

ADDRESS

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It is always a pleasure for me to meet with groups interested in conservation and improvement of fish and wildlife. Although the press of urgent business has caused me to forego the pleasure of hunting and fishing more than I like in recent years, the time is not far distant for me when it will, I hope, be one of my major pursuits. However, our work in water resource development brings us into your field of effort, so I was quite happy to accept the invitation to take part in your program today.

I am appearing today not as a spokesman for the Department of Defense or of the Corps of Engineers, but as an engineer responsible for regional planning, construction, and maintenance of the flood control and navigation projects in the lower Mississippi River Valley. Although Little Rock is not, itself, within this region, the area covered by the Lower Mississippi Valley Division and the Mississippi River Commission represents a sizable portion of the southeast. Within this area you and I have a great many points of mutual interest.

Certainly, I am propounding no new philosophy when I say that our civilization is in a constant state of change. In the southern United States in recent years this has been especially true. Those of us who have left the area and returned to it later, as I have, are especially impressed with the great changes in the economic and social life of the area. These changes are the ones associated with progress.

There are some legislative and policy changes, too, which are having some impact on conservation and recreation activities in this region. For example, there is Public Law 732, known as the Coordination Act. There is the Joint Policy for Land Acquisition at Reservoir Projects, agreed upon in October, 1953 by the Department of the Army and the Department of the Interior. There are public laws and proposed legislation having to do with the revesture of title in certain lands at some reservoir projects.

Now, how do all these changes affect the sportsman? That is what I would like to discuss with you just now. In doing so, it will be necessary for me to tell you something of the manner in which the Corps of Engineers performs its civil works function.

There is a widespread misconception among some groups that the Corps of Engineers dreams up water resources development projects. This is not true. Projects are initiated at local level. The Corps of Engineers comes into the picture when a Congressional resolution directs a study of the project's feasibility. We make such studies and reports only when the Congress directs us to do so. And we build projects only after an exhaustive study of their economic justification and a lengthy procedure which involves the authorization of the project and the appropriation of funds for construction. This procedure is time-consuming; it requires the greatest diligence in studying a project's merits; it demands exacting coordination; and it permits sincere opponents of the projects to have their say long before construction is undertaken. It is a good procedure; it has stood the test of time; and I, for one, am happy to work under it. Superimposed upon this procedure are policy directives, from the Executive Branch of the Government, which lay down additional ground rules for the construction of water resources projects.

The Corps of Engineers has been deeply involved in water resources development on a national scale since 1936. In the lower Mississippi River Valley, my office has been working intensively since 1928 on one of the world's greatest flood control and navigation projects. Long before that date, when the Federal Government assumed major responsibility for this undertaking, local residents, State, and county agencies had spent hundreds of millions of dollars for their own protection and to change what was swamp and forest to one of the richest agricultural areas of the country. Their effort to tame and improve the Mississippi River and its tributaries is a truly astounding engineering effort.

From time to time articles appear in the magazines and newspapers accusing the Corps of Engineers of "raping the wetlands" or with destroying wildlife. It is somewhat disappointing to be pointed to as one who would wilfully destroy our wildlife heritage to build one more dam or drain one more swamp. And I know that my fellow officers and the many dedicated civilian workers of the Engineer Corps feel as I do. Fortunately, these attacks have diminished as a more objective and better informed view of the over-all problem has been taken. And to those few who, for the sake of selling their writings or demanding attention, persist in distorting the facts, I can only paraphrase a well-known expression: "To those who know, no explanation is necessary; to those who refuse to know, no explanation is possible."

The Corps of Engineers operates under very rigid statutory requirements. There are certain things that we can do, and there are certain things that we cannot do. Generally speaking, I think the average sportsman realizes that we do all that we can to preserve wildlife values within the limits of the law.

When Public Law 732 was passed, it was hailed by a number of groups as being the cure-all for the problem of the decreasing wildlife habitat. Perhaps on the face of it, this law did appear to be just that. The cold facts are that it is not.

Section 2 of this law states that whenever waters are to be impounded, diverted, or controlled by any Department of the United States Government, that Department shall first consult with the Fish and Wildlife Service, Department of the Interior, and the State agency concerned, with a view to preventing loss or damage to wildlife resources. It also requires that the reports and recommendations of the Secretary of Interior and of the State, concerning the possible *damage* to wildlife as well as the means and measures that should be adopted to *prevent* loss or damage, shall be made an integral part of any report submitted. In addition, the cost of planning and the construction and maintenance of such means and measures is to be included in and is to constitute an integral part of the cost of such projects.

Section 3 of this law applies to completed projects. It provides for a cooperative agreement between the construction agency and the Department of the Interior, Fish and Wildlife Service, for the use of water areas and project lands for the conservation of wildlife, insofar as this use is consistent with the primary purposes of the project.

So far, so good.

Note that Section 2 of this act requires that wildlife damages or the cost of preventing wildlife damages be included in the analysis of project benefits and costs. *But it does not provide for the enhancement or improvement of existing values.* It remains the responsibility of the State and Federal wildlife agencies to integrate and finance their respective programs for wildlife management with water control projects constructed primarily for other purposes. Many of the states have done an outstanding job of developing Corps project lands and waters for preservation and improvement of fish and wildlife resources. More than 400,000 acres of project lands are presently being administered and intensively developed for recreation and wildlife purposes. This marks only a good beginning of what could be accomplished, if the full potential could be realized. It is our hope that the fullest measure of state participation can ultimately be realized in every instance where cooperative development of this kind is feasible.

Let us carry this discussion a step farther. Public Law 732 provides that the cost of *preventing damages* to our wildlife resulting from the project must be borne by the project. It becomes a part of the project cost in analyzing the balance between cost and benefits. If the cost of preventing damage to existing wildlife values tips the scales so far that total costs exceed total benefits, then the project becomes unjustified from an economic standpoint, and it is not built and present wildlife is undisturbed—at least by the Federal Government. Note, however, that while losses to wildlife resulting from the proposed improvement are shown as negative benefits we have no policy either in law or administrative determination which enables us to include project features, with their cost and benefits, for the enhancement of wildlife values. If such enhancement results

without cost to the Federal Government, the benefits are balanced against losses. However, constructive steps in project planning are not specifically included for enhancing fish and wildlife values. Under present policies, these steps are intended to be the responsibility of others.

In the case of drainage works, especially, I should like to point out that even though the Federal Government does not build a project because of an unfavorable economic ratio, there is still no guarantee that local interests will not undertake the drainage of those lands with their own resources.

Admittedly, some of these improvement works have reduced wildlife values. The development of industrial and agricultural areas has necessitated the destruction of wildlife habitat. And, unless positive steps are taken, and taken soon, to retain some of these lands for wildlife conservation, we will cease to know hunting and fishing as it is practiced today. Under the present laws and policies, such action will have to be taken by local and state groups.

More and more the tendency has been for returning the responsibility for recreational developments to the local interests. This trend has been reflected in the Joint Army-Interior Land Acquisition Policy for reservoir projects.

In the early days of acquiring land for the construction of reservoirs, most of the land was purchased in fee. There were some purchases of easements, but these were the exception. The acquisition policies permitted, even encouraged, a generous taking in the general interest of public use and conservation. In order to avoid severance of their holdings, many property owners chose to dispose of their lands as a block wherever practicable. In some instances, substantial marginal lands were acquired in order that the benefits of enhanced value of such lands resulting from the project might flow in the direction of the Federal Government. Later, local interests began to express a desire to retain as much of this land as possible in private ownership, thus retaining it on the local tax rolls. The practice of obtaining easements rather than title began to be accepted as the more equitable plan.

In October, 1953, the Joint Army-Interior Land Acquisition Policy was announced. Under this policy, the purchase of fee title is limited to the land essential for operation of the project. The policy recognizes the necessity for some fee taking and for public access to the project. While the policy may be said to be flexible in giving the landowner an opportunity to express a preference, it is about as favorable to the landowner as it could possibly be. The Joint Policy is quite clear in stating that no title to land will be acquired for the purposes of the preservation of wildlife or forests, reforestation or replacement of such values destroyed by reservoirs or for creating additional values of like nature, or for recreational purposes, *except as authorized by law*. The requirement for specific legislative authority was further clarified by the Inter-Departmental Agreement of 3 September, 1954, between the Corps of Engineers and the Fish and Wildlife Service. This agreement recognized that general authorities available to the Corps of Engineers, including Public Law 732, do not give statutory authority to construction agencies either for acquiring additional land for the replacement of habitat or compensation for fish and wildlife damage caused by a project or for major changes in project scope, cost or purpose. If such acquisitions or provisions are intended, they must be specifically authorized after a showing of justification and cost sharing.

Under the provisions of Section 3 of Public Law 732 and Section 209 of the Flood Control Act of 1954, only lands acquired in fee can be made available for wildlife management. Under the limited fee-taking policy established by the Joint Army-Interior Agreement, these lands are likely to be flooded constantly or so frequently as to exclude terrestrial game from the wildlife management program.

At the time the Joint Policy was announced, land acquisition was under way on some twenty Corps of Engineers reservoirs. The Secretary of the Army was without authority to adjust the acreage or title interest in lands already acquired. The result was that some lands were acquired under one policy and some under another. Subsequent legislation has been introduced on specific projects to restore title to lands which are not vital to project objectives, and more can certainly be expected. Such legislation has provided the Secretary

of the Army with discretionary authority to retain fee title in such lands as he determines to be required for public purposes. These purposes are clearly defined under the present land acquisition policy to be those synonymous with the purposes of the project, meaning flood control, navigation, power, irrigation, and possibly water supply, but recreation or conservation of fish and wildlife are not considered project purposes for which lands may be acquired without specific legislative authority.

When I was invited to appear here today, I was asked to mention current trends in reversion of title to lands or interests in lands acquired for reservoir purposes. A number of bills on this subject were introduced in the 83rd and 84th Congresses, some of which related to only one project, others of which were general in scope or related to several projects. Only two have been enacted into law. Public Law 312 related to the Demopolis Lock and Dam project in Alabama. Public Law 300 related to the Jim Woodruff project in Georgia and Florida. Within the Lower Mississippi Valley Division there has been only one piece of legislation introduced to reversion title to an interest acquired in reservoir lands.

During the most recent session of Congress, legislation was introduced to reversion mineral rights to former owners of lands purchased for the four reservoirs in the Yazoo Basin of Mississippi. This would have authorized the resale of mineral rights which would not interfere with the project operation at the price paid for these rights when the lands were acquired. President Eisenhower vetoed this bill, declaring correctly that it would be impossible to determine, in most instances, the purchase price paid for the minerals. He also objected to the provision that no more be paid for the land than the Federal Government paid for it. He said, "This constitutes a departure from the principle established in other legislation requiring payment of fair market value for minerals disposed of by sale or lease."

The development of our water resources on a national scale is a fairly recent thing. It is becoming more important each day. Flood control and navigation are two important aspects of it; others include the prevention of soil erosion, improvement of drainage, irrigation and ground-water recharge, water supply, pollution abatement, and such collateral benefits as recreation and the preservation of fish and wildlife. The passage of time will see shifts in the emphasis placed upon the elements of the water resources development program. And this is as it should be, for our requirements are changing, and our program of improvement should be tailored to our requirements.

We have made steady, and in many respects astounding, progress as a nation. We have raised our standard of living, provided ourselves with a much higher income, and increased our leisure time, among other things. And one of the results is that more people of all ages are hunting and fishing than ever before. In addition, they are enjoying their leisure hours in such pastimes as picnicking, swimming, boating, and the like.

Last year alone, 63 million visitor-days of recreational use were spent at Corps of Engineers projects. At Lake Texoma, with which most of you are familiar, there were 6.6 million visitor-days. During this last year there were 64,000 boats licensed for operation on the reservoirs created by Corps of Engineers dams. All of these figures are increasing annually. I cite them to show how much dependence the American citizen is putting on recreation at Federally constructed projects, whose primary purpose is something other than recreation.

Largely during the past ten years, more than 5½ million acres of land, including more than 3 million acres of newly impounded water, acquired and developed in connection with Corps of Engineers projects, have been made available for some form of wildlife management and have been preserved under conditions that assure perpetual public access and conservation of the wildlife resources therein.

If these lands had remained in private hands, there is no assurance that any substantial part of them would have been made available for public access or preserved for wildlife habitat.

I have often heard sportsmen yearn for the "good old days," by which I assume they mean the days when stream channels were not cleared, when

swamps existed in their natural state, when unchecked floodwaters periodically ravaged lowlands. I do not quarrel with the fact that, for those who had the time and the means to reach them, these undeveloped lands did provide a certain amount of glorious hunting and fishing. But please note that I qualified this statement by saying "for those who had the time and the means" to enjoy them.

To have retained these good old days we would have had to forego the progress that all of us enjoy so much, even though we are inclined sometimes to take the benefits of this progress for granted. Flood-free land, navigable channels, mean better agriculture, better communications, more industry, healthier people, and more money in the pocket of each of us. It means, in short, a better place to live with a higher living standard. And this means more leisure time, more money to spend on leisure, and consequently more recreational opportunities for more people. Certainly, we cannot turn the clock backwards for wildlife when every hour witnesses a significant increase in human population, the need for which cannot be met by primeval conditions.

Resistance to change is a fundamental of human behavior. Yet, upon careful reflection, I dare say most of us would not return to the "good old days" even if the opportunity could be presented to us. I don't think any of us would care to do without his refrigerator, his television set, his comfortable automobile and the roads on which he can travel to his favorite fishing hole, his fiberglass fishing rod, or any of these products of progress. These things did not exist in the good old days.

In view of the demonstrated value of fish, wildlife and recreational resources as an economic factor, and in view of the great public interest in this resource, it appears that the time has come to treat it, wherever justifiable, as a fully participating, contributing, direct objective of the project along with the other benefits already recognized. The problem lies in the evaluation of wildlife benefits. To you and me, who so thoroughly enjoy hunting and fishing, the benefits are real, but there is no way at present to assess their worth. This will require more than just policy statements. It will require specific provisions for Federal expenditures and local or matching funds.

To repeat for a moment, the Corps of Engineers is limited by statutory requirements in building water resources development projects. Yet, we hear many criticisms of the Corps for failure to exceed these statutory limitations. Perhaps the ends of fish and wildlife development might be better served if we—you and I—find a way and can convince Congress that finite values should be placed on the recreation, sport, and conservation benefits which would enable provisions for these features to be included in the project plans and construction schedules. Cost-sharing for recreation, hunting, fishing facilities, conservation pools, access roads, ramps, public use facilities would undoubtedly be involved. That would be the rub. Can we find the contributing sponsors? Stating it another way, greater results might be achieved by an "accentuation of the positive." I do not believe that a negative approach, based solely upon claims of extensive damages to wildlife that should be replaced, will ever result in obtaining full and effective consideration of fish and wildlife in water resources planning.