

My question to you is this now: How would the objective the Secretary wanted to attain with promotion of this service be improved or enhanced by his coming to you with his proposition?

Mr. AVERY. Well, before the whole controversy got started, when we first read of what the Secretary was planning to do, we went to the Secretary—actually to one of his assistants—and pointed out the problem, pointed out to him that there was this Compact that we had taken an oath to uphold, and we felt an obligation to pursue our responsibilities under the compact and suggested that the best thing to do would be to discuss a way in which to expedite a proceeding before the Commission where the requisite determinations of the compact would be made.

The Secretary's representatives just did not—well, to put it bluntly, I think they thought I was crazy. They just said, "Well, that is absolutely ridiculous. You cannot possibly have any jurisdiction here. This is national park ground and we have complete jurisdiction over it." And I said, "Well, I am very sorry, you know, I just cannot accept that idea, and so now let's talk about how to get a determination of it in court on an expedited basis as fast as we can."

The last thing I wanted to do was to find the Commission in the position of blocking the institution of the Service.

Mr. SCHWENGEL. That was the result temporarily?

Mr. AVERY. Unfortunately that was the result. And then the court—you know, you always start to wonder whether you are crazy or not—and the court finally said no, you are right; you, the Commission, are right. That is the way the law is. The law is that the compact applies to this service.

It was just recently that was decided by a three-judge panel.

The Interior Department asked the full nine-panel bench of the superior court to reconsider that and they refused. So the entire nine-panel bench has held what we said was the law was in fact the law.

Mr. SCHWENGEL. In the meantime, they have not been able to accommodate the visitors?

Mr. AVERY. Unfortunately the service never got implemented, because the Secretary chose to pursue the court case and the court service could not be instituted.

Mr. SCHWENGEL. So you actually blocked public service? That was the effect of your interference?

Mr. AVERY. To my great chagrin, the answer to that is "Yes."

Mr. SCHWENGEL. Now let me ask you this: Based upon the record, how long does it take your Commission to respond to applications? On the average.

Mr. AVERY. Well, I think a certification proceeding could be completed in—well, I do not know, 60 days. I would say 60 days. That is giving everybody a chance to be heard and giving the Commission time to write its opinion.

Under our rules we have to give 25 days' notice before the hearing can start. That is the one fixed time period. But even that, we could shorten that time. But that is the one fixed time period, 25 days. Then we could have the hearing, whatever length of time that would last, and then whatever brief period of time it takes to get out an opinion.