

Mr. Moss. Would you yield a moment?

Mr. McCLOSKEY. I certainly would.

Mr. Moss. Because again reading the entire section, it goes beyond that. I would agree that the Secretary is not bound to accept the conclusions. But I think that he is bound to act to prevent the damage which the experts advise him might follow if the permit is granted, and I think a reading of the language of the statute makes that clear. It says:

* * * 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, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency of person having the authority or the power, by administrative action or otherwise (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects * * * Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development. * * *

The purpose of the Secretary's utilizing the reports of the Bureau of Sport Fisheries is for the purpose of determining the nature of the damage that might ensue. If he wants to disregard the conclusions he should still act to prevent any damage, and I am critical not only of your overruling him, but I am also critical, in the overruling process, of the failure to impose any conditions which would minimize the damage.

There has been a confession that the nature of dredging for the marina was not a matter of knowledge to you or to your assistant. These matters were not considered. The action was generally more rapid than I get out of most departments and agencies of Government.

I thank you again.

Mr. McCLOSKEY. I have just one final question.

I understood your testimony to be that you consider this decision under the policy considerations of the Department. Is there any policy in the Department of Interior which would favor the granting of fill permits for any purposes?

Mr. BLACK. I think that the Interior Department has to balance interests, and to favor the granting of a fill permit that, in the judgment of the policymakers, will not harm conservation values, is such a balancing of interests. I see nothing inconsistent in that posture. There is no affirmative policy in the Department of the Interior to dredge or fill or bulkhead, if that is a specific answer to your question.

Mr. McCLOSKEY. I have no further questions. Thank you.

Mr. Moss. Mr. Indritz.

Mr. INDRTIZ. Mr. Secretary, the letter that you received from General Woodbury, dated April 15, stated that the Corps of Engineers proposed to add a condition (k) to the permit that would be issued to the applicant, and the language of condition (k) was set forth on the third page of General Woodbury's letter.

Did you, in arriving at your April 26 letter, consider whether that condition (k) would adequately protect the Federal Government's interest in preventing diversion of polluted material from the outfall of the sewer at the foot of South Royal Street onto the waters and shores of the Jones Point Park?