for the consideration of the Chief of Engineers and the appropriate Regional Director of the Secretary of the Interior shall submit his views and recommendations to his agency's Washington headquarters.

5. The Chief of Engineers shall refer to the Under Secretary of the Interior all those cases referred to him containing unresolved substantive differences of views and he shall include his analysis thereof, for the purpose of obtaining the Department of Interior's comments prior to final determination of the issues.

6. In those cases where the Chief of Engineers and the Under Secretary are unable to resolve the remaining issues, the cases will be referred to the Secretary of the Army for decision in consultation with the Secretary of the Interior.

7. If in the course of operations within this understanding, either Secretary finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event the Secretaries shall within 90 days negotiate such amendment as is considered desirable or may agree upon termination of this understanding at the end of the period.

Dated July 13, 1967.

(Signed) STEWART L. UDALL,
Secretary of the Interior.
(Signed) STANLEY RESOR,
Secretary of the Army.

16

EXCERPT FROM FISH AND WILDLIFE COORDINATION ACT

16 U.S.C. 662 (a) and (b)

Sec. 662. Impounding, diverting, or controlling of waters.

(a) Consultations between agencies.

Except as hereafter stated in subsection (b) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) Reports and recommendations; consideration.

In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which sections 661-666c of this title apply. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

PART II.—COMMUNICATIONS FOR THE RECORD

The subcommittee received the following communications concerning the permit issued to Howard P. Hoffman Associates, Inc., to fill in part of Hunting Creek:

Name	Organization	Date of letter
OPPOSING THE PERMIT		
1. Mrs. John F. Hauber.....	Resident, Alexandria, Va.....	June 13, 1968
2. Mrs. C. K. Cassell.....	River Farm Garden Club, Alexandria, Va.....	June 14, 1968
3. Mrs. Jean R. Packard.....	Northern Virginia Conservation Council, Annandale, Va.....	June 17, 1968
4. Mrs. Daniel M. Roche.....	Garden Club of Belle Haven, Alexandria, Va.....	Do.
5. Maj. Gen. Roger Baldwin Colton (Ret.).....	Resident, East Hunting Towers, Alexandria, Va.....	June 18, 1968
6. Ross M. Hardter.....	Mount Vernon Council of Citizens Associations, Alexandria, Va.....	Do.
7. Mrs. Harris E. Willingham.....	Resident, East Hunting Towers, Alexandria, Va.....	Do.
8. Mrs. John W. Connelly, Jr.....	Resident, Hunting Towers, Alexandria, Va.....	June 19, 1968
9. Mrs. A. J. Fuller.....	Resident, Vernon Terrace, Alexandria, Va.....	Do.
10. Mrs. Julian C. Smith.....	Mount Vernon Chapter, Daughters of the American Revolution, Alexandria, Va.....	Do.
11. Seymour R. Young.....	The Old Towne Civic Association, Alexandria, Va.....	Do.
12. Jackson M. Abbott.....	Conservation Committee, Audubon Naturalist, Society of Central Atlantic States, Alexandria, Va.....	June 20, 1968
13. James N. Bradford.....	Falls Church Garden Club, Falls Church, Va.....	Do.
14. Miss Corrine Reardon.....	Resident, Alexandria, Va.....	Do.
15. Mrs. T. C. Williams.....	Resident, Hunting Towers, Alexandria, Va.....	Do.
16. Mrs. Felix Belair, Jr.....	The Landmarks Society, Alexandria, Va.....	June 21, 1968
17. Robert J. Connerton.....	Resident, Vernon Terrace, Alexandria, Va.....	Do.
18. C. R. Gutermuth.....	Wildlife Management Institute, Washington, D.C.....	Do.
19. Thomas L. Kimball.....	National Wildlife Federation, Washington, D.C.....	June 24, 1968
20. Frances T. State.....	Yates Gardens Citizens Association, Alexandria, Va.....	Do.
21. Mrs. J. Roger Wollenberg.....	Resident, Falls Church, Va.....	Do.
22. Stewart M. Brandborg.....	The Wilderness Society, Washington, D.C.....	Do.
23. J. W. Penfold.....	The Izaak Walton League of America Representing several citizen associations.....	Do.
24. A. Z. Shows.....	Residents, Lanham, Md.....	June 26, 1968
25. Hal Magargle and family.....	National Rifle Association of America, Washington, D.C.....	Do.
26. Frank C. Daniel.....	Historic Alexandria Foundation.....	July 2, 1968
27. Robert L. Montague, III.....	River Bend Estates Citizens Association.....	July 3, 1968
28. Capt. Clare A. Frye, USNR, retired.....	Resident, Wimberley, Tex.....	July 7, 1968
29. Miss Hazel C. Green.....	Resident, West Chesterfield, Mass.....	July 8, 1968
30. Rev. Benson H. Harvey.....	Bucknell Manor Citizens Association.....	July 10, 1968
31. Joseph P. Keys.....	Fairfax County Federation of Citizens Associations.....	Aug 12, 1968
32. Thomas M. Stanners..... (Enclosing: Letter of July 30, 1968, to Hon. Mills E. Godwin; re- sponse by Governor Godwin, Aug. 6, 1968.)		
33. Harold W. Adams..... (Enclosing: Letter of Hon. William L. Scott, M.C., Aug. 23, 1968; letter of Hon. David S. Black, July 30, 1968.)	Citizen, Alexandria, Va.....	Aug. 28, 1968
SUPPORTING THE PERMIT		
Claude B. Harris.....	Chairman, Legislative Committee, Virginia Division, The Izaak Walton League of America.	July 3, 1968

ALEXANDRIA, VA., June 13, 1968.

Hon. ROBERT E. JONES,
Washington, D.C.

DEAR MR. JONES: My husband and I are writing to oppose the filling of the Potomac River at Hunting Creek.

There are many obvious reasons why this should not be done. To name a few so many land fills have already destroyed much of the river plain that in time of flood the water will have no place to go. So great damage is done. And there will always be times of flood.

This section is part of the wildlife flyway and as such should be left undisturbed. If this fill is granted there will be dozens of fathers who will think that they should be granted the same privilege. We know of some just waiting for such a decision. The peace and quiet and undisturbed beauty of the George Washington Memorial Highway will certainly suffer.

We would like to go on record as opposing the bulkheads and fill.

Sincerely,

INEZ MOORE HAUBER
Mrs. John F. Hauber.

RIVER FARM GARDEN CLUB,
Alexandria, Va., June 14, 1968.

HON. ROBERT E. JONES,
Washington, D.C.

DEAR MR. JONES: The River Farm Garden Club, with a membership of 25, would like to go on record as opposing any land fill in the Potomac River at Hunting Creek. We are all residents of this area and realize how important it is to have the flood plain of the river protected. There is also the need to protect landing places of waterfowl on the flyways. Also one fill calls for another. A precedent is set. We feel that the river belongs to the Nation and should not be used for the material benefit of a few.

Please include our views in the record.

Sincerely,

RUTH CASSELL, *Secretary.*

NORTHERN VIRGINIA CONSERVATION COUNCIL,
Annandale, Va., June 17, 1968.

HON. ROBERT E. JONES,

Chairman, Natural Resources and Power Subcommittee, House Government Operations Committee, House of Representatives, Washington, D.C.

DEAR MR. JONES: The Northern Virginia Conservation Council, a citizens organization of more than 300 members and civic organizations, wishes to express its continued opposition to the issuance of a permit for a bulkhead and fill on the Hunting Creek estuary in Alexandria. Therefore we request that the following statement be read at your hearing on Monday, June 24, 1968, and made a part of the printed records:

The Northern Virginia Conservation Council is an ardent advocate of natural areas protection throughout the country, and we wish to add our voices to the protests of the proposal to fill Hunting Creek Bay.

There is every indication that this action, if permitted, will not only destroy the natural environment of the mouth of Hunting Creek itself, but will also jeopardize the environmental amenities of the proposed Jones Point Park.

There are species of birds using the estuary and adjoining marshlands that can be found in few other spots within the Washington metropolitan area. These marshy areas have already been damaged by sedimentation from construction of the original Hunting Towers complex. Now this proposal would guarantee the death of the remaining wildlife habitat. Since the birds, animals, and aquatic life that inhabit these areas are not as adaptable as we humans are, they don't merely move to another spot—they die.

The National Park Service has extensive plans for Jones Point Park, plans that hinge on passive recreation—enjoyment of the area for itself alone rather than what is placed on it. Nature trails, picnic tables and benches all require surroundings that please the eye as well as the other senses. An outlook over sparkling rippling water certainly far surpasses any view that the stark walls of a high rise apartment complex could offer. If this 9-acre plan, and future plans for an additional 9 acres to the east, are approved, the water that would be left bordering the park area would be a smelly little strip of stagnation that won't offer shelter for even a few hardy polliwogs. And surely it would not be a spot where you would like to spend a warm summer afternoon.

We cannot feel that the three high towers already bordering Hunting Creek offer any justification for putting more of them there. The entire metropolitan area desperately needs every bit of open space and naturalness that it can preserve. Alexandrians already are forced to go out of their city to reach parks and other untouched spots of green space. Surely it behooves all of us

to do whatever we can to preserve the few stretches of parks and open water that remain in this densely settled community.

The Northern Virginia Conservation Council expresses its thanks for being permitted to submit a statement, and applauds the subcommittee on its interest and concern in this matter.

Sincerely,

Mrs. JEAN R. PACKARD, *President.*

GARDEN CLUB OF BELLE HAVEN,
Alexandria, Va., June 17, 1968.

HON. HENRY S. REUSS,
*Representative from Wisconsin,
House Office Building, Washington, D.C.*
(Attention of Mr. Frank Jackman).

DEAR SIR: We, the Garden Club of Belle Haven, as a group of 90 resident citizens most concerned, wish to appeal to you to continue your fight against unnecessary commercial depredations of the Hunting Creek area. Your concern has reflected our unspoken but heartfelt worry about the breaking up of a beautiful natural preserve for sordid financial gains.

May we ask that you continue to use your efforts against the selfish group who would grab special advantages while remaining unconcerned about the future of Hunting Creek-Potomac preserve—the only area for the ducks which summer and winter here.

We know your concern; let us tell you how much we appreciate your special concern and how much we will support your efforts to preserve an endangered area of our National Capital.

Very truly yours,

Mrs. DANIEL M. ROCHE, *President.*

ALEXANDRIA, VA., June 18, 1968.

HON. ROBERT E. JONES,
*Chairman, Natural Resources and Power Subcommittee, Rayburn Building,
Washington, D.C.*

DEAR SIR: For 14 years my wife and I have enjoyed watching the wild birds from the balcony of our apartment. In season the long-legged wading birds congregate in the shallow water of the estuary along the bank south of Jones Point. The migratory ducks at times congregate further out in the mouth of the estuary.

A map, enclosed herewith, furnished me by the district engineer as an enclosure to a letter of May 29, 1968, carries an arrow pointing to the northeast bulkhead of the approved Hoffman fill with the following notation: "Bulkhead will be installed if the adjacent land is not filled simultaneously."

An additional notation on the map shows "adjacent land," in fact all the northeastern part of the Hunting Creek estuary, an area approximately 1,860 feet by 1,200 feet, as being: "Property of Hunting Towers Operating Co."

These two notations do not appear on the original map accompanying the Hoffman application but do appear as I have said on map furnished with notice of approval, May 29, 1968.

It is obvious when Hoffman Associates and Hunting Towers Operating Co. have worked their will, the day of fowl and fish in the Hunting Creek estuary will be finished.

Representative Reuss is absolutely right in saying that if the logic behind these applications is followed the Potomac will be filled to the borders of a narrow ship channel.

In the June 13, 1968, issue of the Journal Standard, a representative of the Secretary of the Army is quoted as saying: "The Corps of Engineers saw no reason for denying the application, and neither did we." Actually, many witnesses presented many valid reasons for rejecting the application, at the Engineers meeting February 21, 1968, in the Alexandria council chamber.

Importance seems to have been given only to the pecuniary interests of Hoffman Associates.

I would suggest that the committee go into the legal responsibilities of the Corps of Engineers, particularly whether the corps is required by law to grant all applications to which other Government agencies have not objected, provided no interference is caused to navigation.

I think the Corps of Engineers should be charged with protecting the entire public interest.

At the February 21 hearing, it was stated that it was believed the National Park Service intended to build a road around the southern shore of Jones Point.

There is a little swamp along this shore that would thus be destroyed.

I suggest that this matter be coordinated with the Bureau of Sport Fisheries and Wildlife since this little swamp is a breeding place for wildlife, including fish.

In conclusion I wish to say that I think the permit issued to Hoffman Associates should be revoked as not being in the public interest.

It is requested that this statement be included in the record of hearing to be held on Monday, June 24, 1968, on the Hunting Creek landfill by the Natural Resources and Power Subcommittee.

Respectfully submitted.

ROGER BALDWIN COLTON
Major General, USA (Ret.).

NOTE.—Map of part of Hunting Creek estuary which was an enclosure to letter, May 29, 1968, by district engineer. [SUBCOMMITTEE NOTE.—This map is identical to the map attached to the permit issued on May 29, 1968, see part I of the appendix.]

ALEXANDRIA, VA.,
June 18, 1968.

HON. ROBERT E. JONES,

Chairman, Natural Resources and Power Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. JONES: I am writing with reference to the hearing to be held by the Natural Resources and Power Subcommittee on the 24th of June on the subject of the proposed bulkhead and fill on Hunting Creek submitted by Howard P. Hoffman Associates, Inc.

I am a resident of the Mount Vernon service district in Fairfax County, Va., living at 7501 Range Road. I have served as an officer in my civic association (Hollin Hills), as chairman and member of various committees of the Mount Vernon Council and Fairfax Federation of Citizens' Associations, and presently serve as a cochairman of the Mount Vernon Council.

Because the proposed project is not located within the bounds of Fairfax County, there has not been a general awareness of it. The Mount Vernon Council has thus not taken a formal position to date concerning it. I therefore am writing to you not as a council officer but as a private citizen.

The proposed project, even though not in Fairfax County, will have a direct, meaningful, and adverse effect upon the residents of the Mount Vernon area. The first, and most noticeable effect, will be further pollution of the Potomac River. The foul odors coming from Hunting Creek as more and more fill is dumped into it in conjunction with another similar project and the multitude of dead fish to be found along the banks of the Potomac are only the most obvious signs of this pollution. The pollution, of course, effects not only us, but the thousands of visitors who will continue to come to the shrine at Mount Vernon, to the Federal park at Fort Hunt, and to the several proposed parks on Mason Neck. The Federal Government, instead of permitting further pollution of the Potomac, should be working to implement the often-stated national policy of cleansing the Potomac.

The other major effect, less noticeable to visitors but more meaningful to Mount Vernon area residents, will be the further worsening of the already severe traffic congestion in the area. Mount Vernon residents who must travel northward to work in Washington and elsewhere have only three possible routes to use: Telegraph Road (out of the way, narrow, and overcrowded), U.S. Route 1 (Jefferson Davis Highway, with the worst traffic safety record in Virginia), and the Mount Vernon Parkway (not designed for commuter traffic, but through absolute necessity, so used). There is simply not room for another major thoroughfare and it will be at least 10 to 15 years before the proposed rail rapid transit line provides any significant help to the Mount Vernon area. Any major multifamily residential construction along any of the existing roads will only serve to hasten the day when commuter traffic will come to a complete standstill.

In conclusion, it is my understanding that there seems to be some doubt as to the position of the Alexandria City Council on the subject of the proposed project. While their general intentions are perhaps best exemplified by their

current effort to acquire undeveloped land in Fairfax County in order to increase their tax base through commercial development of that land, still it might be worth drawing to your attention a remark made by a member of that council. At a meeting of the Mount Vernon Council of Citizens' Associations held on February 26, 1968, Mr. Nicholas Colasanto, a member of the Alexandria City Council, stated publicly that the Alexandria City Council was already on record in opposition to the proposed project.

Should you wish any further information from me or from other residents of the Mount Vernon area, I would be most happy to be of service to you.

Very truly yours,

ROSS M. HARDTER,

Cochairman, Mount Vernon Council of Citizens' Associations.

JUNE 18, 1968.

HON. ROBERT E. JONES,
*Rayburn Building,
Washington, D.C.*

DEAR SIR: I have lived here at Hunting Towers for over 17 years and am so distressed over the proposed filling in of Hunting Creek. We had flocks of water birds that the building of Jones Point Bridge and the highway over the creek disturbed. Even so, we still have some, and with quiet, they will come back. The birds and fish need these inlets. The United States should preserve the natural beauty it has.

This statement to be included at the hearing, June 24, 1968, in regard to Hunting Creek.

Please do what you can to preserve the beauty of our river and the wildlife in the river's inlets.

Sincerely,

Mrs. HARRIS E. WILLINGHAM.

ALEXANDRIA, VA., June 19, 1968.

Re statement to be included in hearing on June 24, 1968, on Hunting Creek.

HON. ROBERT E. JONES,
*Chairman, Natural Resources and Power Committee,
Rayburn House Office Building, Washington, D.C.*

MY DEAR MR. JONES: It is with shocked regret that I find I must again participate in a citizens' effort to prevent the construction of a breakwater and high-rise apartment in the area known as Hunting Creek by the Hoffman Associates and others. The reasons for my objections are:

1. This is a desecration of an area presently providing sanctuary for thousands of waterfowl in the annual migration as well as for rare birds which nest and feed here throughout the year.

2. Construction of a high-rise apartment—and this is obviously the ultimate objective of the Hoffman Associates and their allies—would cause further desecration of the George Washington Memorial Parkway which was dedicated to the purpose of providing a magnificent approach to Mount Vernon, the national shrine in honor of our First Patriot. The last section, beginning at the southerly boundaries of Alexandria, should not become a commercial eyesore bringing with it attendant traffic congestion at the next-to-last magnificent view of the Potomac River before reaching the mansion.

Further, permission to encroach into the river at this time and in this manner with such construction would open the way for additional developments along the parkway on the same river route. Once approved, there will slowly develop a concrete corridor pressing in and closing out the river views and beauty of this most cherished drive on the last vital approach to Mount Vernon.

Is it not possible for the wishes and needs of the *People* to be considered over and above the selfish material interests of developers? The country is crying out against a megalopolis which is strangling and destroying the countryside. Cannot this area be saved? Why go into the river further?

The Corps of Engineers and the Department of the Interior have no right and no authority to reject in such a summary manner the clearly expressed objections to such action which have been formally made by many private citizens and the many groups and organizations representing thousands of concerned Americans. It appears to me that it is the responsibility of the Engineers, with approval of the Congress, to protect our waterways which are so vital to

our country, rather than to permit action by a greedy few which clearly violates the sanctity of the river shore along the George Washington Memorial Parkway. The Engineers could best use their efforts to clear and clean the creek where it enters the river, and to remove the trash and pollution which are now destroying not only the scenic value of the river but the wildlife in its environs.

I am a concerned American, a registered voter in the State of Virginia and the city of Alexandria and have a right to be heard on this issue. Listen to the people. The people have made this great land. Pray, oh, I pray you, prevent this terrible action with which we are threatened. A simple bulkhead to deepen the waterway and clean the creek would be magnificent. But the construction of a huge apartment complex is a sellout of the interests of the people. Please stop it.

Mr. Jones, you and your committee, representing the interests of the people throughout the Nation, have the power and authority to bring out all the facts in this situation and to show in true perspective the action proposed. We, the people, rely upon the high principles you have shown in the past to help avoid the danger now threatened.

Sincerely yours,

JANE D. CONNELLY,
Mrs. John W. Connelly, Jr.

ALEXANDRIA, VA., June 19, 1968.

HON. ROBERT E. JONES,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing for my husband, Ben A. J. Fuller (Civ. Dept. of Army), who has returned to Vietnam, and myself in violent opposition to the Hunting Creek estuary being filled in. He is a great outdoorsman, fishes, puts the fish back, etc., and we have spent many, many hours in a canoe up and down the banks of the Potomac, and cry when we see the pollution and fill. As for no birds in this one; Mr. Holland at the Alexandria hearing before the Engineers is wrong and I don't know when he sent his son to take the movies, we went by last week when my husband was home and *there were birds*. You see, with powerful glasses my husband watches them from our porch.

I also understand Speaker of the House's son-in-law is a lawyer for the group who own the land (?). Just because some "powers that be" bought land and invested money and now it's a "poor investment." No one pays for my "poor investments." I suggest they donate it to Alexandria or the State as a park for birds and take an "income tax deduction."

Sincerely,

ROBERTA TAYLOR FULLER
Mrs. A. J. Fuller.

ALEXANDRIA, VA., June 19, 1968.

HON. ROBERT E. JONES,
Chairman, National Research and Power Subcommittee,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: Enclosed is a statement which I made as a representative of the Mount Vernon chapter, Daughters of the American Revolution, at the Corps of Engineers hearings on February 21, 1968, in regard to the Hunting Creek estuary landfill and the building of a high-rise apartment thereon.

Also enclosed is a copy of a resolution adopted by the Virginia State Society, Daughters of the American Revolution, in March 1968.

It is requested by the Mount Vernon Chapter, DAR, that these documents be made a part of the hearings of your committee to be held on June 24, 1968.

Respectfully,

HARRIOTTE W. BYRD SMITH
Mrs. Julian C. Smith,

Virginia State Chairman, Resolutions Committee, NSDAR.

STATEMENT OF MRS. JULIAN C. SMITH, REPRESENTING THE MOUNT VERNON CHAPTER,
DAUGHTERS OF THE AMERICAN REVOLUTION, ALEXANDRIA, VA.

Jones Point Lighthouse, the oldest inland lighthouse in the United States, built in 1850, was deeded by act of Congress to the Mount Vernon Chapter, Daughters of the American Revolution, in 1924. The deed included the first boundary stone laid of the 10-mile-square area of the District of Columbia.

This stone was personally laid by President George Washington with appropriate ceremonies.

The lighthouse was kept in excellent condition and occupied by a caretaker until World War II when it was taken over by the U.S. Army Signal Corps as part of a top secret communications center and all access to the property was denied the representatives of the Mount Vernon chapter. Without the supervision of the Mount Vernon chapter, the lighthouse deteriorated badly and was in urgent need of repairs when it was returned to the chapter's custody. Reimbursement for necessary repairs was denied by the Comptroller General.

This property remained in possession of the Mount Vernon chapter until 1964 when the title was transferred to the National Park Service, Department of Interior, with the understanding that the lighthouse would be restored and the grounds, including the first District of Columbia boundary stone, be made a part of a national park setup to preserve the historic lighthouse, the boundary stone and the unoccupied portion of the Alexandria waterfront.

While the proposed land fill and erection of the high-rise apartment thereon, does not include the actual Jones Point Lighthouse property, it would definitely interfere with the river view from the park area and destroy a large portion of its recreational values.

The proposed high-rise apartment would also obstruct the river view from the Mount Vernon Parkway and set a precedent for future buildings along the river side of the parkway with the consequent destruction of the scenic beauty, wildlife areas, and picnic grounds now enjoyed by the general public.

The Mount Vernon Chapter, Daughters of the American Revolution, respectfully request that the issuance of a permit to bulkhead and fill part of the Potomac estuary of Hunting Creek, and the construction of a high-rise apartment thereon be denied.

RESOLUTION ADOPTED BY THE VIRGINIA STATE SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION, AT THEIR STATE CONFERENCE, MARCH 20, 1968

PRESERVATION OF VIRGINIA'S MARSHES AND WETLANDS

Whereas a study by the U.S. Fish and Wildlife Service shows that the marsh areas at the river mouth, where fresh and salt water mingle, are among the most productive areas for wildlife and fish, and

Whereas the annual commercial harvest of fish, crabs, oysters, other aquatic life and wildfowl is an important factor in the economic and recreational life of Virginia, many of whose residents derive a substantial portion of their living from these resources, and

Whereas throughout the whole United States in the last 20 years more than half a million acres of wetlands and marshes have been lost by draining, dredging, and filling, in Virginia alone, many valuable acres have been lost, and

Whereas our beautiful Virginia rivers are the most prolific spawning grounds of striped bass, shad, and other migratory fish of the Atlantic coast, and

Whereas the General Assembly of Virginia has created a commission known as the Marine Resources Study Commission which recommended that the Virginia Institute of Marine Science make a study of all marshes and wetlands in Virginia to determine their importance to the economic and recreational resources of the State.

Resolved, That the Virginia Daughters of the American Revolution support the recommendation of the Marine Resources Study Commission "that the Virginia Institute of Marine Science be directed to make a study of all marshes and wetlands in Virginia and assess their relative importance to the marine resources of the State," as a measure to save the remaining marshes and wetlands of Virginia for the conservation of its fish and wildlife and for their recreational values, and

Resolved, That every effort be made to prevent further destruction of Virginia's marshes and wetlands until this study is completed and acted upon.

THE OLD TOWN CIVIC ASSOCIATION,
Alexandria, Va., June 19, 1968.

Hon. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee,
Rayburn Building, Washington, D.C.

DEAR SIR: As president of the Old Town Civic Association of Alexandria, Va., I must register this organization's strong protest against the proposed Hunting Creek land fill.

This fill and the resultant high-rise apartments will destroy one of the few remaining Potomac waterfront feeding areas, a scenic easement from Jones Point and take public river bottom land for private profit. One must raise the question as to who is the beneficiary of this wanton taking. The people and the city of Alexandria? No. In addition to the obvious losses there are the burdens of increased need for school space and increased traffic generated by the high-density apartments.

I sincerely hope that this proposal will be voted down.

Very truly yours,

SEYMOUR R. YOUNG, President.

ALEXANDRIA, VA., June 20, 1968.

Subject: Hearing on proposed land fill at Hunting Creek, Alexandria, Va., on June 24, 1968.

Hon. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Rayburn House Office Building, Washington, D.C.

DEAR MR. JONES: For an average of several hours each week throughout the year and for each year since 1950 I have "bird-watched" at Hunting Creek. From 1950 through 1958 I lived in New Alexandria, just a few blocks from Hunting Creek Bay and found the bay a haven for many varieties of waterfowl. After moving to Wayneswood, near Mount Vernon (some 4.5 miles south of Hunting Creek) I nevertheless visit Hunting Creek for at least an hour of bird watching each week throughout the year. So I am sure that I am as familiar as anyone with the attractiveness of Hunting Creek Bay to bird life.

I have led many field trips to the Hunting Creek area for the Audubon Naturalist Society, the Virginia Society of Ornithology, visiting foreign ornithologists, and for local Scout dens and packs, and have kept careful records of the birds seen there on each trip.

I watched with dismay the gradual filling in of the extensive fresh-water marsh which covered some 250 acres on the west side of U.S. Route 1, just west of Hunting Creek Bay—which had to go to make way for the Capital Beltway. I also watched, with mixed emotions, the filling in of the mudflat between U.S. 1 and the George Washington Memorial Parkway for golf course fairways immediately west of Hunting Creek Bay. During spring and fall migration this mudflat teemed with hundreds of shorebirds, herons, terns, gulls and certain species of ducks; in the winter the flat was a feeding and resting place for many species of ducks. But we still had Hunting Creek Bay itself which was, and still is, a magnet for thousands of ducks of some 20 species during migration and is the winter feeding and resting area (depending on the tide) for a winter population of 2,000 to 8,000 ducks of at least 8 species.

The abundance of bird life in Hunting Creek Bay fluctuates with the season and with the tide. The period when it is most devoid of waterbird life is May-June, after the majority of wintering ducks have moved north and before the big summer influx of gulls and terns from breeding colonies in the Chesapeake Bay. The period July-October brings hundreds of gulls (of five species) and terns (of four species) into the bay, dozens of shorebirds of 22 species and two species of egrets and two of herons as post-breeding wanderers. Two other species of herons live around the bay all year. By November the ducks have started filling up the bay and by Christmas a wintering population of 2,000 to 8,000 can be seen on any day when the tide is right and the bay isn't iced over. Most of the ducks in winter are ruddies and lesser scaup but a casual scanning with binoculars usually finds up to 50 bufflehead, 40-50 pintail, 20-60 green-winged teal, 30-40 blacks, 10-20 mallards, 5-30 shovellers, a few ring-necks among the scaup, and quite often a few canvasback and redheads (sometimes as many as 30 of each). As often as not in winter (November through March) you can find a few common goldeneyes, old squaw and common and red-breasted mer-

gansers. Between March and October the beautiful wood duck is often seen in the bay, although it is more common in Dyke Marsh, just south of the bay, where it breeds in hollow trees along the edge and collects in numbers up to 50 in September and October.

What brings this concentration of waterfowl and shorebirds to Hunting Creek Bay is a combination of shallow water, abundant food, and exposed sand and mud flats at low tide. The latter is particularly attractive to the shorebirds and dabbling ducks (i.e., mallards, blacks, pintail, teal, and shovellers), which find good feeding in the mud.

One of the charms of a place like Hunting Creek Bay is that in attracting the variety of birds that it does, one or more real rarities are also likely to be found each year. Just this past winter a whistling swan stayed in Hunting Creek Bay from November 19, 1967 to at least February 18, 1968, and was seen and watched by hundreds of people. Although this swan is a common winter visitor in Chesapeake Bay and in the lower Potomac River, it is a very rare wintering species this close to the District of Columbia. In 1962 two different Iceland gulls (one adult, one immature) were seen in Hunting Creek Bay on four different dates between January 20, and March 17. Other rarities that have been seen in the bay since 1950 include, blue goose (twice, once in November and once in early May); red-necked grebe (three times); American avocet (once, in October); reeve (a European shorebird, stayed for 3 days and seen by many); Wilson's phalarope (twice, in September); glaucous gull (once, in January) and California gull (once, in February).

Although man has destroyed the marshes and mud flats west of Hunting Creek Bay, the bay itself continues to draw hundreds of waterfowl throughout the year and an almost equal number of both local and foreign bird students to watch them. It is the one easily accessible place within a few miles of the District of Columbia where such a wide variety of water birds and shorebirds can be seen nearly year around. What is left of it should be retained, with no further encroachment by man permitted so that along with the Jones Point Park on the north side and Dyke Marsh on the south, a relatively small patch of nature is left in suburbia for future generations to enjoy.

Sincerely,

JACKSON M. ABBOTT,
*Conservation Committee, Audubon Naturalist,
Society of the Central Atlantic States.*

FALLS CHURCH, VA., June 20, 1968.

HON. GEORGE H. FALLON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR MR. FALLON: The Falls Church Garden Club, with a membership of some 200 from Falls Church, Arlington, Fairfax County, and the District of Columbia, wish to file a vigorous protest against the building of a bulkhead on Hunting Creek. Our club is vitally interested in conserving natural estuaries as sanctuaries for wildlife, fishes, and plants for the benefit of the public. We suggest that the permit for the bulkhead on Hunting Creek be withdrawn or canceled.

Will you please see that this letter is referred to the Hon. Robert E. Jones, Chairman of the Natural Resources and Power Subcommittee, and is filed as part of the hearings?

Sincerely yours,

FALLS CHURCH GARDEN CLUB,
JAMES N. BRADFORD, *President.*

ALEXANDRIA, VA., June 20, 1968.

HON. ROBERT E. JONES,
*Chairman, Natural Resources and Power Subcommittee,
House of Representatives, Washington, D.C.*

DEAR MR. JONES: This is written to protest the recent action of Army Engineers, approving a land fill of Hunting Creek at the southern end of Alexandria.

Not only will this operation be detrimental to wildlife, but will increase flood danger. Moreover, high-rise apartments, planned for this area, tend to aggravate serious, existing problems.

It is to be feared, too, that this venture, if permitted, will encourage further encroachment on our waterways.

I urge you to do all in your power to prevent this needless spoilation of our precious natural heritage.

May I ask that this letter be included in the record of the hearings.

Sincerely yours,

MISS CORINNE REARDON.

ALEXANDRIA, VA., June 20, 1968.

HON. ROBERT JONES,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: I have an apartment overlooking the area of the proposed Hunting Creek fill by Hoffman Associates.

I am heartbroken at the thought of this bird sanctuary being destroyed. I feel that this is just another "land grab" and if this goes through it will establish a precedent which will permit land fills and high-rise apartments all along the Potomac River and Mount Vernon Boulevard, destroying all the natural beauty which means so much to all of us.

I hope you will help prevent this tragedy.

Thank you so much.

Sincerely,

CELESTE B. WILLIAMS.
MRS. T. C. WILLIAMS.

THE LANDMARKS SOCIETY,
Alexandria, Va., June 21, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Rayburn Building,
Washington, D.C.

DEAR SIR: I want to express the opposition of this organization to the filling in of part of Hunting Creek just south of this city.

It would be appreciated also if this note is made a part of the record of this hearing.

We are dedicated to the preservation of landmarks and to destroy the natural beauty of the area in mind for the proposed construction of a high-rise apartment is abhorrent to us.

Respectfully yours,

MRS. FELIX BELAIR, Jr.

[Telegram]

ALEXANDRIA, VA., June 21, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee,
Rayburn Building, Washington, D.C.:

Trust you will use your good office and oppose Hunting Creek fill-in.

ROBERT J. CONNERTON.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., June 21, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee,
Committee on Government Operations,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN JONES: The Institute will be unable to have a representative attend the hearings before your committee on the issuance of a permit to bulkhead and fill part of the Potomac estuary near Alexandria, Va. We are very much interested in the proposal however, and would appreciate having this letter in opposition to the permit made a part of the hearing record.

Like other national conservation organizations, the Institute believes that the bulkheading should not be permitted to proceed. We believe that it would be contrary to the objectives of the National Estuarine Preservation System that is sponsored by the Department of the Interior and the administration, as well as by conservationists throughout the country. The administration's bill to authorize

a national study of estuaries and to develop recommendations for the protection of outstanding estuaries has been approved by the House and is pending in the Senate.

The testimony developed in the House shows that the Nation's estuaries are being altered, destroyed, and reduced in productivity at an alarming rate. These areas, where fresh water meets the sea, are extremely productive for wildlife and fish that are sought for sport, commercial, and other purposes.

The comments made by the Bureau of Sport Fisheries and Wildlife show that the Hunting Creek area is a wintering ground for diving ducks and other waterfowl. Additionally, that stretch of the river is used by such valuable commercial and sport fishes as striped bass, alewives, and white perch.

We believe that the committee would be entirely consistent with congressional and public opinion regarding estuaries if it would find that the permit should be withdrawn. Such a recommendation would help assure that the estuary of the Potomac is not to be further reduced in productivity by shoreline encroachments.

Sincerely,

C. R. GUTERMUTH, *Vice President.*

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., June 24, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN JONES: Under resolution and policy adopted by the National Wildlife Federation, which represents approximately 2½ million members, we are very much concerned about the permit which was issued by the Corps of Engineers to bulkhead and fill a portion of the Potomac Estuary in the Hunting Creek area near Alexandria, Va.

As part of the hearing held by your subcommittee on Monday, June 24, 1968, we submit this letter in opposition to said permit and urge that the Corps of Engineers be directed to withdraw and cancel for the following reasons:

1. Issuance of this permit is contrary and premature to the comprehensive study and final report of the overall plan for the Potomac Basin.
2. The concern and need to retain and protect the remaining natural estuaries of this Nation has been stressed by the establishment of the National Estuarine Preservation System by the Department of the Interior.
3. It has been documented by the Bureau of Sports Fisheries and Wildlife that the area in contention is a valuable wintering ground for waterfowl, especially diving ducks. The area is also a most important habitat for all forms of marine life, including striped bass, white perch, and alewives.
4. It would appear that the Corps of Engineers did not honor or recognize the recommendation of the Bureau of Sport Fisheries and Wildlife, under the Coordination Act.

We of the National Wildlife Federation respectfully urge that the Corps of Engineers be directed to withdraw the permit and to refrain from issuing others which would destroy the natural conditions of any estuarine area or region of this Nation.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

[Telegram]

ALEXANDRIA, VA., June 24, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Rayburn Building, Washington, D.C.:

Yates Gardens Citizens Association in downtown Alexandria, Va., next to Hunting Towers, earnestly requests that your committee disapprove plan to fill mouth of Hunting Creek to build high-rise apartment. Alexandria waterfront should remain unobstructed to maximum extent. Alexandria will not materially benefit from high-rise at that location.

YATES GARDENS CITIZENS ASSOCIATION,
By FRANCES T. SLATE.

Hon. ROBERT E. JONES,
Chairman.

FALLS CHURCH, VA.

DEAR SIR: I am horrified by the proposal to fill in 19 acres of Hunting Creek in Alexandria. This is one of the few remaining places in the neighborhood of Washington and northern Virginia for overwintering ducks and other forms of marsh life. Now we are part of the Atlantic flyway, but not if dam-happy, fill-happy Army Corps of Engineers and greedy builders have their way.

San Francisco Bay was once a magnificent 300 square miles of natural marshland for shore birds and waterfowl; today, thanks to "fill," there are about 75 miles. The Golden Gate is known as the Garbage Gate. Is the Potomac River to become a trickling stream between concrete, high-rise apartments? We can call it the Pathetic Potomac. The United States will soon be replete with perjorative alliterations.

I hope your subcommittee will disapprove these plans with vigorous language. Please include this letter in the record of the hearing to be held 24th of June 1968.

Sincerely yours,

PATRICIA A. WOLLENBERG.

THE WILDERNESS SOCIETY,
Washington, D.C., June 24, 1968.

Hon. ROBERT E. JONES,
Chairman, Subcommittee on Natural Resources and Power, House Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Wilderness Society is gratified that the occasion of your inquiry into the granting of a permit by the Army Corps of Engineers to Howard P. Hoffman Associates, Inc., to fill in the Potomac estuary at Hunting Creek, near Alexandria, Va., and to build a bulkhead thereon, provides the opportunity for emphasizing that the said permit has been issued in the face of very strong opposition by conservationists.

Earlier this year the Wilderness Society stated what is quite well known, that the location in question is a wintering ground for ducks and other waterfowl. As such, it is one of the dwindling natural resources of our metropolitan region. It cannot be replaced. With the continued and remorseless reduction of such resources, it is high time to remember that the location of a developer's dream may be a negotiable matter, but the survival of an estuary is not negotiable.

The value of the Hunting Creek estuary will be enhanced as there is progress in abating pollution in the Potomac River. Such abatement will come, and it will be further accelerated, no doubt, as plans mature for the establishment of a recreation area and park on Jones Point, which is a part of the estuary.

A quality environment at Hunting Creek will serve the people of Alexandria and the region—and the Nation, too.

The Wilderness Society therefore urges that the action of the Army Corps of Engineers in granting a permit to Howard P. Hoffman Associates, Inc., be reversed, and respectfully requests that this statement be made a part of the June 24, 1968, hearing record of the Natural Resources and Power Subcommittee of the House Government Operations Committee. Thank you.

Sincerely,

STEWART M. BRANDBOG,
Executive Director.

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, THE IZAAK WALTON
LEAGUE OF AMERICA

Mr. Chairman, I am J. W. Penfold, conservation director of the Izaak Walton League of America. The league is a national organization of citizens who are concerned with the conservation and wise use of the Nation's natural resources. The league opposes the granting of a permit to bulkhead and fill within the Hunting Creek estuary near Alexandria, Va., as proposed by the firm of Hoffman & Associates. The league opposed issuance of the permit at the public hearing conducted by the Corps of Engineers on February 21, 1968. We were gravely disappointed to learn recently that the permit had been issued. We are grateful that your committee is taking a look at the matter.

The issue is not just local for Alexandria, nor is it just of interest to the Commonwealth of Virginia. The matter is of national concern. The project would affect the Potomac estuary which is interstate in character. Also, the Corps of Engineers in this small project, as in major projects, represents and is responsible to the people of the Nation as a whole.

It is almost incredible that the act of the Virginia Legislature, to authorize the conveyance of title to the submerged lands in the project area, cited water pollution and a resultant health hazard as a substantive reason for bulkheading and filling the area. From this it could be argued that the entire Potomac estuary should be filled in to solve all its problems of pollution. This is ridiculous in the extreme, of course, but it does point up the typical lack of thought which has resulted in the steady loss of estuarine values along the Nation's coastlines.

Representative John D. Dingell, of Michigan, stated, in connection with his estuary study bill, H.R. 25 which passed the House last February, that:

Estuaries "are rich in fish and wildlife; they are an invaluable and irreplaceable source of enjoyment for recreation, sport and commercial fishing, and for their natural and primitive beauty. However, because of the rapid expansion of cities, urban areas, and commercial enterprises, these valuable estuarine areas are rapidly disappearing from the face of this earth on this continent. And once they disappear, they are gone forever. * * * It is our responsibility to act now to save our remaining estuarine areas * * *"

An oceanographic panel of the President's Science Advisory Committee has reported that:

"Almost half our population lives near the margins of the ocean or the Great Lakes. The near-shore environment is thus of critical importance. This environment is being modified rapidly, by human activities, in ways that are unknown in detail but broadly are undesirable * * *. Deliberate modification of the coastline, such as channel dredging for marinas, shoreline modification for beach stabilization, and filling in marsh areas for developmental purposes, pose serious problems. These modifications are occurring in estuaries which are important natural resources for recreation and food production."

Congressman Herbert Tenzer, of New York, has said:

"On the south shore of Long Island in 1936 we had 30,000 acres of wetlands. Today there are less than 16,000 acres left. * * * We have studied the subject matter long enough * * *. A chance to walk, to row a boat, to fish, to hunt, to swim, to picnic, or to merely observe the natural world—all these must be provided for, and can be, even within close range of the asphalt jungles we know so well. What I am referring to now are human resources. These resources must be protected. Otherwise, what heritage will we leave to our children other than a filled-in bay, a polluted stream, or bone fragments in a museum? Men can do better—men must do better."

A few more statistics point out the accuracy of these statements. Of the tidal wetlands along our North Atlantic coast, from Maine to Delaware, 45,000 acres of marshland were destroyed in the 10-year period 1955-64. An inventory for the last 5 of those years showed that 34 percent of the marshes were lost to deposition areas for dredge spoil; 27 percent to fill for housing developments; 15 percent to recreational development (parks, beaches, marinas); 10 percent to bridges, roads, parking lots, and airports; 7 percent to industrial sites; 6 percent to garbage and trash dumps; and 1 percent to other causes.

Best available estimates of losses of estuarine habitats due to dredging and filling along the U.S. coastal areas are as follows:

East coast including Florida—165,400 acres;

Gulf coast excluding Florida—71,500 acres;

The west coast—261,900. Significantly, the loss to California alone is 255,800 acres or 67 percent of the total estuarine areas of that State.

Estuarine areas are productive and valuable.

Two out of three species of useful Atlantic fish depend in some way upon tidal lands and the shallowest of our bays for their survival. Even oceanic fish often have complex life cycles which bring them into coastal bays, lagoons, and tidal rivers at tiny young stages of their lives. Ninety percent of salt water fish are taken in shallow coastal waters. Nearly 70 percent of our most valuable Atlantic coast species of fish are directly dependent in some stage of life on the estuaries. With the world rapidly approaching a time of widespread food shortage, we cannot afford to carelessly destroy these rich areas that are so highly productive of protein foods.

In Virginia alone, for example, the estimated value of fish caught in 1965 (503.7 million pounds) was \$26.8 million. The value of the 20-year average

annual catch between 1945-65 was \$20,190,805. This was the commercial or seafood industry value. The value of salt water sport fishing in 1955 in Virginia was \$24,601,500. By 1965 that had risen to \$40 million—a 10-year increase of \$15.4 million, or 62 percent. Surely, Virginia cannot afford to look lightly on this source of income.

There are few salt water fish of any importance to Virginia that are not critically tied to the estuarine zone for at least part of their lives.

Thus far, Virginia has not had such serious estuarine damage as many States but constant vigilance is needed to assure that greater damage does not occur in the future.

In Virginia, as elsewhere, the estuaries which are the source of such income—and even more income from recreational opportunities—boating, swimming, etc.—are disappearing. Once gone they are lost forever since they cannot ever be replaced by man.

But what does all this have to do with 9 acres of mud flat at the mouth of Hunting Creek. This bit of stream and tidal estuary has been almost totally destroyed already. Why not complete that job by granting the subject permit, it is argued. Then grant the next one to the north. Jones Point itself will become just about worthless as green shoreline for the public, so turn that over to someone for development. Then go to work on Dyke Marsh to the south and on down the Potomac estuary a hundred miles.

The fact is that vast estuarine areas have been lost just that way—by attrition, small piece by small piece—the 67 percent of California's estuaries including one-third of San Francisco Bay, the 50 percent of Long Island's south shore, most of Connecticut's coastal wetlands, significant portions of Tampa Bay.

Is this what the Potomac estuary deserves—we think not. If this is not what the people want, we are at the time and place when we should say emphatically no!

This small area can recover from the damages inflicted upon it in recent years. The pollution of the Potomac can be cleaned up, and must be cleaned up under the Water Quality Act of 1965. Jones Point and its immediate environs can be protected and simply developed as an essential amenity in the existing conglomerate of highways, bridges, and urban developments.

The Potomac estuary is without question one of the really great resources of the Eastern United States, every square foot of which will be needed to serve the scenic and recreation needs of the burgeoning megalopolis of the future. That is now and always will be its highest purpose.

We respectfully urge that the bulkhead and fill permit be rescinded.

CONGRESS SHOULD NOT STAND FOR THE RAPE OF HUNTING CREEK—STATEMENT OF A. Z. SHOWS REPRESENTING SEVERAL CITIZEN ASSOCIATIONS

I come before you as the authorized representative of several citizen associations of the Mount Vernon and Lee Districts of Fairfax County and the citizens of the Commonwealth of Virginia.

Enclosure (1) is a list of the citizen groups representing a total of more than 100,000 residents of the nearby Virginia area. Our purpose has been, and will continue to be, the preservation of our federally protected right and privilege to the quiet use and enjoyment of Hunting Creek, a navigable waterway of the United States, located within the State of Virginia. To carry out this goal many questions are raised, especially in view of the prior actions of Virginia State, county, and city officials. The only logical conclusion we can reach is that "money talks." Supporting this theory, several former officials of Fairfax County, attorneys (officers of the court), and citizens have been sentenced for their conduct in connection with bribery in zoning actions. The sentence was recently upheld by the Supreme Court. It is obvious that congressional action is now imperative to redress the wrongs being committed against citizens of the United States and particularly some residents of Virginia.

Copy of Virginia bill H. 591 (this bill was passed and signed) is submitted as enclosure (2). This bill as drawn is in our opinion based on fraud, and deliberate distortion of the truth—no riparian rights existed, the water was not stagnant and did support marine life, and was navigable. Also, current market value of the area is about \$64 per square foot (43,560 sq. ft. to the acre) for the 17,5945 acres, in lieu of the ultraconservative sum of not less than \$30,000 mentioned

in the bill. In addition, approximately 300 feet in front of Hunting Towers, the existing building, was filled without authorization and later bulkheaded.

Enclosure (3) is maps of the area involved, prior to the illegal filling that has been going on in Hunting Creek for the past several years.

INFRINGEMENT OF RIGHTS CONTRARY TO PUBLIC INTEREST

By the ruling of the Army Engineers in placing obstructions in, and filling in of Hunting Creek, a violation of Federal law was committed and if so, does Congress have the right to enjoin such illegal action? We believe so.

Did the action of Virginia officials in transferring title to the bed of Hunting Creek, especially since it was for private commercial purposes, deprive citizens of their federally protected rights or privilege of use and enjoyment of Hunting Creek, and deny them equal protection of law guaranteed them by the U.S. Constitution and the Virginia constitution? (Appropriate statutes on this point are cited in enclosure (4).)

At a previous congressional hearing, the U.S. Corps of Army Engineers was directed to remove fill in the upper estuary of Hunting Creek to eliminate further silting in the mouth of Hunting Creek. *Shepherd v. Boggs*, 198, Va. 299, 9/4, S.E. 2d 300 (1956), holds that a riparian owner who has deliberately and intentionally blocked a watercourse by filling it, may be required by a court of equity to remove such fill as necessary to reopen it and to pay the cost of such removal. Further, we noted that subject permit authorizes Howard P. Hoffman Associates, Inc., to construct a bulkhead and fill, whereas Virginia H. 591 cites Francis T. Murtha, and Hunting Towers Operating Co., Inc., as the owners in fee. We note that no witness at the U.S. Army Engineers hearing on February 21, 1968, advocated approval of the application in Alexandria, except the paid representatives of the owner. It is obvious from the points of law cited in enclosure (4) that the Commonwealth of Virginia does not have the right to transfer title to such property as the State acts only as a trustee for all of the citizens, nor can it dispose in any way such lands held in public domain.

The pertinent facts on this point are that Hunting Creek has been a navigable stream of water since the days of Capt. John Smith, coursing eastwardly between Alexandria and Fairfax County, Va., and emptying into the Potomac River south of Alexandria. Hunting Creek was judiciously determined to be navigable by decisions of the Fairfax city court, Judge Walther McCarthy presiding, on December 8, 1930. In 1931, the U.S. Army Corps of Engineers administratively determined Hunting Creek, east of Route 1, as navigable.

Hunting Creek is presently subject to the ebb and flow of semidiurnal tides up to its source and beyond Cameron Run to its confluence. The total Hunting Creek watershed consists of approximately 500 acres. During normal times it was formerly 40 feet across and more than 8 feet deep west of the Jefferson Davis Highway. At high tide, it was 200 feet wide over depths of 15 to 18 feet. That section east of Jefferson Davis Highway was approximately 150 feet wide over normal depth of 8 to 10 feet; and 1,760 feet wide and 12 to 15 feet deep at high tide.

The Hunting Creek stream has been progressively filled since June 1962 by unknown persons with unknown, if in fact any, authority. Hunting Creek, we contend, is subject to the ebb and flow of tides and a part of the Potomac River and a navigable stream of the United States. It is, therefore, subject to 33 U.S.C. 403, which vests jurisdiction of any restriction or obstruction to navigable waters to the Congress of the United States and can be granted only by the U.S. Congress. Further references on this question are enclosure (5) Commonwealth of Virginia letter dated March 11, 1964; enclosure (6) letter from Valley View Citizens Association to Congressman John D. Dingell; and enclosure (7) letter from this association to President Lyndon B. Johnson, dated February 17, 1965.

Fairfax County Executive Carlton C. Massey stated in a letter dated November 12, 1962, that the filling of Hunting Creek constituted a misdemeanor and was, therefore, illegal. (Presumably this statement has the support of the Commonwealth attorney of Fairfax County.) Mr. Walter Hickman, the commissioner of fisheries of the Commonwealth of Virginia, accompanied by his staff, personally examined the land-fill operation in Hunting Creek and stated that his office had sole jurisdiction of Hunting Creek pursuant to the Virginia statutes. Following this inspection, I inquired if Mr. Hickman's office had issued a valid permit for this land-fill operation. Mr. Hickman, emphatically said, "My office has given no such permit."

To date, no remedial or corrective action has resulted from our long and continued attempts to get this situation corrected. Meanwhile, Hunting Creek west of the Jefferson Davis Highway has virtually disappeared. Essentially this action has resulted in the damming and filling of a navigable waterway of the United States and the consumption and attrition of a natural resource by this action.

No national, State, or local authority, except the Congress, has attempted to halt the operations clearly identified as illegal by both Commonwealth of Virginia and county officials. The position of the citizens of Virginia, for whom I speak today, is that Hunting Creek is, and continuously has been, and should be, held in trust for all of our citizens, inasmuch as lands in the public domain are at issue in this completely unauthorized and illegal operation of substituting one streambed for another. The U.S. Government, therefore, through its Congress and its Corps of Engineers, has the sole right to determine the course of the navigable waters of the United States.

The Commonwealth of Virginia has no authority to alter or to realine such stream and creek beds. The U.S. Congress has not issued such authority in the subject case. Should Congress elect to retain the historic and original alinement of Hunting Creek rather than permit its use to the favored few, the area should be made available for recreation purposes for the public at large. Further corroboration of facts, enclosure (8), is attached. Copy of brief No. 9760. Photos dated November 16, 1963, show the manmade fill and the resultant stream damming of a navigable waterway and are attached as enclosure (9).

ADDITIONAL ISSUES CONTRARY TO THE PUBLIC INTEREST IN THE CURRENT PROPOSAL

(1) *Public works facilities.*—The existing sewerage disposal capacity of Arlington, Alexandria, and Fairfax will suffer a potential reduction under this proposal. The marine life balance endangered by the continuing effluent into Hunting Creek and the Potomac waters, together with the resultant siltation from such operations, would create very real threats to the natural forces required to complete decomposition of partially treated (or during heavy storms untreated) sewerage effluence from existing and proposed plants in the area. We must cease making the Potomac a cesspool. The proposed fill and bulkhead would retard the stream-flow necessary for the biological balance and to establish and maintain proper outfall sanitation discharge. Due to past dumping and landfill operations noxious odors are the rule rather than the exception.

(2) *Legal delineation of the proposed site area.*—The plat of the proposed land fill and bulkhead shows a channel for Hunting Creek which does not conform to the historic alinement of the channel identifying the official Alexandria, Fairfax County, boundary. This boundary is clearly delineated by the Virginia Code. Fairfax County officials, when questioned about this discrepancy, stated the line was arbitrarily drawn on instruction from the board of supervisors from its correct location in 1950 to the present.

Alexandria officials also agree with our contention that the boundary as presently portrayed is inaccurate. As citizens, we feel this change was accomplished for the benefit of the favored few.

(3) *Usurpation of lands in the public domain by the favored few.*—The citizens of Fairfax County and other communities have a legal and statutory right to enjoy the full use of the Jones Point Park and recreation facility which will be developed shortly. The Federal Government has the moral obligation to exert every reasonable effort to oppose the current dump and land-grab proposal, inasmuch as the public interest demands these lands be retained in domain so that the new park and the Mount Vernon Parkway can have mutual access. If such access is not provided future traffic will require passage through Alexandria's "Old Town" residential area and aggravate an already overburdened highway system.

(4) *Public moneys.*—Millions of dollars in public and private funds have been obligated or expended to acquire and improve or protect the shores and waterways of the Potomac River estuary in the Washington area. Federal agencies, acting on President Johnson's directive to prepare a workable plan to provide swimming facilities in the Potomac River by 1975, are presently involved in preparing recommendations for funding in the amount of \$3 billion to protect the Potomac watershed. How can this Congress remain inert about all Federal rights and interests to 18 acres which H. 591 transfers title to a group of the favored few, when this group plans to establish a large dump on half the site and quite likely on the rest of it as soon as they can. If \$750,000 in Federal funds was required to obtain a very limited scenic easement at the Merrywood Estate which

still permits the developers to construct single townhouses, how can Federal agencies ignore this operation on a large tract within the Potomac tidal waters and the shores along the beautiful parkway which leads to Mount Vernon, our Nation's most honored shrine. If it is proper to prohibit high-density construction within a mile of the Potomac in Maryland to preserve the view from Mount Vernon Estate, certainly it ought to be equally important to preserve the beautiful view along the parkway to Mount Vernon itself, as well as the view of Virginia from the proposed park and parkways along the Maryland shore. Fairfax County now prohibits high-rise apartments within a half mile of the Mount Vernon Parkway. It would be both illogical and contrary to the public interest for the Federal Government to encourage unidentified land speculators to build high-rise apartments and commercial facilities along the parkway into Fairfax County.

(5) *Mount Vernon Parkway traffic congestion.*—The U.S. Department of Interior has consistently objected and opposed a relatively small high-rise apartment on a site near the Pepco plant at the northern end of Alexandria on the grounds that such construction would impose an additional traffic burden on the already overloaded parkway. Certainly, the traffic generated by the current proposal and high-rise development would produce a far more serious burden and here again much of this through traffic would pass through the overloaded residential and business areas of Alexandria. The present speed limit on Mount Vernon Parkway has been reduced to 40 miles per hour.

(6) *Public boating and recreation facilities.*—In spite of the enormous public interest in boating and related water sports, the Interior Department does not presently have any public marinas or boating areas convenient to residents of Alexandria or Fairfax County near Hunting Creek. Marinas are urgently needed now at Jones Point Park with direct access from the parkway for both area residents and high-mast pleasure craft which now require the majority number of Wilson Bridge openings. These openings, in turn, create dangerous and inconvenient hazards to high-speed highway traffic, particularly during rush hours.

(7) *Health hazards from dumping operations.*—During the years in which this large landfill operation will be under construction, highly dangerous and persistent conditions will result from heavily loaded truck traffic, noxious odors, and smoke resulting from open trash burning. Such conditions currently exist in San Francisco Bay and New Jersey areas. The Mount Vernon Parkway, the nearby Capital Parkway, Wilson Bridge, already have a high traffic fatality rate. It would be unfair and unrealistic to ignore the additional hazards which would result from the current proposal.

(8) *Economic impact.*—It has been reliably reported that Jimmy Hoffa's International Brotherhood of Teamsters Pension Fund reportedly paid about 200 times more per acre for a tract of 4.81 acres, the basis of the riparian rights claim for the instant proposal. Certain parties in the proposal reportedly would pay much less per acre for the adjoining larger tract extending almost across the bay to the Maryland boundary from Mount Vernon Parkway. It would be highly irresponsible, and most improper, for a Federal agency to authorize the present dumping application since this is the sole prerogative of Congress.

(9) *The real issues.*—The real issue in this case to be tested for this congressional subcommittee is not "Duck Versus Highrise" as glamorized by one newspaper in reporting the hearing, but in reality whether or not we do have enough dedicated men and women in the Congress to deny this consumption of natural resources so urgently needed by the present and ever-expanding population and whether these elected officials will perform their sworn duty to uphold the public interest above all others. Let us not acquiesce in the betrayal of the many for the benefit of the few. The waters of Hunting Creek and the Potomac are not the property of any greedy speculators or group who obtain their pieces of silver by ignoring the well-established, time-honored procedures of the U.S. Army Engineers and the U.S. Department of the Interior.

Mr. Chairman and members of the subcommittee, in the few minutes allocated to me today, I have enumerated the objectives of about 100,000 people. These people reside in the areas most closely identified with the subject proposal.

We feel to subtract these lands from the public domain, lands admitted as part of our heritage on the shores of Mount Vernon would usurp from the many and serve only the few. The financial benefit to be derived would accrue only to the landowners who would not and could not economically develop this land to its full recreational potential.

If this proposal is granted it would add to the water pollution problem and make expansion of facilities of Arlington, Fairfax County, Alexandria, and Fort Belvoir—the counties' largest employer—virtually impossible. Traffic problems, even without the attendant extension of rapid transit rail or minibus system, will require additional land for right of way. The current proposal would impose another traffic burden similar to the Landmark condition and aggravate an already serious problem. In addition, this project will cost more in taxes to the city and county than the revenue it will produce. We ask the subcommittee, in terms of equity, in terms of our legal right, in terms of public safety, in terms of future public planning, in terms of controlling water pollution and public health, to deny approval of the application for the purpose stated. All of these are in consonance with the long-established policies and procedures of the U.S. Army Corps of Engineers, U.S. Department of the Interior, and in addition they are in consonance with the program of the President.

In view of the foregoing, speaking for myself and the citizens, we ask that in view of the fact that Hunting Creek is a navigable stream; that its bed is held by the State of Virginia in trust for all the citizens to be used as a common area for recreational purposes; that the State, as the title holder, has not sought a fill permit and is not represented in these proceedings; that permits to fill granted by the Corps of Engineers, U.S. Army, neither convey nor affect title or other property rights, action by the applicant to fill any part of the bed of Hunting Creek encompassed within the plat filed as a part of the fill application would be beyond the jurisdiction of the said corps, and action purporting to be taken with knowledge of this jurisdictional deficiency would be arbitrary, capricious, unreasonable, and void.

Enclosure 1. List of citizens associations in the Mount Vernon and Lee Districts.

Enclosure 2. Copy of Virginia bill H 591.

Enclosure 3. Maps of Hunting Creek area.

Enclosure 4. Petition covering law cases.

Enclosure 5. Commonwealth of Virginia's letter dated March 11, 1964.

Enclosure 6. Letter to Congressman John Dingell, dated May 27, 1964.

Enclosure 7. Letter to President Lyndon B. Johnson dated February 17, 1965.

Enclosure 8. Brief No. 9760.

Enclosure 9. Photographs of the damming of Hunting Creek.

Enclosure 10. Newspaper clippings relative to Hunting Creek.

Enclosure 11. Stenographer's notes (court reporter) Chancery No. 19088.

[Subcommittee note—The enclosures listed above are in the subcommittee files and are not reprinted here.]

LANHAM, Md., June 26, 1968.

GENTLEMEN: Please allow us to be very concerned about the proposed land fill at Hunting Creek.

We will never be able to understand why the Army would allow such a thing and hope that the project can be stopped.

My repeating of all the arguments would be redundant, I'm sure you have all the information on hand.

Sincerely yours,

HAL MAGARGLE AND FAMILY.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., June 26, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN JONES: The National Rifle Association of America would like to state its opposition to the issuance of a permit to bulkhead and fill that part of the Potomac Estuary near Hunting Creek in Virginia.

As other conservation organizations have pointed out, the filling of that area would have an extremely adverse effect on both migratory and resident wildlife and fish species. Little by little, many of our estuaries are becoming little more than sterile waterways through unwise commercial development. We believe that the best interest of the public would be served if your committee decides that the permit should be withdrawn.

Our estuarine areas contain some of this Nation's most productive wildlife and fish habitat which is being degraded at a rapid pace. We believe that the issuance of the permit would not be within keeping of the objectives of the National Estuarine Preservation System which is sponsored by the Department of the Interior and the administration. We also feel that the Hunting Creek proposal is in direct contradiction of the President's March 8 proposal for a Potomac National River.

The halting of the private development of the Potomac estuary at this point would not only be of great benefit to both the native wildlife of this area and those who enjoy it, but would go a long way toward making our Nation's Capital truly an area of national pride by reducing the chances of future attempts at commercialization.

Sincerely,

FRANK C. DANIEL, *Secretary.*

HISTORIC ALEXANDRIA FOUNDATION,
Alexandria, Va., July 2, 1968.

HON. ROBERT E. JONES,
*Chairman, Natural Resources and Power Subcommittee, Rayburn Building,
Washington, D.C.*

DEAR MR. JONES: On behalf of the Historic Alexandria Foundation, I have been asked to write to express our opposition to the filling in of the Hunting Creek estuary, which I gather is currently under review by your subcommittee.

The Historic Alexandria Foundation is keenly concerned with all matters pertinent to the maintenance of an attractive environment in the vicinity of the historic district of Alexandria and particularly along the approaches to Mount Vernon. We feel that a proper aspect of our concern includes the vista which is, or ought to be, maintained along the George Washington Parkway as it continues through Alexandria and down the Potomac shore toward Mount Vernon.

It is our feeling that the allowance of the erection of additional high-rise structures on filled land in the area under consideration would be detrimental to these objectives and that no further filling of the Hunting Creek estuary should be permitted at this time.

Sincerely yours,

ROBERT L. MONTAGUE III, *President.*

RIVER BEND ESTATES CITIZENS ASSOCIATION,
Alexandria, Va., July 3, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee of the House Government Operations Committee, House Office Building, Washington, D.C.

DEAR MR. CONGRESSMAN: I am writing to express my appreciation and the appreciation of the members of the River Bend Estates Citizens Association to you and the members of your committee for your interest and efforts in connection with conservation problems in Virginia, and more specifically, Fairfax County.

At present, we are most vitally interested in the preservation and improvement of the Hunting Creek estuary. A statement has been prepared representing the opinions and expressing the hopes of the vast majority of the people residing in this area concerning the solution of the Hunting Creek problem. This statement will be presented to your committee on July 9, 1968. It would serve no useful purpose for me to elaborate on this statement, but I want you to know that all members of our association wholeheartedly concur and support the statement as it will be presented.

We earnestly hope that you and the members of your committee will agree with our position and will do everything possible to prevent this usurpation of the rights of the many for the benefit and profit of the few. We preach democracy and the benefits of democracy all over the world and even fight for it. This is an excellent opportunity to make it work right in our own community. The vast majority of us who will be most affected certainly do not want to see Hunt-

ing Creek further defiled nor have the area cluttered with a maze of high-rise apartments, particularly since the only people who will benefit will be a few dollar-grabbing promoters who probably don't even live in Virginia.

Your consideration and help will be most deeply appreciated.

Sincerely,

CLARE A. FRYE,
Captain, USNR (Retired), President.

WIMBERLEY, TEX., July 7, 1968.

HON. HENRY S. REUSS,
HON. JOHN P. SAYLOR,
*House of Representatives Office Building,
Washington, D.C.*

DEAR SIRs: I would like to commend you for your strong protest against the Corps of Engineers' permit to allow filling of land under the Potomac River at Hunting Creek, Va. This trend in our State and Federal Governments to give away or permit our public lands to be exploited by a privileged few for private gain should be stopped before it gains any further momentum. As you outlined in your plea, this land has national and natural importance now and for generations to come. It is hoped that the committee will see fit to direct revocation of the permit.

Yours for conservation,

HAZEL C. GREEN.

WEST CHESTERFIELD, MASS., July 8, 1968.

FRIENDS: As one who has enjoyed the area and hopes to do so again and wants others to have the same privilege I trust you will revoke the permit given to Hoffman Associates to fill the mouth of Hunting Creek.

Truly yours,

REV. BENSON HARVEY.

BUCKNELL MANOR CITIZENS ASSOCIATION,
Alexandria, Va., July 10, 1968.

To Natural Resources and Power Subcommittee of the House Government Operations Committee (Chairman Robert E. Jones, Hon. John S. Monagan, Hon. J. Edward Roush, Hon. John E. Moss, Hon. Guy Vander Jagt, Hon. Gilbert Gude, and Hon. Paul N. McCloskey, Jr.).

DEAR SIRs: At the July 3, 1968, meeting of the Bucknell Manor Citizens Association, the preservation of Hunting Creek was discussed. This letter is to assure you that the Bucknell Manor Citizens Association endorses the present actions of the Valley View Citizens Association.

We thank this committee for your attention to our local community problems.

Sincerely,

JOSEPH P. KEYS, *President.*

FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS,
Annandale, Va., August 12, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Committee on Government Operations, Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN JONES: On July 16, 1968, the executive committee of the Fairfax County Federation of Citizens Associations, a bipartisan federation of over 120 citizens associations in Fairfax County, Va., went on record as opposing the proposed landfill at the Hunting Creek estuary of the Potomac River.

The executive committee's position was expressed in a letter to the Honorable Mills E. Godwin, Governor of Virginia, which urged that he not grant title to the landfill under the discretionary authority conveyed to him by the Virginia General Assembly in 1964.

Governor Godwin's response and our letter to him of August 1, 1968, are enclosed for your review and we respectfully request that it be made part of the subcommittee's record with respect to its hearings on Hunting Creek.

Respectfully,

THOMAS M. STANNERS, *President.*

MOTION APPROVED BY EXECUTIVE COMMITTEE ON JULY 16, 1968

To: The Executive Committee.

From: The Parks, Recreation, and Libraries Committee, July 16, 1968.

The Parks, Recreation, and Libraries Committee moves that the following letter relative to the Hunting Creek landfill be adopted by the executive committee for transmittal to Governor Godwin, with copies to the board of supervisors and the Fairfax County delegation in Richmond:

JULY 30, 1968.

HON. MILLS E. GODWIN, Jr.,
Governor, Commonwealth of Virginia,
Richmond, Va.

DEAR GOVERNOR GODWIN: This is to express the views of the executive committee of the Fairfax County Federation of Citizens Associations with respect to the proposed landfill in the Hunting Creek estuary of the Potomac River bordering the city of Alexandria and Fairfax County.

The committee feels that approval of the application to landfill approximately 9.5 acres of the Potomac River by the U.S. Army Corps of Engineers sets an undesirable precedent for the Potomac and that it will encourage further landfills whenever and wherever land use pressures arise. The implications of this action for Fairfax County, with its significant Potomac shoreline, seem all too clear.

As you know, the Potomac River offers substantial recreation and conservation potentialities for the citizens of Fairfax County, largely unfulfilled. Further development along the Potomac ought to be in keeping with these values and with the stated goal of the Potomac River Basin Advisory Committee to make the Potomac "a model of conservation." It is difficult to see how the Hunting Creek landfill, and its use for high-rise apartments, is consistent with this goal.

Not only will the landfill destroy an important winter feeding ground for thousands of diving ducks, it will diminish the value of the parkland to be developed by the National Park Service on the Fairfax County side of the Hunting Creek estuary.

Of further concern is the attitude of the Virginia Department of Wildlife and Inland Fisheries concerning the conservation values of Hunting Creek. Public hearings held on July 9, 1968, by the Government Operations Committee of the U.S. House of Representatives disclosed an allegation that the department refused to comment on the importance of this area for wildlife purposes and that it considered the estuary insignificant with respect to its conservation values. Should this allegation be true, the department's attitude is at odds with expert testimony presented by the U.S. Bureau of Sport Fisheries and Wildlife, Dr. Francis Uhler of the Patuxent Wildlife Research Center, who conducted decades of study in this area, and other conservationists who are familiar with the estuary. Quite frankly, such attitudes on the part of our public agencies discourage serious efforts to preserve and upgrade the quality of the environment in increasingly urbanized Fairfax County.

The executive committee is further concerned with the legislative history which surrounded passage of House bill 591, chapter 546, of the 1964 general assembly through which title to the landfill may be granted by the Commonwealth. We seriously question the propriety of granting title to public land so acquired and urge you to make it clear that you will not grant title under the discretionary authority conveyed to you by House bill 591 should the landfill be completed.

In behalf of the executive committee of the Fairfax County Federation of Citizens Associations, I am,

Sincerely,

THOMAS M. STANNERS, *President.*

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, August 6, 1968.

Mr. THOMAS M. STANNERS,
President, Fairfax County Federation of Citizens Associations,
Annandale, Va.

DEAR MR. STANNERS: I appreciate the frankness and sincerity of your letter of August 1 objecting to the landfill in the Hunting Creek estuary and suggesting that I not grant title when the landfill is completed.

Certainly opinions will differ as to the benefits accruing, but I feel that an honorable commitment has been made and that I could hardly refuse to exercise the authority granted me by the general assembly and approved by the Corps of Engineers.

Sincerely,

MILLS E. GODWIN, Jr.

ALEXANDRIA, VA., August 28, 1968.

Subject: Hunting Creek landfill proceedings.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee, Rayburn House Office Building, Washington, D.C.

DEAR MR. JONES: As a citizen interested in conservation of natural resources and the preservation of the Potomac River shoreline, I have long opposed, with hundreds of other citizens, the Hunting Creek landfill project. Our own Congressman Scott, of Virginia, has also expressed great concern which I believe must be made of record. I am enclosing a copy of a letter from Congressman Scott dated August 23, 1968, and a copy of a letter from Under Secretary of Interior Black to Congressman Scott dated July 30, 1968, and request that both letters be made a part of your subcommittee's record of the Hunting Creek landfill project.

Sincerely yours,

HAROLD W. ADAMS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 23, 1968.

MR. HAROLD W. ADAMS,
Attorney and Counselor at Law,
Alexandria, Va.

DEAR HAROLD: Enclosed is a letter which I received from the Department of Interior giving their views on the landfill project at Hunting Creek. There is little encouragement in the reply that would indicate this project can be stopped, but you may be assured that I share your concern and avail myself of any opportunity to prohibit it.

If I can be of further service at any time, please do not hesitate to let me know.

Sincerely,

WILLIAM L. SCOTT,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 30, 1968.

HON. WILLIAM L. SCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. SCOTT: Thank you for your July 19 and 22 letters regarding the Hunting Creek matter. We welcome the opportunity to correct the erroneous information which caused Captain C. A. Frye, U.S. Naval Reserve (retired) and Miss Doris Chase to write to you.

Contrary to news accounts, this Department has never given its "endorsement" to the fill project involving Hunting Creek. Rather, our clear preference that the project not proceed has been made amply clear to the Corps of Engineers. At the same time, however, we were compelled to advise that there was no persuasive evidence that wildlife conservation, water quality, or recreation resource values would be impaired to a degree that would require disapproval on those grounds.

We do not believe that this is a precedent for filling in the Potomac shoreline since the undeveloped portions of that shoreline are adequately protected through Federal ownership. Any precedent in this regard was established long ago, and much of the land area in the Hunting Creek vicinity was created by fill. It is our feeling that we should concentrate our efforts on preserving the undeveloped shoreline areas, as contrasted to those where intensive development has already occurred.

As a further indication of this Department's efforts to minimize the impact of this project on the Potomac environment, we believe that the reduction in area from over 36 acres to less than 9 is directly attributable to our assertion of riparian property rights attaching to the Jones Point Park site. In short, where there was any valid and sustainable basis for objecting to the project on grounds within this Department's area of competence, those objections were made.

The material you forwarded is returned as requested.

Sincerely yours,

DAVID S. BLACK,
Under Secretary of the Interior.

VIRGINIA DIVISION,
IZAAK WALTON LEAGUE OF AMERICA, INC.,
July 3, 1968.

HON. ROBERT E. JONES,
*Member, Committee on Government Operations,
U.S. House of Representatives,
Washington, D.C.*

DEAR MR. JONES: Enclosed herewith is my statement made at the Corps of Engineers hearing on February 21, 1968, re Howard P. Hoffman Associates bulk-heading application at Hunting Creek estuary.

As true conservationists no doubt you are concerned as to the stand we have taken. I would like to explain some of our reasoning. First this is an unusual situation that one has to see and observe over a period of time. Secondly, if something isn't done in the very near future the entire estuary to the south will be completely silted in (this being the area used as a wintering ground for waterfowl). Thirdly, we are of the opinion that if the creek bed is dredged from the Mount Vernon Memorial Highway Bridge to the channel in the Potomac River it would tend to carry the silt and effluent from the Alexandria disposal plant out into the main body of the river and we are hopeful that it would make the area south of the creek more habitable to wildlife. Yes, it might even create an opening so that fish could once again travel to the upper reaches of the stream.

It has been mentioned that the area has already been ruined. That much of it has is very true indeed. The area in question that the applicant wishes to fill in is much worse than the southern portion. Since all this land is privately or Government owned and has no possibility of ever being reclaimed we felt that giving up approximately 9 acres of land to save several hundred acres to the south would be a move in the right direction.

In the early thirties this was a good hunting and fishing area. Of this I can speak first hand. But I had to give up some 12 years ago, primarily because of pollution, and more recently because siltation has filled the area that only on a high tide can you get around in a row boat.

I have hunted and fished from the east coast to the west coast and as far north as Alaska. In March of 1930, I was employed by the contractor building the Mount Vernon Memorial Highway and was in charge of building the causeway across Hunting Creek and have lived with the problem that was started then.

For conservation's sake,

CLAUDE B. HARRIS,
Chairman, Legislative Committee.

[Subcommittee note—The enclosure referred to in the first paragraph of the foregoing letter is in the record of the corps' hearing of Feb. 21, 1968.]

PART III.—TRANSCRIPT OF PUBLIC HEARING ON APPLICATION BY HOWARD P. HOFFMAN ASSOCIATES, INC., FOR A DEPARTMENT OF THE ARMY PERMIT TO CONSTRUCT A BULKHEAD AND TO FILL IN HUNTING CREEK, ALEXANDRIA, VA., HELD BY DIVISION ENGINEER, BALTIMORE DISTRICT, CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

COUNCIL CHAMBER,
ALEXANDRIA CITY HALL, ALEXANDRIA, VA.,
Wednesday, February 21, 1968.

The public hearing in the above-entitled matter was convened at 4 p.m., Col. Frank W. Rhea, division engineer, Baltimore District, Corps of Engineers, Department of the Army, presiding.

Also present: J. L. Reynolds, Chief of Operations Division, and E. Leineweber, assistant, Operations Division.

INDEX

Introductory comments by Col. Frank Rhea.

Statements of—

Stanley Irwin Bregman, representing Hoffman Associates.

Bernard Fagelson on behalf of the applicant.

Edward S. Holland on behalf of the applicant.

Hon. Henry S. Reuss, a Representative in Congress from the State of Wisconsin.

Dayton L. Cook, representing Albert M. Hair, Jr., city manager.

C. B. Harris, legislative chairman, Virginia division, Izaak Walton League.

J. W. Penfold, conservation director, Izaak Walton League of America.

Jackson Miles Abbott, Audubon Society of the District of Columbia, Virginia Society of Ornithology.

Joan W. Brackett, Alexandria branch, Washington Urban League.

Mrs. Julian Smith, Mount Vernon Chapter, DAR.

Arthur T. Wright, conservation consultant, the Wilderness Society.

A. Z. Shows, Valley View Citizens Association.

Jean Packard, Washington Group, Atlantic Chapter of the Sierra Club and Northern Virginia Conservation Council.

Burton B. Moyer, Jr., Alexandria Council on Human Relations.

Maj. Gen. Roger B. Colton.

Mrs. John W. Connelly, Jr.

Robert N. Bodine, Jr.

John Schwartz, Columbus, Ohio.

Louis Robert.

List of those present.

Exhibits submitted by Hon. Henry S. Reuss

Colonel RHEA. Ladies and gentlemen, I am Col. Frank Rhea, the district engineer of the Corps of Engineers, Baltimore.

I have with me on this side Mr. Reynolds, the Chief of our Operations Division and over here, Mr. Leineweber, and Mr. Reynolds' assistant.

For the purpose of this hearing, we also have Mr. Halasz making a recording of the proceedings.

The purpose of this hearing, as I think most of you know, is to consider the application by the Howard P. Hoffman Associates for a Department of the Army permit to bulkhead and fill in Hunting Creek, Alexandria, Va. The area is indicated in red on this chart on the stand.

I will read some pertinent parts of the public notice which I am sure most of you have read.

The public notice states that we would have the hearing on this matter at this time in the city council chambers, City Hall, Alexandria.

The plans submitted by the applicant indicate that the proposed bulkhead and filled area will extend from the existing bulkhead toward the Potomac River a

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

have to be turned on at the time you come up to speak. If we leave them on all the time, we get feedback through the public address system.

Further, I would like to say that the purpose of this hearing is not to arrive at and announce any decision today. We will hear the evidence presented today.

After this public hearing, we will investigate and examine this evidence and study it, and since this is obviously a rather controversial matter, this will be presented by me through my command channels to the Office of the Chief of Engineers for decision.

So there will possibly be quite some time before there is a decision made on the matter.

As a way of proceeding, I think perhaps to get us all off on the sound understanding of what is involved, I propose to call on representatives of the applicant to present their statement in support of their application.

I call on Mr. Bregman representing Hoffman Associates.

STATEMENT OF STANLEY IRWIN BREGMAN, REPRESENTING HOFFMAN ASSOCIATES

Mr. BREGMAN. Thank you, sir.

My name is Stanley Irwin Bregman. I am a law partner of the law firm of McCormack & Bregman, 1225 19th Street NW., Washington, D.C. I am a member of the bar of the District of Columbia and the Commonwealth of Virginia. I represent the applicant in this matter.

The witnesses that we will present will cover the following issues:

Mr. Bernard Fagelson, attorney of the city of Alexandria, will present testimony on the status of the title of the property, the present status; also of the zoning of the property.

Mr. Ed Holland, the engineer on this project, will give testimony. I should say prior to his testimony, he will also elaborate on his experience as an engineer in general and in this specific area.

Also, he will give his experience on his work in the general area of conservation. In his testimony, he will give a history of what is happening to Hunting Creek, to the Hunting Creek Basin over the last few years. His testimony will show that bulkheading and filling this property will not affect navigation. His testimony will show that by approving this application, you will be able to reduce pollution in the area and remove stagnation and siltation out to the main channel.

His testimony will also show, and some of it through visual evidence, that this application, when approved, will not significantly affect the wildlife in the area. And may I say that this particular issue has also been confirmed by the Department of the Interior, I believe, when they said they no longer had their riparian rights affected—stated that it would not significantly affect recreation and wildlife values in the area.

And may I say that the Interior Department under this administration has been one of the greatest champions of conservation in the history of the United States.

There is one other issue that I would like to address myself to before I sit down and present the witnesses.

Some people have chosen to interject into this hearing through newspaper statements, TV statements, and letters to Government officials the fact that other parties that are not the applicant in this hearing practice discrimination in their apartment projects.

So that there will not be a lot of meaningless talk later, and I know two Congressmen indicated they didn't want these hearings to be a waste of the taxpayers' money, and we completely agree with this—we don't want to have the record bogged up with a lot of irrelevant material—the record should now show that there is no association between the applicant and the contract owners of the land before us today, and Hunting Towers Operating Co. There is none, whatsoever.

The policy of the contract owners of this property in any of their projects—they have never once practiced discrimination, and as far as this project is concerned, let me state this, that any application that is received by them for any unit in this project will be examined on this basis: One, the applicant must have good moral character; and two, they must be able to meet the financial obligation created by the rent structure.

I can say emphatically and unequivocally that no applicant will either be accepted or rejected because of race, color, or creed. There will be no discrimination policy.

Now, I would like to ask for Mr. Fagelson to testify at this time, unless you have a question that you want to ask me.

Colonel RHEA. Go ahead.

STATEMENT OF BERNARD FAGELSON ON BEHALF OF THE APPLICANT

Mr. FAGELSON. Colonel Rhea, ladies and gentlemen, my name is Bernard Fagelson. I am an attorney in Alexandria and I have, over the past several years, done title work in connection with this particular piece of property.

I have been asked to discuss with you and to give my opinion as to the status of title in order to indicate the continuity of the riparian rights and the access of the land now requested before you.

In order to do this, I think I will have to go back to the original conveyance made by Gardner L. Boothe, special commissioner and trustee, on September 8, 1926, recorded in Deed Book 88, page 300, in which he conveyed 26.46 acres of land with frontage on Hunting Creek to the Sun Lumber Co. of Weston, W. Va.

At successive times and periods, the land lying to the east of a right of way which was conveyed by the Sun Lumber Co. to the city council of the City of Alexandria, on the 28th day of the year—October of the year 1930, recorded in Deed Book 105 at page 80 of the Alexandria Land Records, was subsequently conveyed.

Now, it would look to me that the first important thing that you would consider would be this conveyance of the right of way to the city of Alexandria by the Sun Lumber Co.

At succeeding times, the Sun Lumber Co. conveyed to the Hunting Terrace Corp. by deed dated February 12, 1940, and recorded in Deed Book 160 at page 592, the land in question as a part and parcel of other lands.

Then, the Sun Lumber Co. also conveyed to Hunting Towers Corp. on the 26th day of 1944, as recorded in Deed Book 212 at page 366, other lands from which this title stems.

The Hunting Towers Corp. conveyed to Vaughn B. Connelly by deed dated May 28, 1949, recorded in Deed Book 282, page 526 of the Alexandria, Va., Land Records, the land of which this is a part, and in turn, Vaughn B. Connelly conveyed back to Hunting Towers Corp. by deed dated January 31, 1958, recorded in Deed Book 465, page 183 the same land.

Subsequently, on January 31, 1958, Hunting Towers Corp. also conveyed another parcel of land to Vaughn B. Connelly, the deed recorded in Deed Book 481 at page 155.

Subsequently, Vaughn B. Connelly conveyed a portion of the land to the Towers Operating Co. by deed dated December 27, 1958, recorded in Deed Book 482 at page 369.

Subsequently, Mr. Vaughn B. Connelly conveyed to Francis J. Murtha, trustee, by deed dated February 26, 1963, and recorded in Deed Book 577, page 296, the parcel of land to which this particular request is attached.

Your records will show, as our records show, that Mr. Connelly applied to the Corps of Engineers for permission to bulkhead an area of approximately 10 acres of land lying generally between two high and low water lines, together with permission to dredge a channel from a turning basin to the channel of the Potomac River.

Permit was issued by the Corps of Engineers on December 31, 1953.

So this was the first act of involving riparian line by Connelly, by erection of bulkhead pursuant to this permit for bulkheading and the filling of the fast land adjacent.

This fast land was used by Mr. Connelly as a site of a swimming pool and other improvements and encompassed 4.84 and a fraction acres.

Subsequently, I requested and secured title insurance for several loans on this particular parcel of land which had accreted and which resulted as a result of the riparian rights and the accretion to this particular piece of land.

Now, in 1963, it became obvious that we were having accreted as a result of certain natural and other forces which I will not attempt to discuss, and the question came up as to whether there was good title to this land. There was no question in the minds of myself as a title attorney or the title insurance companies with which we discussed this, that any land that had accreted and became fast land was insurable land and title to which was good and the owner of the then parcel of 4.84 and a fraction acres.

A bill was introduced and adopted, the bill was known as Chapter 546 of the Acts of the Legislature and was approved March 31, 1964, by Governor Harrison.

The area in question, outlined in the bill, was subject to rapid accretion due to the activities which I will not discuss in detail, but with which I am sure you are familiar, and has occurred as anticipated by that time, the quantity of fast

land within this area, would have reached major proportions by 1970. It was for the purpose of accelerating the title to this riparian accretion that the Commonwealth of Virginia proceeded with the enactment of this legislation at the time when the Commonwealth may have had or properly did have color of title.

Fortunately, the Commonwealth could justly receive compensation.

Also, for the general convenience of the owner, that this was proceeded with, the legislature, at the request of the owner, and with the consent of the Governor, carried this forward.

Now, as to the present zoning of this land, the fast land is now generally zoned CC-Residential, which is the density that permits 54.8, approximately, units to the acre, not to exceed a building height of 150 feet in this location.

There is a small area at the southwest corner of this property now zoned C-2 commercial. C-2 commercial is a type of zoning which the city is no longer approving because C-2 commercial also permits multifamily residential developments and some type of commercial development along with it.

At this particular moment, we are in the process of hearings before the planning commission and the city council of Alexandria, definitely establishing the limits of the C-2 area.

It is assumed that within the next 30 to 60 days, we will have a delineation of this particular area, but for the sake of the record, it is my opinion that it is 2 acres.

I have made, as briefly as I could, a description of the status of the title and chronological history of the title.

If you have any questions, of course, I will be happy to answer them. I think I can summarize my statement briefly by saying, in the opinion of myself as a title attorney and the two different title insurance companies which have insured loans on this land, title is good. It has riparian rights and the land once accreted, once it is fast land, becomes insurable by title companies.

A portion of this land now encompassed by this application is now, in my opinion, close to fast land and insurable. How much that is, of course, I am not in a position to say, not being an engineer.

STATEMENT OF EDWARD S. HOLLAND ON BEHALF OF THE APPLICANT

Mr. HOLLAND: Colonel Rhea, gentlemen, my name is Edward S. Holland. I am a professional engineer. I operate a business known as Holland Engineering at 110 North Royal Street. I have maintained a business in civil engineering and surveying in this city since 1939.

I would bore you with reading my experience record because I am going to presume to make statements of a technical and professional nature.

I would like to be certain that you are aware of my past experience and possible qualifications.

I was educated in the public school system in Washington, D.C., graduating from Western High School in 1928.

I graduated from the University of Maryland, receiving a bachelor of science degree in civil engineering in 1933. I was in responsible charge of engineering operations pertaining to bulkheading, dredging and shore erosion control in 1931 on the shores of the Chesapeake Bay and its tributaries.

I continued with engineering and surveying work from graduation until 1936. During this period, I was engaged in projects relating to hydrology in connection with hydroelectric plans in West Virginia, and waterfront development projects in the Potomac River and Chesapeake Bay areas.

I was employed for 3 years with the Federal Government as an engineer to do mapping and surveying which related to soil conservation and erosion control in both the Resettlement Administration and Agricultural Adjustment Administration.

In 1939, I opened my professional offices in Alexandria and have had branch offices from time to time in Hampton, Va., Leonardtown, Md., Washington, D.C. and Fairfax City.

I have generally been engaged in municipal engineering and surveying, including design, specifications, supervision of streets, sewers, utility lines, sewerage pumping stations and sewerage treatment works, highway design, special drainage structures, structural foundation and piling, route surveys, property location and right-of-way selection for cross-country trunklines and new road locations.

I have also done residential development plans for large-scale residential, commercial and industrial projects. This work includes all phases of surveying and mapping projects and community planning, design of streets and utilities, retaining walls, drainage facilities, special foundation designs, preparation of plans and specifications, supervising and layout of construction. I was also engaged in engineering design work for large-scale Federal housing projects in Hampton Roads area in which drainage and erosion control were major factors. I also worked on housing facilities at Fort Bragg, N.C., where erosion control and preservation of natural areas in open space were major considerations.

I was employed by the Alexandria Water Co. in connection with its reservoirs at Occoquan and Bull Run in which surveying, mapping and extensive hydraulics were major considerations.

I am now on retainer for the County of Fairfax to prepare a study of the Cameron Valley Basin which terminates in Hunting Creek.

I have pointed out only a few of the projects with which I have been connected which deal with waterfront property, waterways and hydraulics.

I feel, gentlemen, that it is necessary to give you that information in order that you understand that while everybody here present may not agree, I have had extensive experience and knowledge pertaining to the matter before us.

I would like at this time to submit certain exhibits which I would like to read, with the Corps of Engineers. I have a list here which I will read briefly of a personnel data sheet, copy of my oral presentation, copy of regional data, prepared in 1964 and submitted to the Corps at that time, which material in its original form has been distributed in the 4 years since to certain Members of Congress, the Secretary of the Interior, the Governor of the State of Virginia, and various interested parties and organizations.

I have a small pamphlet which is included in these exhibits giving a historical description of the Hunting Creek Basin.

Letter, containing much of the information which Mr. Fagelson quoted, giving the exact detail of the continuity of the chain of title.

Exhibit No. 1 will be a map made from aerial photographs which you see on the board here. It is shaded in blue. It shows the Hunting Creek and Potomac River areas and is used for the purpose of locating this application.

The hydrographic survey made by me in 1963 and superimposed on certain facts found by the National Park Service in 1965.

Also, copy of the site plan ordinance of the city of Alexandria in which you see the amount of authority, jurisdiction, they have over any project of this kind which they control; its effect on local problems.

Also, we have an exhibit on the same basis, item 2, which shows projected channelization to take care of item 3 in the city manager's letter, and also certain other data.

Items Nos. 10 through 13 are views of this property taken on the ground, in the air, and from the roof of Hunting Towers over the period, 1964 through this past week which will illustrate various points that I would like to make.

My basic statement, then, would be as follows:

This application, now pending before the Corps of Engineers, Baltimore District, is to erect a bulkhead adjacent to the 4.8159-acre tract of which Howard Hoffman Associates are contract owners.

This bulkhead will enclose an area of approximately 10.2 acres now occupied by the abandoned wharves and the surrounding area which constituted a marina constructed and developed in 1951 by Mr. Vaughn Connelly, a former owner of the 4.8159-acre tract. The area to be enclosed by the bulkhead and to be filled for the development of a residential facility has been abandoned as a marina due to excessive siltation. This situation has now progressed to the point that some portions of the area are already exposed at low tide.

I would like to go back at this time and describe briefly some of the history of the Hunting Creek Basin of which this proposed installation covers a very minor area—that is, 10.2 acres out of the original 700-acre Hunting Creek estuary.

I have direct personal knowledge of Hunting Creek over a period of 55 years. I have been a frequent visitor to Alexandria, including frequent trips to the area in question here. Subsequently, I came here as a professional engineer and surveyor, in 1936, and became a resident in 1939, and opening my offices here in 1939.

My earliest recollection of this once-beautiful waterway was a view from the electric cars which crossed the creek on a trestle near the present site of the Mount Vernon Memorial Highway over wooden tracks which opened for the purpose of allowing boats to reach the upper portion of the creek.

On numerous automobile trips over the causeway, carrying the road to Camp Humphreys—which is now known as No. 1 Highway, I saw the area typified by the exhibit dated 1917 as shown on the slide now before you. This area was covered by a beautiful body of generally clear water with wooded shorelines, dotted with boats of various kinds used for both commercial and recreational purposes.

Although the installation of the causeway to Fort Humphreys had somewhat reduced the use of the areas of navigation and recreation, no great amount of deterioration was evident in the trash or marshy areas created by this situation.

The second slide illustrates the condition prevailing generally between 1930 and 1940 indicating the beginning of noticeable deterioration of this waterway.

Due to the silt accumulation and further obstruction of the free flow of tide and storm waters in the period from 1930 to 1934, the Mount Vernon Memorial Highway was constructed with its causeway and bridge extending across the Hunting Creek estuary closer to its mouth. The 11-foot clearance at low tide under this bridge restricted the type of craft which could use the area between this highway and the No. 1 Highway, an area which was formerly available for the navigation of sailing craft.

In 1940, the presence of the rather narrow bridge at No. 1 Highway and the bridge under the Memorial Highway where there was one 44-foot-wide arch and two 38-foot-wide arches, caused impoundment of water above each of these two facilities into two sub-basins following high intensity storms, causing rapid sedimentation in each area due to the reduced velocity of the water passing through these ponds. These silted areas along the shorelines and in several places within the upper basin developed rapidly in the marshlands as shown by the shaded area.

In the next slide, we see on the north side of the inner basin—and I will refer to the area as east of No. 1 Highway, toward the left of the picture as you view it, as the upper basin—between the two highways is the inner basin—and there to the Potomac River as the outer basin. We see on the north side of the inner basin an area designated, "city dump" crosshatched at the top of the picture. This fill encroached upon the waters of Hunting Creek over an area ultimately of about 30 acres before this dump was closed in 1953.

The wide range of material deposited in this dump included organic and chemical generating wastes which found their way into the water and seriously deteriorated its quality. This added to the ever-increasing soil pollution caused by rapid development. This was added to by the ever-increasing pollution caused by the rapid development in the headwaters, accelerating and reducing the area of the waterway.

The increase of marshlands and the reduction of the quality of water in this area, dead aquatic life in both the upper and lower portions of these two basins increased noticeably. Private landfills were permitted along Telegraph Road in Fairfax County and further restricted the remaining channels which began to replace the open waters of the upper basin.

During the same period, and for several years following, a large gravel washing plant located west of Telegraph Road returned its wash water and silt into this basin. The rate of siltation in both the areas west of No. 1 Highway toward the Mount Vernon Memorial Highway underwent greatly accelerated deterioration due to the silt deposit, marsh-like growth, and trash.

In 1948, the Alexandria Sanitation Authority constructed a sewage treatment plant on what had been the city dump. The effluent from this treatment plant was returned to Hunting Creek flowing in part through the debris of the former dump. Additional dumping was permitted by Fairfax County along the southerly shores of the upper basin. The siltation of this upper basin between Telegraph Road and U.S. No. 1 became so intense, in fact, that during and after storms, the creek overflowed these channels, creating mud flats in that area which accumulated to a height from 2 to 5 feet above high tides.

There remained then two tortuous channels shifting about and the remainder of this portion of the basin. The rest of the area became a marshland covered by scattered debris and rank growth.

Stop there. When I mention debris, I mean the trash from dumps that were allowed to exist along that area, and the place was most unsightly.

East of No. 1 Highway, silting from these sources, and a creek running out of Fairfax County along No. 1 Highway began to build up along the south shore and extending partly along the land now occupied by the Belle Haven Country Club, to the extent that about 20 acres filled up above high tide and the remainder of that part of the basin had only a depth of 2 feet of water in the southerly portion between the highways.

In 1947, this filling in this area went further and a noticeable amount of encroachment on the original basin occurred on the north shore of the inner basin at the same time. We will see those dark shaded areas.

In about 1956, the city of Alexandria and others began dumping trash, fly ash and the metallic residue of both Arlington County and Alexandria City incinerators into the previously described marshlands along the north side of the creek basin between the sewage treatment plant and Telegraph Road.

Certain sanitary sewers running through this area have overflows which permit them to dump raw sewage into the area during storm periods, including Hooft Run. When the storm water was caused to flow in, those sewers exceeded their normal capacity. These lines in some cases are still active.

As may be readily seen on the next slide, by 1960, half of the original area was completely spoiled for wildlife, recreation, and esthetic beauties. It has become an ugly, odorous cesspool. It is a cesspool by virtue of all the organic wastes that get into there from trash, from dead animals and other sources. This is removed only at the time of storms of high intensity.

The installation of the various bridges and causeways restricted tidal flow to limited areas not already silted up by other public and private dumping activities in the area.

The last slide shows schematically the conditions which prevail in the area at this time.

The construction of Route 495 occasioned a need for further filling and also for dredging operations in the area. In the course of this work, great volumes of soil, materials, and silt were released and caused the massive overflowing you now see in the outer channel.

Actually, the highway itself and the fills appurtenant to it cover an extremely large area out of the original 700 acres.

The marina which I referred to earlier, which had existed on Mr. Connelly's property at that time, and which was in full operation before the construction of that highway started, was silted out of existence. There were large motor boats and a few small yachts that docked there. The silt flowed through the bridge, under the Memorial Highway, and silted out over the outer basin, moving toward the river channel. The marina area and its channel were engulfed.

Some of the boats got out of the marina before the flow of silt blocked the marina.

This portion of the estuary was covered for an area of almost 250 acres and was reduced to less than one-half its original size. This is the outer basin, between the headlands which marked the main channel of the Potomac River and the Memorial Highway.

Mud flats are exposed at low tide and when the wind is in the right direction, the mud flats are exposed even at high tide.

The two upper basins had for years received the silt from Cameron Run due to the development along the tributaries, and are by now almost completely filled and can no longer serve as a place for the deposit of these silts, so as to protect the outer area. In their present condition, they certainly are not available for recreational uses.

Added to the normal amount of silt that comes down this stream due to general land uses, we have at this time two major highways—495 Beltway and Shirley Highway. The Shirley Highway is now undergoing massive reconstruction, releasing during that construction massive amounts of silt, sand, and gravel. And in this area, in the outer basin, is being overwhelmed with this silt. There remains only about 100 acres that is reasonably usable by wildlife, for recreation, or as boating areas. The rest of it is so badly inhibited with silt, debris, and other materials that it can only be approached at certain times when we have high tides or winds blowing up the river to bring some water for an hour or two.

The sanitary sewage which comes down Royal Street, combined sewer—that may be noted on the map as being in the place, in the outer basin which extends nearest the Capital Beltway—together with a certain amount of debris from that source, has so deteriorated the portion of the estuary between the highway bridge and the land known as Jones Point so as to create a most undesirable esthetic problem. The filthy waters coming down under the Memorial Highway join these waters from the Royal Street sewer and complete a most unpleasant and odorous situation, particularly obnoxious during low tide, as the mud flats catch this material and allow it to dry and concentrate when exposed to the surface.

The hydrographic survey of the affected area made by me in February of 1964, and the survey shown and revised in June of 1964 show material increase in the amount of deposit in this area. This is shown on our map, exhibit No. 2, which is on the easel, an old elevation, hydrographic elevations, taken in the original map, and the new ones in red are shown on there.

You will notice accumulations in that short period of time of almost 1 foot of additional silt in the area near the area of application.

In 1965, the National Park Service made a hydrographic survey of this same area based on the same data used by me and the soundings are shown in red.

In their drawings, we find that the shoreline had moved quite a number of feet toward the Potomac River and that more than a foot of fill was occurring in many places and this in a matter of 18 months.

It is evidence that unless some activity occurs in this area, that the northern area of the present basin will soon be entirely taken up with mud flats and marsh and even a more serious matter to be considered here today is the fact that the southern end where there still remains some open water, usable for wildlife and for recreation purposes, that this silt is continuing to flow there also at a rapid rate and the depletion of this area is going forward at an alarming rate.

The proposed bulkhead which the applicant wishes to install will give a hard, smooth surface, along which the water passing under the Memorial Highway Bridge through its archways can thrust and assist in the maintenance of a channel.

The owners propose, upon receipt of approval of this permit, to do two things which will be beneficial to the area, indicated on exhibit 3.

I would like to say that we have not proposed to apply for any channelization until it was known what bulkheading would be acceptable to and approved by the Corps of Engineers.

I have informed the office of Colonel Rhea that at an appropriate time, we would approach them and discuss such a channel.

These two items that I have mentioned, one, the cutting of a channel, direct channel from the end of the Royal Street sewer into the new channel, main channel, to remove the sewage from this area, to an adequate disposal point in our new main channel—they further plan to apply to the Corps of Engineers when the exact extent of their operations is known, for permission to dredge a new marina at the east end of the bulkhead, and to provide a channel along the southerly side of this bulkhead through the marina area and to the main channel of the Potomac River so as to serve the recreational facilities of this project. But most important, to provide for the storm water overflow of Cameron Run to the Potomac River at some velocities as will carry a major portion of the silt to a point of disposal where it will not impair the southern portion of the estuary.

I cannot emphasize that too much, Colonel. This area is being depleted rapidly. By dredging of a channel which will contain these waters and carry this silt out to a place where it can be properly disposed of may save the southern area next to the Government recreational area for some time to come.

In order to preserve the quality of these facilities, we propose to develop on the entire holdings the proper recreational facilities which will continue to keep the channel open in the form of a boat channel and boat harbor.

They want to do all they may and reasonably be able to do to preserve the appearance and usability for wildlife and recreation, all the area between this project and the land of the National Park Service lying along the south shore of this bay.

We have not applied for the exact location and the exact extent of this channel as we would be required to negotiate with the city of Alexandria, the county of Fairfax, and to secure proper approval by the Corps of Engineers to arrive at a solution compatible with these parties and their several interests.

At this time, the city of Alexandria and the county of Fairfax are especially concerned with the current flooding situation. The blockage of the old channels by which floodwaters from Cameron Run go into the Potomac River may produce flooding problems in both jurisdictions and as far west as Telegraph Road.

The authorities of the city of Alexandria are specific as far as their jurisdiction in this matter is concerned.

The owners will be required to provide a facility subject to the approval of the Corps of Engineers which will alleviate some of this problem and accomplish the objectives which I have previously mentioned.

Now, Colonel, something that I have seldom encountered in asking the corps to review permits which I have submitted is the matter of wildlife in this kind of an estuary.

A question has been raised by certain organizations as to the value of this area as a game refuge, particularly as to waterfowl.

I can clearly remember over a long span of years that portions of this estuary were occupied by various migratory waterfowl in season and in large number. But that time has long since passed, gentlemen.

For the past several years, the incidence of any number of this type of bird resting or feeding in this area has become more and more rare.

The fact that the silt forming the muddy bottom of this area is so unsuitable, so unstable, that no vegetation has yet appeared on any area away from the shore in this outer basin. It may in part explain its unattractiveness to waterfowl.

Under average weather conditions, much of the area is above water several hours out of each 24-hour period. Normally, such exposure would tend to encourage marsh growth. The upper basins have always shown substantial growth of vegetation when accretion reached the point where the land was exposed consistently during low tide.

I can only surmise that the poor quality of the water, rapid accretion of new silt, is deterring the growth in this outer basin. It would seem most unlikely that any natural foods, either for aquatic life or waterfowl could accumulate in this area under these circumstances.

Three or four feeder stations on poles were erected in this area in 1964 or early 1965, in the water, in the vicinity of the proposed bulkhead which is the subject of this application.

Although I visited the area several times, I never saw any birds on these feeders with the exception of one or two seagulls. Even they generally preferred to use the abandoned piers to roost on. I found them there in some number.

In the winter of 1966-67, beginning December 5, my son, a member of our staff, visited the site each morning at sunup and each evening at sundown while there was still light in each case to take photographs.

In the period through December 19, he took photographs from various positions each day looking across Hunting Creek in the area in question here today.

I will show you slides of a few of the typical pictures submitted to you from the complete set which I have already turned in. You will note that when any birds are visible in the northerly portion of the estuary, they appear in small groups of from six to 12 birds, some days. This is the maximum he or I ever viewed in this area during this period.

The last two slides in this group are taken from the picnic area. This picture is taken from the north shore looking across the dock area and toward the parking and picnic area owned by the Park Service on the south.

This picture is taken from the south, I believe looking along the Memorial Highway.

Now in this picture, if you look closely, there are quite a few birds. This is taken from the picnic area which I previously mentioned to you borders on some of the waters of Hunting Creek that has not been completely erased by siltation, and it is down at this end next to the park, next to the public area, available to people who might want to go there and view these birds. We do find down at that end from time to time a few birds, no great flocks except on rare occasions which I will mention.

You can see, as you look from the south, in greatly foreshortened picture, that structure in the rear is the memorial, has the 495 bridge over Jones Point, and that is Jones Point Light. You are approximately three-quarters of a mile from Jones Point and the only visible birds are in the near foreground within 200 yards of the picture.

No birds appear in any of these pictures with the exception of the ones I have previously mentioned in the north area.

I have had other reports that occasionally small flocks of birds are seen in the southern area.

On at least one occasion, however, some thoughtful person did provide the birds in the southern area with a hearty feed by spreading grain on the water in this area which did attract a number of birds for a day or two until the food was gone.

Even special feeding could not last very long and had very little effect on this area generally since the silt was moving so rapidly that it covers up the food before the birds can get very much of it even when it is planted there. Such

efforts might have been better directed to more stable areas of the Potomac immediately nearby, and in the marshes to the south, known as the Dyke; the birds would probably have received much greater benefit.

Having been an inactive hunter for a number of years, I can assure you that the northern area is not a natural habitat for wildlife because of the numerous drawbacks this area has in the way of foul water and rapidly shifting silt, and ever-increasing mud flats, and proximity to dense housing, namely the Hunting Towers Apartments.

I have slides that are photographs incorporated in the earlier report submitted by me to you on this subject which show the progress of siltation in the summer of 1964. The last two slides I will show you were taken in 1968.

Colonel RHEA. Mr. Holland, I would like to interrupt you a minute. You and your other members are taking quite a bit of time. I ask you to try to summarize your points. I think you have made most of them already. We do have a lot of other people that want to make presentations.

Mr. HOLLAND. Colonel, I apologize. I am on my last page now. I would like to show these two or three photographs and that's all.

This photograph is taken from an aircraft. It shows the beginning, in the upper right part of these mudflats. That was taken in 1964 and at a time when the tide was high.

This next photograph was taken from the ground in the same period when the tide was low. You will note there are two channels, one pointing toward the south into this better area and the main channel going off to the left out to the river which carried the main bulk of the water itself. Again, you see the harbor; also, the dock.

This is taken from the top of the apartments looking out there and you can see the main channel going into the river.

This picture was taken this last month. The channels have disappeared. The mud is all flowing to the south when the tide is not fully high.

This is the destruction in the southern area where the game refuge is that we suggest will be protected to a degree by this operation. The last picture shows you some of the quality of the material on the bottom, debris of all kinds, metal, tree limbs, stumps, paper, tin, just very, very trashy material. In the series of several photographs which you have been furnished, you will see that this does not change from day to day. This is the same trash.

That's all the pictures I have, sir. I would just like to make a brief summary.

Out of the original estuary known as Greater Hunting Creek in former times, 30 acres remained in the inner basin. Of the outer basin, consisting of 450 acres, only 150 acres remain unimpaired out to the headlands, which is the Maryland-Virginia State boundary.

Most of this degradation was caused by other construction than private. We have roads; we have all sorts of highways and things which have been built in there and have caused this trouble.

We are discussing with you today, gentlemen, the use of an area which is completely destroyed for any recreation or wildlife purposes.

We wish to put it to a productive use. We wish to move the water through this area that is now in mudflats and a cesspool in a manner to protect some of the surrounding area and to remove the unpleasing aspects, both esthetic and odorous, that exist in this site.

Thank you, Colonel; I am sorry to take so long.

Colonel RHEA. Thank you.

Next I will call on Congressman Reuss, the Congressman from Wisconsin.

STATEMENT OF HON. HENRY S. REUSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Representative REUSS. My name is Henry S. Reuss. I am a U.S. Congressman from the State of Wisconsin through whose flyways come so many of the diving ducks which for centuries have lived happily in the area of Hunting Creek which is sought by the applicant to fill.

I appear here on behalf of myself and the Honorable John Moss, Congressman from California.

We have a prepared statement and with the Chair's permission, I would like to submit that for the record and then to proceed, briefly, to summarize my point.

Colonel RHEA. Yes, sir.

(The joint statement of Hon. John Moss and Hon. Henry S. Reuss follows, as though read:)

Gentlemen, I appreciate the opportunity to appear today on behalf of Congressman John Moss and myself in opposition to the granting of a permit to fill 9.5 acres of the Hunting Creek Estuary.

Applications to fill in substantial portions of the north side of the estuary have been pending since October 9, 1963. We protested these applications then and we protest them now. They represent an attempted landgrab at the public expense. If one follows the logic behind these applications, it would be appropriate to fill the entire Potomac to the borders of a narrow shipping channel, as long as the cost of doing so was less than that of buying land at going prices. Virginia has virtually given away its right to some 37 acres of the estuary bed. Despite this, I hope and trust that the Federal Government will protect the public interest in the maintenance of this important shallow tidal area.

This should be done for two reasons:

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

Two, Federal approval of a project to be carried out by applicants involved in the rental of housing on a racially discriminatory basis is contrary to law and public policy.

The fill would eliminate one of the few places left on the Potomac River with the ecological conditions needed for a resting place for diving ducks such as the canvasback, redhead, bluebill, ruddy duck, and bufflehead ducks. The importance of the Hunting Creek estuary to wildfowl results from its suitable water depths, ranging from a few inches to several feet, and from the presence on its bottom of the most attractive foods for diving ducks—mainly larvae of the midge insect and the so-called Japanese snail. These conditions are scarce. There is no comparable area to the north of Hunting Creek and only a few locations suitable for diving ducks to the south—notably at Belmont Bay and at Occoquan.

In 1964 and again on December 9, 1967, I inspected the area of Hunting Creek estuary which is sought to be filled. On the most recent visit, I saw several hundred diving ducks, a whistling swan, and other wildlife using the estuary.

This evidence of the conservation value of this area was available to anyone who cared to look. But we should also have a scientific judgment on this matter.

In 1963, Francis Uhler, a veteran biologist with the Ecology Division of the Patuxent Wildlife Research Center, Federal Bureau of Sport Fisheries and Wildlife, made a thorough study of the Hunting Creek area. I should like to read his conclusion regarding the Hunting Creek estuary:

"Because of the importance as a diving duck feeding ground of this shallow, open water section in the embayment at the mouth of Big Hunting Creek, every effort should be made to protect this feeding area against destruction by either filling or dredging. These shallow open waters, together with adjacent marshes, compose an unsurpassed opportunity for conservation, enjoyment, and study of aquatic life in the vicinity of our Nation's Capital."

Just recently, Mr. Uhler has again considered the estuary and reviewed his conclusions of 1963. His finding on January 31, 1968, was that, and I quote:

"The comments made at that time are even more significant today because of the continued destruction of the remaining tidal marshes in that locality.

"I have been watching waterfowl in that vicinity for more than 40 years, and it has been an outstanding area for observing the important part played by the combination of shallow open waters, fresh tidal marshes, and semi-aquatic woodlands in creating a haven for a great variety of aquatic wildlife. In spite of the severely polluted condition of the adjacent Potomac, and drastic changes in the waterfowl feeding grounds of the broad, shallow cove that forms the mouth of Big Hunting Creek, this area still is the most important feeding grounds for diving ducks along the fresh tidal waters of the Potomac. It also attracts a great variety of other waterfowl, and the adjacent Belle Haven picnic grounds have become a mecca for bird students and interested visitors. The convenient accessibility of this section of the Mount Vernon Parkway for persons to enjoy aquatic natural history is unequalled in the Washington region.

"With the continued destruction by sand and gravel dredging in the adjacent Dyke Marshes, and the recent elimination of the colorful natural aquatic gardens through trash dumping and filling the nearby Big Hunting Creek tidal marsh adjacent to the west side of Memorial Parkway, the preservation of the remnants of these unique wildlife habitats has become increasingly important.

"The proposed construction of a 19-acre real estate development in the shallow waters of the mouth of Big Hunting Creek is certain to be detrimental, not

only to waterfowl that now feed or rest in this shallow bay, but in the adjacent section where dredging will greatly alter existing depths. Unavoidable increases in turbidity, as well as disturbance by man, are likely to occur in neighboring waters.

"Most important foods for waterfowl are produced in shallow waters, or those that are clear enough to permit sunlight to penetrate to the bottom. Under the polluted conditions that now exist in the tidal Potomac for more than 30 miles downstream from our Nation's Capital, shallow depths, less than 5 feet, have become doubly important in the maintenance of waterfowl feeding grounds. Adequate light penetration facilitates feeding as well as being essential for plant growth. Submerged food plants have been destroyed in all but the shallowest zones. Fortunately, certain types of pollution-tolerant invertebrates such as midge larvae (Chironomidae), isopod crustaceans, and a few kinds of mollusks still furnish food for diving ducks. These foods, together with the protection supplied by the shallow, sheltered waters at the mouth of the cove, continue to attract many kinds of waterfowl. For example, last week, I had the pleasure of watching several hundred lesser scaups or "bluebills," and ruddy ducks, as well as smaller numbers of black ducks, mallards, common goldeneyes, buffleheads, oldsquaws, black-backed gulls, herring gulls, ring-billed gulls, and a whistling swan in this area although some sections were coated with ice."

Proponents of the fill have made much of the undeniable fact that the Potomac is polluted. Fortunately, as Mr. Uhler points out, the Hunting Creek estuary is still valuable for wildlife despite the pollution. But in any case, the presence of pollution is an argument for getting on with the job of cleaning up the Potomac, not a justification for additional steps to diminish the value of the river.

The Park Service has plans and initial funds of about \$100,000 for the development of a recreation area and park on Jones Point. Here we have a 50-acre tract located in the heart of the metropolitan area. It affords beautiful views up and down the Potomac. It is the location of a century-old lighthouse and of one of the original boundary markers of the District of Columbia. It has a great potential for boating, picnicking, and scenic walks. It could be a major recreational asset for the people of this region.

Preliminary plans for the park show a nature walk along the estuary. If the fill is permitted and the proposed high-rise apartment built, the principal outlook from the walk would be toward a line of apartment houses—in the area which was formerly part of the open waterways of the United States, inhabited by many varieties of interesting wildlife. In addition, an unattractive, stagnant backwater might well be created between the fill and Jones Point. These results of the fill are certainly contrary to the public interest.

Granting the fill permit would also squarely violate the Federal Government's laws and policies against discrimination in housing.

The civil rights statute of April 9, 1866, provides that:

"All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof, to inherit, purchase, lease, sell, hold, and convey real and personal property."

This law now appears as section 1978 of the revised statutes. In its *amicus curiae* brief to the Supreme Court in the case of *Jones v. Alfred H. Meyer Company*, the Justice Department in February 1968, argued that section 1978 is in full force and effect and "reaches both acts taken 'under color of law' and wholly private action."

The Justice Department goes on to support the proposition that:

"Section 1978 comes into play when official or unofficial action has the practical effect of so severely restricting Negroes or another racial class from renting or buying homes in an area that it may fairly be said that they no longer 'have the same right *** as is enjoyed by white citizens *** to *** purchase and lease *** real *** property.'"

In addition, the Defense Department, of which the Corps of Engineers is a part, has pursued the very commendable policy of attempting to secure the right for military men to obtain housing in northern Virginia without racial discrimination. The Department rightly feels that the availability of open housing is crucial for the economic and social well-being and the morale of the members of the Armed Forces. The civil rights and industrial relations section under Brig. Gen. William Eckman has attempted to open apartments to servicemen of all races through persuasion and finally by the sanction of declaring certain apartments off limits.

The pending application must be considered in the light of this law and policy. The application are involved with the owners and/or managers of the

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.

His conclusion 3 years ago, which I will read and make a matter of record, is as follows:

"Because of the importance as a diving duck feeding ground of this shallow, open water section in the embayment at the mouth of Big Hunting Creek, every effort should be made to protect this feeding area against destruction by either filling or dredging. These shallow, open waters, together with adjacent marshes, compose an unsurpassed opportunity for conservation, enjoyment, and study of aquatic life in the vicinity of our Nation's Capital."

Wishing to bring the observations of the Fish and Wildlife Service up to date, I have obtained a current finding from Mr. Uhler. His finding, dated January 31, 1963, 3 weeks ago, is again worth quoting. He says:

"The comments made in 1963 are even more significant today because of the continued destruction of the remaining tidal marshes in that locality.

"I have been watching waterfowl in that vicinity for more than 40 years, and it has been an outstanding area for observing the important part played by the combination of shallow, open waters, fresh tidal marshes, and semiaquatic woodlands in creating a haven for a great variety of aquatic wildlife. In spite of the severely polluted condition of the adjacent Potomac, and drastic changes in the water for feeding grounds of the broad, shallow cove that forms the mouth of Big Hunting Creek, this area still is the most important feeding grounds for diving ducks along the fresh tidal waters of the Potomac. It also attracts a great variety of other waterfowl and the adjacent Belle Haven picnic grounds have become a mecca for bird students and interested visitors. The convenient accessibility of this section of the Mount Vernon Parkway for persons to enjoy aquatic natural history is unequaled in the Washington region.

"With the continued destruction by sand and gravel dredging in the adjacent Dyke marshes, and the recent elimination of the colorful natural aquatic gardens through trash dumping and filling the nearby Big Hunting Creek tidal marsh adjacent to the west side of Memorial Parkway, the preservation of the remnants of these unique wildlife habitats has become increasingly important.

"The proposed construction of a 19-acre real estate development in the shallow waters of the mouth of Big Hunting Creek is certain to be detrimental, not only to waterfowl that now feed or rest in this shallow bay, but in the adjacent section where dredging will greatly alter existing depths. Unavoidable increases in turbidity, as well as disturbance by man, are likely to occur in neighboring waters.

"Most important foods for waterfowl are produced in shallow waters, or those that are clear enough to permit sunlight to penetrate to the bottom. Under the polluted conditions that now exist in the tidal Potomac for more than 30 miles downstream from our Nation's Capital, shallow depths, less than 5 feet, have become doubly important in the maintenance of waterfowl feeding grounds. Adequate light penetration facilitates feeding as well as being essential for plant growth. Submerged food plants have been destroyed in all but the shallowest zones. Fortunately, certain types of pollution-tolerant invertebrates such as midge larvae, isopod crustaceans, and a few kinds of mollusks still furnish food for diving ducks. These foods, together with the protection supplied by the shallow, sheltered waters at the mouth of the cove, continue to attract many kinds of waterfowl. For example, last week, I had the pleasure of watching several hundred lesser scaups or bluebills and ruddy ducks, as well as smaller numbers of black ducks, mallards, common goldeneyes, buffleheads, old-squaws, black-backed gulls, herring gulls, ring-billed gulls, and a whistling swan in this area although some sections were coated with ice."

That is the statement of the career biologist with special knowledge of the area and it is too bad that apparently Mr. Uhler was not allowed by his superiors to appear here this afternoon, but his statement which I have read seems to me quite definitive on the proposition.

Particularly he feels with the point of pollution. Of course, we all know that the Potomac is polluted. We all ought to get on with the job of getting rid of its pollution. But the important thing is that even with the present pollution of the Potomac, the Hunting Creek estuary area is a prime diving duck, waterfowl resting area.

Park values are also involved here. The National Capital Park Service has plans and even initial funds for the development of a park on Jones Point, a 50-acre tract located right in the heart of the metropolitan area. It affords beautiful views up and down the Potomac as a great potential for picnicking and scenic walks and could make a major recreational asset for the people of this region.

In fact, it plans a nature walk along the estuary itself. If these people are permitted to build their apartment, the principal outlook from this walk will be a line of apartment houses in an area which was formerly a part of the open waterways of the United States.

In addition, an unattractive, stagnant backwater might be well created between the fill and Jones Point.

The representatives of the National Capital Park Service concur in my view that the granting of this permit would be most prejudicial to the public interest.

Now let me turn to the policies of Hunting Towers on our Federal Government's laws and regulations against discrimination in housing.

I understand earlier this afternoon, it was said that there is no connection between Howard P. Hoffman Associates and Hunting Towers Associates.

In rebuttal of that statement, rather conclusive rebuttal because it is out of the mouth of the people who are now asserting that they have no connection, are letters dated February 23, 1967, to Congressman John Dingell, from Hunting Towers Associates, by Edward J. McRickard, partner; and a letter dated the same day from Howard P. Hoffman Associates, signed by Howard P. Hoffman, president.

These letters are identical in their language which, considering the testimony here earlier this afternoon that Hunting Towers and Howard P. Hoffman have no connection, represents one of the most remarkable coincidences in the history of Virginia jurisprudence.

The letter from Hunting Towers Associates to Congressman Dingell says:

"We have pending with the U.S. Army Corps of Engineers, two amended applications dated July 17, 1964, for permits to erect bulkheads in Hunting Creek, Alexandria, Va., in the names of Howard P. Hoffman Associates, Inc., and Hunting Towers Operating Co., Inc."

I interpolate at this point that the applicants themselves admit that they are confederates in this operation—

"The area embraced in each application is approximately 9.5 acres each, and not approximately 17 acres each, as embraced in the original applications."

"We hereby assure you that we will not further amend or alter these applications and that we intend to bulkhead and fill these areas and no others if such amended applications are approved."

"We further agree, if through the action of any Government agency to negotiate any modifications to the plans referred to above, we will notify you before we make or alter agreements or changes to the bulkhead and fill plans attached hereto if such action is required."

I ask the presiding officer to mark this as "Reuss' Exhibits A, B, C, and D" and I ask that it be received into the record.

(The documents referred to were marked by the presiding officer as "Reuss' Exhibits A, B, C, and D" which were then made a part of the record.)

Congressman Reuss. The statute which governs the Federal Government of the United States on discrimination in housing is the civil rights statute of April 9, 1866, whose language is clear and to the point:

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof, to inherit, purchase, lease, sell, hold, and convey real and personal property."

Just this month in the Supreme Court of the United States, the U.S. Department of Justice expressly affirmed and revived that 1866 law and points out here—and I am quoting from the Department of Justice's brief—this section: "Comes into play when official or unofficial action has the practical effect of so severely restricting Negroes * * * from renting or buying homes in an area that it may fairly be said that they no longer have the same right * * * as is enjoyed by white citizens * * * to * * * purchase and lease * * * real * * * property."

Now, the Corps of Engineers has but to refer to the records of the Department of Defense to be apprised of the fact that Hunting Towers is perhaps the most notorious practitioner of discrimination [sic] and against U.S. citizens of the Negro race in all of the Commonwealth of Virginia.

The Defense Department has repeatedly tried to get Hunting Towers apartments to let into even one of its 795 units one Negro serviceman who, having served his country in Vietnam, and is being discharged from service, or being re-assigned to Washington, would like a place to live.

The Defense Department has been summarily turned down. The same is true of private U.S. citizens who happen to be of the Negro race.

The Northern Virginia Fair Housing Committee reports that Hunting Towers practices open and complete discrimination and won't even take the application of a Negro who seeks an apartment in Hunting Towers.

It is all very well to have an assertion that Hunting Towers has had a change of heart and in its expanded apartment to be built on the public domain by filling in the Potomac, it will cease to practice discrimination, one wonders how they can say that consistently with thumbing their nose at the Secretary of Defense, McNamara, which is precisely what they are doing today.

The taint of racial discrimination is alone enough to require rejection of this application.

On the other hand, even if no racial discrimination were involved, the proposed fill would be rejectable on the conservation grounds which I have just set forth.

The Federal Register for December 7, 1967, sets forth the general policies which shall guide the Corps of Engineers in the issuance of permits such as that here sought.

The Register states the decision as to whether a permit will be issued will be predicated upon the effect the permitted activity will have on the public interest.

I submit to this honorable body that the public interest will be disturbed and damaged by granting an application in that it will result in irreparable damages to conservation, both in destroying the last habitat of diving ducks in the Metropolitan Washington area, and in seriously affecting a proposed Jones Point Park, and it will further damage the public interest because it will reward the people who have been discriminating against the Federal law of 1866 which provides against discrimination on the ground of race in housing.

I shall be glad to answer any questions which the board may have.

Colonel RHEA. I have no questions, sir. This is not really a question and answer session. I hear statements from various individuals that desire to speak. We had over an hour of statements from representatives of the applicant and you were the first speaker to speak in opposition to the permits.

Congressman REUSS. Thank you.

Colonel RHEA. Thank you, sir.

I call on Mr. Cook, the city engineer of the city of Alexandria.

STATEMENT OF DAYTON L. COOK, REPRESENTING ALBERT M. HAIR, JR., CITY MANAGER

Mr. Cook. My name is Dayton L. Cook, city engineer, city of Alexandria. I am appearing here for Mr. Albert M. Hair, Jr., city manager.

You have previously received his letter of February 9, 1968, setting forth three conditions which the city would want from an engineering standpoint before it would want this proposal granted.

In order to be brief, I will just try to clarify this letter.

The written statement dated February 9, 1968, regarding the city of Alexandria taking a position with respect to this proposal pertains only to the engineering problems as related to flooding and sewage disposal considerations.

The city has taken no position with respect to the esthetic or conservation aspects of the proposal.

In so many words, the letter is strictly based on engineering problems that we would like taken care of before we would even be neutral.

We are not appearing either for or against the application on the esthetic or conservation aspects.

Colonel RHEA. Thank you.

Mr. Harris, legislative chairman, Virginia division, Izaak Walton League.

STATEMENT OF C. B. HARRIS, LEGISLATIVE CHAIRMAN, VIRGINIA DIVISION, IZAAK WALTON LEAGUE

Mr. HARRIS. Colonel Rhea and ladies and gentlemen, members of the committee, I am C. B. Harris, resident of the city of Alexandria for the past 29 years.

During the years from 1929 until about 10 years ago, I hunted ducks in the Hunting Creek estuary and used the area for boating prior to the war.

I have seen what has taken place both in the past 10 years, over the past 10 years, yes—I have seen the wildlife disappear, as well as the recreational aspect.

I have no interest in the proposed application due to the nature of my business, only as a citizen and a representative of the Virginia division of the Izaak Walton League.

The Virginia division first received notice in June 1964, from the Corps of Engineers that an application had been received for a permit to do bulkheading in the Dyke marsh area, Hunting Creek estuary, consisting of some 30-odd acres. Because the notification was very general, because the southerly portion of the Hunting Creek area is quite large and lies adjacent to existing Federal park, the League voted to oppose the application based on those general terms.

At a later date, in 1966, we learned that the application had been reduced and we then obtained copies of the map showing the exact location and extent of the proposed bulkhead and fill to be placed in the northerly portion of Hunting Creek near Hunting Towers.

Inspection by representatives of the Izaak Walton League reveal the fact that the fill would be placed adjacent to existing bulkhead and would, for the most part, cover the area where some old docks had been erected in connection with a marina.

There it was noted that the area is very odorous due, at times, to an overflow of raw sewage from Royal Street.

At low tide, much of the area is out of the water and appears to be fresh mud, which is recently silted in.

Obviously, the silt is accumulating at a rapid rate, which indicates that if nothing is done to the area, it will be a mud flat sticking out of the water in the near future.

In the absence of any proposal to restore this area to a productive condition, it appears to us to have little, if any, value as a conservation area as not even marsh grass has been able to establish growth on this area.

In contrast to the proposed plan for development, it would devote some of the area to recreational purposes, provide a boat channel out to the main river, and create a marina adjacent to bulkhead, thus putting this land to a recreational use.

If this type of operation is carried out, ugly mud flats will be eliminated and the silt which has ruined the area to the south as well as this area would be carried out through the channel to the river where it can be disposed of without ruining the remainder of this little bay which possesses demonstrated wildlife values on the southern portion.

As a result of receiving the reduced application, as a result of field inspection and seeing this area, and seeing that this area will be used in part for recreational purposes in connection with the proposed apartment development, the Virginia division of the Izaak Walton League withdrew its objection to the application for permit.

However, sir, the league wishes to emphasize three additional points:

One, it would look with disfavor upon any effort to extend the fill area north of Hunting Creek close to Jones Point than proposed under the present application;

Two, it would vigorously object to any application for permit to encroach upon the area south of the Hunting Creek channel;

Three, it expects the development of the present proposed fill area will be subject to Corps of Engineers control adequate to prevent silt or other impairment of the area south of Hunting Creek as well as to the east, and urges the corps or any other public agency to institute a comprehensive conservation program necessary to preserve and enhance the value of the estuary.

Thank you.

Colonel RHEA. Thank you, Mr. Harris.

Congressman REUSS. Colonel Rhea, may I address a couple of questions to the witness?

Colonel RHEA. If he wants to answer them.

Mr. HARRIS. I thought it wasn't to be a question period.

Congressman REUSS. I will ask the questions—

FROM THE FLOOR. Nobody has ever asked you any question.

Colonel RHEA. Congressman Reuss, we really don't have a cross-examination. You can present statements you desire to present; Mr. Harris can present statements. If Mr. Harris wants to answer any questions, it is really up to him. But I don't think we should really get into what it is not, this is not really a court of procedure where, as I explained at the beginning, we will not attempt to settle this matter today. We will hear all the evidence presented today and study this evidence, weigh it, and I will present a report through my channels to the Chief of Engineers.

I don't know whether Mr. Harris wants to answer any questions or not.

I leave it up to you, Mr. Harris.

Mr. HARRIS. Technical questions, no, sir; I am not qualified.

Congressman REUSS. The questions are not technical.

Mr. HARRIS. Or have to do with the food and the value that Mr. Uhler referred to in the application. I am just an engineer by the school of hard knocks.

Congressman REUSS. The questions which are brief are not in the area which

Mr. Harris says he doesn't want to speak to.

Question No. 1: What is your business, Mr. Harris?

Mr. HARRIS. I am a mechanical contractor, sir.

Congressman REUSS. Question No. 2: Is it not a fact that the Izaak Walton League of Virginia, after its actions last fall, has reopened the matter of its position on the Hunting Creek fill for reconsideration?

Mr. HARRIS. I have to answer, "No, sir." It was not reopened, contrary to the memorandum you might have received from the president, because the action was taken by a board in session and I think the wording of the letter involved the meeting with Mr. Scrivener.

Congressman REUSS. Thank you.

I would then like to present another exhibit, Reuss exhibit E, being letter of January 20, 1968, to me from the Izaak Walton League of Virginia, saying the Izaak Walton League has opened the matter for reconsideration.

Colonel RHEA. Congressman, all I have is a letter of October 17 from the Izaak Walton League enclosing a copy of the minutes where they took their action that Mr. Harris referred to.

Congressman REUSS. That's right. The letter just offered in evidence indicates, contrary to Mr. Harris' assertion, that the league has opened the matter for reconsideration.

Colonel RHEA. I think maybe the next speaker on the platform to come before us may clarify this matter.

Mr. BREGMAN. First I would like to know if the Congressman can introduce letters from other people without somebody testifying that they are authentic letters.

Colonel RHEA. He can introduce anything he wants; yes. We will consider it.

Mr. BREGMAN. Consider the value of it, the way they are introduced?

Colonel RHEA. That's correct.

Mr. BREGMAN. Can I also ask some questions, since he wants to ask other people questions?

Congressman REUSS. Be delighted.

Mr. BREGMAN. Congressman, you stated that one reason you were against this was because you did not, you thought this would be an opening to giving away land in the Potomac River; isn't that right?

Congressman REUSS. The two reasons I am opposed to it: Because it will destroy valuable wildlife area and because it will violate the antidiscrimination laws of the Federal Government.

Mr. BREGMAN. But did you know that this particular area is not in the Potomac River?

Congressman REUSS. It is in—

Mr. BREGMAN. You made a statement in your opening statement about giving away land in the Potomac River.

Congressman REUSS. Well, I don't know what you call it. I have always called it the Potomac. Wherever it is, it is an area I know and love and I wouldn't like to see it ruined.

Mr. BREGMAN. You know it is in the State of Virginia?

Congressman REUSS. Everything in the Potomac is either in the State of Virginia or Maryland.

Mr. BREGMAN. I ask you to read the statute again, Congressman, without debating with you now.

I would like to ask you this:

You made mention of the National Capital Park plans.

Is the National Capital Park underneath the Department of the Interior?

Congressman REUSS. That's correct.

Mr. BREGMAN. The Department of the Interior has indicated they have no objection to this. Is that also correct?

Congressman REUSS. No. There is a letter from the Assistant Secretary of the Interior, Cain, who I am sorry is not here this afternoon, saying that he withdrew his objection based on the migratory waterfowl aspect. He said nothing about the park aspect. I may have another exhibit here.

When Congressman Moss and I wrote Mr. Cain on January 3 of this year asking whether he had any basis or had made any additional studies for his findings, he replied to Congressman Moss on January 11, 1968:

"Dear Mr. Moss:

"In reply to your letter of January 3, I can tell you that I did make a judgment without any additional studies of the fish and wildlife values at the site."

I accordingly offer exhibit F, being a letter from Congressman Moss to Assistant Secretary Cain, dated January 3 and exhibit G, being Assistant Secretary Cain's reply.

So, in answer to your question, the men in the Department of the Interior know who are very much opposed to this.

The mere fact that somewhere up the hierarchy in the Department of the Interior, the applicants were able to find someone who would give them a green light—

Colonel RHEA. Gentlemen, will you wait just a minute?

Congressman, I am sorry, but we are going to have to stop this line. As I stated at the beginning, each side can present his views and I don't think we are going to accomplish anything by this questioning back and forth.

I have Secretary Cain's letter. I invited him to come. He wrote a letter back and said he did not feel it was worthwhile for him to come.

I have your statement, Mr. Bregman, that we have for the record, that you are not connected with Hunting Towers.

We have your statement that you will not practice discrimination.

The Congressman has presented other evidence or other indications that he feels that indicate that there are contrary situations.

We will examine this matter and review it and I think by public debate obviously, you are on opposite sides of the issue and debating here in front of all this group is not going to accomplish anything.

So I would like to go on and hear from the other witnesses.

Mr. BREGMAN. Can I introduce one more exhibit from the Secretary of the Interior to Governor Godwin?

Colonel RHEA. To clear up the matter, the letter from Secretary Cain to me dated October 10, 1967, does say that in response to these public notices, the Park Service and the Bureau of Sport Fisheries and Wildlife advise the Corps of Engineers of their opposition to the granting of the requested permits on the grounds that the construction of the proposed bulkhead and fill would adversely affect fish and wildlife, park, and recreational values in the area, and might adversely affect the riparian rights of the United States as owner of the area in Alexandria, Va., known as Jones Point.

Revised applications filed in July 1964 which reduced the area of the proposed fill were reviewed by the same two bureaus of this Department and were opposed on the same basis as the original applications.

However, since that time, we have reconsidered our interest in this matter and in the light of existing conditions in the area, we have concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly, we withdraw the objections interposed to the granting of permits in accordance with the revised applications.

This withdrawal is subject to the following understanding:

The frontage of the federally owned land at Jones Point extends from the Maryland-Virginia boundary to the east line of South Royal Street.

Our lawyers have advised us that it is their best judgment that the Federal property interests extend to a westerly boundary line which follows the east line of South Royal Street, projected southerly into Hunting Creek.

They also advise that the assertion of title to this land by this Department is not entirely free of question since conditions in Hunting Creek have changed and are changing so radically that it may be ultimately resolved only by a court of law.

There are enclosed marked prints of the revised plans accompanying your public notice of July 1964, bearing our map file number, such and such, and showing this asserted interest of the United States in red.

There is also enclosed a map prepared by the National Capital Region, National Park Service, entitled "National Park Service Boundary, Hunting Creek, George Washington Memorial Parkway, NCR 117.5-708," showing our latest survey of the mean low-water line in Hunting Creek or Jones Point Park, together with other pertinent information.

The marked map indicated that the matter of the title to the line that would be affected when and if Hunting Towers Associates ever asked us to proceed with their application, that the Park Service perhaps still has some claim to that land. It did not so indicate that the land in application here today, which is for Hoffman Associates.

Mr. Penfold, conservation director of the Izaak Walton League of America.

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, IZAAK WALTON LEAGUE OF AMERICA

Mr. PENFOLD. Colonel Rhea and gentlemen, I am J. W. Penfold, conservation director of the Izaak Walton League of America.

I would just like to make a point. I am a staff man employed by the national organization of the league.

My office is in Washington. My home is in Virginia.

I do not have a prepared statement, but will speak briefly from notes.

Certain of my remarks which relate to the basic policies of the Izaak Walton League will be to urge that the application for permit which is now before you be denied.

The issue is just not local for Alexandria, nor just of State interest to the Commonwealth, but is of national concern.

The U.S. Army Corps of Engineers, in this small project, as in major projects, represents and is responsible to the people of the Nation as a whole.

The project affects the Potomac estuary which of itself is interstate in character.

Representative John D. Dingell of Michigan stated in connection with his estuary study bill, H.R. 25, which passed the House just the week before last, stated that "Estuaries are rich in fish and wildlife. They are an invaluable and irreplaceable resource of enjoyment for recreation, sport, commercial fishing, for the national, natural irreplaceable beauty. However, because of the rapid extension of cities, urban areas and commercial enterprises, these valuable estuarine areas are rapidly disappearing from the face of this earth. Once they disappear, they are gone forever."

It is our responsibility to act now to save our remaining estuarine areas.

Also, the oceanographic panel of the President's Scientific Advisory Committee reported that:

"Almost half of our population lives near the margins of the ocean or the Great Lakes. The near-shore environment is thus of critical importance."

This environment is being radically modified by human activities in ways that are unknown and detailed, but broadly undesirable.

Deliberate modifications of the coastlines, such as channel dredging for marinas, shoreline modifications for beach stabilization and filling in marsh area for development purposes, poses serious problems.

These modifications are occurring in estuaries which are important natural resources for recreation and food production.

Congressman Herbert Tenzer of New York had this to say:

On the south shore of Long Island in 1936, we had 30,000 acres of wetlands. Today, there are less than 16,000 acres left.

We have studied the subject matter long enough.

A chance to walk, to row a boat, to swim, hunt, fish, picnic, or merely observe the natural world—all these must be provided for and can be, even within close range of the asphalt jungles we know so well.

What I am referring to now are human resources. These resources must be protected; otherwise, what heritage will we leave to our children other than a filled-in bay, a polluted stream or bone fragments in a museum.

Man can do better; man must do better.

A few more statistics point out the accuracy of these statements.

Of the tidal wetlands along the North Atlantic coast, from Maine to Delaware, 45,000 acres of marshland were destroyed in the 10-year period, 1955 to 1964. An inventory kept for the last 5 of those years shows that 34 percent of the marshes were lost to deposition of dredge spoil, 27 percent to fill for housing development; 15 percent for recreational development—parks, marinas, and so forth; 10 percent, bridges, roads, parking lots, airports, and so forth.

Estimates of losses due to dredging and filling along the estuaries run about like this. On the east coast, including Florida, 165,400; the gulf coast, 71,500; the west coast, 261,900.

Significantly, the loss to California alone is of some 255,800 acres or 67 percent of the total estuarine areas of that State.

Now, estuarine areas are enormously productive and valuable. Two out of three species of useful Atlantic fish depend in some way upon tidal lands and canals as a base for their survival. Even oceanic fish often have complex life cycles which bring them into their coastal bays and lagoons and tidal rivers at tiny, young stages of their lives.

Ninety percent of salt water fish were taken in shallow, coastal waters; nearly 70 percent of the most valuable Atlantic coast species of fish are directly dependent in some stage of life on the estuaries.

Now, to conclude:

What has all this to do with those 7 or 8 or 9 acres of mudflat at the mouth of Hunting Creek? This bed of stream and tidal estuary has been almost totally destroyed already. Why not complete the job by granting the subject permit? Then the next one on to the north, then Jones Point. Jones Point will be just about worthless as a piece of green shoreline for the public. So turn that over for development.

Then, there is Dyke Marsh to the south, and another 100 miles of estuary down the Potomac.

The point is that Virginia's estuarine areas, the 67 percent of California, the 50 percent of Long Island's south shore, have been lost and they have been lost by attrition, small piece by small piece.

Is that what we want for the Potomac?

I say, not.

And if that is the wish of the people, we are precisely at the point now where we should say, no.

This small area could be restored from the damage of the past few years.

Jones Point in its immediate environs could be developed as an essential amenity in the conglomerate of high-rise, highways, and other urban development.

I believe the testimony of the applicant this afternoon points out that this should be done and can be done, but I cannot see that they demonstrate that a bulkhead and fill project for an apartment complex is necessary to that objective.

We are today, with respect to the estuaries of the Nation, just about where we were in the days of Gifford Pinchot with respect to the forests of the Nation. We must have the courage to act to save our estuarine resources rather than to rationalize them away as an earlier generation had to do to save our forest lands.

We hope the decision on this application will be, no.

Colonel RHEA. Thank you, sir.

Mr. Jackson M. Abbott, representing the Audubon Society of the District of Columbia and the Virginia Society of Ornithology.

STATEMENT OF JACKSON MILES ABBOTT, REPRESENTING AUDUBON SOCIETY OF DISTRICT OF COLUMBIA

Mr. ABBOTT. Colonel Rhea and ladies and gentlemen, my name is Jackson Abbott. I live at 8501 Doter Drive, Waynewood, which is a suburb of Alexandria.

I represent the Audubon Naturalists Society of the District of Columbia and the Central Atlantic States and the Virginia Society of Ornithology.

I have made for the past 22 years field trips for Boy Scouts and schools and nature groups in the Hunting Creek area, the Dyke Marsh area, and Jones Point area and have averaged about 2 hours a week year around for the past 22 years of personal investigation in this region, and I can say from my own personal experience that despite the filled-in condition of upper Hunting Creek, the Hunting Creek Bay region remains the only area south of Washington, D.C., where there is a tremendous variety of waterfowl, shore birds, gulls, and terns, and other wildlife, which to many people such as developers and so on appear to be trash species.

I would refute the statement made earlier that marshland is trashland.

In fact, marshland is one of our most valuable assets from a conservation viewpoint. The fact that Hunting Creek Bay area is being filled up with mud and silt is the beginning of a marshland if left alone. Pollution can be cleaned up. That area could eventually become a marsh.

From a conservation viewpoint, this would be a tremendous switch over what we have been doing in the past years and we humans have filled up every marsh we can find. We call it wet lands and wastelands. Yet, those of us who know something about the conservation aspects of the ecological niches in which various

forms of wildlife live, realize we must preserve some of the marshland in order to lead to the continued life of many species, not just birds, but animals, fish, and other associated species in this area.

Without going into any further detail, I would support what has been said by the Congressman and by the representatives of the Izaak Walton League, and I will present to the chairman a written copy.

Thank you.

Colonel RHEA. Thank you.

(The statement offered by Mr. Abbott is as follows:)

"What will be the future of Hunting Creek Bay at the southeast corner of the city of Alexandria, Va.? The bay, east of George Washington Memorial Boulevard, is all that is left of what was northern Virginia's prime goose and duck wintering area. The extensive Hunting Creek Marsh, which extended east of the boulevard for nearly 3 miles, has been completely filled in on the north side by the city of Alexandria as a dump and on the south side by the county of Fairfax for apartments, motels, and other commercial uses. Despite this ruination of the marshland associated with the Hunting Creek Bay, the wildfowl continue to inhabit Hunting Creek Bay.

"The current problem involves the desire of developers to further encroach on the remaining wildfowl area by filling in several acres of what is now tidal flat and marsh edge on the south side of Jones Point, on the north side of Hunting Creek Bay, and immediately adjacent to the public park which the city of Alexandria has earmarked for Jones Point, to construct high-rise apartments on the proposed fill. The developers claim that this terrain is otherwise 'worthless'; that no wildlife is attracted to this 'polluted' area (a sewage disposal plant is located just upstream from the mouth of Hunting Creek), and that the city of Alexandria will realize considerable tax dollars from their proposed reclamation of this 'wasteland'.

"The conservationist element of our local society strongly opposes the proposed development and contradicts the developer's claim that the area is unattractive to wildlife. I have been a local resident for the past 22 years and have 'worked' the Hunting Creek/Jones Point area as a naturalist and bird watcher on an average of 2 hours a week throughout the year, not only by myself, but as a leader of field trips for the area's Boy Scouts, schools, and natural history-oriented organizations. We find that although the Hunting Creek Marsh and mudflat between Jefferson Davis Highway and the boulevard have been obliterated in the past 10 years, the Hunting Creek Bay area (where the development is proposed) still attracts some 30 species of waterfowl, 10 species of gulls and terns, three species of rails, and 20 species of shore birds annually. In the fall of 1967, there were four duck hunters' blinds built in the bay; what better proof is needed that the area is still attractive to waterfowl?

"The little fringe of mudflat and marsh where the development is proposed is one of the few remaining spots in the area where one can still find the woodcock and long-billed marsh wren in summer and the snipe in winter. Along with a wintering population in 1967-68 of some 5,000 ducks, a whistling swan appeared in mid-November 1967 and is still present.

"Many people do not seem to care if all our land is rearranged, filled in, paved, and built up by man. However, the majority of people in any community, large or small, want and need a few acres of their environment left in a natural state so that parents can show their children what a cattail looks like, what a mud turtle is, and can enjoy a piece of nature that man hasn't completely spoiled. The places where one can do this in Alexandria have narrowed down to the Jones Point Park-Hunting Creek Bay area."

Colonel RHEA. Mr. Montague, of the Northern Virginia Conservation Council. Mr. Bates, Alexandria branch, Washington Urban League.

STATEMENT OF MISS JOAN W. BRACKETT, ON BEHALF OF ALEXANDRIA BRANCH, WASHINGTON URBAN LEAGUE

MISS BRACKETT. I am not Mr. Bates, obviously. He has stepped out for a moment and asked me to speak on his behalf.

I am also a member of the board of the Washington Urban League—Joan Brackett.

The statements are at this time: The Advisory Council of the Washington Urban League requests the city council to approve plans for building on the

land of the Hunting Towers Apartments only if suitable commitments are made by the developers that the facility to be built will be open to all, regardless of race, creed, or color;

Secondly, that the Advisory Council of the Washington Urban League requests the U.S. Army Corps of Engineers to undertake to fill land at Hunting Towers Apartments only if facilities built thereon will be open to all regardless of race, creed, or color.

Thank you.

Colonel RHEA. Thank you.

Mrs. Julian Smith, Daughters of the American Revolution.

STATEMENT OF MRS. JULIAN SMITH, REPRESENTING MOUNT VERNON CHAPTER,
DAUGHTERS OF THE AMERICAN REVOLUTION

Mrs. SMITH. Colonel Rhea, gentlemen, I am Mrs. Julian C. Smith. I am a past regent of the Mount Vernon chapter of the Daughters of the American Revolution, and I am here to represent them on two points.

I think, first because the Daughters of the American Revolution feel that they have a just right to speak today because the Jones Point Lighthouse, which is the oldest inland lighthouse in the United States, was deeded to our chapter in 1924, and we kept it in good repair until, during the war, it was a war casualty and it was the point from which all the messages went overseas. It was taken over by the Army. It was then returned to us in very bad condition. We did what we could to restore it. But recently—I have no fault to find with the Army—it was a war casualty—and it was a communications corps, whatever it was, but we have no fault to find with that—but we found that we were not going to be able to keep it in the kind of repair that it should be because we felt that that area around Jones Point really belonged to the public and it did not only belong to the State of Virginia, but to everyone who goes up and down to visit Mount Vernon, for which our chapter was named, and to visit the other beautiful sights of interest.

Because the tourist trade in the State of Virginia is one of its biggest trades, and when we destroy that, we are destroying something commercially, I am sure that the people who are representing here the building of these apartments have also the economy of Virginia and Alexandria in mind.

But there is no use to try to encourage it on one hand and destroy it on the other.

About 3 years ago, the Mount Vernon chapter—this lighthouse was deeded to us by act of Congress, so we had to go back to Congress and get permission to re deed it, and we did—we re deeded it to the Park Service under the Department of the Interior with the understanding that it would be used as a park area.

Our interest here is that if and when that is ever done, the closing of this little estuary which we know is full of ducks, because we go down there quite often, would destroy a lot of the park area there which, as it has been brought out, is the last of the park area that is left south of Alexandria.

That has already been, I think, pointed out, that there are birds there, but I would be very much remiss if I didn't represent two women who called me personally and asked me to speak for them. They are residents of Hunting Towers and they overlook this little estuary. They are older women and they say that their greatest pleasure is to watch the birds come in and I daresay that they, too, could take pictures of when that estuary was full of birds because there are times that there are no birds there. But there are times that they are definitely there and I am sure that if the birds were not there, Mrs. John Ashton and Mrs. Willingham would not have called me and asked me, please, to put in a plea for them not to destroy the beautiful view from the window. If the view is from the window, then it also is from the ground, and as a representative of the Daughters of the American Revolution, the Mount Vernon chapter, I am appealing to you purely as a conservationist because we are great conservationists and also in behalf of our little Jones Point Lighthouse which we are afraid is going to be destroyed. It was built in 1850. We are desperately afraid that it will be ruined.

Thank you for this time to speak.

Colonel RHEA. Thank you.

Mr. Wright of the Wilderness Society.

STATEMENT OF ARTHUR T. WRIGHT, CONSERVATION CONSULTANT, REPRESENTING
THE WILDERNESS SOCIETY

Mr. WRIGHT. Colonel Rhea, gentlemen, my name is Arthur T. Wright. I am a conservation consultant and a resident of Alexandria. I am giving this statement in behalf of the Wilderness Society of 729 15th Street NW., Washington, D.C. The Wilderness Society is a nonprofit conservation organization founded in 1935 and it was for primarily the establishment and protection of wilderness areas wherever they may be found in these United States.

However, the society is also interested in a broad range of conservation values among which is the preservation of open space, air and water pollution, wildlife, and so on.

The Wilderness Society opposes the approval of the application of Howard P. Hoffman Associates, Inc., for construction of a bulkhead in Hunting Creek estuary.

The society recognizes that the area is not presently in an entirely unspoiled condition as regards water pollution and hence, there may be some loss of value as waterfowl feeding area and as recreation area in that portion of the estuary immediately to the north of the entrance of Hunting Creek into the estuary.

However, in order to prevent further deterioration of the area by construction of a land fill and reasonable expectation that future developments will restore the area, we recommend that the application be denied.

Future developments on which we rely are the availability of water pollution control measures for the area and on Department of the Interior plans and funds for a recreation area and park on Jones Point, which is a contiguous part of this small estuary. The construction of a high-rise apartment on the estuary would, esthetically speaking, be thoroughly incompatible with the proposed park and would permanently prevent the restoration of the area as waterfowl habitat and as a recreational area.

Thank you for the opportunity to make this statement in behalf of a restorable natural asset such as the Hunting Creek estuary.

Thank you.

Colonel RHEA. Thank you, sir. Mr. Shows.

STATEMENT OF A. Z. SHOWS, REPRESENTING VALLEY VIEW CITIZENS ASSOCIATION

Mr. SHOWS. Colonel Rhea and staff, my name is A. Z. Shows. I was designated many years ago to carry on the fight of preservation of the Hunting Creek area. That has the backing of all the citizens' associations in the area which constitutes about 86,000 voters.

That "epistolarian" masterpiece of hogwash that Mr. Holland put out here is amazing.

Colonel RHEA. Careful, now.

Mr. SHOWS. I am really flabbergasted. I think he has proved the very thing that we have been saying all the time. The Army Engineers were interested in who was filling this area up. I think he testified adequately to that position. We know very well, contrary to the learned counsel, not Mr. McCormack's partner, of course—that that was not accretion at all by fill. We have presented the evidence to this, of the pictures of the dump trucks filling it, and also, you might remember, his original photograph of the area would certainly prove the point that not only had Hunting Towers filled in the area in front of them, not only built the swimming pool on the land, and I was glad to hear the learned counsel bring up the fact of the Virginia law.

They know as well as I know, and we have proved this in court consistently in Virginia, that the foreshore area is to be held in trust by the State government for all the people.

Here is a clear case of that violation again. We must have the egress and ingress there. Certainly destroyed the whole inner bay, middle bay and outer bay and we are grateful to the Army Engineers for not letting this area continue on into private ownership as opposed to public ownership and if the Army Engineers will go back a little, they will be reminded that at a congressional meeting on the Hill, the Army Engineers were instructed by Congressman Dingell, Congressman Saylor, Congressman Reuss, that that area had been illegally filled, which is obviously creating this condition leading into the Potomac, or the outer bay of the area, they were either to have them remove that fill or the Army Engineers were to remove it and charge these developers with it. I think you have a good client in one regard.

Now, they not only show pictures of the area they want to fill; they have the audacity to put a marina out at the end of it. If they wanted a marina, why don't they clean up the one they have now? Why further distort the picture? They have done nothing but add fill in there. They have destroyed the wildlife that was in there all the way up to Telegraph Road. I had citizens of Mount Vernon district are bitterly opposed to this application being granted and we will fight them every inch of the way.

And thank you, Army Engineers, for being so gracious to us.

Colonel RHEA. Mr. Shows, I do have one question. We sent several letters to you and didn't get any answer.

Mr. SHOWS. I am amazed at that because you are one of the notices I got. I am grateful for that. I have not received any other.

Colonel RHEA. We did get back in 1964 correspondence that you had written, I believe, to Congressman Broyhill and which was forwarded on.

Mr. SHOWS. To Broyhill?

[Laughter.]

Mr. SHOWS. Thank you, sir.

No, sir; I have been a registered Democrat for 35 years. I worked for them very hard.

Colonel RHEA. Maybe I read a quote from this recent letter from Congressman Broyhill. On October 17, he sent me a letter saying that back in 1964, I requested your consideration of correspondence by Mr. A. Z. Shows representing the Valley View Citizens Association, but apparently you didn't write Mr. Broyhill.

Mr. SHOWS. No, sir.

Anyway, he is in the 10th District. This, of course, is in the Eighth and I am here at the instigation of a majority of the voters, I believe, in the Eighth District.

Colonel RHEA. There is one other thing. In your remarks, you indicated you thought this filling in of the estuary, the Hunting Creek estuary, was due to the applicant's work upstream. Are you saying that they owned the land?

Mr. SHOWS. I was going by his testimony that he did all these things in this area. I thought maybe that might be a good prospect to get some of this back. At least we will have one client. We do know from his own photographs he showed that the areas in front of Hunting Towers was obviously filled. We submitted pictures previously of dump trucks going in with this—certainly not from accretion, sir.

Colonel RHEA. All right, sir. Thank you very much.

Mr. SHOWS. Thank you very much.

Colonel RHEA. Mrs. Packard, I believe it is, Northern Virginia Conservation Council.

STATEMENT OF JEAN PACKARD, REPRESENTING WASHINGTON GROUP, ATLANTIC CHAPTER OF THE SIERRA CLUB, AND NORTHERN VIRGINIA CONSERVATION COUNCIL

Mrs. PACKARD. I am Jean Packard and I live at 4058 Elizabeth Lane, Fairfax. I am speaking on behalf of two organizations this afternoon, Washington Group of the Atlantic Chapter of the Sierra Club, of which I am vice chairman, and the Northern Virginia Conservation Council of which I am secretary.

Both of these organizations are ardent advocates of natural areas protection throughout the country and we want to add our voices to the protest of the proposal to fill the Hunting Creek Bay.

There is every indication that this proposal, if approved, would not only destroy the natural environment of the mouth of Hunting Creek itself, but would also jeopardize the environmental amenities of the proposed Jones Point Park.

There are species of birds using the estuary and adjoining marshlands that can be found in few other spots within the Washington metropolitan area—and I am married to an ornithologist who will go on, ad nauseam about birds.

These marshy areas have already been damaged by sedimentation from construction of the original Hunting Towers complex and this proposal would guarantee the death of the remaining habitat.

Since the birds, animals, and aquatic life that inhabit these areas are not as adaptable as we humans are, they don't merely move to another spot—they die.

The National Park Service has extensive plans for Jones Point Park, plans that hinge on passive recreation—enjoyment of the area for itself alone rather than what is placed on it.

Nature trails, picnic tables and benches all require surroundings that please the eyes as well as the other senses.

An outlook over sparkling, rippling water certainly far surpasses any view that the stark walls of a high-rise apartment could offer.

If this 10-acre plan and the future plans for an additional 9 acres to the east are approved, the water that would be left bordering the park area would be a smelly little strip of stagnation that won't offer shelter for even a few hardy polliwogs. Surely, it would not be a spot where you would like to spend a warm summer afternoon. I wouldn't.

We cannot feel that the three high towers already bordering Hunting Creek offer any justification for putting more of them there. The entire metropolitan area desperately needs every bit of open space and naturalness that it can preserve. Alexandrians already are forced to go out of their city to reach parklands and other untouched spots of green space. Surely it behooves all of us to do whatever we can to preserve the few stretches of parks and open water that remain in this densely settled community.

May I also call your attention to House Joint Resolution 69 which has been introduced into the Virginia General Assembly.

To quote just a bit of that, it says: "Marshlands or what wetlands in this State are absolutely essential to the life cycle of the marine animal species and serve as nursery areas for many species of fish and other marine animals and support shore and wetland birds and animals."

This joint resolution directs the Virginia Institute of Marine Science to make a study and report on the marshlands and wetlands of the State for identification and preservation. We believe that further destruction of any such lands should be halted until the results of these studies can be made public.

For these many reasons, the Sierra Club and the Northern Virginia Conservation Council both urge that you deny this application.

Thank you.

Colonel RHEA. Thank you.

Mr. Moyer of the Alexandria Council on Human Relations.

STATEMENT OF BURTON B. MOYER, JR., REPRESENTING ALEXANDRIA COUNCIL ON HUMAN RELATIONS

Mr. MOYER. Colonel Rhea, ladies and gentlemen, my name is Burton B. Moyer, Jr. I am a resident of Alexandria.

I am currently serving as president of the Alexandria Council on Human Relations. I have a very brief statement, you will be happy to know—just four sentences—which I would like to read and then leave copies with you.

The Alexandria Council on Human Relations is unalterably opposed to the proposed landfill south of Hunting Towers on behalf of Howard P. Hoffman Associates unless the Department of the Army obtains a written agreement that any apartment constructed as a result of the proposed landfill will be made available to all citizens without racial or religious restrictions.

The council also questions whether the proposed landfill is desirable from the standpoint of conservation of natural resources and the preservation of the Potomac as a scenic waterway. The long-established propensity of Americans to pollute and destroy in the interest of convenience or profit has already seriously damaged the Potomac. Is it not possible for the Corps of Engineers to find more constructive projects for its staff than landfills for high-rise apartments?

Thank you.

Colonel RHEA. Thank you, sir. The Corps of Engineers didn't ask for this permit. The applicant asked for it. We don't propose to fill it if the permit is ever granted. It comes to us because of the laws pertaining to navigation.

Mr. MOYER. I appreciate your comment.

Colonel RHEA. General Colton.

STATEMENT OF MAJ. GEN. ROGER B. COLTON

General COLTON. Colonel Rhea, I am a resident of Hunting Towers, 624 East Building, and I am a property owner in this area.

My wife and I enjoy watching the birds in the area. There are birds there. They were probably there this afternoon. I didn't look this afternoon.

For that reason, and because we believe, and also because I believe that this fill will make a cesspool out of the area in front of our apartment, I object to it strongly.

The Royal Street sewer empties into this area and at a time of rain, the sewage piles into it and it will be banked up by this fill and create a cesspool.

I thank you.

Colonel RHEA. Thank you, sir.

Mrs. John Connelly.

STATEMENT OF MRS. JOHN W. CONNELLY, JR.

MRS. CONNELLY. I did not come with any prepared statement. I am Mrs. John W. Connelly. I live at Hunting Towers. I am a member of the National Society of Colonial Dames. I am a life member of the Audubon Society.

I hope that all of you who go down the boulevard will pause to think if you stopped at Hunting Towers and looked across Mount Vernon, across the Potomac River, this would be the last major open spot until you come to Mount Vernon, with the exception of two other viewpoints, one of them of parks, and the Government has preserved and developed the Mount Vernon Parkway on both sides of the river.

If we put another monstrous 150-foot building, or whatever it is, the whole access of view downriver will be stopped and this, again, is progress ruining nature.

I also speak for the wildlife which are there. I look every day from my window in the morning when I get up at 6 and see the sunrise, until the evening when I come in. The whistling swan has been there for 4 to 5 months. The birds and the ducks which we have had for many years have been there in great quantities. They are not there now because of the fill from silt which has come in, for whatever reason it may be, the garbage. I say that the opposition has clearly defined the cause and effect of the tragic situation we have. I think it is the responsibility of the Corps of Engineers to preserve not only the interests of the people of this country, but again, for the natural resources which we have, and they are the great abundance and great need in this area of cement and noise and pollution.

Thank you.

Colonel RHEA. Thank you.

Mr. Bryan, Kirk Bryan.

Mr. Bodine.

STATEMENT OF ROBERT N. BODINE, JR.

Mr. BODINE. Colonel Rhea, gentlemen, my name is Robert N. Bodine, Jr. I am a resident of Fairfax County.

So much of this has not been germane and my comments are not germane to the statement that you made, Colonel. This comes to us, the Corps of Engineers, because of laws that pertain to navigation.

I am in complete agreement with Congressman Reuss in doing everything I can to prevent the salvage of land, the accretion, the legal term being accretion out to the channels of the Potomac River. The Corps of Engineers can save millions of dollars on the money, on dredging the Potomac River, by letting the developers go right out to the edge of the bank.

There are other things which impinge upon the Corps of Engineers in their other activities other than the Harbors Act and I would like to point out two of these to you.

On the proposed plan, on the back of the notice of this hearing, it is noted that the fill area is to be an average elevation of 0.6 foot, based on datum of mean low water level. Mean sea level is 1.4 feet higher than the datum used.

The U.S. Geological Survey have recently technically established the tidal flood plain on the estuary bank of Hunting Creek in Fairfax County. I believe Alexandria was a participant and I believe they were recipients of this data. I am not sure of this. I know it is the case in Fairfax County.

The study was based on the historical flood data supplied to them by the Corps of Engineers. The flood plain is established at 9.8 feet above mean sea level on the 100-year frequency. Thus, if my arithmetic is correct, whatever land use is to be proposed on this tract, if it is filled, to the specified level, whatever land use is to be proposed on this tract of 8 acres has a 1-percent chance of annually being flooded with 5.6 feet of water.

I would hope that the corps will project ahead and be prepared for requests from the owners of this proposed fill for future appropriations of Federal money for flood protection facilities similar to those requests heard so recently by you, Colonel Rhea, at recent public hearings concerning Cameron Run, Holmes Run, and Four Mile Run.

I have one other point. My first job—I lived in Washington from 1938 to 1942—my first job was as timekeeper on Gravelly Point Airport. This was a marvelous use. This took the sand, sediment, and gravel out of the Potomac and put it to a very, very efficient use.

We have another use for the Potomac River. Somebody has mentioned this fill would make a cesspool of the Potomac River. The Potomac River is now a cesspool. The President has stated what he wants, a model Potomac River. Of course, it hasn't been implemented all the way and those of us that are conservationists keep dreaming about the area of extent of the Potomac River that was rated 2 years ago of having assimilative capacity of 120,000 BOD a day.

Each acre of this water area that is consumed, and if this goes, there will be more legal work—that is, accretion, sessions of the legislature in Virginia, the Governor giving the land to private interests—I am very interested that the area of the Potomac River is not diminished. This area is invaluable to us. As the area goes, either the pollution goes downstream or the quality of water diminishes, and the area of the river that is exposed to sunlight, photosynthesis, photosynthesis, is a vital asset to us only replaceable by the creation, the improvement of sewage treatment plant which costs us all money as taxpayers.

We are losing a valuable asset to a private public interest in this case—perfectly legal as explained by Mr. Bregman.

Thank you.

Colonel RHEA. Thank you.

Mr. Bodine, when I was remarking to Mr. Shows about, or somebody mentioned that we were going to fill, I was pointing out that the original law that puts us into the business of receiving applications for permits was basically a navigation law, section 10.

Mr. BODINE. From the Great Lakes.

Colonel RHEA (continuing). The act of 1899.

We also have other interests.

As I pointed out in my opening statement, we are now in accord with the Fish and Wildlife Coordination Act and with memorandum of understanding between the Secretary of the Army and Secretary of the Interior, we consider these applications from the overall public interest.

Mr. BODINE. Right, sir.

Colonel RHEA. We also have flood plain management responsibility and we get into flood control, as you have inferred, and you have brought up an interesting point in relation to this possibility of flooding which we will probably have to look into.

Mr. BODINE. I am very concerned on the domino effect on the site. To me, it is totally destroyed, and to me—I am not a professional in the wildlife bit—this is something that the Alexandria sewage plant and the construction of Route 495 has defaced. It is going on. It is going down further. There has been much talk here about saving the land to the south. I will not certainly argue, not with Mr. Abbott, because Mr. Abbott observes this, but the area to the south, adjacent to the large portion of the George Washington Memorial Parkway in Fairfax County, is under permit from the National Park Service to the Potomac Sand & Gravel Co. as a gravel operation. It is actively being graded. A photograph a month from now shows much less marsh area than now. Gravel is being taken out of there and used commercially.

The effect of saving that area is being impinged on again by another Federal action of granting a permit for sand and gravel removal, sir.

Thank you. It is a great interrelationship.

Colonel RHEA. Thank you.

Mr. Holland.

Mr. HOLLAND. The last gentleman raised a correct and exact technical point. I would like to give him an exact answer and have it in the record at this time.

The top of the bulkhead is 5 feet and a fraction. However, the city of Alexandria has very specific regulations. Any structure must have its openings to the outside. Any door, window, opening, must be not less than 13 feet above mean sea level, which is their datum rather than the corps' datum which means in terms of the corps' datum 14.3 feet above sea level. That is a precise fact, sir.

Colonel RHEA. Thank you, Mr. Holland.

Mrs. Fuller, Belle Haven Garden Club. Mrs. Irwin, I believe it is.

That seems to be all the slips I have.

Did Mrs. Colton leave?

I was going to ask for anybody else who, No. 1, if you did not fill out a slip, those of you who came in toward the end, we would like to get you to fill out one of these slips before you leave so we will have a complete record of attendance at the hearing.

We will start now with anybody who will like to say anything.

You did not indicate such on your slip. I will call on you at this time.

STATEMENT OF JOHN SCHWARTZ, COLUMBUS, OHIO

Mr. SCHWARTZ. Colonel and ladies and gentlemen, I own an important part of the land under question here.

What I am concerned with is the statement that the Congressman made that there is a connection between Hunting Towers and ourselves. This is definitely untrue. We have no connection with Hunting Towers.

I just wanted to make this statement to you, so that you would have it on the record.

Thank you.

Colonel RHEA. Are you part of Hoffman Associates?

Mr. SCHWARTZ. Yes, sir.

Colonel RHEA. We have a slip on you. Thank you, sir.

Anybody else in the audience that would like to make a statement or present anything?

STATEMENT OF LOUIS ROBERT

Mr. ROBERT. I have lived here many years. I have used the park adjacent to where this building is going up or proposed. I have painted many pictures out there. I am an artist. It is quite beautiful or it was beautiful before they put Hunting Towers there. It seems to me that the beauty, something that we don't have much of any more in this tired world, and everybody is money crazy in trying to get on every inch of land—it seems to me besides what it would do to the ducks and the wildlife, there are birds in the park. I think the closer you encroach on the park with buildings, of course, the birds will go away.

I go to that park every day, walk my dogs, walk around. It is refreshing.

I fear what adding a lot more people to the area will do to the traffic, will do to the park, will do to the wildlife, and for that reason, I oppose it.

Colonel RHEA. Thank you, sir.

Mr. Holland, do you have something else?

Mr. HOLLAND. Just two facts for the record, Colonel. I apologize for having imposed on you so severely at the beginning of the meeting.

I think the records of your office show that throughout the years, since 1964, and about June, that two people, two clients, came to me at about the same time and I do not know their compulsions to come to me at the same time, and asked me to file with your office permits for two operations.

Since they had at that time much in common from an engineering standpoint—no legal connection, no other connection, I did process them, the two separate permits, at the same time.

In the number of years past, on advice of the Hunting Towers people, which stemmed from many reasons, none of which have been mentioned here tonight, no connection with Howard Hoffman Associates, I informed your office that they did not wish to proceed with their application at this time and that Mr. Hoffman did wish to proceed.

Those are simple facts. Some were financial. Some were for various other reasons, but it was a coincidence that the two people arrived at the same time and I, as an engineer, recognized the advantage of processing them simultaneously though they were always separate applications and treated so by me and have courteously been so by your office.

I just want the record to show that that was the fact.

The correspondence in your file I think will clearly show that fact.

Just one thing: I strongly regret in the early part of the evening when I first started that I did not go to this map and make clear to many of the speakers here in the audience what we meant by the north part and the south part. And many of the speakers who spoke said things that I know I agree with and they were precise about the south part.

I wouldn't agree with them—I don't say they are wrong, I just don't agree with them—about things in the north part.

If I may go to the board here to point one fact out—when we refer to the north part, we are talking about the channel that comes under the Memorial Highway

and is in that area where once an old channel existed up to Jones Point over to Royal Street and to the Federal property.

The balance of the property which in my presentation and many others said this area down here is worth saving—I just wish to make sure that I have made that clear to you, sir.

Colonel RHEA. Thank you, Mr. Holland.

Does anybody else have anything?

Mr. Penfold.

Mr. PENFOLD. A small point for clarification which I neglected to mention when I was up here before.

The colloquy between Congressman Reuss and Mr. Harris, the question was asked whether or not the Virginia division had reopened this case and his answer was "No."

Congressman Reuss then entered into the record this letter that he received from Commander Weldon who is president of the Virginia division of the league.

Mr. Harris' answer was not quite correct. What he was trying to say was that the action taken by the Virginia division was taken at an annual meeting of the division and the Virginia division did not take further action except to change its position, except at a subsequent annual meeting.

The thing was under reconsideration.

As a matter of fact, I was invited from the national office to look into it.

Thank you.

Colonel RHEA. Mr. Penfold, while you are there, you quoted quite a bit from Congressman Dingell on the estuary bill.

Are you aware that he originally filed a letter with the District Engineer opposing this application, but subsequently filed a letter withdrawing his objection?

Mr. PENFOLD. I understand he has not changed his position about estuaries. Colonel RHEA. No; but he did specifically submit a letter withdrawing his objection to this application.

Does anybody else have anything to present?

If not, thank you very much. The hearing is now closed.

(Whereupon, at 6:40 o'clock p.m., the hearing was closed.)

(Subcommittee note: The following documents which were in the Corps of Engineers hearing transcript at this point have not been reprinted: 1. "List of Those Present"; and 2. "Exhibit 'A'," paper by Dr. Francis M. Uhler, Patuxent Wildlife Research Center, Oct. 26 and Nov. 19, 1963, which is included in this hearing record as No. 2, part I, of the appendix.)

EXHIBIT B

Comments regarding a proposal to issue a permit by the District Engineer, Department of the Army, Baltimore District, Corps of Engineers, Post Office Box 1715, Baltimore, Md. 21203, to Howard P. Hoffman Associates, Inc., 51 East 42d Street, New York, N.Y., to construct a bulkhead and to fill in an area (about 920 feet long) in the mouth of Hunting Creek at the southeast end of Alexandria, Va.

F. M. UHLER, FEBRUARY 21, 1968

Practically all the tidal marshes and their associated shallow-water feeding grounds for diving ducks and many other types of aquatic wildlife in the vicinity of our Nation's Capital have been eliminated by artificial land fills and dredging operations.

Before their destruction the writer had the pleasure of frequent visits to the extensive wildrice, rose mallow, arrow-arum, water hemp, and Walter's millet marshes along the Anacostia River, Four Mile Run, Oxon Creek and the estuaries between Alexandria and Mount Vernon, Va.

These shallow wetlands had been the home for numerous fascinating forms of aquatic life since earliest colonial days and have furnished recreation and relaxation for countless numbers of people since that time.

With final filling of the beautiful tidal marsh along the south side of Hunting Creek, between the Mount Vernon Memorial Highway and U.S. Highway No. 1, the proposed bulkheading and filling of a tract more than 900 feet long in the Potomac River cove at the mouth of Hunting Creek appears to be an opening wedge for future real estate developments in the shallow, open waters along the tidal Potomac.

Increasing pollution of this great estuary, and the resultant disappearance of the valuable submerged food plants has caused several species of waterfowl to make extensive use of certain pollution-tolerant invertebrates as a major source of food. The shallow waters of the Hunting Creek Cove and the companion Dyke Marshes have created useful feeding grounds for many kinds of wildlife and supplied nature-study areas and outdoor recreation for numerous visitors.

These needs are indicated by the efforts of the National Capital Parks to preserve a small remnant of the unique aquatic wilderness that once extended from the mouth of Hunting Creek to Hog Island, below the Dyke Overlook. Sand and gravel dredging operations have caused major problems for the agency in the preservation of the unique blend of the varied wetlands which compose this section of the George Washington Memorial Parkway.

The colorful, summer beauty of these tidal marshes fringed by unique semi-aquatic woods, and the interplay of many kinds of aquatic wildlife between the periodically submerged wetlands and the adjacent open shallows, provide a place unequalled in the Washington region for public enjoyment of our wildlife heritage. With the continual destruction of Potomac marshes it becomes increasingly important that we make every effort to preserve, for present and coming Americans, a chance to enjoy a worthwhile sample of these tidewater environments that have added charm, and supplied opportunities for biological study and recreation in an artificially overcrowded world.

The broad, shallow mouth of Hunting Creek supplies the best point along the fresh water section of the tidal Potomac for viewing large numbers of diving ducks and many other kinds of water birds. Because of the convenient accessibility of the adjacent part of the George Washington Memorial Parkway the southwest side of the Hunting Creek Cove has become one of the most popular areas along the parkway for persons who enjoy watching and studying wild waterfowl. Any dredging and filling activities that destroy the value of this estuary as a haven for aquatic wildlife will defeat the purposes for which the adjacent parkway was created.

The writer has had the privilege of enjoying the Hunting Creek estuary and its companion marshes for more than 40 years. Studies of these fascinating wetlands have supplied much material for publications and reports on waterfowl habitat preservation and management.

A copy of a report on the interrelationships between the varied habitats that compose the Hunting Creek-Dyke tidelands, and the need for their preservation, is attached.

BOWIE, Md.

EXHIBIT C

HUNTING TOWERS,
Alexandria, Va., February 28, 1967.

HON. JOHN DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We have pending with the U.S. Army, Corps of Engineers, two amended applications dated July 17, 1964, for permits to erect bulkheads in Hunting Creek, Alexandria, Va., in the names of Howard P. Hoffman Associates, Inc., and Hunting Towers Operating Co., Inc.

The area embraced in each application is approximately 9.5 acres each, and not approximately 17 acres each, as embraced in the original applications.

We hereby assure you that we will not further amend or alter these applications and that we intend to bulkhead and fill these areas and no others if such amended applications are approved.

We further agree, if through the action of any Government agency to negotiate any modifications to the plans referred to above, we will notify you before we make or alter agreements or changes to the bulkhead and fill plans attached hereto if such action is required.

Very truly yours,

EDWARD J. MCPICKARD.

EXHIBIT D

HOWARD P. HOFFMAN ASSOCIATES,
New York, N.Y., February 28, 1967.

HON. JOHN DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We have pending with the U.S. Army, Corps of Engineers, two amended applications dated July 17, 1964, for permits to erect bulkheads in Hunting Creek, Alexandria, Va., in the names of Howard P. Hoffman Associates, Inc., and Hunting Towers Operating Co., Inc.

The area embraced in each application is approximately 9.5 acres each, and not approximately 17 acres each, as embraced in the original applications.

We hereby assure you that we will not further amend or alter these applications and that we intend to bulkhead and fill these areas and no others if such amended applications are approved.

We further agree, if through the action of any Government agency to negotiate any modifications to the plans referred to above, we will notify you before we make or alter agreements or changes to the bulkhead and fill plans attached hereto if such action is required.

Very truly yours,

HOWARD P. HOFFMAN, *President.*

(SUBCOMMITTEE NOTE: The plats accompanying the foregoing letters from Hunting Towers Associates and Howard P. Hoffman Associates, Inc., are virtually the same as those accompanying items 12 and 13, pt. I, of this appendix, and are not reprinted here.)

EXHIBIT E

VIRGINIA DIVISION,
THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
January 20, 1968.

HON. JOHN E. MOSS,
HON. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN: Thank you for your letter of January 18, 1968, concerning the Hunting Creek estuary.

As stated in your letter, the Virginia division did take action in 1966 to rescind its opposition to development of this area based on information furnished by members of its local chapter. However, the division did not reiterate this stand as also stated in your letter at its meeting in Richmond on January 13, 1968. In this respect, we feel that you have been misinformed.

The latest action by our organization was to request J. W. Penfold, conservation director, the Izaak Walton League of America, to check into this situation for us.

Mr. Penfold has invited a member of your staff to accompany him on an on-site visit of the area Monday, January 22, 1968, and to make such other checks as necessary, and to notify us accordingly.

As you can see, rather than a reiteration of our previous stand, the division has opened this matter for reconsideration.

We sincerely appreciate your interest in conservation and your time and effort to question any action by this division.

Respectfully yours,

GLENN C. WELDEN, *President.*

EXHIBIT F

JANUARY 3, 1968.

HON. STANLEY A. CAIN,
Assistant Secretary for Fish and Wildlife and Parks,
Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: In all candor, sir, I must confess that I find your letter totally unresponsive to the questions contained in my communication to you.

I assume the original action of opposition was based on careful studies of the effect upon wildlife (I was not aware that recreation fell within your pur-

view in the Department). If my initial premise is correct, then certainly there must be some sort of study upon which you based your subsequent action. Or is it your intention to tell me that you made "a judgment" without any additional studies by the experts of the Fish and Wildlife Service?

Sincerely,

JOHN E. MOSS,
Member of Congress.

EXHIBIT G

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 11, 1968.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR Mr. MOSS: In reply to your letter of January 3, I can tell you that I did make a judgment without any additional studies of the fish and wildlife values at the site.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary for Fish and Wildlife and Parks.

EXHIBIT BY HOFFMAN ASSOCIATES

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 28, 1967.

Hon. MILLS E. GODWIN,
Governor of Virginia,
Richmond, Va.

DEAR GOVERNOR GODWIN: Chapter 546, acts of assembly of 1964, authorizes the Governor and attorney general of Virginia to convey certain submerged lands located in Hunting Creek in the city of Alexandria, Va., to Francis T. Murtha, trustee, and Hunting Towers Operating Co., Inc. Our letters of April 22 and July 15, 1964, requested that this authority not be exercised and that the lands not be conveyed because of this Department's objections to the proposed use of the submerged lands and its effect upon Federal property rights and programs in the area.

We have reconsidered our interests in this matter. There is enclosed for your information a copy of our letter of October 10, 1967, to Col. Frank W. Rhea, district engineer for the Corps of Engineers of Baltimore, Md., and its enclosures, advising him of our present position. You will note that our objections to the revised applications, requiring the use of a lesser amount of land than was included in the original applications, are withdrawn, subject to the understanding that the Federal Government claims title to a portion of the land, under Virginia law, by virtue of its ownership of the land at Jones Point. The area which, on the basis of our best judgment and a recent survey, is claimed as federally owned land, is marked on the prints and map which are the enclosures with the letter to Colonel Rhea.

We want to express our appreciation for the cooperation of your office in connection with this matter.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

PART IV.—SUBCOMMITTEE LETTERS AND RESPONSES CONCERNING PERMIT FOR LANDFILL IN HUNTING CREEK

From—	To—	Date of letter
Hon. Robert E. Jones.....	Lt. Gen. William F. Cassidy.....	June 7, 1968
Maj. Gen. F. J. Clarke..... (Enclosing letter to Howard P. Hoffman Associates, Inc., June 13, 1968).	Hon. Robert E. Jones.....	June 13, 1968
Hon. Robert E. Jones.....	Hon. Mills E. Godwin.....	June 12, 1968
Hon. Mills E. Godwin, Jr.....	Hon. Robert E. Jones.....	June 14, 1968
Hon. Robert E. Jones.....	Mr. Chester F. Phelps.....	June 17, 1968
Mr. Chester F. Phelps..... (Enclosing copy of ch. 546, acts of Virginia Assembly, approved Mar. 31, 1964).	Hon. Robert E. Jones.....	June 20, 1968
Mr. Edward S. Holland.....	do.....	July 5, 1968
(Enclosing letter, Mr. P. B. Hall to district engineer, Apr. 14, 1964; letter, Howard P. Hoffman to Mr. P. B. Hall, Apr. 14, 1964; letter, Col. Roy S. Kelley to Mr. P. B. Hall, July 23, 1964; and letter, Mr. P. B. Hall to Col. Roy S. Kelley, Aug. 3, 1964).		
Hon. Robert E. Jones.....	Lt. Gen. William F. Cassidy.....	July 18, 1968
Lt. Gen. William F. Cassidy.....	Hon. Robert E. Jones.....	July 26, 1968

HOUSE OF REPRESENTATIVES, NATURAL RESOURCES AND POWER SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS, Washington, D.C., June 7, 1968.

Lt. Gen. WILLIAM F. CASSIDY,
Chief of Engineers, Corps of Engineers,
Washington, D.C.

DEAR GENERAL CASSIDY: This subcommittee is investigating the circumstances surrounding the issuance of a permit by the Army Corps of Engineers to Howard P. Hoffman Associates, Inc., to fill in a portion of Hunting Creek at Alexandria, Va. We have scheduled a hearing on this matter for Monday, June 24, 1968, at 10 a.m. in room 2203 of the Rayburn House Office Building.

We request that you instruct the officers and employees of the Corps of Engineers who were responsible for the review and processing of the application for this permit to be present and available to testify at that hearing.

It is requested that you advise the permittee not to construct bulkheads and other structures or engage in filling operations, under the permit, pending the subcommittee hearing and consideration thereof.

Sincerely,

ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., June 13, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to your recent letter stating that your subcommittee is investigating the circumstances surrounding the issuance of a permit to Howard P. Hoffman Associates, Inc., to construct a bulkhead and to fill in Hunting Creek at Alexandria, Va., and that you have scheduled a hearing on the matter for Monday, June 24, 1968, at 10 a.m. in room 2203 of the Rayburn House Office Building.

The officers and employees of the Corps of Engineers responsible for the review and processing of the application for the permit will be present and available to testify at the hearing.

Inclosed is a copy of my letter to the permittee requesting them not to construct bulkheads and any other structures or engage in filling operations under the permit, pending the subcommittee hearing and consideration thereof.

Sincerely yours,

F. J. CLARKE, *Major General, USA,
Acting Chief of Engineers.*

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., June 13, 1968.

HOWARD P. HOFFMAN ASSOCIATES, INC.,
New York, N.Y.

GENTLEMEN: I refer to the permit issued by our district engineer, U.S. Army Engineer District, Baltimore, Md., on May 29, 1968, authorizing the construction of a bulkhead and fill in Hunting Creek at a point on the northwest shore at Alexandria, Va.

The Natural Resources and Power Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C., is investigating the circumstances surrounding the issuance of the permit and has scheduled a hearing for Monday, June 24, 1968, at 10 a.m. in room 2203 of the Rayburn House Office Building.

It is requested that no action be taken to construct the bulkheads or any other structures or engage in filling operations under the permit pending the subcommittee hearing and consideration thereof.

Sincerely yours,

F. J. CLARKE,
*Major General, U.S. Army,
Acting Chief of Engineers.*

HOUSE OF REPRESENTATIVES,
NATURAL RESOURCES AND POWER COMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., June 12, 1968.

HON. MILLS E. GODWIN,
*Governor of Virginia,
Richmond, Va.*

DEAR GOVERNOR GODWIN: The Natural Resources and Power Subcommittee of the House Government Operations Committee has scheduled a hearing to inquire into the circumstances of the issuance of a permit by the Army Corps of Engineers to Howard P. Hoffman Associates, Inc., to fill in a portion of Hunting Creek in Alexandria, Va. The hearing will commence at 10 a.m. on Monday, June 24, in room 2203 of the Rayburn House Office Building in Washington, D.C.

By act of the General Assembly of Virginia approved March 31, 1964 (chapter 546), the Governor and attorney general were authorized to convey the submerged land now embraced in the permit, plus certain other submerged land, to Francis T. Murtha, trustee, and to convey certain adjacent submerged land to Hunting Towers Operating Co., Inc. Secretary of the Interior Stewart L. Udall in 1964 requested your predecessor to defer making the conveyances, but on November 28, 1967, informed you of the withdrawal of his objections as to that part of the area described in the act of assembly which has now been included in the Hoffman Associates permit.

We would very much appreciate receiving your advice on whether or not any deed of the Commonwealth to the land in question has yet issued. If it has, may we have a copy for our record? If the deed has not been issued, would you inform us of any legal or policy questions on the State level which have delayed its execution?

We appreciate your cooperation.
Sincerely,

ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee.

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, June 14, 1968.

Hon. ROBERT E. JONES,
*Chairman, Natural Resources and Power Subcommittee of the Committee on
Government Operations, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN JONES: I wish to acknowledge receipt of your letter of
June 12 regarding the permit that has been issued by the Army Corps of Engi-
neers to Howard P. Hoffman Associates, Inc., to fill in a portion of Hunting
Creek in Alexandria, Va.

I wish to advise that no deed of the Commonwealth to the land in question has
yet been executed.

This matter is now receiving appropriate attention by the attorney general,
and at this point, I know of no legal or policy questions at the State level that
may unduly delay the deed's execution.

Sincerely,

MILLS E. GODWIN, Jr.

HOUSE OF REPRESENTATIVES,
NATURAL RESOURCES AND POWER SUBCOMMITTEE OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., June 17, 1968.

Mr. CHESTER F. PHELPS,
*Executive Director, Commission of Game and Inland Fisheries,
Richmond, Va.*

DEAR MR. PHELPS: The Natural Resources and Power Subcommittee of the
House Government Operations Committee has scheduled a hearing for Monday,
June 24, 1968, at 10 a.m., in room 2203, Rayburn House Office Building, Wash-
ington, D.C., to inquire into the circumstances surrounding the recent issuance
of a permit by the Army Corps of Engineers to Howard P. Hoffman Associates,
Inc., to fill in a part of Hunting Creek. Hunting Creek is a bay of the Potomac
estuary lying in the Commonwealth of Virginia near Alexandria. It is navigable
water of the United States.

Issuance of the permit was opposed by several groups on the ground that
Hunting Creek is a wintering site for diving ducks and other waterfowl. It
appears to have minimal value for either sport or commercial fishing.

Section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. 662(a))
requires, in effect, that when an application to fill in navigable water is filed
with the Corps of Engineers, the corps, prior to granting the permit, shall consult
with "the head of the agency exercising administration over the wildlife re-
sources of the particular State" in which the water lies.

We would greatly appreciate a statement from you for the hearing record
indicating:

(1) Whether the Virginia Commission of Game and Inland Fisheries is
the agency of the State of Virginia exercising administration over the water-
fowl resources of the State of Virginia;

(2) Whether the U.S. Army Corps of Engineers consulted with the Vir-
ginia Commission of Game and Inland Fisheries, concerning the application
of Howard P. Hoffman Associates, Inc., to place fill in Hunting Creek;

(3) Whether anyone acting on behalf of Howard P. Hoffman Associates,
Inc., or Francis T. Murtha consulted with the Virginia Commission of Game
and Inland Fisheries concerning the application of Howard P. Hoffman
Associates, Inc., to place fill in Hunting Creek;

(4) Whether your commission, or yourself, as its executive director, has
given consideration to the possible effects of this proposed fill on the water-
fowl or other wildlife resources of the State of Virginia; and

(5) Whether anyone acting on behalf of the Virginia Commission of Game
and Inland Fisheries has submitted a report or expressed views to the Corps
of Engineers or the U.S. Fish and Wildlife Service on such possible effects
of the proposed fill.

(6) If question 5 is answered in the affirmative, we would appreciate
your sending to us a copy of such report, or a statement of such expressed
views.

We shall appreciate your cooperation and your early response.

Sincerely,

ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee.

COMMONWEALTH OF VIRGINIA,
COMMISSION OF GAME AND INLAND FISHERIES,
Richmond, June 20, 1968.

HON. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN JONES: Reference is made to your letter of June 17 concerning the recent issuance of a permit by the Army Corps of Engineers to Howard P. Hoffman Associates, Inc., to fill in a part of Hunting Creek.

Attached is a copy of chapter 546, acts of the assembly, 1964, which will be largely self-explanatory. It would appear the matter has been decided by this legislative action and is now subject to decision by the Governor and attorney general. In response to your specific questions, (1) the Virginia Commission of Game and Inland Fisheries does exercise administration over the waterfowl resources in the State of Virginia. With the exception of (4) I believe the other questions are answered by the attached act. With respect to (4), we are familiar with the situation and for all practical purposes the area has already been made unattractive for waterfowl by previously made fill.

Sincerely,

CHESTER F. PHELPS,
Executive Director.

CHAPTER 546—LAWS OF VIRGINIA, PAGE 825

An Act to authorize the Governor and Attorney General to execute in the name of the Commonwealth, deeds conveying unto Francis T. Murtha, Trustee, and Hunting Towers Operating Co., Inc., certain formerly submerged lands in the city of Alexandria.

[H 591]

APPROVED MARCH 31, 1964

Whereas, Francis T. Murtha, trustee, and Hunting Towers Operating Co., Inc., are owners in fee of certain fast land along the perimeter of Hunting Creek in the city of Alexandria; and

Whereas, each claim riparian rights to contiguous acreage within such area; and

Whereas such owners wish to bulkhead most of the area within the riparian claim areas, and fill same with earth so that productive use may be made thereof; and

Whereas as the situation now exists, a health hazard is present, since such waters as remain are stagnant and will not support marine life, nor are same navigable to any extent; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The Governor and the Attorney General are hereby authorized in consideration of the premises, and the payment into the General Fund of the Commonwealth of a sum to be fixed by the Governor, not less than thirty thousand dollars, to execute, in the name of the Commonwealth, a proper deed of conveyance, under the lesser seal of the Commonwealth, conveying unto Francis T. Murtha, Trustee, all of the Commonwealth's right, title and interest in and to the following described property:

Beginning at a point in the easterly right-of-way line of Mt. Vernon Memorial Highway, said point also marking the southwesterly corner of a 4.8159 acre tract of the land of Francis T. Murtha, Tr. the following courses and distances: South 77° 17' 05" east, 284.53 feet to a point and; north 41° 24' 40" east, 552.35 feet to the southeasterly corner of the land of Hunting Towers Operating Co., Inc., and thence running south 54° 44' 26" east, 2,707.33 feet to a point 94 feet more or less west of boundary of the Commonwealth of Virginia, as the said boundary passes between headlands on the west shore of the Potomac River at the mouth of Hunting Creek; and running thence, north 67° 00' 00" west, 3,100.00 feet to the point and place of beginning and containing 18.8734 acres.

§ 2. The Governor and the Attorney General are hereby authorized, under the same terms and conditions as set forth in § 1 hereof, to convey to Hunting Towers Operating Co., Incorporated, all of the Commonwealth's right, title and interest in and to the following described property:

Beginning at a corner of the aforesaid land of the Hunting Towers Operating Co., Inc., the west line of the southerly extension of South Royal Street, south 09° 30' west, 221.16 feet and south 09° 11' 40" west, 325.93 feet from the southerly line of the right of way of State route 495, also known as the Capitol Beltway and running thence south 41° 21' 58" east, 2,447.68 feet to a point 94 feet west of a boundary of the Commonwealth of Virginia as said boundary passes between headlands on the west shore of the Potomac River at the mouth of Hunting Creek, thence north 54° 44' 26" west, 2,707.33 feet to the southeasterly corner of the aforementioned lands of Hunting Towers Operating Co., Inc., thence with said land, north 65° 11' 40" east, 653.34 feet to the point of beginning and containing 17.5945 acres.

HOLLAND ENGINEERING,
Alexandria, Va., July 5, 1968.

Hon. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN JONES: I understand that the question has been raised before your committee as to the disposition of the storm and sanitary sewage from the "Royal Street sewer" in the city of Alexandria.

This matter has been disposed of in accordance with a letter from Philip B. Hall, director of public works, city of Alexandria, Alexandria, Va., dated April 14, 1964, addressed to the District Engineer, U.S. Corps of Engineers, Baltimore District. A copy of this letter is enclosed for your information. Also enclosed is copy of letter from Howard P. Hoffman Associates, Inc., of even date.

The easement referred to in the above letter would lie within the extended right-of-way of Royal Street through or adjacent to the property of Howard P. Hoffman Associates, Inc., and into the channel which handles the water from Hunting Creek to the Potomac River, several hundred yards away from the lands of the United States of America, and now administered by the Department of Interior.

As is set forth in Mr. Hall's letter, the developers of this land would be required by the city to bear the entire cost of any channel or structures required to deliver these waters into the appropriate natural channel mentioned above.

Since this sewer is not now on any federally owned property and is in the right-of-way of a public street of the city of Alexandria, and would be extended and routed through the extended right-of-way of this street, the subject of its location or expense of facilities constructed therefor are not a concern of the Federal Government.

Sincerely yours,

EDWARD S. HOLLAND.

APRIL 14, 1964.

DISTRICT ENGINEER,
Corps of Engineers, Baltimore District,
Baltimore, Md.
(Attention: Mr. Lineweber).

GENTLEMEN: The city of Alexandria recently transmitted a letter to the District Engineer of the Corps of Engineers, Baltimore District, with reference to an application by certain property owners in the city of Alexandria for a permit to bulkhead and fill a portion of the Hunting Creek estuary on the south border of Alexandria. At that time we requested that no permit be issued until we had been able to satisfy the drainage requirements of the city of Alexandria since the fill in question would have the effect of obstructing the flow from a major storm drain in the city.

This office is today in receipt of letters from each of the property owners involved in the application for permit to fill agreeing to provide to the city of Alexandria necessary easements for the construction of a channel to handle the storm water flow referred to in our original letter, and to provide a temporary channel for this storm water at the expense of the applicant. The applicants have also agreed to discuss with the city the cost of a permanent outfall structure at such times as it becomes necessary to construct same. The city, therefore, feels that the problems which they brought to your attention in our letter of March 27,

1964, has been satisfactorily solved and the city, therefore has no further objections to granting of this permit.

Very truly yours,

P. B. HALL,
Director of Public Works.

JULY 5, 1968.

I certify that this letter is a true copy taken from the files of the Public Works Office, city of Alexandria, Va.

JOSEPH J. PESSA,
Administrative Assistant, Department of Public Works.

HOWARD P. HOFFMAN ASSOCIATES, INC.,
New York, N.Y., April 14, 1964.

MR. P. B. HALL,
*Director of Public Works,
Alexandria, Va.*

DEAR MR. HALL: We, the property holders, heirs and assigns of the 18.8734 acres of land adjacent to the property of Hunting Towers Operating Co., near the shore of Hunting Creek, agree that if the U.S. Corps of Engineers grants us a permit to bulkhead and fill our property in accordance with our pending application, we will provide at our expense to the city of Alexandria satisfactory easements across the captioned land to provide for the unobstructed flow of storm water from the present Royal Street storm sewer directly to the present channel of Hunting Creek and at our expense to improve a temporary channel for said purpose. The owners also agree to participate in the cost of any future improvement of said storm water drainage facility by structures or otherwise, subject to negotiation with City Council of Alexandria in the determination of the exact proportion of cost to be borne by the city and the owners of said land, their heirs or assigns.

Very truly yours,

HOWARD P. HOFFMAN, *President.*

U.S. ARMY ENGINEER DISTRICT, BALTIMORE,
CORPS OF ENGINEERS,
Baltimore, Md., July 23, 1964.

MR. P. B. HALL,
*Director of Public Works,
Alexandria, Va.*

DEAR MR. HALL: I refer to your letter of April 14, 1964, wherein you stated that the city of Alexandria had no further objections to the issuance of Department of the Army permits for the proposed construction of a bulkheaded fill in Hunting Creek at Alexandria, Va.

The applicants, Hunting Towers Operating Co., Inc., and Howard P. Hoffman Associates, Inc., have submitted revised plans of the proposed work and are requesting permits on the basis of such revised plans. The revised plans indicate that the structure will extend channelward of an existing bulkhead a distance of 790 feet on its northerly side and 920 feet on its southerly side, the original dimensions being 2,050 feet and 2,420 feet, respectively. A copy of each of the revised plans is enclosed.

I would appreciate being advised as to whether you have any objections to the work as now proposed.

Sincerely yours,

ROY S. KELLEY,
Colonel, Corps of Engineers, District Engineer.

(Subcommittee note: The plans referred to are not reprinted here. They are virtually the same as those accompanying the letter of Assistant Secretary of the Interior Stanley A. Cain to the District Engineer, Colonel Rhea, October 10, 1967, reprinted above.)

AUGUST 3, 1964.

COL. ROY S. KELLEY,
*Corps of Engineers,
Army Engineer District,
Baltimore, Md.*

DEAR COLONEL KELLEY: Referring to your letter of July 23, 1964, I can see no change in the situation since our letter of April 14, 1964. We have on file, in our possession, letters from both of the applicants for the proposed fill indicating that

they will take care of the necessary drainage which is our major concern and I, therefore, feel that our letter of April 14, still holds.

Sincerely yours,

P. B. HALL,
Director of Public Works.

July 5, 1968.

I certify that this letter is a true copy taken from the files of the Public Works Office, city of Alexandria, Va.

JOSEPH J. PESSA,
Administrative Assistant, Department of Public Works.

JULY 18, 1968.

Lt. Gen. WILLIAM F. CASSIDY,
*Chief of Engineers,
Corps of Engineers,
Washington, D.C.*

DEAR GENERAL CASSIDY: Paragraph 3 of the Baltimore District Engineer's report of September 16, 1964, concerning the applications of Hunting Towers Operating Co., Inc., and Howard P. Hoffman Associates, Inc., for a permit to fill in part of Hunting Creek, Virginia, states:

"3. Has necessary State or other primary authority been obtained? The General Assembly of Virginia, on March 31, 1964, approved house bill 591 (copy inclosed), which authorized the Governor and attorney general to execute, in the name of Commonwealth, deeds conveying unto Francis T. Murtha, trustee, and Hunting Towers Operating Co., Inc., certain formerly submerged lands in the city of Alexandria. The act became effective on June 27, 1964, but it is understood that the Governor, at the request of the Assistant Secretary of the Department of the Interior, agreed to withhold action on execution of the deeds of conveyance in order to give the Department of the Interior time to study the situation regarding U.S. riparian rights in Hunting Creek adjacent to U.S.-owned land at Jones Point. The status of the agreement is not known. (Howard P. Hoffman Associates, Inc., is the contract purchaser of the property to be conveyed to Francis T. Murtha, trustee.)" We would appreciate your promptly advising us, on the basis of information in the possession of the Corps of Engineers, as of May 29, 1968, when the Hoffman permit was issued, your answers to the following questions:

1. What proof did the corps have that Howard P. Hoffman Associates, Inc., is the contract purchaser from Francis T. Murtha, trustees, of any land described in the Virginia Act of Assembly of March 31, 1964?

2. What proof did the corps have that Howard P. Hoffman Associates is a corporation?

(a) In what State, if any, is it incorporated?

(b) Is this corporation licensed to do business in the State of Virginia?

Sincerely,

ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee.

JULY 26, 1968.

Hon. ROBERT E. JONES,
Chairman, Natural Resources and Power Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This replies to your recent letter regarding the permit issued to Howard P. Hoffman Associates, Inc., to construct a bulkhead and fill adjacent to Hunting Creek at Alexandria, Va.

At the time of issuance of the permit on May 29, 1968, the only information available to the Corps of Engineers that Howard P. Hoffman Associates, Inc., was the contract purchaser from Francis T. Murtha, trustees, of the land described in the Virginia Act of Assembly dated March 21, 1964, were letters dated March 12, 1964, and April 30, 1968, received from Mr. Edward S. Holland, agent for the corporation. In addition, Mr. Stanley Irwin Bregman, attorney for

Howard P. Hoffman Associates, Inc., referred to the corporation as the contract owner of the property involved in a statement at the public hearing on February 21, 1968.

No proof was available to the corps as to whether or not Howard P. Hoffman Associates, Inc., was a corporation and licensed to do business in the State of Virginia.

Sincerely yours,

WILLIAM F. CASSIDY,
Lieutenant General, U.S. Army,
Chief of Engineers.

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