

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.

Again I submit, this goes to the matter of the relationship between the Department of the Interior and the Department of the Army, the Corps of Engineers, and not to the relationship between the applicant for permit and the Corps of Engineers. That is to be governed by different policies which you would apply to your applicants and it would be without regard to the Secretary. This memorandum of understanding is to settle the differences in the views held by the two Departments and it is summed up quite precisely.

Section 5 says:

The Chief of Engineers shall refer to the Under Secretary all those cases referred to him containing unresolved substantive differences of view.

And then he must—

* * * include his analysis thereof, for the purpose of obtaining the Department of the Interior's comments prior to final determination of the issues.

Now, did you submit a memorandum upon this occasion, containing the substantive differences of views, to the Under Secretary of the Interior?

General WOODBURY. Mr. Moss, you have interpreted this memorandum in a way that was not intended and in a way that is not applicable in this case. Paragraph 4 of the agreement speaks of the efforts of a district engineer operating under public law having to do with permits, attempting to reconcile the contrary points of view in issuing a permit, and if he fails in that regard, he refers the action to the Washington level and we attempt at that level then to resolve the differences. In the process, we consult with whatever Federal agencies are concerned with the differences. In this case it is the Department of the Interior.

This agreement was reached because most of the differences in permit actions are between the Fish and Wildlife Service or the National Park Service, and the permittees.

Mr. Moss. Of course, General, I will let the record speak for itself, but the English language is still subject to reasonably precise interpretation and taking up your paragraph 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.

Again, I submit this goes to the disagreement between the Department of the Army and the Department of the Interior. Then failing in this respect the District Engineer shall forward—this has already reached your level—you were being phoned and General Noble was being phoned. He was being phoned by a Bureau Chief and Assistant