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Resolution 1966-09-23 Implementation of the Classification and Multiple Use Act

Association of Fish and Wildlife Agencies

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RESOLUTION NO. 7

FISH AND WILDLIFE PROBLEMS AT CORPS OF ENGINEERS PROJECTS

Whereas, the Congress of the United States has repeatedly expressed the nation's desire to conserve and develop fish and wildlife resources as a part of its water-development program, initially by the passage of legislation in 1934 and subsequently by amendments under which the legislation was strengthened and designated as the Fish and Wildlife Coordination Act; and,

Whereas, the Congress of the United States has recently reaffirmed its concern for the welfare of our fish and wildlife and other outdoor recreational resources by the passage of a number of measures, some of which are the Outdoor Recreation Act, the Refuge Revenue Sharing Act, the Wilderness Act, the Land and Water Conservation Fund Act, and others; and,

Whereas, the President, on May 15, 1962, approved for application by the Departments of the Interior, Army, Agriculture and Health-Education and Welfare policies, standards and procedures for use and development of water and related land resources cited as Senate Document 97, which provides that "Full consideration shall be given to the opportunity and need for outdoor recreation and fish and wildlife enhancement in comprehensive planning for water and related land use and development, and project formulation and evaluation;" and,

Whereas, it is in the best interest of our nation that such resource can be conserved and developed; and,

Whereas, in the past the Corps of Engineers of the Department of the Army maintains that it will consider only navigation in the issuance of permits for construction, dredging and filling activities in navigable waters of the United States; and,

Whereas, the Corps is presently implementing a policy which would place the burden of mitigating fish and wildlife damages on the fish and wildlife agencies, except for such integral structures as fishways;

Now, therefore, be it resolved that the International Association of Game, Fish and Conservation Commissioners requests the Secretary of Defense to instruct the Department of the Army to:

1. Respect the intent of the Congress of the United States as expressed in the Fish and Wildlife Coordination Act which was presented recently by the Corps before the Senate Public Works Subcommittee on Appropriations and wherein the Corps proclaimed it will not undertake fish and wildlife mitigation except for those features which it considers to be integral parts of the projects;
2. Respect Senate Document No. 97, regarding policies, standards, and procedures for use and development of water and related land resources;
3. Honor its own February 16, 1962, Joint Policy Agreement with the Department of the Interior which states, in part, that insofar as permitted by law the Department of the Army will acquire in fee as a part of the reservoir project construction, such lands as are needed to meet present and future requirements for fish and wildlife as determined pursuant to the Fish and Wildlife Coordination Act;
4. Adopt a positive policy of including specific measures including the acquisition of lands in fee at Corps of Engineer projects for the conservation, development and improvement of fish and wildlife resources; and,
5. Adopt a positive policy of not issuing permits for dredging and filling activities in navigable waters of the United States or requiring appropriate modifications in work contemplated when such activities are expected to cause significant losses to fish and wildlife resources.

RESOLUTION NO. 8

APPROVING THE PROPOSED BANNOCK NATIONAL WILDLIFE REFUGE

Whereas, the 17,500 acre area of land and water known as Dingle Swamp in Bear Lake County, Idaho, is an important production unit for the Intermountain flock of the Great Basin Canada goose; and,

Whereas, it is also important as a producer of the scarce Greater Sandhill Crane; and,

Whereas, waterfowl produced on this marsh are harvested in all of the Pacific Flyway states south of Idaho; and,

Whereas, this large marsh has excellent potential for improvement as a waterfowl production unit through better land and water management;

Now, therefore, be it resolved that the International Association of Game, Fish and Conservation Commissioners endorses and strongly supports the proposal to transfer the administration of these lands and waters from the jurisdiction of the Bureau of Land Management to the Bureau of Sport Fisheries and Wildlife and incorporate the area into the National Wildlife Refuge System as the Bannock National Wildlife Refuge; and,

Be it further resolved that the International Association of Game, Fish and Conservation Commissioners recommends that the usual 40 percent of the area be open to public hunting and to fishing within the framework of state regulations.

RESOLUTION NO. 9

IMPLEMENTATION OF THE CLASSIFICATION AND MULTIPLE USE ACT

Whereas, the public domain of the Western States holds significant public values; and,

Whereas, disposal of the public domain in the past under the multitude of conflicting land laws did not give adequate consideration to wildlife and recreational values; and,

Whereas, administration of the public domain in the past has been based principally on the control of uses pending the ultimate disposal of the land; and,

Whereas, the Classification and Multiple Use Act of 1964 provides for the classification of public domain for retention and-or blocking out lands to be held in public ownership and multiple use management, as well as for disposal; and,

Whereas, the public interest will be best served where natural resources are held in public ownership and managed on a multiple-use basis for wildlife, watershed, recreation and grazing values;

Now, therefore, be it resolved that the International Association of Game, Fish and Conser-

vation Commissioners urges that the classification of the public domain proceed expeditiously and that proper consideration be given to wildlife and recreational values in the classification of said lands, and that the public and all appropriate State, County and Federal agencies be encouraged to support and aid in the classification procedure; and,

Be it further resolved that the International Association of Game, Fish and Conservation Commissioners requests the Bureau of Land Management to proceed expeditiously in the program implemented by the Classification and Multiple Use Act.

RESOLUTION NO. 10

AMENDMENT TO FEDERAL WATER PROJECT RECREATION ACT

Whereas, the Federal Water Project Recreation Act, Public Law 89-72, contains different cost-sharing requirements for separable costs than it does for joint costs allocated to fish and wildlife enhancement; and,

Whereas, separable costs are those costs of a multiple purpose project which would not be incurred if a particular purpose were omitted such as costs of additional height on a dam to provide a conservation pool for fish; and,

Whereas, under Public Law 89-72, non-Federal interests must agree to pay one-half of the separable costs if fish and wildlife are to be enhanced and must pay for the operation, maintenance and replacement of facilities associated with this enhancement; and,

Whereas, many projects which are scheduled for construction will place heavy additional financial burdens upon State Fish and Game Agencies by added operation and maintenance costs required for fish hatcheries and wildlife habitat developments; and,

Whereas, budgetary limitations of these agencies would preclude participation in cost-sharing of 50 percent of the separable costs and full payment of operation, maintenance and replacement of enhancement facilities; and,

Whereas, if the State Fish and Game Agencies do not agree to participate in cost sharing of separable costs, the fish and wildlife enhancement portion of the project will be deleted, preventing future development of this resource as additional monies may become available to the agencies;

Now, therefore, be it resolved that the International Association of Game, Fish and Conservation Commissioners requests the Congress of the United States to clarify or amend Public Law 89-72 so as to delete the cost-sharing requirements for separable costs, except as they relate to major additions and expansions which go beyond the acreages and facilities normally needed for wildlife and recreational purposes.

RESOLUTION NO. 11

REAFFIRMING STATES' JURISDICTION OVER FISH AND WILDLIFE MANAGEMENT

Whereas, since colonial times, in this country, the ownership of wildlife, by law, history and tradition, has been separated from the ownership of the land, in contrast to the European system in which the landowner owns the game thereon; and,

Whereas, it has been held by the U. S. Supreme Court that all species of wildlife are held in trust by the individual states for the people of each state, the principal exception to this rule arising under the treaty-making power of the United States which makes the migratory bird treaties and Federal legislation dealing with migratory birds pursuant to and limited by said treaties the supreme law of the land; and,

Whereas, contrary to Supreme Court decisions and dictates of sound unified fish and game management policies, the United States Solicitor General recently has held that the Federal Government has full and exclusive power and control over both migratory and resident wildlife on all federally-owned land; and,

Whereas, the Western Conference of Governors gave favorable recognition to the states' position as above stated;

Now, therefore, be it resolved that the International Association of Game, Fish and Conservation Commissioners reaffirms the basic right of the states to conserve, manage and regulate the use and harvest of fish and resident species of wildlife on all lands, including those lands owned by the Federal Government, within each individual state on which said jurisdiction has not been relinquished to the Federal Government. Provided, however, that nothing herein contained shall imply that this Association endorses any provision of any Federal statute or regulation which prohibits the management and regulation of public hunting of resident wildlife species and of public fishing by the various states.

RESOLUTION NO. 12

PROVIDING CONTINUED FINANCIAL SUPPORT FOR THE CONSERVATION LIBRARY CENTER

Whereas, the Conservation Library Center established September 20, 1960, by the Library Commission of the City and County of Denver at the Denver Public Library has received continuing support of the entire International Association of Game, Fish and Conservation Commissioners as evidenced by the passage of several resolutions in this regard, and following action by its Executive Board; and,

Whereas, this report by the Association has led to a contract between the Bureau of Sport Fisheries and Wildlife, Department of the Interior Library, and the Denver Public Library whereby it has been possible to initiate, through the use of administrative funds provided by the Pittman-Robertson and Dingell-Johnson Acts, the analysis and indexing of published and unpublished reports emanating from these Acts; and,

Whereas, effective use of such funds under the direction of Mr. John T. Eastlick, Librarian for the Denver Public Library, and Mr. Arthur H. Carhart, appointed Consultant to the Conservation Library Center, has resulted in the development of a well designed program which will result in the cataloging and indexing of all unpublished reports arising from the work under Pittman-Robertson and Dingell-Johnson Programs and the assembling, cataloging and indexing of many additional reports, books and materials relating to and of considerable value in Game and Fish Conservation work; and,