

THE U.S. ARMY CORPS OF ENGINEERS
RECREATION RESOURCE MANAGEMENT CHALLENGES¹

Gerald T. Purvis²

This paper provides a brief legislative history of Corps responsibilities for public recreation, outlines its relationships with non-federal agencies and organizations and describes a number of environmental concerns it sees in its new outlook for management of recreation resources. A Recreation-Resource Management System is also described that contains data on the management of natural and developed resources, personnel and other relevant subjects at more than 400 Corps projects.

The purpose of this paper is to give a general overview of the Corps of Engineers and the Recreation-Resource Management Program at water resource development projects. A few selected current problems are outlined and presented in brief discussion.

The U.S. Army Corps of Engineers was the first federal agency to protect public park lands when they were called on to protect the resources of Yellowstone National Park in 1886. This lasted for nearly 30 years until Congress created the National Park Service. However, it wasn't until enactment of the Flood Control Act of 1944 that the Corps actually became a major land management agency with all of the inherent visitor assistance responsibilities.

It is the policy of the Corps to provide safe and healthful recreation opportunities while protecting and enhancing the project resources. In the original acquisition of land at civil works installations, the Corps of Engineers obtains proprietary interests only. Individual states and their political subdivisions retain the statutory authority and inherent responsibility to enforce state and local laws. Park managers and rangers do not have the legal authority to enforce state and local laws. Our authority is limited to issuance of citations for violation of Title 36, Code of Federal Regulations. Park managers and rangers do not have the legal

authority to arrest, carry weapons, or other items such as mace, nightsticks, or other similar equipment normally associated with law enforcement. Park managers and rangers cannot search or seize under this authority. Personnel may stop, but not physically detain the public while implementing these regulations. The citation authority used to implement Title 36 was enacted by Congress in 1970.

In 1976, Congress, recognizing the limited authority of the Corps in law enforcement and also the burden that these projects had placed on local authorities, enacted Section 120 of the Water Resource Development Act of 1976. This authority provided that the Corps could enter into contracts with states or their political subdivisions to obtain increased law enforcement at Civil Works water resource development projects. It is not intended that this authority diminish or otherwise limit the existing law enforcement responsibilities of the state or local law enforcement agencies. Unfortunately, the Congressional authority was limited to fiscal years 1978 and 1979 on a trial basis. Although the Corps and local authorities have praised the program as being successful, Congress has not extended that authority. We hope they will do so very shortly. We have found that this program has created better cooperation and rapport between local law enforcement officers and Corps project personnel, reduced incidents of vandalism and other disturbances, increased public's sense of security and reduced the Corps personnel's exposure to high risk situations affecting their safety and that of the public. Currently, the Senate has proposed a bill which would extend this authority.

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²Chief, Recreation-Resource Management Branch, U.S. Army Corps of Engineers, Washington, D.C. 20314.

While the Corps does not take its visitor assistance responsibility lightly, we hire our personnel for a professional job of managing project resources, not to perform law enforcement duties. We will continue to train our personnel to assist the visitor in every way possible, but maintaining a low key law enforcement image.

In 1965, the Federal Water Project Recreation Act (P.L. 89-72) was enacted requiring that full consideration be given to the opportunities, if any, that water resource projects afford outdoor recreation and fish and wildlife enhancement. This legislation also requires that, on projects authorized after 9 July 1965, 50 percent of the separable costs for development of recreation facilities be borne by a non-federal public agency and that the non-federal public agency bear the cost of operation and maintenance of the recreation.

Only two major land management agencies of the federal government are affected by P.L. 89-72; the Corps of Engineers and the Water and Power Resources Service. Other federal land management agencies continue to develop recreation facilities at 100 percent federal cost. Studies have shown that the major impact of the provisions of P.L. 89-72 is on the Corps projects. This is partly a result of the ability of the Water and Power Resources Service to transfer operation and maintenance responsibilities at their projects to the National Park Service and other Bureaus of the Department of the Interior.

Once a transfer has been made to another federal agency, the provisions of P.L. 89-72 are not applicable to that agency. A Corps project constructed outside the boundaries of a national forest, for example, is subject to the cost sharing provisions of P.L. 89-72. However, when a Corps project is constructed partially or wholly within the boundaries of a national forest, responsibilities for planning, development and management may be transferred to the U.S. Forest Service under the terms of the 1965 Memorandum of Agreement between the Secretaries of the Army and Agriculture. Those lands which are transferred to the Forest Service under such an agreement may be developed by the Forest Service without a cost sharing agreement with a non-federal agency. Those lands retained by the Corps require a cost sharing contract with a non-federal public agency prior to development of recreation facilities.

Adequate time has passed for the basic assumption of P.L. 89-72 to be tested. Although countless contacts have been made with non-federal agencies in attempts to solicit non-federal sponsorship of recreation developments at Corps projects, progress has been very limited. Since the passage of the Act, 14 years ago, only 21 contracts have been consummated on

20 Corps projects.

The National Society for Park Resources, formerly the National Conference on State Parks, and a branch of NRPA, has passed resolutions opposing P.L. 89-72 as now written. NSPR spoke for all the Directors of State Park Agencies in passing these resolutions. The main objections to the act are (1) the imposition of financial hardships on state and local agencies, and (2) the program does not function in concert with state and local objectives and priorities.

It is difficult for states to commit their legislatures to a contract which requires 50 percent of the development cost for recreation in addition to the assumption of operation and maintenance and replacement responsibilities for a 50-year period on land to which the state holds no title. Considerable objections from state and local agencies in this regard have been encountered throughout the process of trying to obtain contracts at Corps of Engineers projects. Many states have constitutional or statutory prohibitions which preclude them from entering into long-term contracts as required by Section 221 of the Flood Control Act of 1970.

Over the years the Corps of Engineers has always been successful in receiving non-federal cooperation in development and management of recreation areas when the proposal is compatible with the overall plans and objectives of the non-federal agency and within the budgetary limitations of that agency.

Since the beginning of Fiscal Year 1974 when the cost sharing principles of P.L. 89-72 were applied to further recreation development at completed water resource projects, the Corps of Engineers has entered into 113 contracts and supplemental agreements with non-federal entities.

From time to time, Congressional attention has been devoted to the provisions of P.L. 89-72 and attempts have been made to define workable amendments to the legislation. The most recent such amendment is contained in Senate Bill, S-2054. Among other things, this amendment would provide for an expansion of the minimum basic recreation and fish and wildlife areas and facilities to be provided at full federal funding. It also provides for retention of lands acquired for recreation and fish and wildlife purposes for which they were acquired as long as the lands are capable of serving the purpose for which they were acquired. The bill would also provide that when an agreement cannot be executed with a non-federal public body, the agency could develop and manage the area subject to an approved master plan to meet recreation needs. The amendment further provides for the encouragement of the development of tourist facilities by the private sector.

While no 89-72 contracts have been cancelled, approximately 70 recreation areas have been returned to the Corps for operation and maintenance. In these cases the facilities were built at 100 percent federal cost and leased to the locals for operation and maintenance purposes. The state of Pennsylvania is currently considering turning six projects, now under lease, back to the Corps for O&M. Considering the limited resources available, it may become necessary to close these areas to public use until the local sponsors can meet the O&M responsibilities.

The Corps of Engineers has been committed for several years to contracting with the private sector for a great deal of its goods and services. We have been relying on private contractors to perform many routine services, i.e., daily park maintenance, scheduled grounds and facility maintenance, one-time maintenance jobs, park gate attendances, use fee collectors, and major repairs, etc.

In March, 1979, OMB issued a revised OMB Circular A-76 which (1) reaffirms the Government's general policy of reliance on the private sector for goods and services, while recognizing (2) that certain functions are inherently governmental in nature and must be performed by government personnel, and (3) relative cost must be given appropriate consideration in decisions between in-house performance and reliance on private commercial sources.

The guidelines included in A-76 will require the Corps to review its total program of activities and determination will have to be made on how those activities will be achieved, in-house or by contracting out. Frankly, the guidelines are geared to contracting out. However, there are circumstances which indicate performance by in-house capability. In the area of recreation resource management, we feel that we can continue to demonstrate that some of our tasks can be accomplished in-house at a cost that is less than contract performance. In other words, we will contract out if it is cost efficient. This does not mean that we will get any new personnel spaces if the activity based on A-76 guidelines can best be performed in-house. Additional personnel spaces may be requested from OMB if this is the case.

The A-76 guidelines will have no cause or effect on the Set-Aside Programs such as 8-a or minority contracts. It is the general policy of the Corps to ensure that small businesses, including those owned and managed by disadvantaged persons, receive a fair share of government contract awards.

A number of environmental concerns are a part of the new outlook for recreation resources management in the Corps.

1. The Aquatic Plant Control Program has expanded to meet problems which have become recognized throughout the Country. Research, planning, and control/operations have been increased to address biological, chemical, mechanical and integrated control techniques to major populations of obnoxious aquatic plants. Legislation has been introduced to increase the annual budgetary ceiling from \$5 million to \$15 million.

2. Wildlife management and enhancement of Corps projects have received considerable attention recently. Efforts are underway to assure that uniformly high quality wildlife management programs are applied consistently at Corps projects. Further efforts are underway to determine better techniques for satisfying our needs and responsibilities for mitigation of the loss of wildlife habitat and enhancement of habitat at existing projects. Many factors are, of course, involved in our reemphasis of wildlife management at our projects. The first is the character of wildlife resources of a plant community, as determined by the structural characteristics of those communities, and secondly, the characteristics of the wildlife fauna, as determined by the distribution and diversity of the various plant communities. These same characteristics, of course, also contribute to the value that an area has as a recreation site. Vegetation characteristics include type, shape, height, and mix of different species. These are used to determine the effects relationship between the proposed use and wildlife of the same area.

The species in each of these communities react differently to permanent recreation development. Some species benefit, while others would suffer. From this analysis, it may be determined that two mammals and three different bird species would be impacted by recreation development. For example, these may include deer and elk, and osprey, fan-tailed pigeon, and great blue heron.

In developing a process for other Resource Use Objectives programs for wildlife analysis, a series of basic steps should be considered: (1) obtain aerial photographs of project and the immediate area, (2) use the photo interpretation to map the vegetation zones, (3) select a stratified sample of each type of vegetation zone by conducting a ground survey to include the structure and composition of the vegetation and establish wildlife in vegetation zones, (4) coordinate with state and federal resource agencies to develop the species of specific concern, determine the problems associated with those species, and to determine areas of specific use for those species, and (5) formulate an effective relationship between vegetation and wildlife to develop a plan to optimize wildlife and recreation use. From this basic analysis, we

will come to a more realistic concern for the impacts of recreation on the environment.

3. Pollution abatement efforts at Corps projects continue. New facilities and rehabilitation of existing facilities to meet legislative requirements in recreation areas and at operational areas of Corps projects receive a relatively high priority within the overall mission of the Corps.

4. Lakeshore management efforts at existing projects have generally been successful in maintaining natural ecological values and providing for equitable public use at the 48,000 miles of shoreline located on Corps lakes.

5. For the past two years the Corps has participated with the National Wildlife Federation and others in the annual mid-winter Bald Eagle survey. We have found that the winter range for the Southern Bald Eagle has been enhanced by the creation of major dams on the waterways in the major flyways. These dams, in most cases, provide the only open water available in the area. Further, hydro-power projects provide food, in the form of chopped-up fish, during periods of generation.

6. The Recreation Research Program (RRP) is an on-going research and development program managed by the Waterways Experiment Station in Vicksburg, Mississippi. Each year problem statements are evaluated and prioritized; those receiving the highest priority ratings are generally funded first. On-going research projects include the development and management of a Recreation Research and Demonstration System and guidelines for the establishment of carrying capacities. Other research topics include visitor safety, operations and maintenance contracting, concessionaire opportunities, and criteria for the development of roads and sanitary facilities.

A final on-going research program being managed by the RRP involves determining what impacts the energy situation is having on visitation patterns at Corps recreation areas. A final report is now being prepared and should be available by the end of this summer. There were some declines in visitation during 1979 on some Corps projects. Overall, however, demands for Corps resources are steadily increasing. Visitation to Corps recreation areas rose by 3 percent between 1978 and 1979 despite record high gasoline prices and shortages in many areas. One obvious reason for this increase is that 80 percent of all Corps projects are located within 50 miles of a Standard Metropolitan Statistical Area (SMSA). Of these, 71 percent have metropolitan populations of 100,000 or more. Around 25 percent are either partially or wholly contained within an SMSA. Even though current data await further analysis, it looks as though the gasoline situation, by

forcing people not to travel as far but stay longer, will place even greater demands on Corps recreation facilities than ever before.

The Recreation-Resource Management System (RRMS) is an automated data base which has been maintained by the Recreation-Resource Management Branch since 1972. The RRMS contains data on more than 400 Corps of Engineers projects with an annual visitation of more than 5,000 people. Each project in the RRMS has data on the management of natural and developed resources, personnel, and other relevant project data.

Because the RRMS was designed to be a management information system, it was substantially modified in FY 1979 to provide comparative analysis of year-to-year data since CY 1978. In addition, all Corps districts and divisions were provided with immediate access to the data base through the use of remote terminals and a user oriented programming language. The enhancements of the RRMS allowed district and division personnel to prepare unique, ad hoc reports to assist in making day-to-day management decisions.

The Office of the Chief of Engineers uses the RRMS as a management tool and has the responsibility to provide several federal agencies with annual reports specifically tailored for their management needs. The RRMS is also used to respond to inquiries from Congress; other federal, state, and local agencies; universities; and interested parties concerned with recreational aspects of Corps projects.

Additional information on the RRMS is available from the annual publication "Recreation Statistics" published by the Corps of Engineers.

In general, these are some of the major challenges facing the Corps in the 80's. We must find more efficient ways to manage our resources. We must not only provide for recreation opportunities, we must protect and enhance the project resources. With increasing legislative requirements we must also reemphasize our environmental and fish and wildlife responsibilities.