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BENTON HARBOR CANAL

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HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 4646

A BILL TO DECLARE A PORTION OF THE BENTON HARBOR
CANAL, BENTON HARBOR, MICH., A NONNAVIGABLE
STREAM

MAY 15, 1963

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Committee on Interstate and Foreign Commerce



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BWTON HARBOR CANAL

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BENTON HARBOR CANAL

WEDNESDAY, MAY 15, 1963

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 1334, Longworth House Office Building, Hon. John Bell Williams (chairman of the subcommittee) presiding.

Mr. WILLIAMS. The committee will be in order, please.

This morning the first bill that the committee will hear is H.R. 4646 introduced by our colleague from the State of Michigan, Hon. Edward Hutchinson. The purpose of the bill is to declare a portion of the Benton Harbor Canal, Benton Harbor, Mich., a nonnavigable stream.

(The bill referred to along with the agency reports follow:)

[H.R. 4646, 88th Cong., 1st sess.]

A BILL To declare a portion of the Benton Harbor Canal, Benton Harbor, Michigan, a nonnavigable stream

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Benton Harbor Canal, from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly, in the city of Benton Harbor and State of Michigan, be, and the same is hereby, declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

SEC. 2. That the project for the Benton Harbor Canal, authorized by the River and Harbor Act of June 14, 1880, insofar as said project relates to said canal from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly, in the city of Benton Harbor and State of Michigan, be, and the same is hereby, abandoned.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 16, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for comments on H.R. 4646, a bill to declare a portion of the Benton Harbor Canal, Benton Harbor, Mich., a nonnavigable stream.

The Bureau of the Budget would have no objection to enactment of this legislation.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 22, 1963.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 4646, a bill to declare a portion of the Benton Harbor Canal, Benton Harbor, Mich., a nonnavigable stream. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The Department of the Army has considered the above-mentioned bill, and offers no objections to its favorable consideration.

The Benton Harbor Canal, an artificial waterway, originally extended almost a mile eastward from the junction of Paw Paw River with the St. Joseph River. By an act approved June 14, 1880, the canal was taken over by the United States for the purpose of maintenance and improvement. The project provided for a channel 15 feet deep and about 100 feet wide. By an act approved August 30, 1935, the project depth of the canal was increased to 18 feet over a width of 80 feet from the junction with the Paw Paw River to Ninth Street in Benton Harbor Canal. The reach above Ninth Street, approximately 1,000 feet, was not recommended for improvement and was subsequently declared to be nonnavigable by an act approved June 2, 1937 (Public Law 130, 75th Cong.).

Enactment of H.R. 4646 would declare an additional reach of the Benton Harbor Canal, extending approximately 1,960 feet west from the west line of Ninth Street, a nonnavigable stream of the United States with 800 feet of the canal from the junction with the Paw Paw River remaining available to navigation. No maintenance work has been done in the canal proper since 1948, and there is no current request that the canal be maintained.

This bill does not involve the expenditure of funds by the United States.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE, *Secretary of the Army.*

Mr. WILLIAMS. Our first witness is our colleague, Mr. Hutchinson. I believe this is your first appearance before the committee.

**STATEMENT OF HON. EDWARD HUTCHINSON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MICHIGAN**

Mr. HUTCHINSON. Thank you, Mr. Chairman. It is.

Mr. Chairman, I have prepared a statement, but instead of taking the time to read, it the statement has been distributed to the committee and I will just briefly make an opening statement.

I have with me the mayor of Benton Harbor, Mr. Wilbert Smith; the city manager of Benton Harbor, Mich., Don Stewart; and the secretary of the Twin Cities Chamber of Commerce—that is Benton Harbor, Mich., and St. Joseph, Mich.—Mr. John Chapman.

Mr. Stewart and Mr. Chapman both have statements they would like to make in order to make a record on this bill.

Might I say, Mr. Chairman, that so far as I know there is no controversy on the bill.

Mr. WILLIAMS. This same bill was controversial in a previous Congress.

Mr. HUTCHINSON. You are right. This same bill was introduced by my distinguished predecessor Hon. Clare Hoffman. At that time, there was controversy in the community. That controversy has now been resolved. There is none apparent so far as I know. The committee is aware of the fact that up there in Benton Harbor there is what they call a ship canal. It is really a water spur running from

the confluence of the Paw Paw and St. Joseph Rivers, east. Originally it extended three-quarters of a mile into downtown Benton Harbor. Back in 1937, however, by act of Congress, the east thousand feet of the canal was abandoned.

By this bill another segment, equal to about 1,968 feet, is sought to be abandoned and this in pursuance of the city of Benton Harbor's urban renewal projects and also because the abandonment would permit the city to extend utilities and streets across that area and thereby open up and make accessible about 120 acres more or less, I believe, for industrial expansion.

Unless there are further questions of me, Mr. Chairman, I would like to have Mr. Stewart present the case to the committee at the present time if that is agreeable.

Mr. WILLIAMS. That is agreeable.

(The statement referred to follows:)

STATEMENT OF HON. EDWARD HUTCHINSON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Mr. Chairman and members of the subcommittee, by H.R. 4646 the United States would abandon a portion of the Benton Harbor Ship Canal at Benton Harbor, Mich., through a declaration of nonnavigability.

The portion to be abandoned is the easterly 1,968 feet, approximately, of the canal as it now exists.

The abandonment is requested by the City Commission of the City of Benton Harbor in pursuance of its urban renewal projects.

The subject matter of this bill was before this committee in 1958. In January 1957 my distinguished predecessor, the Honorable Clare E. Hoffman, introduced a bill upon which hearings were held in May of 1958.

At that time, the issue of closing this easterly portion of the canal was a matter of controversy in the community. I am happy to report that I know of no controversy there today. My introduction of H.R. 4646 on March 7, 1963, has evoked no opposition and I am assured the community is united on the project.

This ship canal was commenced in 1860 by private capital. It was desired as a water spur from the confluence of the Paw Paw and St. Joseph Rivers easterly into the town of Benton Harbor. It was apparently completed with public funds furnished by the town of Benton.

It was declared a public waterway by act of the State legislature in 1879 and was taken over by the United States for maintenance and improvement in 1880, as authorized by the River and Harbor Act of June 14, 1880.

In its completed state, it extended easterly from the Paw Paw River about three-quarters of a mile, with a turning basin at its easterly end. This provided a water spur into the middle of downtown Benton Harbor, permitting the loading of fruit on ships bound for Chicago.

In 1937, the easterly 1,000 feet of the canal, including the turning basin, was abandoned by act of Congress, introduced by Congressman Hoffman.

H.R. 4646 would abandon that portion of the canal running from the 1937 abandonment west about 1,968 feet. There would still remain a segment of the canal at its westerly end about 1,600 feet.

Across the part to be abandoned the city of Benton Harbor proposes to extend its water and sewer lines and to extend streets. It is proposed that the abandoned portion will be filled. The original abandonment of 1937 has been completely filled and is used for street and parking purposes.

The present abandonment will facilitate the industrial development of land lying to the north of the canal—a thing greatly to be desired from the city's standpoint.

I have made no study of the question of legal title of the land under the canal. That would apparently be resolved the same way that title in the case of the 1937 abandonment was resolved.

I am also informed that, in case there was any assertion of legal title as against the right of the city to the land under this canal, the city could exercise its power of eminent domain.

The portion of the canal to be abandoned by H.R. 4646 is not presently used commercially and there has not been Federal maintenance of the portion for many years.

The bill is of importance in the community and the national interest would not be jeopardized by abandonment of this portion.

Since the community is now united on the desirability of the abandonment of this segment and the improvement of that area, I respectfully urge favorable consideration of H.R. 4646.

Mr. WILLIAMS. You may proceed, sir.

STATEMENT OF DON C. STEWART, CITY MANAGER, BENTON HARBOR, MICH.

Mr. STEWART. Mr. Chairman and members of the committee, I am Don Stewart, city manager of Benton Harbor, having served in that capacity since January 1, 1957, and I would like to offer the following testimony on behalf of the city of Benton Harbor and upon their instructions.

A set of statements have been filed with the clerk. Attached are copies of all the exhibits except exhibits A, B, and C, the originals of which have been filed with the clerk.

On March 4, 1963, the city commission of the city of Benton Harbor, Mich., unanimously passed a resolution requesting Representative Edward Hutchinson, Fourth District, Michigan, to take such steps as were necessary to effect a declaration of nonnavigability by the U.S. Government of that portion of the Benton Harbor ship canal lying between the west right-of-way line of Riverview Drive extended and the west right-of-way line of Ninth Street, an approximate distance of 1,968 feet.

Accordingly, Representative Hutchinson introduced H.R. 4646 on March 7, 1963.

The remaining section of the canal, to confluence with the St. Joseph River, would be approximately 1,600 feet. (Map, exhibit A.)

This action by the Benton Harbor City Commission was prompted by the following series of events:

1. Completion of extensive planning studies under U.S. HHFA 701 program—updating previous official city plan adopted in 1954. (City of Benton Harbor comprehensive plan, exhibit B.)

2. Completion of extensive studies resulting in official community renewal program, with assistance of HHFA Federal aid program and preparatory to applications for urban renewal projects. (Community renewal program, city of Benton Harbor, exhibit C.)

3. The anticipation of a series of urban renewal projects (the first of which, a survey and planning application, has been filed and is pending) in cooperation with the Federal Government, and in accordance with the community renewal program, all of which are designed to provide an increase of 30 percent in local tax assessed values, public housing for the elderly (survey and planning application already approved), redevelopment of the entire central business district, the eradication of slum areas and the need for additional access roads and public parking to assist the downtown business area to compete with rapidly expanding shopping plazas in outlying areas, to name just a few of the ultimate benefits.

The three foregoing studies and approved plans provide for the conversion of the canal area, to which H.R. 4646 relates, from a nav-

igable public use to a surface transportation and parking public use, by the extension of a major street, public off-street parking, and storm drainage facilities.

4. The urgent need for extensions of sanitary sewer service to the entire industrial area north of the canal to the city limits and between the Paw Paw River on the west and Paw Paw Avenue on the east.

This entire area now has no city sanitary sewer and is approximately 300 acres in size, on which are presently located 10 industries employing approximately 2,500 persons.

The Michigan Health Department has stringently urged the city to make this extension, which is prohibitive in cost except through the extension of the services presently located in Riverview Drive.

5. Acquisition by the city of Benton Harbor of all abutting land bordering the St. Joseph River (except one 50-foot lot) between Empire Avenue (south city limits) and Main Street Bridge, a distance of approximately 4,300 feet, for future port development and marine use, and is now zoned for this exclusive use.

6. Approval by Benton Harbor Planning Commission of a special report by study committee as to the city's need for harbor facilities, dated January 19, 1960 (exhibit D).

7. Receipt and extensive study of a report sponsored by the Twin Cities Area Chamber of Commerce and prepared by Fry & Associates, 135 South LaSalle Street, Chicago, Ill., and dated September 27, 1961, which report delineates the future port requirements (exhibit E).

8. Sharp reductions in local tax base experienced by the city of Benton Harbor over the last 4 years, from \$67,689,296 State equalized in 1960 to \$55,366,666 in 1963—occasioned by serious blighting and deteriorating conditions (exhibit F).

9. Acquisition by the Whirlpool Corp. of approximately 18 acres of industrially zoned properties north of the subject canal reach, to which there are no present public access roads, or sanitary or storm sewers, and their recent announcement of a sizable industrial construction in this acreage, provided the city could provide public access and normal public facilities.

As a result of the foregoing studies and events, the active opposition of past years to the proposed closing has not now been evident, since all recent studies have concurred that the canal section in question is not suitable for any marine use, other than the most casual, and only then by small, noncommercial craft of shallow draft, and that the city now has acquired all but 50 feet of the land abutting the St. Joseph River, which is much more suitable to be developed for port use, when and if it is required.

This is not to say, however, that there is 100 percent local concurrence in the city's position in the matter, but rather that there is no organized objection from any source, nor are any marine or shipping interests opposed, to the best of the city's knowledge, as of this date.

It should be stated, also, that the city has had no objections filed or expressed to the proposed action, either during the past 18 months of study, or since the resolution was adopted on March 4, 1963.

Mr. WILLIAMS. You indicate that there may be opposition. Where would this opposition stem from?

Mr. STEWART. It would be isolated and individual in nature, Mr. Chairman.

Mr. WILLIAMS. What would be the basis of it?

Mr. STEWART. Primarily sentimentality on the basis that we are and have been in years past, in the history of the community, a port city and that this is conceivably a potential port facility and they just out of sentiment would hate to see it abandoned.

Mr. WILLIAMS. You know of no economic opposition to it?

Mr. STEWART. Absolutely none representing any marine use nor anyone currently using navigable waters.

As may be seen in the following section on historical data, the U.S. Department of the Army, the Department of Commerce, and the Bureau of the Budget all have indicated in previous hearings on the matter that they had no objections to the proposed abandonment.

The city is presently informed that no funds have been allocated in the past several years in the U.S. Army Corps of Engineers' maintenance budget to dredge or otherwise maintain the subject section of this waterway.

HISTORICAL DATA PRIOR TO 1963

1860: The work of constructing this canal was commenced as a private enterprise.

1870: Since the work remained in a useless and unfinished state, it received aid to the extent of \$15,000 from the town of Benton for its completion.

1879: The Legislature of the State of Michigan passed an act making the waters of this canal a public highway forever for the citizens of the United States and subject to the laws governing public navigable waters.

1880: The canal was taken over by the United States for the purpose of maintenance and improvement. The project provided for a channel 15 feet deep and about 100 feet wide.

1935: The project depth was increased to 18 feet over a width of 80 feet from the junction with the Paw Paw River to Ninth Street in Benton Harbor Canal by an act approved August 30, 1935.

1937: The reach of the canal above Ninth Street for approximately 1,000 feet not having been recommended for improvement was declared by Congress as a nonnavigable water of the United States. Act of June 2, 1937, 50 Stat. 243.

1948: No maintenance work has been done at the Benton Harbor Canal since 1948 and the Department of Defense has no current request for its maintenance.

1956: The city commission of the city of Benton Harbor, Mich., passed a resolution on the 23d of July, 1956, requesting Congressman Clare E. Hoffman to introduce a bill in Congress to abandon the Benton Harbor steamship canal as a navigable stream for a distance of approximately 1,960 feet from the west line of Ninth Street extended northerly to the west line of Erie Street extending northerly.

1957: Mr. Hoffman introduced H.R. 3980 to declare a portion of the Benton Harbor Canal a nonnavigable stream. The bill was referred to the Committee on Interstate and Foreign Commerce.

1957: The Department of the Army, the Department of Commerce, the Bureau of the Budget, indicated that they would interpose no objection to the enactment of H.R. 3980. The Secretary of Commerce stated:

It is also the understanding of this Department that enactment of the proposed legislation would enable the local authorities to fill the waterway and utilize a

portion of the filled area for a public parking facility. It would appear, therefore, that enactment of H.R. 3980 would be consistent with the present needs of transportation in the Benton Harbor area.

In view of the foregoing, the Department would interpose no objection to enactment of the pending bill.

The question of ultimate ownership of the underlying land and the city's right to acquire and develop said land for the expressed public use has been frequently raised both in the past and at present.

The city's position in this matter is that there shall be no doubt as to its ability to acquire and proceed with its proposed development plans for the following reasons:

1. The city has now on file quitclaim deeds from all the known heirs of the owners of the original company that constructed, owned, and developed the canal (exhibit G, "Transcript of recorded instrument").

2. There is increased evidence, as indicated by the attached copy of legal opinion, dated April 29, 1963, by the city attorney, Thomas H. Adams, Jr. (exhibit H) that the abutting owners in this instance have no legal claim to the underlying properties, and that the only possible chain of interest, from a legal point of view, could be the heirs of the original owners of the Benton Harbor Ship Canal Co., since, as stated in item 1 above, the city has on file a quitclaim deed from the original owners of the canal company.

There is no question on the part of the city of Benton Harbor but that the city will in effect become the owners, in behalf of the general public, of the properties in question.

In order that there be no question with regards to this conclusion, the city of Benton Harbor will, upon enactment of H.R. 4646, proceed immediately with a quiet title suit through the proper courts of justice, to legally clear up any question in this direction.

This testimony, and the exhibits referring thereto, are herewith filed as evidence in this hearing, by and for the city of Benton Harbor, Mich., at the instruction of the city commission of said city, a duly constituted legislative body, legally representing the citizens of that community.

(The exhibits mentioned have been placed in the subcommittee files.)

Mr. STEWART. I would like to take this opportunity to express my appreciation for the opportunity to present the views of the city of Benton Harbor on this matter.

Mr. WILLIAMS. I have a question with reference to page 7, to the effect that the city following passage of this bill, should it be enacted, will proceed immediately with a quiet title suit to clear up the question of title.

It would appear to me that the question of title should be settled before the legislation is passed. Would you like to comment on that?

Mr. STEWART. This is a matter which has been discussed at some length with a battery of attorneys at the request of our city attorney. There seems to be conclusive evidence by precedence in the statutes of Michigan, that this being a manmade facility and at no time ever having been in the public domain, so to speak—

Mr. WILLIAMS. There is no Federal investment in this project?

Mr. STEWART. Only from a maintenance standpoint, Mr. Chairman. The city of Benton Harbor did have a sizable investment of \$15,000 tax funds in the year 1870. At no time in the recorded his-

tory of abutting properties has there ever been any reference made to this strip of land where the possibility of riparian rights might come into the picture.

Our attorneys have advised us that the only need for this quiet title suit is simply to clear up beyond any shadow of doubt that the record is clear. They don't feel on the basis of the ownership currently, the recording of the quitclaim deed from the original canal company owners, a copy of which is attached to this in exhibit 4, that there isn't—

Mr. WILLIAMS. As I understand, the city now claims title?

Mr. STEWART. That is correct.

Mr. WILLIAMS. You have no contest to that title at the present time?

Mr. STEWART. No, sir; not to the city's knowledge. I might also point out that in the prior abandonment to which Representative Hutchinson referred, the city did acquire title to the thousand feet that was abandoned in 1937. There was no contest of it.

Mr. WILLIAMS. Mr. Friedel?

Mr. FRIEDEL. No questions.

Mr. WILLIAMS. Mr. Sibal?

Mr. SIBAL. No questions.

Mr. WILLIAMS. Mr. Hemphill?

Mr. HEMPHILL. I am sorry I had to step out for a moment. Is there any opposition that you know of to this legislation?

Mr. STEWART. No opposition representing any economic or marine use, no opposition from any organized factions, no opposition from any organizations.

There are some isolated individuals who are elderly and have not voiced any official objection, Mr. Hemphill. Through the grapevine or by way of gossip they have been known to oppose it but there has been no recording by the city government of any objection.

Mr. HEMPHILL. There are no do-gooders?

Mr. STEWART. Yes, sir; I think that is the category in which the latter ones fall.

Mr. WILLIAMS. If there are no further questions; thank you, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Chairman.

Mr. WILLIAMS. I understand that there is a representative of the Corps of Engineers.

Mr. HUTCHINSON. Mr. Chapman of the chamber of commerce will appear first because he has to get a plane and go back.

Mr. WILLIAMS. All right, proceed.

STATEMENT OF JOHN CHAPMAN, MANAGER OF THE TWIN CITIES AREA CHAMBER OF COMMERCE

Mr. CHAPMAN. I am John Chapman, manager of the Twin Cities Area Chamber of Commerce, an organization composed of 550 business and professional firms in the Benton Harbor-St. Joseph area of Michigan.

At the regular meeting of the board of directors of the Twin Cities Area Chamber of Commerce held March 28, 1963, the board of directors unanimously endorsed the request of the city of Benton Harbor asking that a portion of the Benton Harbor ship canal be declared non-navigable.

Our reasons for supporting the request of the city of Benton Harbor are:

1. To make accessible industrial land within the cities of Benton Harbor and St. Joseph: The Twin Cities have been severely handicapped in industrial growth due to the lack of accessible sites with essential services. By declaring a portion of the ship canal non-navigable, the city intends to fill it in, extend a road down the former ship canal and extend other roads across the present ship canal to open up this land.

2. To create more jobs: Employment in manufacturing in Berrien County increased an average of 101 persons for each year from 1956 through 1961. Employment in nonmanufacturing decreased an average of 12 jobs per year during the same period. For a net annual growth in manufacturing and nonmanufacturing of 89 jobs. This is inadequate to maintain our expanding population.

3. To increase the Benton Harbor tax base: The assessed value of Benton Harbor in 1962 was \$33,220,000, the lowest assessed value since 1950. In the interval, the costs of operating the city government providing essential services have significantly increased. In order to maintain Benton Harbor as a desirable community for investment, the tax base must be increased. Declaring the ship canal nonnavigable, filling it in and making land available and accessible will help bring about industrial development.

4. To improve transportation: The city of Benton Harbor intends to extend Hinkley Avenue now on the present bed of the ship canal after it is filled in. This will provide additional access for existing manufacturing plants located in the general area of the ship canal.

The closing of the ship canal will also permit the extension of Riverview Drive north to eventually tie in with the relocated M-139 State highway scheduled for construction next year.

Completion of Riverview Drive and Highway M-139 will improve traffic flow between the two cities and assist the dispersion of industrial traffic from the Edgewater district of St. Joseph. The extension of Riverview Drive will enhance property values and investment opportunities in the area south of Main Street along Riverview Drive fronting on the St. Joseph River.

The closing of this portion of the Benton Harbor ship canal will permit the railroad to eliminate its bridge crossing of the St. Joseph River and thus make the river more attractive to recreational use.

5. Urban renewal: The chamber of commerce has endorsed the urban renewal program in the city of Benton Harbor. Improvement of the transportation, the ability to attract additional investment, the improvement of Riverview Drive traffic flow will speed up the new investment in the first essential urban renewal project. The chamber of commerce is currently undertaking to raise \$150,000 to contribute to the city of Benton Harbor to help make the urban renewal program possible.

6. Closing of this portion of the Benton Harbor ship canal will permit the extension of city services not only to the area that will become accessible but to existing plants located in the area north and east of the ship canal.

In April of 1963, after a poll of the membership, the board of directors has selected four essential projects on which the chamber of commerce will concentrate its energy. All four of these projects will be materially enhanced by the passage of this legislation.

The four projects are: (1) The creation of industrial land with essential services, (2) industrial development to assist in the development of such land, (3) the extension of sewer and water services to the area, and (4) the urban renewal program.

Our fundamental purpose in selecting these four projects and supporting this legislation is to create jobs.

The population of the Twin Cities area is growing rapidly, far more rapidly than our employment. Eventually, this means a watering down of incomes and discourages further investment. We sincerely request your support of H.R. 4646.

Thank you. I appreciate this opportunity of testifying before the committee on behalf of this legislation and will try to answer any questions that you might have.

Mr. WILLIAMS. Thank you very much, sir. As I understand it, this canal is not now used for shipping?

Mr. CHAPMAN. No, sir. As far as I know the last real commercial use of it was some 30 years ago and then during World War II the packet ship trade on the Great Lakes died out due to highway improvement and transportation services.

Mr. WILLIAMS. Is it stagnant water?

Mr. CHAPMAN. Yes, sir. It is gradually filling itself in.

Mr. WILLIAMS. Is it used for recreational purposes at all?

Mr. CHAPMAN. No, sir. So far as I know, it is used by one craft, that is about all. There is one sailboat tied up in it. But this particular portion, this 1,900 feet is pretty putrid.

Mr. WILLIAMS. Are there any questions?

Mr. HEMPHILL. Did you say "pretty putrid"?

Mr. CHAPMAN. It is stagnant water. It is used as a dumping spot. There are commercial buildings. This water is located about 125 feet north of the main street of Benton Harbor and consequently is completely built up between the canal and the main street by businesses that have no connection with the water.

Mr. HEMPHILL. Thank you, sir.

Mr. WILLIAMS. Thank you very much.

I believe now we will hear from the Corps of Engineers. Will you identify yourself for the record, sir?

**STATEMENT OF EARL DOMINICK, CHIEF, MISCELLANEOUS CIVIL
BRANCH, CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY**

Mr. WILLIAMS. Do you have a statement?

Mr. DOMINICK. No; we do not have a prepared statement. The Department of the Army was assigned the responsibility for reporting on this bill for the Secretary of Defense. The report was transmitted to the Bureau of the Budget on the 13th of May. It is there now for clearance.

The Department of the Army has no objection to the passage of this bill.

Mr. WILLIAMS. Do you know of any objection from any source?

Mr. DOMINICK. We have no knowledge of any objection from any source whatsoever. Actually, there has been no maintenance of the canal since 1948 and no request for maintenance.

Mr. WILLIAMS. Thank you very much.

That will complete the testimony on H.R. 4646.

(Whereupon, at 10:20 a.m., the subcommittee proceeded to consideration of other bills.)



