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Resolution 1958-10-20 Forestry Conservation Communications Association

Association of Fish and Wildlife Agencies

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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.

as its designated representative in radio communication matters, and share with the Association of State Foresters in the financial support of the F.C.C.A.

Be it further resolved, that the Executive Committee examine an accounting of the past year's expenditures of the F.C.C.A. and carefully consider a budget request for the next year as submitted by the executive committee of the F.C.C.A. and, if past performance is judged satisfactory and if proposed expenditures are deemed reasonable, authorize the secretary-treasurer to transfer to the F.C.C.A. in an amount not to exceed one-half of the total budget request.

RESOLUTION NO. 11

FORMATION OF A LEGAL COMMITTEE, DESIGNATING ITS DUTIES AND FUNCTIONS, AND AUTHORIZING PRESIDENT TO APPOINT ITS MEMBERS

For many years many of the attorneys interested in or assigned to the legal work for the game, fish and conservation commissions have felt the need for common consultation and dissemination of information concerning legal problems and legal developments that were occurring throughout the nation as well as in Canada. The mere plethora of legislation passed and under consideration by the states and the federal government alone give rise to many complex legal issues the decision of which by legal opinions or by the courts seriously affect conservation programs the length and breadth of the land. It must be realized that our courts are in many instances the final arbiters not only in determining what the law is but also the application and interpretation of the law in each particular case. Legal rights important to the furtherance of the cause of conservation may be irretrievably lost by the decisions handed down by our courts. It, therefore, behooves those of us responsible for the legal framework within which conservation programs must be carried out that we pool as much as possible our legal learning and talent to the end that these decisions are based on a sound and intelligent understanding by our courts of conservation principles and precepts which will enable state and federal officials to protect and preserve the natural resources of our country. This committee commends the executive committee and the president of this Association for the formation of this interim legal committee which has met for the first time during this convention.

Therefore, be it resolved, that there be formed a permanent standing Legal Committee of This Association and that the President be authorized to appoint the chairman and members of said committee.

And be it further resolved, that it shall be the function and duty of said legal committee to make studies of and advise the Association on legal matters and problems which are of general or common concern to its members and also to disseminate information to its members regarding opinions, decisions and developments of a legal nature that occur and which are relevant to game, fish and general conservation of the natural resources of our states, provinces and nations.

RESOLUTION NO. 12

CONCERNING THE CASE OF STATE OF MINNESOTA VS. ADAMS et al INVOLVING THE RABBIT CHAIN OF LAKES

The state of Minnesota has a petition pending before the supreme court of the United States asking leave to appeal a certain decision recently handed down by the supreme court of that state. The question involved is whether the state of Minnesota or various riparian owners own the legal title to the beds, and thus the underlying minerals, of this chain of lakes. In Minnesota the answer to this question depends on whether these lakes are the navigable waters of the state. Departing from long established principles the supreme court of Minnesota ruled that in determining navigability of waters a state would be bound by the so-called federal test of navigability which test is less liberal than that many of the states have adopted for themselves in determining rights as between the state and her riparian owners.

After a thorough discussion of the problem it was the unanimous opinion of this committee that the decision of the supreme court of Minnesota, if approved by the supreme court of the United States, would be a serious threat and handicap to many of our states which have embarked or have been active in a program of making as many of their lakes and streams available to the public as funds and programming permitted. The threat consists in this—that if in determining whether a certain lake or stream is public or private water a state is compelled to apply the federal test of navigability many lakes and streams, now considered public, would become private waters to which the public could not be afforded access, and since the issue posed in the Rabbit Lake case aforementioned is of grave concern