

Mr. Moss. Which is of course a moot question, because the action is taken. But nevertheless, 16 U.S.C. 662(a) states that:

Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior. * * *

I assume, Doctor, that the intended policy, which appears to be the one followed in the Department, is that we would substitute the Assistant Secretary of the Interior rather than name the agency. It has been, I think, the history of the Congress that, where we go to the trouble of specifically delineating an agency by name, it is because we have a reason. It is not an idle action. It is not one where we intend merely to embellish with words, but we have a purpose. In my opinion the purpose here was quite clear—to refer to the experts, to the professionals in the Department, for advice.

In my opinion the action taken at the time of the hearing denied that advice to the public and to the engineers that were doing this, and they were confused.

Dr. CAIN. May I add a comment, Mr. Chairman, to this?

The Department of the Interior has had a decade of experience at the coordination level. And in recent years at least there have been on the order of 5,000 or 6,000 applications to the Corps of Engineers for permits for dredging and bulkheading and filling. These are all referred to the Bureau of Sport Fisheries and Wildlife, the River Basins Division.

Now, on the surface a large number of these do not require investigation, because patently there are no important fish and wildlife matters involved. Some of them, however—and I do not know the number, but a considerable number of them—receive what may be called an office or desk evaluation. And in the case of this permit that we are dealing with now in its original form, for the larger acreage—I guess there were two permits involved, there were 36 acres—this was dealt with by the Atlanta office, which is appropriate, since this area comes within the region; and it was dealt with in a desk or office inquiry in which they referred the question to the professional people of the State of Virginia, who commented back. And so this was the first and standard reaction.

I might say that we do not have the personnel, or the time, and most circumstances do not warrant a field investigation. But later, nevertheless, a field examination was made, and a more elaborate statement issued from the regional office in June—a considerably elaborated statement over that which was initially issued from that office in April of 1964. This was partly because of the interposition of the Washington level in the problem, because of the many contacts which had been made with the Bureau in Washington with respect to this problem.

So that is normal procedure, as I have just described. Some are not commented on, some are commented on with an office or desk study, and some are given a field study. And this again is a matter of judgment as to how far you go, or sometimes a matter of the degree of interest which has been evidenced by sectors of the public with respect to a