

administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facilities are being constructed, with a view to the conservation of wildlife resources, and so on. What sort of consultation did the Corps of Engineers have with the Virginia State wildlife people and its appropriate agencies?

General WOODBURY. I have no firsthand knowledge of that. Colonel Rhea is the district engineer who will testify later and can answer that question much more completely than I.

To my knowledge the Governor of Virginia did indicate that if the Corps of Engineers was going to issue a permit the State would sell the underlying land to the permittee.

Mr. GUDE. I understand that the interpretation of "consult" in this statute is one where, as Mr. Reuss has put it, it is a sort of a "green light-red light" type of action. There is not actually a sitting down and a discussion in reference to matters of this type?

General WOODBURY. It depends on the individual cases, how much discussion there is. When a district engineer receives an application for permit, he issues a public notice and that public notice goes to the State fish and wildlife people and I am certain that the State of Virginia was consulted in this case starting in 1964. But I don't have firsthand knowledge of that. Colonel Rhea does have and I believe could testify to it.

Mr. GUDE. I was thinking in reference to the State of Virginia, but also with regard to the Interior Department, that it wasn't a matter of weighing the testimony of the Department of the Interior; it was merely a matter of "yes or no." They say "All right, go ahead," or "No, don't." Is this the type of action the Corps of Engineers was searching for in regard to this problem?

General WOODBURY. If the Department of the Interior, in advising the Chief of Engineers, advises against the permit, there is then consultation to determine to what extent some modification of the permit might be acceptable or what limitations the Secretary of the Interior might want to place on the permit, the nature of the fill to be put in, the kind of a bulkhead to be put, whether or not there is to be dredging—these things are discussed. In this case, the Under Secretary of the Interior indicated that they had no objection to the permit proceeding.

Mr. JONES. Mr. Vander Jagt?

Mr. VANDER JAGT. In this case, had there been a strong objection from the Department of the Interior, would you have recommended that the permit be granted anyway?

General WOODBURY. This is a speculative question.

Mr. VANDER JAGT. Looking at the situation in April or in May when the permit was granted, had there been a strong recommendation from the Department of the Interior that conservation and recreational values would be adversely affected, would you have nevertheless recommended that the permit be granted?

General WOODBURY. I think I can best answer that question by saying that we had dealt with this permit from 1963 on. The fundamental objections came from the Fish and Wildlife Service. We were aware of those objections and we did not at any time issue this permit or press the action to get a permit issued. I am sure that if the Department of the Interior, if Secretary Black, came back to me and said