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Resolution 1969-02-17 Continuing Amicus Curiae in New Mexico vs. United States

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