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Resolution 1969-04-17 State Planning - Federal Water Projects

Association of Fish and Wildlife Agencies

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The Resolutions as adopted in New Orleans, Louisiana, September 9, 1969 follow:

RESOLUTION NO. 1

**ADMINISTRATION OF PITTMAN-ROBERTSON
AND DINGELL-JOHNSON PROGRAMS**

WHEREAS, obligation ceilings in fiscal years 1967 and 1968 have resulted in a carry-over unobligated balance of approximately \$16 million in the Pittman-Robertson and Dingell-Johnson programs; and

WHEREAS, the continued withholding of funds apportioned to the states will prevent the full development of urgently needed fish and wildlife restoration programs and is of questionable legality; and

WHEREAS, the provisions of the Expenditure Control Act (P. L. 90-364) could have resulted in funds being diverted to non-program activities in fiscal year 1969; and

WHEREAS, a further increase in the unobligated balance of the two programs could result in a reversion of funds in some states; and

WHEREAS, an unnecessary delay in obligating funds will tend to result in reduced program accomplishments, particularly because of the escalation of land costs:

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Game, Fish and Conservation Commissioners respectfully urges the Federal Bureau of the Budget to establish obligation ceilings for the Pittman-Robertson and Dingell-Johnson programs in the current fiscal year which will result in the immediate elimination of excessive or abnormal carry-over of unobligated balances; and

BE IT FURTHER RESOLVED, that the Association respectfully urges the Congress to safeguard these funds by preventing the passage of any legislation which would allow these dedicated revenues to be reserved or diverted.

RESOLUTION NO. 2

**CONTINUING AMICUS CURIAE IN
NEW MEXICO vs. UNITED STATES**

WHEREAS, the Legal Committee of the International Association of Game, Fish and Conservation Commissioners has concerned itself with the case filed by the New Mexico State Game Commission against the Secretary of the Interior in the Federal District Court, challenging the right of the Department of Interior to kill deer in the Carlsbad National Cavern Park for the conducting of a research project, with first securing the approval and permission of the New Mexico State Game Commission; and

WHEREAS, the U. S. District Judge who heard the case handed down a decision to the effect that the Secretary of the Interior had not been authorized by Congress to kill deer for this purpose without first securing the approval of the New Mexico State Game Commission; and

WHEREAS, the Circuit Court of Appeals of the 10th District after hearing the matter, reversed the decision of the District Court; and

WHEREAS, the New Mexico State Game Commission has secured from the U. S. Supreme Court a stay of execution of the order of the Circuit Court of Appeals pending the filing and hearing of a petition for a writ of certiorari; and

WHEREAS, it is of the utmost importance that the issue involved in this case be heard and finally decided by the U. S. Supreme Court since it concerns a principle of national importance to all of the states namely, whether or not the states' ownership of game is a property right which cannot be destroyed by an Act of Congress:

NOW, THEREFORE BE IT RESOLVED, by the International Association of Game, Fish and Conservation Commissioners that it continue to participate as amicus curiae in the proceedings now pending in the U. S. Supreme Court.

AND BE IT FURTHER RESOLVED that all of the states which participated as amicus curiae in the case before the Circuit Court of Appeals be urged to continue their active support and participation in said proceedings.

RESOLUTION NO. 3

ESTABLISHMENT OF A WATER BANK

WHEREAS, drainage of wetlands in North America and Hawaii is continuing at a high rate; and

WHEREAS, these water areas are a valuable resource for wildlife, water storage, flood control and other purposes; and

WHEREAS, the general public must share in the cost of maintaining water on private lands if these valuable areas are to be preserved:

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Game, Fish and Conservation Commissioners does hereby request the Congress of the United States to enact into law a water bank bill similar to Senate Bill S. 2257 and House Bill H. R. 11717; and

BE IT FURTHER RESOLVED, that appropriate committee chairmen be urged to call hearings on these bills during the current session of Congress.

RESOLUTION NO. 4

STATE PLANNING - FEDERAL WATER PROJECTS

WHEREAS, several agencies of the federal government are engaged in the planning and construction of numerous water development projects which have the potential for either damaging or enhancing fish and wildlife; and

WHEREAS, federal law and executive policy as expressed in Senate Document 97, the Federal Water Project Recreation Act (P. L. 89-72) and the Fish and Wildlife Coordination Act (P. L. 85-624) provide for full consideration of water development projects; and

WHEREAS, under the Federal Water Project Recreation Act, the states may be called upon to administer and share fifty percent of the separable capital costs and all of the operation, maintenance and replacement costs of fish and wildlife resources; and

WHEREAS, it is imperative that each project prior to its authorization be comprehensively evaluated in order to formulate recommendations for the protection and enhancement of fish and wildlife resources; and

WHEREAS, this Association believes it is essential that such evaluation be included in the earliest phases of project formulation and as an integral part of project planning, funding and scheduling:

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Game, Fish and Conservation Commissioners urges Congress to insure adequate funding for the states to make fish and wildlife studies in cooperation with federal agencies when it considers project planning, funding and scheduling:

BE IT FURTHER RESOLVED, that this Association requests federal agencies to establish necessary liaison with the states as well as interagency coordination to assure that fish and wildlife studies will be properly funded.

RESOLUTION NO. 5

PUBLIC LAND LAW REVIEW COMMISSION REPORT TO CONGRESS

WHEREAS, the Public Land Law Review Commission is scheduled to complete its deliberations early in 1970 and to make its final report to Congress in June, 1970; and

WHEREAS, the recommendations of this Commission and subsequent recodification of the public land laws by Congress will greatly affect the future of hunting, fishing and all other forms of outdoor recreation on federal lands:

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Game, Fish and Conservation Commissioners urges legislation be recommended by the Public Land Law Review Commission:

- A. To retain in public ownership all existing lands not needed to meet immediate housing and industrial needs.
- B. To provide for multiple use administration and management of these public lands, giving wildlife, recreation and aesthetic values equal consideration with other uses. Priorities of land use are to be determined by the inherent properties of the lands and their ability to satisfy the greatest public need.
- C. To provide authority and funding for reasonable and adequate public access to all federal lands.
- D. To encourage private land purchases to consolidate federal land ownership patterns in order to improve management effectiveness.
- E. To clearly enunciate the respective authority and responsibilities of state and federal governments concerning wildlife as set forth in that portion of the Public Land Law Review Commission's report on wildlife prepared by Colorado State University, which suggests . . . that public harvest of fish and wildlife on all federal land shall be in accordance with applicable state regulations . . . and all other removals . . . be in accordance with any existing state procedures . . ."
- F. To repeal all outdated mining laws and require all mineral exploration and development on unreserved public lands to be accomplished under the provisions of the mineral leasing act

BE IT FURTHER RESOLVED, that the International Association of Game Fish and Conservation Commissioners go on record as commending the Public Land Law Review Commission, the Advisory Council, Governors' Representatives, and the Public Land Law Review staff for the manner in which they have approached their difficult and complex assignment.

RESOLUTION NO. 6

COLUMBIA RIVER PRESERVATION

WHEREAS, the section of the Columbia River between Richland, Washington, and Priest Rapids Dam, a distance of approximately 59 river miles, is the last free-flowing section of said river; and

WHEREAS, the proposed Ben Franklin Lock and Dam project would destroy the last remaining spawning areas for anadromous fish in the Columbia River and impound the last free-flowing section of the river, and otherwise impair the anadromous fishery and other wildlife values:

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Game, Fish and Conservation Commissioners declare its opposition to proposals of the U. S. Army Corps of Engineers for construction of a navigation channel or Ben Franklin Dam, or for any project of development whatsoever of this section of the Columbia or its riparian lands, which project or development would in any substantial degree be detrimental to the environment and to fish and wildlife.

RESOLUTION NO. 7

AMENDMENTS TO FEDERAL AID ACTS

WHEREAS, the state fish and game agencies have recognized the need to clarify and modernize the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act; and WHEREAS, the provisions of H. R. 12475 will delete the engineering, maintenance and management limitations and effect other housekeeping changes which are long overdue; and

WHEREAS, the bill's provision would add the revenue from the 10 per cent federal excise tax on pistols and revolvers to the Federal Aid in Wildlife Restoration program; and

WHEREAS, one-half of these revenues would be apportioned among the states to pay up to 50% of the cost of hunter safety programs including construction, operation, and maintenance of target ranges; and