

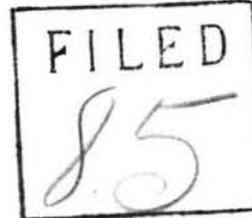
CONSERVATION OF NATURAL RESOURCES: Board of Curators of the University of Missouri, through Agricultural Extension Service, to cooperate with Federal Government in connection with conservation of natural resources

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Honorable Lloyd C. Stark  
The Governor of Missouri  
Jefferson City, Missouri



Dear Governor Stark:

This will acknowledge receipt of your letter of December 9, 1937, in which you passed on to this office the inquiry of Congressman Phil Ferguson as to what board, bureau or elective offices this State has legally created to deal with the Federal Government in matters pertaining to soil conservation, flood control, reclamation, power developments, and the general conservation of natural resources.

Your attention is directed to S. B. 41, approved June 24, 1937, and found at pages 175-177, Laws of Missouri, 1937.

Section 1 of said act provides:

"In order to cooperate with the Federal Government in bringing to the farm people of Missouri the full benefits of an Act by the Congress of the United States, approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act the policy and purposes of which are set forth in Section 7 (a) of the Act as follows: '(1) Preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil

resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; \* \* \* \* \* the State of Missouri through its Legislature hereby accepts the provisions and requirements of said Act."

Section 2 of said act reads as follows:

"The Curators of the University of Missouri (hereinafter referred to as the Curators) acting by and through the Agricultural Extension Service by it carried on in connection with the College of Agriculture of the University of Missouri, are hereby designated as the agency of the State of Missouri to administer any plans authorized by this Federal Act which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the Secretary of Agriculture) for the State of Missouri pursuant to provisions of said Soil Conservation and Domestic Allotment Act."

Sections 3, 4 and 5 of said act set out in detail the powers and duties of the Curators of the University in carrying out the purposes of the act. In addition to the foregoing agency directed by law to cooperate with the Federal Government in connection with some of the subjects inquired about, we find that Section 13702, Revised Statutes Missouri 1929, provides as follows:

"The board of managers of the bureau of geology and mines is hereby directed to make a survey

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of the water resources of the state, including the determination of water power, flood prevention, area of watersheds, underground water supply, chemical composition of waters, and to show locations where power can be generated, and the amount and character of lands that would be inundated by the erection of dams to secure water power. \* \* \* \* \*

Section 13704, Revised Statutes Missouri 1929, directs the work set out in the foregoing section, 13702, to be done "in cooperation with the United States geological survey and other government and state bureaus."

The Conservation Commission created by Amendment Number Four to the Constitution, page 614, Laws of 1937, vests in that body the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wild life resources of the state, and said amendment also authorizes said Commission to "acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for the use of the Commission or the exercise of any of its powers hereunder."

#### CONCLUSION

It is, therefore, the opinion of this office that the Curators of the University of Missouri, acting by and through the Agricultural Extension Service by it carried on in connection with the College of Agriculture of the University of Missouri, is the proper agency of this state to cooperate with the Federal Government in matters pertaining to soil conservation, flood control, reclamation, and the general conservation of

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natural resources and that the Board of Managers of the Bureau of Geology and Mines may also cooperate with the Federal Government on the matter of flood control and water power and that the Conservation Commission can cooperate with the Federal Government in connection with certain natural resources.

Very respectfully

HARRY H. KAY  
Assistant Attorney General

APPROVED

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ROY McKITTRICK  
Attorney General

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