

Mr. Moss. Would you like to have that included in the record at this point, and then summarize it?

Mr. BLACK. I would like to so request, and if I could, make some observations with regard to what has transpired in testimony.

Mr. Moss. If there is no objection, the request of the Secretary will be granted, and the statement is received and included in the record at this point.

(The statement referred to follows:)

PREPARED STATEMENT OF DAVID S. BLACK, UNDER SECRETARY OF THE INTERIOR

Mr. Chairman, members of the subcommittee, I am grateful for the opportunity to appear at this special hearing looking into the process by which the Interior Department arrived at a decision to interpose no objection to the issuance of the subject Corps of Engineers permit. Since I was the Interior Department official who made that final decision for the Department, I am most anxious to clarify our role and explain procedure we followed and considerations taken into account which led to this decision.

My first knowledge of or contact with the particular subject matter of this hearing occurred during the second week of April, this year. At that time, the Director of Civil Works, Corps of Engineers, discussed the matter with me by telephone, in the context of interagency agreement establishing procedures for coordination on the issuance of dredging permits which affect interests of the Interior Department.

General Woodbury expressed concern over the status of the application for permit with which you are concerned today that had been pending for a number of years. The corps had understood that the concerns and reservations of the Interior Department had been removed, since we had withdrawn our basic objections in October of 1967 and had not participated in public hearings of last February. Just prior to our telephone conversation, however, General Woodbury had received indications that the Interior position might be changed again. His main purpose was to inform me that he was referring the matter for a definitive statement of departmental position, under the terms of our agreement, so that he might proceed to a decision on the permit. This he did by a letter dated April 15.

I made immediate inquiries within the Department and discovered that there had, indeed, been discussions and communications raising anew some of the issues that had been advanced at earlier dates, but later withdrawn. I also became aware that various Members of Congress had been critical of the Department's action of last October and that an influential conservation columnist and lecturer was campaigning vigorously for its reversal. In fact, on April 11, while the matter was under discussion and prior to my receipt of General Woodbury's request for clarification of our position, Mr. Mike Frome wrote to Secretary Udall giving notice of his intent to publicize the matter, especially if our conclusion was contrary to his.

Thus, while I was stepping into a case that predated my incumbency as Under Secretary by nearly 4 years, I did not underestimate the extent or degree of interest it had attracted. I want to state for the record, however, that at no time have I been contacted on this matter by the applicant or anyone personally representing the applicant. I did receive inquiries from Members of Congress and committee staff members which could only be interpreted as evidence of support for a decision favorable to the application.

Since the issue has been raised in other discussions and is very likely to be inserted here, it will be well to document the basis for the Department of the Interior's involvement in these dredge permit matters. The responsibility for passing on such applications is, of course, vested in the Secretary of the Army under his authority to prevent interference with navigation. In response to a growing volume of evidence that water structures, diversions, and other developments have been injurious to the Nation's fish and wildlife resources, the Congress in 1958 amended the Fish and Wildlife Coordination Act of 1934 to require that any Federal agency proposing such a project or empowered to issue a permit or license therefor "consult with the U.S. Fish and Wildlife Service, Department of the Interior * * * with a view to the conservation of wildlife resources." This requirement is given force and effect by a further provision