

Dr. CAIN. I do not remember.

Mr. McCLOSKEY. Can you refer to it in front of you, sir? I want to quote to you the second to the last paragraph on the second page:

As to the damage to conservation values, I have received and considered the views of people in and out of this Department who entertain concern on this point. I have also made a visual inspection of the affected area in the company of technical experts on the subject. While there is no doubt of the opinions reached by those concerned with the conservation impact, their position is founded on subjective judgment considerations rather than any factual evidence which would support valid objection by this Department.

Now, I want to ask you, Dr. Cain, did Mr. Black have in front of him when he prepared that letter the factual investigations and surveys which were made under your direction?

Dr. CAIN. I do not know what he had in front of him, but I would assume that he had this record book from the Bureau of Sport Fisheries and Wildlife. I would suggest that a question like this be asked Mr. Black.

Mr. McCLOSKEY. To your knowledge, did the Department of the Interior ever comply with section 662(b) in making its report based on investigations and surveys?

Dr. CAIN. I think the Department complied in the original studies and reports that were done by the Bureau of Sport Fisheries and Wildlife sometime before, yes.

Mr. McCLOSKEY. That was in 1964. But no report was made in 1968 based on surveys and investigations, was there, sir?

Dr. CAIN. No.

Mr. McCLOSKEY. No further questions.

Mr. JONES. Mr. Secretary, the memorandum of understanding between the Secretary of Interior and the Secretary of the Army failed to limit the time within which to make comments or withdraw the objections that had been previously made by the Department. Do you not think it would be wise to change that memorandum so that the interested people can petition the Department of Interior and the Department of the Army and make known their opposition? Because, in this instance, they had no opportunity. The Department had taken a position, a position similar to that of your predecessor, the Secretary, and all the people who were involved in it took that at face value as being a continued position. And now we come to a change, and nobody representing the public interest had an opportunity to express dissent or objection to it to your Department.

Do you not think it is necessary to put some finality on it? There has got to be some *res adjudicata* somewhere along the line. And it seems to me that there ought to be some understanding that once a decision is made it will be continued, unless there are extraordinary intervening circumstances that would require a change.

Dr. CAIN. The concerned Bureaus usually do appear and testify at Corps of Engineers hearings.

Mr. JONES. I understand.

Dr. CAIN. And I understand this is an exceptional case in which, having discussed the matter, we decided there was no need to appear in this particular case.

Mr. JONES. The understanding was that you had reversed yourself. I would think if I were to call you up, Mr. Secretary, and you told me that you had made a decision, I would assume that that decision would