

given permit. But the situation got so complicated, Mr. Moss, that I am sure you know that in July of 1967, after a considerable negotiation, an agreement was reached between Secretary Resor of the Department of the Army and Secretary Udall with respect to the mechanism, which says, in the first level of discussion of a permit granting—which does include, as I have just said, and quite properly, the Bureau of Sport Fisheries and Wildlife, and other bureaus which have collateral interest—if a resolution is not performed there, the second formal step is between the Chief of Civil Functions of the Corps of Engineers and the Under Secretary of the Interior. And if they cannot agree, there is a third step, and that is the two Cabinet officers. And the document does not refer to what happens if the two Cabinet officers cannot agree, but it is quite apparent that the law says that the corps has the authority to issue a permit. So I guess that the ball game is over at that time.

So what I am trying to explain is, it is normal according to that agreement for the secretarial office to get involved in an issue like this. And this is a second step beyond what you have just described. And there are circumstances in which it seems to me that this becomes not only proper but necessary.

Mr. Moss. Mr. Chairman, this opens up general questions which I would like to pursue further with Dr. Cain.

Mr. JONES. You may proceed.

Mr. Moss. Doctor, you acted in October to address a letter to the Corps of Engineers withdrawing the opposition expressed by the Bureau of Sport Fisheries and the National Park Service. What was the triggering action that motivated that?

Dr. CAIN. I can explain that. Let me start by saying that until that time I knew practically nothing about this particular problem. I had heard that there was a question about a permit at Hunting Creek. I had also heard that Congressman Dingell, who had originally, I believe in 1964, opposed this, had in the summer of 1967 removed his objections. And if I may interpolate, I worked very closely in another committee with Congressman John Dingell. We come from the same State, I know him very well, and I respect him very highly as a conservationist. So let me say that I was influenced by Mr. Dingell's actions.

I also did not know this area in any sense that I had gone there particularly to look at it. But I certainly was familiar with the region, because I had been up and down there many times. So I had a general feeling—let us call it that, rather than an expert opinion—a general feeling that this particular permit dealt with an area which was not greatly significant with respect to fish and wildlife values—and this is my personal opinion. If the Bureau, in this case the River Basins Division of the Bureau of Sport Fisheries and Wildlife, went into great detail with respect to every case in the Nation that is equivalent to this in importance, they could not get their job done.

So I had two sorts of impacts upon me, which I described in one connection as being first political, and second, my judgment of the values that were involved in deciding to sign this letter on October 10.

Now, I also knew in a general way certainly that there was congressional interest in this, both for the granting of the permit and opposed to the granting of the permit. But this was all in a sort of