

Mr. Moss. The Chief of Engineers in his letter to you stated that it was his intention to recommend the issuance of a permit.

Mr. BLACK. That is correct.

Mr. Moss. He did in fact indicate he was in favor of it.

Mr. BLACK. He wasn't an advocate in the sense of the term that he was fighting the battles for the applicant.

Mr. Moss. General Woodbury's letter of April 15 says:

I concur in the views of the District and Division Engineers and had proposed to recommend to the Secretary of the Army that I be authorized to approve the application under the provisions of Section 10 of the River and Harbor Act of 3 March 1899 and authorize the District Engineer to issue the permit subject to the conditions of ENG Form 1721 (CIVIL) and the following additional condition:

He is quite explicit in his letter to you that he favored the issuance of the permit.

Mr. BLACK. I agree. They have certain responsibilities to protect navigation and they consider us——

Mr. Moss. They have much more than just navigation. Navigation is to receive "equal consideration" with wildlife and all of the other values.

Mr. BLACK. This is exactly why they were so concerned, and over a long period of time, as long as there was evidence of opposition to this, they did hold that up. Then the changes of position occurred and they didn't know where they were. I certainly would have done the same thing in the general's position. They knew it was a controversial matter. They knew of the extreme interest of Members of Congress on both sides of the question, and I think that it was eminently fair and reasonable that the general wrote to me and gave us a further opportunity to look at this, because the last position of record before the corps was the October 10 position, that would have permitted the corps to go ahead and act.

Mr. Moss. But you would have been most ill-advised because when a group of us here on the Hill found out about it, we served notice that we wanted a public hearing on this matter.

Mr. BLACK. This indicates the care with which the Corps of Engineers regarded its responsibilities.

Mr. Moss. Well, of course, the care with which they regard their responsibilities is a matter of opinion. Mr. Vander Jagt?

Mr. VANDER JAGT. Thank you, Mr. Chairman.

Just a moment ago, Mr. Secretary, when you were talking about the care of the Corps of Engineers, you said they protect the navigation and then you said, "and they consider us——" but you didn't finish that sentence.

Mr. BLACK. That we have a responsibility under the Fish and Wildlife Coordination Act, under our memorandum of understanding, to communicate our interests and our expertise to them.

Mr. VANDER JAGT. And your interests are what?

Mr. BLACK. Our interests are essentially conservation interests, certainly.

Mr. VANDER JAGT. So, in other words, would it be accurate to say that, in this decision of whether to grant a permit or not, you have the primary responsibility to protect the conservation interests?

Mr. BLACK. Oh, absolutely.