

Mr. REUSS. Now, it is a fact, is it not, that the Fish and Wildlife Service of the Department of the Interior, as opposed to the Assistant Secretary, Under Secretary, and other officials, has consistently, since 1964, opposed these Hunting Creek fill applications?

General WOODBURY. I understand that this morning. I did not always understand that. I thought when the Assistant Secretary of Interior withdrew the objections in October he was speaking for those Bureaus of the Department of the Interior that had earlier objected.

Mr. REUSS. You made no effort to find out in October 1967 what the attitude of the U.S. Fish and Wildlife Service was?

General WOODBURY. The action at that time, sir, was with the District Engineer. It was not in the Chief's Office.

Mr. REUSS. Did anyone in the Corps of Engineers make an effort to find out what the attitude of the U.S. Fish and Wildlife Service was in October 1967?

General WOODBURY. Not that I am aware of. I don't know that they didn't either.

Mr. REUSS. I am distressed to hear you admit this because you thus confess that the Corps of Engineers was violating its clear statutory duty. I call your attention—though I wouldn't have thought it necessary—to the Wildlife Coordination Act of 1958, 16 United States Code, sections 661 and 662, in which it is set forth quite clearly that whenever the Corps of Engineers is asked to issue a permit to modify, or fill any body of water, you shall "first consult with the U.S. Fish and Wildlife Service, Department of the Interior."

You now tell me that the corps was getting all set to issue its permit as of October 1967, without any knowledge as to whether the Fish and Wildlife Service approved or disapproved.

General WOODBURY. It was our understanding, sir, that the Fish and Wildlife Service had withdrawn their objection. The basis of that understanding is our letter from Secretary Cain in October in which he said that the Department had reconsidered their views and that "We have withdrawn our objection."

Mr. REUSS. You were in fact misinformed, were you not? The Fish and Wildlife Service had not withdrawn its objection, had it?

General WOODBURY. I had no way of knowing whether they had.

Mr. REUSS. Were you here in the hearing room this morning?

General WOODBURY. Yes, sir, I was.

Mr. REUSS. You heard Director Gottschalk describe the consistent and unvarying position of the Fish and Wildlife Service in opposition to the permit?

General WOODBURY. I did, sir.

Mr. REUSS. In the light of that, if you got the impression from Secretary Cain's letter of October 10, 1967, that the Fish and Wildlife Service had in fact withdrawn its objection, that impression was erroneous, was it not?

General WOODBURY. I suspect that it is, from what I heard this morning. I have no first-hand knowledge of that, sir, so I really can't testify to it, but it is a fact that when the objections were not fully resolved, the Secretary of the Army, acting through the district engineer, did schedule a public hearing, and did send notice of this hearing to all of the agencies, including the Fish and Wildlife Service, to give them further opportunity to make comments.