

General WOODBURY. No, sir. The action was taken subsequent to my departure from the office, sir, so I am really not in a position to answer your question. You asked me if I knew. I don't know.

Mr. INDRITZ. Let me put the question a little differently. Before this was forwarded to the Secretary of the Army, had you read the reports and the endorsements up to the date of your departure?

General WOODBURY. Yes, sir. Prior to sending it over to Secretary Black, I had reviewed the record.

Mr. INDRITZ. Do you recall, anywhere in the endorsements, any reference to the fact that the Secretary of the Interior, Stewart Udall, had written to the Department of the Army objecting to the issuance of the permit?

General WOODBURY. I don't have any specific recollection of that; no, sir.

Mr. INDRITZ. Were you familiar with the fact that the fill level proposed in the area covered by the permit would be only 2.8 feet above the mean high water mark?

General WOODBURY. No; not specifically.

Mr. INDRITZ. Were you familiar with the fact that a fill level of that height would be flooded very frequently?

General WOODBURY. I have no recollection, sir, of the height of the fill, or the implications concerning it. This was not a question at this point.

Mr. INDRITZ. In approving a permit for a fill which would be flooded frequently, would the corps take into consideration the fact that there might be very substantial pressures placed upon the corps to spend money for flood control structures to protect a fill area of such a low level?

General WOODBURY. Yes; as a matter of normal practice, if a permit comes in and it appears that the permittee is doing something unwise in the way of a fill that isn't high enough, or a fill that is too high, we give him the benefit of our advice concerning it, but we do not design his fill.

Mr. INDRITZ. My question was, if you are aware, in the case of an application for a permit, that the fill would be at a low level such that it would be frequently flooded, does the corps, in determining whether to issue the permit, take into consideration the fact that there may be substantial pressures placed upon the corps later to spend money for flood control structures to protect the fill area?

Mr. JONES. What he is asking, General, in a planned area it would not be constructed, when later on the Corps of Engineers would have to consider the revetments or structures to keep the area from flooding. The answer is "Yes."

General WOODBURY. The answer is "Yes."

Mr. INDRITZ. You would take that fact into consideration?

General WOODBURY. Yes, sir.

Mr. INDRITZ. Was that fact taken into consideration in connection with this permit?

General WOODBURY. I do not know without reviewing the case again, sir.

I do not recall at this time. I suspect that it was. I know of no reason why it would not have been.