

marina and channel outside the bulkhead lines of the May 29 permit. If the Department had adequately concerned itself about the hazards which such dredging, fully planned and disclosed by the applicant, would impose on the adjacent streambed, why didn't the Department (and the corps) clearly express that concern, either by requiring protective conditions in the permit or by giving plain warning, placed in the records of the two agencies and communicated to the applicant, that an application for such additional dredging operations would be closely scrutinized and probably denied?

Sincerely,

JOHN E. MOSS,

*Member, Natural Resources and Power Subcommittee.*

Mr. MOSS. Certainly it would seem to me that it would have been a proper area of concern for the Department under the Coordination Act to determine whether or not adequate safeguards were being developed for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, to quote further from the act. Was there any inquiry as to whether there should be conditions of that type imposed?

Mr. BLACK. I made no specific inquiry with respect to conditions to be imposed. The issue seemed to be drawn quite clearly at that point as to whether a permit would be issued or be denied. We did take into account the fact again that this was a much smaller area than had been originally contemplated, and the best advice I could get at the time and on the spot was that wildlife values would not be significantly injured.

Mr. MOSS. Who gave you that advice?

Mr. BLACK. Dr. Gottschalk.

Mr. MOSS. Dr. Gottschalk?

Mr. BLACK. Yes, sir.

Mr. MOSS. He gave us different advice yesterday.

Mr. BLACK. Well, I didn't prepare Dr. Gottschalk's testimony for him. I am only trying to make clear to this committee the considerations that I acted on. Reasonable men can certainly differ as to the conclusions reached, and my conclusion may have been wrong.

Mr. MOSS. I don't question that reasonable men can disagree, and the reason for the hearing is to develop what reasonable men did. The record we have before us as to the attitudes and views of those participating is, I think you will agree, somewhat confused.

Mr. BLACK. It is very confused, sir. If it had been—if a decision had been arrived at simply and quickly with respect to this matter, I probably never would have heard of it. But I didn't have control over the prior history of this rather long and tortuous path we have traveled.

Mr. MOSS. When it reached you under the agreement of July 13, 1967, what was the unresolved difference between the Department of the Interior and the Department of the Army which would bring it to your level?

Mr. BLACK. The Department of the Army brought it to my attention because they didn't know what the position of the Interior Department was. I don't know whether they knew there were unresolved issues or not. This is what they wanted to ascertain—why General Woodbury, in a sense of some frustration, called me and said, "What is the Department of Interior doing, where do we stand on this?"