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Resolution 1958-08-20 Fish and Wildlife Amendment to Federal Power Act

Association of Fish and Wildlife Agencies

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Whereas, the conservation world looks to the International Association for important leadership and, in emergencies, for action programs on matters affecting all natural resources; and

Whereas, the problems imposed by inadequate and uncoordinated planning, development and management of our water resources constitute an emergency and necessitate an action program well within the association's area of responsibility.

Therefore, be it resolved, by the International Association of Game, Fish and Conservation Commissioners, that a continuing action committee on water resources be created through the appointment of members for staggered, overlapping terms, said action committee to be composed of individuals representing the different water use philosophies to be found in the various states and specifically to include representation from the American Fisheries Society and the Wildlife Society; that said action committee be charged with the following fundamental obligations:

- A. Assembling and disseminating current information on existing state laws and court decisions, legal briefs, and proposed policy on water law which may affect fish, wildlife and recreational resources;
- B. Pooling of legal talent and knowledge in the preparation of briefs or advice bearing upon court cases involving public water rights, upon request by any member agency or official of the association;
- C. Formulating recommendations to the association upon codes, philosophies or policies relating to water and its use.

Be it further resolved, that the executive committee is hereby authorized, upon petition of said action committee, to make grants of financial assistance to the committee for the part-time employment of special assistance, legal counsel and advice, and be it further recommended that the talents of the offices of the attorneys general of the several states be solicited for further legal advice and assistance.

RESOLUTION NO. 7

WESTERN WATER RIGHTS SETTLEMENT LEGISLATION PROPOSAL

Whereas, there has been widespread interest in congressional proposals which may result in a Western Water Rights Settlement Act to affirm and recognize state water laws in the 17 western reclamation states; and

Whereas, western water laws and court decisions are based on the prior use philosophy; and

Whereas, throughout the western states water for wildlife, fish and recreational purposes has been used beneficially by the public for many years and a prior public beneficial use definitely has been established; and

Whereas, the use of water from natural springs and seeps arising on federal and state lands by wildlife and the public is essential in the maintenance of the long-established multiple use policy on public lands; and

Whereas, the Department of the Interior, with the concurrence of other affected federal agencies, has approved a modified version of S.863 as introduced in the 85th congress.

Now, therefore, be it resolved, by the International Association of Game, Fish and Conservation Commissioners that the legislative and legal committees of this Association be charged with the development of an amendment to the Department of the Interior's revision of S.863 which recognizes water for wildlife, fish and recreation as a public beneficial use on all unappropriated waters of the western public land states arising or flowing through such public lands; and

Be it further resolved, that this proposed amendment establish adequate rights in the name of the administering agency, on natural springs and seeps, and small water developments that have been made on federal and state land with the use of public funds, so as to maintain the essential multiple use policy on all publicly-owned land in the United States.

RESOLUTION NO. 8

FISH AND WILDLIFE AMENDMENT TO FEDERAL POWER ACT

Whereas, the Federal Power Act creating the Federal Power Commission fails to provide adequately for the conservation of fish and wildlife and related resource values in the licensing of hydroelectric projects, although navigation interests are so protected; and

Whereas, the Federal Power Commission by such actions as the licensing of dams on the Cowlitz and Deschutes rivers in Washington and Oregon over the objections of state and federal conservation agencies, and by its more recent recommendation that a high dam be constructed at the Nez Perce site on the Snake river, has demonstrated that under present law it can-

not or will not give adequate consideration to fish and wildlife values.
Therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges the 86th congress to amend the Federal Power Act by providing that no license affecting fish and wildlife resources shall be issued until plans of the dam or other structures affecting such fish and wildlife resources have been approved by the Secretary of the Interior.

RESOLUTION NO. 9

REGARDING NEW INTERPRETATION OF PROVISIONS OF PITTMAN-ROBERTSON AND DINGELL-JOHNSON ACTS ON FORMULA FOR DETERMINING DISTRIBUTION OF FUNDS TO STATES ISSUING MULTIPLE LICENSES

Whereas, a controversy has arisen over the construction to be given to certain provisions in the P-R and D-J Acts with respect to method to be used in counting the number of game and fish licenses issued by any state; and

Whereas, since the enactment of these laws there has grown up administrative interpretation which allowed a state to count each separate license issued as a means of determining its allocation of federal aid funds; and

Whereas, many states now have separate licenses for various species; and

Whereas, the solicitor of the Department of the Interior has indicated to the Bureau of Sport Fisheries and Wildlife that the procedure of the past 20 years of counting licenses rather than license holders is contrary to the provisions of law; and

Whereas, it is reported that certain states contemplate filing legal actions should the new interpretation be put into effect, which will result in protracted litigation and harm to the cause of conservation throughout the whole country.

Therefore, be it resolved, that the Department of Interior and its solicitor be requested by this Association that no final decision or opinion be made or issued which would change the practice followed during the past in this regard; and that the matter be officially called to the attention of the attorneys general of the several states for study and review so that they may have ample opportunity to present their legal views to the solicitor; and that the legal committee of this Association be authorized to study and review this legal problem for and on behalf of the Association to be presented to the solicitor on or before December 15, 1958; and

Be it further resolved, that in view of the various contentions that the Pittman-Robertson and Dingell-Johnson Acts require amendments to correct claimed ambiguities and claimed inequities, this matter be referred to the executive committee for report to the next annual meeting of this Association and that this subject be given ample space on the agenda so that all agencies may have ample opportunity to review first, the report of the legal committee; and second, the report of the executive committee, with the aim that this Association can present a unanimous recommendation for the operation of a federal aid to fish and wildlife program.

RESOLUTION NO. 10

FORESTRY CONSERVATION COMMUNICATIONS ASSOCIATION

Whereas, the Forestry Conservation Communications Association (F.C.C.A.) since its inception has represented fish and game interests as well as forestry in the radio communication field; and

Whereas, the Federal Communications Commission now recognizes the F.C.C.A. as official representative of all state conservation agencies and has approved or broadly defined "scope of service" which includes forestry, fish, game and other conservation activities; and

Whereas, the formation of another association or group to represent fish and game interests in the communication field would not only confuse but weaken our position with the Federal Communications Commission; and

Whereas, the International Association at its meeting in Las Vegas last year voted approval of a meeting between its radio committee and similar representatives of the Association of State Foresters and the F.C.C.A. to work out a method of equal representation and joint financing of the F.C.C.A.; and

Whereas, the F.C.C.A. constitution has now been amended to provide equal representation for all state conservation interests in the radio communication field insofar as federal regulations permit.

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners officially recognize the F.C.C.A.