

General WOODBURY. There appeared to be in the assembly a substantive difference of views between the desires of the permittee to fill and the Department of the Interior's Fish and Wildlife Service which Secretary Cain had confirmed by telephone on April 10.

Mr. Moss. But that is not referred to in the memorandum of understanding between Secretary Udall and Secretary Resor of July 13, 1967. It doesn't mention permittees. It deals only with differences of opinion between the Department of the Interior and the Department of the Army and it provides a procedure for referring those so that they could be resolved.

You just stated there was no substantive difference of views between the Secretary of the Interior and the Chief of Engineers on this occasion.

General WOODBURY. All language has its weaknesses, sir, and I submit that perhaps this agreement has its. The agreement was negotiated and the language developed personally by myself and by the Under Secretary of Interior. It expressed as best we could what our intentions were. Our intentions were that if there was a strenuous objection to a permit action, that could not be resolved in the field by the District Engineer, the objector, and the permittee, that the matter would be referred to the Chief of Engineers and he in turn, in resolving this difference, would consult with the Secretary of the Interior and obtain his views concerning it, and his recommendations. That is what we did in this case.

Mr. Moss. What was the substantive issue where there was a difference of opinion between the District Engineer and the Chief of the Bureau of Sport Fisheries?

General WOODBURY. The difference, sir, was a difference between the applicant and the Fish and Wildlife Service that the District Engineer was not able to resolve.

Mr. Moss. I don't see in this agreement a single word about the applicant. I see something about the District Engineer and about the officials of the bureaus and the Department itself; but nowhere do I see anything about the applicant.

General WOODBURY. I don't have a copy of it with me, sir, but I think if you will look earlier in the procedure there is an indication that the District Engineer, upon receiving objections, will attempt to resolve the objections and then, failing to resolve them, he reports to the Chief of Engineers.

Mr. Moss. General, after all, it would be rather unusual for the Department of the Army and the Department of the Interior to sit down and draft an agreement dealing with the objections of an applicant for a permit to the Department of the Army. This would only deal with the matters of difference between the Department of the Army and the Department of the Interior.

General WOODBURY. Sir, that is not the purpose for which that was drafted.

Mr. Moss. The memorandum of understanding says:

* * * including the appropriate Regional Directors of the Federal Water Pollution Control Administration, the United States 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.

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