

General WOODBURY. No, sir; I am not.

Mr. REUSS. Then I renew my question: Does that 1964 publication by the Corps of Engineers, which says that primarily you will be concerned with navigation and that you will permit a little evidence of other matters to be brought in, does that seem to you to be in accordance with the mandate of Congress in the Coordination Act of 1958 which I just read you?

General WOODBURY. No, sir; it does not and that is why we changed it.

Mr. REUSS. Wouldn't it have been a good idea to have obeyed the law in the first place?

General WOODBURY. How the other one was administered, sir, I don't know. I wasn't in Washington at the time. I don't know of any case where the Fish and Wildlife Act was not observed in the interval between 1958 and 1966, when the procedures were changed.

Mr. REUSS. But it is your testimony, is it, that it is a violation of the Coordination Act to conduct a hearing and a proceeding on a fill application in which the decision rests primarily on the effect of the work on navigation, and does not give equal consideration to the wildlife conservation aspect?

General WOODBURY. That is my interpretation, sir, and that is why we revised the procedures in the public notices that the district engineers now put out.

Mr. REUSS. In the light of the fact that the Corps of Engineers, by your own admission, was apparently proceeding illegally under this application, don't you think it would be a good idea for the corps to withdraw its permit and start over again and obey the Coordination Act?

General WOODBURY. I don't know that it was proceeding illegally, sir. That is—

Mr. REUSS. You just testified that the notice of application violates the congressional mandate of the 1958 Coordination Act in that it explicitly says that primary attention will be given to navigation, which obviously means that equal consideration can't be given to wildlife conservation.

General WOODBURY. In this case, sir, the testimony that was presented in 1964 was given full consideration under the present procedures and under the present policies, and further there were additional hearings in 1968 in which the public interest is considered and not just navigation interests.

Mr. REUSS. A judge of a court who advertised in advance that he was not going to give equal consideration to both sides of a litigation would be subject to impeachment, would he not?

General WOODBURY. You can better answer that question than I. I don't know, sir. That is beyond my competence.

Mr. REUSS. I would have no further questions.

General WOODBURY. I would comment on one thing, sir, and that is that the public notice issued prior to the February 1968 hearing I am sure did not have that language in it.

Mr. JONES. Mr. Gude.

Mr. GUDE. The Coordination Act provides that the department or agency first consult with the U.S. Fish and Wildlife Service, the Department of the Interior, and with the head of the agency exercising