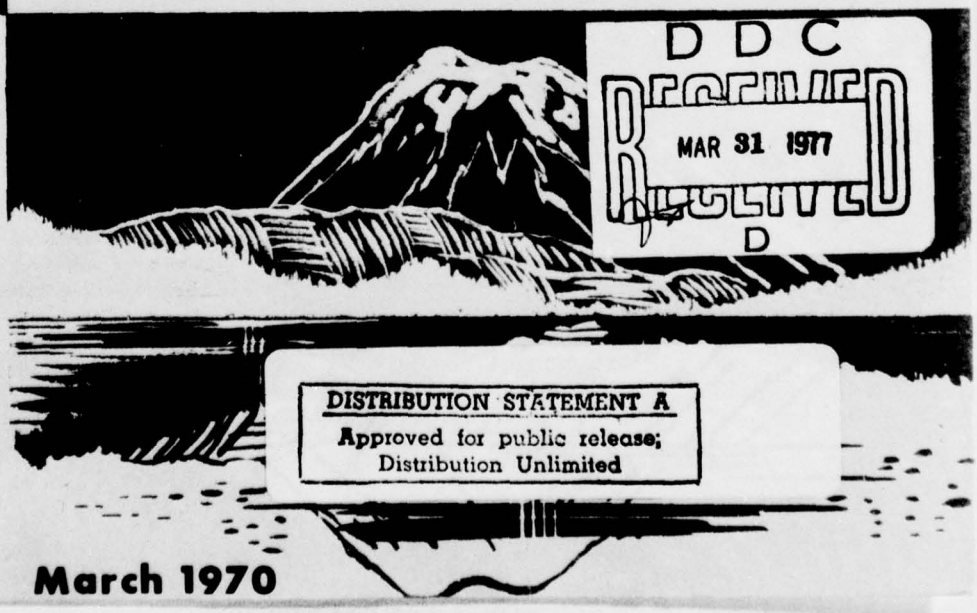
Comprehensive Study of Water
and Related Land Resources

Puget Sound and Adjacent Waters

State of Washington

Appendix II
Political and Legislative Environment

Puget Sound Task Force—Pacific Northwest River Basins Commission



March 1970

PARTICIPATION

STATE OF WASHINGTON

Department of Agriculture
Department of Commerce & Economic Development
    Office of Nuclear Development
Department of Fisheries
Department of Game
Department of Health
Department of Highways
Department of Natural Resources
Department of Water Resources
Canal Commission
Oceanographic Commission
Parks and Recreation Commission
Planning and Community Affairs Agency
Soil and Water Conservation Committee
Water Pollution Control Commission

FEDERAL

U.S. Department of Agriculture
    Economic Research Service
    Forest Service
    Soil Conservation Service
U.S. Department of the Army
    Corps of Engineers
U.S. Department of Commerce
U.S. Department of Health, Education & Welfare
    Public Health Service
U.S. Department of Housing
    and Urban Development
U.S. Department of Labor
    Bureau of Employment Security
Federal Power Commission
U.S. Department of the Interior
    Bonneville Power Administration
    Bureau of Indian Affairs
    Bureau of Land Management
    Bureau of Mines
    Bureau of Outdoor Recreation
    Bureau of Reclamation
    Federal Water Pollution Control Admin.
    Fish and Wildlife Service
    Geological Survey
    National Park Service
U.S. Department of Transportation

(6)

Comprehensive Study of Water and Related Land Resources, Puget Sound and Adjacent Waters.

APPENDIX II.
POLITICAL AND LEGISLATIVE ENVIRONMENT,

(10) Alfred T./Neale, Sydney/Steinborn,
Lewis F./Kehne, L. B./Day
Francis L./Nelson

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(12) 154p.

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Political and Legislative Environment Technical Committee

PUGET SOUND TASK FORCE of the PACIFIC NORTHWEST RIVER BASINS COMMISSION
1970

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FOREWORD

APPENDIX II POLITICAL AND LEGISLATIVE ENVIRONMENT presents the legal and administrative framework within which the Puget Sound and Adjacent Waters Comprehensive Water Resource Plan has been developed. It is one of the appendices which provides supporting data for the overall water and related land resources study.

The Summary Report is supplemented by 15 appendices. Appendix I contains a Digest of Public Hearings. Appendices II through IV contain environmental studies. Appendices V through XIV each contain an inventory of present status, present and future needs, and the means to satisfy the needs, based upon a single use or control of water. Appendix XV contains comprehensive plans for the Puget Sound Area and its individual basins and describes the development of these multiple-purpose plans including the trade-offs of single-purpose solutions contained in Appendices V through XIV, to achieve multiple planning objectives.

River-basin planning in the Pacific Northwest was started under the guidance of the Columbia Basin Inter-Agency Committee (CBIAC) and completed under the aegis of the Pacific Northwest River Basins Commission. A Task Force for Puget Sound and Adjacent Waters was established in 1964 by the CBIAC for the purpose of making a water and related land resources study of the Puget Sound based upon guidelines set forth in Senate Document 97, 87th Congress, Second Session.

The Puget Sound Task Force consists of ten members, each representing a major State or Federal agency. All State and Federal agencies having some authority over or interest in the use of water and related land resources are included in the organized planning effort.

The published report is contained in the following volumes.

SUMMARY REPORT

APPENDICES

I. Digest of Public Hearings
II. Political and Legislative Environment
III. Hydrology and Natural Environment
IV. Economic Environment
V. Water-Related Land Resources
   a. Agriculture
   b. Forests
   c. Minerals
   d. Intensive Land Use
   e. Future Land Use
VI. Municipal and Industrial Water Supply
VII. Irrigation
VIII. Navigation
IX. Power
X. Recreation
XI. Fish and Wildlife
XII. Flood Control
XIII. Water Quality Control
XIV. Watershed Management
XV. Plan Formulation

APPENDIX II
POLITICAL AND LEGISLATIVE ENVIRONMENT

CONTENTS

CONTENTS—Continued

CONTENTS—Continued

PART FIVE—FEDERAL DEPARTMENTS AND AGENCIES

PART SIX—FEDERAL LAW OF WATER RESOURCES

CONTENTS—Continued

CONTENTS—Continued

INTRODUCTION

The Appendix on Political and Legislative Environment describes the legal framework which both limits and guides comprehensive water resource planning of Puget Sound and Adjacent Waters. The reader is provided with a summary of the background, objectives, policies and operations of the agencies of the State of Washington and Federal Government having responsibilities for water and related land resources. These policies are, of course, premised on a changing and evolving pattern of law and legal philosophy. Accordingly, the explicit description of present agency policies and functions are followed by basic legal information with respect to the constitutions of the State of Washington and United States and their case law, legislation and regulations governing the development, and use of water and related land.

Although the physical area of the study is not large, the legal and administrative problems are complex and various, Federal, State, private lands and Indian reservations, forest reserves, State and Federal parks are recognized and correlated. The rights and duties of special districts are set forth. The legal problems associated with waters of the area, whether fresh or salt, navigable or non-navigable, intrastate or international, are described. All of these matters are given in the detail required to set a background for the formulation of comprehensive plans both for the area and for the individual river basins.

The final chapter of this appendix is devoted to an examination of the existing legal framework to ascertain needed adjustments to accommodate the proper handling of water and related land resources. The requirement for changes in existing legislation or for new laws or regulations are set forth for consideration by appropriate governing bodies.

Part One
Washington State Departments and Agencies

PART ONE — WASHINGTON STATE DEPARTMENTS AND AGENCIES

DEPARTMENT OF AGRICULTURE

ORIGIN AND BACKGROUND

The Department of Agriculture was established by the State Legislature in 1913. The enabling legislation brought together a number of boards and commissions servicing segments of agriculture and operating independently. Since that time, the Department's responsibilities have been broadened, particularly in areas of consumer and public protection such as milk, meat and food inspection, and agricultural chemicals use. Traditionally, the Department's programs have been referenced to service to the agricultural industry and consumer protection, rather than to education and research, which are considered to be the role of the State University at Pullman.

PURPOSE AND GENERAL RESPONSIBILITY

The Department is organized in the following seven divisions: General Administration, Agricultural Development, Plant Industry, Animal Industry, Dairy and Food, Grain and Chemical, and Regulatory.

The Department provides numerous services for all segments of agriculture, and where required by law, regulates certain agriculture operations.

In the areas of production, processing and marketing, the responsibilities of the Department include animal and plant disease control and eradication; the inspection and grading of farm commodities and foods; the regulation and inspections of livestock brands and livestock markets, dealers and handlers of farm products, and sellers and handlers of farm supplies. Other areas of responsibility are market news information, market research and marketing programs, studies and information on land utilization for agricultural purposes, water resources, transportation and farm labor as such matters relate to the production, distribution and sales of agricultural commodities.

In the area of consumer protection and public health, constant inspection of many foods and food products is carried out to see that prescribed quality, grade and sanitation standards are met as well as compliance to weights, measures and labeling regulations.

POLICY

Department policies are directed toward assisting the State's agriculture to improve and expand the industry by providing the necessary services and regulation, and to assure the public wholesome and high quality food and other agricultural products.

ORGANIZATION AND PROGRAMS

The Director serves as a member of the Pollution Control Commission and the Governor's Advisory Council on Nuclear Energy and Radiation, and works closely with agricultural organizations on the development of legislation to enhance the industry's growth.

Grain and Chemical Division

This Division includes a Pesticide Branch which is responsible for registering all agricultural pesticides, approving formulations and labled uses, and regulating the sale of hazardous materials.

This branch also is responsible for examining and licensing pesticide applicators and operators and approving their equipment, including the public and private applicators and operators who apply weedicides on ditch banks. The branch promulgates and enforces orders relative to the application of 2,4-D and other weedicides and defoliants, the application of insecticides for the purpose of protecting pollinating insects, and the application of all pesticides for the purpose of protecting the public health and welfare.

Agricultural Development Division

This Division administers a program of general market development in cooperation with the Federal Government, private industry and various commodity groups. The first includes special projects conducted under the matching fund provisions of the Agricultural Marketing Act of 1946. The latter includes eleven commodity commissions organized under State enabling legislation to assess growers to raise funds for research and market development.

The Division's program is geared to solve marketing problems, expand present markets and develop new markets, both domestically and abroad. The program includes provision of a market news service, compilation and dissemination of statistics and cooperation in studies and efforts designed to improve the competetive positions of the industry.

This Division is also involved in studies, information and activities on land utilization for agricultural purposes, water resources, transportation and transportation rates, and farm labor, where these areas concern the agriculture industry.

Dairy and Foods Division

This Division is responsible for the administration of those state laws and regulations which establish standards of sanitation for the production, processing, storage and distribution of foods, standards of quality and content of foods, and label specifications for consumer packaging of all types of food products. Included among the statutes are the Dairies and Dairy Product Act and Uniform Fluid Milk Act and Refrigerated Locker Act, the food sections of the Uniform Food, Drug and Cosmetic Act, the Washington State Egg Law, as well as statutes relating to bakeries and bakery products, flour, confections and macaroni products. To minimize duplication of regulatory activities, and increase the effectiveness of the total program, close liaison is maintained with the regulatory agencies such as the Federal Food and Drug Administration, State Department of Health, and local health departments.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

ORIGIN AND BACKGROUND

The Department of Commerce and Economic Development was established by Chapter 215 of the Laws of 1957 to assist in the total economic development of the State. This was expressed:

> "It is hereby declared to the public policy of the Legislature of the State of Washington to continue and accelerate the orderly growth of the economy of the State; not only to preserve, but also to increase the economic well-being of its citizens and its commerce: The legislature thereby determines that it is in the public interest, for the public good and the general welfare of the citizens of the State to establish a Department of Commerce and economic development. Through research and promotion the department shall foster the most desirable growth and diversification of industry and commerce possible, and the attraction of visitors to the State."

PURPOSE AND GENERAL RESPONSIBILITY

The department compiles and disseminates market studies, resource data, and general economic indicators to assist businessmen in expanding, diversifying, or seeking new sources of supply.

Encouragement and promotion of foreign trade is accomplished through foreign trade shows, trade missions and bringing specific trade opportunities to the attention of interested businessmen.

Firms wishing to relocate or open new branch plants are given information about available sites, transportation, labor supply, raw materials, power, water, waste disposal and other factors that might be involved. Close cooperation is maintained with local development groups, utilities, port districts, chambers of commerce to realize this goal.

Peaceful uses for nuclear energy and materials is one of the greatest potentials for future economic development. Programs are underway to acquaint potential users with processes and techniques available for commercial applications and gaining public

acceptance of such peaceful uses of atomic materials. Hydrothermal generation of electric energy will require quantities of coolant water.

Out-of-State tourists are encouraged to visit the State and to enjoy its recreational attractions. Particularly in the Puget Sound region, fresh and saltwater activities are available to the tourists and residents of the State.

POLICY

The department is organized into six divisions.

The Business and Economic Research Division participates on the Regional Economic Technical Committee of the Puget Sound and Adjacent Waters Study, conducts basic studies of the State's economic structure and economic base, prepares economic data for specific localities, and publishes directories of the State's manufacturers.

The Foreign Trade Division promotes trade and commerce in and through the State of Washington by evaluating foreign and domestic markets, encouraging development of necessary port of facilities, and participating in the development and planning of the World Trade Center.

The Tourist Promotion Division promotes visits to the State by out-of-state tourists, in-state vacation and recreation trips by Washington residents, and the development of recreational facilities to serve these recreationists. Puget Sound waters and adjacent land areas provide opportunities for boating, fishing, swimming, beachcombing, camping, picnicking, and just plain sight-seeing. Among publications put out by the Division are directories of saltwater marinas and other boating facilities as well as marine parks and other water oriented facilities.

The Office of Nuclear Energy Development advises the Governor and the Legislature on matters pertaining to nuclear energy and radiation. A program is currently underway to demonstrate commercial applications of nuclear materials. A portable laboratory is touring the State to provide firsthand information, instruction, and experience to science teachers at the high school and college level. One of the most important programs of this Division is gaining consumer level. Development and installation of nuclear fueled hydrothermal electric generating plants will require quantities of coolant water. The first such plant is operating on the Columbia River and the second is scheduled to be built on Puget Sound.

The Industrial Development Division is participating in the planning for the establishment of the World Trade Center and is cooperating with the Foreign Trade Division in maintaining a Register of Washington Industries as a reference for export possibilities. A program is underway to encourage and assist local communities in developing water oriented industrial sites. The Division provides liaison between industries and State and Federal Governments, particularly with regard to water quality and waste disposal.

The Business and Fiscal Division is an administrative function and serves each of the other divisions.

OFFICE OF NUCLEAR ENERGY DEVELOPMENT

ORIGIN AND BACKGROUND

The Office of Nuclear Energy Development was established in 1965 as a Division of the Department of Commerce and Economic Development (RCW 43.31.040).

PURPOSE AND SCOPE

It was the intent of the Legislature in creating the Office of Nuclear Energy Development that the State, through the Department of Commerce and Economic Development should:

1. Encourage, promote and cooperate in the development and use of nuclear energy for peaceful and productive purposes;

2. Translate the State's nuclear resources and position in the nuclear energy field from an exclusive Federal base to one with a healthy private enterprise component;

3. Stimulate the nuclear possibilities of the State by catalyzing the interest of industry, agriculture and education around the State's nuclear resources and opportunities;

4. Acquire and operate property and facilities for the primary purpose of maintaining title or interest as the catalytic agent for activity and direct operation of nuclear energy facilities and by-products thereof by others; and

5. Encourage the transfer of property and facilities to others who will directly operate nuclear facilities and processes, ensuring perpetual surveillance by the State where required by agreement with the Federal Government. (Chapter 10, Section 1, Laws of 1965).

The Office of Nuclear Energy Development was empowered and authorized to discharge the following duties through the Department of Commerce and Economic Development.

1. To advise the Governor and the Legislature with regard to the status of nuclear energy research, development, and education, and to make recommendations to the Governor and the legislature designed to assure increasing progress in this field within the State.

2. To advise and assist the Governor and the Legislature in developing and promoting a State policy for nuclear energy research, development, and education.

3. To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development, and education and proposals for further progress in the field of nuclear energy, and the power to acquire land and facilities for such purposes is specifically delegated to the Department.

4. To foster and support research and education relating to nuclear energy through contacts or other appropriate means of assistance.

5. To gather, maintain and disseminate available information concerning appropriate sites throughout the State and the advantage of locating nuclear energy industries within the State.

6. To keep the public informed with respect too nuclear energy development within the State and the activities of the State relating thereto.

Other powers and duties are entrusted to the Department of Commerce and Economic Development, operating through the Office of Nuclear Energy Development:

1. Expend such State funds as may be appropriated by the Legislature in order to acquire, develop and operate land and facilities which the Director believes will foster the development of the State's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: Provided, however, that nothing herein shall be deemed to authorize the State to acquire nuclear facilities or property to engage in competition with organizations or persons.

2. Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the Director believes that such transactions will foster the development of the State's nuclear economic potential.

3. Enter into contracts with State and private institutions within the State for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the State.

4. Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the Director, protect the citizens of the State of Washington against nuclear incidents that may occur on privately or State controlled nuclear facilities.

5. Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the State, in the event the parties operating such facilities abandon said responsibility, and whenever the Federal Government or any of its agencies has not assumed said responsibility.

6. Enter into an agreement with the Federal Government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the Federal Government or any ot its authorized agancies and used as a burial or storage site for radioactive wastes.

POLICY

The Office of Nuclear Energy Development, working through the Department of Commerce and Economic Development under the guidance of the Governor's Advisory Council on Nuclear Energy and Radiation, has chosen for its goal to make the State of Washington "The Nuclear Progress State". The policy of this organization is to promote the health and economic well being of the people of this State and nation through the peaceful use of nuclear energy by means of research, education, and cooperation with the public, educational institutions, private industry, other states, and the United States.

ORGANIZATION AND PROGRAM

The Executive Director of the Office of Nuclear Energy Development is also the nuclear advisor to the Governor and the Legislature, as well as the Executive Secretary of the Governor's Advisory Council on Nuclear Energy and Radiation.

This Council, working with the Office of Nuclear Energy Development, has a master plan consisting of more than seventeen major programs designed to propel the State of Washington into the nuclear age. The tasks thus developed have been assigned to the Office of Nuclear Energy Development for performance. They begin with the assessment and maintenance of an inventory of nuclear energy resources and related research capabilities within the State. A Nuclear Task Force composed of State agencies all designed to communicate with and ascertain the needs of industry and the people of the State of Washington has been established. Special attention has been devoted to cooperation with local, State, regional, Federal, national, and international agencies and organizations in the development and exchange of ideas and information with respect to nuclear energy.

In order to implement and supplement this program, the Executive Director also serves as the State's representative on nuclear matters to the Council of State Governments, National Governor's Conference, Western Governor's Conference, Committee on Western Interstate Nuclear Compact, and is a member of the Western Interstate Nuclear Compact Committee. He is also a member of the Nuclear Power Technical Committee of both the Pacific Northwest River Basins Commission and the Puget Sound Task Force, and provides the necessary liaison between industry, educational institutions, the public and professional societies concerned with nuclear development. The Executive Director also serves as the Staff Director of the Washington State Legislature's Joint Committee on Nuclear Energy, thereby providing a forum wherein all State agencies may meet to discuss solutions to problems concerning nuclear energy. (For basic reference see Chapter 43.31, RCW, particularly Sections 43.31.010,.050, .060, .070, .200, .210, and .280 and 70.98.040.)

DEPARTMENT OF FISHERIES

ORIGIN AND BACKGROUND

The Department of Fisheries is headed by a Director appointed by the Governor of the State for a non-specified time.

The Director has two assistant Directors and seven Division supervisors, who direct the technical activities of the Department.

The Department of Fisheries has gone through several periods of legislative reorganization in its more than 60 years of evolution from the four-man agency established by the State's first Legislature in 1890. The agency was administered by the Fish Commissioner and was located at Vancouver, Washington, which was then central to the main salmon fishing area. The first major change occurred in 1921, when the Legislature abolished the old 1890 Fish Commission and replaced it with a Department of Fisheries and Game governed by a non-salaried three-man fisheries board and a salaried Director.

The Board operated in Bellingham at this time when the Puget Sound salmon fishery became dominant in the State's salmon industry.

This endured until 1929, when the Board was eliminated, and its regulatory powers were given to the Director of Fisheries and Game. The final change grew from a 1932 initiative which separated food and game fish and created a Department of Fisheries under an appointive Director and a Department of Game under a six-man commission. At this time, the Department operated from Seattle, as this was the home center of the fisheries industry and the shipping point for fisheries products into and out of the State. Since 1963, Department headquarters have been in Olympia.

During the past 29 years, the commercial and salt water–fresh water food and sport fisheries have been regulated under a broad fisheries code authorizing the Department of Fisheries to set seasons and gear restrictions, to construct necessary facilities and to regulate water use in conjunction with other agencies.

PURPOSE AND GENERAL RESPONSIBILITY

The State Department of Fisheries has jurisdiction over the food fish and shellfish resources of the

State. The Department protects, propagates, perpetuates, and manages food fish and shellfish resources in waters of the State and offshore in such a manner that optimum utilization is achieved without impairment of stocks to reproduce at optimum levels.

Statutes allow the Director wide powers in regulating commercial and salt water sports fisheries.

The director is empowered to acquire land and water resources, construct facilities and administer water usage in conjunction with the Departments of Natural Resources and Game and to conduct research on food fish and shellfish. The director (with the Director of Game) is empowered to recommend to the Director of Water Resources, the water levels and flows in lakes and streams for fishery purposes. Existing hydropower or water storage plant operations are excluded.

POLICY

The programs of the Department of Fisheries are guided by the concept of resource management so as to achieve optimum sustained production of fish and shellfish products.

Supporting policies provide for the maintenance of adequate stream flows and the maintenance of water, channel, and stream bank habitats which are compatible with fishery resource needs. The use of water by fish is recognized as a beneficial use.

It is also the policy of the Department to conduct basic and applied research in all phases of fisheries management so as to increase the natural productivity of this resource.

ORGANIZATION AND PROGRAMS

The functional divisions of the Department include:

Engineering and Construction
Hatchery Operations
Stream Improvement and Hydraulics
Research

Brief descriptions of these Divisions and activities as they relate to the fresh and marine water resources of the Puget Sound Area are as follows:

The Engineering and Construction Division is responsible for design, construction, and maintenance of facilities required by the Department to sustain food fish and shellfish resources. Projects include fish farms, laboratories, experimental research, and patrol and hatchery facilities. Major maintenance is provided for hatcheries, fishways, and fish farms. Other projects include fish hauling, fishway operations, and fishway maintenance.

Hatchery Operations include supplementation, rehabilitation, and creation of fish runs by hatching and rearing juvenile salmon in 25 hatcheries and 27 fish farms. Effort is continuous toward disease control and better hatchery techniques. Expansion of this program is necessary to offset the continued loss of natural environment.

The Stream Improvement Division examines and approves plans for water-use projects. Recommendations to the Department of Water Resources concerning water right applications and hydraulic projects are made jointly with the Department of Game to provide maximum protection to the fishery resource. Maintains a stream channel clearance program to provide for maximum natural production of salmon and maintains screen structures to protect young salmon from irrigation channels. Hydraulic permits specifications are issued (with the Department of Game) for any work relating to waters or streamed work.

The Research Program provide technical data for management and conservation of fish and shellfish resources, their optimum yield and sustained production. Its main function is to develop and recommend fishery regulation and management techniques for both fish and shellfish resources. This division is participating directly in the Task Force activities, has a representative on the Fish and Wildlife Technical Committee, and is preparing the fisheries section of the technical appendices; is providing an inventory of abundance and distribution of food fisheries for all subregions of the Puget Sound Area; also, the needs and means to satisfy needs pertaining to water and fish requirements. In addition, an economic survey of food fish resources will be developed. (For basic references, see RCW Chapters 43.17, 75.04, 79.20, and 90.48).

DEPARTMENT OF GAME

ORIGIN AND BACKGROUND

The State Game Commission and the State Game Department were created by legislative action in 1933. The Commission consists of six non-salaried members, three of whom are from west of the Cascades and three from east of the Cascades. No two members, however, may be residents of the same county. The members are appointed by the Governor for six-year terms on a staggered basis, two being appointed every two years. They hold regular meetings on the first Monday of January, April, July and October and special meetings at such times as called by the Chairman or by a two-thirds majority of the members.

The Director of Game is appointed by the Game Commission and exercises all powers and performs all duties prescribed by law and by rules and regulations of the Commission. He has charge and general supervision of the Department of Game.

PURPOSE AND GENERAL RESPONSIBILITY

The Commission is charged with preserving, protecting and perpetuating the game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish of the State. Their regulations are developed to insure that these wild animals, wild birds, and game fish are not taken at such times or places, by such means, in such manner or in such quantities as will impair the supply.

POLICY

It is the policy of the Game Commission to sustain the populations of game fish, game animals and game birds at a level which will provide the maximum harvest and recreational use by the people of the State. Nongame animals and birds are also protected to insure their availability for the recreational demands of the people.

To maintain game fish and wildlife populations at a level to provide maximum harvest and recreational potential, the Game Commission must, therefore, be concerned with the protection of available habitat for these wildlife resources. Land is acquired and developed for wildlife use. Water flows must be maintained at levels consistent with game fish demands and natural stream and stream bank habitat must be maintained. Protective measures must be incorporated into all water-use projects to minimize losses to these populations.

ORGANIZATION AND PROGRAMS

All activities of the Department relate to the Puget Sound area as an integral part of the State of Washington. The Department is organized into nine functioning divisions to accomplish the objectives delegated by the Legislature to the Commission. The fish and wildlife management divisions of the Department are as follows:

1. Fishery Management
2. Game Management
3. Fur and Damage

These three divisions are responsible for the artificial propagation, regulation of seasons, and damage control measures required to sustain maximum numbers of game fish, wildlife, and fur bearers to provide the maximum recreation potential for the people of the State.

The following divisions support the three management divisions in fulfilling the objectives of the Game Commission:

1. Applied Research
2. Enforcement
3. Facilitating Services
4. Land Management
5. License
6. Special Services

The Applied Research Division, as a support division within the Department, provided the game fish and wildlife data necessary to complete the Puget Sound Task Force Comprehensive Water Resources Study. This division prepared the game fish and wildlife section of Appendix XI of the comprehensive report, including basin reports, and participated in the formulation of future development plans. Water and land habitat requirements for maintaining present and future fish and wildlife populations, as well as economic evaluations, were also a part of this study.

(For basic references, See RCW Chapters 77.04 and 771.12).

DEPARTMENT OF HEALTH

ORIGIN AND BACKGROUND

The provision for the establishment of a Department of Health is contained in the original State Constitution. The State Board of Health was established by laws of 1891 and 1901 for rule making and policy, and its responsibilities have not been materially changed since, except as new programs have been delegated by the Legislature.

These early laws were primarily concerned with such matters as quarantine and disposal of deceased persons, important public health concerns in 1900, but of relatively little concern today.

The problem of water pollution and related public health effects of water were recognized in 1909 legislation. It was declared a gross misdemeanor to "deposit or suffer to be deposited in any spring, well, stream, river, or lake, the water of which is or may be used for drinking purposes . . . any matter or thing whatever, dangerous or deleterious to health, or any matter or thing which may or could pollute the waters . . ."

RCW 70.54.020 (L.'09, P. 979, S 291).

It was not until the 1930's, however, that an ongoing program was developed to protect the quality of public water supplies and to begin a program of sewage treatment. Programs have since been added in many other areas of the environment–food, shellfish, housing, schools, institutions, parks, swimming pools, air pollutions, readiation, solid waste, and others.

In Chapter 102, Extraordinary Session, 1967, RCW 43.20 was amended to update and to strengthen the power of the State Board of Health to adopt rules and regulations for the protection of the public against unsafe water supplies as well as other health hazards and nuisances.

PURPOSE AND GENERAL RESPONSIBILITY

The State Board of Health was given authority (RCW 43.20.050) in "all matters relating to the preservation of the life and health of the people of the State". The Board was authorized to make rules and regulations to carry out its responsibility. Regulations have been adopted over the years in 34 different areas, ranging from public water supplies to hospitals, from swimming pools to wiping rags. Some of these areas have been designated by special legislation. Regulations of the Board are administered by the State Department of Health in cooperation with city, county, and district health department.

The State Department of Health carries the major responsibility of some programs, such as hospital licensing, public sewage disposal, public water supply, whereas the local health departments carry the major role in others, with supervision and assistance by the State. In general, it is a cooperative effort by both, following the regulations of the State Board of Health.

POLICY

Most health programs, including those in environmental health, are carried out in close cooperation with local health departments.

The degree of participation by local departments is in most cases limited only by available staff time and budget, rarely by statute. With the water supply program, activities calling for engineering competence, such as review of plans, are carried out at State level. Bacteriological analysis is done by both State and local departments, depending on lab facilities available locally. Surveillance is done by both departments, with the State generally responsible for larger systems where technical problems are more complex. It is anticipated that local health departments will become more active in the public water supply program as they are able and willing.

The public sewage disposal program functions somewhat differently. To better coordinate the program with other State and Federal agencies, this program is administered primarily by the State Health Department, with some assistance in surveillance, sampling, consultation, etc., locally. Individual sewage disposal systems are regulated by local health departments, except where a surface discharge is involved.

ORGANIZATION AND PROGRAMS

The public water supply and public sewage disposal programs are administered by the Sanitary Engineering Section through offices in Spokane, Seattle, and Olympia. The Air Quality and Radiation Control Programs are administered from offices in

Seattle. The shellfish and solid waste programs are directed from the Olympia Office.

Municipal Water Supply Program

Periodic surveys and inventories are made of municipal water supply systems. Bacteriological samples are analyzed by local health department laboratories and by the State Health Department when no local laboratory is available. Routine chemical analyses are made by the State Health Department of public water supplies.

Recommendations for improvements are made to upgrade public water supplies and considerable liaison is maintained with municipal officials for this purpose. Operator training and certification programs are carried out, together with specific technical assistance, to provide more effective and efficient operation of water supply facilities.

Engineering reports, plans, and specifications for improvements are reviewed and approved. These plans are kept on file for future reference.

Municipal Sewage Disposal Program

Periodic surveys are made of municipal sewage treatment and collection facilities; physical data is recorded; recommendations for improvements are made to municipal officials; plans and specifications for new construction are reviewed and approved; technical assistance is provided in the field and training and certification programs are being carried on.

Bacteriological analyses are made, primarily by local health departments, to assure adequate effluent disinfection, especially where public health may be affected such as use of the receiving water for water supply, recreation, or shellfish culture.

Shellfish Program

Shellfish growing and harvesting areas are inspected and certified by the department. Continual surveillance is maintained over actual and potential sources of sewage contamination and the effect of these on shellfish is evaluated. An inspection program of shellfish processing plants is also carried out.

Air Pollution and Radiation

The air quality control program includes air quality surveys to describe the scope of the problem in a given area, and the provision of assistance on development of control programs by local government.

County-wide air pollution control districts may be established, in accordance with local decision and need. Action by the 1967 Legislature greatly strengthened the concept of local control and also automatically established the district comprising of Snohomish, King and Pierce Counties. Other districts in the Puget Sound area are in process of formation.

A State program to monitor radiation in public waters has been maintained for many years. The scope of this program is continually increasing. These State environmental monitoring programs are supplemental to those of the Atomic Energy Commission.

Solid Waste

The solid waste program was transferred to the Department of Ecology in 1970. This program includes domestic, commercial, industrial, and agricultural solid wastes, automobile bodies and other wastes. A Public Health Service grant had been received to make a state-wide survey of the solid waste problems and prepare a comprehensive state plan for handling of such wastes. State Rules and Regulations to govern the storage, collection, and disposal of solid wastes are being drafted.

Local health departments exercise various amounts of supervision and control over solid waste disposal. Local planning of solid waste handling and disposal systems is virtually nonexistent at this time, but can be anticipated in the future.

(For basic references, see Article XX, State Constitution; RCW Chapters 18.20, 18.45, 18.46, 18.51, 43.20, 69.06, 69.30 and 70 and 43.21A).

DEPARTMENT OF HIGHWAYS

ORIGIN AND BACKGROUND

The Department of Highways is an agency established by legislative action and governed by a five member commission appointed by the Governor and ratified by the Senate. The Department is administered by a Director of Highways appointed by the Highway Commission. Construction, maintenance, operation, and capital outlay budgets are subject to legislative approval on a biennial basis.

PURPOSE AND GENERAL RESPONSIBILITY

The Department is responsible for the construction, maintenance, and operation of the State system of streets and highways. It is financed entirely from State motor vehicle funds, which by statute can only be used for highway purposes. These funds are implemented with Federal-aid matching funds subject to the State's conformance to Federal policies administrated by the Bureau of Public Roads.

POLICY

It is the Commission's policy on all highway projects involving water resources to coordinate their activities by direct contact with the respective state and federal agencies having jurisdiction thereto.

Whenever any person or corporation desires to build a water resource project which requires the relocation, reconstruction, or alteration of an existing state, county, or permanent highway or road, the state Highway Commission may, whenever the Director of Water Resources deems the structure necessary and so certifies to the Highway Commission, grant or reject the application to so rebuild or reconstruct the facility, the same to be substantially of the same type and grade of construction as that of the road, street or highway to be overflowed or inundated. However, no such right shall be granted until it shall be determined in a condemnation suit that such use is a public use and the full amount of damages determined; and, a bond filed in twice the amount of the judgment conditioned upon faithful compliance with all the terms of the judgment with regard to the alteration, relocation, and maintenance of the facility for 18 months after completion and opening to public use.

In some instances, the Department has been known to elect by agreement of the parties to have the facility constructed to a higher standard; and, if so, the Department bears the proportionate increased cost as a betterment. Conversely, in those instances when a new highway project conflicts with existing water resource facilities, the Department of Highways bears the cost of relocation, reconstruction or alterations as may be required to maintain its functional status.

DEPARTMENT OF NATURAL RESOURCES

ORIGIN AND BACKGROUND

When Washington became a state in 1889, the Federal Government granted some 3.1 million acres of land to the State for support of public institutions of the State. Later, some 600,000 acres of county trust land accumulated by the counties was placed under the management of the Department of Natural Resources, and 5,000 miles of State-owned tide and shorelands were added to the responsibility of the Department. These lands now provide a large share of the funds that support the State's public schools, colleges, universities, and capital grounds and buildings as well as institutions and certain county governments.

The Department of Natural Resources is directed by the Commissioner of Public Lands, a position created by the State Constitution.

Recognizing the need for fire protection, the 1903 Legislature added the duty of State Fire Warden to the constitutional duties of the Commissioner of Public Lands.

In 1905, the Legislature repealed the foregoing act and enacted the Forest Protection Law. This created a State Board of Forest Commissioners to be appointed by the Governor and to serve without pay. The Commissioner of Public Lands was indicated to be ex-officio member of the Board of Commissioners.

Among others who shared the management of State-owned lands were Division of Forestry in the Department of Conservation and Development, Board of State Land Commissioners, Sustained Yield Forestry Committees, State Capitol Committee, Director of Licenses, Secretary of State and the State Tax Commission.

PURPOSE AND GENERAL RESPONSIBILITY

The 1957 Legislature consolidated land management duties into one responsible agency—forging a more efficient management tool, the Department of Natural Resources. The Department was created to more efficiently manage the

State-owned land and its natural resources and thus maximize income to the State.

Inherent to this management are related responsibilities—protection of public water sources, preservation of range and forest lands from fire, insects, disease and erosion and perpetuation of the State's heritage of outdoor resources for both intrinsic and esthetic values.

In 1957 consolidation placed about 4 million acres of land under the management of the Department of Natural Resources. The land is classified as 2 million acres, timber land, 1 million acres of forested grazing land, 750,000 acres of grazing land (range land) and 150,000 acres of agricultural land. In addition, 5,000 miles of tide lands and shoreline and beds of navigable rivers were placed under the new department for resource management. Another important responsibility assigned by the Act of 1957 is the administration of State reserved gas, oil and mineral rights on one million acres of land which has been sold.

In addition, the Department of Natural Resources was given responsiblity of providing fire, insect and disease detection and protection on 12¼ million acres of State and private timber lands.

The Act of 1957 also created the Board of Natural Resources. It named five ex-officio members to compose the Board: The Governor; the Superintendent of Public Instruction; the Dean of the College of Forestry, University of Washington; the Director of the Institute of Agricultural Sciences, Washington State University; and the Commissioner of Public Lands.

The duties of the Board are "to establish policies to insure that the acquisition, management and disposition of all lands and resources within the Department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands . . .".

The Board also serves as a "Board of Appraisers" which is provided for in the State Constitution.

The prime governmental duty of the Department is to protect the 12¼ million acres of State and private forest lands from damage by fire, insects and disease.

Other responsibilities are:

1. To maintain timber growth and production for all State and private forest lands under the Forest Practices Act.

2. To cooperate with the U.S. Soil Conservation Service in flood control and erosion control on some 1,600,000 acres of State and private land.

3. To give assistance on over 4 million acres of privately-owned forest lands.

4. To maintain a central information service which includes cataloging and reference service for surveys and maps for the State.

5. To police transportation of logs in navigable waters of Western Washington.

6. Rehabilitation of men and forests through the Department's State honor camps and youth camps.

In 1967, with dissolution of the Department of Conservation, the Department of Natural Resources became the recipient of the delegated responsibilities of the Divisions of Mines and Geology of the Department of Conservation. This authority relates to the promotion of the maximum utilization of the State's mineral resources. It serves as a clearing house for information on the geology and mineral resources of the State. Known mineral deposits are evaluated through field and office research; and through geologic mapping, the basic information is provided that is needed in the search for new ore deposits. The Division collects statistics concerning the occurrence and production of economically important minerals; publishes bulletins on the geology, mineral resources, and mineral statistics of the State; maintain a collection of rock and mineral samples (at least 5,200 specimens) with special emphasis on those of economic importance; maintains a collection (approximately 14,000) of library books, reports, records, and maps pertaining to geology, mineralogy, and mining, with special emphasis on material appurtenant to Washington, and makes them available to the public for reference. The Division also identifies samples of ores and minerals sent in by the public.

The Division is accumulating a collection of oil well cores and cuttings, and slides of microscopic-size fossils which are extensively used by oil companies in exploring both in the State, and as far as 50 miles off-shore. The Division issues permits and regulates the drilling for oil and gas and the development of underground gas storage areas.

Geologic maps are made and mineral resource and geologic reports are published and sold.

In 1964, the Division made a small start on a new program-geochemical prospecting, in which thousands of stream sediment samples are collected and analyzed in the search for ore bodies and mineralized areas.

POLICY

The Department of Natural Resources is guided by the concepts of multiple-use of all State-owned lands. It operates under its Constitutional mandate to achieve the maximum income for the trust to which the land is assigned. It seeks to achieve the highest and best use of all land for the people of the State. All policy decisions and all activities of the Department of Natural Resources are guided by the State Constitution which states that "all the public lands granted to the State are held in trust for all the People".

ORGANIZATION AND PROGRAMS

Operation Set-Up–Department programs are administered through eight separate divisions whose titles are indicative of their duties:

Forest Land Management	Land Management
Timber Sales	Fire Control
Civil Engineering	Forest Engineering
Operations	Technical Services (includes Inventory)

In the field, the State is divided into six supervisory areas, each with a Field Supervisor in charge. These areas are further divided into 23 Districts, each headed by a District Administrator and his staff.

The duties of the Department are divided into two major categories: Proprietory and Governmental.

The main proprietory responsibility is to obtain maximum income from the management of State lands consistent with generally approved land and resource conservation practices.

In the Fifth Biennium, the period from July 1, 1964, to June 3, 1966, the Department of Natural Resources made a record $38 million for the State and the various land trusts. The major share–$33.8 million–was from timber sales. Agricultural sharecrop of State lands yielded $1.4 million.

Other proprietory functions include:

Construction of forest access roads
Reforestation of State timbercrop lands
Provisions for public recreational uses of State lands
Forest inventory of State-owned lands
Survey of State property lines
Land exchange and right of way

The Department of Natural Resources is involved in programs that relate to public water supplies in the region.

Under its administration are more than 58,335 acres of State land within 12 major municipal watersheds of the Northwest.

To protect the quality and supply of these waters which serve the people of the Puget Sound Area, the Department is developing precautionary practices and directives in their land management programs.

Control clauses are included in State timber sale contracts that promote protection for the stream or body of water involved and minimize erosion or damage to the soil-retaining vegetation. Buffer strips of trees are left along streams in logging operations. Where this is not feasible, the State replants for stream protection.

The Department of Natural Resources maintains an atlas indicating permits to water users affected by streams contiguous to State-owned land. This enables Department of Natural Resources' personnel to locate such water users and notify them of any possible coming disturbance that may temporarily occur from logging operations. This provides time for adequate consideration of protection measures.

The Department worked with the Pollution Control Commission to assemble a static display of water turbidity that is used to inform Department employees of the problem.

The Department cooperates closely with the Department of Fisheries by sending Fisheries a copy of all cutting permits on State and privately-owned lands. When timber sales are made, the Department of Natural Resources mails to the purchaser a packet from the Department of Fisheries containing applications for work that may change or affect a stream.

The Department of Natural Resources observes similar cooperation with the Division of Water Resources, Department of Water Resources.

When sand and gravel lease operators apply for permission to do work that may affect a stream or shoreline, the DNR sends copies of such applications to other agencies involved.

In conjunction with Washington State University, the Department of Natural Resources gives its personnel special training in watershed management procedures.

The Department of Natural Resources complies with the Watershed Protection and Flood Prevention Act (Public Law 566) which stipulates that when requested to do so, the Department of Natural

Resources will give technical assistance in watershed planning for private lands. One recent example of this cooperation is the technical assistance given by a Department of Natural Resources' Farm Forester on a PL 566 watershed plan on Lake Creek, near the City of Morton.

The State first received assistance from the Federal Government in the work of forest fire protection through enactment of the Weeks Law (March 1, 1911). This allotted a small amount of money to the State for protection of forested areas outside of national forest boundaries.

The purpose of the Weeks Law was to protect navigable streams through forest protection by the State and private owners. The Law states "the protection must be confined to the forested watersheds of navigable streams".

The framework of Federal-State cooperation established by the Weeks Law was strengthened by the Clarke-McNary Act of 1924 and subsequent legislation developed primarily for financing State fire control.

Currently, the Department of Natural Resources receives approximately 16% of its annual State fire-control costs under the Clarke-McNary Act. Financing is also given to the State's reforestation program under cooperation with the Act.

The results of fire research have had an increasing impact since the early 1930's. Organized research began in a small way in the 1920's and was increased by the McSweeney-McNary Forest Research Act of 1928.

The DNR cooperates with fire research carried out by the U.S. Forest Service.

The increasing use of aerial fire detection methods demonstrated by the USFS is also being developed by the Department of Natural Resources.

Beginning with the use of air patrol after lightning storms, the DNR increased its aerial fire detection system to cover about a million acres in 1965.

For the 1967 fire season 6.5 million acres of State and private land will be included under the DNR aerial fire patrol system.

(For basic reference, see RCW Chapters 43.30, 76 and 79).

DEPARTMENT OF WATER RESOURCES

ORIGIN AND BACKGROUND

The State of Washington entered a new era of water resource management in 1967 when the Legislature passed Senate Bill 143, which created a Department of Water Resources. This action abolished the Department of Conservation, its statutory divisions and the Columbia Basin Commission and the Weather Modification Board. All duties and responsibilities of the abolished agencies were transferred to the newly created Department of Water Resources, the functions of which will be carried out within three statutory divisions–Adjudication, Water Management, and Planning and Development. At this time, the functions and personnel of Mines and Geology were transferred to the Department of Natural Resources.

This 1967 action followed the long history of conservation programs initiated by the Territorial Legislature and followed by earlier State legislative actions establishing a number of individual boards and authorities to cope with problems of water, forest and land use and development.

The use and development of water, forest and land resources have followed a common historical pattern of:

1. Abundance, with limited administration;
2. Increasing use and competition with subsequently greater administration and regulation.
3. Intensive management and regulation which now includes comprehensive planning in order to achieve optimum, sustained use and productivity of both water and land resources.

With passage of the Administrative Code of 1921, five divisions were initially established within the then newly created Department of Conservation and Development–Forestry, Geology, Reclamation, Hydraulics and Columbia Basin Survey–to carry out the functions of seven abolished agencies or offices, the State Forester and Fire Warden, State Board of Forest Commissioners, the State Geologist, Board of Geological Survey, State Reclamation Board, State Hydraulic Engineer's office, and the Columbia Basin Survey Commission.

In 1935, extensive flood control legislation was enacted, the administration of which was placed under the Division of Hydraulics. At the same time, a Mines and Mining Act was enacted, the administration of which devolved upon the Director of Conservation and Development. Because of similarities and overlap, the Division of Mines and Division of Geology were consolidated in 1945 by

executive order.

The Extra Session of 1933 and regular session of 1935 created a State Planning Council and Progress Commission, respectively, both of which were abolished in 1945, the duties being taken over by a newly created Division of Progress and Industry within the Department of Conservation and Development.

In 1951, Legislature again changed the complexion of the Department by creating a Division of Flood Control and assigning to that office the prior duties and responsibilities of this field from the Hydraulics Division. At the same time, the name of the Division of Hydraulics was changed to the Division of Water Resources.

More abrupt changes occurred in 1957 when the Department of Natural Resources and Department of Commerce and Economic Development were created. The Division of Forestry and Division of Progress and Industry were abolished and powers and duties, as well as personnel, were transferred to those new agencies. Simultaneously, the Washington State Power Commission was abolished and its functions were assumed by a newly created Division of Power Resources, together with the addition of the Weather Modification Board, within the Department of Conservation, the Development portion of the name being omitted by statutory amendment.

The third Columbia Basin Commission was established in 1943, after abolishment of the second in 1937. Administrative responsibilities were attached to the department inasmuch as the Director is the statutory chairman.

The full cycle of evolution was reached when the 1967 Legislature passed Senate Bill 143, creating the new Department of Water Resources.

POLICIES

The Department is guided by policies which provide for the wise use of water and related land resources under conservation practices which assure for optimum, sustained, multipurpose use of these natural resources.

ORGANIZATION AND PROGRAMS

General–The water related functions in the Department can be broken down into: Adjudication, Water Management, and Planning and Development; these being the titles of the water-oriented divisions of the Department of Water Resources.

Water Resources Advisory Council

To provide advice and guidance to the Director of Water Resources and to better coordinate the Department with other State agencies having responsibilities affecting the State's water resources, there is created a Water Resources Advisory Council. The Advisory Council shall be composed of eleven members to be selected as follows:

1. The Director of the Water Pollution Control Commission.
2. The Director of the Department of Health.
3. The Director of the Department of Fisheries.
4. The Director of the Department of Water Resources.
5. The Director of the Department of Game.
6. Six other persons representing the public interest who shall be selected by the Governor and serve continuously during the full length of the appointing Governor's term or terms of office, and until a replacement appointment has been made. Should any vacancy occur under this subsection, a replacement appointment for the balance of the term shall be made by the Governor within ninety days.

The chairman of the council shall be the Director of the Department of Water Resources, and he shall conduct the council's meetings in accordance with such rules as the council may prescribe. Complete minutes shall be taken at each regular meeting, and copies thereof shall be made available on request to any interested person.

The advisory council shall meet monthly at a date, time, and place of its choice, and also at such other times as shall be designated by the Director.

It shall be the duty of the members of the advisory council to advise the Director on each of the following subjects:

1. Rules and regulations proposed for promulgation by the Director pursuant to Chapter 34.04 RCW;
2. Proposed positions to be taken by the department on behalf of the State before interstate and Federal agencies or Federal legislative bodies on matters relating to or affecting the development, use conservation or preservation of the water resources of the State;
3. Any comprehensive water resources plan or policy proposed for adoption by the Department as a State plan for water resources;
4. Any legislation proposed by the Department with regard to water resources and its management;
5. Any other matters relating to the ad-

ministration and management of water resources as requested by the Director.

Each member of the council shall submit to the Director in writing his individual views within such time as the Director shall prescribe, and in performing its duties, the council may conduct such public hearings and make such investigations as it deems necessary. The Director shall include in his annual report to the Governor a summary of the advice rendered by the council.

Division of Adjudications

The primary function of this Division is to investigate and act upon petitions received requesting an adjudication of claims to divert or withdraw public surface or ground waters of the State, or to initiate an adjudication proceeding when such action is in the public interest. A further function assigned to this division resulted from passage of the Registration and Relinquishment Bill—Chapter 233, Laws of 1967. Under the provisions of this Act a hearing shall be conducted when it appears that a water right may be subject to relinquishment by virtue of non-use without sufficient cause. Such hearings shall be conducted through this Division in the manner prescribed by law upon request through the Division of Water Management.

Division of Water Management

The primary function of this division includes processing all surface and ground water applications and the issuance of permits and certificates of water right under provisions of the State's water code. In addition, field regulation of diversion or withdrawal devolves upon this Division. For purposes of efficiency in operation administration, the State has been subdivided into water management districts, each under the supervision of a district engineer or hydrologist. The districts, in turn, have been subdivided into water master districts where needed to optimize manpower use in field regulation or settling disputes that might arise between water users.

In addition, this Division is responsible for carrying out the registration functions required under Chapter 233, Laws of 1967—the Registration and Relinquishment Bill.

Division of Planning and Development

This Division has been assigned most of the functions of the former divisions of flood control, reclamation and power resources of the Department of Conservation, plus functions of the abolished Weather Modification Board and the Columbia Basin Commission.

For purposes of administration and consolidation, the Division has been sectionalized as follows:

Engineering Section

Functions of this section involve river basin planning studies and coordination of inputs from other Federal, State, or local cooperating agencies; coordination of river basin plan formulation and analysis and approval of engineering plans and specifications for flood control, reclamation, power, municipal and industrial or recreation facilities or hydraulic structures to assure structural integrity and compatibility with river basin plans.

Basic Data Section

Functions of this section involve analysis and study of hydrography, ground water hydrology and hydrometeorology of this State. This also includes cooperative studies with Geological Survey, Snow Survey programs and weather modification research projects.

Operations Section

Primary functions of this section involve liaison between landowners or water users and assistance in forming diking, drainage, flood control, irrigation or reclamation districts. A further duty includes the investigation, study, and recommendation of financial assistance from the State flood control maintenance fund or the reclamation revolving fund.

Section staff also makes periodic inspections of hydraulic projects under construction wherein State funds have been allocated from reclamation or flood control sources; and performs scheduled inspections of structures or projects covered by flood control zone permits.

Additional duties and responsibilities directed to the Department by the 1967 Legislature include:

1. Representing the State at, and fully participating in, the activities of any basin or regional commission, interagency committee, or another joint interstate or Federal-State agency, committee or commission, or publicly financed entity in the planning, development, administration, management, conservation or preservation of the water resources of the State.

2. Preparation of views and recommendations of the State of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the State of Washington, including any Federal permit or license proposal, and appear on behalf of, and presentation of such views and recommendations of the State at any proceeding.

3. Cooperation, assistance, advice and coordination of plans with the Federal Government and its officers and agencies, and service as a State liaison agency with the Federal Government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

4. Authority to apply for, accept, administer, and expend gifts and loans from the Federal Government or any other entity to carry out the purposes of this Act and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

5. The development and maintenance of a coordinated and comprehensive State water and water resources related development plan, and adoption, with regard to such plan, of such policies as are necessary to insure that the waters of the State are used, conserved, and preserved for the best interest of the State. There shall be included in the objectives a statement of the recommended means of accomplishing these objectives. To the extent the Director deems desirable, the plan shall integrate into the State plan, the plans, programs, reports, research and studies of other State agencies.

The agency became a part of the Department of Ecology by legislative action of 1970.

(For basic references, see RCW Chapters 43.21.A.)

CANAL COMMISSION

ORIGIN AND BACKGROUND

The Washington State Legislature created the Washington State Canal Commission as it is presently constituted by legislative act in the 1965 session.

> "There is hereby created a Canal Commission of the State of Washington, which shall be composed of five members appointed by the Governor and confirmed by the Senate. Not more than three members of the Commission shall be from the same political party. In making such appointments, the Governor shall give due recognition to the varying geographical sections of the State. The Commission shall select its own chairman. The Director of the Department of Water Resources shall be an ex-officio member of the Commission without vote".
>
> "The initial members of the Commission shall be appointed within thirty days after the effective date of this Act. Of the initial membership one member shall be appointed for a term of six years, two members shall be appointed for a term of four years and two members shall be appointed for a term of two years".

PURPOSE AND GENERAL RESPONSIBILITY

As enacted by the Legislature of the State of Washington, the Washington State Canal Commission is to aid commerce and navigation, including the development of recreational facilities related thereto, and to otherwise promote the general welfare by the development of navigation canals within the boundaries of the State of Washington.

The Commission shall make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the State of Washington.

The Commission is authorized as a local sponsor to cooperate, contract, and otherwise fully participate on behalf of the State of Washington with the United States of America, in any study relating to the determination of feasibility of the navigation canal or navigation canal systems, and in any project relating to the construction, operation, or maintenance of the navigation canal, or navigation canal

systems to be undertaken by the United States of America.

POLICY

The Washington State Canal Commission, as a policy matter, believes there is a demand to be met by the commission in the area of Puget Sound and Adjacent Waters for water resource development and management as related to commerce, navigation, and recreational facilities. The importance of commerce and navigation as well as recreational facilities to the State of Washington is the preservation and utilization of a priceless heritage for the future generations. The essential planning for achievement of the economic potential of water-born commerce and the full use of the pleasure boating opportunities in Puget Sound relate to the conservation and the utilization of all regional water and related land resources.

ORGANIZATION AND PROGRAMS

The Commission, as represented on the Puget Sound Task Force Navigation Technical Committee, is cooperating in the evolution of a logical and orderly development of our navigation resources. These programs include coordination and compilation of pertinent planning information.

(For basic reference, see RCW 91.12).

OCEANOGRAPHIC COMMISSION

ORIGIN AND BACKGROUND

The Oceanographic Commission of Washington was established by Senate Bill 49, Chapter 243, Laws of 1967. This law came into being as a result of preliminary studies of the Puget Sound Oceanographic Study Committee which recognized the need for proper development and utilization of the marine resources of the sea coast and adjacent continental shelf of the State and the inland sea known as Puget Sound, the largest salt water harbor in the world. The law further recognized the rich natural environment that exists in terms of its still having been relatively unspoiled by industrial and urban development as compared to other areas of the United States, and that the aquatic resources of the State were such as to warrant systematic development and utilization.

This legislation further specified the membership of the Oceanographic Commission of Washington would be comprised of 12 members as follows: five to be appointed by the Governor from the public at large, at least one of whom shall be representative of higher education, one representative of private industry, and one representative of labor; three members of the State Senate, no more than two of whom shall be members of the same political party, to be appointed by the President of the Senate; and three members of the House of Representatives, no more than two of whom shall be members of the same political party, to be appointed by the Speaker of the House. The Chairman of the State Marine Resources and Development Committee shall be an ex-officio member without a vote. Members shall serve for terms of five years expiring on January 15. The law stipulates that the position of any legislative member shall be deemed vacated whenever such members cease to be a member of the House or Senate from which he was appointed. Moreover, any vacancies occurring in the membership of the Commission shall be filled for the remainder of the unexpired term by the appointive power of the position vacated.

Membership on the Board of Trustees of the Oceanographic Institute is further defined in this law, which stipulated that members of the Commission shall be members and trustees of the Institute as long as they are members of the Commission. The Commission members of this corporation also shall accept by majority vote additional members of the corporation so that the total membership therefore including Commission members shall be comprised of not less than 13 and not more than 20 members.

PURPOSE AND GENERAL RESPONSIBILITY

Recognizing the tremendous need for coordination and education, both within the State and also among the other states of the nation, in order to properly utilize our marine resources, the 1967 Legislature set forth a series of mandates in the enacting legislation. The laws stated that the Commission shall have the following powers, duties and functions:

1. Encourage, assist, develop and maintain a

coordinated program in oceanography for the benefit of the citizens of the State and the nation;

2. Encourage private industrial enterprise to utilize the Puget Sound area as a base for oceanographic work;

3. Promote national interest in Puget Sound as a base for national oceanographic programs;

4. Assist in developing educational programs to provide the professional and technical graduates required by oceanographic expansion in the area;

5. Undertake projects designed to inform the citizenry of the importance of oceanography to the development of the area;

6. Assist in the study of problems of waterfront development, pollution, and parks and recreation areas for public use;

7. Accept funds, gifts, bequests, and devises from any lawful source given or made available for the purposes of this Act, including but not limited to grants of funds made with or without a matching requirement by the Federal Government;

8. Encourage, supplement and assist the development of programs under the National Sea Grant College and Program Act of 1966 by the University of Washington and other participating educational institutions of the State and region. The programs admission of the Commission and its Institute are not to be in duplication of the existing program of the University of Washington or other educational institutions of the State in oceanographic research, training or public service, or of the program developed under the National Sea Grant College and Program Act of 1966.

9. Make annual reports to the Washington State Legislature, or to the appropriate interim committee thereof, all activities undertaken in connection with the power, duties and functions assigned in this section together with any recommendations for new legislation designed to accomplish the purposes of this Act.

10. Delegate within its discretion and to the extent permitted by the State Constitution, any of the powers and duties set forth in sub-sections 1-8 to the Oceanographic Institute of Washington formed pursuant to Section 5 of this Act.

The Oceanographic Commission actually began functions on August 16, 1967 with the appointment of a permanent staff. A main office in Olympia and a field office in Seattle were established at the Pacific Science Center. The Commission has largely devoted itself since that period in developing the administrative procedures necessary for operating a new State agency, but has also been able to become productive in the areas of educating the nation and the citizens of this State to the marine resource potential of the Washington State coast and Puget Sound areas. The Commission has further operated as a coordinating agency in developing the SEA USE program, the operations concerning the Cobb Seamount.

POLICY

The Oceanographic Commission of Washington is guided by the mandates in its enacting legislation, and seeks to obtain maximum, multiple usage of the marine resources, in consonance with the best interests of the State of Washington. The agency is funded by the Legislature and is responsive directly to the Legislature. All policy decisions made by the Commission are guided by the Constitution of the State of Washington.

ORGANIZATION AND PROGRAMS

The Oceanographic Commission of Washington does not have any subordinate programs. However, the Legislature recognized that the Commission should devote itself to policy matters, and therefore in the original legislation empowered the Commission to create a public non-profit corporation, to be known as the Oceanographic Institute of Washington. This corporation is in effect an agency of the Commission, and was incorporated in the State of Washington and in King County in April of 1968. The Institute is so designed as to be able to accept or receive the same financial in-puts as is the Commission, except that it will not receive or administer funds appropriated by the Legislature. The Institute will be expected to operate and manage the King County Aquarium, which was approved for funding to the extent of three million dollars by the voters of King County in the Forward Thrust program in February of 1967. The Institute may reasonably expect to be required to operate or manage other scientific research institutions as necessary to foster the marine resource potential of this area.

PARKS AND RECREATION COMMISSION

ORIGIN AND BACKGROUND

A "Park Board" established in 1912 was the forerunner of the present Washington State Parks and Recreation Commission. The first parks were Larrabee, near Bellingham, and John R. Jackson House, near Chehalis. The Department now administers more than 176 park sites, including heritage sites and marine parks; this figure includes leased areas and islands in Puget Sound and throughout the San Juan Islands.

Today the system is governed by the Washington State Parks and Recreation Commission which was formed in 1947 by the Washington State Legislature. The seven members are appointed by the Governor, confirmed by the Senate and serve six-year terms of office. Subsequent Legislatures have added to the duties and responsibilities of the Commission from time to time. They hold regular meetings on the third Monday of each month.

The Director of Parks and Recreation is appointed by the Commission and exercises all powers and performs all duties prescribed by law and rules and regulations of the Commission. He has charge and general supervision of the Department of Parks.

PURPOSE AND GENERAL RESPONSIBILITY

The basic purposes and responsibilities of the Commission are: "Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the State for park or parkway purposes", and to "Select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the State such tracts of land, including shore and tidelands, for park and parkway purposes as it deems proper".

Further responsibilities include having the authority to accept funds and donations, make rules and regulations, hire necessary assistance, develop and maintain the park and parkways system, grant concessions, and operate a youth development and conservation corps.

The Commission also has the responsibility to "Study and appraise parks and recreation needs of the State and assemble and disseminate information relative to parks and recreation" and "coordinate the parks and recreation functions of the various State departments, and cooperate with the State and Federal agencies in the promotion of parks and recreational opportunities".

The purposes of the programs of the Parks and Recreation Commission are designed to interpret nature, history, geology, archeology, botony; and the out-of-doors in general shall be promoted where the opportunity presents itself.

As a result of the 1967 Legislature, the Commission also has the responsibility to: Cooperate with the State Department of Highways in preservation and development of the scenic recreation highway systems; preserve and maintain the seashore conservation area; identify historic sites, develop historic plans, and administer the Federal historic funding in the State of Washington.

POLICY

Departmental policies under the laws and intent governing the State Parks and Recreation Commission are to provide the citizens of Washington and guests of the State with sufficient areas of state-wide significance to be acquired, developed and maintained for use by the public in providing wholesome outdoor recreation that contributes to the refreshment of body, mind and spirit. To this end, the Commission is concerned with acquiring areas that have special scenic, wilderness, recreational, historical, archeological and geological value. The significance of an area is to be clearly stated and developed in such a manner as not to dilute this significance.

Park areas should be retained in their natural state and the native flora and fauna preserved as far as possible. The areas should be relatively spacious, non-urban in nature.

Structures or improvements to be placed within these areas shall not destory or impair the value of the natural features to be preserved. The improvements provided should be only for the safety, information or comfort of the park visitor.

Water frontage, water areas and access to water areas are to be given high priority in the acquisition and development of parks.

The San Juan Islands and the Puget Sound Complex are considered to be unique and outstanding natural resources. Acquisition and development pro-

grams for these areas are based both upon demand and upon the need to conserve these natural resources.

ORGANIZATION AND PROGRAMS

The programs of the Commission are as follows:

General Administration

This program consists of general executive formulation, direction and control of all programs and activities and the execution of administrative assignments not specifically allocated to other division programs.

Administrative services maintained in the program are: Agency management, personnel, fiscal reporting and biennial budget preparation, supply, central files and custodial and legal section.

Operations*

This program consists of the operation and maintenance of the entire parks system. Facilities provided at individual park areas vary, but include overnight camping, picnicking, swimming, boat launching and group camp facilities. Other services provided are the operation of the shop areas located at Lake Sammamish State Park involving the construction of picnic tables, guard blocks, stoves, maintenance and repairs of park vehicles and utility equipment. The Commission is also responsible for concessions, leases and forestry.

The Youth Development and Conservation Corps is a part of the operating program and provides the opportunity for employment of young men in programs of conservation, development, improving and maintaining natural areas for the welfare of the general public. This program offers young men the opportunity to learn vocational and work skills, develop good work habits and sense of responsibility and contribution to society. Improvement in personal, physical and moral well being and the opportunity to develop an understanding and appreciation of nature are additional benefits to the participant.

Planning and Development*

This program is responsible for the acquisition and/or disposal of areas and the planning and development. This involves all major construction and repairs in the State Parks system; the development of master and site plans; preparation of plans and specifications and the letting of contracts for construction work; inspection and supervision of all construction within the system.

Consultation and Education

This program provided internal and external consultation on matters pertaining to the planning, acquisition, legal requirements, financing, development, interpretation, and administration of park and recreation areas, facilities, and programs. It is also responsible for the State's Group Camp Program and the State's Historic Program.

(For basic references, see RCW Chapters 43.51 and 70.88).

*Regions–In order to assure authority and responsibility at the lowest level, considerable portions of the duties of Operations and Planning and Development are vested in the three regions, each of which has a staff and a supervisor who is responsible to the Assistant Director.

PLANNING AND COMMUNITY AFFAIRS AGENCY, OFFICE OF THE GOVERNOR

ORIGIN AND BACKGROUND

Planning was first established as a State function in Washington during the 1957 Session of the Legislature when responsibility for local planning assistance (cities and counties) was assigned to the Department of Commerce and Economic Development. The Department's planning responsibilities were enlarged during the 1963 Legislative Session with authority being provided for State-wide comprehensive planning and coordination of State agencies. These responsibilities have been carried out by the Local Affairs Division of the Department.

Chapter 74 RCW of the Laws of 1967 provides for the establishment of the Planning Community Affairs Agency located within the Office of the Governor. After July 1, 1967, all planning responsibilities previously assigned to the Department of Commerce and Economic Development and the additional responsibilities set forth in the 1967

Legislation will be carried out by the planning and Community Affairs Agency. The bill creating the planning agency contains the following expression of legislative intent:

> "The Legislature finds that (1) the rapid growth being experienced by many communities within the State presents new and significant problems for governmental units in providing the necessary public services and in planning and developing desirable living and working areas; (2) the full and effective use of the many programs of the Federal Government affecting community development necessitates full cooperation and coordination of existing State and local governmental agencies; (3) the coordination of existing State activities which affect the communities of the State requires the establishment of machinery within State government to administer new and existing programs to meet these problems; (4) it is the urgent responsibility of the State to assist communities in meeting these problems in whatever way possible including technical and financial assistance."

PURPOSE AND GENERAL RESPONSIBILITY

The agency is designed to strengthen the planning, programming, and management functions of the Governor within State government and will provide a more effective means of coordination of State services to local areas. More specifically, the agency is authorized to:

1. Identify long-range goals for the State and translate these goals into a State comprehensive plan.
2. Provide the organizational means for coordination of more specific plans and programs of the various State agencies.
3. Integrate planning operationally into the State's programming and budgeting system.
4. Provide coordination of State services to local areas.
5. Integrate State plans and programs with those of local governments, the Federal Government and with the private sector.
6. Administer planning and community affairs activities under State and Federal programs.
7. Recommend governmental organizations, functions, and programs designed to improve effectiveness and economics in governmental services.
8. Make population determinations, forecasts and analysis.
9. Disseminate information on Federal and State aid programs and other information essential for public and private decision making.

In addition to the administrative personnel, the agency is composed of three divisions—State Planning, Community Affairs, and Population and Research. The individual division responsibilities are as follows:

1. **State Planning Division**—Has primary responsibility for the preparation of the State comprehensive plan and for provision of coordination and assistance to departmental planning and fiscal programming. The Division will provide special planning assistance to the Governor, the Legislature and other State agencies as necessary. The Division is also concerned with interstate planning efforts.

2. **Community Affairs Division**—Provides primary field liaison for all activities of the agency. It is responsible for integrating and coordinating local, State, and Federal plans and programs at the local area. The Division has a primary responsibility for encouraging and assisting comprehensive planning and service programs of counties, cities and regions within the State through the use of financial, technical, research, educational, and informational assistance.

3. **Population and Research Division**—Provides basic data required for the agencies of State Government to carry out their operating plans and programs. As the successor to the Washington State Census Board, the Division makes annual population determinations of all cities and towns within the State, forecasts of State population and school enrollments and other determinations and analyses as required by law. The Division also serves as a clearing house of information, data and other materials for State and local government; also develops information on Federal and State aid programs.

ORGANIZATION AND PROGRAMS

Specific programs relating to the Puget Sound and Adjacent Waters Study are:

1. Participate on the Land Use and Navigation Technical Committees for the Puget Sound and Adjacent Waters Study.

2. Administer local and regional "701" programs in the Puget Sound and Adjacent Waters Study Area.

3. Review and make recommendations concerning comprehensive plans or any amendment thereto being considered by local and regional agencies.

4. Review and make recommendations concerning all proposals for the location of capital improvements by any State agency which are to be located within any city or other urbanized area.

5. Provide official State population enumerations and estimates as may be required by law.

6. Represent the State on municipal annexation review boards.

7. Provide consultation on proposed subdivision regulations.

8. Provide and administer financial and technical assistance to other State agencies, and local jurisdictions and agencies for public works projects and service programs.

(For basic references, see Chapter 74, Laws of 1967).

SOIL AND WATER CONSERVATION COMMITTEE

ORIGIN AND BACKGROUND

At the time the Legislature of the State of Washington passed the Soil and Water Conservation District Law RCW 89.08 in 1939, it created the State Soil and Water Conservation Committee an agency of the State.

The Committee consists of seven members, two of whom are ex-officio. Two members are appointed by the Governor, one of whom shall be a landowner or operator of a farm and three are elected for three-year, staggered terms by the supervisors of the State's 68 districts at the annual meeting of the Washington Association of Soil and Water Conservation Districts. Ex-officio members are the Director of the Department of Water Resources and the Dean of the College of Agriculture at Washington State University.

PURPOSE AND GENERAL RESPONSIBILITY

The State Soil and Water Conservation Committee and staff directs its efforts toward carrying out two major functions:

1. Assisting with the formation and organization of new soil and water conservation districts, inclusions of land and adjustment of boundaries through consolidations and partitioning of districts and establishing ultimate boundaries.

2. Advising district governing bodies on the Administrative functions of district operation such as wages and means of raising funds, where and how to secure legal counsel, conduct of meetings, duties and responsibilities of board members, terms of office and replacement provisions, equipment management, keeping minutes and other records.

POLICY

The policy of the Committee is to encourage the development of sound water and land management practices for application at the local district level of government.

ORGANIZATION AND PROGRAMS

Specific programs relating to the activities of the State Soil and Water Conservation Committee are:

1. Informing interested individuals and groups on the objectives and functions of districts, the procedure for specific activities, investigating and recommending boundaries, reporting on proposals, assisting with final action to assure compliance with legal requirements and establish a record of completion.

2. Assisting in developing and organizing information programs to acquaint rural and urban people with the need for soil and water conservation and the functions and operations of soil and water conservation programs.

3. Promoting cooperative relations with those agencies and organizations that can assist with resource development.

4. Assisting with coordination of district efforts on developing comprehensive soil and water conservation programs.

5. Assisting districts in securing financial assistance from every available source with special emphasis on assistance from County Government.

6. Counseling with local groups and soil and water conservation district supervisors on flood control and water management problems and identifying types of programs that might provide the best solution.

7. Where the U.S. Department of Agriculture Watershed Protection and Flood Prevention Program (P.L. 566) appears to have elements of feasibility, assisting the districts with their application and counseling with local land occupiers on acceptance of this water management approach.

(For basic reference, see RCW Chapter 89.08).

WATER POLLUTION CONTROL COMMISSION

ORIGIN AND BACKGROUND

Water resource use and water quality administration within the State of Washington have followed the common historical pattern of:

1. Abundance with limited use and administration;

2. Increasing use and competition followed by problems and administrative programs;

3. Comprehensive planning, development, and management for optimum, multipurpose use.

The abundant water resources of the Puget Sound Area were initially used for transportation, for municipal and industrial use, and for fishery and recreational purposes. During this period, there was little influence on natural flows or quality, and little apparent need for water resource administration or planning.

The second phase of development included continuing water use for transportation, fishery and recreation, accompanied by expanding single-purpose usage for irrigation, municipal and industrial water supply and hydropower. Initial flood control, drainage and channel maintenance projects were begun. Significant changes in natural flows and water quality accompanied these developments, and limited administrative programs were initiated. The 1917 Water Code, the 1937-1944 interagency water pollution control investigations, and the voluntary quality control programs were important segments of this second phase.

The third phase of water resource development included the concept of multipurpose water resource use and management for purposes of irrigation, municipal and industrial water supply, fish and wildlife, recreation, water quality control, power, and flood control. This phase has been accompanied by increasing emphasis on water quality control as evidenced by the passage of Water Pollution Control Act of 1945, RCW 90.48, establishing the Pollution Control Commission; the Federal Water Pollution Control Act of 1956 and subsequent amendments; and the 1967 Revision of the State Water Pollution Control Law.

During this time, the philosophy of water resource management has been significantly expanded to include the concepts of coordinated long-range planning and development by major river basin and drainage areas so as to attain optimum, sustained, multipurpose water resource benefits. These concepts also embody an awareness of the need for the management of flow and quality and the use of sound land management techniques as basic elements in water resource planning, development, and administration.

Members of the Water Pollution Control Commission are the Directors of the State Departments of Water Resources, Agriculture, Health, Fisheries, and Game; with the Director of Water Resources usually selected to serve as chairman. Regular meetings of the Commission are held bi-monthly. The Commission may recommend a Director to be appointed by the Governor. The Director has charge of operating, staffing, coordinating, and supervising the activities of the Commission.

PURPOSE AND GENERAL RESPONSIBILITY

The Water Pollution Control Commission has jurisdiction and enforcement authority to prevent and control the pollution of streams, lakes, rivers, ponds, inlandwaters, salt water, water courses and other surface and ground waters of the State of Washington.

The Commission has the power to adopt, prescribe, and promulgate rules, regulations and standards consistent with the public welfare and with

known, available, and reasonable methods of preventing pollution.

The Commission has the responsibility to determine the qualities and properties of water which indicate a polluted condition of the waters of the State.

The Commission has the responsibility to review and approve plans and specifications for the construction of new sewage systems and treatment plants or for improvements and extensions thereto.

The Commission has the responsibility to issue waste discharge permits which specify conditions necessary to avoid pollution resulting from the discharge of wastes from commercial and industrial operations.

The Commission has the authority to delineate and establish sewerage drainage basins in the State for the purpose of developing and/or adopting comprehensive plans for the control and abatement of water pollution within such basins. Plans may be prepared by any municipality for Commission approval.

In 1967, the State Legislature, by authority of Chapter 13, Laws of 1967, provided for substantial revision of the basic water pollution control laws of the State. Significant features of this Act concern the development of a more effective enforcement procedure and the establishment and enforcement of water quality standards; the granting of a broadly-based agency subpoena power; the granting to the control agency of a so-called "summary abatement" procedure; and the establishment of a State matching fund program to provide funds to assist local governmental units in the construction of sewerage facilities.

In Chapter 106, Laws of 1967, the Legislature passed a bill authorizing the people to vote upon a $25,000,000 bond issue to provide funds to implement the aforementioned matching fund program.

Chapter 139, Laws of 1967, Extraordinary Session, authorizes the Attorney General to recover monies for damages to the State's resources caused by polluters of the State's waters, and empowers the Water Pollution Control Commission to levy fines for violating the State's water pollution laws.

The same legislative Act, Chapter 139, also provides for certain exemptions from sales and use taxes arising from the construction of water pollution control facilities.

The Commission has the responsibility to make and administer municipal and construction grants within authorized State appropriations for waste collection, treatment and disposal; and establishes priorities and allocations for Federal construction grant programs for qualified waste collection, treatment and disposal facilities.

POLICY

The Commission is guided by Section I of the enabling legislation which states, "It is declared to be the public policy of the State of Washington to maintain the highest possible standards to insure the purity of all waters of the State . . . and to that end require the use of all known, available and reasonable methods by industries and others to prevent and control the pollution of the waters of the State of Washington".

Supporting water quality policies adopted by the Water Pollution Control Commission provide for program development by river basins and other drainage areas with emphasis on prevention programs as well as correction of existing problems.

Commission policies for the waters of the Lake Washington drainage call for the ultimate elimination of waste discharges from this area.

Commission policy also requires that all waste dischargers comply with standard provisions to prevent pollution with specific treatment and control techniques being required as these are necessary or desirable.

The Commission adheres to the policy that existing and new domestic waste dischargers shall provide adequate secondary sewage treatment, disinfection and outfall facilities.

Existing and new commercial and industrial operations discharging an organic waste shall connect to a municipal system where possible or provide adequate secondary treatment and outfall location.

Existing and new commercial and industrial operations discharging an inorganic waste shall connect to a municipal system where possible or provide coagulation, sedimentation, chemical treatment, or other necessary treatment and adequate outfall.

Where existing and new commercial industrial or domestic wastes discharge to salt water, consideration will be given to permitting a lesser degree of treatment if it can be demonstrated or shown by study that through effective controls, proper operation and adequate outfalls, the quality of receiving water will not be adversely affected.

ORGANIZATION AND PROGRAMS

1. **Technical Services Division**—The Technical Services Programs of Surveillance, Investigation, Laboratory Analysis, and Research provide basic facts andevaluations of water quality and the effects of waste discharges or other quality influences.

Basic Data:

As a portion of the Surveillance Program and in conjunction with the U.S. Geological Survey, the Commission has operated a systematic basic data collection program since 1958 on all of the major river basins of the Puget Sound Study area. Data compilation reports have been published for the period 1958-1965. Data subsequently collected is recorded on punch cards and is available for reference.

Field Studies:

The Surveillance and Investigation Programs include the collection of water quality data in North and South Puget Sound; harbor and estuarial areas at Bellingham, Everett, Seattle, Tacoma, Chambers Creek and Port Angeles, Lake Washington and the Nooksack, Snohomish, Green-Duwamish, and Puyallup River Basins. The purpose of these surveys is to detect and analyze water quality conditions and characteristics with reference to known sources and factors which alter and depreciate water quality.

Research:

These programs involve development of analytical technicques for measuring trace amounts of toxic materials and the use of bio-assays to determine toxicological influences of extraneous substances in waters of the State.

2. **Engineering Division**—The Engineering Division has prime responsibility for the development and implementation of programs to prevent and abate pollution from municipal, industrial and other water quality effect sources. The various sections of the Division and their functions are as follows:

Municipal Waste:

Develop policy and program relating to municipal waste treatment, including storm water separation and plans for sewer extensions in rapidly growing areas, administer Federal and State construction grant program, develop and carry out treatment operator training program, provide expertise in complex and new technical processes relating to sewage treatment.

Industrial Waste:

Develop policy and program for the control, treatment and disposal of the many industrial wastes found in this State. Evaluate treatment methods and relating these to practical application, develop knowledge of manufacturing processes and provide expertise to staff in dealing with industrial waste problems, develop and advise on industrial waste discharge permits and procedures.

Environmental:

Develops policies and procedures for the control and treatment of environmental water quality effect sources, such as boats, marinas, irrigation return water, log storage and rafting, dredging operations, impoundments, solid wastes and animal feed lots, provides liaison with other agencies and entities with similar interests, develops methods of control or treatment of wastes or effects from these miscellaneous sources.

Enforcement:

Works with Attorney General's office in developing standard policies and procedures in enforcement actions, assists Attorney General in assembling data to be used in legal proceedings.

Operations:

This is the field engineering staff and is responsible for the implementation of the policies and programs developed within the Commission. They work closely with industry management and governmental agencies in achieving the construction of needed and required waste treatment facility and also visit and inspect existing facilities to assure continued good operation.

3. **Water Quality Planning Division**—The activities of this Division include the collection, summation and analysis of pertinent data by major drainage areas so as to provide a basis for long-term water quality management programs referenced to both present and future sources and factors of water pollution in accordance with declared policies and pertinent State and Federal legislation.

4. **Establishment of Water Quality Standards for Interstate and Coastal Waters**—The Commission engaged in a program to establish, monitor and enforce water quality standards as provided in RCW 90.48.130 and PL 89-234. After public hearings, these standards were adopted as a regulation on June 29, 1967.

Became a part of the Department of Ecology by legislative action of 1970.

(For basic references see RCW 43.21A.)

DEPARTMENT OF ECOLOGY

ORIGIN AND BACKGROUND

The Department of Ecology was formally established on July 1, 1970 by Chapter 43.21A of the State Legislature. The enabling legislation brought together the personnel and functions as well as the authorities of the following previously separate agencies:

The Department of Water Resources
The Water Pollution Control Commission
The State Air Pollution Control Board
The Solid Waste Management Unit of the Department of Health

PURPOSE AND GENERAL RESPONSIBILITY

The purpose of the enabling legislation was to establish a single agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. The responsibility of the Department is to undertake, in an integrated manner, planning and the development programs authorized by the Department of Water Resources, and the Water Pollution Control Commission, The Air Regulation and Management Program of the State Air Pollution Control Board, the Solid Waste Regulation and Management Program authorized to be performed by State Government as provided by Chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature.

POLICY

The legislative declaration of state policy on environment and utilization of natural resources is contained in Chapter 43.21A.010 which reads as follows:

"Legislative declaration of state policy on environment and utilization of natural resources. The legislature recognizes, and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the State of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state."

ORGANIZATION AND PROGRAMS

The Department of Ecology is headed by a Director appointed by the Governor for a non-specific time. The Director has one Deputy Director, two Executive Assistant Directors and four Assistant Directors for the administration of the agency and its two branches.

The functional Divisions of the Department include:

The Branch of Administration and Planning, The Office of Administration, Administrative Services Section

The Office of Planning and Program Development, Future Oriented Planning and Programs Development Activities

Resource Planning and Program Development. Responsible for the goal of the Department of Ecology to plan for the future conservation, perpetuation, and use of the environmental resources; to develop programs and responsive to the needs and problems of the environment.

The Branch of Public Services, The Office of Technical Services

Care and Conservation. Responsible for the goal of the Department of Ecology to identify and determine the abundance and quality of the existing environmental resources and to provide for the care, protection and perpetuation of those resources through the establishment of appropriate standards for air, water, and land.

The Office of Operations

Environmental Authorization and Usage. Responsible for the goal of the Department of Ecology to analyze the availability of environ-

mental resources and determine appropriate uses consistent with environmental resources standards for protection of the air, land, and water through issuance of appropriate authorizations.

Environmental Evaluation and Control. Responsible for the goal of the Department of Ecology to measure the environmental resources and measure the natural and man-caused influences that change or tend to change the environment (particularly with respect to actual or potential detrimental or pollution effects) and to require appropriate compliance with standards, rules, and regulations by all entities.

(For basic references see RCW Chapters 43.21A.010-.910)

THE OFFICE OF ECONOMIC OPPORTUNITY

ORIGIN AND BACKGROUND

The Office of Economic Opportunity was established by Executive Order of May 5, 1965 as a result of the increasing needs for technical assistance and liaison between public and private agencies and related community action programs involving disadvantaged persons and low income citizens. The office is headed by a Director appointed by the Governor of the State.

PURPOSE AND GENERAL RESPONSIBILITY

The two primary functions of the State Office of Economic Opportunity are to assist state governmental agencies in developing programs which provide opportunity and self sufficiency to low income citizens and to deliver both specialized and general technical assistance to the 30 community action agencies which serve local communities, Indian communities and migrant citizens.

The State Office of Economic Opportunity administers federal Office of Economic Opportunity technical assistance and planning programs. The Department of Labor New Careers Program and the State Headstart matching funds.

POLICY

The basic policy of the Office of Economic Opportunity is to strengthen the coordination and delivery of technical and financial assistance to the community action and poverty related programs, and to improve the use of all resources, human and material, and to develop the potential of disadvantaged children and adults as a resource of the state and all its citizens.

ORGANIZATION AND PROGRAMS

The organization of the Office of Economic Opportunity includes the administration section in which the Deputy Director maintains liaison with the volunteer services programs and those of the Special Assistant for Indian Affairs.

Other functional programs include: Community Development; New Careers, area coordination and training programs are conducted in Bellingham; and State Multi-Service Center with office in Seattle.

Indian programs of special interest to the Puget Sound Area include:

The State Office of Economic Opportunity presently houses the office of the Governors Special Assistant for Indian Affairs: This position was established by the Governor in July of 1969 with the appointment of an Indian as Special Assistant. The purpose of the office is to serve as a liaison between State government and Indian communities in providing services and technical assistance to all Tribes, Boards and Indian Organizations in the State and to Indian Community Action Programs.

The philosophy of out reach in working with Indian People, coordinating the services of local, state and federal governments toward resolving problems of long standing as expressed by the people themselves. Community Action Agencies include:

The small tribes of Western Washington
The Indian Community Action Programs
The Indian Task Force
The Indian Advisory Committee
The Lummi Management Aid Program

Task forces and committees representing the reservations of the study area have initiated programs which will lead to comprehensive planning and development of water and related land resources of tribal reservations. These programs describe water and related land resource problems, needs and potential.

The implementations of many of the many reservation programs will require the practical application of the Indian Water Rights as defined by the Winters Doctrine. This doctrine is based upon the principal that the United States, at the time Indian Reservations were created, reserved the water from streams upon and adjacent to the reservation and exempted them from appropriation under state laws. Such a reservation of water was not limited to existing uses, but included sufficient water for the future requirements of the reservation.

(For additional references see RCW 43.06.110.)

Part Two
Political Subdivisions

PART TWO — POLITICAL SUBDIVISIONS

Cities and towns, counties, and special districts have important responsibilities in regard to water and related land resources. Local government has the closest relationship with the citizen in regard to planning, land use regulations, water supply for domestic, industrial and irrigation purposes, sewage disposal, storm water drainage and flood control. Decisions must be made by local officials and citizens if sound policies are to be developed and plans implemented. Cities and towns, counties, and also special districts are definitely partners in government.

INTERGOVERNMENTAL COOPERATION

Among the significant legislation passed by the 1967 Legislature was the Interlocal Cooperation Act (Ch. 239, Laws of 1967) which authorized any city or town, county, public utility district, port district, or metropolitan corporation of this State, any agency of the State Government or of the United States, and any political subdivision of another state to contract with each other to perform jointly what they already have the power to do individually. The intergovernmental contract is to be authorized by the governing body of each part to the contract by appropriate action by ordinance, resolution, or otherwise. Such contract is to set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties and certain other specified items.

Prior to such a contract's becoming operative, a copy of it is to be filed with the City Clerk, the County Auditor, and the Secretary of State. If the contract deals in whole or in part with the provisions of services or facilities with regard to which an officer or agency of the State Government has constitutional or statutory powers of control, the contract, as a condition precedent to its becoming effective, is to be submitted to the State Officer or Agency having such power of control and is to be approved or disapproved by him or it as to all matters within his or its jurisdiction.

If such a contract relates to land use planning, air or water pollution, zoning, or any other matter for which specific responsibility has been assigned to the Planning and Community Affairs Agency, then such a contract is to be submitted at least sixty days prior to its effective date. The Office of Community Affairs may file written comments with the parties to the proposed contract not less than fifteen days prior to the effective date of the proposed agreement. Such comments are not binding upon the parties to the proposed contract, but may be used by the parties to determine the advisability of adopting, rejecting, or amending the proposed contract.

Prior to the passage of the Interlocal Cooperation Act, local governmental units were able to contract with one another only when State Law specifically authorized them to do so. Among the functions for which there is statutory authority for intergovernmental cooperation are as follows:

Health services
Mosquito control
Air pollution control
Parks and recreation
Water supply
Sewer service
Joint operations and contracts with PUDs
Contracts between cities and towns and water, sewer, and fire protection districts, upon annexation of all or a portion of such districts.
Planning
Urban Renewal
Metropolitan
Municipal Corporations
Property
Sale, exchange, transfer, or lease of public property authorized
Disposition of surplus county park property
Sale of State tide and shore lands to cities
Lease-Purchase Agreements
Cooperative Extension Work in Agriculture and Home Economics
Flood Control
Plats and Subdivisions

BOUNDARY REVIEW BOARD

Ch.189, Laws of 1967, as amended by Ch. 98, Ex. Sess., provides for the mandatory establishment of a Boundary Review Board in each Class AA and A counties (King, Pierce, and Spokane) and authorizes the establishment on an optional basis in first class

counties having a population of at least 170,000 (Snohomish). The Boundary Review Board is empowered to review and approve, disapprove, or modify any actions pertaining to the creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special district, and any assumption by a city or town of the assets, facilities, or indebtedness of a special district lying partially within such city or town. Wherever a Boundary Review Board under Ch. 189, Laws of 1967, as amended by Ch. 98, Laws of 1967 Ex. Sess., has been created, the provisions of the law relating to city annexation review boards set forth in Ch. 35.13 RCW and the powers granted to the Boards of County Commissioners to alter boundaries of proposed annexations or incorporations shall not be applicable.

The eleven members of the Boundary Review Board in Class AA and A counties are appointed by the Governor; three from the nominees of the individual mayors of cities and towns in the county; three from the nominees of the individual members of the Board of County Commissioners in each county; two from the nominees of each special district lying wholly or partly within the county; and three selected by the Governor independently. Members will be appointed for six year terms except for the initial appointment which will provide for "staggering" of terms. Members must be residents of the county in which the review board is established.

HEALTH

Under RCW 70.54.040 the mayor of any city or the commissioners of any county may call upon the Director of the State Department of Health for advice on improving sanitary conditions or disposing of sewage and the Director is to provide a full report.

FINANCING CAPITAL IMPROVEMENTS

Methods of financing capital improvements have certain common denominators applicable to all political subdivisions in the State of Washington, although there are important variations. The principal methods of financing capital improvements for cities and towns, counties and special districts are as follows:

	City	County	Special District*
Funds from Current Revenues	x	x	x
Cumulative Reserve Fund	x	x	x
Indebtedness			
Interest Bearing Warrants	x		x
General Obligation Bonds	x	x	x
Revenue Bonds	x	x	
Local Improvement District	x	x	x
Special Excess Levies	x	x	x
Lease with Option to Purchase	x	x	
Federal Grants and Loans	x	x	x
Citizens and Civic Organizations	x		

*Revenue sources vary widely according to type of district. Categories checked indicate source of revenue available to some districts.

The amount of general obligation bonds which can be issued by the governing body of the governmental unit and upon approval of 60 percent of those voting on the proposition with the total vote in excess of 40 percent of those who voted at the last State general election is limited by both constitution and statutory provisions. For the difference between cities and towns and counties we invite attention to Appendix H-3, "Financing Capital Improvements in Washington Cities," p. 87, Appendix H-7, "Financing Capital Improvements in Washington Counties," p. 98, and Appendix F-2, "Authorized Property Tax Levies in the State of Washington," from the Bureau of Governmental Research and Services Special Study No. 12.

COUNTIES

With the tremendous growth occurring outside the unincorporated areas it is important to understand the role of municipal corporations which come into being by the free consent of the people who

compose them and the counties which are local subdivisions of the State created by the sovereign power of the State without the particular solicitation, consent, or concurrent action of the people who inhabit them. In 1948 the constitution was amended to permit counties to adopt a Home Rule Charter. (Both King and Snohomish Counties have elected Freeholders who expect to submit a Home Rule Charter for their respective counties in November, 1968.) Counties are administrative districts and agents of the State created with the view to the policy of the State at large. Nevertheless the powers granted to the county to meet urban problems have been expanded.

Although counties have had authority in regard to health, flood control, land use planning including zoning and subdivision regulations and parks and recreation for many years, the power to construct and operate municipal water and sewer systems was not authorized until 1967. Urban growth outside the municipality and the proliferation of special districts necessitated a broader over-all approach for these functions.

HEALTH

In regard to health, the Constitution grants counties the power to make and enforce all local, police, sanitary, and other regulations not in conflict with general laws. While counties have always had responsibilities in regard to the health function including a mandatory requirement to budget a levy of tax for public health work equal to at least 4/10ths of a mill of the assessed valuation, by virtue of Ch. 51, Laws of 1967 Ex. Sess., the provision of public health service through a health district which includes all the cities and towns is facilitated. As of July 30, 1967, all communities situated within a health district automatically became a functioning part of it, eligible for its services and responsible to assume an equitable portion of the local share of its cost. Where a health district has not been created, the county commissioners have authority to do so by resolution or to operate a county health department with which cities and towns may contract for health service.

FLOOD CONTROL

In the area of flood control, counties have been granted certain powers: to regulate and control the flow of navigable and nonnavigable waters within the county for the purpose of preventing floods (RCW 36.32.080); to remove obstructions of all kinds from river beds and channels (RCW 36.32.290); and to remove from river banks trees that might fall into the river (RCW 36.32.300). The Board of County Commissioners are also authorized to levy a tax for the purpose of creating a "river improvement fund" in such an amount as deemed necessary, but not in excess of one mill (Ch. 86.12 RCW), and also to serve as members of an Intercounty River Improvement Commission (Ch. 86.13 RCW). In addition, RCW 36.34.220 authorizes the leasing or conveying of land to the United States to be used by the Federal Government for flood control purposes.

The formation of Flood Control Districts (Ch. 86.09 RCW) and Flood Control Zone Districts (Ch. 86.13 RCW) are other possibilities for action on this problem. (Further information will be found under Special Districts.)

PLANNING

In regard to planning the county may operate under one of two State laws: Ch. 35.63 RCW (1935), as amended, or Ch. 36.70 RCW (1959), as amended. Planning is a continuous process of developing goals and devising programs for attaining them. The purpose of this activity is to achieve an environment which best satisfies the daily needs of the community. This is accomplished by encouraging the best and most efficient use of land, buildings, public facilities and other resources in the local area and directing the physical development in an orderly manner, thus avoiding the chaos resulting from haphazard growth. It attempts to achieve harmony in the local environment by guiding all developments both public and private toward a set of common goals. These goals are the outgrowth of detailed studies of past, present and projected trends in population and economic growth, land use and the demand for public facilities. Zoning, subdivision regulations and the adoption of building codes are some of the methods used to implement planning.

PARKS AND RECREATION

In regard to parks and recreation the county has the authority to acquire land by donation, purchase, or condemnation and to build, construct, care for, control, supervise, improve, operate, and maintain parks, playgrounds, gymnasiums, swimming

pools, fieldhouses, and other recreational facilities, bathing beaches, roads and public camps (RCW 67.20.010). Another statute authorizes counties to establish park and playground systems for public recreation purposes and to conduct programs of public recreation (RCW 36.68.010-36.68.020). A county may form a county park and recreation board to administer a park and recreation fund (RCW 36.68.030-36.68.070).

In Class AA counties and counties of the second, fourth, eighth and ninth class, park and recreation districts are authorized to be formed upon a petition to the Board of County Commissioners and a majority vote of those residing in the proposed district (Ch. 36.69 RCW). In Class AA, A, first or second class counties, a park and recreation service area is authorized to be formed either by resolution of the Board of County Commissioners or by a petition signed by 10 percent of the voters in the proposed service area (Ch. 36.68 RCW).

WATER SUPPLY AND/OR SANITARY AND STORM SEWER SYSTEMS

Ch. 72, Laws of 1967, authorizes every county individually or in cooperation with another county or counties to establish and operate a water supply system and/or a sanitary and storm sewer system or systems or such systems combined.

Before going into the actual operation of a water or sewer system the county must prepare a comprehensive sewage and/or water plan. The county sewage or water comprehensive plan must incorporate the provisions of the existing comprehensive plan relating to sewage and water systems of cities and towns and private utilities, to the extent they have already been implemented. In any county in which a metropolitan municipal corporation is authorized to perform sewage disposal or water supply functions, any county sewage and/or water general plan is required to be approved by the metropolitan municipal corporation prior to adoption by the county. A review committee consisting of representatives from the cities within or adjoining the area, chairman or chairmen of the board or boards of county commissioners within the area, a representative of other municipal corporations within the planned area and the chairman of the council (or a person designated by him) of a metropolitan corporation operating a sewerage and/or water system in such area is to be reviewed and advised on any sewerage or water plans proposed by a county or counties and is to report to the board or boards of county commissioners within ninety days their approval or any suggested amendments, deletions, or additions. If the committee fails to report within the time, the plans shall be deemed approved. If the committee submits a report, the board is to consider and review the committee's report and may adopt any recommendations suggested therein. Before final action thereon the board or boards of county commissioners is to conduct a public hearing on the plan.

Prior to the commencement of actual work on any plan approved by the board, it must be submitted to the appropriate State departments for their written approval. For a sewage system plan, the plan must be approved by the Department of Health and the State Pollution Control Commission. For a water system the plan must be approved by the Department of Health, the State Pollution Control Commission, and the State Department of Water Resources.

After the adoption of the sewage and/or water comprehensive plan, all municipal corporations and private utilities within the planned area are to adhere to the plans of the future development of their system unless and until such plan is amended. Counties may not condemn municipal water or sewer systems. Cities and towns still retain primary authority over their water and sewer systems within the area of the county's sewage and/or water comprehensive plan and may provide water and sewer service outside of their corporate limits. If a city or town annexes part of the county service area, the assets of such sewage and/or water system may be transferred to such city or town, subject to the assumption by the city or town of the county's obligations and with respect thereto under the same procedures applicable to the annexation of sewer and water districts by cities and towns.

Municipalities and counties are authorized to contract with each other for the establishment, maintenance, and operation of a system of sewerage and/or water supply.

SOLID WASTE DISPOSAL

In regard to garbage disposal the counties have the authority to acquire and maintain garbage sites for the use of the public in disposing of garbage and refuse, and to make such rules and regulations for their use as deemed necessary (Ch. 36.84 RCW). A

sanitary district to collect and dispose of garbage and other waste material may be formed outside of incorporated cities and towns by a petition hearing and election under Ch. 55.04 RCW. If such a district were formed, the Board of County Commissioners would be the governing body.

CITIES AND TOWNS

Incorporated municipalities, which embrace about two-thirds of the population of the State of Washington, have been granted a wide range of powers affecting water and related land resources. Home Rule cities, that is, first class cities which have adopted a charter, are recognized as having as broad legislative powers as the State, except when restricted by enactments of the State Legislature. All other municipalities, second, third, and fourth class are limited in their powers to those granted in express words or to those necessarily or fairly implied in or incidental to the powers expressly granted, and also to those essential to the objects and purposes of the corporation. Even so, cities and towns have broader authority to cope with urban problems and provide utility services than any other unit of local government. The authority of municipalities which affects water and related land resources includes: public health, planning and development policies including zoning, subdivision regulations and building codes; harbors, wharves and waterways, rivers and streams, parks and recreation, construction and operation of boat harbors, marinas and docks, solid waste collection and disposal, storm water drainage, water supply and distribution, sewage disposal and treatment, ownership and operation of electrical generation and distribution facilities. Some of the powers have been granted by the Legislatures to all municipalities, others as specific powers for a particular class of city. It should also be recognized that a number of State agencies have varying degrees of supervisory authority over Washington municipalities. These include:

Department of Health
Department of Labor and Industries
Water Pollution Control Commission
Secretary of State
State Board of Health
Planning and Community Affairs Agency
Interagency Committee for Outdoor Recreation
State Parks and Recreation Commission
State Department of Water Resources

PLANNING

In regard to planning, first class cities may operate their planning program under Article XI, Section 11 of the State Constitution, independent of the 1935 Planning Enabling Act (Ch. 35.63 RCW, as amended), provided no provision in their city charter or ordinances precludes this. The 1935 Planning Enabling Act applies to all noncharter cities, some first class cities, and some counties which have elected to operate under this Act. This statute authorizes the formation of planning commissions, indicates their powers and duties, provides the meeting procedures and methods of financing the commission, undertaking planning studies, development and adoption of a comprehensive plan, the preparation and adoption of a zoning ordinance, subdivision ordinance and official map ordinance, and contains other provisions relating to the establishment and functioning of a planning commission. The commissions of two or more adjoining counties, of two or more adjacent cities and towns, of one or more cities or towns and/or one or more counties, together with the boards of county commissioners of such counties and the councils of such cities and towns may form a regional planning commission. Cities and towns may adopt a building code by reference. Prior to the issuance of a building permit, adequate water supply and sewage disposal facilities either through a system or adequate soil facility may be required.

FLOOD CONTROL

In regard to flood control, a city is authorized to provide protection for itself from overflow waters by constructing and maintaining dikes, levees and embankments, and opening, deepening and straightening natural water courses, waterways and other channels (RCW 35.21.090). Furthermore, all incorporated cities and towns having their boundaries or any part thereof adjacent to, fronting on, any bay, lake, sound, river or other navigable waters are given

jurisdiction over the waters and land thereunder to the same extent as the city's jurisdiction extends over land within the city boundaries (RCW 35.21.160). Further provisions relating to harbors, wharves, overflow of water, improvement of rivers and streams, and waterfront will be found in the specific enumerated powers for each class of city.

PARKS AND RECREATION

In cities of the first class, the organization and administration of a park and recreation program is generally determined by charter provisions, RCW 35.23.170 authorizes second, third, or fourth class municipalities to provide by ordinance for either an advisory or administrative board of park commissioners, not to exceed three in number. City councils may levy a portion of their prope rty tax millage for the purpose of acquiring, maintaining and improving parks. Cities and towns may work with or through other governmental units in performing the park and recreational function of government. RCW 67.20.020 provides that any city or town, park district, school district, or county may enter into any contract in writing with any organization or organizations referred to in that act for the purpose of conducting a recreation program. In addition, first class municipalities have the power to establish a metropolitan park district which can include land outside the corporate limits in addition to land within the city boundaries, except that no fourth class municipality may be included in such a district.

All cities are granted the power to acquire property for park and recreation purposes. In addition, cities may acquire and designate certain streets as parkways, park drives and boulevards (RCW 35.21.190).

City and town councils of second, third, and fourth class municipalities may by a majority vote annex new territory outside the city or town limits whether contiguous or noncontiguous for park or other municipal purposes (RCW 35.13.180).

Any city which contains or abuts upon any bay, lake, sound, river or other navigable waters may construct, operate and maintain any boat harbor, marina, dock or other public improvements for the purposes of commerce, recreation or navigation (RCW 35.23.455).

SOLID WASTE DISPOSAL AND COLLECTION

Every city or town may by ordinance provide for the establishment of a system of garbage collection and disposal for the entire city or town or for portions thereof and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town. (RCW 35.21.120)

RCW 35.92.020 also grants to cities and towns powers in regard to garbage and refuse collection and disposal with full authority to manage, regulate, operate and control them, and to fix the price of service within and without the limits of the city or town. Furthermore, Ch. 35.67 RCW provides for additional powers in regard to refuse collection and disposal.

WATERWORKS

A number of statutes grant cities authority to operate a water utility. RCW 35.92.010 states that "a city or town may construct, condemn or purchase, acquire, add to, maintain and operate waterworks within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other person, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution and price . . . "

A municipality establishing a waterworks is authorized to purchase, acquire, and retain water from any public or navigable body of water or water course. It may also construct dams for the purpose of storing water at the outlet of any lake or water course in the State. (RCW 35.92.010) In addition cities and towns operating waterworks have jurisdiction over their sources of water supply to protect them from pollution and the power to enact appropriate ordinaced in regard to enforcement (Ch. 35.88 RCW).

RCW 35.92.170 provides that a city or town which owns or operates a municipal waterworks and desires to extend the water system outside its corporate limits may acquire, construct, and maintain any addition to or extension of the system and dispose of and distribute water to any other municipality, water district, community or person desiring to purchase it. A city or town may enter into a firm contract to furnish water and fix the terms upon

which the outside distribution systems will be installed and the rates and the manner in which payment shall be made for the water supplied or the service rendered. (RCW 35.92.200)

Ch. 113, Laws of 1967 extends from four to ten miles the distance from their boundaries that cities and towns may contract with owners of real estate who desire to pay for the extension of public water and sewerage systems to serve the area in which real estate of such owners are situated pursuant to the municipal water and sewer facilities act. (Ch. 35.91 RCW). Such owners would be reimbursed by the city or town from funds collected from late-comers connecting to such extensions. This act was also amended to provide that the extent it may require in the performance of such a contract, such a city or town may install such water or sewer facilities in and along the county "streets" in the area to be served, subject to such reasonable requirements as to the manner of occupancy on such streets as the county may by resolution provide.

The procedure whereby the governing body of a city or town acquires a public utility is outlined in RCW 35.92.070, RCW 35.92.080–35.92.160 referred to the methods of financing.

A city or town situated in or served by an irrigation project owned or operated by the United States Government, Water Users Association, or another city and the city council deems it feasible to furnish water for irrigation and domestic purposes or either purpose, the city or town may acquire water or water rights for the purpose of furnishing the inhabitants of the municipality with a supply of water for irrigation and/or domestic purposes (RCW 35.92.220–35.92.265)

SEWERAGE SYSTEM

Under RCW 35.92.020 "a city or town may construct, condemn and purchase, acquire, add to, maintain and operate systems or sewerage . . . within and without the limits of the town . . ." Under Ch. 35.67 RCW "systems of sewage" means and includes:

1. Sanitary sewage disposal sewers;

2. Combined sanitary sewage disposal and storm or surface water sewers;

3. Storm or surface water sewers;

4. Outfalls for storm or sanitary sewers and works, plants and facilities for sanitary sewage treatment and disposal; or

5. Any combination of or part of any or all of such facilities.

This chapter provides for the method of acquiring such a public utility and provides for the method of financing through general obligation and revenue bonds. Local Improvement District assessments under Ch. 35.43–35.54 RCW may be used for drains, sewers, watermains and hydrants, fences, culverts, syphons or coverings or any other feasible safeguards along open canals or ditches. Under RCW 35.21.210 any city or town is empowered to provide for sewerage, drainage and water supply systems within or without the corporate limits of such city or town and to control, regulate and manage the same.

Cities of the first, second and third class are authorized to fill and raise the grade or elevation of any marshlands, swamplands, tidelands or lands commonly known as tideflats, or any other lands within the city limits and to develop canals and artificial waterways so as to drain these lowlands. These canals, in addition to being means for drainage, must also be maintained as public thoroughfares (Ch. 35.56 RCW). In addition, to the above-mentioned powers, there are also specific powers relating to the class of each city which are as follows:

SPECIFIC POWERS RELATING TO FIRST CLASS CITIES

RCW 35.22.280
(14) Waterworks
(26) Waterways canals, wharves, docks and levees
(27) Watercrafts
(28) Wharfage, dockage and harbor fees
(29) Licensing boats and tugs in the harbor
(37) Streets across the tidelands and harbor areas
RCW 35.22.380–35.22.400–Water system, improvement or extension, submission of plans to voters.
RCW 35.22.410–Wharves
RCW 35.23.440–Specific powers enumerated
(24) Supply
(25) Overflow of water
(28) Harbors and wharves
(37) Waterways
(38) Sewerage
(39) Buildings and Parks
(44) Waterworks
(46) Parks
(48) Power of eminent domain
(53) Safety and sanitary measures
(55) Streets on tidelands

RCW 35.23.540–35.23.580–Waterworks for domestic and irrigation purposes
RCW 35.23.010–Exchange of park property
RCW 35.23.410–Leasing streets ends on waterfronts.

THIRD CLASS CITIES

RCW 35.24.290–Specific powers enumerated
(4) Drains and sewers
(8) Improve rivers and streams prevent pollution
(19) License watercraft and remove obstacles to navigation
RCW 35.24.410–35.24.430–City may contract for service or construct its own water, light, power and heat utility facilities, method of acquisition, maintenance and operation, and rates.

FOURTH CLASS MUNICIPALITIES

RCW 35.27.370–Specific powers enumerated
(3) Waterworks
(5) Drains and sewers
(1) Rivers, streams and waterfronts
RCW 35.27.380–Eminent domain for drains, sewers, aquaducts, channeling of streams and waterfront improvement.
RCW 35.27.510–Utilities–Transfer of part of net earnings to current expense fund.

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

ORIGIN AND BACKGROUND

The Interagency Committee for Outdoor Recreation was created by Initiative 215, which was approved by the voters at the November, 1964, State General Election. The Committee is composed of five members appointed by the Governor, one of whom is designated as Chairman, the Commissioner of Public Lands and the Directors of Parks and Recreation, Game, Fisheries, Highways and Commerce and Economic Development.

PURPOSE AND GENERAL RESPONSIBILITY

The primary purpose of the Committee is to administer funds from the Outdoor Recreation Account which includes monies from unreclaimed marine fuel tax receipts and the sale of the bond authorized by Referendum 11 at the November 1964, State General Election in the amount of $10 million. In addition, the Chairman has been designated the State liaison officer for the Land and Water Conservation Fund program and, in this role, is responsible for administration of funds from this source allocated to the State of Washington. The Governor has requested a $40 million bond issue be approved to expand the program of the Interagency Committee (IAC).

POLICY

Funds under the jurisdiction of the IAC have been divided equally between State and local agencies. Funds to the various State agencies have been distributed in accordance with formulas developed by the Committee. Local agencies may apply for funds for outdoor recreation projects. Generally, State funds may be used to match up to 25% of total project costs. In addition, Land and Water Conservation Fund monies may be used to match up to 50% of total project costs. Local agencies are required to contribute the remaining portion. Since none of the monies derived from the sale of bonds and only 20% of the unreclaimed marine gas tax can be used for development, the program of the IAC is, at present, acquisition oriented. Monies from the Land and Water Conservation Fund can be used for both acquisition and development.

ORGANIZATION AND PROGRAMS

The program of the IAC is oriented toward expansion of the outdoor recreational facilities available to the citizens of the State by administration and distribution of allocated funds and is not, therefore, directed toward achieving preservation or purity of water resources in the State, except for recreational

purposes. The preservation of these resources is, however, a by-product of this program to retain suitable lands for recreational activities. (For basic references, see RCW 43.98 and 43.99)

METROPOLITAN MUNICIPAL CORPORATIONS

ORIGIN AND BACKGROUND

In 1957 the Legislature enacted enabling Legislation which would permit the creation of a "metropolitan municipal corporation." (Ch. 35.58 RCW) Any area of this State containing two or more cities at least one of which is a city of the first class, may form a metropolitan municipal corporation for one or more of six metropolitan functions, three of which are comprehensive planning, sewage disposal, and water supply.

The municipality of Metropolitan Seattle (Metro) was established under the provisions of this act by a vote of the people on September 9, 1958 to perform the function of metropolitan sewage disposal.

PURPOSE AND GENERAL RESPONSIBILITY

The purpose of the program is to end the bacteriological pollution of the surrounding waters and the fertilization of Lake Washington. A comprehensive plan has been prepared which provides from the collection, treatment and disposal of municipal wastes from the Seattle–Lake Washington drainage basin and from the lower Green– Duwamish River basin.

POLICY

The program is financed by revenue bonds ($136,000,000 by 1967) repaid from sewage service charges collected from the municipal sewer systems (12) and sewer districts (19) which Metro serves. These affiliates sign 50-year contracts with the Municipality.

ORGANIZATION AND PROGRAMS

Under the terms of the Enabling Act Metro's governing body is the Metropolitan Council. Its 20 members are: the mayor and nine Seattle city councilmen; mayor or councilman appointed by the city councils of the next five largest towns; a mayor elected by the mayors of the small towns in the area; two county commissioners; an appointee of the county commissioners representing unincorporated areas in the North commissioner district; a Chairman appointed by the Council.

A ten-year (1961–1970) $125,000,000 comprehensive program was 90% completed in 1967. All ten treatment plants discharging into Lake Washington had been intercepted and abandoned, their sewage diverted from the lake, treated and discharged into Puget Sound or the Duwamish River.

PUGET SOUND GOVERNMENTAL CONFERENCE

ORIGIN AND BACKGROUND

On June 7, 1956, under the authority of Chapter 44, Laws of 1935, RCW 35.63.070, State of Washington, the Commissioners of King, Kitsap, Pierce, and Snohomish Counties jointly formed the Puget Sound Planning Conference. This act was formally ratified by each of the counties between February 4, 1957, and March 28, 1957. The name of the organization was changed to Puget Sound Governmental Conference on June 9, 1958, and currently operates under Revised Code of Washington (RCW) 36.70.060 and 36.64.080, .090, .100.

Membership was extended to each of the central cities within the four counties in 1959. At that time, three of the cities–Seattle, Tacoma, and Bremerton, accepted this invitation into the Conference. The fourth city, Everett, became a member in 1963. In 1967, with the adoption of a new set of bylaws, membership was further extended to include all of the cities and towns within the four county area. Since that time eight cities and towns have become members.

The Governmental Conference was organized to provide a forum through which the legislative authorities of each of these jurisdictions could jointly study

and adopt courses of actions on problems of mutual interest which no one jurisdiction could resolve alone. This was born out of a sobering recognition that county and city boundaries had little effect upon the ever expanding urban growth and the problems that accompany this growth, yet at the same time, these same boundaries have greatly affected the ability of any one jurisdiction to cope with the emerging urban problems.

PURPOSE AND GENERAL RESPONSIBILITY

The Puget Sound Governmental Conference, as mentioned previously, was formed to provide a forum through which mutual urban problems could be discussed and appropriate actions developed. To have a council of governments moving in the direction that the founders desired, it was recognized that this organization should initially operate in an advisory capacity. As the primary objective was that of regional planning, this advisory capacity of the Governmental Conference appears to have been the correct one.

The preparation of a regional comprehensive plan is obviously one of a major undertaking. To achieve this, the Governmental Conference has a permanent staff to research and analyze the various urban problems and also to coordinate the actions of the local governments. The regional comprehensive plan is being developed in terms of provision of public facilities, land use, transportation, etc. The area of public facilities covers such topics as open space requirements, sewer and water planning, rapid transit planning, airport system plan, and the like.

In addition to the preparation of research reports, the Governmental Conference provides staff assistance to members and non-members alike within the four counties in preparing applications for Federal financial grants or loans. Also staff assistance is provided to inform and advise on the numerous Federal programs available.

Since July 1, 1967, the Puget Sound Governmental Conference has been reviewing applications for Federal grant and loan programs after being designated as the regional planning agency pursuant to the Demonstration Cities & Metropolitan Development Act of 1966.

POLICY

The Puget Sound Area, one of the few areas in the nation to be endowed with a natural environment that provides the greatest amenity available to any urban population, is faced with a potential dilemma—that of uncontrolled urban sprawl. Therefore, planning in this Area has been one of complementing and enhancing the natural environment rather than to conflict or detract from the advantages we have in the natural environment.

In preparing the regional comprehensive plan the general policy has been towards (a) the provision of an adequate environment, i.e., preservation of open space; (b) orderly land development, i.e., zoning controls; (c) an efficient transportation systems, i.e., highways and rapid transit; and (d) a sound regional economy.

ORGANIZATION AND PROGRAMS

In 1967 the Puget Sound Governmental Conference staff was reorganized when The Puget Sound Regional Transportation Study's functions and staff were transferred to the Puget Sound Governmental Conference. Under the new staff organization, there is an executive director, under whom there are two deputy directors (planning and transportation) and an executive assistant. Under these positions, there are three staff divisions, i.e., transportation and research division, administrative services division, and planning and programming division.

The principle program conducted by the Puget Sound Governmental Conference that relates to the Puget Sound Task Force Comprehensive Water Resource Study is Project Open Space. This ambitious study covered every facet of the open space element of regional planning by inventorying and analyzing what is currently available and recommending future needs. The entire project includes some thirty-three individual reports and a summary report.

The open space plan, as derived from Project Open Space, was adopted by the Puget Sound Governmental Conference members in November, 1965. The Governmental Conference as an organization cannot implement any part of the plan, but is able to do so by members individually. In essence each member has agreed to abide by the plan, through an intergovernmental agreement. Non-member cities are encouraged to become a signatory to this agreement, and to date, eighteen cities have signed it.

QUASIOFFICIAL ASSOCIATIONS

State law authorizes public officials to form associations for purposes of program coordination and liaison. These associations are important sources of technical and statistical information and are capable of providing coordinated viewpoints and planning assistance in water and land use and development.

Associations are generally financed by membership assessment, are registered with the Secretary of State and have a marked influence on water and land resource development.

Associations which have provided assistance in the preparation of the Political and Legislative Environment Technical Appendix include:

County Commissioners' Association
Association of Washington Cities
Washington Public Ports Association
Washington Association of Water and Sewer Districts
Washington State Reclamation Association
Washington Public Utility Districts

The Washington Public Ports Association is an active participant in the Study.

Part Three
Special Districts

PART THREE — SPECIAL DISTRICTS

The term "special district" is generally applied to any local government entity which is neither city, town, township, nor county. During the State's approximately 80 years of existence, the Legislature has authorized creation of a number of quasi-municipal corporations or municipal corporations with limited powers which deal with various aspects of water and related land management and use. Enabling legislation sets forth the purpose of the particular type of district, the procedure for bringing it into existence, how the boundaries are to be determined and changed, the composition of the governing body, its method of selection and power and duties. The function or functions which the district can perform, and its method of financing them are completely determined by State Law under which they are organized. Likewise whether or not similar districts may consolidate, the relationship of special districts with other governmental units and whether or not there are dissolution procedures, depend upon State Law.

The principal State agency having responsibility for program liaison and coordination in water and related land management is the Department of Water Resources.

REVENUES OF SPECIAL DISTRICTS

Revenue sources available to special districts are narrowly limited by statute. With the exception of service charges authorized to be made by certain districts that supply water, port, and utility type services, revenues are derived primarily from the property tax or from benefit assessments.

Since the property tax is the most important single source of local revenue for many special districts, the allocation of millage to special districts under the forty mill limit law is significant. On the basis of their authorization to utilize the property tax, special districts (other than school districts and road districts) may be classfied as:

1. Junior taxing districts are special districts which are authorized by statute to levy property tax millage but must share pro rata the floating millage available under the forty mill limitation after the major taxing units, State, counties, cities and towns, school districts, and road districts have had the opportunity to levy their full authorized millage.

2. Districts outside the forty mill levy include (a) those excluded from the constitutional and statutory forty mill limitation even though the district is authorized to levy property tax millage and has a statutory millage limitation of its own (i.e., port and public utility districts), and (b) those which are authorized to levy property tax millage, over and above the forty mill limit, when approved by the voters according to the forty mill limit law (i.e., sewer and water districts).

3. Benefit assessment districts are primarily dependent upon assessments levied in accordance with the special benefit accuring to the land from the improvement which the special district is authorized to construct.

4. Other governmental units include the remainder of the special districts authorized by law.

Special problems of financing local governmental services through the utilization of junior taxing districts are obvious:

Article VII, Sec. 2, as amended by Amendment 14, and Sec. 9, and the Washington State Constitution requires that all taxes be uniform in respect to persons and property within the jurisdiction of the body levying them. This constitutional requirement requires the special district to make a levy which will be the same on all property within its boundaries.

In accordance with this constitutional provision, the inclusion of a city or town within a special district, which is dependent upon a property tax millage levy for the performance of its function, has the effect of decreasing a district's taxing potential from a pro rata share of the six floating mills to, under certain circumstances, none at all, in the incorporated area.

Some special districts are called "junior taxing districts" because even though they are granted the power to levy, or have levied, statutory authorized millage, their authorized levies must be prorated or reduced in such uniform percentages as will bring the consolidated tax levy on the assessed valuation of any taxable property within the forty mill limitation. Thus the actual millage available to each of the junior taxing districts depends upon the request of the other districts. Whenever proration occurs, the districts

become financially interdependent on the common source of available tax monies for their current needs.

The following material gives a brief description of the types of districts which are organized in the State and the nature of their purpose and responsibility.

FLOOD CONTROL DISTRICT

The basic instrument through which groups of citizens of the State may develop flood control projects is the Flood Control District (1937 Act). The purpose of such a district is to control flood waters and lessen their danger and damages by providing either for the control of a part or all of a stream system or a tributary thereto, or for protection against tidal or other bodies of water. (RCW 86.09.004).

In addition to the grant of powers necessary to carry out the purposes for which a district is created, which is primarily the operation of flood control facilities, it may also sell or lease any of its property or rights, including water, and operate its facilities for the drainage, diking, or irrigation of lands. (RCW 86.09.154).

Likewise, a district may contract with or contribute funds to the State, or the United States, or any agency, for the management and control of district works for any agreed period, or other cooperative agreement. (RCW 86.09.163).

Project costs are allocated on the basis of a district map segregated by the supervisor of flood control into classes of land areas representing the degrees of benefit received from the improvement in accordance with the comprehensive plan, and then is established the ratio of benefits which the several classes of land bear with respect to one another. (RCW 86.09.385 et seq.) An alternative plan to determine benefits is found in RCW 86.09.409 and following.

Flood control districts are also, when approved by the electors of district, authorized to raise funds through the sale of either general obligation or revenue bonds.

It should be noted that State participation in flood control construction, maintenance, and betterments may be carried out with corporate municipalities which are subject to flood conditions, namely counties, counties acting jointly, cities, towns, flood control districts, diking or diking improvement, drainage or drainage improvement districts, diking and drainage improvement districts, irrigation districts, and soil conservation districts. (RCW 86.26.020).

Such State monetary assistance is provided for restoring, maintaining, and repairing the normal river and stream channel alignment and capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property, and natural conditions, works, and structures for the protection of land and property from inundation or other damage by the sea or other bodies of water (RCW 86.26.090).

FLOOD CONTROL ZONE DISTRICT

A flood control zone district may be created to undertake, operate, and maintain flood control projects which are of special benefit to specified areas of the county. In carrying out a project, a district may plan, construct, acquire, repair, maintain, and operate all necessary improvements and works to control, conserve, and remove flood waters, and take action necessary to protect life and property from flood water damage. (RCW 86.15.020 and RCW 86.15.080)

The governing body of a flood control zone district is the board of county commissioners. This body is empowered to:

1. Exercise all powers vested in the county for county flood control and joint county flood control under the provision of Chapter 86.12 RCW and Chapter 86.13 RCW. In exercising these powers, all actions must be taken in the name of the zone entitled to all property and property rights vested in the zone.

2. Plan, construct, acquire, repair, maintain, and operate all necessary improvements and work to control, conserve, and remove flood waters.

3. Take action necessary to protect life and property from flood water damage.

4. Control, conserve, retain, reclaim, and remove flood waters and dispose of them for beneficial

or useful purposes.

5. Acquire necessary property, property rights, facilities, and equipment necessary to the purposes of the zone by purchase, gift, or condemnation.

6. Acquire or reclaim land when incidental to the purpose of the zone, and dispose of lands which are surplus to the needs of the zone.

7. Remove the debris, logs, or other material which may impede the orderly flow of waters in streams or water courses. (RCW 86.15.080)

The activities of such districts may be financed by various means: A special annual tax levy within any zone or participating zones may be made when authorized by the voters pursuant to the provisions of RCW 84.52.052 and RCW 84.52.054; general obligation bonds may be issued to finance flood control improvements, RCW 84.52.056; and, an assessment on properties specially benefited by an improvement may be made pursuant to the provisions in the 1937 flood control district law, Chapter 86.09 RCW previously referred to. (RCW 86.15.160)

DIKING DISTRICT

Another special district which is common in the State is the diking district. The purpose of such a district is to straighten, widen, deepen, and improve all rivers, watercourses, or streams, which cause overflow damage to the land within the district and to construct the necessary diking drains or lock systems to protect the land from overflow. (RCW 85.05.070)

Financing is accomplished primarily through the levy of special assessments based on benefits (RCW 85.05.090–85.05.160); supplemental assessments; and by issuance of district bonds. (RCW 85.05.290, RCW 85.05.078, and RCW 85.05.060)

DRAINAGE DISTRICT

A district having a similar organizational structure and powers to the diking district is the drainage district. The purpose of forming such a district is to operate a drainage system. In order to achieve the goal of establishing such a system, the governing board of the district has the following powers:

1. Straighten, widen, deepen, improve, or alter the course of, or discontinue the use of, or maintenance of, or abandon any existing drains or ditches in the district, and when abandoned or discontinued, the rights of way may be held or disposed of by the district;

2. Dig or construct any additional and auxiliary drains or ditches;

3. Obtain, improve, or alter any existing reservoirs, spillways, or outlets;

4. Lease, acquire, build, or construct additional new or better reservoir spillways, and outlets;

5. Lease, acquire, erect, build, or construct and operate any pumping plant and acquire equipment necessary;

6. Construct diversion dams or by other means remove surplus streams or other waters endangering or damaging the district and to provide protection against damage or floods from any waters whatsoever;

7. Acquire by lease, contract, private purchase, or purchase at any sale, any real or personal property. When the board finds that the usefulness to the district has ceased, the board may sell any real or personal property owned by the district. (RCW 85.06.640 and RCW 85.06.670)

Financing is achieved under either the 1961 Drainage District Act or the means authorized by the Legislature prior to 1961. Under either Act, assessments are levied on the basis of benefits received by lands from the operation of the district's facilities.

Several drainage districts exist particularly in Skagit County which are governed by an independent board of commissioners formed under a procedure where the limit of benefits against each tract of land was fixed by the Superior Court.

INTERCOUNTY DIKING AND DRAINAGE DISTRICT

The purpose of this type district is to establish diking and drainage systems, or construct flood control dams, or drift barriers to prevent inundations on land, when a portion affected is located in two or more counties. (RCW 85.24.010)

The governing board thereof in carrying out the purposes for which it was formed may straighten, deepen, and improve any and all rivers, watercourses, or streams flowing through or located within the boundaries of the intercounty diking or drainage district whenever necessary. It may construct all needed auxiliary ditches, canals, flumes, locks, flood barriers, and all necessary artificial appliances in the construction of the system to protect the land from overflow or to preserve or maintain the system. (RCW 85.24.280)

The primary method of financing is that of levying special assessments based on benefits. (RCW 85.24.070) However, district general obligation bonds may be issued for the whole cost of the improvements; and unlike most special benefit districts, the Legislature has authorized it to levy an annual tax for the purpose of maintaining a district diking and drainage system. (RCW 85.24.210)

DIKING, DRAINAGE AND SEWERAGE IMPROVEMENT DISTRICT

Such districts are authorized to construct a system of diking, drainage, or sewerage improvements for any, or all of these purposes, which will benefit the property within a contiguous area of land in a county, whether it lies wholly or partly within or wholly outside of a city or town. (RCW 85.08.020) In carrying out its duties, the governing board of a district may construct and maintain ditches along public roads within its limits; and it may further include in its plans provisions to prevent injury to land from seepage of irrigation water and to carry off waste irrigation water, and the resulting benefits may be considered in apportioning cost. (RCW 85.08.380)

The use of "water developed" by the system of drainage improvement districts is subject to the control of the district and may be disposed of, or contracted for irrigation and other purposes; but if water, indisposed of for three or more years, has been appropriated by any person at a point below the outlet of the drainage system, it is no longer subject to disposal by the district. The term "water developed" does not include surface waste water from irrigation. (RCW 85.08.630) The board of supervisors, by unanimous vote, may enter into contracts for use or sale of "water developed". (RCW 85.08.640)

Financing may be done by means of benefit assessments (RCW 85.08.360), supplemental assessments under specified conditions, (RCW 85.08.520), and district general obligation bonds which may be issued in accordance with RCW 85.08.240–85.08.280 which provides for 10 to 15 annual installments.

SEWER DISTRICT

Sewer districts are authorized to acquire, construct, maintain, operate, develop, reorganize and regulate a system of sewers, including treatment and disposal plants. (RCW 56.04.020) The governing board may construct, condemn and purchase, add to, maintain, and operate systems of sewers including drainage; regulate the use of sewer systems and fix charges; erect sewage treatment plants, charge a connection charge to hook up to the system, and compel all property owners within the system to connect. (RCW 56.08.010)

In regard to financing, the board of sewer district commissioners is not authorized to levy any property tax millage within the 40 mills limit. However, RCW 84.52.052 authorizes sewer districts to make excess levies. Under RCW 56.16.010, general obligation bonds are authorized for the construction of any part or all of the district's facilities. In addition, issuance of revenue bonds are also authorized under certain conditions. (RCW 56.16.020)

SOIL AND WATER CONSERVATION DISTRICT

Soil and Water Conservation Districts are designed to focus attention on land and water problems, to develop annual and long-range programs designed to solve resource problems and to enlist all the appropriate available help from public and private sources that will contribute to the accomplishments of the districts' goals.

To help the land occupier accomplish his objectives in soil and water conservation, the soil and water conservation governing body makes available expert service in planning and supervising the installations of land use systems, vegetative practices and the necessary engineering structures. Where wide spread resource problems require group action, the board of supervisors coordinate and carry out broad community programs.

Federal, State and local agencies together with individuals and groups provide services to the land occupier through Washington's Soil and Water Conservation Districts.

Land occupiers who have determined that they wish to do something about their resource problems apply to the district for assistance. If approved as a District Cooperator, the governing body provides the land occupier with the services of a trained conservationist who helps develop a conservation plan for the property and seeks to help the land occupier in every way possible to carry out the plan agreed upon.

When the demand for services exceeds the capability of agencies to provide the requested financial and technical assistance, districts have the responsibility to establish priorities in approving cooperators.

The districts are empowered to conduct, in cooperation with the Washington State University and any State or Federal agency, surveys relating to the character of soil erosion and control measures needed within the districts; publish and disseminate the results and findings. Likewise, it may conduct demonstration projects with the consent of the owners to show how soil and soil resources may be conserved, and soil erosion prevented and controlled; carry out preventative and control measures with the consent and cooperation of the person or agency owning or controlling the land; cooperate or enter into agreements, with any agency or landowner or tenant, and furnish financial or other aid in carrying out erosion control and prevention measures.

Among other powers granted to a district, it may acquire in any manner, except by condemnation, any property and rights necessary to carry out the purpose of the district, and manage, lease or dispose of such property and use the income for district purposes. It may also make available agricultural and engineering equipment, fertilizer, seeds, seedlings and such other equipment and material as will assist them to conserve their soil resources and prevent and control soil erosion. (RCW 89.08.220)

A soil and water conservation district is not authorized to levy taxes or special assessments or issue bonds. (RCW 89.08.220)

Operation of the district is financed by contributions of interested persons and organizations, from the rental of equipment to district cooperators and from county and State appropriations.

IRRIGATION OR RECLAMATION DISTRICT

One of the most important of the public corporations dealing with water is the irrigation district. As the name implies, its primary purpose is to acquire, construct, operate, and maintain an irrigation system of dividing conduits from a natural source of water supply to the point of individual distribution for agricultural irrigation purposes. (RCW 87.03.010) However, its powers pertain to many other water-related activities. For example, a district may generate, distribute, and sell electrical energy; operate a domestic water supply system; operate a drainage system; or assist in certain fire protection functions. (RCW 87.03.015)

Operation of the district is financed through the levy of special assessment (RCW 87.03.240); issuance of general obligation bonds (RCW 87.03.200); and (if the district is furnishing either domestic water or electric power) revenue bonds. (Chapter 87.28 RCW) In addition, a district may collect charges from all persons for whom any district service is made available. (RCW 87.03.445) Finally, local improvement districts within an irrigation district are authorized to undertake special construction or improvements. Such projects are financed through the levy of special assessments. (Chapter 87.36 RCW)

IRRIGATION AND REHABILITATION DISTRICT

Irrigation and rehabilitation districts are formed to rehabilitate or improve inland lakes and shorelines and modify or improve existing or planned water control structures located in the district in order to further the health, recreation, and welfare of the residents of the area. (RCW 87.84.050) Any irrigation district, located on or adjacent to an inland body of water, which has filed with the Director of Water Resources and been granted rights to 50,000 acre-feet of water or more is eligible to become an irrigation and rehabilitation district. (RCW 87.84.010)

The directors of the irrigation and rehabilitation district retain all the authority granted to them as directors of an irrigation district; and, in addition, have authority to rehabilitate or to improve all or a portion of any inland body of water including adjacent shorelines located in the district and have the further power of modifying or improving any existing or planned, water controlled structure located in the district in order to further the health, recreation, and welfare of the residents of the district. All rights held by the irrigation districts to water located wholly or partially in the district vest in the irrigation and rehabilitation district as soon as it has been formed. The water rights of the newly formed district are to be used for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed. (RCW 87.84.060)

For the purposes of operating the district, its directors are empowered to specially assess land located in the district for benefits, using as the basis for assessing benefits the last equalized assessment for county purposes. The special assessment must not exceed one mill upon the assessed valuation without securing authorization by vote of the electors of the district at an election for that purpose. (RCW 87.84.070)

WATER DISTRIBUTION DISTRICT

Water distribution districts may be created for the purpose of securing economy, fairness, promptness, and accuracy in the distribution of water for the irrigation of agricultural lands in the county. (RCW 87.60.010) Such districts may be formed on petition of two or more holding certificates of right to divert waters. After creation it shall be the duty of the district to distribute the waters according to the various rights.

The board of county commissioners may on behalf of such a district, annually levy a tax not to exceed ten mills on all taxable property in the district. When authorized by a vote of landowners within the district, a tax exceeding ten mills and not exceeding twenty-five may be levied. (RCW 87.60.070)

WATER DISTRICT

The purpose of a water district is to acquire, construct, maintain, operate, develop, and regulate a water supply system and provide for additions and betterments. (RCW 57.04.020) The installations of fire hydrants and the purchase and maintenance of fire fighting equipment and apparatus, together with housing facilities may be included as part of the comprehensive water supply and distribution system of a water district. (RCW 57.16.010)

In carrying out the purposes for which it was created, a board may acquire property by purchase or condemnation within or without the district; construct and maintain waterworks to supply water and regulate and control use, distribution, and price; purchase water from a municipal corporation and fix rates and charges and connection fees. (RCW 57.08.010) Such district may also provide water service to property owners outside the limits of the water district. (RCW 57.08.045)

Where a water district maintains a fire department, the district may levy a general tax on all property located in the district not to exceed two mills. (RCW 57.20.100) RCW 84.52.052 authorizes water districts to make excess levies. A district may issue general obligation bonds when approved by a sufficient percentage of the voters. (RCW 57.16.020) Likewise, under certain conditions, revenue bonds may be issued. (RCW 57.16.030) Finally, a district may establish local improvement districts to undertake certain projects financed through the levy of special assessments.

PUBLIC UTILITY DISTRICT

Public utility districts may be formed for the purpose of conserving the water and power resources of the State of Washington for the benefit of the people and to supply public utility service, including water and electricity for all uses. (RCW 54.04.020) A first-class public utility district is one which has a license from the Federal Power Commission to construct a hydroelectric project with an estimated cost of more than $325,000,000 and one which has the voters' approval on reclassification as a first-class district. (RCW 54.40.010) This is the only classification applicable to first class public utility districts; all other such districts are referred to as public utility districts.

Such district is empowered to make a survey of hydroelectric power, irrigation, and domestic water supply resources, and plan for development and economical service. (RCW 54.16.010) It may acquire property for specific purposes and exercise the right of eminent domain, and acquire, maintain, and operate water and irrigation works, electrical energy, water rights, intertie lines. (RCW 54.16.030–54.16.060)

District revenues are obtained by several means. It may establish rates and charges for utility services which are fair and nondiscriminatory and adequate to provide revenues to meet revenue obligations and operate and maintain the system. (RCW 54.24.080) It may also raise revenue by a levy of an annual tax not exceeding two mills in any one year. (RCW 54.16.080) A public utility district is further authorized to issue general obligation bonds upon approval of the voters in accordance with the 40 mill limitation law, and revenue bonds may also be issued. (RCW 54.16.070) General bond indebtedness may be incurred up to one and one-half percent of assessed valuation without a vote. (RCW 54.24.018)

It should be noted that any two or more cities, or public utility districts, or combinations thereof may form a joint operating agency for the purpose of acquiring, constructing, operating, and owning plants, systems, and other facilities and extensions thereof, for the generation and/or transmission of electrical energy and power. Application for the formation of such an agency must be made to the director of the State Department of Water Resources. With regard to joint operating agencies, see RCW 43.52.360–43.52.391.

COMMERCIAL WATERWAY DISTRICT

Commercial waterway districts may be formed for the purpose of constructing a system of waterways which will be of special benefit to the majority of land included within the district, conducive to public health, sanitation, welfare and convenience, and increase the public revenue.

The governing board of such a district has exclusive charge of the construction and maintenance of commercial waterways. (RCW 91.04.225)

A district is empowered to straighten, widen, deepen, improve, and alter the course of any river, watercourse, or stream flowing through or located within its boundaries, upon the payment of all damages to property and property rights resulting therefrom. It may also construct all needed ditches, canals, flumes, locks, dikes and all other artificial appliances in the construction of a commercial waterway system, and which may be advisable to protect the land in the district from overflow or to assist in the preservation of the system. In addition, the board may acquire, by purchase or condemnation, property and property rights near its system or waterways proper for the construction of slips, docks, wharves, landing places, or aids to navigation and commerce in connection with the use of the waterways. (RCW 91.04.170) The Legislature has provided that all right, title, and interest of the State in and to beds and shores of any navigable stream or lake within a waterway district, up to and including the line of ordinary high water, vest in the district to the extent that they cease to be a part of the stream or lake by reason of the commercial waterway. The district may sell any such property or rights in the same manner as county property is sold or may exchange it for the other needed property or rights without notice or formal proceedings. (RCW 91.04.200)

Financing of district activities is provided through the levy of special assessments and the issuance of bonds.

PORT DISTRICT

ORIGIN AND BACKGROUND

The original act authorizing creation of port districts was Chapter 92, Laws of 1911. Under that act, ports were authorized for the purpose of acquisition, construction, maintenance, operation, development and regulation of harbor improvements and terminals. The 1911 and subsequent acts provided, among other things, that each port commission should adopt a comprehensive scheme of harbor improvements prior to actually acquiring or improving properties for terminal or other purposes.

PURPOSE AND GENERAL RESPONSIBILITY

Port districts are empowered to acquire or to construct all types of terminal and handling facilities, systems of sea walls, jetties, canals, locks, tidal basins, and for the improvement of navigable and nonnavigable waters within the district. (RCW 53.04.010 and 53.08.020–general powers; 53.20.010–harbor improvements; and 53.08.060–waterway improvement powers.) In addition, port districts serve as the agent of the State in leasing certain harbor areas of the State of Washington (RCW 53.32.010). RCW 79.01 and 79.16 provide additional powers to ports in connection with the lease of tideland areas.

POLICY

Since ports are proprietary in nature, all programs and functions undertaken by the port are weighed against the economic advantages. Ports do not generally participate in projects or programs that do not demonstrate rather specific economic benefits for the community and the port.

ORGANIZATION AND PROGRAMS

Based on the specific grants of power outlined above–that is to improve harbors and the navigable and nonnavigable waters of the State and the United States, within the boundaries of the district, the port operates under the following structure: In all port districts, except the Port of Seattle, a three-man elected port commission is responsible for the direction of the port's affairs. The Seattle Commission has five members. Members of port commissions are elected to six-year staggered terms. They receive no compensation, as a rule, although they do receive their actual and necessary expenses. Port commissions have certain ad valorem taxing authority and the ability to borrow money under general obligation bonds or revenue bonds. The largest and most important source of income is operating revenues from terminals and related facilities. The nature of a port operation is proprietary. The port has no general police or regulatory powers which extend to the general public. Of major interest to the ports is the development of navigation improvements which will provide waterborne access to and from terminal facilities operated and maintained by the port or others in the district. As major waterfront land owners, they have, in addition, a special interest in such water resource related problems as water supply, water quality, erosion, flood control, and drainage problems that affect any waterfront property owner.

The ports have extensive powers to cooperate with Federal, State and other municipal agencies, and, in fact, nearly all major port projects are carried out in conjunction with one or more of these agencies. The ports work particularly close with the U.S. Corps of Engineers, because of needs for navigation improvements.

Ports are a special purpose district, and so far as water resources are concerned, their interests centered around the maintenance and improvement of navigation for both deep and shallow draft vessels and, in addition, as large property owners, they have incidental but important interests in many other phases of water resource development, such as water supply, water quality, drainage and flood control. These functions, however, are not primary responsibilities of the port district. In certain circumstances, ports have found it necessary to assume responsibility for such things as water supply and water treatment and disposal simply because there was no other agency willing or able to provide necessary service. (For basic references, see RCW Chapter 53.25.)

PUBLIC WATERWAY DISTRICT

Public waterway districts are created to construct a new public waterway or deepen or enlarge an existing public waterway for the floatage of vessels and the drainage of swamp and overflowed lands. (RCW 91.08.010) Every waterway constructed or deepened or widened by such a district becomes a public highway for vessels and an outlet for swamp or overflow water which may be drained into it from other land in the district and is under the care and control of the board of county commissioners of the county as are other highways. (RCW 91.08.630)

Activities of such districts are financed through the levy of special assessments and the issuance of bonds. (RCW 91.08.270 and following, and RCW 91.08.465 and following.)

Part Four
Washington State Law of Water Resources

PART FOUR — WASHINGTON STATE LAW OF WATER RESOURCES

HISTORICAL BACKGROUND

The Federal Government acquired what is now the northwestern part of the United States, including the lands which make up the State of Washington, in 1846. Seven years later, in 1853, Congress created the Territory of Washington through a division of Oregon Territory. In 1889 the State of Washington was admitted into the Union. This was approximately forty-five years after the first diversions of water for agricultural irrigation uses were made by Christian missionaries at Whitman Mission near Walla Walla and in the Ahtanum Valley, a short distance from Yakima.

Between 1854 and 1889, the Territorial Legislature showed its interest in water resources through the enactment of a number of bills. These enactments covered various phases of water management from water quality control to licensing of ferries; from the building of bridges and wharves to the changing of stream channels; from the creation of water companies to giving abutting owners on watercourses preference rights to the use of water therein and from the prevention of obstructions on streams to the establishment of appropriation rights.

LEGISLATIVE HISTORY

The legislative history of the State of Washington reflects the transitions in administrative concepts which have occurred since territorial times in matters involving water and related land resources.

These changes developed along a common historical pattern: (1) Resource abundance with limited administration; (2) Increase in single-purpose uses with an increase in administration and regulation; (3) Intensified multipurpose uses followed by intensified administration and regulation which now includes coordinated planning in order to achieve optimum sustained use and productivity for both water and related land resources.

Single-purpose resource conservation and protection programs initiated by the Territorial Legislature between 1853 and 1889 were supplanted by the State Legislature in establishing individual boards and authorities. Then came the era of departments and commissions to cope with problems of forest, land and water use and development.

Early actions by the State Legislature also included delegation of authority to local units of government for specific matters of water and land management use.

Recent trends have been to expand the role of local units of government in matters of resource planning and development. Examples include authorization of metropolitan and regional units to facilitate the distribution of water supplies; the collection and treatment of wastes and comprehensive planning for water and land use and development.

The gradual legislative transition from the concepts of single-purpose use under a variety of state agencies and local administrative units has resulted in an overlapping of agencies concerned with the management, control and utilization of water resources. During this time, the Legislature and the courts have established or developed several doctrines relating to the establishment of rights to divert, withdraw, and make use of the public waters of the state.

In its initial session, the State Legislature passed its first legislation relating to water rights by providing for the use of water for irrigation purposes. This was followed in 1891 by the enactment of the so-called "notice" system for appropriation of public waters. During the same period, the Legislature enacted legislation authorizing the creation of irrigation districts.Within the first decade of the State's existence, legislation was also enacted providing for condemnation and appropriation of water for irrigation and mining purposes, and the protection of the

quality of municipal water supply.

In the following fifteen years, numerous bills relating to water management were enacted. Perhaps the most important State legislation relating to water rights law was enacted during this period, when in 1917, a comprehensive surface "Water Code" was passed. With the passage of the Ground Water Act in 1945, which adopted the permit procedure for water distribution provided for in 1917 Water Code for ground waters, both surface and ground water regulation of water rights came under the control of a single State agency, now called the Department of Water Resources.

During this same year, 1945, the Legislature for the first time provided for a comprehensive water quality regulation program to be carried out by a state agency known as the Water Pollution Control Commission. The basic Act of 1945 was amended in 1955 to provide for so-called "permit" system of water quality regulation. The Act was completely overhauled and updated by Chapter 13, Laws of 1967.

ORGANIC ACT

The Territory of Washington was authorized and established by the Organic Act of March 2, 1853 (10 Stat. 192) by dividing the Oregon Territory along the mid-line of the Columbia River to the city of Walla Walla and then eastward along the forty-sixth degree of latitude north to the crest of the Rocky Mountains. In addition to setting up the usual territorial government and providing for both civil and criminal laws, the Act specifically acknowledged the power of the Federal Government to make all laws and regulation pertaining to the Indians and Indian tribes within the Territory. Sections 16 and 36 of each township were dedicated by Congress to the support of the common schools in Washington by Section 20 of the Act. The Act, at Section 21, conferred concurrent jurisdiction upon the Territories of Oregon and Washington over criminal offences committed on the Columbia River where it formed a common boundary between the two territories.

ENABLING ACT

On February 22, 1889, Congress enacted an Enabling Act to provide the means whereby the people of North and South Dakota, Montana and Washington Territories could prepare constitutions and otherwise qualify their respective territories for admission to statehood (25 Stat. 676). The President of the United States proclaimed Washington a state on November 11, 1889, (26 Stat. 10) on an equal footing with all other states.

The Enabling Act of 1889 set out the basic principles upon which Washington Territory would be admitted to statehood. It provided for land grants to the State. The people of Washington disclaimed all right and title to the unappropriated public lands as well as to all lands owned or held by any Indian or Indian tribes. The jurisdiction of the United States over such public and Indian lands remains absolute until such title is extinguished or otherwise disposed of by the Federal Government. Such lands shall not be subject to taxation while under the control and jurisdiction of the United States.

Land grants to the State of Washington for various educational and state purposes are subject to certain limitations on sale and use as provided for in the Enabling Act. The purposes for which and the amounts of the principal land grants were set forth in Sections 10 (Common School System), 12 (State Public Buildings), 13 (proceeds of Sale of Federal Lands–5% to State), 14 (University Lands), 15 (Penitentiary Lands), 16 (Agricultural College), and 17 (Other Educational Institutions).

CONSTITUTION

The Constitution of the State of Washington was ratified by the people at a special election held on October 1, 1889. It became effective upon the Proclamation of the President of the United States admitting the Territory of Washington to statehood, November 11, 1889 (Article 27 Section 16).

Although the Constution is relatively brief with respect to land and water resources, it did not in terms restrict the future development of our natural resources but left these matters to the judgment of future generations. The more important aspects of the Constitution for the purposes of our study are set out as follows:

DECLARATION OF RIGHTS

Supreme Law of the Land

The Constitution of the State of Washington provides in Section 2, Article I that "the Constitution of the United States is the supreme Law of the land".

Eminent Domain–Public and Private Purposes

The doctrine of eminent domain was recognized in Article 1, Section 16. Private property may be taken for both private and public uses upon the payment of just compensation. The taking of private property by private persons is limited to private ways of necessity, drains, flumes, or ditches across the lands of others for agricultural, domestic or sanitary purposes.

Whether a use be public or private is a judicial question without regard to any legislative assertion that the use be public. In this respect, the Constitution provides that the taking of private property by the state for land reclamation and settlement is in itself a public use per se.

HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION

Article XV, Section 1, provides for the creation of a Harbor Commission to establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets within this State, whenever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side.

Section 1 further provides that the State cannot give, sell, or lease to any private person, corporation or association any rights in the water beyond such harbor, nor may the State sell, grant or relinquish its control over the area lying between any harbor line and the line of ordinary high water and within not less than 50 feet nor more than 2,000 feet of such harbor line (as the commission shall have determined) but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

The Harbor Line Commission may re-establish, change or relocate harbor lines pursuant to such directions as may be given by the Legislature. In State v. Savidge, 95 Wash. 240, 162 Pac. 738 (1917) it was held that Article XV of the Constitution applies to both tidal and non-tidal navigable bodies of water.

The clarity of Section 1 was enhanced by a series of statutory definitions set out in RCW 79.04.020, 79.04.030 and 79.04.040.

The statutes contemplate the establishment of harbor areas in navigable tidal waters which shall be forever reserved for landings, wharves and streets and other conveniences in aid of navigation and commerce (RCW 79.04.030). Such area will have its "outer harbor line" beyond which the State shall never sell or lease any rights whatsoever (RCW 79.04.020). The "inner harbor line" of the harbor area shall be located in navigable tidal waters between the outer harbor line and the line of ordinary high tide (RCW 79.04.040).

In an effort to forestall the erection of high-rise apartment buildings in the area between the inner harbor line and the line of ordinary high tide, the Washington Legislature enacted Chapter 24, Extraordinary Session, Laws of 1967. Section 2 of Chapter 24 directs the Harbor Commission to establish the inner harbor line in specified portions of the Seattle tidelines coincident with the line of ordinary high tide, thus extending the harbor area to the line of ordinary high tide. This would automatically remove the area in controversy from sale or lease for uses other than those for landings, wharves, streets, and other conveniences of navigation and commerce.

LEASING AND MAINTENANCE OF WHARVES, DOCKS, AND OTHER STRUCTURES

Section 2 of Article XV authorizes the Legislature to provide, by general laws, for the leasing of lands upon which to build and maintain wharves, docks, and other structures upon and within the harbors and tide waters provided for in Section 1, for a period not exceeding 30 years. This section of the Washington Constitution was implemented by the passage of Sections 79.01.504 et al of the Revised Code.

EXTENSION OF STREETS OVER TIDELANDS

Section 3 of Article XV is a grant of an easement or right of way to municipalities for the extension of their streets over the intervening tidelands to and across the harbor area reserved as provided for in Section 1.

SCHOOL AND GRANTED LANDS

When the State of Washington was admitted to Statehood upon an equal footing with the original states (Enabling Act, 25 Stat. 676), it became possessed of a vast acreage of public lands estimated at more than four million acres. Some of this land was granted to it for schools and other public institutions (Enabling Act, 25 Stat. 676), and the balance consisting of the beds of tidal and non-tidal navigable lakes and streams up to the ordinary high water line plus the outer tidelands extending one marine league off its shoreline. The latter lands were not received by grant from the United States Government but are part and parcel of each state's sovereignty under the "equal footing" doctrine. This doctrine had its origin in the concept that each of the original 13 states upon the termination of the Revolutionary War became sovereign and independent states and by virtue of this sovereignty was possessed of the beds of navigable streams, both tidal and fresh water, as well as the off-shore lands to the limits of their territorial limits, usually three miles or one marine league. Martin v. Wadell's Lessees, 16 Pet (U. S. 367 (1842)). United States v. Utah, 283 U. S. 64 (1931). Shively v. Bowlby, 152 U. S. 1 (1894). Upon the formation of the Union, they did not surrender ownership of these lands to the Federal Government but continued to hold them subject to the Constitutional powers delegated to the United States of America.

The ownership of the State of Washington, over the beds of navigable waters did not extend to tide and shorelands sold, conveyed or reserved for the use of Indian tribes by the Federal Government prior to statehood (Shively v. Bowlby, 152 U.S. 1 (1984). This ownership by the states of the beds of navigable streams and lakes together with all shore and tidelands extending seaward to a line three geographical miles distant from its coastline was confirmed by the Submerged Land Act of 1953 (67 Stat. 29, 43 U.S.C.A. 1301-1315). The Act provides a greater distance off shore if the historical boundaries of a State are indeed greater than three miles.

Article XVI, Section 1 of the Constitution declared that all the public lands granted to the State are held in trust for all the people. This does not mean that such school and granted lands may not be sold or leased. In fact, Sections 1 through 5 provide for the appraisal, conditions and terms under which such lands may be disposed of by the State.

The distinction between public and State lands was made in RCW 79.01.004 in these words:

> "Public lands of the State of Washington are lands belonging to or held in trust by the State, which are not devoted to or reserved for a particular use by law, and include State lands, tidelands, shorelands and harbor areas as hereinafter defined, and the beds of navigable waters belonging to the State."

DECLARATION OF STATE OWNERSHIP OF TIDAL LANDS AND THE BEDS OF FRESH WATER NAVIGABLE STREAMS AND LAKES

For the reasons set forth above under Article XVI, School and Granted Lands, the State Constitution asserts in Article XVII, Section 1, the ownership of the State of Washington to the beds and shores of all navigable waters in the State, up to and including the line of ordinary high tide, in tidal waters and up to the line of ordinary high water within the banks of all navigable rivers and lakes.

This assertion of ownership over the submerged lands of navigable waters was qualified by stating that it should not be construed as to debar any person from asserting his claim to vested rights in such lands as are acquired from the Federal Government in the courts of the State of Washington. This was essential because the State of Washington could not claim title to any lands or rights conveyed away by the United States Government during territorial days. In this area the Federal Government's authority over the Territory of Washington, as with other territories of the United States was supreme and without limit (Shively v. Bowlby, 152 U. S. 1 (1894)).

No one questioned the extent of ownership asserted by the State of Washington in its Constitution on the date of its adoption, on November 11, 1889. Suppose, however, that the line of ordinary high tide or the ordinary high water line of a naviga-

ble stream was caused to move outwardly or inwardly from its position on November 11, 1889; who then would own the land between the original and the new high water line?

At common law the rule was that a riparian or littoral owner of the upland bordering on the ocean or a fresh water navigable stream either gained or lost in ownership as the ordinary high water line moved seaward or landward. This gradual loss or gain of land is referred to as reliction (loss) or accretion (gain). The net result was that at common law the line of ordinary high tide or the ordinary high water line of navigable bodies of water was a flexible or shifting line that changed its location on the surface of the earth in accord with the natural forces of nature which are characterized as accretion or reliction.

The Washington law of accretion and reliction has developed slowly and inconsistently with the common law. The Supreme Court of Washington made a distinction between tidelands and shorelands in applying the laws of accretion and reliction.

With respect to shorelands, or lands bordering on fresh water navigable streams or lakes, the Supreme Court applied the common law or shifting boundary theory. This line of cases began with Spinning v. Pugh, 65 Wash. 490, 118 Pac. 635 (1911) and includes Ghione v. State, 26 Wn2d 635, 175 P2d 955 (1946) (navigable river), State v. Sturtevant, 76 Wash. 158, 135 Pac. 1035 (1946) (lakes), and Mood v. Banchero, 410 P2d 776 (1966) (lakes),and gave the accretions to the abutting land owner.

On the other hand, with respect to tidelands the Supreme Court of Washington has held to a fixed boundary theory, thereby claiming for the State of Washington all accretions to uplands abutting on salt waters occurring after November 11, 1889. Thus in Eisenbach v. Hatfield, 2 Wash. 236, 26 Pac. 539 (1891) the Supreme Court reasoned that by virtue of Article XVII, Section 1, the owner of upland bordering on the tidelands did not have riparian rights to accretions formed after the admission of Washington to Statehood. A Federal decision, United States v. State of Washington, 294 F2d 830 (9th Cir. 1961) refused to follow the Eisenbach case involving accretions to Indian lands held by the United States under a trust patent.

In a quite recent case, Huges v. State, 410 P2d 20 (January 20, 1966) the Washington Supreme Court applied the fixed boundary theory to accretions formed after November 11, 1889. Here the lands had been patented by the United States to the plaintiff's predecessor in title prior to the time Washington was admitted to Statehood.

The case was appealed to the United States Supreme Court which reversed the State Court (December 11, 1966) and applied the shifting boundary theory thus holding that the common law doctrine of riparian rights was applicable to lands patented before statehood. Although the basis of the decision is not altogether clear it seems fair to conclude that the Supreme Court of Washington will apply the common law, shifting boundary doctrine, to future cases involving the law of accretion to tidelands.

Why off-shore tidal lands to the distance of one marine league were not included in this assertion of State ownership remains unanswered. In Article XXIV, the western boundary of the State was placed at "one marine league off shore". Perhaps this was thought of as a sufficient claim of ownership which it appears to be under the Submerged Land Act of 1953 (43 U.S.C.A. Section 1301 et al).

The distinction between tidelands and shorelands and whether they shall be classified as those of the first or of the second class respectively, is made in RCW 79.01.020 through 79.01.032.

Tidelands are associated with tidal waters while shorelands are found in non-tidal fresh waters. In both instances, the lands are the property of the State of Washington. "First class tidelands" are those lying within or in front of the corporate limits of any city or within two miles thereof on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.01.020). "First class shorelands" are public lands of the State bordering on the shores of non-tidal navigable rivers or lakes between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side (RCW 79.01.028).

"Second Class Tidelands" refers to those public lands of the State over which the tide ebbs and flows outside of and more than two miles from the corporate limits of any city, from the line of ordinary high tide to the line of extreme low tide (RCW 79.01.024).

"Second Class Shorelands" contemplate those public lands belonging to the State bordering on shores of navigable streams and lakes not subject to tidal flow, between the line of ordinary high water and the line of navigability and more than two miles from the corporate limits of any city (RCW

79.01.032).

The Constitution further provides that the State shall never sell or lease any right in the tidal lands lying beyond the outer harbor lines. Those lands lying within any harbor area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce. (See also RCW 79.16.180).

All other tide and shorelands are subject to sale or lease (RCW 79.01.084) unless reserved for highways, recreational areas or other public uses (Chapter 120, Laws of 1967). In this connection, public lands of Washington include tidelands, shorelands and harbor areas as well as State lands. State lands are those public lands which are held in trust for specific purposes, i.e., lands used for common schools and higher education, among others (RCW 79.01.004).

The Board of State Land Commissioners was composed of the Secretary of State, the State Treasurer, the Attorney General, the Superintendent of Public Instruction, and the Commissioner of Public Lands, who acts as the Chairman of the Board and its chief administrative officer. The Board also acted as the Harbor Line Commission provided for in Section 1 of Article XV of the State Constitution. It also acted as the Board of Appraisers under Section 2 of Article XVI. The Board had the general supervision and control over the sale or leasing of land granted to the State for educational purposes (RCW 79.01).

The State Land Commissioner is charged with making and keeping in his office a full and completed abstract of all State lands, tidelands, shorelands, harbor areas and beds of navigable waters owned by the State (RCW 79.01.436).

The Board of State Land Commissioners was abolished by Chapter 38, Section 7 of the Laws of 1957; and its powers, duties and functions were transferred to the Department of Natural Resources (RCW 43.30.070).

The Act also provided for the creation of a Board of Natural Resources composed of the Governor, the Superintendent of Public Instruction, the Commissioner of Public Lands; the Dean, College of Forestry, University of Washington; and the Director of the Institute of Agricultural Sciences, Washington State University (Chapter 38, Section 4, Laws of 1957, RCW 43.30.040). The Board of Natural Resources is authorized to exercise the powers of the Commission on Harbor Lines and all the powers, duties and functions formerly exercised by the State Board of Land Commissioners (Chapter 8, Laws of 1965, RCW 43.30.150).

Provision was made for the acquisition of right of ways for roads, streets, and utilities over State tide or shorelands by any county, city, state agency or the United States (RCW 79.01.340).

The 1963 Legislature (Chapter 20) provided for the assessment of all State lands whether held in trust or otherwise for its proportionate share of the cost of any improvement specially benefiting such lands, by the proper taxing authorities of the district within which the land is situated (RCW 79.44.010).

The Department of Natural Resources is authorized to acquire lands to be used as access roads to State lands whenever needed. In addition, it may construct, acquire or grant access rights for or over State-owned lands (RCW 79.38.020).

DISCLAIMER OF CERTAIN LANDS

In Article XVII, Section 2, the State of Washington disclaimed all title or ownership in or to all tide, swamp or overflowed lands patented by the United States during territorial days provided such patents are not impeached for fraud.

Section 2 of Article XVII is repetitious of the proviso in Section 1. Each is based on the same reasoning that the authority of the United States over its property under Article IV of the Federal Constitution is supreme. Normally, the United States Government will not extend a patent to lands riparian to a navigable stream or lake beyond the ordinary high water line. However, a patent issued or qualified for during Territorial days will be held to convey title beyond the ordinary high water mark to the meander line if so surveyed (Mercer Island Beach Co. v. Pregh, 53 Wn2d 450,334 P. 2d 534 (1959)).

This appears to be a grant of State lands and contra to Article XVII, Section 1 of the Constitution unless it could be shown to be the intention of the Federal Government to convey such lands beyond the ordinary high water or tide lines.

Actually, the Washington Supreme Court recognized this argument in Glenn v. Wagner, 199 Wash. 160, 90 P.2d 734 (1939) and other cases when it laid down the rule that when a deed by the State conveying land bordering on a navigable stream was under consideration, it carried title only to the ordinary high water mark rather than to the meander line which had been established below the ordinary high water line. In essence, the meander line is not a

boundary line (Brace v. Hergert Mill Co. v. State, 49 Wash. 326, 95 Pac. 278 (1908)).

BOUNDARIES OF THE STATE OF WASHINGTON

Article XXIV, establishing the boundaries of the State of Washington in 1889, was amended by popular vote on November 4, 1958 to provide for their modification by appropriate interstate compacts approved by Congress. This provision has not been implemented to date. Hence, they remain as established in 1889.

There is one point of interest in the description of the State's boundaries to wit: the matter of the Constitution provides that the State's western boundary extend a distance of one marine league westward and parallel to the coastline. The Submerged Land Act of 1953 provides that the boundaries of those States bordering on the Pacific Ocean shall extend three geographical miles seaward from the coastline; or, if its historical boundaries as established by Constitution did in fact exceed three geographical miles, then it shall constitute the boundary. There is support for the belief that one marine league equals 3.45 statute miles. If this premise is correct, then the western boundary of the State of Washington extends 3.45 miles westward and parallel to the coastline.

COMPACT WITH THE UNITED STATES. DISCLAIMER OF TITLE TO PUBLIC OR INDIAN LANDS

The people of Washington in solemn compact with the United States declared that in adopting the Constitution of the State of Washington, they would forever disclaim all right, title or interest in the (1) unappropriated public lands lying within the boundaries of this State; (2) all lands lying within said limits owned or held by any Indian or Indian tribes. They also agreed that until title thereto had been extinguished by the United States, such lands should be and remain subject to the disposition of the United States; and said Indian lands should remain under the absolute jurisdiction and control of the Congress of the United States.

No study has been made of Indian claims of title to lands under various treaties with the United States and subsequent executive orders. Hence, no statement is made as to the extent of the unextinguished Indian title to lands and other natural resources in this State.

STATE CASES AND STATUTES

Reflecting the various and drastic differences in the climatic conditions of the various parts of the State, the Water Law of the State of Washington is based upon the California or "Dual" system of water rights. This system represents an honest effort by the courts and legislature to adapt the principles of the Riparian and Appropriation doctrines to fit the local needs of the particular States involved.

While both doctrines relate to unsufructuary rights as distinguished from the ownership of the corpus of the water itself, the two doctrines represent vastly different approaches as to how the distribution of our public waters should be made.

The doctrine of riparian rights is based upon ownership of land contiguous to a natural stream or lake. Such rights only attach to lands abutting upon the waters of a non-navigable stream or lake. As between riparians, no right of priority to make a diversion exists as the right of riparians are equal. The extent of a riparian's right to use water is based upon its reasonableness. That is, under the Washington variation, a riparian may make maximum use of waters subject to the limitation that his use cannot unreasonably interfere with similar uses by others. The use must be reasonable in relation to the needs of others.

The distinguishing feature of the prior appropriation doctrine, rather than being based on the land to water proximity element of riparianism, is related to a time element. Consequently, he who is "first in time is first in right", i.e., he who first appropriates water to a beneficial use acquires the paramount right. Under this doctrine, no distinction is made between use on riparian and non-riparian lands. A prior appropriation has a right to exclusive use of water free from all interference, subject only to the limitation that no waters can be withdrawn which cannot be put to a beneficial use.

As pointed out, these conflicting water rights doctrines have existed since the beginning of the State's history. In claiming unsufructuary rights to water in Washington, a water user must reply on one

of the various methods of establishing rights under the prior appropriation doctrine or the riparia doctrine. The only apparent exception thereto relates to claims based on rights held as a successor in title to rights reserved for Indians by the Federal Government and their successors in interest and to certain rights reserved by the Federal Government when it withdrew lands from the Public Domain for particular Federal purposes.

At present the permit system is the only method under state law for establishing a right to divert either public surface or ground waters. This mandatory permit is an evolution in the prior appropriation doctrine. It requires that, before the waters of this State may be put to a beneficial use, permission for such intended use must be first obtained from the Director of Water Resources.

Even at this late date, the conflicting policies of the two doctrines have not been resolved. The lack of guidance from the courts and the Legislature as to how to integrate these opposing doctrines has given rise to a most difficult regulation problem. While the Legislature has provided a special statutory procedure (RCW 90.03.110) whereby water rights on a specific water source may be adjudicated one as against another, for various reasons most of the State's waters have not been adjudicated.

RECENT DEVELOPMENT IN THE LAW OF WATER RESOURCES

WATER POLLUTION CONTROL ACT OF 1967

The Water Pollution Control Act of 1967, Chapter 13, Laws of 1967 broadened the scope and effectiveness of the Acts of 1945 and all subsequent legislation on this subject. The Act is administered by a Water Pollution Control Commission whose membership consists of the Directors of the Department of Water Resources, Fisheries, Game, Health, and Agriculture.

The Commission was authorized to make whatever regulations it deemed necessary to carry out the provisions of the Act. It was empowered to enjoin violations of the Act. Its effectiveness was enhanced by the Legislature when it was given the power to *subpoena, administer oaths and take testimony*. Failure to comply with these provisions was made punishable by the Superior Court. It may issue orders or directives which are effective until stayed or rescinded by the Commission or the Superior Court.

Any city, town or municipal corporation was authorized to issue permits to discharge waste into their sewage systems under the direction and supervision of the Commission. The Commission itself may authorize such permits for the use of public waters of the State for waste disposal. Such permits are revocable for cause at any time by the Commission.

The Act authorized the Commission to prepare and adopt a comprehensive water control and abatement plan for any river basin within the State and enforce compliance therewith.

DEPARTMENT OF WATER RESOURCES

A new Department of Water Resources was created by abolishing the Department of Conservation and transferring its duties and responsibilities to the Department of Water Resources (Chapter 242, Laws of 1967). The history of this consolidation is given on page 1-13 of this appendix.

REGISTRATION OR RELINQUISHMENT OF WATER RIGHTS– ADVERSE POSSESSION OF WATER RIGHTS ABOLISHED

Many of the conflicts which arise in the *control, management and inventorying* of water rights under the riparian and appropriation doctrines are in the process of being resolved. The Washington Legislature moved forward in this direction when it enacted Senate Bill 175, now known as Chapter 233, Laws of 1967.

The Act provides that all beneficial users of ground or surface water without permits must file a Statement of Claim with the Director of Water Resources on or before July 1, 1972. The Statement must identify the water right claimed by quantity, location of diversion, place of use and date of first diversion. The filing of the Statement of Claim is not of itself an adjudication of the water right.

Only those persons who have obtained their water rights under the statutory permit system set

out in the Washington Revised Code for surface, ground or storage waters are excepted from the operation of the Act. All others including the State of Washington and the United States of America are specifically included under the statute.

Failure to comply with the Act will work a waiver and relinquishment of the water right to the State of Washington where it will become again available for appropriation under the Code. The publication of notice required by the Act appears sufficient to avoid hardship or any misunderstanding as to the intent and coverage of the legislation.

The Legislature in Section 12 of the Act reaffirmed the rule that no right to withdraw or divert the waters of this State shall accrue to any riparian unless such person shall have complied with the provisions of law applicable to the appropriation of water. In effect, the Washington Legislature has enacted a mandatory permit system thus bringing its water code into accord with the great majority of western states.

Chapter 233, Laws of 1967 also authorizes the Supervisor (now Director) of Water Resources to declare a water right relinquished upon due notice to and hearing of the interested parties.

The Director may also invoke the provisions of the Act when any person abandons his water right or voluntarily fails, without sufficient cause, to beneficially use all or any part of the water thereof, for a period of five years after the effective date of the Act. The effect of the Director's order terminating such water right is to cause the water affected thereby to revert to the State where it again becomes subject to appropriation under the permit system. Appeal to the Superior Court by the aggrieved parties is provided for.

At Section 20 of the Act, the acquisition of water rights by adverse posession or prescription is prohibited. This action is necessary to maintain a public record and inventory of the ownership of all outstanding water rights. The State of Utah has a similar provision.

With the Registry of Claim Statements plus the records of all permits and certificates outstanding, a rather accurate inventory of the quantity of water being put to beneficial uses in Washington may be obtained. There remains the necessity of making a physical inventory of the water resources of the State. With the aid of the two inventories, the physical less the inventory of the amount already appropriated from the water sources of the State should give a fair indication of the amount of water available for appropriation.

To make this Act function as intended each agency—Federal, State and local—as well as individuals, should cooperate by making application for a water permit to the Department of Water Resources under the laws of the State of Washington.

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

The Washington Legislature in 1967 amended Chapter 5, Laws of 1965, to enlarge the scope of the activities of the Interagency Committee for Outdoor Recreation. The Interagency Committee was authorized to prepare, maintain and keep up-to-date a comprehensive plan for the outdoor recreation resources of the State subject to the authority and responsibility of the State planning agency.

Chapter 62, Extraordinary Session, Laws of 1967, further authorized the Interagency Committee to apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any Federal program respecting outdoor recreation not specifically designated for another fund or agency. The Committee was also authorized to enter into such contracts and render such accounts and reports as are reasonably required by the United States to participate in such activities. When requested by a State agency or public body, the Committee may enter into and administer agreements with the United States or any appropriate agency, thereof, for planning, acquisition and development of projects involving participating Federal aid funds on behalf of any State agency, public body or subdivision of this State.

The State Act is in response to the Federal Land and Water Conservation Fund Act of 1965, 16 U.S.C.A., 460 L-4 to 460 L-11, implemented by Executive Order number 11,200 dated February 26, 1965, 30 F.R. 2645, and provides for the establishment of an outdoor recreation account in anticipation of any gifts, bequests, or availability of Federal funds.

SEASHORE CONSERVATION AREA

The 1967 Legislature also created a seashore conservation area along the Pacific coastline from Cape Disappointment at the mouth of the Columbia River to the Straits of Juan de Fuca, omitting all

Indian Reservations. The reserved area includes the land between the present line of ordinary high tide and the line of extreme low tide. These coastal beaches are reserved for all forms of outdoor recreation under the jurisdiction of the State Parks and Recreation Commission (Chapter 120, Laws of 1967).

TIDELANDS

The Parks and Recreation Commission has been chosen by the Legislature (Chapter 96 Extraordinary Session, Laws of 1967) to exercise all the powers, functions and duties heretofore exercised by the Department of Fisheries or its Director with respect to the management, control and operation of certain tidelands within the State of Washington. This Act should be read in conjunction with Chapter 120, Laws of 1967. Chapter 96 specifically refers to Tolandos Peninsula, Shine, Mud Bay, Lopez Island, Spencer Spit, and Lilliwaup tidelands.

PRESERVATION OF HISTORIC SITES

The Parks and Recreation Commission was chosen by the Legislature to identify and preserve the historic sites in the State, to prepare the study, and to serve as liaison with the National Parks Service for the implementation of the Federal Historic Sites Program and to use grants thereunder. An advisory council of eleven members was also created to advise the Governor and the Director of Parks and Recreation on matters relating to preservation of historic values. (Chapter 19, Extraordinary Session, Laws 1967).

SCENIC RECREATION HIGHWAYS

The Parks and Recreation Commission and the State Department of Highways have been chosen by the Legislature to preserve and implement a system of scenic recreation highways within the State of Washington. (Chapter 55, Extraordinary Session, Laws of 1967).

TRADE OF LANDS

The State Legislature has authorized the State Department of Natural Resources to grant, trade, or reserve the use of State lands for recreational purposes to cities, towns and the Parks and Recreation Commission. The use of State lands for public parks by the Commission shall be on a rent-free basis. (RCW 79.08).

OPERATION OF STATE PARKS AND PARKWAYS

The State Parks and Recreation Commission is also charged with the operation and supervision of State parks and parkways. It determines rules and regulations for the use of State parks (RCW 43.51.040).

PRIMITIVE OUTDOOR RECREATION FACILITIES

In Chapter 64, Extraordinary Session, Laws of 1967, the Legislature authorized the Department of Natural Resources to construct, operate and maintain primitive outdoor recreation facilities after review with the Inter-Agency Committee on Outdoor Recreation. The Department may also acquire or trade lands, provide access roads, and receive Federal funds in the development of recreational areas.

The Legislature liberalized the lease and sale of public lands by enacting Chapter 78, Extraordinary Session, Laws of 1967, in many particulars. The Act provides for the leasing of State lands from the Department of Natural Resources for the extraction of oil, gas and other minerals. It provides for the sale of land to be reclaimed for irrigation.

PROPOSED BOND ISSUES FOR OUTDOOR RECREATION AREAS

In Chapter 126, Extraordinary Session, Laws of 1967, the Legislature authorized general obligation bonds to the sum of $40,000,000 to secure and develop outdoor recreational areas and facilities in this State. This Act is subject to adoption or rejection by the people of the State at a general election to be held in November 1968.

SAN JUAN NATIONAL HISTORIC PARK

The State of Washington donated 120 acres of land to the United States for the use of the United States in creating the San Juan National Historic Park (Chapter 94, Laws of 1967).

PLANNING AND COMMUNITY AFFAIRS AGENCY

A Planning and Community Affairs Agency was created by Chapter 74, Laws of 1967 for the purposes of State planning, aiding in providing financial and technical assistance to the communities of the State and to otherwise assist in such community planning and development as is required to promote the health and living standards and welfare of the people of the State. The responsibilities of the Agency for Planning include the preparation of a comprehensive State plan setting forth the State's long range intent in developmental policy, the programming of its facilities and services, and for guidance of private activities and public programs at all levels of government.

The primary function of the Agency appears to be centered in assisting planners at all levels of government to plan in a coordinated and comprehensive manner in the best interest of the State of Washington.

CLEAN AIR ACT

Chapter 238 of the Laws of 1967, provided the State of Washington with a comprehensive Clean Air Act under the supervision of the Department of Health. The Act of 1967 was in fact an amendment to and an improvement over the original Air Pollution Act of 1957.

The Act provides for an Air Pollution Control Board whose membership of nine is broadly scattered throughout the State, thus assuring a broad area of representation. The State Director of Health shall be an ex-officio member with vote and shall act as chairman of the State board. The Governor is authorized to appoint one member from the public; one member to be alternately appointed from the faculty of the University of Washington or Washington State University with the advice of the president thereof. Another member shall be appointed as representative of labor; another member shall be the mayor or a member of the governing body or other official of an incorporated city or town. Another member shall be a member of the Board of County Commissioners; another to represent agriculture. Two members are to represent the industries most concerned with air pollution in the State.

The Act provides for the division of the State into five areas, each with its regional air pollution control authorities. This should provide flexibility and the adaptation of the Act to the specific needs of each area. Each regional authority is authorized to prepare and develop a comprehensive plan for the prevention, abatement and control of air pollution within its jurisdiction. The Air Commission, as well as the various regional authorities, is empowered to compel attendance of witnesses, administer oaths, take testimony and issue orders to implement its findings.

OCEANOGRAPHIC COMMISSION

The Oceanographic Commission was created by Chapter 243, Laws of 1967, to consist of twelve members to be selected as follows: Five to be appointed by the Governor from the public at large, at least one of whom shall be a representative of higher education, one a representative of private industry, and one a representative of labor. The President of the Senate shall appoint three members from the State Senate no more than two of whom shall be members of the same political party; and, the Speaker of the House shall appoint three members of the House of Representatives, no more than two of whom shall be members of the same political party. The Chairman of the State Marine Resources and Development Committee shall be an ex-officio member without a vote.

The Commission was given the following powers, duties and functions:

(1) Encourage, assist, develop and maintain a coordinated program in oceanography for the benefit of the citizens of the state and the nation;

(2) Encourage private industrial enterprise to utilize the Puget Sound area as a base for oceanographic work;

(3) Promote national interest in Puget Sound as a base for national oceanographic programs;

(4) Assist in developing educational programs to provide the professional and technical graduates required by oceanographic expansion in the area;

(5) Undertake projects designed to inform the citizenry of the importance of oceanography to the development of the area;

(6) Assist in the study of problems of waterfront development, pollution, and parks and recreation areas for public use;

(7) Accept funds, gifts, bequests, and devises from any lawful source given or made available for

the purposes of this act, including but not limited to grants of funds made with or without a matching requirement by the Federal Government;

(8) Encourage, supplement and assist the development of programs under the National Sea Grant college and Program Act of 1966 by the University of Washington and other participating educational institution of the State and region. The programs and mission of the Commission and its institute are not to be in duplication of the existing program of the State in oceanographic research, training or public service, or of the program developed under the National Sea Grant College and Program Act of 1966.

(9) Make annual reports to the Washington State Legislature, or to the appropriate interim committee thereof, all activities undertaken in connection with the power, duties and functions assigned in this section together with any recommendations for new Legislation designed to accomplish the purposes of this act.

(10) Delegate in its discretion and to the extent permitted by the State Constitution, any of the powers and duties set forth in subsections (1) through (8) to the Oceanographic Institute of Washington formed pursuant to section 5 of this act.

Section 5 of the Act provides that to facilitate the exercise of its powers, duties, and functions, the members of the Commission are empowered to form a non-profit corporation of which the members of the Commission shall be members and trustees as long as they are members of the Commission. Any non-profit corporation so formed should be known and designated as the Ocenographic Institute of Washington. The Institute shall, subject to the advice and consent of the Commission, coordinate, promote and carry out such policies for oceanographic programs and development as may be formulated by the Commission.

JOINT COMMITTEE ON NUCLEAR ENERGY

Chapter 113 Extraordinary Session, Laws of 1967, provides for the creation of a Joint Committee on Nuclear Energy whose membership is determined as follows: four members from the Senate and four from the House of Representatives—two from each major political party. The committee is authorized to make continuing studies of the problems relating to the development, use and control of nuclear energy for peaceful purposes. Liaison is to be maintained with the Governor's Advisory Council on Nuclear Energy and Radiation, as well as with the State Office of Nuclear Energy Development, whose duties are set out under State Administrative Agencies in this Study. It may work with any other public or private organization or individuals interested in the development of nuclear energy.

ADMINISTRATIVE RULES AND PROCEDURES ACT

The 1967 Legislature provided in Chapter 237 for a new and modern Administrative Rules and Procedures Act. This Act should give uniformity and direction to the various agencies in the implementation of their regulations and orders.

COUNTY AND LOCAL GOVERNMENT

The many problems of county, city, and local units of Government were not neglected by the 1967 Legislature.

Sewage and General Water Distribution

Provision was made for the construction of sewage and general water distribution systems by the counties (Chapter 72, Laws of 1967). This Act was designed to serve those people who live outside of organized villages, towns and cities. The county was authorized to make a comprehensive plan for sewage disposal and the supplying of water to all areas in the county. Such plans must be first approved by the state Departments of Health and Water Resources, as well as the Water Pollution Control Commission. This Act does not seem to impinge upon the rights and powers of water districts authorized to be established within the several counties of the State (RCW 57.04.020). Such water districts are also empowered to make comprehensive plans for and construct and finance water and sewage facilities.

Recreation Districts

Counties may also provide recreation districts including swimming pools, play grounds and other sources of outdoor activity (Chapter 63, Laws of 1967). Cities and towns may also participate in the recreational program.

Creation of Community Municipal Corporations.

Due to the growth of suburban areas and lack

of direct governmental supervision, Chapter 73 of the Laws of 1967 provided for the creation of community municipal corporations with a life of four years which may be extended upon vote of the people. This Act was designed to consolidate service areas, provide land use controls, and assure the financing of various governmental activities, particularly upon consolidation into a community.

Powers of Metropolitan Municipal Corporations Enhanced.

The powers and abilities of metropolitan municipal corporations to plan and operate metropolitan sewage disposal, water supply, garbage disposal or a public transportation system was enhanced by Chapter 105, Laws of 1967. Such corporations may issue both general and revenue bonds to finance their operations.

Boundary and Review Boards.

In this same area, Chapter 189, Laws of 1967, provided for the creation of Boundary and Review Boards which are authorized to guide and control the creation and growth of municipalities.

Miscellaneous.

All of these acts with respect to cities, counties, and towns appear to represent an earnest effort to control and direct their future growth along lines that are not inmical to the health and welfare of the people of this State.

The national trend toward the consolidation of the city and county governments was recognized by the people of this State when they adopted Amendment 23 to the Washington State Constitution. To date no city and county has taken advantage of the Amendment. This type of government appears to be quite successful in San Francisco, Los Angeles, and Denver, Colorado, among other areas having adopted it.

PUBLIC UTILITY DISTRICTS

Public utility districts in the nature of a municipal corporation may be established in the State of Washington (RCW 54.04.020) upon petition of at least 10% of the qualified electors in the proposed district and with the approval of a majority of those voting upon the question in a general election (RCW 54.08.010) or at a special election called by the Board of County Commissioners at the request of the petitioners if they so desire (RCW 54.08.060).

Public utility districts are governed by a Board of Commissioners with extensive powers to plan, finance, and operate hydroelectric and water supply systems (RCW 54.12.010). Its principal powers are as follows:

Planning

The Board of Commissioners is invested with the powers of a Regional Planning Commission under Section 36.70.060 et. seq. of the Revised Code of Washington (54.04.120).

Surveys and Plans

A district may make a survey of hydroelectric powers, irrigation, and domestic water supply resources within or without the district in order to make plans for the most economic servicing of such area by the district.

Acquisition of Property, Rights, and Eminent Domain

The district may construct or acquire by purchase, lease, or eminent domain proceedings all property, water, water rights, lands, franchises, plants and transporting systems necessary for generating electric energy by water power, steam, or other methods (RCW 54.16.020), and all plants, plant facilities and systems for developing, conserving and distributing water for domestic use and irrigation (RCW 54.16.020).

Water and Irrigation Works

Water and irrigation works may be constructed, purchased, condemned and purchased, maintained and operated within or without the district for the purpose fo furnishing an ample supply of water for all purposes, whether public or private, including water power, domestic use, and irrigation to all persons and corporations, public or private, within or without the district, with full and exclusive authority to sell, regulate, and control the use, distribution, and price thereof (RCW 54.16.030).

Electric Energy

A district may, within or without its district, purchase electric current for sale or distribution, or

purchase, or condemn and purchase, or otherwise acquire, construct and maintain plants and facilities for generating power by water, stream or other methods for the purpose of furnishing electric current to all persons, including private and public corporations, for all uses with full and exclusive authority to sell and regulate the use, distribution, rates, service and price thereof, free from the jurisdiction and control of the public service commission. It may not supply water to a private utility for the production of electric energy (RCW 54.16.040).

Water Rights

Because of the breadth of powers over water rights of both surface and ground waters which the Legislature delegated to the public utility districts under Section 54.16.050, the statute is quoted in full:

> "A district may take, condemn and purchase, purchase and acquire any public and private property, franchises and property rights including State, county and school lands, and property and littoral and water rights, for any of the purposes aforesaid, and for railroads, tunnels, pipe lines, aqueducts, transmission lines, and all other facilities necessary or convenient, and, in connection with the construction, maintenance, or operation of any such utilities, may acquire by purchase or condemnation and purchase the right to divert, take, retain, and impound and use water from or in any lake or watercourse, public or private, navigable or non-navigable, or held, owned, or used by the State, or any subdivision thereof, or by any person for any public or private use, or any underflowing water within the State; and the district may erect, within or without its limits, dams or other works across any river or watercourse, or across or at the outlet of any lake, up to and above high water mark; and, for the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing, retaining, and distributing water, or for any other purpose authorized hereunder, the district may occupy and use the beds and shores up to the high water mark of any such lake, river, or watercourse, and acquire by purchase or by condemnation and purchase, or otherwise, any water, water rights, easements, or privileges named herein or necessary for any of such purposes, and a district may acquire by purchase, or condemnation and purchase, or otherwise, any lands, property, or privileges necessary to protect the water supply of the district from pollution: Provided, That should private property be necessary for any of its purposes, or for storing water above high water mark, the district may condemn and purchase, or purchase and acquire such private property."

Intertie Lines

A district may make and maintain interties connecting its power plants and distribution system with those of other public utility districts and municipalities. The Legislature also granted the district an easement along all public ways and streets upon which to install its transmission system and to acquire by condemnation proceedings whatever land that is required to implement the distribution of electric current. (RCW 54.16.060).

Borrow Money—Contract Debts—Issue Bonds

A district may contract indebtedness for corporate purposes upon its credit or upon the revenue of its public utilities. Thus it may issue general or revenue obligation bonds which are not to be sold for less than par and accrued interest. The district may also issue and sell local utility district bonds which are secured by assessments levied against the property benefited by the improvements (RCW 54.16.070). Such powers exceed those of the State to finance and make improvements in the public interest.

Levy and Collect Taxes

The power to levy and collect taxes against property situated within the district has been vested in public utility districts. The tax may not exceed two mills in any one year. Warrants in anticipation of tax receipts for any one year may be issued by the Board. (RCW 54.16.080).

Contractual Abilities

A district may make contracts with the United States, or any state, municipality, or other utility

district for carrying out any of the powers authorized by statute.

It may also acquire by gift, devise, bequest, or purchase real and personal property which the district deems necessary or convenient for carrying out its purposes or those of any local district therein.

The district is given the general power to employ all personnel necessary, print and publish information and do all other things necessary to carry out the purposes of this Act.

Other powers and duties of public utility districts are set forth in the Revised Code of Washington.

PORT DISTRICTS

Port Districts were first authorized in Washington by Chapter 92, Laws of 1911, to acquire, construct, operate, develop and regulate a system of harbor improvements together with rail and water transfer and terminal facilities within the several counties of the State (RCW 53.04.010). The 1911 Act was amended in 1965 to include air transfer and terminal facilities and other commercial transportation, storage, terminal and industrial facilities (RCW 53.04.010). In areas which lack appropriate bodies of water to occasion harbor improvements, port districts with the same general powers may be established (RCW 53.04.015).

Such districts may be formed by the Board of County Commissioners upon a petition signed by 10% of the qualified voters in the proposed district and approved by a majority of the voters voting upon the question at a general or special election called for that purpose (RCW 53.04.020; 53.04.060).

The powers of a port district are broad and comprehensive. Its principal powers may be summarized briefly as follows:

Construct or Acquire Property

The power to construct or acquire by purchase, condemnation proceedings, or other lawful means property, buildings, sea walls, piers, docks, or other facilities necessary for the purposes of its organization including the transportation of freight as well as passengers by rail, water and air is authorized by RCW 53.08.020.

Local Improvement Districts

The port district may create local improvement districts, levy special assessments according to benefits and make improvements of and on both navigable and non-navigable waters within the district and regulate and control their use (RCW 53.08.050).

Lease Property

A port district may lease its property secured by proper performance bond from all persons except Federal and State agencies (RCW 53.08.080).

Sell Property

A district has the power to sell all property no longer necessary to its operations (RCW 53.08.090).

Improvement of Water and Waterways

A district may improve navigable and non-navigable waters of the United States and the State of Washington within the district (RCW 53.08.060).

Construction

Special mention is made of the authority of port districts to construct, operate and charge for the use of toll bridges, tunnels and highway approaches with the consent of the State Highway Commission (RCW 53.34.010).

Government and Finance

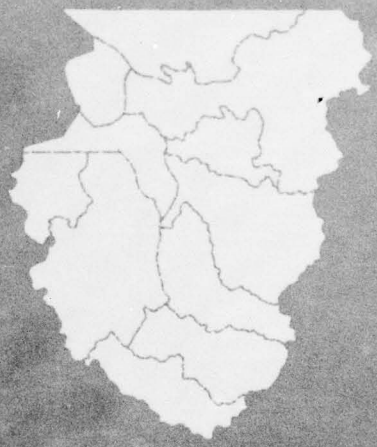
Port districts are governed by a Board of Port Commissioners consisting of three members elected by the voters of the district (RCW 53.12.010). The powers and duties of a port district are exercised by formal action of the Board of Commissioners (RCW 53.12.245).

A port district may finance its operations by the levy and assessment of a limited property tax (RCW 53.36.020). The main source of income however lies in the Port Commission's authority to issue revenue bonds (RCW 53.40.010). This is not to discount the Commission's power to borrow money on the general credit of the Port district and to issue general obligation bonds for its repayment, all under statutory limitations (RCW 53.36.030).

MISCELLANEOUS DISTRICTS

Other special purpose districts are provided for in the Washington Code and include reclamation districts (RCW 89.30.793), irrigation districts (87.03.015), water conservation districts (89.08.005), among others, all of whom are mentioned in some detail in Part 3, Special Districts.

Part Five
Federal Departments and Agencies



PART FIVE — FEDERAL DEPARTMENTS AND AGENCIES

U. S. DEPARTMENT OF AGRICULTURE ECONOMIC RESEARCH SERVICE

ORIGIN AND BACKGROUND

The Economic Research Service has conducted research and investigations in natural resources for many years. Current economic investigations in land and water resource development is part of the continuing program and responsibility of this Service. Authority for surveys in river basins and watersheds is contained in Section 6, PL 566, 1954, as amended.

The Economic Research Service has seven divisions. Two divisions are oriented to foreign analysis, development, and trade. The other divisions are Marketing Economics, Farm Production Economics, Economic Development, Economic and Statistical Analysis, and Natural Resource Economics. All of these divisions have both Washington and field staffs. They are concerned with research and investigations of problems related to agriculture at the national, regional and local levels. A highly important program at the national level is projection of the demand for agricultural and forestry goods and services that is being done for the Water Resources Council for use in Type I and Type II regional studies.

PURPOSE AND GENERAL RESPONSIBILITY

Active participation in Type II studies and other river basin investigations is by personnel of the Natural Resource Economics Division. The charter of the Division reads as follows:

> "Administers national and regional programs of research, planning, and technical consultation and services on economic and institutional factors and policy related to the use, conservation, development, management and control of natural resources, including extent, geographic distribution, productivity, quality, and the contribution of natural resources to regional and national economic activity and growth; resource requirements, development potentials, and resource investment economics; ownership and tenure rights; national, interstate, and local resource organizations; impact of technological and economic change on the utilization of natural resources; resource income distribution and valuation; recreational use of resources and the economics of man's use and management of his environment."

POLICY

The Economic Research Service participates in departmental and interagency efforts to formulate policies, plans and programs for the use, preservation, and development of natural resources.

ORGANIZATION AND PROGRAMS

The Economic Research Service is one of three agencies in the Department of Agriculture responsible for meeting the obligations of the Department of Agriculture under the Comprehensive River Basin Planning Program of the Federal Water Resources Council. Within this program, ERS is conducting investigations in the Puget Sound Area of economic aspects of agricultural and forestry industries and closely related processing and service industries. Economic projections of these industries and related needs for water and land are carried out within the general framework and guides of Senate Document 97 and the Water Resources Planning Act of 1965.

U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

ORIGIN AND BACKGROUND

The Forest Service was organized under the Department of Agriculture by the Act of February 1, 1905.

The original charge to the Forest Service was taken from several existing pieces of legislation which, basically, charged the Service with the responsibility for promoting the conservation and best use of the Nation's forest lands. This involved improvements to land and resources; protection from fire, insects and disease; management of the resources for orderly and continuous service, and for the maintenance of stable economic conditions in dependent communities. The most important of these Acts, with relation to watershed management, was the Organic Act of 1897. This Act, in providing for the management of the National Forests, states that one of the objectives is for the purpose of securing favorable conditions of waterflows.

A number of other Federal laws developed during the period 1900-1960 relate to National Forest watershed management. The application of these resulted in the twin conservation policies of multiple use and sustained yield. Congress, in 1960, gave legislative confirmation to these two guiding principles by passage of the Multiple-Use-Sustained Yield Act, which directs that the National Forests be developed and administered for their several basic products and services, i.e., outdoor recreation, range, timber, watershed, wildlife, and fish. The Act of 1960 further states, "the Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the National Forests for multiple use and sustained yield of the several products and services obtained therefrom."

RESPONSIBILITY, ORGANIZATION AND PROGRAMS

The Forest Service is responsible for applying sound conservation and utilization practices to the natural resources of the National Forests and National Grasslands. It also has the responsibility of promoting scientific forest management practices among all forest land owners through example, cooperation, research and the dissemination of information.

Work of the Forest Service includes three major activities:

1. Management of the National Forests and National Grasslands;
2. Forestry research;
3. Cooperation with State and private forest owners.

Perhaps the best known is the administration of the Federally-owned lands that make up the National Forest System. More than half of the total streamflow of the Puget Sound Area originates from 2,700,000 acres of forest lands contained within the four National Forests in the Puget Sound Area. Each National Forest is supervised by a Forest Supervisor who is responsible to the Regional Forester of the Pacific Northwest Region, with headquarters in Portland, Oregon. The National Forests are subdivided into management units commonly designated as Ranger Districts, each of which is administered by a Forest Ranger who answers to the Forest Supervisor. The Forest Service line organization from the Chief to Regional Forester and down through Forest Supervisor to Forest Ranger includes functional staffing according to job loads and complexities. The Forest Service follows a policy of decentralization to the lowest practical level to obtain effective on-the-ground use and management of forest lands.

The Pacific Northwest Forest and Range Experiment Station, Portland, Oregon, provides leadership and the scientists to carry out the Forest Service research program in the various subregions of the Columbia-North Pacific Region. These scientists study the establishment, improvement, growth and harvesting of timber; protection of forests from fire, insects, diseases, and animal pests; management of rangelands; improvement and management of wildlife habitat; forest recreation; protection and management of watersheds; efficient marketing and utilization of forest products; forest engineering; and forest economics. A continuing forest survey provides comprehensive information on the extent and condition of forest lands, the volume and quality of timber resources, trends in timber growth and harvest, and the outlook for future supplies and demands.

The Program of Cooperative State and Private Forestry, the third major activity of the Forest Service, is conducted as Federal-State cooperative

programs through the State Forester in each State. These programs include fire protection, detection and control of pest and disease, cooperative production of forest tree planting stock for reforestation and farm forestry projects, and Public Law 566 authorizes the Forest Service to participate with the Soil Conservation Service, State Foresters and others in small watershed projects and river basin studies.

PRIMARY WATERSHED MANAGEMENT OBJECTIVES

The purpose of watershed management is to make favorable the contribution of the soil and water resources to the multiple use and sustained yeild development and management of forest lands. In furtherance of this purpose, the following watershed management objectives are established.

1. Design and apply management practices on National Forest watersheds to improve the quality, quantity, and timing of water yield for onsite National Forest purposes and to meet the needs of downstream water uses.

2. Establish the right to use of a sufficient quantity of usable water to permit the long-term development of National Forest System resources, with due consideration for the needs of other water users.

3. Conduct National Forest activities in a manner to avoid pollution of return flows which would cause impairment for intended downstream water uses.

4. Manage waterhseds which are a direct source of domestic water supply in such a manner that raw water is yielded of sufficient high quality to permit use, after reasonable treatment for domestic purposes.

5. Harmonize water resource development projects with the development and management of related National Forest System lands to achieve compatible multi-purpose development.

6. Obtain and provide soil and hydrologic information needed for protection, development, and management of National Forest System lands in a manner which will preserve or improve the soil and water resources.

7. Rehabilitate damaged watersheds to restore soil stability, soil productivity, and proper hydrologic functioning of the watershed.

8. Improve hydrological conditions on non-Federal forest and rangelands through cooperative Federal-State and local action programs.

9. Through research develop methods and techniques for improving forest and related range watersheds.

POLICY

The following policies are established to achieve watershed management objectives consistent with multiple-use sustained yield principles.

1. A watershed management plan will be prepared for each National Forest watershed for which a comprehensive plan is not available.

2. Soil surveys will be made to the standards of and coordinated with the National Cooperative Soil Survey of the Soil Conservation Service.

3. Hydrologic analysis and water resource prescriptions will be prepared as the initial step in preparing comprehensive watershed plans.

4. A barometer watershed will be established in each hydrologic province to provide basic data on National Forest water resource yields, to evaluate land-use, water-yield interrelationships, and to determine the effect of applied water resource prescriptions on water yields.

5. National Forest water use requirements, quantity and quality, will be based on the projection of National Forest multiple-use plans. Planned National Forest water use will fully consider the needs of other water users in areas of water scarcity. Particular care will be given to provide for efficient utilization of water, and to make sure return flows are unimpaired for intended downstream uses.

6. Municipal water supply watersheds will be managed in accordance with a special management plan designed to yield high quality raw water.

7. The Forest Service will cooperate with other Federal and State agencies, other organizations, and individuals in water resource development on National Forest System lands.

8. Potential and existing soil and water problems will be considered in planning, management, and development of all National Forest System resources. The measures needed to adequately protect soil and water resources during the conduct of other activities will be taken. Existing or proposed uses and activities will be modified as specified in multiple use plans to meet watershed projection objectives.

9. Where soil or water resources have been damaged by fire or other factors, the damaged watersheds will be rehabilitated as promptly as funds permit.

10. The Forest Service will cooperate with Federal, State, and other local agencies and organizations, and with private landowners in other programs of mutual interest for water resource menagement, watershed protections and prevention.

ORGANIZATION AND PROGRAMS

National Forest System lands are the most important watershed lands under a single jurisdiction in the United States. They are of no less importance in the Puget Sound Area where some 2,700,000 acres–approximately 32% of the total land area under study–are under National Forest administration. More than half of the total stream flow of the Puget Sound region originates on these lands.

Forest land is important for water accumulation and subsurface storage, and as a source of water supply to fulfill economic and social needs. Forest management can favor the quantity, quality, and time distribution of the water flow, as well as fish habitat and streamside values.

Forest management is essential to good watershed management. There is need for careful planning of road construction and timber harvest operations so as to minimize any adverse influence on soil and watershed values. Watershed management objectives include production of water, control of erosion, and regulation of streamflow through coordinated management and use of forest land.

The four National Forests in the Puget Sound area are guided by the above principles of watershed management. The objectives are achieved through inclusion of coordinating measures in the overall forest management, as well as in functional plans and action programs.

The Forest Service is intimately involved in the ever-increasing emphasis on water resource management. Inventories of project needs and research for new and better techniques are integral parts of National Forest administration. Assistance in comprehensive resource studies will continue, one example being the study of which this statement is a part.

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

ORIGIN AND BACKGROUND

The Soil Conservation Service of the Department of Agriculture was created by the Conservation Act of 1935 (Public Law 46). This action followed a long history of land misuse and was culminated by the increasing public awareness of the magnitude and seriousness of soil erosion problems. On a national basis, many thousands of square miles of land and many hundreds of miles of river systems were affected. Typical problems involved the clogging and pollution of streams and water supplies, damage to property and crops, the filling of power sites and harbors and decimation of fish and wildlife.

Prior actions included the 1929 Congressional appropriations for soil conservation experiment stations at certain land grant colleges and by the establishment of the Soil Erosion Service in 1933.

The problems of soil conservation remain today and in many ways are becoming more complex, affecting not only valuable farm lands, but also affecting usefulness and productivity of streams and river systems. Accordingly, soil conservation and wise land management practices are now recognized as integral components of comprehensive planning for water and related land resource use and development.

PURPOSE AND GENERAL RESPONSIBILITY

The Soil Conservation Service is the agency of the Department of Agriculture which is responsible for developing and carrying out a national program of conserving land and water resources. The central objective is an integrated system of land use and conservation treatment in harmony with the capabilities and needs of the land. This is accomplished by unified planning that combines all of the technologies, considers all resources and recognizes all the human interests that apply to each area of land.

The Department of Agiculture and the Soil Conservation Service are responsible for programs of research and other assistance in matters relating to the physical, economic and social aspects of land management. These programs are intended for flexible application in various problem areas and include assistance in marketing, in financial and credit matters and in technology.

POLICY

The policies of the Service are to encourage the wise use and conservation of water and related land resources. These policies are activated by the provision of technical information, and by provision of planning and engineering services and financial assistance for application by responsible local districts.

The concept that the several land resources—soil, water, plants, and animals—cannot be effectively managed or used separately is fundamental. These resources are completely interdependent and hence, the land and its problems must be dealt with as a whole, acre by acre. People are recognized as the dominant factor in each local resource situation, and the resources of soil, water, plants, and wildlife are significant only as they provide for the needs of the people. Conservation planning begins with a realistic appraisal of the resources at any location, and the results of such planning are the major concern of the urban dweller as well as of the owner of the land.

ORGANIZATION AND PROGRAMS

The Soil Conservation Service channels most of its on-the-ground assistance to landowners through soil and water conservation districts. This assistance consists primarily of professional help in planning and applying practical conservation measures needed for each kind of land and operation.

Districts are organized under various State laws and are autonomous and governed by locally elected supervisors who serve without pay. Each district is responsible for soil and water conservation within its boundaries, much as a county is responsible for its roads or a school district for education.

Each soil and water conservation district enters into a memorandum of understanding with the Secretary of Agriculture and supplemental memorandums of understanding with departmental agencies such as the Soil Conservation Service, or with other public or private entities to carry out its purposes.

The Service goes through several steps in assisting land-owners to voluntarily solve their soil and water conservation problems: An inventory is made of the soil and water resources of the land, a plan and a schedule is made with the landowner for installing needed land treatment measures in accordance with the use and capability of the land and a plan of continuing maintenance is prepared. The result is known as a basic conservation plan and by this means, practical conservation measures have been applied to large areas of our land and water resources.

The Soil Conservation Service also administers the Watershed Protection and Flood Prevention Act (Public Law 566) for the Department of Agriculture. Under this authority, the Service provides planning, financial and credit assistance to groups of private land-owners who organize under State law to provide a variety of flood prevention works and resource developments that cannot be installed by individual initiative. The fundamental principles of such projects are: Local initiative and responsibility; Federal technical, financial and credit aid; and State review and approval of local proposals with wide-open opportunities for State financial and other assistance.

Financial assistance provided by the Service includes 100 percent of engineering costs, 100 percent of flood control, and up to 50 percent of the project costs for irrigation, drainage, fish and wildlife and recreation. Municipal and industrial water may be included as an integral part of a multiple-purpose watershed project. The cost of land rights and easements are a responsibility of local sponsors, except that Public Law 566 funds may be used to share up to 50 percent of the cost of land rights for public recreation or fish and wildlife developments in authorized multiple-purpose projects.

The State Department of Water Resources must approve applications by sponsors before the project receives planning authorization by the Service.

In addition the Soil Conservation Service has departmental leadership in the national cooperative soil survey, river basin surveys, the national inventory of soil and water conservation needs, resource conservation and development projects, cooperative snow serveys, and rural income-producing recreation activities.

The Service cooperates in other programs with various departmental and other Federal agencies and furnishes technical assistance through numerous national and State committees. These activities include, among others, technical assistance to the Agricultural Conservation Program, technical assistance to the Farmers Home administration, liaison with the Agricultural Research Service and radiological monitoring for agricultural land, livestock and farm commodities.

Principal legislative authorities under which the Soil Conservation Service operates are: The Soil Conservation Act (Public Law No. 46, 74th Congress, 1935); the Omnibus Flood Control Act (Public Law 738, 74th Congress, 1936); the Flood Control Act (Public Law 534; 78th Congress, 1944); the Watershed Protection and Flood Prevention Act (Public

Law 566, 83rd Congress, 1954) as amended; the Great Plains Conservation Program (Public Law 1021, 84th Congress, 1956) as amended; and the Resource Conservation and Development District Program (Public Law 87-703, 1962).

OTHER DEPARTMENTAL PROGRAMS

Other related Departmental programs, and agencies not actively participating in the study, include:

Agricultural Conservation Program

Authorized by the Soil Conservation and Domestic Allottment Act, as amended; Public Law 74-46, 49 Stat. 163, 16 U.S.C.A. 590 d-590 q. This program provides cost-share assistance to farmers in carrying out approved soil, water, woodland, and wildlife conservation practices.

Agricultural Research Service

Established by Secretarial memo 1320 supplement 4 dated November 2, 1953. Consolidates portions of Departmental research. Provides research and development services in farm commodity utilization; research in nutrition and consumer use of farm commodities; market facilities planning; animal husbandry; research in crop production; and agricultural engineering.

Agricultural Stabilization Programs

Authorized by Public Law 88-26, 77 Stat. 44, 16 U.S.C.A. 590 p (h), Public Law 88-297, 78 Stat. 1789, 7 U.S.C.A. 1339, 1379 a - 1379 j, and other multiple legislation. Stabilization programs to adjust the production of a number of surplus crops.

Cooperative Agriculture and Forestry Research Program

Authorized by Public Law 84-352, 69 Stat. 671, 7 U.S.C.A. 361 a - 361 i, as amended. Administers grants-in-aid to the states for agricultural and forestry research. Research is directed toward problems of greatest importance to the State and nation, as determined by the State Agricultural Experiment Station Director and his staff.

Cooperative Extension Service

Authorized by the Smith-Lever Act, as amended, Public Law 83-83, May 8, 1914, 38 Stat. 372, 7 U.S.C.A. 341-343. The Cooperative Extension Service of the Department of Agriculture and the State Land Grant Colleges and Universities, in cooperation with county governments, conduct educational programs in rural counties and many urban areas.

Farmer Cooperative Service

Authorized by the Farmer Cooperative Service Act of July 2, 1926, 44 Stat. 802, 7 U.S.C.A. 451-457; and the Agricultural Marketing Act of 1946, 7 U.S.C.A. 1621-1629. This program provides research, service, and educational help to cooperatives that provide marketing, farm supply, and related types of services to rural residents, primarily farmers.

Farmers Home Administration, Emergency Loans

Authorized by the Consolidated Farmers Home Administration Act of 1961, Public Law 87-128, 75 Stat. 294, 7 U.S.C.A. 1013 a, 1921 et. seq. (Supp. IV). This program provides emergency loans to eligible farmers in designated areas where natural disasters such as floods and droughts have brought about a temporary need for credit not available from other sources.

Forest Service Cooperative State and Private Programs

Act of June 7, 1924, 43 Stat. 653, 16 U.S.C.A. 564; August 25, 1950, 64 Stat. 473, 16 U.S.C.A. 567 et. seq. These provide technical assistance, information, service, and financial aid to State agencies responsible for protection, management, and development of State, local, and privately owned forestlands.

Forestry Research

Authorized by the Forest Products Act, Public Law 70-466, May 22, 1928, 45 Stat. 699, 16 U.S.C.A. 581. This program assists with contracts and grants for basic and applied forestry research in special cases.

Price-Support Programs of the Agricultural Stabilization and Conservation Service

Authorized by the Agricultural Act of 1949, Public Law 81-439, 63 Stat. 1051, 7 U.S.C.A. 1441 et. seq., as amended; National Wool Act of 1954, Public Law 83-690, 68 Stat. 910, 7 U.S.C.A. 1781-87, as amended. These programs improve and stabilize farm income, keeping producers from being forced to sell commodities at prices lower than the support level.

Rural Electrification Program

Authorized by the Rural Electrification Act of 1936, Public Law 74-605, 49 Stat. 1363, 7 U.S.C.A. 901-914. This program provides long-term, low-interest loans to qualified organizations for the purpose of supplying electrical service on a continuing basis to establishments in rural areas.

U.S. DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

ORIGIN AND BACKGROUND

The Corps of Engineers represents the Department of Army in Water resource planning and construction. Congress established the Corps of Engineers in 1775 after recommendation of President George Washington. For many years, the Corps of Engineers constituted the only engineering organization available to the Government. Thus, the Corps of Engineers was called upon to conduct explorations, establish routes for roads and canals and serve as advisor to both the President and Congress in the civil aspects of engineering, as well as to carry out its military responsibilities. Accordingly, the Corps of Engineers' water resource responsibility dates back almost to the beginning of the United States of America.

In 1894, Congress formally established the Corps of Engineers civil functions and assigned engineers to undertake studies in unexplored regions for improvement of transportation routes. Assistance was provided for the improvement of roads, canals and rivers and harbors. The early railroad routes were laid out and the Corps of Engineers supervised the construction of the first section of the Baltimore and Ohio Railroad in 1827. The Corps of Engineers was sent out to explore, survey and map the western United States and record its resources and locate the routes of the first transcontinental railroads. With the establishment of the Mississippi River Commission in 1879, the Corps of Engineers began the task of constructing the continuous levee system along this great river. The Panama Canal was constructed in 1904.

In the administration of President Roosevelt in 1908, Congress asked the Corps of Engineers to enter into the full range of water resource planning, including the development of comprehensive plans for river basins. During the ensuing two decades, the Corps of Engineers studies covered most of the main river basins of the country. The resulting reports were published as HD 308, 69th Congress, 1st Session, considered improvements for navigation, hydropower, flood control and other water uses and are generally accepted as the beginning of modern river basin planning on a nation-wide scale. These studies were the basis for the beginning of developments in the great river basins such as the Columbia, the Ohio and the Missouri and many others.

PURPOSE AND GENERAL RESPONSIBILITY

The Corps of Engineers' Civil Works Program embraces the investigations and works for navigation, flood control and related purposes which have been authorized by Congress for prosecution by the Department of Army under the supervision of the Corps of Engineers. This program has a broad legislative basis which requires consideration of almost every aspect of water resource and river basin development. The following is further detail on this program:

A. General Investigations Program

1. Surveys and Comprehensive River Basin Studies. The Scope of and requirements for Corps of Engineers water resources projects have developed through a long series of River and Harbor and Flood Control Acts. Projects for river basin development, flood control, navigation, and beach and shore protection on the coasts and Great Lakes Part B below), require specific authorization by Congress after investigations and reports by the Corps. Other functions, such as power, water supply, water quality control, recreation and fish and wildlife enhancement may be included when warranted and local interests will agree to participate in accordance with law and policy. When project costs are less than certain limits specified in law, general authorities are available to the Secretary of the Army and the Chief of Engineers to develop and authorize small projects, as further outlined in Part C below, without returning to Congress for approval.

Surveys are made entirely at Federal expense except for use of suitable locally developed data. Comprehensive river basin studies by the Corps stem from specific Congressional authorization, and the Water Resources Planning Act of 1965 (Public Law 89-80). Studies are coordinated with other Federal and local agencies and seek the objectives of the 1944 and subsequent Flood Control acts and Public Law 89-80.

2. **Flood Plain Management Services.** Section 206 of the Flood Control Act of 1960 (P.L. 86-645) authorized the Secretary of the Army through the Chief of Engineers, at the request of State and responsible local governmental agencies, to compile and disseminate information on floods and flood damages, and provide general criteria for local guidance in planning the use of flood plains and engineering advice on reducing the flood hazard.

The flood hazard to State and responsible local governmental agencies is furnished through flood plain information reports of communities. These reports define the flooding limits and depths of past floods and of larger floods that can reasonably be expected to occur in the region. A specialized service furnishes guidance on flood proofing, defines flooding limits and depths for specific buildings, and for proposed construction projects on local developments in areas not at present covered by flood plain information reports. This service also includes assistance in drafting flood plain regulations, flood plain zoning, defining flood way limits and flood way storage areas for local governmental agencies.

B. General Program of Water Resource Projects

1. General Considerations Adoption of a Federal project requires findings of economic feasibility in survey reports made in response to specific Congressional authorization. Studies are thoroughly coordinated with local interests and other Federal agencies, and are reviewed by the Bureau of the Budget. Following Congressional consideration and authorization of recommended projects, usually in Omnibus River and Harbor and Flood Control Acts, funds for Federal design, construction, operation and maintenance, consistent with the authorized conditions of local cooperation, are subsequently appropriated by Congress after consideration of the President's Budget.

2. Comprehensive River Basin Developments. The comprehensive studies in which the Corps of Engineers is engaged in cooperation with other Federal and local agencies will develop a series of long-range framework plans for the development of the river basins of the Nation. These plans will provide the context within which specific projects to meet the prospective needs of the country will be developed and proposed to the Congress for authorization as Federal projects. Pursuant to the objectives of the body of Federal water resources law and the Water Resources Planning Act, framework plans will inventory and specific studies will seek to determine the best programs and projects for optimum satisfaction of the Nation's needs for navigation improvements, flood control, major drainage, irrigation, hydroelectric power, water supply, water quality control, outdoor recreation, and fish and wildlife conservation and enhancement. Authorization reports specify the recommended Federal participation and local cooperation deemed appropriate.

3. Navigation. River and harbor improvements for navigation have been a Federal responsibility since 1824. Local interests are required to provide necessary lands, easements and rights-of-way for the project and for spoil disposal where needed, relocation or alteration of utilities, public terminals, and maintenance of berthing areas. Special contributions may be required for single-user projects and where land enhancement results from spoil disposal. Railroad and highway bridge alterations are financed cooperatively under Public Law 647, 76th Congress, as amended. Recreational harbors may be recommended where feasible, and a local cash contribution of 50% of the first costs of the general navigation facilities allocated to recreational boating is required in addition to other cited requirements of cooperation. Maintenance of navigation projects is at Federal expense.

4. Flood Control The Federal interest in Nation-wide flood control was established by the Flood Control Act of 22 June, 1936. That Act states that the Federal Government should participate in flood control "if the benefits to whomsoever they may accrue are in excess of the estimated costs, and the lives and social security of the people are other-wise adversely affected". The 1936 and subsequent Acts established the basis for the common policy on local cooperation followed by the Corps of Engineers. For proposed local protection projects, local interests are generally required to give assurances that they will provide lands, easements, and rights-of-way (including relocations and alterations of highways, highway bridges, and utilities); hold and save the United States free from damages due to the construction works; and operate and maintain the projects after construction. These three requirements are known as the "a-b-c" requirements of local cooperation. Flood control reservoirs, however, are generally exempt from such requirements except in special cases where the benefits are confined to a single locality and the project is in lieu of local protection works. Special

local cooperation, usually as a cash contribution, may be recommended for flood control projects that produce "windfall" benefits to a few beneficiaries, or that involve land drainage benefits. The 1944 Flood Control Act requires the Secretary of the Army to prescribe regulations for operation of flood control and navigation storage at all reservoirs constructed with Federal funds, except those of TVA.

5. Major Drainage The Flood Control Act of 1944 (P.L. 534, 78th Congress) defined flood control to include "major drainage". Federal major drainage improvements are defined to mean major outlet channels serving local land drainage systems. Administrative policy, based on cost-sharing for reclamation by irrigation in the West, provides for equal sharing of the first costs of the major outlets, including lands, between the Federal Government and local interests, with the latter to operate and maintain the project after construction, and to provide all upstream drainage improvements.

6. Hydroelectric Power. Power development may be recommended in reservoir projects if economically justified. Where power is not found immediately feasible, penstocks in dams may be included for future power development upon the recommendation of the Federal Power Commission. In multiple purpose projects, the costs allocated to power are the basis for establishing rates by the Federal marketing agencies.

7. Water Supply. Municipal and industrial water supply is considered the primary responsibility of the States and local interests. However, storage may be recommended in multiple-purpose reservoirs pursuant to the Water Supply Act of 1958 (P.L. 500, 85th Congress, Title III), as amended. Such storage may be reserved entirely for water supply, or may be profited by joint use of seasonal flood control or other storage. Costs allocated to water supply may not exceed 30% of the total project construction costs, and are reimbursable by the water users, through a local public agency, over a 40 to 50 year period at Federal interest rates. A 10-year interest-free development period is permitted under the law. Interim use for irrigation in the western States may be considered under the terms of Reclamation Law.

8. Water Quality Control Storage for streamflow regulation to improve water quality may also be recommended in multiple purpose reservoirs pursuant to the Water Pollution Control Act of 1956 (P.L. 660, 84th Congress), as amended. The law provides, however, that such storage may not be provided as a substitute for adequate local treatment or other methods of controlling waste at the source. Such storage may be reserved entirely for streamflow regulation, or may be provided by joint use of storage serving other purposes. Costs allocated to water quality control may be assumed by the Federal Government if the benefits are widespread.

9. Recreation. Outdoor recreation, including enhancement of fish and wildlife for fishing and hunting, may be recommended as a proper purpose of Federal water resources projects pursuant to the Federal Water Project Recreation Act of 1965 (P.L. 89-72). If local interests agree to cooperate in recreational development, the separable costs of recreational facilities may be shared equally between Federal and non-Federal interests, and the joint costs allocable to recreation may then be assigned to the Federal Government. Cost-sharing in recreational development of authorized projects depends on the specific authorizing legislation, the status of completion of the basic project, and the applicability of general legislation. Recreational facilities at nonreservoir projects may be provided if local interests will share equally in the cost, and will assume operation and maintenance. Certain minimum basic facilities for public health and safety may be provided at Federal expense, but legislative and administrative policy seeks to encourage local interests to develop recreation areas and facilities at Federal projects at local costs. Under the Land and Water Conservation Act of 1965 (P.L. 88-578) fees collected from the public for admission to Federal water projects are returned in part to the States for recreational development thereby.

10. Fish and Wildlife Conservation. Pursuant to the Fish and Wildlife Coordination Act (P.L. 624, 85th Congress), the Corps of Engineers may recommend inclusion of certain project modifications and lands for fish and wildlife purposes in proposed projects. Justified measures to mitigate any project-caused damages to the fish and wildlife resource are included in the costs allocated to the purposes involved; measures for the development of the resource require specific legislative authorization.

11. Beach Erosion Control. The Act of July 28, 1956 (P.L. 826, 84th Congress), as amended by the River and Harbor Act of 23 October 1962 (P.L. 87-874), authorized the Federal Government to assume up to 50% of the cost of construction for protecting publicly owned or publicly used beaches; and up to 70% for protection of publicly owned

shore parks or conservation areas subject to certain conditions in Section 103 of the 1962 Act. Non-Federal interests are required to assume all remaining costs, including lands, maintenance and repairs, and provide assurances that they will hold and save the United States free from damages, remedy pollution conditions that would endanger the health of bathers, and maintain public ownership and use of the protected shores on which Federal aid is based.

12. Hurricane Flood Protection. Protection of shore areas from flooding by hurricane and other high tides is usually combined with beach erosion protection, but may include hurricane barriers for protection of urban areas. The 1958 Flood Control Act (P.L. 85-500) authorized two projects requiring that 30% of the first costs (including lands) and all of the maintenance and operation be assumed by local interests. This precedent has been applied in subsequently recommended and authorized projects of this nature.

C. Special Small Project Programs

1. General Considerations. General authority is provided in several laws that permit the Secretary of the Army and the Chief of Engineers to authorize projects of limited scope within fiscal year appropriations specified in the laws. A project is adopted for construction under one of the authorities only after investigation clearly shows its engineering feasibility and economic justification. An investigation is made upon receipt for a formal request from a prospective sponsoring agency fully empowered under State law to provide required local cooperation. This request as well as inquiries concerning a prospective project should be made direct to the District Engineer for the concerned area.

2. Small Flood Control Projects. Section 205 of the 1948 Flood Control Act as amended by Section 205 of the 1962 Flood Control Act (P.L. 87-874) provides authority to the Chief of Engineers to construct small flood control projects that have not already been specifically authorized by Congress. Each project selected must be complete in itself, economically justified, and limited to a Federal cost of not more than $1,000,000. The local sponsoring agency must agree to provide without cost to the United States all lands, easements, and rights-of-way, including highway, highway bridges, and utility relocations and alterations; hold and save the United States free from damages; maintain and operate the project after completion; assume all project costs in excess of the Federal cost limit of $1,000,000; and prevent future encroachments on improved channels.

3. Small Navigation Projects. Section 107 of the River and Harbor Act of 14 July 1960 (P.L. 86-645), as amended, provides authority for the Chief of Engineers to develop, construct, and maintain small navigation projects that have not already been specifically authorized by Congress. Each project selected must be economically justified, complete within itself, and limited to a Federal cost of not more than $500,000. A Section 107 project can be authorized only if a State, municipality, or other public agency of the State empowered under State law with sufficient legal and financial authority to provide local cooperation and participation will agree to the same requirements of cooperation as for regularly authorized commercial and recreational navigation projects, and in addition assume all project costs in excess of the Federal cost limit of $500.000.

4. Small Beach Erosion Control Projects. Section 103 of the River and Harbor Act of 1962 (P.L. 87-874), as amended, provides authority for the Chief of Engineers to develop and construct small shore and beach restoration and protection projects that have not already been specifically authorized by Congress. Each project under Section 103 must be complete, economically justified, and limited to a Federal cost of not more than $500,000, including any Federal share of periodic nourishment cost. Local cooperation is otherwise based on the same requirements as for regularly authorized larger beach erosion control projects.

5. Snagging and Clearing Projects for Flood Control. Section 208 of the 1954 Flood Control Act (P.L. 780,83rd Congress) authorized clearing and straightening of stream channels and the removal of accumulated snags and other debris in the interest of flood control. Each project selected must be economically justified. The maximum Federal expenditure per project is limited to $100,000. A Section 208 project is designed to be complete in itself and not require additional work for effective flood control. The local sponsoring agency must agree to provide without cost to the United States all lands, easements, rights-of-way, and all required alterations and relocations in utility facilities; hold and save the United States free from damages; maintain the project under completion; assume all project costs in excess of $100,000; and provide a cash contribution toward construction costs where "windfall" land

enhancement or other special benefits would accrue. The cash contribution, where required, is computed in accordance with existing policies for regularly authorized projects.

6. Protection of Essential Highways, Highway Bridge Approaches and Public Works. Section 14 of the 1946 Flood Control Act provides special authority to the Chief of Engineers to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential or important public works, such as municipal water supply systems and sewerage disposal plants, which are endangered by flood-caused bank erosion. A Section 14 project is designed to be complete in itself and to require no additional work for effective and successful operation. Each project must be economic ally justified. The maximum Federal expenditure per project is limited to $50,000. The local sponsoring agency must agree to provide without cost to the United States all lands, easements, rights-of-way, and all required utility alterations and relocations; hold and save the United States free from damages; maintain the project after completion; assume all project costs in excess of the Federal cost limit of $50,000; and provide a cash contribution in proportion to any special benefits.

D. Disaster Relief and Emergency Programs

1. Disaster Relief by Corps of Engineers. In connection with natural "major disasters," determined to be such by the President pursuant to the National Disaster Act of 1950 (P.L. 875, 81st Congress), the Civil Works organization of the Corps of Engineers may be called upon to participate in the program of Federal disaster assistance. Request for Corps participation may be made to the Chief of Engineers by the Director of the Office of Emergency Planning (OEP), acting in behalf of the President. The authority of the OEP Director has been delegated to OEP Regional Directors.

(a) Following Presidential declaration of a "major disaster" at the request of a State Governor, requests for assistance are made by local authorities through State channels to the appropriate OEP Regional Director. With the concurrence of the responsible Army Commander, Division Engineers of the Corps may be directly requested by OEP Regional Directors to provide requested disaster assistance beyond statutory authorities of the Corps. During the disaster fighting phase, action by the Corps under P.L. 875 authority is normally through the Army military command. Requested disaster operations are reimbursable from disaster relief funds appropriated pursuant to P.L. 875 and made available by the President.

(b) Circumstances may justify immediate action to save human life, to prevent imminent human suffering, or to mitigate great destruction or damage to the property of the United States. Such action may be taken or assistance given by the Corps of Engineers pending declaration by the President of a "major disaster," or in connection with other disasters not designated by the President as "major disasters". Authority therefore stems from the statutory authorities of the Corps for flood fighting and rescue operations, or the established policies and practices of the Corps and the Department of the Army.

2. Emergency Operations. Flood, hurricane and storm emergency operations, including advance planning, patrolling of levees, flood fighting, rescue operations, emergency repairs and protection of Federal projects, and supplementation of local efforts upon request in emergencies are authorized by the Flood Control Act of 18 August, 1941, as amended by Public Law 99, 84th Congress and other Acts. While emergency repairs of non-Federal flood control works are permissible, the law does not extend to reimbursement of local expenditures for flood fighting or post-flood repairs and improvements. Primary responsibility for disaster fighting rests with local interests. The Corps of Engineers seeks to encourage proper local maintenance of protective works and advance preparation for emergencies, including stockpiling of material and training of personnel. Local cooperation, substantially as required for regular flood control projects, is required for emergency rehabilitation work under Public Law 99, and for repairs which constitute betterments or accomplishment of deficient local maintenance.

POLICY

Small flood control projects costing $1,000,000 or less and boat basins and minor navigation improvement can be undertaken by the Corps of Engineers under general authority delegated by Congress. These projects must be economically justified and complete within themselves and have adequate sponsorship. All

other water resource projects must be authorized specifically by Congress before funds can be appropriated for construction. Water resource studies originate with an interested individual or group of individuals acting through their congressional representative who requests the Public Works Committee of the Senate or House of Representatives for a resolution directing a study. The Public Works Committee, if it agrees, directs the Chief of Engineers to make the necessary investigations. The Chief of Engineers then requests the appropriate District to undertake the necessary studies. The District Engineers hold an initial public hearing to ascertain the wants and needs of all interested parties with regard to the proposed improvement. Detailed studies are then made to determine whether the project is feasible from an economic and engineering standpoint. The Corps of Engineers' studies are supplemented by other Federal and State agency studies on aspects on which they are expert or have a vital interest. A second public hearing is held upon completion of the study and prior to submission of report. The district report is submitted through the Division Engineer to the Chief of Engineers. After a thorough review, the Chief of Engineers sends copies of the report to all interested Federal and State agencies for review and comment. After all comments have been received and analyzed, the Chief of Engineers submits the report with his recommendations to the Senate or House Public Works Committee. The report, if favorably recommended, goes to Congress for consideration of authorization and appropriation of funds for construction of proposed projects.

Except for reservoir storage projects, non-Federal interests are generally required to provide necessary lands, easements and rights-of-way, to hold and save the United States from damages due to the construction of the works and agree to maintain and operate the project upon completion.

Provisions are also made for repayment of costs allocated to features for municipal and industrial water supply provided for multipurpose dams.

ORGANIZATION AND PROGRAMS

Investigations for the Comprehensive Water Resource Study of Puget Sound and Adjacent Waters are under the jurisdiction of the Seattle District Engineer. Studies were initiated in 1961 on the Nooksack, Skagit, Stillaguamish and Snohomish River basins pursuant to resolutions adopted by the Public Works Committees of Congress. These investigations were completed as separate interim reports or incorporated in the comprehensive study.

U. S. DEPARTMENT OF COMMERCE
ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

ORIGIN AND BACKGROUND

ESSA—The Environmental Science Services Administration was created in July 1965 within the U.S. Department of Commerce. Its formation brought together the functions of the Weather Bureau and Coast and Geodetic Survey, which became major elements of the new agency and created the Environmental Data Service, National Environmental Satellite Center, and the ESSA Research Laboratories.

PURPOSE AND GENERAL RESPONSIBILITY

The Environmental Science Services Administration is the national agency for observing, describing, understanding and predicting the natural environment from the earth and oceans to the upper atmosphere and space. ESSA gathers, processes, and issues information on weather conditions, river water heights, coastal tides and currents, movement of ocean currents, the structure and shape of ocean basins, seismic activity, the precise size and shape of the earth, and conditions in the upper atmosphere and space. ESSA maintains warning systems against hurricanes, tornadoes, floods, and seismic sea-waves, and other environmental hazards, and is working to develop techniques of earthquake prediction. ESSA employees, in the United States and elsewhere around the world, man geophysical observatories, communication systems, and environmental research laboratories.

POLICY

Agency policy recognizes that the oceans, the lower and upper atmosphere, and the earth itself all interact and affect each other, thus forming a single unified environment which must be studied as a scientific whole. ESSA seeks to describe and understand this unified physical environment.

ORGANIZATION AND PROGRAMS

ESSA includes five major services and research organizations: the Weather Bureau, Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center, and the Research Laboratories.

The **Weather Bureau** reports the weather of the United States and its possissions, provides weather forecasts to the general public, issues warnings against tornadoes, hurricanes, floods, and other weather hazards and records the climate of the United States. In addition to this basic weather service, the Weather Bureau develops and furnishes specialized weather services which support the needs of agriculture, aeronautical, maritime, space and military operations. The services of the Weather Bureau are supported by a national network of surface and upper-air observing stations, aircraft, satellite systems, communications and computers. In the Puget Sound area, forecasts are provided to the general public, aviation, marine and hydrologic interests. In the field of hydrology, stage and discharge forecasts are issued during flood periods, including flood crests. Forecasts of other levels of flow for seasonal or shorter periods are also issued as required.

The **Coast and Geodetic Survey** prepares nautical and aeronautical charts to insure the safety of marine and air navigation. It measures the earth's gravity, magnetic fields, size and shape, maintaining a network of horizontal and vertical control points to aid in mapping, engineering and scientific projects. The Survey records and measures earthquakes and operates the Nation's seismic sea-wave warning service.

Its oceanographic operations include hydrographic surveys, marine gravity and magnetic surveys, surveys of physical and chemical properties of the oceans, and tidal surveys. Results of surveys and other information for the Puget Sound area are made available through the Pacific Marine Center of the Coast and Geodetic Survey in Seattle.

The **Environmental Data Service** collects, processes, archives, publishes and issues environmental data gathered on a global scale. The service maintains data centers for geodetic, geomagnetic, seismological, climatological, hydrological, and other geophysical information, providing a single source of readily available environmental data to specialized and general user groups. To provide effective data support, the Service is active in development of advanced data storage and retrieval methods and computer applications, Meteorological, climatological, hydrological, oceanographic, hydrographic, and other environmental data for the Puget Sound area are available through the Seattle office of EDS State Climatologist, Weather Bureau, the Coast and Geodetic Survey, and from the National Environmental Data Centers.

The **National Environmental Satellite Center** plans and operates environmental satellite systems, gathers and analyzes satellite data, and develops new methods of using satellites to obtain environmental data. At present, the center operates the Operational Satellite Weather System which employs ESSA (Environmental Survey Satellite) vehicles to monitor global cloud cover. As the ESSA series matures, sensors will be added to measure additional atmospheric characteristics, and to provide data on solar, ionospheric, oceanographic, and other geophysical phenomena.

ESSA Research Laboratories conduct an integrated research program relating to the oceans and inland waters, the lower and upper atmosphere, the space environment and the inner earth to increase understanding of man's geophysical environment.

Two components of ESSA Research Laboratories are located in Seattle. These are the Pacific Oceanographic Research Laboratory at Lake Union, and the Joint Oceanographic Research Group on the campus of the University of Washington. Research programs in physical oceanography and marine geophysics are conducted at these facilities.

U. S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

ORIGIN AND BACKGROUND

The Economic Development Administration is an agency of the United States Department of Commerce. It was established under the authority of the Public Works and Economic Development Act of 1965 (P.L. 89-136) which empowered the Secretary of Commerce to make grants and loans to State, political subdivisions thereof, Indian tribes and private or nonprofit organizations for public works and development facilities located in designated redevelopment areas and development centers.

The Western Area Office, which is located at Seattle, Washington, has responsibility over the seven western states of Alaska, California, Idaho, Hawaii, Montana, Oregon and Washington and also the two territories of American Samoa and Guam.

PURPOSE AND GENERAL RESPONSIBILITY

The purpose of the agency is to provide new industry and permanent jobs in areas where they are most needed. In order to be eligible, an area must be either (1) a redevelopment area, that is, an area which has suffered from substantial and persistent unemployment for an extended period of time or has a median family income less than 40% of the national median; (2) an area which the Secretary of Labor finds to have experienced a sudden rise of unemployment during the preceding calendar year; or (3) an economic development center, that is, a community of not more that 250,000 population which has resources that can be used most swiftly and effectively to create more jobs and higher incomes for the people in the surrounding area.

In order to be designated eligible, areas are required to submit an Overall Economic Development Program (OEDP) to the Secretary of Commerce. This program must be approved by the Administrator of EDA and also must be updated yearly. Therefore, initiative must be maintained by the local area itself.

POLICY

The policy of the Economic Development Administration has been to approve mainly those projects which will directly create or benefit new long-term employment. Not only how many jobs will be created, but also who will get those jobs is an extremely important factor in considering the merits of projects. The agency especially emphasizes the creation of jobs for the hard core unemployed and for those who are in the low income family brackets.

The following four programs comprise the primary functions of the Economic Development Administration:

Public Works

More than two-thirds of the funds authorized by Congress for the new program will be used for public works and development facility grants. Loans of up to 100% are also authorized for these projects in areas where funds are not otherwise available. Public Works provide such facilities as water and sewage systems, access roads and the like, to encourage industrial development that will result in long-term employment. These development facilities will be constructed by providing direct grants of up to 50% of the cost of eligible projects and supplementary grants which can bring the Federal share as high at 80% in the neediest areas.

Business Loans

The Economic Development Act provides low-interest, long-term loans to businesses expanding or establishing plants in designated redevelopment areas. Loans of up to 65% of the total project cost (including land, buildings, machinery, and equipment) may be made for up to 25 years.

Technical Assistance

This assistance may be in the form of studies to identify area needs or to find solutions to industrial and economic development problems, grants-in-aid for planning and administering local economic development programs, and management and operational assistance to private firms.

Research and Information

Funds are provided under the Act to develop a continuing program of study, training and research into the causes of unemployment, underemployment, and chronic depression, and to devise programs and projects to help raise income levels.

ORGANIZATION AND PROGRAMS

Regarding such areas as the Puget Sound Basin, the Economic Development Administration has the authority to designate appropriate "Economic Development Districts" within a state is the proposed district is of sufficient size of population and contains sufficient resources to foster economic development on a scale involving more than a single redevelopment area, and if the area has a district overall economic development program.

Through its Washington State Field Coordinator, the Economic Development Administration works directly with the communities and agencies concerned with the Puget Sound area in helping them apply for EDA assistance.

The Western Area Office participates in inter-agency activities. The Area Office represents the U.S. Department of Commerce in economic development matters, including the coordination of economic development with water resource development and planning.

U. S. DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION

ORIGIN AND BACKGROUND

The Maritime Administration was established by the Merchant Marine Act of 1936 to further the development and maintenance of an adequate and well balanced American merchant marine, capable of serving as a naval and military auxiliary in time of war, and sufficient at all times to carry the domestic water-borne commerce and a substantial portion of the nation's overseas foreign commerce.

PURPOSE AND GENERAL RESPONSIBILITY

As our foreign commerce is fundamental to the economic welfare of the nation, so is the maintenance of those overseas trade routes which are essential to the continuity of our trade with other nations. These requirements of trade and defense are under constant review by the Maritime Administration, (a) to determine the ever changing essential need for ships, (b) to provide for that need, and (c) to assure the continuity of fulfillment through a long range program of ship construction and ship operation.

Subsidies are allowed by the Maritime Administration to cover certain cost differentials based on the wages paid by American ship operators and shipbuilders as compared to foreign wages. Ships of different flags operating over similar trade routes must necessarily charge competitive cargo rates; however, the initial cost of the ships and the wages paid to seamen are vastly different. To perpetuate the American presence, these comparative costs must be brought into balance through the application of subsidies based on wage differentials. No subsidies are allowed for American ships in domestic trade which are free from the competition of low wage-cost foreign ships.

A further function of the Maritime Administration is the maintenance of strategically located reserve fleets where ships are preserved in readiness for use in national emergencies. An important unit of the reserve fleet is located in Puget Sound at Olympia, Washington. Reserve ships are customarily activated to reinforce the merchant marine at a time of urgent need, and then when the emergency subsides, they return to their inactive berths in the reserve fleets. Ships from Olympia have served the nation in every national emergency since World War II, including the most recent massive warlift to Southeast Asia.

U.S. DEPARTMENT OF COMMERCE OFFICE OF BUSINESS ECONOMICS

ORIGIN AND BACKGROUND

The Office of Business Economics was established within the Bureau of Foreign and Domestic Commerce under Department Order No. 10, effective December 18, 1945. Previously it had been constituted as a division of the Department's Bureau of

Foreign and Domestic Commerce, which was created on August 23, 1912.

PURPOSE AND GENERAL RESPONSIBILITY

In March 1964 the Office of Business Economics entered into an agreement with the Water Resources Council to the effect that the Regional Economics Division, Office of Business Economics, would prepare for the Council projections of economic activity and population for the United States and regions of the United States. These projections were to serve as the basis for planning the water resource development and utilization by the various water agencies of the Federal Government. As a first step, projections were prepared on a preliminary basis for three major river basins of the country, one of which was the Columbia River Basin. The Columbia Basin was divided into 12 prescribed subregions, one of which was the Puget Sound Area. Preliminary projections were forwarded through the Water Resources Council to the Economic Work Group of the Columbia-North Pacific Framework Study.

National projections were revised and new regional projections were made for 167 economic subareas of the country. Final projections were released to the Water Resources Council and distributed from the Council.

POLICY

The ongoing program of the Regional Economics Division of the Office of Business Economics is the development of measures of regional economic activity and the analysis of regional economic behavior.

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE PUBLIC HEALTH SERVICE

ORIGIN AND BACKGROUND

The Department of Health, Education and Welfare, one of the four principal water resource development planning departments, has delegated these responsibilities to the Public Health Service.

The 5th Congress created the Marine Hospital Service in 1798 to provide health care for merchant seamen. Through the years responsibilities for protection of the Nation's health were added until in 1912 Congress enacted legislation consolidating these powers under the renamed Public Health Service. This act gave the Service its first powers to engage in studies of the "disease of man and conditions affecting the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of . . . navigable streams and lakes."

New demands were placed upon the Service by sanitation problems encountered during World War I and the disastrous influenza epidemic of 1918. Growing population, expanding industry, and increasing travel all heightened environmental health problems in the twenties, thirties, and early forties with new legislation being enacted to handle each area of concern. In 1944, all previous legislation was consolidated under the Public Health Service Act (Public Law 410, 78th Congress). This Act charged the PHS with responsibility to study causes, control, prevention and treatment of man's diseases including water purification, sewage treatment and water pollution.

PURPOSE AND GENERAL RESPONSIBILITY

Various responsibilities of the U.S. Public Health Service applicable to water resources development planning activities are as follows:

1. Research and Investigation for Public Health Aspects, Water Resource Developments and Improvements: Section 301 states in part:

> "The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairment of man, including water purification, sewage treatment, and pollution of lakes and streams."

2. Community Water Supplies: Section 361 (a) of the Public Health Service Act directs the Surgeon General to make and enforce regulations for the health protection of interstate travelers and for the prevention of disease transmission from state to state; section 311 authorizes the Public Health Service to work with State and local authorities in enforcing quarantine regulations.

Pursuant to these sections, Interstate Quarantine Regulations were developed and adopted; included in these regulations were a Part 72 (PHS Regulations), Subpart D–"Potable Water: Source and Use", and subpart J–"Drinking Water Standards". For water supplies used by interstate carriers the following aspects were included:

(a) Finished water quality for drinking and culinary purposes.
(b) Adequacy of supply so as to meet maximum demands.
(c) The condition of purity or contamination of the raw water supply.
(d) Provision of and satisfactory operation of water treatment works, as needed.

3. General Medical and Health Research and Investigation Including Diseases and Hazards Potentially Arising from Water: A broad spectrum of research and investigation is conducted under various other parts of the PHS Act's authority for research covers specific hazards from environmental water factors which fall into three categories:

(a) **Chemicals**–both organic and inorganic contaminants can result in acute toxic or long-term effects on humans.
(b) **Biological**–microbiological contaminants and insect vectors associated with spread of communicable disease.
(c) **Radiological**–radioactive contaminants which in very low level concentrations may produce radiation damage in humans.

4. The Health Aspects of Water Pollution Control Retained by the Public Health Service are summarized as follows:

Section 2(k) of the Water Quality Act of 1965 provides as follows:

> "The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to water pollution over which the head of such Administration has administrative responsibility."

Reorganization Plan No. 2 of 1966 states (Section 1(f)):

> "The functions of the Surgeon General under Section 2(k) of the Water Quality Act of 1965 (79 Stat. 905) are transferred to the Secretary of Health, Education, and Welfare. Within 90 days after this reorganization plan becomes effective, the Secretary of the Interior and the Secretary of Health, Education and Welfare shall present to the President for his approval an interdepartmental agreement providing in detail for the implementation of the consultations provided for by said Section 2(k). Such interdepartmental agreement may be modified from time to time by the two Secretaries with the approval of the President."

Section 1(e) of Reorganization Plan No. 2 of 1966 also provides for the Department of Health, Education, and Welfare to advise on public health questions involved in determinations by Federal agencies of need for and value of inclusion of storage for water quality control in Federal reservoirs.

In addition to other pertinent matters, the HEW-Interior Interdepartmental agreement outlines public health aspects of water pollution, technical areas upon which HEW will provide advice to Interior, and describes the kinds of studies on the health aspects of water pollution which the Public Health Service will conduct.

5. Other responsibilities of the Public Health Service directly related to water resource planning are summarized as follows:

(a) Executive Order 11001, "Assigning Emergency Preparedness Functions to the Secretary of Health, Education, and Welfare." February 20, 1962.
(b) Public Law 90-148, Air Quality Act of 1967; and Executive Order 11282, "Control of Air Pollution Originating from Federal Installations," May 26, 1966.
(c) Public Law 89-749, Comprehensive Health Planning and Public Health Services Amendments of 1966.

Support for State water supply planning and program activities are considered to be covered under this Act as part of comprehensive health planning and services.

(d) Public Law 89-272, Solid Waste Disposal Act. Support technical and financial assistance to State and local governments in the planning, development, and conduct of solid waste programs; and to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid waste disposal.

POLICY

The general mission of the Public Health Service is oriented toward protecting and advancing the national health, alleviating human suffering, guarding against the dangers of disease and improving and prolonging human life. An essential facet in accomplishing this mission requires investigation and control of the so-called "environmental insults" resulting from man's varied activities. Many of these "insults" are being perpetrated against our water and related land resources. Identification and development of recommended actions to accomplish alleviation of these anomalies to enhance man's health and welfare from the central policy of the Pulbic Health Service's activities in water resources development planning.

ORGANIZATION AND PROGRAMS

Public Health Service programs currently underway of particular significance to the Puget Sound and adjacent waters are the Northwest Watershed Sanitation Project and Shellfish Sanitation Program, the Insect Vector Control Program and the Indian Health Program.

For example, the Northwest Watershed Program begun in 1965 is evaluating the impact of recreational and other activities in the upper watersheds on stream water quality in general but with particular emphasis on disease producing organisms. The three watersheds under study (Clackamas, Cedar and Green Rivers) have varying degrees of activities, and, therefore, are subject to different levels of pollution. With completion of data collection in September of 1967, evaluation of these data can be of significant benefit in determining the impact on man's activities on the quality of water available in the watersheds and used for drinking and other municipal purposes.

The Pacific Northwest Marine Health Sciences Laboratory, Purdy, Washington, includes investigations of the fate of bacteria and viruses in the marine estuary and tributary streams. Studies are also made on the accumulation, retention and depuration of these microbiological agents by shellfish. Completion of the new shellfish research center will permit studies of chemical and radiological pollutants, physiology and ecology of shellfish poisons, the public health significance of pesticides, toxic and organic chemicals, heavy metals and human parasites in shellfish. Thus, the changes in the marine environment resulting from the increased utilization of the water and related land resources in the Pacific Northwest will be studies insofar as they affect the sanitary quality of shellfish in the estuaries, continental shelf and open oceans. Data from this research facility will be extremely valuable in determining the effect of pollution loads upon the marine resources.

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ORIGIN AND AUTHORITY

The Department of Housing and Urban Development was established by the Department of Housing and Urban Development Act of September 9, 1965. (P.L. 89-174, 79 Stat. 667, 5 U.S.C. 642, 42 U.S.C. 3531 et. seq.). The Act, which became effective November 9, 1965, transferred to and vested in the Secretary of Housing and Urban Development all of the powers, duties and functions of the (1) Federal Housing Administration (2) Public Housing Administration, (3) Urban Renewal Administration (4) Communities Facilities Administration and (5) Federal National Mortgage Association.

POLICY AND PURPOSE

The policy of the Department of Housing and Urban Development is to implement the national purpose set forth by Congress in the Housing and Urban Development Act of 1965 when it declared, " that the general welfare and security of the Nation and the health and living standards of our people require, as a matter of national purpose, and sound development of the Nation's communities and metropolitan areas in which the vast majority of its people live and work.

"To carry out such purpose, and in recognition of the increasing importance of housing and urban development in our national life, the Congress finds that establishment of an executive department is desirable to achieve the best administration of the principal programs of the Federal Government which provide assistance for housing and for the development of the Nation's communities; to assist the President in achieving maximum coordination of the various Federal activities which have a major effect upon urban community, suburban, or metropolitan development; to encourage the solution of problems of housing, urban development, and mass transportation through State, county, town, village, or other local and private action, including promotion of interstate, regional, and metropolitan cooperation; to encourage the maximum contributions that may be made by vigorous private home building and mortgage lending industries to housing, urban development, and the national economy; and to provide for full and appropriate consideration, at the national level, of the needs and interests of the Nation's communities and of the people who live and work in them." (42 U.S.C. S3531)

ORGANIZATION

The Department of Housing and Urban Development is a relatively new agency seeking to fulfill its many purposes in an efficient and competent manner. To that end the Secretary of Housing and Urban Development established the organization of the Department and assigned programs and functions to the respective organizational units in the Secretary's Organization Order 1, dated February 24, 1966. A complete review of the offices and functions set forth in the Organization Order is beyond the scope of this note. Those of immediate concern to the Study are listed below:

Secretary of Housing and Urban Development

The Department is administered under the supervision and direction of the Secretary. The Secretary advises the President with respect to Federal programs and activities relating to housing and urban development; develops and recommends to the President policies for fostering the orderly growth and development of the Nation's urban areas; and exercises leadership at the direction of the President in coordinating Federal activities affecting housing and urban development.

Assistant Secretary for Metropolitan Development

The Assistant Secretary for Metropolitan Development is the principal advisor to the Secretary on metropolitan development programs and is responsible to the Secretary for the administration of these programs. He directs and coordinates, on behalf of the Secretary, the Department's activities with respect to these programs.

He supervises the following staff offices: Small Town Services; Plans, Programs and Evaluation; Management Services; Urban Transportation Planning

and Liaison; and Planning Standards; and the following organizational units, whose programs are subsequently described:

A. Community Resources Development Administration

B. Urban Management Assistance Administration

Other Secretaries Include

1. Deputy Under Secretary for Policy Analysis and Program Evaluation 2. Assistant Secretary for Research and Technology 3. Assistant Secretary for Renewal and Housing Assistance 4. Assistant Secretary for Model Cities and Governmental Relations

REGIONAL OFFICES OF THE DEPARTMENT

There are seven regional offices of the Department, which have regional boundaries and headquarters locations prescribed by the Secretary. Each regional office is headed by a Regional Administrator, who is responsible to the Secretary and the Under Secretary for the execution of the Department's programs assigned his region, the overall management of the regional office, and the supervision and direction of regional office staff. All of the programs assigned the regional offices for administration will be carried out in accordance with policies, standards, procedures, and delegation of authority of the Secretary or Department officials authorized by him.

The States of the Pacific Northwest are served by the Regional Office at 450 Golden Gate Avenue, San Francisco, California 94102.

SELECTED PROGRAMS

The Department of Housing and Urban Development through its seven Regional Offices is prepared to give prompt and efficient service with respect to all phases of its programs. Applications for benefits under the grant programs from the Pacific Northwest should be addressed to the Regional Office in San Francisco, California. The field activities of the Federal Housing Administration are carried out through insuring and service offices, at least one of which is located in each state.

Programs of special interest to the Puget Sound Task Force and the administering agency under which it operates have been selected for further discussion.

COMMUNITY RESOURCES DEVELOPMENT ADMINISTRATION

Advance Acquisition of Land Program

42 U.S.C. 3104, H.U.D. Act of 1965, Sec. 704, as ammended, P.L. 89-117, 79 Stat. 451, 489

The Advance Acquisition of Land Program provides grants to communities for the purchase of lands which they will need for the construction of public works and facilities in a planned and orderly fashion.

Basic Water and Sewer Facilities Program

42 U.S.C. 3101, H.U.D. Act of 1965, Sec. 702, as amended, P.L. 89-117, 79 Stat. 451, 489

The Basic Water and Sewer Facilities Program is popularly known as "Water and Sewer Grants." It provides grants to construct community water and sewer facilities that are basic to efficient and orderly areawide community growth and development.

Grants cover up to 50 percent of land and construction costs for new water and sewer facilities. The facilities must be consistent with a program for a coordinated areawide water and sewer facilities system which is part of the comprehensively planned development of the area.

Cities, towns, counties, Indian tribes, or public agencies or instrumentalities of one or more States or one or more municipalities established to finance specific capital improvement projects are eligible for grants.

New Communities Program

42 U.S.C. 3901 et seq., H.U.D. Act of 1968, Title IV, P.L. 90-448, 82 Stat. 476, 513

The New Communities Program provides support for new community development by authorizing Federal guarantee of the bonds, cash flow debentures, notes, and other obligations issued by private developers to finance new community development projects. It also provides for supplemental grants to state and local bodies to provide basic water and sewer facilities and open space land needed for new communities developed by private developers, with financing guaranteed under the provision of the Act. These supplemental grants cannot exceed 20 percent of the total cost of the assistance project. The project

must meet certain requirements for community development, including the provision of low and moderate-income housing.

Funds obtained with the aid of Federal guarantees may be used to acquire and develop land in a new community. The guarantee covers an obligation of the developer not to exceed the lesser of (1) 80 percent of the Secretary's estimate of the value of the property upon completion of the development, or (2) the sum of 75 percent of the Secretary's estimate of the value of the land before development and 90 percent of his estimate of the actual cost of land development. Guaranteed principal obligations for a single project may not exceed $50 million at any one time.

Private developers demonstrating the financial, technical, and managerial capacity to carry out the project are eligible for benefits under the program.

Open Space Land Program

42 U.S.C. 1500-1500e, Housing Act of 1961, as amended, Title VII, P.L. 87-70, 75 Stat. 149, 183

The Open Space Program provides grants to aid communities in the acquisition and development of land to help curb urban sprawl, to prevent the spread of urban blight, to encourage more economic and desirable urban development and to help provide needed park, recreation, conservation, scenic, and historic areas. Acquisition and development of the open space land must be in accord with local and area-wide comprehensive planning. A grant to acquire developed land in a built-up area may be made only if there is no suitable undeveloped land in the same area.

A grant may be for up to 50 percent of the costs involved in acquiring land for open space use. Further grants of up to 50 percent of the improvement costs for developing land acquired under the program may be made.

Eligible acquisition costs include those for acquiring land and certain structures, demolition of inappropriate structures where developed land is being acquired, and real estate services. Eligible improvement costs include basic facilities such as roadways, signs, landscaping, etc., but not major construction.

State and local public bodies with authority to acquire and preserve open space land and to contract for Federal funds are eligible for grants.

Public Facility Loans Program

42 U.S.C. 1491-1497, Housing Amendments of 1955, Title II, as amended, P.L. 84-345, 69 Stat. 635, 642

The Public Facility Loans Program provides long-term loans to finance the construction of needed public works. Loans for up to 40 years and covering up to 100 percent of project cost are made for use in financing a variety of public works projects: construction of water and sewage facilities, gas distribution systems, street improvements, public buildings (excluding schools), recreation facilities, jails, or other public works. Loan aid is available only for those parts of a project not covered by aid provided under other Federal agency programs. Priority is given to applications of smaller communities requesting assistance in constructing basic public works.

Those eligible are local units of government or State instrumentalities (cities, towns, villages, townships, counties, public corporations or boards, sanitary or water districts, or Indian tribes having the legal authority to build public works and issue bonds to pay for them. The applicant community must have a population of under 50,000. In designated development areas the population may be up to 150,000. Areas near research and development installations of the National Aeronautics and Space Administration are not subject to a population limit. A non-profit also is eligible for assistance, but for water and sewer facilities only.

Historic Preservation Grants Program

42 U.S.C. 1500d-1, Housing Act of 1961, as amended, Title VII, Sec. 709, P.L. 87-70 as added by the Demonstration Cities and Metropolitan Development Act of 1966, Sec. 605(g), P.L. 89-754, 80 Stat. 1255, 1280

The Historic Preservation Grants Program provides grants for the acquisition and restoration of historic sites or structures for the benefit of the public.

Matching grants cover up to 50 percent of the cost of acquiring, restoring, or improving sites, structures, or areas of historic or architectural significance in the urban areas. Projects must be in accord with comprehensive local planning, and result in a public use or benefit. Applicants must assure maintenance and continued use of the property for historic preservation purposes.

Those eligible for grants are States or local public bodies authorized: to acquire, improve, or restore property for historic preservation purposes; to contract with the Federal Government; and to receive and expend funds for these purposes.

Public Works Planning Advances Program

40 U.S.C. 462 Housing Act of 1954, Sec. 702, as amended, P.L. 83-560, 68 Stat. 590, 641

The Public Works Planning Advances Program provides interest-free advances to assist in the planning of essential public works and community facilities. Public housing projects are not eligible for assistance. Eligible projects must be constructed within a reasonable period of time.

The planning advances are repaid to the Federal government when construction begins.

Non-Federal public agencies legally authorized to plan, finance, and construct the proposed project are eligible. This includes States, public agencies, political subdivisions of States (counties, cities, regions, metropolitan areas, townships, towns, school districts, and Indian tribes) and other special districts, authorities, or agencies.

FEDERAL INSURANCE ADMINISTRATION

Flood Insurance Program

42 U.S.C. 4011, 4127, H.U.D. Act of 1968, Title XIII, P.L. 90-448, 82 Stat. 476, 572

The Flood Insurance Program provides flood insurance in floodprone areas in cooperation with the private insurance industry, which will share in the risk and sell the policies. Insurance will be available first for one to four family residential properties and, as soon as rates can be developed, for small business properties. Other classes of property may be eligible later.

Insurance will be available only in identified areas which have expressed an interest in the program and have given assurance of compliance with land use requirements of the Act and for which, by means of special studies, premium rates have been established. Insurance on properties located in such areas before identification will be available at subsidized rates; those constructed or rebuilt after identification will be insured at the full premium rates. Federal obligations will be related to the differences between the subsidized rate and the full premium rate. The Federal Government will also provide re-insurance to the insurance industry against very heavy losses.

Owners of property for which insurance is available in an area in which such insurance is offered are eligible. The State, county, or community must establish eligibility before flood insurance can be offered in an area.

MODEL CITIES ADMINISTRATION

Model Cities Program

42 U.S.C. 3301, Demonstration Cities and Metropolitan Development Act of 1966, Title I as amended, P.L. 89-754, 80 Stat. 1255

The Model Cities Program provides supplemental financial and technical assistance to enable cities to improve the quality of their physical and social environment. Cities are required to utilize and coordinate existing Federal grant-in-aid programs, state, local and private resources, and to involve neighborhood residents in planning and executing comprehensive five-year plans.

The program authorized the Department of Housing and Urban Development to pay (1) 80 percent of the costs of planning and developing comprehensive city demonstration programs; (2) 80 percent of the cost of administering the approved programs, but not the cost of administering any project or activity assisted under a Federal grant-in-aid program; and (3) the costs of projects and activities included in the approved programs, not to exceed 80 percent of the aggregate amount of non-Federal contributions otherwise required to be made to all projects or activities assisted by Federal grant-in-aid programs which are undertaken in connection with such demonstration programs.

Municipalities of all sizes are eligible. Dates for filing applications are announced from time to time by the Department.

URBAN MANAGEMENT ASSISTANCE ADMINISTRATION

Comprehensive Planning Assistance Program

40 U.S.C. 461, Housing Act of 1954, Sec. 701, as amended, P.L. 83-560, 68 Stat. 590, 640

The Comprehensive Planning Assistance Program provides grants to develop sound community, regional, and statewide comprehensive planning.

Grants of up to 2/3 (3/4 in some instances) of the cost of a planning project are made to supplement State and local funds for comprehensive planning in areas having common or related development problems.

Eligible activities include preparing general and functional plans, programing capital improvements, coordinated all related plans and activities of the State and local governments concerned, and preparing regulatory and administrative measures (ordinances, regulations, etc.). These activities may cover such subjects as land use, transportation, water and sewers, open space and recreation, housing, health, and education facilities, community development and renewal, manpower, training and other aspects of physical and human development and governmental management.

Those eligible include: official State, metropolitan, and regional planning agencies; organizations of public officials; cities; counties in redevelopment areas; multistate regional commissions; official governmental planning agencies for federally impacted areas; localities that have suffered a major disaster; and areas that have suffered a decrease in employment from declining Federal purchases or closing of a Federal installation.

Cities and other municipalities with less than 50,000 population, counties, nonmetropolitan districts, and Indian reservations apply through their State planning agencies. Other applicants apply directly to the appropriate HUD Regional Office.

Urban Clearinghouse Service Program

42 U.S.C. 3532(b), H.U.D. Act, Sec. 3(b), P.L. 89-174, 79 Stat. 667

The Urban Clearinghouse Service Program provides a national focal point for the collection, dissemination, and exchange of technial information for Federal, State, and local governments, universities, and private organizations. Information may relate to such subjects as HUD and other Federal programs, the results of research, studies, and demonstrations, and urban-related programs and activities of State and local governments and private organizations.

Federal, State, and local government units, officials, and related institutions and organizations, universities and other members of the research and development community, professional and trade associations, business and industry, civic groups, and others in need of urban information for solving community development problems are eligible.

U. S. DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION

ORIGIN AND BACKGROUND

Bonneville Power Administration was created by the Bonneville Project Act of August 20, 1937, to market power generated at Bonneville Dam, the first Federal multipurpose project completed on the Columbia River. BPA has since been designated to market power from 30 Federal dams in the region (8 of which are still under construction) and all future Federal dams. The Corps of Engineers and Bureau of Reclamation construct and operate the dams. Power facilities at these dams and the BPA transmission network operate as a single electrical system.

BPA delivers power to 141 customers–public and private utilities and large electroprocess industries–including: 29 cities, 26 public utility districts,

46 cooperatives, 9 private utilities, 9 Federal agencies, and 22 industrial plants. In 1965, BPA sold 35 billion kilowatt-hours of electricity with revenues totaling $90.1 million.

Bonneville Power Administration has returned more than $1 billion to the U.S. Treasury since its inception–$334.7 million for operations and maintenance of the Columbia River Federal Power system, $398.3 million for interest and $417.8 million for repayment of capital investment. BPA has the obligation of repaying its own costs, and that portion of dams allocated to power (slightly less than 80%) plus interest. BPA is also obligated to repay about $689 million in irrigation assistance, which is beyond the ability of the water users to pay.

PURPOSE AND GENERAL RESPONSIBILITY

Bonneville Power Administration, in marketing the power from the Federal dams in the Pacific Northwest, constructs, operates, and maintains the substations and transmission lines which interconnect those projects at more than a hundred locations with other public and private transmission systems. There are nearly 10,000 circuit miles of high voltage lines in the BPA transmission system. About half of these lines are 230,000 volts or higher.

Besides scheduling and dispatching power from 22 existing Federal dams–which have a generating capacity of 6.7 million kilowatts–BPA wheels or exchanges over its grid about 2.7 million kilowatts for non-Federal utilities. The Federal plants supply about 50% of the generation in the region. The BPA transmission system, with the ability to carry 80% of the transmission capacity in the region, serves as the backbone grid for the Pacific Northwest.

The marketing area for BPA contains the Columbia River Basin in the United States and the coastal areas in Washington and Oregon. This area covers 290,000 square miles with a population of 5½ million persons. It includes all of the States of Washington, Oregon, and Idaho, plus Montana west of the Continental Divide and some minor contiguous areas in California, Nevada, Utah, and Wyoming.

In the Northwest, most of the generating facilities lie east of the Cascade mountain range, while the greater part of the electric power is consumed in population centers west of this range of mountains. The slopes of the Cascades are very rugged and heavily timbered, and available transmission routes are rather limited. High voltage lines are, therefore, confined to those corridors which are most suitable.

POLICY

The specific mission of Bonneville Power Administration is to market power produced at Federal multipurpose projects in the Pacific Northwest. BPA is directed by the Bonneville Project Act and the Flood Control Act of 1944 to do this in a manner that will:

1. Encourage the widest possible use of all electric energy that can be generated and marketed.
2. Prevent the monopolization thereof by limited groups.
3. Benefit the general public and particularly domestic and rural consumers.
4. Provide power at the lowest possible rates to consumers consistent with sound business principles.

Consistent with and growing out of these statutory objectives, BPA has set forth the following objectives:

1. To advance the State of the art of extra-high voltage transmission and to achieve maximum reliability of electric service.
2. To achieve the most efficient and economic use of the region's hydropower resources with the least expenditure of capital.
3. To commit Federal investment in power facilities in such a way as to be consistent with but not duplicatory of non-Federal investment, by coordinating and cooperating with non-Federal utilities.
4. To enable small consumer and investor-owned utilities to share in the economies of scale.

ORGANIZATION AND PROGRAMS

Electric power loads in the Pacific Northwest have doubled in the last ten years and are expected to double in the next decade. This will require as much additional transmission capacity in the next ten years as was constructed in the last twenty-five years. One of BPA's programs to meet this growing demand is the planning and constructing of an extensive 500,000 volt grid to overlay and supplement the present predominatly 230,000-volt grid system.

The land required for electric power transmission has been a problem, not only in areas of concentrated population, but through urban, rural,

forested, recreation, and other areas as well. However, as transmission voltages increase, the land use per kilowatt for transmission right-of-way decreases. For example, a 500,000 volt alternating-current line can carry four times the power of a 230,000 volt alternating-current line, one million kilowatts vs. 250,000 kilowatts. Yet, the 500,000 volt line requires only slightly more right-of-way. Studies are now under way to determine the feasibility of replacing some of the existing 230,000 volt lines with planned 500,000 volt circuits, utilizing the same general right-of-way which would result in reducing the need for a new right-of-way.

By 1980, BPA will have constructed, planned or have under construction some 480 circuit miles of 500,000 volt lines in the Puget Sound Study Area. The line routings involved are: from Olympia to Blaine, Washington (via Kent, Monroe and Arlington); from Vantage to Kent, Washington; and from Chief Joseph Dam to Monroe, Washington. The right-of-way land requirements for these lines will approximate 9,200 acres. However, this need could be reduced by some 1,700 acres if the rights-of-way of certain existing 230,000 volt lines currently under study for replacement by 500,000 volt transmission are utilized for this purpose.

Additional 230,000 volt transmission lines in the Puget Sound Study Area are also planned. These lines will be utilized as sub-transmission for customer service.

BPA is actively involved in the planning and development of hydroelectric power as a natural adjunct to the multipurpose development of the region's water and related land resources. Operation of the generating facilities at the federal dams is contingent upon the scheduling and dispatching of power by BPA. The use of water resources in the generation of hydroelectric power has to compete with many other water needs. For example, operation of storage reservoirs and powerplants for power generation has to coordinate with flood control, irrigation, navigation, recreation, municipal and industrial water supply, pollution control, fish spawning, fish ladders, fish enhancement, wildlife, and others, either individually or collectively. For run-of-river hydroelectric projects, some of these uses are not involved, but others are as significant as they are with storage projects.

One of the long-range problems now under investigation is the operation of hydroelectric dams for peaking. This situation is developing due to commitments to make peaking deliveries to other regions via high voltage transmission interconnections. When enough thermal-electric power generation has been installed to carry the energy part of the load, there will be even more demand for hydroelectric peaking. Testing being conducted at the present time is designed to determine the maximum streamflow fluctuations which can be experienced during peaking operations before adverse conditions can occur and possibly jeopardize other water uses.

Thermal-electric generation can also become a problem involving other water needs. There must be a sufficient water supply for plant cooling operations which may be in competition with other water uses. The means of dissipating the heat created in the operation by return to streamflow may be detrimental to other water uses through rising temperatures. The use of cooling towers materially increases costs, creates a new consumptive use, and can cause additional pollution problems.

BPA could also be involved in irrigation development in the Puget Sound Study Area; because, in addition to repaying the Federal investment in power facilities, with interest, the Administration also provides irrigation assistance in the years it falls due.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

ORIGIN AND BACKGROUND

The Bureau of Indian Affairs was created in the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849. Legislation governing the conduct of Bureau activities includes the Snyder Act of 1921 and the Indian Reorganization Act of 1934.

The present objectives of the Bureau's program include: maximum Indian economic self-sufficiency; full participation of Indians in American life; and equal citizenship privileges and responsibilities for Indians.

PURPOSE AND GENERAL RESPONSIBILITY

Functions of the Bureau of Indian Affairs include:

1. To act as trustee for Indian lands and monies and to assist the owners in making the most effective use of their lands and other resources;

2. To collaborate with the Indian people (both tribally and individually) in the development of programs leading toward full-fledged Indian responsibility for the management of their own property and affairs and gradual transfer of public service responsibilities from the Bureau of Indian Affiars to the agencies which normally provide these services;

3. To assist Indian tribes and groups, in cooperation with local and State agencies, in developing programs to attract industries to reservation areas;

4. Enabling legislation provides for the organization of Indian tribes for self-government and the management of their own resources. This includes provisions permitting tribes to organize as municipal corporations and to assume self-governing rights similar to those of the average American community;

5. The basic authority for irrigation projects on Indian reservations is contained in the General Allottment Act of February 8, 1887, Chapter 119, No. 7, 24 Stat. 390, Section 381, herein quoted:

> "In cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior is authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor."

POLICY

The policies under which the Bureau operates with respect to Indian land and water resources include the retention of ownership by Indians and resource management for sustained-yeild benefits. Resource use and conservation use programs involve agricultural development, forestry, grazing, irrigation, soil conservation, recreation, fisheries and shellfish, and industrial development on Indian lands.

ORGANIZATION AND PROGRAMS

Numerous Indian tribal lands are located along many of the major river systems in the Puget Sound Area. Present activities on these lands include forest management and utilization, fishing, fisheries and shellfish, agriculture, recreation and industrial development.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ORIGIN AND BACKGROUND

The Bureau of Land Management was established on July 16, 1946, through the consolidation of the General Land Office (created in 1812) and the Grazing Service (formed in 1934) in accordance with provisions of sections 402 and 403 of the President's Reorganization Plan 3 of 1946 (5 U.S.C. 133y-16).

PURPOSE AND GENERAL RESPONSIBILITY

The Bureau of Land Management is partially or totally responsible for the administration of mineral resources on about 800 million acres, approximately one-third of the area of the United States. Of this 800 million acres, exclusive jurisdiction for the management of lands and resources on some 477 million acres. The basic objective of this management program is to obtain for the American people the benefits of skillful coordination through multiple use management and, with respect to renewable resources, production at a sustained yield.

POLICY

Section 1 of the Act establishing the Land Law Review Commission states, "It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or,

(b) disposed of, all in a manner to provide the maximum benefit to the general public".

ORGANIZATION AND PROGRAMS

While the Bureau of Land Management lands and resources are not extensive in the Puget Sound area, some tracts may be highly valuable for future recreation development. Lands will be retained, protected and managed until needed for a public purpose or another Federal program. Although the Bureau programs are not directly concerned with water, the Bureau is concerned with watershed protection and the effect that water development may have on the lands or their resources.

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF MINES

ORIGIN AND BACKGROUND

The Bureau of Mines was established July 1, 1910, to conduct programs designed to conserve and develop mineral resources and to promote safety and healthful working conditions in the mineral industries.

PURPOSE AND GENERAL RESPONSIBILITY

Mineral and fuel studies are conducted and engineering evaluations are made of marginal mineral and fuels deposits. Studies are made of mining methods and production techniques, and long-range resource investigations are conducted where conservation of other resources, such as waterpower, is involved. Determinations are made regarding the anticipated requirements of energy and resources for economic growth and development.

POLICY

The Bureau of Mines has no direct responsibility or authority in water resource development or management. Economic and statistical studies are made to provide Government with essential information for policy and program formulation and to supply industry with information needed in its operations.

ORGANIZATION AND PROGRAMS

The mineral resources and industries of the Puget Sound and Adjacent Waters Area are studied to show their distribution, size, markets and projected demand. These data are developed to serve in making policy decisions regarding land and water in the basin area.

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF OUTDOOR RECREATION

ORIGIN AND BACKGROUND

As a result of recommendations contained in the Outdoor Recreation Resources Review Commission report of January 31, 1962, the Bureau of Outdoor Recreation was established by Secretarial Order on April 2, 1962. This action was confirmed by the Congress by the Act of May 28, 1963 (Stats. 49)–PL 88-29.

PURPOSE AND GENERAL RESPONSIBILITY

The Bureau serves as a focal point in the Federal Government for the activities relating to Outdoor Recreation. It consults and works with several other agencies in the Department of Interior and the Departments of Agriculture; Defense; Health, Education, and Welfare; Housing and Urban Develop-

ment; and many other agencies concerned in outdoor recreation programs. It is responsible for the coordination of Federal programs and for assistance in State and local recreation programs. The Bureau is concerned not only with parks but with all types of outdoor recreation and natural beauty and seeks to coordinate efforts toward total recreation programs for all outdoor recreation activities.

POLICY

The Bureau is not a land management agency but is responsible for policy planning, technical assistance, and program coordination. The Bureau operates primarily through the states which are considered to be the focal point in coordinated outdoor recreation programs.

ORGANIZATION AND PROGRAMS

Most of the Bureau's programs have relevance to the Puget Sound and Adjacent Waters Study. The most significant are its responsibilities for water project recreation planning and comprehensive river basin planning. In this work, the Bureau provides recreation evaluations and recreation planning assistance to the Bureau of Reclamation, the Corps of Engineers, the Bureau of Indian Affairs, the Federal Power Commission, and other agencies as the need arises. It works with the Fish and Wildlife Service, the Forest Service, the Bureau of Land Management, the National Park Service, and appropriate State agencies in correlating recreation planning in river basin studies and in water development projects.

It also administers the Land and Water Conservation Fund Act (PL 88-578 of 1965) which provides financial assistance to the State for recreation land acquisition and recreation planning and development. This same fund provides money to the Federal Forest Service, National Park Service and the Bureau of Sports Fisheries and Wildlife for recreation lands acquisition.

It conducts studies of special areas such as wild rivers, national parks, recreation areas, trails, islands or other special areas.

The Bureau is responsible for stimulating research in recreation in order to facilitate the development of comprehensive state-wide and nation-wide plans and project plans.

The Bureau is active in creating interest in an outdoor recreation education program among the institutions of higher learning. The objective is to train personnel, to plan, administer, and execute programs for the development, conservation, and use of the Nation's recreation resources.

In addition, the Bureau is responsible for other miscellaneous recreation projects and activities, among which are the review of State and local applications for acquisition of surplus property and public lands under the Public Land Laws; conducting special recreation surveys; cooperating with private interests in developing public recreation areas; assisting State Highway Departments in highway beautification programs; reviewing and cooperating with Federal agencies in recreation land acquisition programs.

The Director of the Bureau of Outdoor Recreation serves as Executive Director of the Council Staff of the President's Council on Recreation and Natural Beauty as established by Executive Order 11278 on May 4, 1966. This Council is composed of the Secretaires of Defense; Interior; Agriculture; Commerce; Health, Education, and Welfare; Housing, and Urban Development; Chairman of the Federal Power Commission; the Chairman of the Board of Directors of the Tennessee Valley Authority; and the Administrator of General Services. A companion Citizens Advisory Committee on Recreation and Natural Beauty composed of 12 members advises the President and Council on matters relating to all phases of outdoor recreation and natural beauty.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

ORIGIN AND BACKGROUND

Irrigation in the West was practiced by the settlers as early as 1847, and even before that by Indians and Mission settlements. With the great migration to the West during the late 1800's, reclamation and settlement of arid lands emphasized the need to provide reservoirs to store high streamflows

for use during periods of low flows. Thus, the Bureau of Reclamation was created to carry out an orderly program of planning and construction for full-scale water and land resource development beyond the means of private enterprise.

The Reclamation Act, approved on June 17, 1902, authorized the Secretary of the Interior to locate, construct, operate and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the western states. To carry out these objectives, the Act provided for the establishment of the Reclamation Fund for planning, construction and operation of irrigation projects. As a revolving fund, the money expended was to be repaid without interest in ten years by the owners of the property benefited. The Act also provided for acreage limitations in compliance with homestead laws to continue family-size farm opportunities in the West. This provision, which still applies, is that no individual may be served water for more than 160 acres in his ownership, or 320 acres for a man and wife. The Act provided that all actions would conform to State laws regarding control, appropriation, use or distribution of irrigation water. Amendments have been made to the Act, including legislation in 1926 which extended the period for repayment of irrigation costs to 40 years.

In July 1902, the Secretary of the Interior approved the organization of the Reclamation Service within the Geological Survey. In March 1907, the Reclamation Service was removed from the Survey and established under a Director. In June 1923, the Secretary created the position of Commissioner of Reclamation and changed the name Reclamation Service to Bureau of Reclamation.

Earliest developments under reclamation legislation were generally single-purpose irrigation projects, but with the growth of the West, the demand for putting water to use to serve other purposes increased. Some of the background leading to today's planning and development of multiple-purpose projects by the Bureau of Reclamation follows.

Irrigation—While irrigation is the principal function in most Bureau projects, it is not necessary that this be a function in the planning and development of multiple-purpose projects.

Hydroelectric Power—The Reclamation Act was broadened in 1906, with passage of the Town Site Act, to include power generation as a project purpose. Revenues from the sale of power were applied to the cost of the powerplant and the project upon which it was located. This established the basic concept of using power revenues to help repay project costs. This law also provided that preference be given to municipal use in the sale of lease of power. This provision has evolved into the present concept of establishing Federal, State or local governmental units or cooperative agencies as preference customers.

Municipal and Industrial Water Supply—Contracts for municipal and industrial water service were first authorized for towns on or in the vicinity of Federal irrigation projects by the Town Site Act of April 16, 1906. With passage of the Reclamation Project Act of 1939, the furnishing of water for municipal and industrial purposes became a fully recognized purpose of Federal reclamation project development. The Act provided for allocation of costs to this function and charging of interest on the allocated costs. The Water Supply Act of 1958 authorizes construction or modification of Reclamation projects to impound water for present or future municipal and industrial needs. No more than 30 percent of the storage cost may be allocated to deferred use, with interest deferred for not more than 10 years after construction. The total cost allocated to this function shall be paid within 50 years, and assurance of repayment is required prior to construction of storage facilities.

Recreation and Fish and Wildlife—Fish and wildlife conservation and propagation became a full partner in Reclamation projects through the Fish and Wildlife Coordination Act as amended in 1946. The amended Act provided that a portion of the project costs may be allocated to this purpose and that such allocated costs were not to be reimbursable. Recreation has been recognized as a function of Reclamation reservoirs for many years, and minimum basic facilities have been provided as authorized by Congress on a project by project basis.

The Federal Water Project Recreation Act of 1965 (PL 89-72) provided that full consideration should be given to these two purposes whenever any project can reasonably serve either or both of them, consistent with the provisions of this Act. The repayment analysis provides that one-half of the separable construction costs, associated interest during construction, and all of the separable annual operating costs would be repayable by a non-Federal public body. The balance of the separable costs and all of the remaining joint costs allocated to those purposes would be nonreimbursable. Also all costs

associated with recreation and fish and wildlife at the reservoir and in reaches of streams on Federal lands would be nonreimbursable.

Flood Control—The need for flood control has long been considered in the planning of storage reservoirs by the Bureau of Reclamation. Most Reclamation reservoirs that have been constructed provide some degree of stream regulation to restrict flooding.

Other Functions—Other purposes such as water quality control and navigation are considered and included as project functions when found to be economically justified.

Some of the large multiple-purpose projects which have come to characterize the Reclamation program include the Boulder Canyon Project, constructed in 1928, and Grand Coulee Dam in 1933 as a part of the Columbia Basin Project in Eastern Washington.

The continuing program of Reclamation has made irrigation water available from surface and ground water sources to more than 10 million acres of land to produce annually more than a billion dollars worth of marketable crops. Storage of water for municipal and industrial use serves a population of nearly 11 million. The Reclamation program has been responsible for the construction of 225 storage dams and the development of about 6 million kilowatts of installed hydroelectric generating capacity as an integral part of the multiple-purpose facilities. About 35 million visitor-days of recreational use are now recorded annually at reclamation reservoirs. In addition, reclamation facilities provide flood control, water quality control, and fish and wildlife benefits to the Nation.

PURPOSE AND GENERAL RESPONSIBILITY

The Bureau of Reclamation's major responsibilities are: (1) Investigate and develop plans for potential projects to conserve and utilize water and related land resources; (2) Design and construct authorized projects for which funds have been appropriated by the Congress; (3) Operate and maintain projects and project facilities constructed by the Bureau, and inspect the operation and maintenance of projects and project facilities constructed by the Bureau but operated and maintained by water users; and (4) Negotiate, execute, and administer repayment contracts, water service contracts, and water-user operation and maintenance contracts.

General Investigations—Reclamation investigations are of three main types: Basin, Reconnaissance and Feasibility. Local interest and support are primary requirements for starting and carrying out all investigations.

The primary purpose of basin investigations is to inventory the water and land resources and develop a comprehensive plan of development for an entire river basin. The need for immediate development and projected future needs are identified. Projects requiring immediate development may be studied in sufficient detail for congressional authorization for construction. Projects required in the future are identified adequately to provide a basis for future detailed investigations.

A Reconnaissance Investigation—Usually deals with a specific, potential project as distinguished from an entire river basin. The primary purpose of the investigation is to determine if a feasibility (detailed) study is warranted. All water resource development needs are considered, and alternative means of satisfying the needs are evaluated. The detail and scope of the study are only to the extent necessary to provide preliminary estimates of project costs and benefits for the various development alternatives considered. The report summarizing the investigation is used for information purposes only and not as a basis to seek authorization for project construction.

Feasibility Studies—Are initiated when a reconnaissance or basin investigation indicates a development plan may be justified and further studies warranted. Before such studies can be initiated, they must be authorized by Congress and funds provided. Information from previous investigations is utilized and additional data obtained to provide the necessary level of detail. A report is prepared which gives adequate detail of the justified plan for seeking congressional authorization for construction of the project. Before a project is authorized for construction it is essential that it have economic justification. Local interest in and support for development are also essential before Congress will authorize such projects.

Small Reclamation Projects—The Bureau of Reclamation administers the program authorized under the Small Reclamation Projects Act of 1956. This Act, as amended June 5, 1957, and September 2, 1966, established a program under which certain types of organizations can obtain loans for small

reclamation projects and grants for those portions of the projects that are nonreimbursable as a matter of national policy. The portion of the loan attributable to the irrigation of lands held in 160 acres or less in a single ownership, is interest-free.

Referring to the type of organization that may be eligible to obtain a loan, the law states:

> "The term 'organization' shall mean a State or a Department, agency or political subdivision thereof or a conservancy district, irrigation district, water users' association, an agency created by interstate compact or a similar organization which has capacity to contract with the United States under the Federal Reclamation Laws".

A small project may take either of two forms. It may be a complete irrigation undertaking or a distinct unit of such an undertaking, similar to that which might be constructed by the Bureau of Reclamation under the Federal Reclamation laws, but with a total cost not to exceed $10,000,000. Or, it may be a rehabilitation and betterment program for an existing irrigation development, with a cost not exceeding $10,000,000. The limit of Federal funds that may be provided is $6,500,000 for a combination of a loan and a grant or for either. Grants may be made for flood control, recreation, and fish and wildlife purposes where such development is of benefit to the general public. Such grants can be made up to a maximum of $6,500,000 for a single project, but the combination of a loan and grant cannot exceed this amount. Grants may be made even if no loan is requested, provided that irrigation is clearly the primary purpose of the proposed project and that the applying organization will pay the irrigation costs.

The applying organization is responsible for planning, building, operating, and maintaining the system. The Bureau examines the plans to determine whether the project can reasonably be expected to accomplish its purpose and provide for the repayment of the loan. The Bureau inspects the project as necessary during construction and throughout the period of the loan to make certain that it is built and managed in accordance with the agreement. The Bureau also provides whatever advice the applicant may need regarding the contents of the application and procedures to be followed.

Rehabilitation and Betterment—The Rehabilitation and Betterment Act of October 7, 1949, as amended March 3, 1950 (63 Stat. 724, 64 Stat. 11), provides for Federal assistance in financing rehabilitation and betterment work of irrigation systems on projects governed by the Federal Reclamation laws. The term "rehabilitation and betterment" as used in this Act means maintenance, including replacements, which cannot be financed currently by the irrigation organization. Such work may be performed either by the Federal Government by contract or force account or by repayment contract entered into with the organization concerned which will perform the work. Appropriate rehabilitation and betterment expenditures will be repaid without interest in accordance with the organization's ability to pay, as determined by the Secretary of the Interior, taking into consideration the outstanding repayment obligations of the organization. The determination of the Secretary with respect to the schedule for repayment of such expenditures is not effective until either 60 days after it has been submitted to House and Senate Committees on Interior and Insular Affairs, or earlier, if each such Committee approves.

Assistance to Declared Disaster Areas—The Bureau of Reclamation also provides assistance to existing irrigation projects suffering from natural disasters such as major floods. Upon the President's declaration of a major disaster, the Office of Emergency Planning has the responsibility of coordinating Federal disaster assistance under the Federal Disaster Act of 1950 (Public Law 875). When irrigation systems are involved, the Bureau of Reclamation provides assistance in evaluating the damage, recommends means of rehabilitating the system and, in some cases, provides supervision during construction of new facilities.

POLICY

The concept of reimbursability is a major controlling factor in all reclamation financial and formulation activities. Federal Reclamation Law requires that all costs allocated to irrigation be repaid to the Federal Government over a 40-year period without interest. Annual operation and maintenance costs also must be fully borne by the water users. The law further provides for an initial development period of up to ten years during which no repayment of construction costs are required. When appropriate, specific projects are authorized by Congress to allow for a 50-year repayment period. Irrigators repay construction costs within their ability to pay. Costs

beyond the irrigators' ability to repay may be returned to the Treasury through surplus Federal power revenues or from other sources of revenue as derived by the Secretary.

In multiple-purpose projects, flood control, water quality control, and certain fish and wildlife and recreation costs are nonreimbursable by law. The reimbursable portions of recreation and fish and wildlife costs must be borne by a non-Federal public entity. Costs of power and municipal and industrial water supply must be repaid with interest to the Federal Government within 50 years.

ORGANIZATION AND PROGRAMS

The Bureau of Reclamation consists of the following principal segments: The Commissioner's Office at Washington, D.C., the Office of Chief Engineer at Denver, Colorado, seven regional offices, and project and other operating offices in the regions. The Pacific Northwest makes up Region 1 with the Regional Office in Boise, Idaho. Investigations for the Puget Sound Study were under the jurisdiction of the Upper Columbia Development Office in Spokane, one of three planning offices in Region 1.

The Bureau has in the past made investigations to various degrees of detail in the Nisqually, Puyallup, Duwamish, and Dungeness River Basins. In fiscal year 1963, studies were started as a part of a basin-wide survey in the Snohomish, Stillaguamish, Skagit, and Nooksack River Basins. All basic data previously obtained was utilized in the comprehensive survey of the Puget Sound Area.

In the Puget Sound Study, the Bureau of Reclamation has had the primary responsibility of identifying irrigation needs and potentials, and for determining and developing effective means to satisfy these needs.

U. S. DEPARTMENT OF THE INTERIOR
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

ORIGIN AND BACKGROUND

Responsibilities of the Federal Water Pollution Control Administration (FWPCA) and its predecessor, the Division of Water Supply and Pollution Control of the Public Health Service, significant to comprehensive water resources planning, are those dealing with municipal and industrial (M&I) water supply and water quality control.

Water supply for municipalities and industries has been traditionally a matter of local concern. Where such supplies were included in earlier Federal storage projects, these water supplies were considered vendible products and full reimbursement of cost of including such storage in Federal projects was established policy. The Water Supply Act of 1958 permitted Federal agencies to plan and store water for anticipated future M&I needs. "Reasonable assurance" was required that these waters would be utilized within ten years of project completion and that a contract covering repayment of cost during the life of the project would then be negotiated. In an amendment to the Water Pollution Control Act of 1961 (PL 87-88) the allocation to M&I water supply was set at 30% of the total project cost and the Federal construction agencies were permitted to make their own determination of future M&I needs and include storage capacity without definite contractual commitments. To facilitate study of M&I water supply needs that could be served by planned Corps of Engineers projects, a memorandum of agreement between the Departments of HEW and the Army was negotiated late in 1958. Similar studies involving Bureau of Reclamation projects have also been conducted.

Ever since the turn of the Twentieth Century increasing emphasis has been placed on water pollution control by Congress. All of the Federal legislation passed until 1948, however, had to do with specific types of pollution or specific river basin investigations. On June 30, 1948, the President signed Public Law 845 which authorized the first comprehensive Federal water pollution control program. The provisions of the Act included: Development and adoption of comprehensive pollution control programs for surface and ground waters in cooperation with State and local agencies; Federal grants to State and local agencies for the implementation of programs; technical assistance in pollution control studies; aid in financing engineering plans and construction of abatement works; development of uniform State pollution control laws; and provision of

Federal enforcement action on interstate waters with the consent of the State in which the pollution originated. The original law, limited to a five-year period, was subsequently extended to June 30, 1956.

The original Act was extended and strengthened in 1956, and again in 1961. Among other changes this latter amendment provided that in the survey or planning of any reservoir the Federal construction agencies consider " . . . inclusion of storage for regulation of streamflow for the purposes of water quality control . . . and that the Secretary of DHEW shall advise said agencies on the need for and value of storage for this purpose." Thus, for the first time, storage for quality control releases was recognized as a function to be included in multi-purpose water resource development projects. The Water Quality Act of 1965, among other things, established the administration and authorized development of water quality standards in interstate waters—and the Clean Water Restoration Act of 1966 further amplified and consolidated Federal pollution control programs.

PURPOSE AND GENERAL RESPONSIBILITY

The FWPCA, in the field of water resources planning and development, determines municipal and industrial water supply needs and develops comprehensive plans for pollution control and water quality management. Both of these planning functions are essential to provide the framework for the orderly development of water resources to serve the needs of the Nation's rapidly expanding population and technology. To this end, the Public Health Service, the predecessor of FWPCA, initiated, in 1961, a series of comprehensive studies for water supply and pollution control in the major river basins across the country. Similar studies are also carried out on individual water resource development projects at the request of the Federal construction agencies.

POLICY

The comprehensive water pollution control programs throughout the country are dedicated to enhancing the quality and value of our water resources and to establishing a national policy for the prevention, control and abatement of water pollution. This is to permit these waters to serve the widest possible range of human needs. Such needs include the use of water courses for waste assimilation, but only after subjecting the wastes to treatment or control to the degree technically possible. The emphasis, then, in developing these programs, is on prevention of water pollution as well as on control of existing pollution.

The basic policy in the Federal program has always been based upon the recognition and preservation of the primary responsibility of the States in preventing and controlling pollution. This has been manifested in Federal programs aimed at supporting the States' efforts.

The Federal Water Pollution Control Act requires that storage in Federal water resource projects for water quality control releases cannot be used in lieu of waste treatment or control at the source. Before any such storage or releases can be recommended, "adequate" waste treatment must be practiced.

ORGANIZATION AND PROGRAMS

The FWPCA is organized along five fronts to meet its responsibilities in pollution control and abatement.

Comprehensive Planning cooperates with State, interstate and other agencies in developing long range water quality management plans. Planning activities are pointed towards three areas: (1) A basinwide comprehensive water quality management plan is scheduled to be completed for the Columbia River Basin and adjacent coastal areas in 1968. It will provide the broad framework of immediate and long range needs and alternative solutions for water quality management in the basin; (2) Studies of the need for storage in proposed Federal reservoirs for the regulation of streamflow for quality control purposes are underway for several projects in the Northwest; and (3) Grants are made to State pollution control agencies to enlarge and improve their total programs. The States are also assisted in their planning efforts by a three-year program of FWPCA grants of up to 50% of the administrative expenses of their planning program. A complementary program, in its first stages, provides funds to local planning agencies to encourage the development of effective water quality control and abatement plans for individual basins.

The Facilities Program is divided into two primary areas of responsibility. The Grants Program administers the issuance of Federal grants to cities for

construction of sewage treatment works, such as Seattle's Metro. The Federal Facilities Program is concerned with prevention, control and abatement of water pollution from Federal activities. A significant activity in Puget Sound involves the large land and recreation areas under Federal management.

The Enforcement Program carried out enforcement measures against pollution of interstate navigable waters. The recent Puget Sound Enforcement Conference, called at the request of the Governor, resulted in a recommended schedule of waste treatment measures to be instituted by eight pulp mills and three cities located in three harbors on the Sound.

Research and Development aims their program at finding answers to complex pollution problems and cheaper means of pollution abatement. Demonstration grants are available to agencies and industries for new and improved methods of controlling pollution and treating wastes.

Technical Programs provides technical assistance to States, other agencies, industries and individuals on pollution problems. A national network for water quality monitoring is also a part of this program.

U. S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE

ORIGIN AND BACKGROUND

Congress recognized the national aspect of the conservation of fish resources in 1871 by authorizing appointment of a Commissioner of Fish and Fisheries, under the U.S. Fish Commission. A Bureau of Fisheries was established in the Department of Commerce and Labor in 1903. In subsequent years, responsibilities were increased to include administration and enforcement of laws protecting Alaskan salmon fisheries and supervision of various aquatic mammals in Alaska.

In 1885, a unit was established in the Department of Agriculture for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture. One year later the unit was officially named the Division of Economic Ornithology and Mammology. In 1896, the agency was designated as the Division of Biological Survey and, in 1905, was given full Bureau status.

The Bureau of Fisheries and the Bureau of Biological Survey were transferred to the Department of the Interior on July 1, 1939, and on June 30, 1940, were merged to form the Fish and Wildlife Service. Policies and programs for the protection and restoration of fish and wildlife resources were coordinated, and with few exceptions, functions formerly authorized were continued. Merger of these two relatively small Federal agencies into a single unit resulted in expansion into new fields of fish and wildlife management and research.

The Fish and Wildlife Act of 1956 (70 Stat. 1119), enacted August 8, 1956, established a new policy for the development, protection, and wise use of the Nation's fish and wildlife resources. Reorganization of the fish and wildlife activities of the Department of the Interior was provided by this statute, Public Law 1024, 84th Congress. Accordingly, on November 6, 1956, the Fish and Wildlife Service was reorganized into two component Bureaus–the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife. Reorganization was completed in 1959. The Service was replaced by a U.S. Fish and Wildlife Service and was increased in stature by the creation of two new administrative posts–an Assistant Secretary for Fish and Wildlife and a Commissioner of Fish and Wildlife. The prime purpose underlying the reorganization was to foster sport fisheries and wildlife programs on a continuing and expanding basis, and to strengthen the Federal services for the commercial fishing industry.

PURPOSE AND GENERAL RESPONSIBILITY

Activities of the Bureau of Commercial Fisheries are to engage in biological and technological research; carry on studies and market promotion programs; collect and publish statistical data; spearhead the program to develop the Columbia River fisheries, which includes fish hatchery construction; take part as directed on international commissions affecting commercial fisheries of the United States;

and manage the fur seal resource of the Pribilof Islands in Alaska.

The Bureau of Commercial Fisheries' objectives are to maintain the domestic fishing industry in a healthy and competitive state and thus provide needed animal protein foods in variety and abundance for human and industrial use. Since its origin, primary functions of the Federal fishery agency have been investigational and advisory. The Bureau is without power to regulate the fisheries, either sport or commercial. This is a State responsibility.

The Bureau of Sport Fisheries and Wildlife aids in the conservation of the Nation's migratory birds, certain mammals, and sport and commercial fishes through essential research needed for proper management. Its activities include the application of research findings in the development and management of a system of national wildlife refuges for migratory birds and endangered mammals, and national fish hatcheries for sport and commercial fisheries resources; the management of migratory game bird populations through the regulation of time, degree, and manner of harvest; and the acquisition and application, independently or with other Federal agencies, State Governments, universities, private groups and individuals, of technical knowledge essential for the perpetuation and enhancement of fish and wildlife.

The Division of River Basin Studies, originally designated as the Office of River Basin Studies at its inception in April 1945, is a branch of the Bureau of Sport Fisheries and Wildlife. It is the representative of the U.S. Fish and Wildlife Service concerning Federally-planned or Federally-licensed water developments, and deals directly with water-use agencies planning such developments. The Division contacts the Bureau of Commercial Fisheries whenever fisheries of commercial significance are involved in project planning, and reports resulting from pertinent project studies are coordinated with that Bureau. Close cooperation is maintained with other Divisions in the Bureau of Sport Fisheries and Wildlife, Interior Department Field Committees, Special Study Commissions, Inter-Agency Committees, and other organizations involved. Further, cooperation with other agencies is facilitated by specific agreements or memoranda of understanding. With the exception of resources under Federal trust, fish and wildlife are a State responsibility. State fish and game departments, therefore, are consulted concerning programs affecting their interests.

POLICY

Because of increased Federal participation, development of the Nation's water resources has accelerated greatly since World War II. Although effects on fish and wildlife of this development program have long been recognized by conservation agencies, legislation ensuring equal consideration for these resources has lagged.

Congress recognized the importance of providing for fisheries protection at non-Federally sponsored hydroelectric power projects by enacting the Federal Power Act of June 10, 1920 (41 Stat. 1077). The Act, as amended, states that the Federal Power Commission shall require the construction, maintenance, and operation by a licensee at his own expense of fishways prescribed by the Secretary of the Interior.

Then realizing that fish and wildlife resources should be considered in Federally-sponsored projects, Congress enacted the Coordination Act of March 10, 1934 (48 Stat. 401). Among other provisions, this law required that opportunity be afforded the Fish and Wildlife Service to use waters impounded by the Federal Government for fish-cultural stations and migratory-bird resting and nesting areas. Further, development agencies were required to consult with the Service to ascertain provisions determined necessary and economically feasible for fish passage at any dam constructed by the Federal Government or by a private agency under Federal license.

Upon passage of the Flood Control Act of December 22, 1944, (58 Stat. 889), the Fish and Wildlife Service assumed additional obligations concerning water-use projects west of the 97th meridian. Provisions that the States could examine the plans, proposals and reports on such projects, and cooperate in planning, pertained also to the Service.

The Act of August 14, 1946 (60 Stat. 1080; 16 U.S.C. 661), informally referred to as Public Law 732, 79th Congress, decreed that authorization for water impoundment, diversion or control, by any Federal agency or by any public or private agency under Federal permit, would require consultation with the Fish and Wildlife Service and the State conservation agency concerned to plan for prevention of fish and wildlife losses. Further amendment resulted in the Act of June 19, 1948 (62 Stat. 497).

The Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 661 et. seq.), officially titled the Fish and

Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.), is considered a milestone in conservation legislation. It specifies that fish and wildlife conservation receive equal consideration and be coordinated with other features of water development programs, and that conservation measures be incorporated in plans for Federal water developments.

In its guidelines concerning development, Senate Document 97, 87th Congress, 2nd Session, approved by the President May 15, 1962, specifies that there be provision for "Outdoor recreational and fish and wildlife opportunities where these can be provided or enhanced by development works". Further, under guidelines concerning preservation, it states that "There be protection and rehabilitation of resources to insure availability for their best use when needed".

The Federal Water Project Recreation Act of July 9, 1965 (Public Law 89-72; 79 Stat. 213), gives general authority for inclusion of recreation and fish and wildlife enhancement as project purposes in Federal water developments on par with other purposes, and prescribes general cost sharing and reimbursement policy for such purposes. This requires that a non-Federal public body must pay for one-half of capitol costs and all annual operation, maintenance and replacement costs on project associated enhancement features.

Other pertinent legislation, involving fish and wildlife conservation and development, serves as additional authority for resource planning and program implementation for development of water and related land resources.

ORGANIZATION AND PROGRAMS

The planning and development programs of the U.S. Fish and Wildlife Service for the Puget Sound Study are activated through the Bureau of Sport Fisheries and Wildlife, which coordinates its efforts with the Bureau of Commercial Fisheries.

A particularly relevant program concerns the development of plans for the conservation and enhancement of fish and wildlife resources in water use development projects and programs. The Bureau of Sport Fisheries and Wildlife maintains interagency coordination within its scope of responsibility and both Bureaus provide data inputs.

The Bureau of Sport Fisheries and Wildlife was delegated the chairmanship of the Fish and Wildlife Technical Committee and bore the overall responsibility for systematic plan development. Equally important, the Bureau acted as primary group coordinator, maintained active liaison with other committees, participated in activities ensuring public awareness of committee purpose, funded portions of the overall study, and coordinated its individual sub-basin studies with the fish and wildlife review. Study agreements, providing funds to the Washington Departments of Fisheries and Game, State members of the Committee, were negotiated to help these agencies discharge their responsibilities in the study.

Comprehensive river basin planning is the keystone to optimum development of water and related land resources in the Puget Sound Area, and basin plan formulation was a prime agency activity. The Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries were instrumental in fulfilling responsibilities of the U.S. Fish and Wildlife Service in fish and wildlife aspects of formulation.

U. S. DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

ORIGIN AND BACKGROUND

A Bill establishing the office of the Director of the Geological Survey became law on March 3, 1879, (20 Stat. 394; 43 U.S.C. 31), and provided that "this office shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geologic structure, mineral resources, and products of the national domain". This law was later extended to include the states, in addition to the national domain. Two years later the words "and to continue the preparation of a geologic map of the United States" were added to the appropriation Act (22 Stat. 329). In 1888, an appropriation was made for "geologic surveys in various portions of the United States" and for the first time a specific appropriation was made for topographic mapping.

Following the early work on lands available for irrigation the Geological Survey obtained, in 1894, funds "for gauging the streams and determining the water supply of the United States".

During 85 years of evolution, several activities of the survey have served as the nuclei for new separate bureaus to perform appropriate specialized functions. This led to the formation of the Forest Service in 1905, Reclamation Service in 1907, the Bureau of Mines in 1910, and the Grazing Service in the 1930's. The Geological Survey has thus been able to center its emphasis on objective, scientific surveys, investigations, and research without direct commitment to any large development or engineering programs.

PURPOSE AND GENERAL RESPONSIBILITY

The responsibility of the Washington District Office of the Water Resources Division is to determine and appraise the water resources of the State. Included in this broad objective are: (a) comprehensive, continual accounting of the sources, movement, amount, storage, and quality of water supplies, and evaluation of the effect on water supplies of geologic, topographic, and other factors; (b) systematic quantitative accounting of the uses and disposition of water, of its chemical usability, and of the effects of use on quality; (c) evaluation of the State's total water resources, region by region, and studies of development, use, and regulation; (d) research on hydrologic principles and processes and other phenomena related to water in order to improve the scientific basis for solving water problems.

ORGANIZATION AND PROGRAMS

The continuous data-collection program of the Geological Survey includes streamflow, ground-water levels, miscellaneous discharge measurements, and some sediment and quality-water data in the Puget Sound Comprehensive Water Resources Study Area. In addition, a number of cooperative studies both completed and in progress will contribute to the knowledge of the hydrologic environment in the study area. As a participating agency in the Puget Sound Study, the Survey is provided Federal funds to implement its role in the comprehensive water resource plan.

U. S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

ORIGIN AND BACKGROUND

The National Park Service, a Bureau of the Department of the Interior, is responsible for the development and management of the National Park System in accordance with the Act of August 25, 1916. Actual establishment of the Service took place in 1917 when the first appropriation became available. Prior to that time, 16 national parks and 21 national monuments had already been established. The first unit of the National Park System, and the first reservation of its kind, was Yellowstone National Park established by Congress under the Act of March 1, 1872.

PURPOSE AND GENERAL RESPONSIBILITY

Subsequent acts, executive orders, and proclamation have added to the National Park System and expanded the activities of the Service. Today, the National Park System comprises more than 230 areas. While these areas are administered under a variety of specific designations other than national parks and monuments—such as national recreation areas, national seashores, national historic sites, battlefield parks, and others—the legislative enactments that have shaped the National Park System clearly define three categories of areas. These are natural, historical and recreational. Each category is managed in accordance with certain specific principles and policies, consistent with specific Congressional enactments.

A portion of Olympic National Park and most of Mount Rainier National Park are within the study area of the Puget Sound and Adjacent Waters. Additionally, Congress in 1966 authorized establishment of the San Juan Island National Historical Park located in Puget Sound.

POLICY

The Organic Act of 1916 assigned to the Service for administration all of the national parks and most of the national monuments previously established. At the same time, the Act established a broad framework of policy for the administration of these areas by requiring the National Park Service to "promote and regulate the use of the Federal areas known as National Parks, Monuments, and Reservations hereinfafter specified, by such means and measures as to conform to the fundamental purpose of said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations".

ORGANIZATION AND PROGRAMS

National Park Service programs as they relate to the Puget Sound Task Force Comprehensive Water Resources Study are:

1. National Park System planning and the management, in accordance with their respective purposes, of the natural, historic, and recreational areas of the System as an integral part of the nationwide recreation plan of the United States.

2. Administration of the Registry of National Landmarks under the authority of the Historic Sites Act of 1935. It is the purpose of this program to establish an inventory of nationally significant historical and natural properties under other Federal, State, local or private ownership and to encourage their continued preservation. The program is voluntary, and Landmark designation does not change ownership or responsibility for the property.

3. Administration of the Historic Properties Preservation program, authorized by Congress in 1966. The basic purposes of this program are threefold: (a) expansion and maintenance of a national register of properties significant in American history, architecture, archeology and culture and to grant funds to States for the preparation of comprehensive Statewide historic surveys and plans; (b) provision of matching grant-in-aid to the States for the preservation of significant historical, architectural, archeological, and cultural properties; and (c) establishment of a program of matching grants-in-aid to the National Trust for Historical Preservation in the United States.

4. Recreation phases of comprehensive river basin planning dealing with history, archeology, and natural science; technical assistance to the Bureau of Outdoor Recreation; and post-authorization recreation planning for individual Federal water projects.

5. Studies or surveys which involve the above responsibilities; evaluation of potential additions to the National Park System; recreation planning and related assistance requested by other Federal agencies; and special studies as assigned.

6. Continuing planning relationships with State and local park departments and others on specific area planning, management, interpretation, and related matters.

U. S. DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SECURITY

ORIGIN AND BACKGROUND

The Department of Labor was established on March 4, 1913, for the primary purpose of maintaining and improving the well-being of people. The Department participated in the initial phases of the study as a member of the Columbia Basin Inter-Agency Committee.

PURPOSE AND GENERAL RESPONSIBILITY

The Department of Labor, through its Bureau of Employment Security, which administers the Federal and State system of employment offices and unemployment insurance and several of its other bureaus, is closely related to this Puget Sound planning effort. Assistance in the Puget Sound Re-

view has been provided in the fields of labor economics and in furnishing farm, industrial, and other employment information.

POLICY

The Department recognizes that the relationship of people and employment opportunities to water resources planning is of first importance since all resources planning should be oriented to meet the needs and wants of people.

ORGANIZATION AND PROGRAMS

The Bureau of Employment Security and the Bureau of Labor Statistics, of the Department of Labor, have provided statistical information on labor economics and employment. Upon request, specialized information can be developed in labor market analysis.

FEDERAL POWER COMMISION

ORIGIN AND BACKGROUND

The Federal Power Commission was created in 1920 when Congress enacted the Federal Water Power Act. At that time the Commission was composed of the Secretaries of War, Interior and Agriculture.

In the years preceding passage of this Act, conflicts between interests of opposing water users led to separate Bills before several committees for independent legislative purposes, although the basic aim in general was to permit the development of water power. In 1908, President Roosevelt vetoed the proposed Rainy River Bill, a special Act for private development, which he said was "giving away the property of the people in the flowing waters . . . in advance of the formulation of definite plans as to their use". After this message, the necessity for river use planning continued to be recognized in the General Dam Act of 1910, and in the House and Senate Committee reports on water power legislation.

Up to 1920, the administration of permits for non-Federal water power and development had been handled independently by three separate Departments–War, Interior, and Agriculture–and it was finally agreed that through coordination of their work under a Federal Power Commission composed of heads of those Departments a common policy could be pursued and the combined efforts of the three agencies directed toward a constructive national program of intelligent economical utilization of our water resources.

In 1930, after ten years of operation under the Federal Water Power Act, the Commission was reorganized by Act of Congress as an independent agency composed of five Commissioners; and in 1935, passed the Public Utility Act which made the Federal Water Power Act Part I of the new Federal Power Act and added Parts II and III, dealing with interstate transmission of electrical energy the companies so engaged, and water power project licenses. Many important amendments and Congressional Acts have since been made, which have expanded the work and responsibilities of the Commission.

PURPOSE AND GENERAL RESPONSIBILITY

The FPC is a quasi-judicial agency which was originally set up to safeguard the Nation's water resource and at the same time encourage and issue licenses for non-Federal development of hydroelectric power in the public domain and navigable streams.

Basic authority for the Commission's water resource studies is contained in Sections 4(a), 4(c), 10(a) and 7(b) of the Federal Power Act. These Sections are as follows:

"Section 4–The Commission is hereby authorized and empowered–(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the Commission may deem necessary or useful for the purposes of this Act."

"Section 4(c)–To cooperate with the executive departments and other agencies of State or National

Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the Commission to furnish such records, papers, and information in their possession as may be requested by the Commission, and temporarily to detail to the Commission such officers or experts as may be necessary in such investigations."

Section 10(a) of the Federal Power Act provides that all licenses issued for non-Federal hydroelectric projects be on the following conditions:

"Section 10(a)—That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes . . . "

Section 7(b) of the Act provides that:

"Section 7(b)—Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the proposed development as it may find necessary, and shall submit its findings to Congress with such recommendations as it may find appropriate concerning such development."

Additional authority for planning-type studies by the Commission is contained in the various Flood Control and River and Harbor Acts which provide substantially as follows:

> ". . . and provided further, that penstocks or other similar facilities adapted to possible further use in the development of hydroelectric power shall be installed in any dam authorized in the Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission."
>
> "The Water Resources Planning Act of 1965 establishes a Water Resources Council to coordinate and carry out water resource planning activities. The Chairman of the Federal Power Commission is a full member of the Council. The Regional Engineer of the San Francisco Regional Office is a member of the Pacific Northwest River Basins Commission operating under the Water Resources Council."

Major Court Cases

Some of the major court cases which have affected the jurisdiction and operation of the Commission in the water resources field are: New River Case—United States v. Appalachian Power Co., 311 U.S. 377 (1941); First Iowa Case—First Iowa Coop. v. FPC, 328 U.S. 152 (1946); Pelton Case—FPC v. Oregon, 349 U.S. 435 (1955); Cowlitz Case—City of Tacoma v. Taxpayers, 357 U.S. 320 (1958); Hells Canyon Case—National Hells Canyon Association v. FPC, 237 F. 2d 777 (CADC 1956); and Taum Sauk Case—FPC v. Union Elec. Co., 381 U.S. 90 (1965).

The New River Case is discussed in the Commission's 20th Annual Report (1940). In this case the Supreme Court recognized and approved the basic principles underlying Federal power policy with respect to the Nation's rivers and the authority of the Commission to issue licenses on navigable waters was confirmed. The Court held that "navigable waters" include waters not just "navigable in fact" but also those not continuously used in navigation as well as those which could be made usable in interstate commerce by reasonable improvement. Federal authority here extends beyond mere navigation to the breadth of the needs of commerce.

In the First Iowa Case, decided in 1950, the Supreme Court held that the Applicant is not required to produce evidence of compliance with State Law where such law conflicts with the power granted to the Federal Power Commission. In a prior decision involving the same applicant and the same project the court held that the Federal Power Act (Section 9(b)) does not require compliance with State Laws and that the Commission may issue a license without consent of the State affected.

In the Pelton Case the Court in effect affirmed the Commission's order granting a license for the Pelton project on the Deschutes River in Oregon. Since the project would be built upon and would affect land reservations of the United States, the Court said that its authorization is within the

exclusive jurisdiction of the Federal Power Commission, notwithstanding the law of the State of Oregon to the contrary.

In the Cowlitz Case the Court of Appeals for the Ninth Circuit sustained the Commission's order issuing a license to the City of Tacoma authorizing construction of two dams on the Cowlitz River in Washington. Since the stream is navigable and, therefore, under the dominion of the United States, notwithstanding the licensee being a municipal creation of the State, the State may not bar the licensee from acting under a Federal Power Commission license, even in respect to the condemnation of State property.

In the Hells Canyon Case the Supreme Court declined to review the lower Court's decision which affirmed the Commission's action granting a license for three developments on the Snake River. The Court held that the Commission need not recommend a development for Federal construction simply because the Government has better credit and is free from taxation. If the Commission, in its discretion, decides against Federal development under Section 7(b) of the Federal Power Act, and that a private plan is better adapted under Section 10(a), the courts will not question the Commission's decision unless it had "no basis in evidence and so was devoid of reason."

In the Taum Sauk Case the Commission took jurisdiction over a pumped storage project not affecting lands of the United States and with little or no effect on navigation on grounds that generation from the project affected interstate commerce. The Commission's finding and issuance of license was overruled by the U.S. Court of Appeals. However, on appeal to the Supreme Court the Commission's position was upheld. Section 23(b) requires licenses for projects on non-navigable streams if such projects affect commerce, not only in respect to navigation, but in any manner subject to Congress' commerce clause authority.

POLICY

The Commission's policy with respect to water resource development is governed by its responsibilities and authority granted to it in this field under the sections of the Federal Power Act, and the Flood Control Acts as quoted above, under the Inter-Agency Agreement on Water and Related Land Resources approved by the President on May 26, 1954, and those conferred on its chairman by his membership in the Water Resources Council, organized under the Water Resources Planning Act of July 1965.

ORGANIZATION AND PROGRAMS

The Federal Power Commission has need for up-to-date and reasonably complete plans for the development of the Nation's river basins in order to carry out several provisions of the Federal Power Act. Because of this unfulfilled need for basin plans and its responsibility under the Federal Power Act, the Commission is presently engaged in a limited, but essential Water Resources Appraisal Program of the Nation's river basins.

It is in keeping with the Commission's policies and programs to participate in the Puget Sound Task Force Comprehensive Water Resources Study to better meet its responsibilities under law and under interagency agreements.

INTERNATIONAL JOINT COMMISSION

ORIGIN AND BACKGROUND

Experiments have been tried from time to time, in different parts of the world, in the peaceful settlement of international disputes, but none is perhaps so unusual and daring in form, none has had such a long trial, and none has been so conspicuously successful as the International Joint Commission.

One of the principal functions of the Commission is to decide questions involving the use of boundary waters, rivers flowing out of boundary waters, and rivers flowing across the boundary. The boundary between Canada and the United States is by far the longest separating two neighboring countries. It passes through a group of immense lakes, the traffic on which is as vast as its value. On or near the shores of these lakes and their connecting rivers are large and growing communities and many important industries. Problems that have been, or may be, brought before the Commission for settlement involve not only the prosperity of people on both sides, but their health and comfort, and their friendly

relations one to the other.

Another function of the Commission is to investigate important problems arising along the common frontier, not necessarily connected with waterways. Problems of this kind often have in them the seeds of serious trouble, and it is, therefore, of the utmost importance that there exists an impartial tribunal where all interested parties on both sides can count on fair play.

Still another authority vested in the Commission, and one of extraordinary significance, is the power to decide finally any question, whatever its nature or wherever it may arise in either country, which may be referred to it by the governments of Canada and the United States.

The International Joint Commission was created under the provisions of the Treaty of 1909, the preamble of which sets forth the objectives of the High Contracting Parties in the following terms:

> " . . . being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends . . . "

The two Governments after extended exchanges of views, joined in the creation of the body known as the International Joint Commission for, among other things, the investigation, study and analysis of international waterway problems which, it was anticipated, would become active from time to time. The Commission was established though the agency of the Treaty of 1909. The Treaty set forth the functions and responsibilities of the Commission, clothed it with the necessary powers and authority to exercise and execute the same, and provided for such restrictions as were considered necessary in the public interest.

PURPOSE AND OBJECTIVES

The International Boundary between Canada and the United States for a distance of some 5,500 miles, passes through a series of lake and river waterways common to both countries. These waterways are defined in the Treaty as "boundary waters" and among others include Lake of the Woods and the boundary waters above Lakes Superior, Huron, St. Clair, Erie, Ontario, and connecting rivers, and the upper St. Lawrence, the St. John and the St. Croix rivers. Elsewhere, the International Boundary is formed by arbitrary surveyed lines unrelated to the natural river and drainage systems, which lines are crossed and recrossed by rivers and streams without regard to the natural water resources or assets of either country. The inevitable result of such boundary conditions is the creation of endless possibilities of international friction and controversy.

On either side of the Boundary vast industrial, commercial power, agricultural and foreshore interests are dependent upon the reasonable utilization of these international waterways and water resources. The drainage and reclamation of great areas is a further source of interference with the flow of waters crossing the International Boundary while questions of domestic water supply, pollution of lakes and rivers and other similar problems are interwoven with the general overall problem of controlling, developing and utilizing the international water resources of Canada and the United States.

The foregoing brief resume of the general relationship of the international waters to national and international interests and problems is sufficient to visualize the endless possibilities of international friciton which are dormant along the International Boundary. In the past, many of these problems have developed into matters of major controversy with irritated local interests fanning the flames of international misunderstanding.

It was with this general boundary problem in mind that the two Governments realized the necessity of creating some mutually satisfactory machinery which would function smoothly, quietly and efficiently in respect to each problem as it arose, and which by the provision of mutually satisfactory concessions, conditions or restrictions, would prevent the initiation of situations which might subsequently develop into sources of international irritation.

In general terms, the Treaty provides in Article III in respect to "boundary water", i.e., waters through which the International Boundary passes, that in addition to uses, obstructions and diversions heretofore permitted or hereafter provided for by special agreement between the High Contracting

Parties, no further uses or obstructions or diversions, whether temporary or permanent, on either side of the line, affecting the natural level or flow of "boundary waters" on the other side of the line shall be made except with the approval of the International Joint Commission.

With respect to streams and rivers flowing from "boundary waters" or flowing across the Boundary from one country to the other, the Treaty provides in Article IV that, except in cases provided for by special agreement between the High Contracting Parties, no remedial or protective works or any dams or other obstructions shall be placed in such waters, the effect of which would be to raise the natural level of waters on the other side of the Boundary unless the construction or maintenance of thereof is approved by the International Joint Commission.

Under Article IX of the Treaty, the High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier, shall be referred from time to time to the International Joint Commission for examination and report whenever either Government shall request that such questions or matters of difference be so referred.

In each case so referred, the International Joint Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed in respect thereto by the terms of the Reference.

Aside from international waterway problems, the Treaty further provides in Article X that any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two parties. In each case so referred, the Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate.

ORGANIZATION AND PROGRAMS

The membership of the International Joint Commission comprises three members from the United States and three from Canada. The addresses of the two sections are as follows:

U.S. Section	Canadian Section
1171 New York Avenue, N.Y.	151 Slater Street
Washington, D.C. 20440	Ottawa, Ontario,
	Canada

In the handling of the various projects the Commission has at times found it necessary to provide for the creation of international boards of control.

These boards in each case consist of men from the responsible agencies in each country, the membership being one-half Canadian and one-half from the United States. The functions of the boards are to ensure that the provisions of the Commission's Orders of Approval are observed. The boards form the effective machinery in the field to ensure the observance of the international obligations which are embodied in the Commission's Orders. The boards report directly to the Commission, and in the event of disagreement between their members, the decision rests with the Commission.

The International Columbia River Board of Control is comprised of Mr. Leslie B. Laird, District Chief, Water Resources Division, U.S. Geological Survey, Department of the Interior, Room 300, 1305 Tacoma Avenue South, Tacoma, Washington. 98402, from the United States and Mr. H. T. Ramsden, District Engineer, Water Resources Division, Department of Energy, Mines and Resources, 325 Granville Street, Vancouver, British Columbia, from Canada.

U. S. DEPARTMENT OF TRANSPORTATION UNITED STATES COAST GUARD

PURPOSE AND GENERAL RESPONSIBILITIES

In the area of water and related land resource management the Coast Guard, as the Federal Maritime Law Enforcement Agency for the United States, is responsible for water pollution control and the enforcement of regulations to prevent pollution and/or reduce the undesirable effects of unavoidable

pollution in accordance with the provisions of Federal Maritime Law.

The Coast Guard, by statute, is responsible for and has authority to establish and maintain the Federal Aids to Navigation System for the waters over which the Federal Government exerts jurisdiction and control.

The Coast Guard is responsible for operational control of all search and rescue cases occurring in the maritime province as well as the development of systems and administration of activities related thereto.

The Coast Guard is responsible for the administration of the Federal Recreational Boating Program and for implementing this program by appropriate regulations.

The Coast Guard is responsible for the establishment of anchorage areas and issuance and enforcement of pertinent regulations.

The Coast Guard, by statute, is responsible for the administration and enforcement of merchant vessel inspection laws and regulations as well as the navigation laws of the United States.

The Coast Guard is currently responsible for the administration of drawbridge regulations and for the appropriate review of plans for new construction and alteration of existing bridges over the navigable waters of the United States.

The Coast Guard has a general responsibility in the area of safety of our ports, as well as a concern with allied areas of channel improvement and port development.

POLICY

Coast Guard and Department of Transportation's primary responsibility with water pollution, at this time, relates only to enforcement of water pollution statutes. Water pollution and abatement efforts are being closely coordinated with the Department of the Interior.

As waterways are improved, altered, increased in size or scope or changed in character, aids to navigation are provided as needed and justified to meet the needs of the users of the waterway. This function enhances safety, convenience, and adds to the usability of the waterway. Basic policy is, of course, to maintain and keep in good operating condition any and all aids for which the Coast Guard is responsible.

Overall policy for the marine search and rescue function is to provide this important service to the public, to the greatest extent possible, with the best utilization of the resources available.

Recreational boating—basic policy, is the promotion of safety, to decrease casualties and increase the pleasure and enjoyment derived from this very attractive recreational activity.

Establishment of anchorage areas—this needed function is required to promote the orderly use of a port area, to promote safety and provide necessary anchorage areas for the utilization of maritime interest on an equitable basis.

The policy intent of the administration of merchant vessel inspection and navigation laws is to assure that high standards of material and operational safety for the protection of life and property are maintained. Also, to require and verify the structural adequacy of vessels and their equipment and to establish standards and require demonstration of the competency of the licensed officers and rated unlicensed personnel to fulfill the national public demand and treaty obligations.

The administration of drawbridge regulations and review of plans for the construction or alteration of bridges, a function of direct concern to the Coast Guard, to facilitate water borne commerce with the least interference or delay caused by the necessity of operating bridges over the navigable waterways. The broad aspects of this function, as they relate to the Department of Transportation, must also provide for the overall benefit of all modes of transportation. Consequently, compromise solutions are necessary to provide equality between rail, highway and water transportation users in the matter of bridge regulations.

General policy for port safety, channel improvement and port development should be to promote all aspects of safety of vessels, waters and waterfront facilities and promote modernization and improvement to assure continuous availability of marine transportation.

Part Six
Federal Law of Water Resources

PART SIX — FEDERAL LAW OF WATER RESOURCES

LAND AND WATER LEGISLATION

NONNAVIGABLE WATERS

The basis of State water law is found in a series of Federal statutes which Congress enacted to regulate the use and management of the public domain. The history of this legislation had its inception in the gold rush of 1849 to California. Many of these hardy pioneers, who went West to seek out their fortunes, staked out mining claims on the public domain and brought water to their diggings from whatever source available to them. Others, squatted upon the public lands and began to reclaim them for their permanent homes.

Although these miners and squatters were technically trespassers on the Federal lands, the courts of California began early to recognize and protect their customs; and thus, the right to acquire the use of water on the public domain was sanctioned by State law.

This judicial precedent soon spread to other western states including Idaho and Washington. Soon, the expression "first in time" (to put water to a beneficial use) "was first in right" was no longer a slogan but became a rule of State law.

The need for Federal legislation became imperative. In a short time, many of the early settlers in California and elsewhere began to pressure their representatives in Congress for Federal recognition of their claims to public lands, mining locations, and water rights.

In response to these demands and to promote the orderly development of the West, Congress enacted the Homestead Act of 1862 (12 Stat. 392) (43 U.S.C.A. Section 162 et. seq.).

It was not, however, until 1866 that Congress enacted the first mining legislation (30 U.S.C.A. Section 51). This Act recognized the rights of miners to stake out claims and acquire water rights by appropriation under local customs, statutes, and court decisions. The statute did not, however, in terms apply to the acquisition of future rights to water.

A second statute amending the Act of 1866 was enacted in 1870 (30 U.S.C.A. Section 52). It applied to both placer and lode claims. The Act further provided that all patents granted or homesteads allowed should be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights that were acquired or recognized under the Act of 1866. This statute was necessary to protect the miners' use of water against the claims of subsequent homesteaders.

The third of these three Acts affecting the acquisition of water rights on the public domain was the Desert Land Act of March 3, 1877 (43 U.S.C.A. Section 321). The Act provided that the right to the use of water by any person conducting the same to desert lands, should depend upon bona fide prior appropriation. Such right was limited to the amount actually appropriated and necessarily used for irrigation and reclamation. The Act continued by declaring all other water over and above that amount actually appropriated and used together with the water of all lakes, rivers, and other sources of water upon the public lands and not navigable should remain and be held free for use and appropriation by the public for irrigation, mining, and manufacturing purposes subject to all existing rights.

The importance of the Act of 1877 lies in the fact that for the first time Federal statutes applied not only to water rights presently acquired but to those to be acquired in the future. Most of the western states applied its terms to the acquisition of patents to all public lands. The Washington courts were more conservative, and held that the Act applied only to desert land entries by cases decided in 1911 and again in 1914.

This variety of opinions of the Act, being a Federal question, was finally settled by the United States Supreme Court in 1935 when it decided the case of California Oregon Power Co. v. Beaver Portland Cement Co., 295 U.S. 142 (1935). From this case we learn that all the unappropriated waters on the public lands were separated from the land and that thereafter a patent to such lands carried by its own force no right to the use of water found thereon. Such waters became publici juris, free and open to appropriation by any person who would put it to a

beneficial use. It was for the states themselves to decide whether they wished to apply the riparian or appropriation doctrines.

Colorado, Idaho, and Wyoming, among others, applied the appropriation doctrine. Others, including California and Washington, applied a mixture of the two systems. It would seem, however, that thereafter, if not before, the Washington Legislature in 1967 placed the State of Washington among the appropriation states at least with respect to the acquisition of future water rights. (See S.B. 175, Chapter 233, Laws of 1967).

It appears that all states considered spring and surface waters as being within the purview of the Act of 1877. There was less uniformity among them with respect to ground water. In Washington, the courts have appeared to favor a sort of correlative rights system rather than pure appropriation. The 1967 Washington Legislature by enacting Chapter 233 declared that all future ground water rights must be acquired by appropriation under a permit system.

There is a question between the states and Federal Government whether or not the latter, by reason of the Act of 1877, surrendered its entire ownership and control over the unappropriated, nonnavigable waters on the public domain. The question was presented to the United States Supreme Court in the case of Nebraska v. Wyoming which was in litigation for over ten years. The matter was finally decided on other grounds in 1945 (325 U.S. 589). The controversy has been continued in Congress with no appreciable success by the states concerned (Barrett Bill and others).

The power of Congress to use water found on lands reserved for power sites, Indian reservations and military installations has been before the courts on several occasions. In Federal Power Commission v. Oregon, 349 U.S. 435 (1955), it was held that when the United States reserved an area for power purposes, it automatically withdrew such waters from the application of the Desert Land Act of 1877. That is, the waters found on or in such area were no longer subject to the Act of 1877 and were, therefore, not subject to appropriation under state laws, citing Winters v. United States.

Indian water rights, as defined by the Winters Doctrine (Winters v. United States, 207 U.S. 564 (1908), is based upon the principle that the United States, at the time Indian reservations were created, reserved rights to make use of waters of streams flowing upon and adjacent to the reservation. Such a reservation of the water was not limited to existing uses but included sufficient water for the future requirements of the Indians to carry out the purposes for which the reservation was created. Thus, any determination of the extent of the quantity of water necessary for the Indians' use would require a study of present uses as well as future uses for which water would be required.

The exemption of water on an Indian reservation created by treaty, from appropriation under State laws, was extended to an Indian reservation created by Executive Order (United States v. Walker River Irr. Dist., 104 F2d 334 (1939)).

Recently in Arizona v. California, 376 U.S. 304 (1965), this power of the United States to exempt waters on Federal reservations from State laws was extended to national forests, recreational areas and wildlife refuges. It would seem, therefore, upon the creation of a Federal reservation, there is an automatic reservation of the unappropriated waters thereon for the future needs and uses of the reservation. This should not deter Federal agencies from filing an application for a water permit under State law to appropriate the water necessary for the purposes of the reservation. To do otherwise would disrupt the State's inventory of water resources available for appropriation.

NAVIGABLE WATERS

Heretofore, the basis of State control over nonnavigable waters was summarized. Turning now to navigable waters within or bordering a State, an early decision of the Supreme Court of the United States (Martin v. Waddell's Lessee, 16 Pet 367 (U.S. 1842) stated that at the close of the American Revolution, the people of each state became sovereign and in that character, held the absolute title to all navigable waters and the soil lying under them; that these sovereign rights were limited only by the powers which the people had surrendered to the Federal Government under the Constitution of the United States.

The State of Washington was no exception, and upon its admission into the Union upon an equal footing with the original thirteen states, it became possessed of its navigable waters and the tidelands and beds beneath them. In 1953, by virtue of the Submerged Land Act, Congress reaffirmed the State's title to the beds of navigable streams and the natural resources therein (43 U.S.C.A. Section 130 et. seq.).

These thoughts were clearly stated in United States v. Holt State Bank, 270 U.S. 49 (1925):

"It is settled law in this country that lands underlying navigable waters within a state belong to the state in its sovereign capacity and may be used and disposed of as it may elect, subject to the paramount power of Congress to control such waters for the purposes of navigation in commerce among the states and with foreign nations and subject to the qualification that where the United States, after acquiring the territory and before the creation of the state, has granted rights in said lands by way of performing international obligations or effecting the use or improvements of the lands for the purpose of navigation among the states, such rights are not cut off by the subsequent creation of the state but remain unimpaired and the rights which otherwise would have passed to the state in virtue of its admission into the Union are restricted or qualified accordingly."

The constitutional limitations on State jurisdiction over its public waters, both navigable and nonnavigable, together with their related land resources will now be summarized.

CONSTITUTIONAL LIMITS ON STATE LAW

Supremacy of Federal Law

It is provided in the Consitituion of the United States, Article VI, Clause 3, that the Constitution and all laws and treaties made pursuant thereto, are the supreme law of the land in these words:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

Treaties and statutes with or pertaining to Indian tribes, those with Canada and Mexico relative to birds or international rivers, as well as those with Japan and Russia with respect to fishing rights are all within the reach of Article VI, Clause 3. The Constitution of the State of Washington declares that the United States Constitution is the supreme law of the land (Declaration of Rights, Article 1, Section 2).

Commerce Clause

Article I, Section 8 (3) by its terms did not confer upon Congress any specific powers over navigable waters when it declared:

"Congress shall have power to regulate commerce with foreign nations and among the several states and with the Indian tribes."

It was not until 1821, that the Supreme Court of the United States extended the concept of commerce to include navigation in Gibbons v. Ogden 6 Whet. (U.S.) 448.

"The power of Congress comprehends navigation within the limits of every state in the Union, so far as that navigation may be in any manner connected with commerce with foreign nations or among the several states, or with the Indian tribes."

In 1899, the power of Congress over navigable streams was extended to include certain nonnavigable waters (United States v. Rio Grande Dam & Irr. Co., 174 U.S. 690). In that case, the Federal Government sought to prohibit the building of a dam on a nonnavigable tributary to a navigable stream because to build the dam might adversely affect the navigability of the main stream.

The Supreme Court in 1913 stated that the power of Congress over the building of obstructions in navigable streams was "great, absolute, and unfettered," (United States v. Chandler-Dunbar Water Power Co., 229 U.S. 53 (1913)).

The same thought was repeated in Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1936), when the court said:

" . . . that the power to regulate interstate commerce embraces the power to keep the navigable rivers of the United States free from obstructions to navigation and to remove such obstructions when they exist."

On the other hand, in Arizona v. California, 283 U.S. 423 (1937), the right of Congress to regulate the flow of the Colorado River and improve its navigability by building the Boulder Canyon Dam was upheld.

The plenary power of Congress over navigable streams was reaffirmed in the United States v. Appalachian Electric Power Co., 311 U.S. 377 (1940). This case extended the definition of navigability from one in fact to include a nonnavigable stretch which could be made navigable by means of reasonable improvements. The Court then proceeded to declare that the constitutional powers of Congress over navigable streams is not limited to their control for navigation but includes flood protection, watershed development, the recovery of the cost of improvement through utilization of the power produced, as well as national planning and control.

The concept of navigability was further extended by the Supreme Court in State of Oklahoma v. Atkinson Co., 313 U.S. 508 (1941). There the State of Oklahoma sought to enjoin the construction of the Denison Dam across the Red River, a project authorized under the Flood Control Act of 1938. The Red River, throughout its course in Oklahoma, was a nonnavigable stream. Although the Federal Government had agreed to compensate land owners for the loss of lands flooded by the dam, there were other losses to the State enconomy: Over 8,000 persons would be displaced; no provision had been made to replace the lost tax base; and finally, the building of the dam would destroy the State's comprehensive plan for resource development.

The court answered these arguments by declaring that the comprehensive water plan of the State of Oklahoma must bow before the superior power of Congress, and added:

> "We would, however, be less frank if we failed to recognize this project as part of a comprehensive flood control program for the Mississippi River itself. There is no Constitutional reason why Congress cannot, under the commerce power treat the watersheds as a key to flood control on navigable streams and their tributaries . . . and, as we have said, the fact that ends other than flood control will also be served, or that flood control may be relatively of lesser importance, does not invalidate the exercise of the authority conferred on Congress . . . and the suggestion that this project interferes with the State's own program for water development and conservation is likewise of no avail."

This power of Congress over navigable waters is often referred to as a navigational servitude. The question is often asked if in the exercise of this servitude by Congress and property loss or damage results, may the injured person recover compensation for his losses. The answer is generally "No" for losses occurring within the ordinary high water mark of a navigable stream are not compensable.

Thus, it was held that the destruction of oyster beds in making channel improvements in the bed of a navigable bay was not compensable (Blue Point Oyster Co. v. Briggs, 229 U.S. 82 (1913)). Compensation was denied for the loss of power head caused by raising the water level on the St. Croix River about three feet but still below the ordinary high water line (United States v. Willow River Power Co., 324 U.S. 499 (1945)).

The reason most commonly advanced for this position was stated in United States v. Chandler-Dunbar Co., 229 U.S. 53 (1913). There, the shore owner claimed ownership of the water power inherent in the stream as an appurtenance to his land. The court set aside questions as to the rights of riparian owners as between themselves on either navigable or nonnavigable streams. And it laid aside as irrelevant, whether the shore owner did or did not have title to the bed of the river. The court then declared that in neither event can there be said to arise any ownership of the river in these words:

> "Ownership of a private stream wholly upon the lands of an individual is conceivable; but that the running water in a great navigable stream is capable of private ownership is inconceivable. Exclusion of riparian owners from its benefits without compensation is entirely within the Government's discretion."

This discretion has been exercised by Congress on many occasions. The Reclamation Act of 1902, (32 Stat. 388) provides compensation for the taking of private water rights. In United States v. Gerlach Livestock Co., 399 U.S. 725 (1950), the right to compensation for the taking of water rights was found to turn on whether Friant Dam was authorized by Congress as a reclamation project or as navigation, flood control, and storage project. It was found that Congress intended to proceed under the Reclamation Clause, and hence, compensation was in order.

Property Clause

Article 4, Section 3, Clause 2 of the Constitution is often referred to as the "Property Clause". It defines the power of Congress over the

property of the United States as follows:

> "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claim of the United States or any particular state."

The term property as used here is broad in its scope. It includes all property of the United States, whether real or personal. Water power generated at a Federal dam has been declared the property of the United States (Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1935)). Congress under this power has the exclusive right to control and dispose of the public lands of the United States (Federal Power Commission v. Idaho Power Co., 344 U.S. 17 (1952)).

In an early case, it was declared that Congress has the entire dominion and sovereignty over the territories of the United States, and as such has complete legislative powers over all subjects therein upon which a state might legislate (United States v. McMillan, 165 U.S. 510 (1897)).

Under this power, Congress has proceeded to reclaim public lands for irrigation and other purposes (Ivanhoe Irr. Dist. v. McCracken, 357 U.S. 275 (1958)). The Bonneville Power Administration was originally created by Congress to market power developed at Bonneville Dam in 1937. Since then, the administrator's authority has been enlarged to include the sale of power from 29 dams in the Columbia River Basin. These dams were built or in the process of being built by either the Bureau of Reclamation or the Army Corps of Engineers.

Congress may delegate its powers over Federal property. It has in fact, done so with respect to forest reserves (Department of Agriculture) and to public domain lands, Indian lands and national parks (Department of the Interior).

Title to beds of navigable rivers, within the State passed to the State upon its admission to the Union, the critical time being the date of admission. Title to beds of all streams and lakes not navigable on that date remained in the United States as public lands (United States v. State of Utah, 283 U.S. 64 (1931)).

Shore and tidelands below the ordinary high water mark follow the rule applicable to navigable waters (McGilvra v. Ross, 215 U.S. 70 1909)).

Generally, a Federal patent to public lands lying within a territory and bordering on a navigable stream does not of its own force carry title beyond the ordinary high water mark unless Congress evidences an intent to do otherwise (McGilvra v. Ross, 215 U.S. 70 (1909); Shively v. Bowlby, 152 U.S. 1 (1894)).

The Washington Admission Bill, as well as its Constitution, disclaimed all claim to public or Indian lands, the title to which has not been extinguished (Washington Constitution, Article 26, Section 2).

By virtue of its authority to manage and develop public lands, there has developed a new water-rights concept whereby the United States as owner of public lands has water rights independent of State law, which it may exercise to the detriment of prior appropriators. This doctrine was expressed in the so-called Pelton Dam Case. (Federal Power Commission v. Oregon 349 U.S. 435 (1955)).

Support for this position is found in the case of Winters v. United States, 207 U.S. 564 (1908). In that decision, the Federal Government required a reallocation of waters appropriated on an Indian reservation in Montana so as to give the Indians residing thereon a fair share. The decision was based upon the reasoning that the United States Government had by implication, reserved whatever water was available and needed to irrigate the Indian lands when the reservation was set aside by treaty.

The police power of the State extends over the Federal public domain within a state unless Congress has determined to deal exclusively with the subject (Hatahley v. United States, 351 U.S. 173 (1956)). Under this view, the water pollution laws of Washington with respect to public lands would be enforceable.

Common Defense and War Power

Congress is empowered by Article 1, Section 8, Clauses 1 and 11 to lay and collect taxes and appropriate funds for the "common defense" as well as to "declare war". The extent of these closely related powers of Congress as they relate to the use and development of natural resources has not been fully developed by the courts.

That the power to declare war includes the power to prepare for it has been long acknowledged (2 Story, Commentaries on the Constitution, Section 1185). Story argued that the surest means of avoiding war was to be prepared for it in times of peace.

In Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1936), the court held that the

construction, operation, and maintenance of Wilson Dam and power plant at Muscle Shoals on the Tennessee River under the National Defense Act of 1916 (50 U.S.C.A. 79) was constitutional and "are adapted to the purposes of national defense". The court found ample support for the District Court's findings, that while there was no intention to use the nitrate plants or power facilities for war supplies in time of peace, the maintenance of such facilities in operating condition gave assurance of an abundant supply of electrical energy in the event of war, and therefore, they constituted "national defense assets".

The court concluded:

> "The Wilson Dam and its power plant must be taken to have been constructed in the exercise of the Constitutional functions of the Federal Government."

The Atomic Energy Act of 1946 (60 Stat. 755, 42 U.S.C.A. 1801-1819) is a significant example of providing funds for national defense when no actual war is in progress. That law established the Nuclear Energy Commission with its broad powers to spend, make loans to private and public agencies and to construct and operate plants for the production of atomic bombs and other military purposes.

Spending for the General Welfare

Congress has the power to lay and collect taxes . . . for . . . the general welfare under Article 1, Section 8, Clause 1 of the Constitution. It would seem that the "general welfare" is one of the purposes for which Congress has the power to tax.

Congress and the courts have taken a broad view of what constitutes the general welfare of the nation. In the case of the United States v. Gerlach Livestock Co., 399 U.S. 725 (1950) the court observed that Congress has a substantial power to tax and spend for the general welfare, "limited only by the requirement that it should be exercised for the common benefit as distinguished from some mere local purpose".

The court then asserted:

> "Thus, the power of Congress to promote the general welfare through large-scale projects for reclamation, irrigation, and other internal improvements, is now as clear and ample as its power to accomplish the same results indirectly through resort to strained interpretations of the power over navigation . . . "

The right of the Federal Government to acquire land within a state for use as a national park was upheld in United States v. Gettysburg Electric Ry., 262 U.S. 447 (1923) as a proper exercise of the power to tax and appropriate money for the common defense and general welfare.

The power of the Federal Government to construct irrigation and reclamation projects is clearly deducible from the General Welfare Clause. That the National Government may impose conditions on the use of the facilities thus constructed, limiting the acreage to 160 acres in single ownership and that the money shall be repaid in 40 years is beyond question. For said the court in Ivanhoe Irrig. Dist. v. McCracken, 357 U.S. 275 (1958), "The United States may regulate that which it subsidizes".

Treaty Making Power

Under Article II, Section 2, Clause 2 of the Constitution of the United States, the President "shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur . . . "

The Constitution further provides that treaties made under the authority of the United States shall be the Supreme Law of the Land (Article VI, Clause 2). The two sections of the Constitution, when taken together, provide the legal basis whereby all treaties are enforced as the Supreme Law of the Land.

A treaty is primarily a compact between two or more sovereign nations. In this sense, it depends for the enforcement of its provisions on the integrity of the governments who are parties to it. However, a treaty may also confer certain rights and duties upon the citizens of one or both of the contracting nations. In this sense, the treaty partakes of the nature of local municipal law capable of enforcement as between private persons in the courts of either or both countries as the facts dictate (Head Money Cases, 112 U.S. 580, 598 (1884)).

In the sense that a treaty contains municipal law, it is said to be self-executing and takes precedence over State law (Ware v. Hylton, 3 Dall. 199 (1796)). In Oyama v. California 332 U.S. 633 (1948) the Supreme Court of the United States held that a California statute forbidding aliens to hold real property conflicted with the equal protection clause of the 14th Amendment and was consequently void. This decision caused California, Idaho, Oregon, and Washington to repeal their legislation forbidding land ownership by aliens (Chapter 163, Wash. Laws of 1967).

More specifically in point, the Supreme Court decided in Clark v. Allen, 331 U.S. 506 (1947) that a treaty with Germany survived the war and that German nationals could inherit property in California. See also Kolovrat v. Oregon, 366 U.S. 187 (1961) concerned with land ownership by aliens in Oregon.

With respect to conflicts between the congressional legislation and treaty rights of private persons, they are settled generally on the principle that neither has any intrinsic superiority over the other and that, therefore, the one of later date will prevail.

Many treaties have been executed which affect our water and related natural resources. One of the most commonly referred to treaties in this area is the one with Great Britain providing for the mutual protection of migratory birds which make seasonal flights between Canada and the United States. Congress enacted regulations prepared by the Department of Agriculture to implement the treaty. The legislation was upheld against the claim by the states that the statutes were an infringement of their police power to regulate wildlife within their borders (Missouri v. Holland, 252 U.S. 416 (1920)).

Indian treaties fall under the protection of the Constitution and are treated as if made with foreign nations (The Cherokee Tribe, 11 Wall. 737 (1871)). However, in Ward v. Race Horse, 163 U.S. 504 (1896) it was held that the admission of Wyoming to statehood abrogated, pro tanto, a treaty guaranteeing certain Indians the right to hunt and fish on unoccupied lands of the United States, thus causing hunting by Indians to be subject to police power of the State.

For the purposes of the Puget Sound Water Study, the International Joint Commission between the United States and Canada is of interest. The Commission was organized in 1911 pursuant to the Treaty of January 11, 1909, between the United States and Great Britain (36 Stat. 2448).

The Commission consists of six members, three appointed by the President of the United States and three appointed by the Government of Canada.

The purpose of the Commission is to prevent disputes regarding the use of boundary waters, settle questions between the United States and Canada involving rights, obligations or interests of either along the common frontier, and to make provisions for the adjustment and settlement of all such questions which may arise.

The jursidiction of the Commission covers all cases involving the use, obstruction, or diversion of boundary waters between the Unites States and Canada, and the construction or maintenance of remedial or protective works or dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary.

Except in cases of special agreement, the approval of the Commission is required for the construction and maintenance of any works which would affect the natural water levels at the boundary in waters crossing the boundary. The Commission also acts to prevent pollution of boundary waters and waters crossing the boundary.

The Commission must observe the following order or precedence in the exercise of the foregoing authority: (1) Uses for domestic and sanitary purposes; (2) uses for navigation, including the service of canals for purposes of navigation; (3) uses for power and irrigation purposes.

Either government may refer to the Commission for investigation and report, matters of difference arising between them involving the rights, obligations and interests of either in relation to the other or to inhabitants of the other along the common frontier. Likewise, with the consent of both Governments, similar matters may be referred to the Commission for decision (36 Stat. 2449–2453).

The Treaty of January 17, 1961, between the United States of America and Canada provides for the cooperative development of the water resources of the Columbia River Basin through cooperative measures for hydroelectric power generation, flood control, and other benefits. In the preamble to the Treaty, the contracting parties recognize the intrinsic worth of cooperative planning in the use and development of their common waterways in promoting the economic growth, strength, and general welfare of the two nations.

The Pollution Control Council of the Pacific Northwest which is a voluntary but most effective arrangement for controlling the pollution of boundary and international waters between the United States and Canada has been in operation since 1952.

The member agencies of this organization include the Alaska Department of Health and Welfare, British Columbia Provincial Department of Health Services and Hospital Insurance, British Columbia Provincial Department of Lands, Forests, and Water Resources, Idaho Department of Health, Montana

State Board of Health, Oregon State Sanitary Authority, Washington State Department of Health, Washington State Water Pollution Control Commission, Canadian Department of National Health and Welfare, and the U.S. Department of the Interior. One of its outstanding accomplishments has been the formulation and application of water quality objectives as set forth in its publication under date of November 1966. These standards are applicable to both marine and fresh surface water.

SELECTED ACTS OF FEDERAL LEGISLATION RELEVANT TO THE PUGET SOUND AND ADJACENT WATERS STUDY

COMPREHENSIVE RIVER BASIN STUDIES OF THE PUGET SOUND AREA

The Corps of Engineers was authorized to make flood control studies in the Puget Sound Area by the Flood Control Act of 1962, Public Law 87-874, October 23, 1962, 33 U.S.C.A. 426 (e.f.g). However, as these studies were initiated, it became apparent that comprehensive studies were necessary. As a result, the Water Resource Study of Puget Sound and Adjacent Waters was originated through a subcommittee of the Columbia Basin Interagency Committee (CBIAC). Other Federal agencies such as the Soil Conservation Service, Forest Service, Bureau of Reclamation, Bureau of Sport Fisheries and Wildlife, Bureau of Outdoor Recreation, and the Geological Survey were also engaged in water and land resource studies during the same period.

To avoid duplication of effort and to achieve coordination in the water resource planning efforts, the Federal Interagency River Basin Committee requested that the Columbia Basin Interagency Committee coordinate the comprehensive water resource studies in the Pacific Northwest. Responsibility for this action was assigned to the Subcommittee for Coordinated Planning, CBIAC. The Subcommittee established the Puget Sound Task Force on March 12, 1964, for coordination and general procedural guidance for accomplishment of the Puget Sound Comprehensive Study.

Water Resources Planning Act of 1965–Public Law 89-80, July 22, 1965, 42 U.S.C.A. 1962. Subsequent to the above events, Congress enacted the Water Resources Planning Act. This Act represents a major step forward by Congress in promoting cooperation between the states and the United States in planning for the comprehensive development, conservation, and use of the water resources of the major river basins of the United States.

The Act provides for the creation of a Water Resources Council at the national level composed of the Secretaries of the Interior, Army, Agriculture, and Health, Education and Welfare, and the Chairman of the Federal Power Commission. River Basin Commissions are also provided for with representation from each state within the drainage area to work with Federal representatives in formulating a comprehensive water resources plan for the region.

The Pacific Northwest River Basins Commission was established by Executive Order 11331 dated March 9, 1967, pursuant to the Resources Planning Act of 1965, and charged with the duties and responsibilities of the Columbia Basin Interagency Committee which was abolished June 9, 1967. Since that time the Puget Sound Task Force and its study of the waters of the Puget Sound Area ware placed under the control and supervision of the Pacific Northwest River Basins Commission.

RECLAMATION

Reclamation Act, as Amended–The Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereto; 43 U.S.C.A. 371–616 w. The Reclamation Act of 1902 began as a proposal to use the receipts from sales of public lands in certain states for the construction of irrigation works for the reclamation of arid lands in the western states under the direction of the Secretary of Interior acting through the Bureau of Reclamation. The beneficial effects of the Act on the economy of the West need no repetition. Private lands may be included under project plans. The State of Washington has cooperated with Congress by providing for the establishment of irrigation districts (RCW 87.01.010 et seq.).

Under the Reclamation Act, withdrawl of lands for townsites, parks, playground and school sites is provided for as well as supplying water to towns and cities. Public Law 89-48, June 24, 1965 provided for

the transfer to municipal corporations or other organizations the care, operation and maintenance of works supplying water for municipal, domestic or industrial uses (43 U.S.C.A. 499 b).

Small Reclamation Projects Act, as Amended–Act of August 6, 1956, Chapter 972, 70 Stat. 1044; 43 U.S.C.A. 422 a-422L (Supp. 1967). The Small Reclamation Projects Act of 1956 was designed to encourage state and local participation in the development and management of irrigation projects in the seventeen western states, under the Bureau of Reclamation.

By an amendment to the Act in 1966 (Public Law 89-553) the amount of a loan for such projects was raised to $6,500,000, and additional factors involving fish and wildlife enhancement and public recreation were added to the items which together may constitute the maximum allowable grant. The interest rate on the grant was also altered to the interest rate payable by the Treasury upon its outstanding public obligations.

NAVIGATION

Board of Engineers for Rivers and Harbors. Act of June 13, 1902, Chapter 1079, 32 Stat. 372, 33 U.S.C.A. 541. A Board of Engineers for Rivers and Harbors was established in the office of the Chief of Engineers, United States Army, consisting of seven members selected from the Corps of Engineers. The Board shall consider and make recommendations with respect to all reports made upon examinations and surveys provided for by Congress with respect to harbor and river improvements by the Act of June 13, 1902.

Investigations and Improvements Under Control of the Department of the Army, Wildlife Conservation. Act of June 20, 1938, Chapter 535, 52 Stat. 802, 33 U.S.C.A. 540 (1964). Federal investigations and improvements of rivers, harbors, and other waterways was placed under the jurisdiction of the Department of the Army under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, except as otherwise specifically provided for by Act of Congress, which investigation and improvements shall include a due regard for wildlife conservation as required by the Act of June 20, 1938.

Small River and Harbor Improvement Projects. Public Law 86-645, July 14, 1960, as amended. Public Law 89-298, October 27, 1965; 79 Stat. 1095, 33 U.S.C.A. 577 (Supp. 1967). The Secretary of the Army is authorized to allow from any appropriations hereafter made for river and harbor improvement a sum not to exceed $10,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation. Such projects must show that benefits exceed cost and be operable in a manner consistent with appropriate and economic use of the waters of the nation for other purposes.

A $500,000 limitation is placed on any one project at any single locality and must be sufficient to complete the Federal participation in the work.

Lands, easements and rights of way must be provided without cost to the United States, together with assurances of local cooperation. The Chief of Engineers may require non-Federal agencies to share in the costs if in his judgment the recreational or otherwise special or local nature of the project benefits so dictate.

FLOOD CONTROL

Flood Control Act of 1936. Act of June 22, 1936, 74th Congress; 33 U.S.C.A. 701 et. seq.; as amended by the Flood Control Act of December 22, 1944, Chapter 655, 58 Stat. 889, 33 U.S.C.A. 701 et. seq. Under the Act of June 22, 1936 Congress recognized that flood control on navigable rivers and their tributaries was a proper activity of the Federal Government in cooperation with the states and political subdivisions and the local citizens thereof.

The Act placed jurisdiction over the investigation and improvement of rivers and other waterways for flood control and other applied purposes under the jurisdiction of the Department of Army under the direction of the Secretary of the Army and the supervision of the Chief of Engineers. The Act further provided that the Department of Agriculture should be charged with the responsibility of investigating watersheds and the measures required for runoff and water flow retardation together with soil erosion prevention on watersheds.

Plans, proposals, and reports with respect to flood control shall be based upon investigations made by the Chief of Engineers, Department of the Army. The state or states affected by such investigations and studies shall be given an opportunity to participate therein. The Secretary of Interior shall share in the

information so acquired and be consulted therein to the extent deemed practicable by the Chief of Engineers.

The use for navigation of waters in connection with such projects lying west of the Ninety-eighth meridian shall be only such use as will not conflict with any beneficial consumptive use, present or future, in states lying west of such meridian, for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

Provision is made in the Act for cooperation between the Secretary of the Army, Secretary of Interior and Secretary of Agriculture.

Rights-of-way, easements, and lands necessary for the construction of such projects must be procured by the State, political subdivision thereof or responsible local agencies. Such entities must also maintain and operate the facilities under regulations presented by the Secretary of the Army and share in its cost.

Facilities for the production of power may be installed upon recommendation of the Chief of Engineers and of the Federal Power Commission.

Compacts between two or more states in furtherance of the purposes of the Act have been authorized in advance by Congress.

The Act provides for railroad bridges and approaches alterations (16 U.S.C.A. 701 p), the repair, relocation or protection of highways, railroads and utilities damaged or destroyed by the operation of any flood control project (16 U.S.C.A. 701 q). Emergency protection of highways, bridges, approaches and public works against flood damage is also authorized (16 U.S.C.A. 701 r).

Small Flood Control Projects. Act of June 30, 1948, Chapter 711 as amended, 62 Stat. 1182, 33 U.S.C.A. 701 s (Supp. 1967). Small flood control projects were first authorized by the Act of June 30, 1948. Through successive amendments, it now provides for the construction of small projects, for flood control and related purposes, which have not been specifically authorized by Congress. Not more than $1,000,000 may be allotted for a project at any single locality. Local participation and cooperation is required as in the construction of flood control projects.

Utilization of Public Roads at Water Resource Projects. Public Law 87-874, October 23, 1962, 76 Stat. 1196, 33 U.S.C.A. 701 4-l (Supp. 1967); Congress authorized the head of any agency (Corps of Engineers or Bureau of Reclamation) concerned in the construction of any authorized flood control navigation or multiple-purpose projects to use existing roads in providing access to such project if found by him to be in the public interest.

The Federal agency may contract with the local authority having jurisdiction to improve, repair, reconstruct and maintain such roads for the time found necessary. Such action should be based upon (1) a finding by the agency that it will provide a saving to the Federal Government over the construction of new access roads at Federal expense, (2) that the agency will restore the road to as good a condition as prior to being used in the construction of the project, and (3) that after construction has been completed the responsibility for improvement, reconstruction and maintenance shall cease.

For water resource projects to be constructed in the future if the taking by the Federal Government of an existing road requires its replacement, the substitute road provided shall as nearly as practical, serve in the same manner and reasonably as well as the former road. The head of the agency concerned is authorized to construct replacement road to applicable state standards or if none exist, then according to the standards of the political subdivision in which the road is located for roads of the same classification as the road being replaced. The traffic existing at the time of taking shall be used in making the classification. Should the state or political subdivision request that the replacement road shall be constructed to a higher standard than as above provided and pays the additional costs in advance, such agency is authorized to build the road according to the higher standards. Federal costs under the provision of this section shall be a part of the non-reimbursable project costs.

RECREATION PROGRAMS

Outdoor Recreation Resources Review Commission. Public Law 85-470, 72 Stat. 230, (1958), 16 U.S.C.A. Section 17K (note) (1960). The Outdoor Recreation Resources Review Commission was established by the above Act on June 28, 1958 to make an intensive nationwide study of outdoor recreation resources of the public lands and other land and water areas in the United States, projected to the years 1976 and 2000. The report of the Commission, entitled "Outdoor Recreation for America", was made to the President and Congress on January 31, 1962.

Note, in 1936 the National Park Service was directed to make a study of parks, parkways and other recreational facilities for people of the United States under the supervision of the Secretary of Interior (Act of June 23, 1936. Chapter 735, 49 Stat. 1894, 16 U.S.C.A. 17 k et. seq.)

In response to the recommendations of the Commission the Secretary of Interior established the Bureau of Outdoor Recreation within his Department.

Outdoor Recreation-Coordination of Effective Federal and State Programs. Public Law 88-29, May 28, 1963; 77 Stat. 49, 16 U.S.C.A. 460 L and 460 L-3 (1963). Public Law 88-29 is the organic act for the Bureau of Outdoor Recreation. Its purpose is to outline the general administrative responsibilities and functions of the Department of Interior acting through the Bureau. A continuing inventory and evaluation of outdoor recreation needs and resources of the United States together with a nationwide plan for their use, taking into account the recreational plans of other Federal agencies are set forth in the Act.

Cooperation with and technical assistance to states and regional entities is encouraged. Provision is also made for consultation and cooperation with other Federal agencies concerned with outdoor recreation.

Land and Water Conservation Fund Act. –Public Law 88-578, September 3, 1964, 78 Stat. 897, 16 U.S.C.A.460 L-4 to 460 L-H (1964). Public Law 88-578 established a land and water conservation fund to assist the states and Federal agencies in acquiring land, water areas and facilities in meeting present and future outdoor recreation demands and needs of the American people.

The following executive Orders are of importance: (1) Executive Order No. 11200, February 25, 1965 providing for the establishment of recreation user fees; (2) Executive Order No. 11237, July 27, 1965 provides for coordinating, planning and acquisition of land under outdoor recreation and open space programs.

Public Parks and Recreational Facilities at Water Resource Development Projects–Public Law 88-518, September 3, 1964, 78 Stat. 899. 16 U.S.C.A. 460 d-460 d-2. The Chief of Engineers, acting under the supervision of the Secretary of the Army is authorized to construct and operate public parks and recreational facilities at water resource projects under the control of the Secretary of the Army, or permit their construction and operation by local interests. He may also lease such facilities to local interests. No use of any area to which this section of the Act applies shall be permitted which is inconsistent with the State laws for the protection of fish and game in which the area is situated.

Federal Water Project Recreation Act.–(Non-Federal administration and cost sharing) Public Law 89-72, July 9, 1965, 16 U.S.C.A. 460 L-12–460 L-21. Public Law 89-72 provides for uniform policies with respect to recreation and fish and wildlife benefits and costs at all Federal multipurpose water resource projects. The Act shall not apply to projects constructed under the authority of the Small Reclamation Projects Act or under the authority of the Watershed Protection and Flood Prevention Act as amended.

The Act provides for substantial benefits to any non-Federal public body who agrees in advance of authorization of the project to administer the project land and water areas for recreation or fish and wildlife enhancement or for both.

National Conservation Recreation Areas.–Public Law 88-29, May 28, 1963, 16 U.S.C.A. 460 k–460 k-4. The Act of May 28, 1963, provides for the incidental public use of fish and wildlife conservation areas within the national wildlife refuge system, national fish hatcheries and other conservation areas administered by the Secretary of Interior for fish and wildlife purposes. Such secondary use by the public shall not interfere with the primary uses for which said areas were acquired. Cooperation with public and private agencies is also provided for in the act.

FISH AND WILDLIFE

United States Fish and Wildlife Service.–Public Law 87-793, October 11, 1962, 76 Stat. 849, 16 U.S.C.A. 742 b. The United States Fish and Wildlife Service was established in the Department of the Interior, November 6, 1956, pursuant to the Fish and Wildlife Act of 1956, 70 Stat. 1119, 16 U.S.C.A. 742 b. This action replaced the former Fish and Wildlife Service established June 30, 1940 by Reorganization Plan III.

The Service as now established consists of the Office of the Commission, presided over by a Commissioner of Fish and Wildlife and two bureaus: (1) a Bureau of Commercial Fisheries, and (2) A Bureau of Sport Fisheries and Wildlife, each of whom has a director.

The functions of the Service are administered under the supervision of the Commissioner, who in turn is subject to the supervision of the Assistant Secretary for Fish and Wildlife and Parks. The function of program review is performed by the Office of the Commission. (Act of 1956, 70 Stat. 1119 (16 U.S.C.A. 742 a-j)).

Fish and Wildlife Coordination Act, as Amended.—Act of March 10, 1934, 48 Stat. 101, 16 U.S.C.A. 661-661 c. The Act has moved forward by successive amendments particularly in 1946 and 1958 to become a positive factor in the administration of the fish and wildlife resources of the nation.

Today, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or such waters otherwise controlled or modified for any purpose, by any Federal agency or by any public or private agency under Federal license or permit, such agency must first consult with the U.S. Fish and Wildlife Service, and with the head of the state agency exercising administration over wildlife of the state within which the project would be located with respect to preventing wildlife damage and loss and providing for wildlife development and improvement in connection with such project.

The U.S. Fish and Wildlife Service shall make studies and submit reports and recommendations to the Secretary of the Interior on the wildlife aspects of such project including the reports and recommendations of any state fish and game agency involved. The reporting officers in project reports of the project sponsor shall give full consideration to such wildlife reports and the project plans shall include such justifiable means and measures for wildlife purposes as the reporting agency determines should be adopted to obtain maximum overall project benefits.

Projects already completed may be modified to meet the above purposes provided (1) such modification and land acquisition are compatible with the original purpose of the project, (2) the costs thereof are an integral part of the project costs, and (3) such costs are justifiable.

The cost of planning for the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: Provided such costs attributable to the development and improvement of wildlife shall not extend beyond (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) project modification and (4) modification of project operations, but shall not include the operation of wildlife facilities.

The Secretary of the Interior, through the U.S.Fish and Wildlife Service and the Bureau of Mines, is authorized to make investigations concerning effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife, and to make reports to Congress thereon with recommendations for alleviating such effect. Investigations shall include (1) determination of standards of water quality for wildlife maintenance, (2) study of methods of pollution abatement and prevention, and (3) data collation and distribution on progress and results of such investigations for use of Federal and State agencies and other interested entities and individuals.

Related Legislation—Other Federal statutes establish policy procedures and guide U.S. Fish and Wildlife Service activities involving water resource development and fish and wildlife conservation and enhancement. Such legal directives, not described here, ensure equal consideration for these living resources in comprehensive river basin plannings.

SOIL CONSERVATION

Soil Conservation Act—Public Law 46, April 27, 1935, 16 U.S.C.A. 590 (a) et. seq., as amended. Congress. by the Act of April 27, 1935, Public Law 46, recognized the wastage of soil and moisture resources on farm, grazing, and forest lands of the nation resulting from soil erosion, declared it to be its policy to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent the impairment of reservoirs, rivers and harbors. This Act has been successively amended and enlarged in scope and purpose.

WATERSHED PROTECTION AND FLOOD PREVENTION

Land Conservation and Land Utilization Act—July 22, 1937, as amended by Public Law 87-703, September 27, 1962, 7 U.S.C.A. 1010, et. seq.. Under the Land Conservation and Land Utilization Act as amended by Public Law 87-703, the Secretary of Agriculture was authorized and directed to develop a program of land conservation and utilization. The purpose of this Act was to correct maladjustments in

land use, assist in controlling soil erosion, reforestation, preserving natural resources, protecting fish and wildlife, while mitigating floods and preventing the impairment of dams and reservoirs. The Secretary of Agriculture was also authorized to cooperate with Federal, state, territorial and other public agencies in developing plans for land conservation and land utilization. Such plans are to be implemented by means of loans to state and local public agencies as designated by the State Legislature.

Watershed Protection and Flood Prevention Act of 1954, as Amended—Public Law 566, August 4, 1954; 68 Stat. 666, 16 U.S.C.A. 1001-1008 and Supplement 1967. Executive Order No. 10584, December 20, 1954, 19 F.R. 8725 sets forth the rules and regulations relating to the administration of the Act.

The Watershed Protection and Flood Prevention Act is often referred to as Public Law 566. The Act contemplates structural and land treatment measures on watershed or subwatershed areas not exceeding 250,000 acres for the conservation, development, storage, utilization, and disposal of water. Multiple-use objectives provide for proper land use and treatment of watershed lands in the interest of soil and water conservation, as well as other purposes, including flood prevention, irrigation, drainage, storage, fish and wildlife development, municipal and industrial water supply both for present and future use, recreation, or other phases of water management. Installation is on a cost-sharing basis with the Federal Government. Projects involving a Federal contribution to construction cost of less than $250,000 are approved by the Secretary of Agriculture, while projects of greater magnitude require resolutions by appropriate committees of the House and Senate. The Act provides for long-term loans to sponsors of such projects in amounts not exceeding $5,000,000, at interest rates equivalent to the long-term rate paid by the Federal Government at the time of the loan.

Projects are non-Federal in nature, with contributions of technical assistance, financial and credit assistance by the Federal Government. A project may be initiated by any of numerous local organizations, including any state, political subdivision thereof, soil and water conservation district, flood prevention or control district, or any other agency authorized under state law to carry out, maintain and operate the works of improvement. Sponsors may also include any irrigation or reservoir company, water users association, drainage or reclamation district, municipality, or similar organization, having such authority and not being operated for profit, that may be approved by the Secretary of Agriculture.

The Act provides for the exchange of views, coordination, and cooperation between the Secretary of Agriculture, the state and local agencies, and the Secretaries of the Army and Interior. Planning and installation of projects are under the immediate supervision of the Soil Conservation Service.

HYDROELECTRIC POWER

Federal Power Commission—Federal Power Act, June 10, 1920, 41 Stat. 1063, as amended, 49 Stat. 838, (16 U.S.C.A. 791 a–825 r). Natural Gas Act, 46 Stat. 797, (15 U.S.C.A. 717–717 w). The Federal Water Power Commission is an independent agency created under the Federal Power Act of June 10, 1920. The Commission has jurisdiction over the transmission and sale at wholesale of electric energy in interstate commerce and over public utilities engaged in such sales, and also regulates the transportation and sale of natural gas in interstate commerce for resale and those engaged in such sales. The Commission also prescribes and enforces a uniform system of accounting among interstate transporters of electricity and gas and licenses of hydroelectric projects.

The Commission is authorized by the Federal Power Act to make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and to interstate or foreign commerce and concerning the location, capacity, and development of power sites. To these ends the Commission is instructed to cooperate with the executive departments and agencies of state and National Governments.

The Commission has the power to issue or withhold licenses to any citizen or corporation of the United States, or any state or municipality thereof, for the purpose of constructing, operating and maintaining dams, power houses, transmission lines or other facilities for the improvement of navigation or the production, use and transmission of power from any stream or body of water over which Congress has jurisdiction or upon any part of the public lands and reservations of the United States and for the purpose of utilizing the surplus water and water power from any government dam.

Licenses are issued for a period not to exceed fifty years. In the issuance of licenses where no preliminary permit has been granted, the Commission is required to give preference to applications therefore by States and Municipalities, provided their plans for the project are equally well adapted to the conservation and utilization in the public interest of the water resources of the region, or may be made so within a reasonable time. Whenever in the judgment of the Commission the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting the development, but shall cause to be made such examinations and surveys, reports, and plans together with cost estimates as it may find necessary, and shall submit its findings to Congress with such recommendations as it deems appropriate.

Under terms of the Act, as amended, the Commission must, in the case of non-publicly owned project, decide whether to relicense the project at the expiration of its license, or to recommend to the Congress that the project be taken over by the Federal Government. If the Commission does not recommend Federal takeover of a project but another Federal department or agency does so recommend, the Commission order granting a new license must provide for a two-year stay of the effective date in order to give the Congress opportunity to take whatever action it desires. If the project is not taken over, the Commission may issue a new license to the existing license holder or to a new licensee. If a project is taken over, the licensee is entitled to receive payment for the new investment, not to exceed the fair value of the property taken, plus severence damages, if any. The Federal Power Act also provides that at any time a project may be taken over, maintained and operated by the United States, or where authorized under State law, by any state, upon the payment of just compensation in condemnation proceedings.

Section 23(b) makes it unlawful to construct for power purposes a dam or other works incident thereto on any navigable waters of the United States, public lands or reservations without a permit or license under the Federal Power Act. A declaration of intention must be filed before construction of a dam on any stream other than those defined as navigable waters.

The Act sets out at section 27 "That nothing herein contained shall be construed as intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein."

Major Court Cases

Some of the major court cases which have affected the jurisdiction and operation of the Commission in the water resources field are:

New River Case (85 L. Ed. 243); (311 U.S. 377); First Iowa Case (339 U.S. 979); Pelton Case (349 U.S. 435); Cowlitz Case (207 F 2d 391 (1955)); Hells Canyon Case (237 F 2d 777 (CADC, 1956)); and the Taum Dauk Case (381 U.S. 90).

The New River Case is discussed in the Commission's 20th Annual Report (1940). In this case the Supreme Court recognized and approved the basic principles underlying Federal power policy with respect to the Nation's rivers. The authority of the Commission to issue licenses on navigable waters was confirmed. Also, navigable waters were stated to include waters which could be made usable in interstate commerce by reasonable improvement. There are other important elements to this case which are not mentioned here.

In the First Iowa Case, decided in 1950, the Supreme Court held that the Commission was not required to compel the applicant to produce evidence that it has complied with all the applicable State laws before a license may be granted. In a prior decision involving the same applicant and the same project the court held that the Federal Power Act (Section 9(b)) does not require compliance with State laws and that the Commission may issue a license without consent of the State affected.

In the Pelton Case the court in effect affirmed the Commission's order granting a license for the Pelton Project on the Deschutes River in Oregon. Since the project would be built upon and would affect land reservations of the United States, the court said that its authorization is within the exclusive jurisdiction of the Federal Power Commission, notwithstanding the law of the State of Oregon to the contrary.

In the Cowlitz Case the Court of Appeals for the Ninth Circuit sustained the Commission's order issuing a license to the City of Tacoma authorizing construction of two dams on the Cowlitz River in Washington. Since the stream is navigable, and, therefore, under the dominion of the United States,

the laws of the State of Washington regulating the construction of dams cannot prevent the Commission from issuing a license or bar the city from building the dams. Certiarari was denied (347 U.S. 936).

In the Hells Canyon Case the Supreme Court declined to review the lower court's decision which affirmed the Commission's action granting a license for three developments on the Snake River. The court held that the Commission need not recommend a development for Federal construction simply because the Government has better credit and is free from taxation. Also, having exercised its judgment that the development be constructed by private interests it need only find that the proposal be adapted to a comprehensive plan for the development of the water resources, and it need not use the plan for Federal development as a standard for judgment.

In the Taum Sauk Case the Commission took jurisdiction over a pumped storage project not affecting lands of the United States and with little or no effect on navigation on grounds that generation from the project affected interstate commerce. The Commission's finding and issuance of license was overruled by the U.S. Court of Appeals. However, on appeal to the Supreme Court the Commission's position was upheld. Cases involving the Commission's jurisdiction over hydroelectric projects are expected to be simplified by this decision.

Bonneville Power Administration—Bonneville Power Project Act, August 20, 1937, 50 Stat 731, as amended, 16 U.S.C.A. 832 et. seq. The Bonneville Power Administration was authorized by the Bonneville Power Project Act of 1937, as an office in the Department of the Interior under the jurisdiction and control of the Secretary of the Interior. BPA markets power and energy from Federal hydroelectric projects, and wheels power from publicly and privately owned power systems in the Pacific Northwest.

The objectives of the Administration have been established by various Acts of Congress and may be briefly stated as follows:

1. Federal dams shall, where feasible, include facilities for generating electrical energy;

2. Power disposal shall be designed to encourage the widest possible uses of all electric power and energy that can be generated and marketed;

3. To provide reasonable outlets therefor and to prevent the monopolization thereof by limited groups;

4. Power generation and disposal shall be for the benefit of the general public, particularly for domestic and rural customers;

5. Preference in power sales shall be given to public bodies and cooperatives;

6. Electric power and energy shall be made available to the ultimate consumer at the lowest possible rates consistent with sound business principles.

The Bonneville Power Administration in cooperation with the Corps of Engineers represents the United States in implementing the provisions of the Columbia River Treaty with Canada for the joint development of the Columbia River.

The Bonneville Power Administration is constructing jointly with the Bureau of Reclamation and public and private utilities the Pacific Northwest–Pacific Southwest Intertie to achieve optimum utilization of power resources between the two regions. BPA also engages in planning possible interconnections with other Department of the Interior marketing agencies having adequate common carrier transmission facilities. Such activities of the Administration refer primarily to the sale of surplus energy generated in the Pacific Northwest with first preference being acorded to Pacific Northwest customers. (Public Law 88-552, August 31, 1964, 16 U.S.C.A. 837-837h).

WATER QUALITY CONTROL

Federal Water Pollution Control Act, as Amended—Act of August 9, 1956, Public Law 84-660, 33 U.S.C.A. 466 et. seq; amended by the Federal Water Pollution Control Act Amendments of 1961, Public Law 87-88, by the Water Quality Act of 1965, Public Law 89-234, and by the Clean Water Restoration Act of 1966, Public Law 89-753. The Act as originally adopted in 1965, placed the responsibility for its enforcement upon the Secretary of Health, Education and Welfare. Subsequently, on May 10, 1966, pursuant to Reorganization Plan No. 2 of 1966, the major portions of the functions of the Secretary of Health, Education and Welfare were transferred to the Secretary of the Interior, reserving only those functions related to the public health aspects of water pollution to the Secretary of Health, Education and Welfare.

The declared purpose of the Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control and abatement of water pollution. Congress also made it clear that its policy was threefold in nature: (1) to recognize, preserve, and protect the primary

responsibilities and rights of the states in controlling and preventing water pollution, (2) to support and aid technical research relating to prevention and control of water pollution, and (3) to provide technical services and financial assistance to state and interstate agencies, and municipalities to further their activities in connection with the prevention and control of water pollution.

The Act as amended created within the Department of the Interior a Federal Water Pollution Control Administration and is referred to in the Act as the Administration (33 U.S.C.A. 466-1 (1966)). A Water Pollution Control Advisory Board composed of the Secretary of Interior, or his designee and nine members appointed by the President to represent the states, local and private interests in advising with and making recommendations to the Secretary relating to his functions under the Act was authorized.

Oil Pollution Act of 1924, Navigable Waters of the United States–The responsibility for the administration of the Oil Pollution Act of 1924 (33 U.S.C.A. 431 et. seq.) was transferred from the Secretary of the Army to the Secretary of the Interior, effective December 3, 1966, pursuant to Section 211 of the Clean Water Restoration Act of 1966 (PL 89-753), approved November 3, 1966.

The Act provides penalties for the discharge or permitting of discharge of oil by any boat or vessel by any method, means or manner upon the navigable waters of the United States. Exceptions are recognized in case of unavoidable accident, collision, or stranding or otherwise permitted by regulations prescribed by the Secretary. Such regulations are enforced by the Coast Guard.

Navigable waters are defined by the Act to mean all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact. (Act repealed 1970)

BEACH EROSION

Beach Erosion Act–July 3, 1930, 46 Stat. 945, 33 U.S.C.A. 426. The Chief of Engineers is authorized to cause investigations and studies to be made with a view to devising effective means of preventing erosion of the shores of coastal and lake waters by waves and currents, with technical assistance and review of studies by Beach Erosion Board, in cooperation with the various states involved.

The Act was extended by the Act of July 31, 1945, 59 Stat. 508, 33 U.S.C.A. 426 (a-d). The Chief of Engineers was authorized to make general investigations with a view to preventing erosion and determining the most suitable methods for the protection, restoration and development of beaches.

The Act was further extended by the Act of August 13, 1946, 60 Stat. 1056, and amended by the Act of July 28, 1956, 70 Stat. 703, 33 U.S.C.A. 426 (e-h). The policy of the United States is to assist in the construction but not maintenance of works for restoration and protection against erosion by waves and currents of shores of the United States, the Federal participation being 50% of the cost for protection of non-Federal publicly owned or publicly used shores and up to 70% for protection of state and other public shore parks and conservation areas. Construction may include periodic beach nourishment. Shores other than public are eligible for Federal assistance under specified conditions with appropriate reduction in contribution. Authority is provided for small shore protection projects not specifically authorized by Congress with the Federal share limited to $400,000. (Public Law 87-824, October 23, 1962, raised this sum to $500,000).

The Act was further amended by the Act of July 14, 1960, Public Law 86-645 and the Act of November 7, 1963, Public Law 88-172. This Act provided for the abolishment of the Beach Erosion Board and the substitution of a Board composed of seven members, four of whom shall be officers of the Corps of Engineers and three shall be civilian engineers selected by the Chief of Engineers with regard to their special fitness in the field of beach erosion and shore protection, under Public Law 86-645, July 14, 1960.

Protection of shore areas from flooding by hurricanes and other high tides is commonly associated with beach erosion protection and may include hurricane barriers for the protection of urban areas. (See 1958 Flood Control Act, Public Law 85-500).

DISASTER RELIEF AND EMERGENCY PROGRAMS

Emergency Flood Control Activities–Section 9, Flood Control Act of June 15, 1936; 49 Stat. 1511, 33 U.S.C.A. 702 g-l, as amended by the Act of August 8, 1941, 55 Stat. 650, 33 U.S.C.A. 701 n; and Public Law 87-874, October 23, 1962, 76 Stat. 1194, 33 U.S.C.A. 701 n (Supp. 1967). The Act authorizes an emergency fund in the amount of $15,000,000 to be expanded in flood emergency preparation, in flood

fighting, and rescue operations; or in the repair or restoration of any flood control work threatened or destroyed by flood as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control. In this connection the repair and restoration work includes damage done by wind, wave, or water action.

Farmers Home Administration, Emergency Loans—Consolidated Farmers Home Administration Act of 1961, Public Law 87-128, 75 Stat. 294, 7 U.S.C.A. 1013 a, 1921 et. seq. (Supp. IV). This program provides emergency loans to eligible farmers in designated areas where natural disasters such as floods and droughts have brought about a temporary need for credit not available from other sources.

MUNICIPAL AND INDUSTRIAL WATER SUPPLY

Water Supply Act—Act of July 3, 1958, Public Law 85-500. Under the Water Supply Act of 1958 it was provided that the Federal Government should participate and cooperate with State and local interests in developing water supply for domestic, municipal, and industrial and other purposes in connection with the construction, maintenance and operation of Federal navigation, flood control, irrigation or multiple-purpose projects. This action applies to both the Corps of Engineers and the Bureau of Reclamation. Each agency is authorized to impound water for present and anticipated future demand or need for such municipal and industrial water. The reasonable value thereof may be taken into account in estimating the economic value of the entire project. The State or local interest for which the water is impounded must agree to pay for the cost of such facilities on a long-term basis.

EDUCATION AND RESEARCH

Education and Research

Cooperative Agriculture and Forestry Research Program—Public Law 84-352, August 11, 1955, 69 Stat. 671, 7 U.S.C.A. 361a-361i; Public Law 87-788, October 10, 1963, 76 Stat. 806, 16 U.S.C.A. 582 a-582 a-7; Public Law 88-74, July 22, 1963, 77 Stat. 90, 7 U.S.C.A. 390-390k. Administers grants-in-aid to the states for agricultural and forestry research. Research is directed toward problems of greatest importance to the State and Nation, as determined by the State Agricultural Experiment Station Director and his staff.

Cooperative Extension Service—Public Law 83-83, May 8, 1914, 38 Stat. 372, 7 U.S.C.A. 341-343 et. seq., as amended. The Cooperative Extension Service of the U.S. Department of Agriculture and the State Land Grant College and Universities, in cooperation with county governments, conduct educational programs in rural counties and many urban areas. This is authorized by the Smith-Lever Act.

Farmer Cooperative Service—Authorized by the Farmer Cooperative Service Act, July 2, 1926, 44 Stat. 802, 7 U.S.C.A. 451-457; Agricultural Marketing Act of 1946, Public Law 79-733, 60 Stat. 1082, 7 U.S.C.A. 1621-1629. This program provides research, service, and educational help to cooperatives that provide marketing, farm supply, and related types of services to rural residents, primarily farmers.

Forest Service Cooperative State and Private Programs—Act of June 7, 1924, 43 Stat. 653, 16 U.S.C.A. 564; August 25, 1950, 64 Stat. 473, 16 U.S.C.A. 567 et. seq. These provide technical assistance, information, service, and financial aid to State agencies responsible for protection, management, and development of State, local, and privately owned forest lands.

Forest Research Act—Act of May 22, 1928, Public Law 70-466, 45 Stat. 699, 16 U.S.C.A. 581, as amended. This program assists with contracts and grants for basic and applied forestry research in special cases.

Saline Water Conversion Act—Act of July 3, 1952, as amended; Public Law 87, 295, September 22, 1961, as amended; Public Law 89-118, August 11, 1965 (42 U.S.C.A. 1951-1958 g). In 1952, Congress declared its policy on saline water conversion and for studies and research related thereto was based upon an increasing shortage of usable surface and ground water and the importance of finding new sources of supply to meet present and future water needs. Under the Act, Congress undertook to provide for the development of practical low-cost means for the large-scale production of water of a quality suitable for municipal, industrial, agricultural, and other beneficial consumptive uses from saline and brackish waters.

The program was put under the direction of the Secretary of the Interior. The Secretary was authorized to hire scientists, enter into contracts with educational institutions, and cooperate with State and Federal agencies and other persons and institu-

tions concerned with converting salt water into water of quality.

In 1965, Congress authorized the expenditure of money up to $185,000,000 to carry out the foregoing plans on saline water conversion (Public Law 89-118, August 11, 1965).

Water Resources Research Act of 1964–Public Law 88-379, July 17, 1964, 42 U.S.C.A. 1961 et. seq. Congress declared the purpose of the Water Resources Research Act of 1964 was to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments and the training of scientists in the field of water and related resources.

To implement the Act money was appropriated to the Secretary of the Interior for the establishment of Water Research Institutes at Land Grant Universities or other colleges in each of the several states. Each institute was authorized to conduct competent research, investigations and experiments of a basic or practical nature in relation to all aspects of water resources and to provide for the training of scientists through such activities.

The Act also provides for further appropriations to the Secretary of the Interior for use, on a matching basis, for specific water resources research projects which could not otherwise be undertaken.

Section 105 of the Act disclaims any attempt by the Federal Government to control or direct education at any college or university under whose direction an institute has been established.

Subchapter II of the Act authorizes ten-year programs on matching or other basis with educational institutions not included in Chapter I of the Act or private foundations or individuals who desire to engage in research problems related to the mission of the Department of the Interior.

The Secretary is directed to secure the cooperation of all Federal and State agencies, private institutions and individuals to assure that such programs shall not overlap or duplicate programs which the latter have established. The intent being to stimulate research in otherwise neglected areas and to contribute to a comprehensive, nationwide program of water and related resources research.

Contracts for Scientific and Technological Research–Act of October 15, 1966, Public Law 89-672, 42 U.S.C.A. 1900. The Secretary of the Interior was authorized by Public Law 89-672 to enter into contracts with educational institutions, public or private agencies, or organizations or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department of the Interior which are authorized by statute. Contracts exceeding $25,000 must be submitted to the President of the Senate and the Speaker of the House for approval by Congress.

Soil Information Assistance for Community Planning and Resource Development–Public Law 89-560, September 7, 1966, 42 U.S.C.A. 3271. The Secretary of Agriculture was authorized under Public Law 89-560 to assist states and other public agencies to conduct soil surveys and studies required in community planning and resource development for the protection and improvement of the quality of the environment, recreation development, conservation of land and water resources, the control of pollution from sediment and other pollutants in areas of rapidly changing uses, including farm and non-farm areas. Technical assistance and consultation is also authorized.

The Secretary was authorized to make a reasonable effort to secure a substantial amount of the cost of such surveys from the State or other public agency for whom rendered.

***State* Commercial Fisheries Research and Development Projects**– May 20, 1964, PL 88-309, 78 Stat. 197, 16 U.S.C.A. 779, a. The purpose of the Act is to authorize the Secretary of Interior to cooperate with the states through their respective state agencies in carrying out projects designed for the research and development of the commercial fisheries of the nation. Compacts between states for the purposes of the Act have been authorized in advance by Congress.

NATURAL ENVIRONMENT

"National Environmental Policy Act–Act of 1 January 1970, Public Law 91-190, 42 U.S.C.A. 4331 et seq. This action set forth a national policy encouraging productive and enjoyable harmony between man and his environment, and established the Council on Environmental Quality.

"The Act directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the environmental policy set forth be interpreted and administered in accordance with the environmental policy set forth therein. All Federal agencies are directed to utilize a systematic, interdisciplinary approach to insure the inte-

grated use of the natural and social sciences and the environmental design arts in planning and in decision making which would have an impact on man's environment.

"To accomplish this, the aid of the Council on Environmental Quality is enlisted to insure that presently unquantified environmental amenities and values are given appropriate consideration in decision making. And the Act establishes a requirement that all Federal Agencies include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on:

(1) The environmental impact of the proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

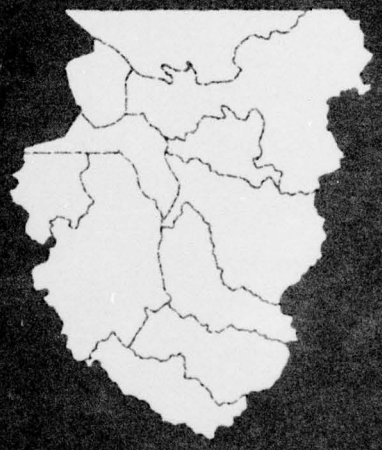
"The Environmental Quality Improvement Act of 1970, Public Law 91-224 reaffirmed the policy set forth in the Environmental Policy Act of 1969, and created the Office of Environmental Quality in the Executive Office of the President."

There should also be some reference in this section to the Water Quality Improvement Act of 1970. The following is suggested:

"The Water Quality Improvement Act of 1970, Public Law 91-224, amended the Federal Water Pollution Control Act of 1965, and declared it to be the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone. A National Contingency Plan to deal with oil spills is required by the Act. In addition, each Federal agency having jurisdiction over real property or facilities, or engaged in any Federal Public Works activity, must insure compliance with applicable water quality standards in the administration of such property, facility or activity.

"Finally, applicants for Federal licenses and permits to conduct activities which may result in any discharge into the navigable waters of the United States must furnish the permitting agency with certification from State or Federal Water Pollution Control Agencies that the discharge will not violate applicable water quality standards."

Part Seven
Evaluation of Existing Laws and Regulations



PART SEVEN—EVALUATION OF EXISTING LAWS AND REGULATIONS

INTRODUCTION

The Puget Sound Area has emerged from a status of discovery and settlement to a complex, technological society of the jet and nuclear age within a single century.

The legislative history of the Area, as well as the State, in matters of water and related land resources follows a common historical pattern of:

(1) Resources abundance with limited administration.

(2) Increasing single-purpose use and increasing administration.

(3) Optimum multi-purpose use guided by comprehensive planning and coordinated use development and preservation which is in the best public interest.

The gradual legislative transistion since territorial days from the concepts of single-purpose use under a variety of agencies, administrative units and the private sector has resulted in an overlapping of agencies and programs concerned with the management, control and utilization of water related resources.

During this time the legislature and the courts have established several doctrines relating to the establishment of rights to divert, withdraw and make use of the public waters.

Numerous developments are undertaken annually by various departments of the State, Federal and local governments, as well as by private enterprise. Highways, powerlines, railways, pipelines, and many other improvements are currently being installed without the level of coordination that is desirable. Considerable excess cost presently results from conflicting or uncoordinated planning. Elements of some activities become competitive. Some of the lack of coordination in administration is the direct result of legal or policy barriers contained in enabling or funding legislation. These barriers will become more troublesome and costly as time goes on. A concerted effort should be made to "clean up" as many of these barriers as possible and to coordinate such efforts in the public interest.

Space requirements for development to meet the needs of the expanding population depend on the future density of settlement. It is expected most of the new population will be urban-oriented but urban populations can be dense or sparse. Typical urban development in the past has been rather leapfrog fashion in search of less expensive land and other real or fancied objectives. The pattern thus begun will result in large economic costs to the public in furnishing services and in opportunities foregone for maintaining the environment. Scattered development of the land and water resources is often wasteful and frequently inequitable in that some costs which should be borne by the entrepreneur are passed on to the public.

With a planned program of resource use and development, the Area has adequate land and water resources to satisfy the projected needs. Certain present trends in unplanned urban use of good agricultural lands, if allowed to continue, would in time deplete the cropland base. Since one purpose of planning is to reverse adverse trends, certain policy constraints and incentives are needed to reserve for farm use productive lands of the Area. This will be the best agricultural land located mainly in the flood plains of rivers and tributary streams.

Open space and recreational sites can often be provided in areas considered unsuited for many types of construction. Improvements to established developments require large investments of capital and considerable time for installation. However, provisions for open space, greenbelts and recreation facilities as part of planning for new developments can be done with a large saving of public and private costs.

There is a need to adapt the legislative environment to accommodate the changing concepts of use and administration of water related land resources. Legislative action is required to define the duties and responsibilities of various levels of government and the private sector, to attain increased public understanding and involvement and to declare and implement state goals and objectives in resource use and administration. Legislative action is also required for the establishment of procedures to enhance the choice process as between various alternatives and for the establishment of systems of priority which include realistic procedures for cost benefit analysis and for the development of cost sharing formula for both routine and emergency programs and projects

involving the federal, state and local government.

Existing laws of the State of Washington will enable implementation of program and project elements of the Comprehensive Water and Related Land Resources Plan for Puget Sound and Adjacent Waters (see Summary Report and Appendix XV, Plan Formulation). However, additional legislation is needed to improve planning, management and development of the Area's resources. A number of adjustments and possibly new laws are suggested by legislative needs identified herein.

Some additional Congressional action is needed to enhance the well-being of the people and improve existing programs, although Federal legislation is generally adequate to implement those portions of the Comprehensive Plan in which Federal agencies have responsibility or authority. These needs are discussed following State legislative requirements.

STATE LEGISLATIVE NEEDS

Legislative adjustments to rectify deficiencies should provide a basis for effective intergovernmental and private coordination in planning, financing, development, operation, and preservation which is necessary for resource administration and use in the best public interest. Suggested legislative needs are described in terms of:

1. Policies, goals, guidelines;
2. Administrative and financial support;
3. Water-related land use considerations;
4. Plan implementation.

POLICIES, GOALS, GUIDELINES

The public is demanding a role in establishing future policies dealing with resource use. Public desires and concerns must be articulated and then given adequate consideration by professional planners and other disciplines knowledgeable in water and related land resource use and development. This can only be accomplished through dialogue at all stages of decision-making among elected officials, interested citizens and professionals serving the public.

Legislative declaration of state policies, goals and guidelines relating to water and related land resources are necessary for guidance in all phases of resource planning, administration and development. Such declarations are the basis for the present and future choices of action, establishment of priorities and sequence of development and are the basis for effective resource administration and development.

Policy—It should be the policy of the state to provide comprehensive stewardship of its natural resources of land and water in order to protect the public health, promote the economic welfare, and permit wide and continued enjoyment of its many environmental and esthetic anemities for now and for future years.

Goals and Guidelines—In furtherance of this policy, it should be a goal of the state to energetically proceed with the preparation, periodic review, and updating of comprehensive water and land resource plans. Such plans should be responsible to needs and consider immediate and long-term effects, and should include legislative and financial considerations. Such plans should include the development and adoption of new technology as appropriate and the making of periodic reports to the people and the legislature of progress, findings, and effects. Such plans should fully recognize the rights and contributions of private citizens and the responsibilities of local government at all levels, and should particularly provide for full participation of local governmental units as well as for cooperation with federal government agencies as appropriated.

The following guidelines for use of water and related land should be developed and implemented by the state to encourage action by local units of government, with a provision for state action where needed in the absence of substantial progress by local units of government or where additional support of local programs is required in terms of coordination or technical, legal, and financial assistance:

a. For encouragement of water and related land development on a basis of drainage basins, taking into account resource capabilities, suitabilities, and response.

b. For management of natural resources, including streamflow and lake resources, to protect hydrologic relationships, water use and benefits; relationships between surface and ground water; alleviation of low streamflows; and including choice of multipurpose impoundments as defined in basin comprehensive plans.

c. For maintenance of high water quality and preservation and enhancement of environmental quality, including prevention of pollution.

d. For protection of sources of domestic water supply and for the encouragement of adequate regional water supply systems and waste disposal systems.

e. For continuing collection, monitoring, analysis, and retrieval of basic data concerning water flow, water quality, sediment production and movement, water needs and priorities, land treatment measures, analysis of alternate systems of development, including social and economic consequences and development of research, and technological needs.

f. For recognition of the need to protect and encourage programs of land and water resource development and conservation, related but not limited to water supply, agriculture, forestry, fisheries, navigation, industrial development, urban needs, and recreation.

g. For development of model programs and systems analysis by river basin and selected prototype areas with full consideration for a long-time effects.

h. For planning and administrative guides responsive to public policy and allowing reasonable choice of alternatives within policy parameters and including provisions for dissemination of information concerning water and land management programs, impacts, goals and development status.

i. For planning in accordance with the concept of maximization of benefits and providing for reserves of productive resources for potential agriculture, forestry, and other uses of land and water, for periodic reviews of allocated waters.

ADMINISTRATIVE AND FINANCIAL SUPPORT

Comprehensive federal agency planning programs are guided by provisions of the Intergovernmental Coordination Act of 1968. State legislation is needed to establish procedures permitting the state and its subdivisions to participate fully in the development of programs associated with federally assisted projects, and to permit the state to proceed with development where local units of government may be unwilling or unable to fully participate.

Many of the elements of a comprehensive plan are administered by small units of local government which may lack the financial capability to implement the planned development. There is a need for non-federal credit assistance, financial assistance grants in aid to many small improvement districts and small municipalities and counties for the installation and maintenance of improvements. The state should provide this assistance including objective consultation and supervision, thus providing a needed degree of stability. Areas where help is principally needed are in securing rights of way, in coordinating works of development, and in adding features to small, single-purpose developments that benefit the general public.

The powers and duties related to water and land management not properly or fully exercised by local units of government should be, in the public interest, implemented by state government.

A program should be implemented consisting of grant funds and revolving accounts whereby sources of grants and loans would be available to units of local government under defined criteria to provide planning, legal, and technical services, construction and rehabilitation funds for purposes that will support elements of this policy.

Provision should be made for federal and state emergency funds for rehabilitation in a timely manner following natural disasters such as floods, earthquakes, forest fires, or similar emergencies.

Monetary and other incentives, together with land use regulation, are needed to encourage dedication of land to woodland, agriculture, watershed protection, production reserves, and other open uses in accordance with this policy, and particularly in areas subject to harmful land speculation or accelerated urban development.

WATER RELATED LAND USE CONSIDERATIONS

The State Department of Ecology should maintain a continuing program of ecological information and criteria as a basis for the following programs:

a. Designation of unique scientific and recreation areas,

b. Designation of ecological guidelines for the establishment of state river use classification including reference to geographical characteristics,

c. Definition of ecological criteria to designate preferred areas of changing land use, including intensive, urban, industrial, navigational, transportation and related activities and preparation of guidelines to prevent or minimize adverse physical and ecological impacts.

d. Designation of criteria under which water and related land resources are suitable for specific or general uses or mixes of uses, including agriculture,

forestry, urban, industrial, recreation, or other. Criteria to include but not be limited to access and parking areas for public beaches, tidelands, and recreation areas, as well as requirements or restrictions for structures and facilities including waste management adjacent to water surface areas and designated areas of critical public concern.

Legislation is needed, where in the public interest, critical areas of watersheds are to be properly treated and protected regardless of ownership. Powers should include the supervision of land use and the application of protective treatment measures when required. Recognition should be made of existing water related land management practices. Proper payment should be made for critical water related land areas which are determined to require public ownership and administration.

Effective and intelligent application of regulatory measures are needed in the public interest. Such regulations should provide for the use and management of flood susceptible areas and critical sediment- producing areas to avoid compounding the cost of flood protection. Developments allowable in such areas can be limited to agriculture, or other open or semi-open use, so that damageable values are kept within reasonable limits.

Changes are needed in existing state legislation, Chapter 86.16 RCW, State Flood Control Zones, as follows:

a. Provide coverage of watercourses, rivers, creeks, lakes, coastal areas which are designated as critical or unstable areas, or as designated areas as flooded, by raising water tables;

b. Define explicit minimum requirements to be adopted by local governments and establish time limitations for this accomplishment. Such prescribed regulations should be included in subdivision regulations, zoning ordinances, and building codes;

c. Retain authority at the state level to invoke necessary land use regulations in flood prone areas and other critical areas contributing to flood damage in the absence of appropriate local action; such zoning to be included in all adopted comprehensive land use plans encompassing flood prone areas to insure that the flood hazards for proposed land use will be properly evaluated.

Legislation is needed, comparable to existing federal regulations, that requires as a part of program and project planning by state, local and private interests, due consideration of environmental enhancement opportunities.

Legislation is needed to control pleasure boating activity on marine and fresh waters, to minimize conflicts between various uses, and to require implementation of measures that will improve the public safety and well-being.

PLAN IMPLEMENTATION

The Department of Ecology should have the prime responsibility for maintaining the continuity of the **Comprehensive Plan** and should communicate effectively with federal, other state and local agencies and the public. The Department should advise the state executive and the legislative branches on the effects of the plan. The Department should have the primary responsibility for timely updating and adjustment in planning to reflect changing desires of the public, technological innovations and improved knowledge. Follow-on planning should include the capability to respond to technological development, economic fluctuations, trends and emergencies and also to provide communications and services are required to bring full benefits and knowledge of the plan to the area and its people.

Follow-on planning should be guided by the principles of efficiency, economy, and optimum sustained benefits to the people. Planning should provide comprehensive consideration of practicality, financing, installation and maintenance and operation costs of all interrelated facilities and services in harmony with the watershed area.

FEDERAL LEGISLATIVE NEEDS

Considerable guidance and authorities have been provided by Congress for the formulation, evaluation and review of plans for use and development of the Nation's water and related land resources. Recent legislation (National Environmental Policy Act of 1969) requires explicit recognition by Federal agencies of the impact of planned developments upon the environment and the critical importance of making the impact less adverse to the general welfare. However, current and future Federal programs can be further improved through additional Congressional action. Suggested changes and additions to existing Federal authorities are presented herein by water or related land resource use.

MUNICIPAL AND INDUSTRIAL WATER SUPPLY

A comprehensive program for public water supply does not exist at the Federal level. There is an urgent need for such a program to provide the emphasis required to assure that the nation's drinking water is safe and adequate.

This would begin with legislation that provides for technical assistance, training, research and development, standards or safety and most importantly grants to state and local programs.

The grant provision is important to provide the stimulus for institution of viable water supply programs at the state and local level. These levels of Government have primary responsibility for potable water supply safety but financial and personnel limitations have exerted severe constraints in permitting these programs to keep pace with the emerging problems of water supply.

NAVIGATION

The statutes relative to the location and clearances of bridges and causeways in the navigable waters of the United States, contained in Title 33, U.S. Code, should be enlarged to provide that the River and Harbors Act be appropriately amended to include funding of necessary alterations of bridges and causeways in way of proposed waterway modifications.

The Tank Vessel Act (46 USC 391) and the Magnuson Act (50 USC 192) should be amended to provide for appropriate administrative penalties in addition to criminal penalties. At the present time, the sole remedy for violation of the Statutes consists of a criminal penalty.

WATERSHED MANAGEMENT

Establish an emergency contingency fund so that following a natural disaster emergency treatment programs to rehabilitate the resource could begin in a timely manner with assurance that funds are available.

Both public and private landowners and management agencies have been faced with the monumental task of applying emergency treatment measures to burned over watersheds in order to reduce potential flood threats and sediment damage to downstream lives and property. Adequate funds are required to undertake treatment measures immediately after a fire on both private and National Forest lands.

RECREATION

Revise Federal legislation to allow acquisition of surplus Federal lands by State and local public agencies at minimal or no costs for use as recreation lands.

Strengthen Federal Highway Legislation to permit and require greater emphasis on the establishment and use of highway rest stops.

LOCAL REVIEW FUNDING

Federal studies requiring review and coordination by local governmental entities should be funded to allow for payment of the analysis expected from them. As these entities are neither staffed nor funded for this function, they cannot be expected to become sufficiently knowledgeable in the studies to perform an essential review. Funds should be furnished to counties, cities, port districts, and regional coordinating bodies through grants under agency authority to hire the necessary review services, if needed. Federal agencies need to be granted the authority and given adequate funds for this purpose.