CONSERVING THE NATURAL ENVIRONMENT

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It is a real privilege and pleasure to meet with you here today, and to get another visit to this beautiful city in this beautiful State.

We are pleased that the conference is featuring the topic, "Highways and the Public," because we firmly feel that citizens should have some opportunity to make a real input into the location and design of the highways for which they pay. We feel the same way about the management of wildlife and other natural resources. In fact, a primary function of my organization is to represent a broad cross-section of the American public, some 2 1/2 million persons in number, in dealing with agencies and branches of Government--Federal, State, and local. And, our concerns extend to virtually all natural resources because it is upon them that wildlife are dependent.

Before talking about either natural environments or highways, however, I would like to talk concepts with you. Our forefathers, coming here from Europe, found a vast continent rich in land and water and minerals and wildlife. The colonists, and later the settlers, were in numbers so small that there appeared to be little need for conserving natural resources. People grabbed what they wanted, and few were those who stood up to protest. The finest forests were cut for timber, the balance in many areas being burned to make room for farming. The richest lodes of ore and coal were exploited. Wildlife such as the passenger pigeon and buffalo were slaughtered to a concept that everything should give way to economic considerations--don't treat wastes, just dump them into the streams and pass the problems along to somebody else. Foul up the air--it is free and belongs to nobody. Strip away the coal, who worries about a ravaged land? Burn, cut, kill—anything to make a buck or save one in added expense.

Now, things are changing. As the number of people increased, so did many of the problems which previously had been ignored or overlooked. In fact, since the end of World War II, due to technological advances and our wealth, the United States is making unprecedented demands on the natural environment. Our capability to create wealth is equaled only by our capability to create wastes. In fact, many thoughtful and informed persons believe that we cannot continue to enjoy the benefits of our productive economy unless its harmful side effects can be brought under control. Cities have grown tired of getting their drinking water from cesspools. Homeowners are demanding that power companies and other industries clean up the filth they pour into the air. People in rural areas are protesting against the mountains of solid wastes which are piling up all over the land. Health officials think we no longer can afford pest controls, such as DDT, when 90,000 Thanksgiving turkeys recently were found to be contaminated.

This growing public awareness is reflected in a Bill which already has passed both bodies in the current 91st Congress and is before a conference committee for the resolution of minor differences.

Here is what soon will be a landmark declaration of national environmental policy:

"The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial
expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may:

(1) fulfill the responsibilities of each generation as a trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities, and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

Then, the same section of the same Bill makes this fundamental expression:

"The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

This is a statement of a right, one ranking with the rights of liberty and the pursuit of happiness and the other touchstones of individual independence which makes our country so great.

What does this mean?

Well, we hope these declarations will form a basis for new approaches of Federal agencies to the management of natural resources and to preservation of the natural environment. And, perhaps they will provide a basis for legal actions brought by interested and concerned citizens to force consideration of environmental effects in Federal projects. And these can include the construction of highways as well as other types of projects.

Some important cases of this sort already are in progress. Citizens are bringing action against the State of Virginia to force it to safeguard submerged lands under the Potomac River from being filled. Citizen groups have gone to court to prevent the application of pesticides on governmental lands. Our own organization is participating in a suit designed to force the U. S. Forest Service to consider impacts on the environment in considering a permit for a road being sought by a mining company.
It is our opinion that the Nation long ago should have recognized that every use of the environment is done so at a cost. Unless treated, sewage and industrial wastes can ruin public waters for other purposes, as had happened at Lake Erie and many other places. Mannmade fog, or smog, affects entire metropolitan areas. Mazes of utility wires and cables festoon poles or march across the landscape, marring the landscape. In the end, the decision is not one of whether payments shall be made for the costs of using the environment; the decision rather is when payment shall be made and by whom.

When? Many of us believe that we, in our time, must pay for these uses, rather than passing the burden along to succeeding generations. In fact, we think that environmental contamination will be the next great point of protest for young people once the Vietnam situation ceases to be an issue. Certainly, the overall problem is one of sufficient magnitude to challenge the best of our people, young or old.

The costs will be paid by whom? This, of course, is a subject of prime contention at the present time. We believe that installations of facilities to prevent pollution should be a normal cost of doing business—that industries and municipalities should be required to return public waters at least as clean as they found them—that homeowners should pay for sewage treatment as another utility expense just as they pay for water supply or electricity or gas or garbage collection—that utility wires should be placed underground, with costs passed along to consumers—and, that highways must be routed and constructed so as to give a maximum consideration to natural assets and values even if the costs to highway users, in taxes, and/or tolls, are higher.

Most of the foregoing remarks have been directed toward basic policies on contamination of the environment. Then, what about effects of roads on natural environments? Well, they can be both profound and long-lasting. Highway builders move through fields and forests and parks, removing or altering wildlife habitat and recreational locations. Cuts open the land to erosion, thereby silting streams. Even streams themselves are scoured for gravel and fill or are rerouted. Marshes are drained or filled. Roads themselves become barriers to the traditional migrations of wildlife in some areas.

A. Q. Mowbray, in his controversial book, "Road to Ruin," published earlier this year, claims that a highway-automobile complex threatens to bury the land under a shroud of asphalt. He said the land, like our streams and air, is limited.

"If our automobile population doubles and doubles again, and doubles again (as their manufacturers so happily predict), and if we continue our futile efforts to provide for their free and rapid movement throughout the land (as the highway builders so fondly wish), the day will come when every lake will be encircled, every woods invaded, every park bisected, every trout stream bridged, every mountain tunneled, every city block cut, filled, viaducted, overpassed, interchanged, hard-surfaced, clover-leaved, its citizens isolated in a sea of asphalt and smothered in an ocean of exhaust fumes."

That is strong language, expressed in the extreme. In our organization, we recognize and appreciate the values of highways, for recreational and educational benefits, as well as for commerce. And, we recognize that highway construction generally is in the public interest. At the same time, we also recognize that highways can be constructed with a minimum of adverse effects on the natural environment if the will to cooperate exists. And, I can assure you that conservationists are going to do more than request this type of cooperation—we already are insisting upon it! However, the gap isn't nearly as wide as some people would contend. We know there are conservationists, good ones, among the highway builders. And, believe it or not, conservationists also drive autos.
Of course, we all recognize that the record of contacts between highway people and conservationists has not been without abrasions. In fact, some of these led to fairly new requirements being enacted into Federal law.

The Department of Transportation Act, passed in 1966 and amended last year, requires that the Secretary of Transportation cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and the States, in developing plans and programs that include measures "to maintain or enhance the natural beauty of the lands traversed." Then, the well-known Section 4(f) specifies that "...the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use." The same provision was written into the Federal-Aid Highway Act of 1969 (section 18a).

How well, then, is this working?

To implement the above provision, the Bureau of Public Roads has issued the well-known Policy and Procedure Memorandum 20-8. This requires a two-hearing procedure, one on location, and the other on design, in which members of the public will be invited to express their views. In our opinion, such a procedure is all well and good. However, many important decisions already have been made by the time that public hearings are called for and, as a result, we are even more encouraged by language in the Memorandum which requires consultation with Federal, State, and local interests on the social and environmental effects "at the earliest possible stage." If this is carried out in spirit, many probable points of conflict can be avoided, particularly on corridor routing. Of course, if a State doesn't cooperate, the Federal Government can cut off economic support and, in the last alternative, citizens can seek redress in the courts.

We are informed that many highway engineers think the two-hearing procedure is worthwhile. Admittedly, it takes a lot of time and there are some extremists to be encountered and met. However, most believe the hearings will cut down on work later in a project and there is something beneficial and disarming about a mutual planning effort. When faced with a closed door, as has happened frequently in the past, the public naturally wants to pound on it.

Much can be said about the requirement that State highway departments cooperate and consult with State wildlife agencies. This is working to varying degrees of success, depending to some extent on personalities and even politics. What, for example, if there is a disagreement? The Governor probably will make the final decision and this sometimes boils down to a tug-of-war between pressure groups. An earlier directive from the Federal Highway Administrator, Instructional Memorandum No. 21-5-63, issued in 1963, required "cooperation" between these State agencies, yet the Western Association of State Game and Fish Commissioners, acting independently from their Governors, in 1968 said severe losses and damage to fish and wildlife resources still were being experienced as a result of highway construction.

It is our firm belief that the States need planning commissions with broad representations to work out difficulties relating to highway corridors, locations, and designs. These commissions should be representative of private groups with interests in agriculture, forestry, housing, parks and recreation, in addition to fish and wildlife. They must consider the protection of public natural resources as a normal cost of doing business. Rightfully or wrongfully, many conservationists have felt that some highway routing has been directed deliberately at publicly-owned parks, refuges, and recreational areas because of lesser costs and fewer outcries of opposition.
The cooperative approach can work and we cite the Montana Stream Protection Law as a "for-instance." It requires that any agency of State or local government submit to the State Game and Fish Commission an application for construction or maintenance project affecting a stream in any way prior to letting a contract. The Commission, then, must notify the agency concerned of its decision within a specified time. If there is no objection, the project is free to proceed. If the Commission has objections, it must detail them and recommend alternatives. Then, if differences cannot be resolved, the problem goes to an arbitrator designated by the district court in the area. The arbitration decision is binding. Passed in 1963 with a two-year termination date, the law was so popular in Montana that it was renewed on a permanent basis with only one dissenting vote being cast in both bodies of the State Legislature. With fisheries biologists brought into the early planning, they have been able to recommend routing of roads with no or minimal damage to streams. And, where damage could not be avoided, mitigation of these losses were built into the project costs. As a result, many miles of prime fishing streams have been saved at reasonable costs with a minimum of delay to construction programs. In fact, the plan has worked so well we understand that it was used as a guide for a similar, newly-enacted law in Colorado.

Still another principle, highway beautification, has involved conservationists, road builders, and other segments of the American public, and I would like to comment briefly upon it.

Speaking in candor, the highway advertising control program has not worked out well. The Highway Beautification Act was enacted in 1965 and, since that time, 33 States (including Kentucky) have enacted legislation relating to outdoor advertising control. And, 19 States (including Kentucky), the District of Columbia, and Puerto Rico have entered into agreements to effectuate control of outdoor advertising. However, the program has not been adequately financed on the Federal level, due to needs of a higher national priority, and difficult questions have arisen about the removal of signs and mandatory compensation to outdoor advertising companies. Interestingly enough, the Senate recently passed a Bill (S.1442) to establish a modest pilot program to determine the best means of accomplishing purposes of outdoor advertising control. We supported the original concept of preserving natural beauty along highway routes and still think the program has merit despite the obvious difficulties which have been encountered. Nationwide, the junkyard screening program is meeting with moderate success and it probably should be tied in with projects relating to solid waste disposal.

Now, to conclude, I should like to emphasize our conviction that the public is ready and willing to pay for improvements in the environment. In February of this year, the National Wildlife Federation commissioned the Gallup Organization, Inc., to conduct a survey on public attitudes toward the environment. Almost three of every four persons interviewed said they were willing to pay something extra to improve their natural surroundings. We followed this survey up with another by a widely-known and recognized sampling organization. In this case, 52% of those interviewed thought that protection of the environment is receiving too little financial support in comparison to other public programs.

We don't want to be mule-headed about it, but the American citizen has a right to ask that public programs enhance the quality of the environment rather than degrade it.

And what about the future?

A pessimist easily could compare our environment with that of only a hundred years ago and be completely discouraged. He could look at the burgeoning population, and at the mounting mountains of wastes, and at the ever-spreading embrace of cities, and come to the inescapable conclusion that life soon will become intolerable, except, possibly from a survival point-of-view.
On the other hand, there is the optimist. He looks at the country on an overall basis and realizes there still is a lot of open space left in the country. He believes that contamination of the environment by water pollution, air pollution and chemical pesticides can be controlled. He realizes that strip-mined areas, blighted urban ghettos, and expanses of highways can be made pleasant and productive through proper planning and the discriminating use of trees and flowers and grass. In our opinion, clear waters and clean air, green forests and fields, flights of birds, and the sights of other wild creatures are the things which make life worth living, as compared to a mere existence. We hope and trust we can work together to achieve mutual objectives of this sort.