THE ROLE OF THE CORPS OF ENGINEERS -- PROTECTING! ENHANCING! ADVISING!

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I won't attempt to discuss the Corps' role in flood control. However, through our flood control, water resource development work and navigation permit responsibilities, the Corps becomes directly involved with Fish and Wildlife and the Urban Environment.

I. It is easiest to explain this relationship by citing a few of the Federal laws and regulations which bring us into the picture.

To begin with, possibly the most important, and certainly the one you are most familiar with, is:

1. The Fish and Wildlife Coordination Act of 1958, (PL 85-624, as amended.) You might say this is the motherhood law for fish and wildlife in water resource development. It states that fish and wildlife conservation shall receive equal consideration with other project purposes and be coordinated with other features of water resource development programs. It dictates that all planning be coordinated with the Fish and Wildlife Service, the National Marine Fisheries Service and the agency administering the fish and wildlife resources of the State where the work is proposed.

2. Federal Water Project Recreation Act of 1965, PL 89-72.) Through this law an opportunity was provided to cost-share recreation and fish and wildlife at water development projects.

3. The Endangered Species Act of 1973. To provide a means to protect the ecosystems upon which rare and endangered species depend.

4. National Environmental Policy Act of 1969, PL 91-190, setting up procedures for EISs. This is landmark legislation that made environmental quality a national policy.

5. Federal Water Pollution Control Act of 1948, as amended by PL 92-500 dated 18 October 1972.

Section 404 of the Act: Along with River and Harbor Act of 1899, Section 10, outlines the Corps of Engineers' authority for granting permits in navigable waters (inland waters and wetlands) for dredging, filling and construction. The Corps either issues or denies permits. Formerly in making decisions the emphasis was on navigation; now the decision-making includes water quality, fish and wildlife and the overall public interest.

6. The National Flood Insurance Program, The Flood Disaster Protection Act of 1973, PL 93-234. HUD is the administrator of the Program. Section 2 of the Act requires "States or local communities, as a condition of future Federal financial assistance, to participate in the flood insurance program and to adopt adequate flood plain ordinances with effective enforcement provisions consistent with Federal standards to reduce or avoid future flood losses...". Helps keep future construction out of the flood plain--possibly by limiting construction, the States, locals and Federal agencies will encourage fish and wildlife habitat.

7. Hand-in-hand with the above Act is the Water Resources Development Act of 1974, PL 93-254:

Section 73. Requires non-structural measures be considered. Provides for Federal participation--80 percent Federal--up to 20 percent non-Federal. Guidelines are still being developed on this law. Important precedents are: Charles River project, Massachusetts; Chatfield Dam project, Colorado; Prairie du Chien project, Wisconsin.

Section 77. Amends PL 89-72--Increases the Federal share from 50 to 75 percent on fish and wildlife.

8. Work under Code 710 Funding--recreational development improvements at existing projects. This funding provides the Corps an opportunity to provide facilities at existing projects. Several of the following examples came about as a result of 710 funding.

II. Examples of South Pacific Division's Involvement:

LOS ANGELES AREA--There are seven or eight dry reservoirs ranging in size from 100 to 4,000 acres. They provide potential for fish and wildlife habitat.

1. Whittier Narrows--An existing 2,865-acre flood control reservoir on the San Gabriel and Rio Hondo Rivers in Los Angeles. The project will preserve natural wildlife habitat as well as provide fishing lakes and general recreation. Even the Audubon Society gave the Corps a pat on the back on this project (Audubon Conservation Topics, West, Vol. 7, No. 2).

2. Santa Fe Dam--An existing 1,849-acre flood control reservoir on the San Gabriel River on the northern border of metropolitan Los Angeles. Corps of Engineers has been negotiating with environmental groups and local governments. Will entail recreational development as well as preservation of unique natural environment. As with other habitat in urban environment, we must provide quantity as well as quality habitat. The plans include a 50-acre fishing lake and a 400-acre nature area.

3. Moving out of California, but remaining within our Los Angeles District, I would like to briefly mention the Indian Bend Wash Project. The initially authorized project not only was environmentally unacceptable to local interests, but did not include measures to mitigate for wildlife losses. The project was modified and the recently-started project (lands have been purchased and dedication is scheduled for next week) provides much-needed flood protection and environmental and recreational features as well as nature area preservation and wildlife mitigation. The plan was

developed with the City of Scottsdale and includes a trail system as well as parks, golf course and lakes. The project also includes a natural area in the inlet portion of the project, extra acquisition to preserve a mesquite basque in an urban area and also offsite mitigation as the Gila River is adjacent to a State wildlife area.

4. Morrison Creek Stream Group (unauthorized) is an example of a flood control project that has been modified to provide for a National Wildlife Refuge on the urban fringes of Sacramento. The battle isn't won yet, but it is an example of the environmental agencies working with the Corps to preserve and enhance an existing water-marsh-grassland ecosystem. If the flood control project and the refuge do not materialize, there is a very real threat that much of the existing habitat could be swallowed up in the urban spread. You might say that this project has some social, economic and political consideration; however, this is the subject of a panel discussion for this afternoon so I will drop the subject.

5. Alameda Creek Flood Control Project--This project, located in the very environmentally sensitive San Francisco Bay Area, was confronted with a problem of disposal of 700,000 cubic yards of material from the lower reaches of the 400-foot wide flood control channel. The Corps needed a disposal method that was economically practical and ecologically acceptable. Creation of marsh in an abandoned salt pond is hopefully the answer. The books aren't closed yet, but it appears the Corps will be able to recreate marsh habitat. The fill material was placed, the dikes were opened and the planting of marsh plants will be taking place in the near future. The marsh will also be the site of research on marsh restoration sponsored by WES (Waterways Experiment Station).

6. Marysville Park (Sacramento River Bank Protection Project). The bank protection project was authorized by the Flood Control Act of 1960. This is a modification of the Sacramento River Flood Control Project of 1917 which includes about 1,000 miles of levees that have been transferred to the State. The only reason I discuss this project is to bring out one of the ways fish and wildlife and recreation can be brought into the picture. The City Council of Marysville passed a resolution directed to the Corps requesting we develop the facilities. This was following engineering feasibility studies by the City and much close coordination between the City and the Corps and probably involves more than 10 years of planning and negotiating. However, hopefully within the very near future the involved public will feel it was all worthwhile when they enjoy the riverside recreation and nature area.

7. Sweetwater Project. This is an authorized project (not built) that potentially could result in the loss of important marsh habitat in the San Diego Bay Area. However, the project has the potential of not only protecting habitat but enhancing the fish and wildlife resources. The Corps has been working with Fish and Game, Fish and Wildlife and local conservation agencies and there is potential to preserve wildlife habitat. The Endangered Species Act might be used as justification for Congressional authorization for purchase of enough marshland to have a manageable refuge unit. There are still many roadblocks on this project, and to accomplish anything, there will be a lot of hard work ahead.

8. The Navigation Permit Program, Section 10 and Section 404. The Corps is responsible for issuing permits. Unwise filling, dredging, dumping and construction in an area such as San Francisco Bay could destroy the habitat so important to this urban area. There are many hundreds of permit applications, and the Corps must consider various implications before granting permits. If protecting the environment was the only concern on a permit, our work would be much easier. However, our responsibilities are very broad and we must also consider economic, sociological and other factors including navigation.

III. What the Public Needs To Do.

The individual must work with local groups--depending upon the situation, he can go to the concerned agency or elected officials such as Senators, Congressmen and local politicians. In some cases there may be existing projects that can be modified; in other cases, Congressional authorization may be needed. People must be aware that getting anything done can be a slow, tedious process. The fish and wildlife concerns are never the only concerns of the construction agencies. The Corps does work for you! However, as I stated before, there are also the other implications such as economic and sociological. We have the Bureau of the Budget as well as Congress we must convince, and on any project there are the political undercurrents. To delve further into the politics of a project would result in my cutting into this afternoon's program, so I will close abruptly.