

BANQUET ADDRESS

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Introduction

My message to you tonight was stimulated by the discussion earlier today about national water policy and how New Mexico might relate to that policy. That message is: we live in a time of great change as regards the management of our natural resources, a time of great conflict over the values that should be attached to these resources, a time of great debate over who should make the decisions about resource management, a time when concepts thought to be tried and true seem to be inadequate to the task, and a time when new concepts of resource management are being created and tested.

I want to say at the outset that being an employee of the Federal Government puts one at a disadvantage in a discussion of these matters. I've learned since receiving my Federal appointment that, although members of State government are often introduced as statesmen, those in Federal service are invariably regarded as bureaucrats. The corollary to this is that your views as a "statesman" are regarded highly, whereas your views as a "bureaucrat" are perceived with great suspicion, regardless of what they are. To those outside the Federal service, this can be an enjoyable game--one at which, incidently, I once excelled--but it can have unfortunate ramifications when it prevents candid dialogue on such important subjects as water policy.

It is unlikely that those who have switched from being members of State government to being members of the Federal Government have really changed their philosophy on resource management. We're confronted with the same issues, problems, and questions after the switch as we were before. However, in the latter case, we're confronted with a much larger perspective of an issue and with a much larger breadth of interest. So, although the question hasn't changed, the scope of its consideration must change, and with this, often comes a different answer.

I have long had a concern about the way we manage water in this country. I'm not especially critical of it as I recognize many of the triumphs produced by the Nation's water management. I must say, however, that I agree with the President in believing that the system we've been using for a number of years needs revision. I'm sure that many of you agree. Such a statement need not reflect criticism on the States or on the Federal Government, or on the agencies that implement water policy. It is an admission that there can be considerable improvement in the manner in which we establish and implement water policy.

I took the position of Chairman of the Missouri River Basin Commission because of such concerns and because in general I was, and continue to be, in agreement with the Administration's basic approach to this problem. I frankly admit to having a number of professional problems with this Administration's concepts of National water policy, particularly its "fit" at the regional and State level. However, I am not surprised by this, regarding it as the logical product of an incomplete but ongoing process. I feel that it's part of my duty to make the Administration aware of such problems and to help in finding solutions to them. Hopefully this process will lead to the development of a policy that can be beneficial to us all - something in all the other states in this country.

Historical Perspective

A brief history lesson on water development in this nation using the Missouri River Basin as one example, may provide insight to current policy. Early efforts in water resources management centered around the taming and development of our rivers, streams, and coastal waters for a variety of purposes, mostly to meet the need for economic growth: water power, transportation, and commerce. Many people have forgotten about such needs today.

A piece of literature that was printed in 1867 brings this era to mind. The writer you all know as Sam Clemmons, talked about a journey that he had made from St. Louis to St. Joseph, Missouri, by steamer, up the Missouri River in the middle of the nineteenth century.

We were six days going from St. Louis to St. Joe. No record is left in my mind now concerning it but a confused jumble of savage-looking snags which we deliberately walked over with one wheel or the other, and of reefs which we butted and butted and then retired from and climbed over in some softer place, and of sand bars which we roosted on occasionally and rested. In fact, the boat might almost as well have gone to St. Joe by land 'cause she was walking most of the time anyhow.¹

That's a pretty accurate description of life on the Missouri in those days, when the Missouri could at one time of the year be twenty miles wide, and at another time, narrow enough and shallow enough that one could literally walk across. The same kind of experiences were probably true of rivers elsewhere in this country. But many people have forgotten those times and the difficulties that attended them, precisely because we've been so successful in developing and managing these waters.

Urbanization of this country and the westward movement of people led to slightly different concerns. The literature of this period is replete with references to completely uncontrolled and apparently uncontrollable rivers which at certain times of the year completely blocked westward

¹Twain, Mark (1886): *Roughing It*, p. 21, American Publishing Co., Hartford. (Quoted in "Shingling the Frog and Other Plains Lies," Rogert Welsch, Swallow Press, Chicago, 1972, p. 54).

movement, and periodically wrought havoc upon any settlement that was attempted along their banks. Listen to one observer's view of the Missouri River from a publication issued in 1907:

It's the hungriest river ever created. It's eating all the time, eating yellow clay banks and cornfields, eating acres at a mouthful. It's yearly menu is ten thousand acres of good rich farming land, several miles of railroad, a few hundred houses, a forest or two, and uncounted miles of sand bars.²

And another example that I like from the same period:

It's a perpetual dissatisfaction with it's bed, that is the greatest peculiarity of the Missouri. It is harder to suit in the matter of beds than a traveling man.²

From these examples, you see it was simply imperative--if we were going to settle this country, if we were going to move westward, if we were going to utilize the lands that we'd gained west of the Mississippi--that we devise means for dealing with such natural phenomena. So the need was recognized early for flood control structures, for dams, levees, bridges, and channelization projects to bend those waters to the will of man.

A little later in our history, though, we recognized that the waters of our western states could be used for other purposes, in fact for the attainment of an improved national economy. In the early part of this century the Congress passed the Reclamation Act, making it national policy to develop and utilize the waters of our western states for agriculture, and for power production, to promote industry, commerce, and the settlement of this region.

The institutions created to meet these concerns and implement these policies--the Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service and others--have, for the most part, done their jobs quite well.

By comparison with most others, this nation has excelled in the management of its waters. We have miles and miles of navigable inland waterways. We have untold amounts of power production. We have irrigation. We have good urban water supplies; and we have basically controlled flooding.

For example, I am told that in what are the mostly arid states of the Missouri Basin there are now some twelve million acres of irrigated farms. Together with the dryland farms of that area, which again are helped by such agencies as the Soil Conservation Service, these acres produce one-third of the U.S. wheat crop, one-fourth of the U.S. sorghum and cane, more than a fifth of its corn, and a fifth of all poultry and livestock

²Fitch, George (April, 1907): The Missouri River, Its Habits and Eccentricities Described by a Personal Friend, pp. 637-638, The American Magazine.

produced in this country. This same region annually adds some twenty-one billion kilowatt hours of electricity to the nation's power grids. And all of this in the land once described as the "Great American Desert." The institutions we created to deal with those kinds of problems have done their jobs well.

As the country matured, however, we began to recognize other important uses for water and the public began to discuss these uses in terms of what have come to be known as "amenity" values, recreational uses, fish and wildlife uses, scenic and water quality uses and values, for example.

New Values, New Institutions

We created new institutions to deal with these "new" concerns and values. The National Environmental Policy Act created the Environmental Protection Agency and the Council on Environmental Quality. The older Fish and Wildlife Service was given a new mission in the implementation of the Endangered Species Act. The Heritage and Conservation-Recreational Service was created to assist in the articulation of these new values. All of these agencies were given the mission of not only defining these values but helping to balance them against the older values--more often expressed in economic terms--that we had been using as the basis for making national water resources decisions.

The legitimization of these new values in this way has created a most perplexing dilemma in resource management--for the new values often conflict directly with the older ones. And, we've yet to produce any adequate means short of expensive, time consuming litigation for melding these values together, for achieving compromise and an acceptable solution to these conflicts.

These same conflicts, however, have produced a total reexamination of the nation's concepts of sound water management policies in this country in the past few years. While this was happening, it began to occur to many that there was an equally serious problem. That is, we were trying to resolve conflicting values in the absence of a well-defined national policy, in the absence of any sort of guidelines for the resolution of these conflicts.

National Policy

A national water policy has been the concern of almost every national administration for the past 100 years. You can go back through time and do a little digging and you'll find that almost every President since the Civil War has been concerned with this problem. Each has appointed some sort of a commission, or asked for some sort of joint committee of Congress, or some special study groups to work on this problem and try to do something about it.

When President Carter came to office, his approach was slightly different. Rather than appointing a study committee to bring forth a document describing what water policy might be, he had the temerity to bring forth a statement on what water policy is going to be. Now that

statement was couched in terms of a proposal but it sprang in a surprising fashion from Washington. It caught a lot of people off guard and off balance, and it angered many of those so affected. They didn't take it as a proposal, but as a statement of how things were going to be.

That's unfortunate, in a way, as it has hardened positions on all sides, and probably made more difficult the compromises that are going to be necessary to achieve a truly integrated national water policy. On the other hand, that action generated the most serious, the most in-depth, ongoing, and complete national debate over water and water policy that this country has ever seen.

As a professional, I view current water policy proposals as an adequate, sincere, thoughtful, and useful attempt to do something about this country's problems in water management. As a new member of the Federal Government and as a person who has spent a lot of time in his professional career attacking Federal bureaucrats, I say candidly to you that I would rather defend the other side. It's easier and it's a lot more fun.

But that approach ignores some very real and serious problems with the system. For the past two hundred years water management in this country--which is supposed to be primarily a function of State government--has been increasingly a function of Federal Government. The Federal presence in water management increased dramatically throughout that period. The dollars from the Federal budget going into that activity have been increasing during all of that time. And, we are almost to the point where we can't tolerate either of those.

We just can't accept, I think, very much more Federal presence in the water policies of this country. The states have to do it. Now, they have to do it with the help of other entities, but the states have to do it. Nor can our budget stand many more of these increasingly expensive and increasingly diminishing return kinds of projects.

The facts are that we have used up most of the really good sites for water development in this country. I'm sorry if that angers you; I don't mean it to, but we're nearing the end of the road in this respect. We're not at the end of the road--that's evidenced again by the new starts I expect to be authorized by the Congress for water projects this year--but we're getting in sight of it. It's time then that we start shaping our national water policy to be a little more reflective of some of these realities.

Policy Implications

The general policy that's proposed by the Administration is in fact a step back from this Federal presence in water management in this country. It's a step back from the large scale resource allocation for supply site water development activities that we've known in the past.

It makes the implementation agencies--I think to their advantage--more responsive to the Administration, to the states, to the people of this country, and to those newer values that I mentioned earlier. It

makes them less responsive to the Congress, and therein is a real problem. It gets professional water planners and managers more into the game, and that's threatening to some people. It insists on a consistent, rational approach to decision-making in water development.

The President has proposed an independent review function. He has issued an Executive Order on that. The Water Resources Council has produced--at the urging of the Administration--a policy statement on consistency of planning efforts, on consistency for decision making. All of these things will lead to greater involvement of professionals in decision making, better use of the information, and a more consistent approach across the country for making decisions on water management activities.

The policy does, in my opinion have several important features which I think require a great deal more study, a great deal more thought. I believe they will also require considerable compromise before they can finally become acceptable to the states and to the Congress. For example, Garrey Carruthers mentioned one such important point this morning when he talked about the need for inclusion in that policy of a greater emphasis on research and education.

It's very difficult to sell research and educational efforts. We're trying to sell a package right now of twenty-five million dollars for conservation efforts in this country. It will be through the State grant program (Title III of the Water Resources Planning Act of 1969). Twenty-five million dollars is being proposed by the Administration. Congress apparently wants to give us five.

Coca Cola is spending fifty-five million dollars next year to teach people to drink Coca Cola. Now I like Coca Cola, but there's something wrong with our values when we Americans can spend that much money on an educational effort for soda pop and we can't spend even half of that for an educational effort on a subject--on a resource--that touches every one of our lives in a most intimate way.

There is a great deal wrong, I think, with a policy that mitigates against regional differences, state differences, regional perspectives, regional needs, state needs. I am very much afraid that this policy is inadvertently doing that. I think this policy mitigates against agriculture, for example, in states wherein water is scarce--New Mexico, Colorado, Wyoming, and other states we can name in that category--wherein water has been used largely for the stimulation of agriculture and the economy that follows agricultural development. I don't think we want that. I don't think the Administration wants that. I don't think they want it because if you mitigate against agriculture then what are you going to replace it with? In some of these states, what you're likely to replace it with is industrial development, which might shift water development from a public activity to a private activity.

You see, if you have a very limited resource and it's very valuable, it's going to be developed; it's going to be used. This development can be controlled through a system of public decision making, or it will

happen anyway, and it will happen randomly within the private sector, in an uncontrolled--and uncontrollable--fashion. I don't think the Administration wants that, and I'm sure that there will be more discussion on that point.

There is also great confusion over the definition of conservation. The definition now in the policy statement that seems to limit itself to only nonstructural approaches will never be acceptable. It's not rational to expect that we would limit ourselves in that way. It is rational to point out, and to insist upon, consideration of all alternatives and procedures for achieving water conservation. But it's not rational to tie one hand behind your back as you try to achieve a goal. I'm sure the Administration does not intend that the current interpretation of this statement--against all structural development--continue.

Summary

Those are examples of the kinds of problems that I find with the Administration's proposal. Those are examples of areas wherein I see potential for compromise, areas where I see room for improvement. I want most of all to urge you, don't respond intensely in the negative. We all need to be willing to look at all sides of the question and to be willing to look for those fair and considerate compromises that are going to be necessary as we go ahead with this decision.

This country doesn't really have a problem of water supply. We are blessed with water. The recent National Assessment compiled by the Water Resources Council with the assistance of many of the states points this out quite effectively. We do have some problems with maldistribution of water.

We have droughts. We have floods. We have some regionalized problems with supply and demand. We've an abundance of water, but our problem is in how to manage and how to allocate that water among the many conflicting demands that are being placed on the resource. The problem of allocation--of allocation in time and in space--is going to stay with us.

And, in fact, it's going to become worse in the years ahead. This country's energy concerns, its growing agricultural concerns, its growing urban areas with demands for municipal and industrial waters, the continuing emphasis on and demand for water for recreational purposes and other instream needs, the demand for adjudication of Federal reserved rights including Indian rights--all of these--are placing more and more of a demand on the water resource.

The conflicts are becoming greater and greater. This problem of allocation simply has to be faced and it has to be solved, and it can't be done on a state-by-state basis. It's got to involve then, not only the states, but the Federal Government as well.

I feel that because of the vast regional differences in this country, effective resolution of this problem is going to require some sort of an agency in between the states and the Federal Government. There is going

to have to be some agency in there to help referee the tug-of-war between state interests on one hand and Federal interests on the other. There are regional interests. There are interstate and intrastate interests that have to be dealt with. It's not just a state or Federal issue and these problems won't be solved if they are oversimplified in this way. And, I feel that the sort of agency needed is the kind that I now head.

I believe this was the intent of the Water Resources Planning Act of 1975 which authorized river basin commissions as the principal agency for coordinating region-wide planning for water and related land resources.

The Missouri River Basin Commission, like other river basin commissions, include member states and appropriate, related federal agencies as members. This includes the states of Colorado, Nebraska, North Dakota, South Dakota, and Wyoming; and the following federal agencies: Departments of Agriculture, the Army, Commerce, Energy, HEW, HUD, the Interior, and Transportation, as well as the Environmental Protection and Federal Energy Management Agencies. In addition, two interstate water compacts are members, and Canada has observer status.

This commission, since its origin in 1972, has established a comprehensive, coordinated plan for the entire basin incorporating the planning efforts of federal, state, regional and local planners. This plan is updated biennially. Plan elements which required federal funding are endorsed by the commission through a priorities-setting function which gives all members an opportunity to submit projects for consideration. The commission meets quarterly.

When these commissions first began, the structure dictated that they implement water policy coming out of Washington. I think we have found that water policy designed for one region of the country is not likely to fit every other region. Because of this, I believe basin commissions are playing an increasing and appropriate role in policy development as well as implementation.

Closing

I'd like to close by noting again that, as a nation, we've managed during the past 100 years to solve to a great extent many of our water resources problems. We now have navigable rivers. We have effective flood control programs. We have large cities with adequate water supplies and adequate wastewater disposal. We have large-scale irrigation for the production of food and fiber. But in solving these problems we've encountered a whole new set of values which we're now--only now--learning to respond to.

The old and the new values have been on a collision course for some time. In fact, if you examine the law courts right now you'll see that that collision has already begun to occur. It's a collision that we can't afford to allow. I believe a day is coming when we can successfully accommodate both the old and new values in our approach to resource management.

To do this, we're going to have to learn to work together--as representatives of state interests, as representatives of regional interests, as representatives of Federal interests--in a positive, conciliatory, fair fashion. We must resist the impulse to be provincial, resist the impulse to consider only our own needs, and look out beyond the borders of our particular state or region to the greater needs of our entire Nation.