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HEARING

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BEFORE THE

SUBCOMMITTEE ON
ENERGY RESEARCH AND WATER RESOURCES

OF THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 506

A BILL TO AMEND THE WATER RESOURCES PLANNING ACT TO EXTEND THE AUTHORITY FOR FINANCIAL ASSISTANCE TO THE STATES FOR WATER RESOURCES PLANNING

S. 1299

A BILL TO AMEND THE WATER RESOURCES PLANNING ACT TO REVISE THE MEMBERSHIP OF THE WATER RESOURCES COUNCIL

S. 1596

A BILL TO AMEND THE WATER RESOURCES PLANNING ACT TO INCREASE THE RATE OF COMPENSATION FOR EXPERTS AND CONSULTANTS AND TO PROVIDE CONTINUING AUTHORIZATION FOR APPROPRIATIONS WITHOUT LIMITATION

JULY 10, 1975



Printed for the use of the
Committee on Interior and Insular Affairs

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TO AMEND THE WATER RESOURCES PLANNING ACT

THURSDAY, JULY 10, 1975

U.S. SENATE,
SUBCOMMITTEE ON ENERGY RESEARCH AND WATER RESOURCES
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 3110, Dirksen Office Building, Hon. Mark O. Hatfield presiding.

Present: Senators Stone, Bumpers, Hansen, and Hatfield.

Also present: Ben Yamagata, counsel.

OPENING STATEMENT OF HON. MARK HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator HATFIELD. The hearing will come to order. As most of you know, our subcommittee chairman, Senator Church, is very much involved in many duties of the Senate, and among the most significant is the subcommittee he is chairing on the CIA; therefore, he expresses deep regrets at having a conflict with a meeting of that committee today. Otherwise, he would be here to chair this hearing.

I am very happy to fill in for him and to express his regrets.

The subcommittee chairman, Senator Church, has requested letters on this matter be made a part of the record, and because of the number of witnesses, I will ask each witness giving testimony to give a summation limited to 5 minutes and then be prepared for questions.

I would like to insert in the record at this point S. 506, S. 1299, S. 1596, and the departmental reports.

[The information referred to follows:]

(1)

94TH CONGRESS
1ST SESSION

S. 506

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 1975

Mr. CHURCH introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Water Resources Planning Act of 1965 (79 Stat.
4 244), as amended, is hereby further amended as follows:

5 In section 301 (a) delete the phrase "for the nine suc-
6 ceeding fiscal years thereafter" and insert instead the phrase
7 "for each fiscal year thereafter".

II



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 9 1975

Dear Mr. Chairman:

This responds to your request for the views of this Department with respect to S. 506, a bill "To amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning."

We defer to the views of the Water Resources Council on the enactment of this proposal.

S. 506 would amend title III of the Water Resources Planning Act (P.L. 89-80; 79 Stat. 244; 42 U.S.C. 1962 *et seq.*) to extend indefinitely the authorization of \$5,000,000 per year for grants to States for the purpose of assisting the States in development of comprehensive water and related land resource plans. The original statutory authorization, found at §1962c(a), extended for a period of 10 years. That authorization will expire in FY 1976, in the absence of further legislation.

As the Water Resources Council has informed the Committee, the Administration has reviewed the grant to States program and has concluded that it should not be continued. During the initial 10-year period, the States have improved their ability to participate in water and related land resources planning. In view of this improvement, the Administration determined that a major goal of title III grants has been fulfilled. Thus the Council recommended against the report.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Rayston C. Hughes
Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D.C. 20510



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 11 1975

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
3106 New Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

This is in reply to your request of June 24, 1975, for the views of the Office of Management and Budget on S. 506, a bill "To amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning."

The Water Resources Council, in its report to your Committee, recommended against enactment of S. 506 on the basis that Title III of the Water Resources Act, which the bill seeks to extend indefinitely, has essentially achieved its major goal of increasing State participation in water resources planning.

The Office of Management and Budget agrees with the views of the Council and, accordingly, would also be opposed to the enactment of S. 506.

Sincerely,

James M. Frey
James M. Frey
Assistant Director for
Legislative Reference



UNITED STATES WATER RESOURCES COUNCIL

SUITE 800 • 2120 L STREET, N.W. WASHINGTON, D.C. 20037

Honorable Henry M. Jackson
 Chairman
 Committee on Interior and Insular Affairs
 United States Senate
 Washington, D.C. 20510

JUL 7 1975

Dear Mr. Chairman:

Thank you for your June 24, 1975 letter, transmitting a bill (S.506) "To amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning." S.506 would extend Title III of the Water Resources Planning Act of 1965 indefinitely.

The Title III program was created to encourage the States to develop a capability to participate in water planning as an equal partner. The grants provided seed money which assisted States in building up the requisite staffs.

Since the program's inception in 1965, State participation in water and related land planning has increased significantly as measured by size of staffs and expenditures. In 1975, \$15 million in State monies went unmatched as most States have funds in excess of Federal grants available. Title III has thus, we believe, essentially achieved a major goal for which it was created. Accordingly, the Water Resources Council recommends against enactment of S.506.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Warren D. Fairchild
 Director

MEMBERS, SECRETARIES OF INTERIOR; AGRICULTURE; ARMY; HEALTH, EDUCATION AND WELFARE; TRANSPORTATION; CHAIRMAN, FEDERAL POWER COMMISSION - ASSOCIATE MEMBERS, SECRETARIES OF COMMERCE; HOUSING AND URBAN DEVELOPMENT; ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY - OBSERVERS: DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET; ATTORNEY GENERAL; CHAIRMEN - COUNCIL ON ENVIRONMENTAL QUALITY, RIVER BASIN COMMISSIONS



94TH CONGRESS
1ST SESSION

S. 1299

IN THE SENATE OF THE UNITED STATES

MARCH 21 (legislative day, MARCH 12), 1975

Mr. CHURCH (for Mr. JACKSON) (for himself and Mr. FANNIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Water Resources Planning Act to revise the membership of the Water Resources Council.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Water Resources Planning Act (79 Stat. 244; 43
4 U.S.C. 1962 et seq.), is hereby amended as follows:

5 By deleting in section 101 (42 U.S.C. 1962a) the
6 words "the Secretary of Health, Education, and Welfare,"
7 and inserting in lieu thereof "the Secretary of Commerce, the
8 Secretary of Housing and Urban Development, the Secre-
9 tary of Transportation, and the Administrator of the En-
10 vironmental Protection Agency,".

94TH CONGRESS
1ST SESSION

S. 1596

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 21), 1975

MR. JACKSON (for himself and Mr. FANNIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Water Resources Planning Act to increase the rate of compensation for experts and consultants and to provide continuing authorization for appropriations without limitation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That the Water Resources Planning Act (79 Stat. 244, 43
4 U.S.C. 1962 et seq.), is hereby amended as follows:

5 (1) By deleting in section 105 (a) (5) (42 U.S.C.
6 1962a-4 (5)) the words "to exceed \$100 per diem for indi-
7 viduals" and inserting in lieu thereof "in excess of the daily
8 equivalent of the rate prescribed for grade GS-18 under

II

1 section 5332 of title 5 of the United States Code in the case
2 of individual experts or consultants;”.

3 (2) By deleting in section 205 (a) (4) (42 U.S.C.
4 1962b-4 (4)) the words “to exceed \$100 per diem” and
5 inserting in lieu thereof “in excess of the daily equivalent of
6 the rate prescribed for grade GS-18 under section 5332 of
7 title 5, United States Code,”.

8 (3) By deleting the present section 401 (42 U.S.C.
9 1962d) and substituting therefor the following:

10 “Sec. 401. There are authorized to be appropriated
11 without fiscal year limitation such sums as necessary to carry
12 out the provisions of this Act. The Council may transfer
13 funds authorized by this section to river basin commissions
14 and to Federal and State agencies upon such terms and con-
15 ditions as it determines are necessary and desirable to carry
16 out the purposes of this Act in an economical, efficient, and
17 timely manner, and that such commissions and agencies are
18 hereby authorized to receive and expend such funds pursuant
19 to this section.”.

Senator HATFIELD. The first witness is Hon. Jack Horton, Assistant Secretary of Land and Water Resources for the Department of the Interior.

STATEMENT OF HON. JACK O. HORTON, ASSISTANT SECRETARY, LAND AND WATER RESOURCES, DEPARTMENT OF THE INTERIOR; WILLIAM B. DAVEY, DEPUTY ADMINISTRATOR, SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE; VICTOR V. VEYSEY, ASSISTANT SECRETARY OF THE ARMY, CIVIL WORKS DIVISION; JAMES L. AGEE, ASSISTANT ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY; WARREN FAIRCHILD, DIRECTOR, WATER RESOURCES COUNCIL

Mr. HORTON. Mr. Chairman and members of the committee, it is a pleasure for us to have this opportunity to appear before you today. Those representing the Council, in addition to myself, are Assistant Secretary of Army, Mr. Victor Veysey; Assistant Administrator of the Environmental Protection Agency, Mr. James Agee; all Council member alternates, and Mr. William Davey, representing Mr. Robert Long, Assistant Secretary of Agriculture.

As alternates, we have been meeting about every 6 weeks since the beginning of last year. Such activity, I believe, has considerably stimulated the work of the Council.

Also, in attendance is Mr. Warren Fairchild, Director of the Council.

We are here to testify on behalf of the U.S. Water Resources Council on several pieces of proposed legislation that you presently have under consideration.

First is S. 506, a bill "to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning."

Mr. Chairman, the administration does not favor passage of this bill. The Council very actively considered extension of this grant program during the fiscal year 1976 budget process. The title III program was created to encourage the States to develop a capability to participate in water planning as an equal partner. The grants provided seed money which assisted States in building up the requisite staffs.

Since the program's inception in 1965, State participation in water and related land planning has increased significantly as measured by size of staffs and expenditures. In 1975, \$15 million in State moneys went unmatched as most States had funds in excess of Federal grant availability. Title III has, we believe, essentially achieved a major goal for which it was created. Accordingly, the U.S. Water Resources Council recommends against enactment of S. 506.

A second piece of legislation under consideration is S. 1299, a bill "to amend the Water Resources Planning Act to revise the membership of the Water Resources Council."

We propose making the Secretaries of Commerce, Housing and Urban Development, and Transportation, and the Administrator of the Environmental Protection Agency full statutory members. At

the same time, we propose that the Secretary of Health, Education, and Welfare no longer be included as a statutory member. Removal of the Department of Health, Education, and Welfare is appropriate because Reorganization Plan No. 3 of 1970 transferred virtually all water resources and related land planning functions then existing in HEW to the new Environmental Protection Agency. The Secretary concurs in this action.

The departments and agency proposed for full statutory membership have substantial programs affecting water and related land planning, but at present, except for the Department of Transportation, they are only associate members. This status does not give them the privileges and responsibilities of statutory membership; that is, their roles are essentially advisory, for the Secretary and other agency heads cannot vote. The Department of Transportation Act of 1966—Public Law 89-670, section 7—provides that the Secretary of Transportation shall be a member of the U.S. Water Resources Council. Therefore, amending the Water Resources Planning Act to include the Secretary of Transportation on the Council is desirable for completeness only. We strongly urge passage of S. 1299.

A further piece of legislation, which is extremely critical to the operations of the Council, is S. 1596, a bill "to amend the Water Resources Planning Act to increase the rate of compensation for experts and consultants and to provide continuing authorization for appropriations without limitation."

This bill, in addition to providing for a rate of compensation for consultants commensurate with that offered by other Federal agencies, also would authorize to be appropriated to the Council without fiscal year limitation such sums as necessary to carry out the provisions of the act. Of particular importance is the Council's immediate need for authorization for preparation of the national assessment and regional or river basin comprehensive plans.

This authority is urgently needed to permit fiscal year 1976 appropriations for this ongoing program of the Council. In fact, the House Appropriations Committee in acting on the Council's fiscal year 1976 budget requested deleted, without prejudice, any appropriation for our planning program, subject to action on the needed authorization. We urge your immediate passage of the comprehensive planning authorization requirement.

Mr. Chairman, that concludes our brief, formal statement. We are available to answer any questions you might have. Thank you.

Senator HATFIELD. Thank you very much, Mr. Secretary. First of all, we appreciate your support of S. 1299 and S. 1596.

But let me ask you a few questions as it relates to matters under the various sections and various activities and programs in which S. 506 is more directly involved.

As I understand it, the financial assistance programs to the States for the comprehensive water resource planning has been funded at its fully authorized level only once. Can you tell me why?

Mr. HORRON. I would guess, Mr. Chairman, over the past 10 years the appropriation request very probably was cut back for budgetary purposes. As we look back on the program for the past 10 years, it is our firm belief the intent of the title III section has been met, as many

of the States now have very strong and capable water planning programs at the State level.

If the intent was to generate the creation of the capability of the States in water resource planning and management, then, indeed, that objective has been met.

The concept is if the Federal Government needs the funds to get them started, then at some point in time once they were going, the Federal support would no longer be necessary.

Senator HATFIELD. Were those budgetary considerations exercised primarily at the departmental level or at OMB?

Mr. HORTON. I would say substantially at OMB.

Senator HATFIELD. Would I understand then by implication that full funding had been requested by the Department acting on behalf of the agency?

Mr. HORTON. Mr. Fairchild indicates it has been exercised at the departmental level as well as the OMB level.

Senator HATFIELD. What is the ratio?

Mr. HORTON. My association only goes for the last—for 2 of the last 10 years. We would be correct in making the assumption more restrained activity has been at the OMB level than at the departmental level.

Mr. FAIRCHILD. I should point out in the early days of the title III, there was a period of development of the program when the funding reflected somewhat limited State matching capability. While the States now have more than matching capability, in subsequent years, the level of Federal funding has been primarily budgetary priority.

Senator HATFIELD. The River Basin Commissions asked for more in the initial budgetary cycle. were those requests pared down at the departmental level or the OMB level or both?

Mr. FAIRCHILD. The request from the River Basin Commissions, the Council considers these requests based on other priorities of the Council. I would have to say the request of the River Basin Commissions have normally been substantially greater than those that have come forward to Congress.

There has been some screening by the Water Resources Council based on priorities of planning studies to be undertaken. Some have been eliminated by the Water Resources Council, but again much of the restriction or the reduction in the budgets for the River Basin Commissions has been budgetary consideration through the Office of Management and Budget.

Senator HATFIELD. Could you give us for the record at a later time, take the last 5 years as a span and time to give us a few illustrations as for requests of various divisions or various subdivisions which the Council reviews budgetarily and what the recommended level from OMB, give us a little feel here as to where these priorities have been set.

I ask this question, not just from a budgetary point of view, but it raises other questions as to whether or not by indication the original authorization might have been too high. Or you might derive from such information some understanding as to how the level of achievement of the program might differ from that which was accomplished, has been accomplished had full funding been available. Maybe you would like to comment on that.

Mr. HORTON. We will certainly endeavor to provide that for the record. I'm not certain all of that information is available in OMB. I'm not sure the individual request from each River Basin Commission over the past 5 years would still be recorded, but we will ask OMB to help us compile the information.

Senator HATFIELD. OMB might not have that, but the Water Resources Council budgetary review procedures would have such records.

Mr. FAIRCHILD. Do you want this on the title III grant States?

Senator HATFIELD. We want both.

Mr. HORTON. Mr. Chairman, if I could indicate from my own personal experience—I was chairman of a State commission not directly involving this. This was the land use and planning for Alaska.

It was customary for us to anticipate any budget request we took to OMB would be pared down in some areas. As a matter of fact in our budget formulation we have anticipated this. There would be some give and take. That is, sort of the way the Commission operated in Alaska. The budget was not determined simply by how exactly we achieved the mark we had set for our funding bills. We expected to have some reduction.

Senator HATFIELD. I am sure every agency has its own criteria as to how they measure their performance and how they measure their program toward their objectives and goals, their long-term objectives and goals.

I would like to get a hold on that, get a handle on the relationship between your funding and how you have either measured your record of performance in these areas, programs or percentage of the goal that you have set for yourselves has been accomplished.

As a member of the Appropriations Committee, I sit on a number of subcommittees.

The Corps of Engineers, of course, is project oriented and we can measure the level of funding on funded projects, unfunded authorized projects, and so on.

You are not as project oriented as the corps, but there must be some corollary activity by which you measure your activities and achievements. Such as how would you respond if someone asks you, how much of title III objectives have you achieved or to what extent have these objectives been met?

Mr. HORTON. Mr. Chairman, we feel these objectives overall have been substantially met inasmuch as the water planning programs at the State level have been developed, have expanded in their capacity both in planning and management.

If our reading of title III, the objective of title III is correct, these have been achieved. We have much more capacity at the State level for water resource planning now than when we started.

Senator HATFIELD. Would you give the same response on the title II basin projects?

Mr. FAIRCHILD. Traditionally the requests for assistance from the River Basin Commissions have been greater—to give you some indication I refer to the comprehensive planning program. In the budget for fiscal year 1976, we received requests from States and River Basin Commissions for 21 level B new planning starts. The number that was eventually approved for new starts as part of the President's budget

for 1976 was two. So I give you this as some indication of requests coming in from the field and requests transmitted to Congress.

Senator HATFIELD. To what do you ascribe the basic reasons for this?

Mr. FAIRCHILD. They are basically budgetary priority considerations. The determination within the administration as to the level of priority for this type of planning as it relates to some other type of Federal expenditure.

Senator HATFIELD. It has not been based upon achievement but rather budgetary priority as to what the administration's commitment is to water development?

Mr. FAIRCHILD. I am confident in the administration we are all committed to water development, but it is a matter of budgetary priority.

Senator HATFIELD. Perhaps not in the historical formats.

Mr. HORTON. I would respond. We hope the format is substantially changing. We are encouraging a much greater degree of strengthened decisionmaking at the State level and certainly within the River Basin Commissions. We are hopeful the drift of decisionmaking will be away from Washington and toward the States. In that I hope we are seeing a change in format.

Senator HATFIELD. Do you see any requirement or necessity for imposing what might be called additional requirements upon the States to make the coordination of these programs, the management aspects of them to make them more effective to assure more State participation and input in the planning process? Or do you see it maintained only under the present format?

Mr. HORTON. I think we are hopeful, Mr. Chairman, the establishment through the WRC would not impose additional regulations on the States but rather we would try to engender and encourage greater initiatives.

What we have encouraged is the increased capability at the State level and we are unsure additional regulations would be beneficial.

Senator HATFIELD. You are satisfied with the present emphasis upon strictly voluntary participation?

Mr. HORTON. Yes. We think the flexibility should be left to the States more than it has in the past. Now that they have their capabilities established.

Mr. FAIRCHILD. If I might add one point in regard to management, in the instructions to the States for the title III program for fiscal year 1976 we are requesting information from the States on management of flood plains and groundwater resources.

Based on the information we will be receiving from the States it is possible this will be reflected in the title III allocation for those management activities for fiscal year 1976. But I certainly agree with the chairman that one of the strengths of the title III program has been the lack of real rigid regulations on the States whereby they have the flexibility to develop their own State water plans based on what they feel are their objectives and their goals.

I will be very interested to determine whether or not many of the States also have not indicated they prefer this flexibility.

[Subsequent to the hearing the following was submitted:]

U.S. WATER RESOURCES COUNCIL—SUMMARY, REQUESTED APPROPRIATION LEVELS

[In thousands of dollars]

Year and program line item	Field request or WRC staff request ¹	Agency submission to OMB	President's budget	Congressional appropriation
1976:				
Administration and coordination	1,633	1,500	1,448	
River Basin Commissions	1,555	1,555	1,354	
Planning grants to States	5,000	5,000	3,000	
Comprehensive planning:				
National assessment	2,000	2,000	2,005	
Regional studies and others:				
WRC funded ²	3,356	4,743	1,863	
Other agency funded ³	(6,806)	(1,197)	(1,197)	
Total	13,544	14,798	9,670	
1975:				
Administration and coordination	1,700	1,457	1,332	1,242
River Basin Commissions	1,485	1,485	1,350	1,350
Planning grants to States	4,902	2,400	2,400	5,000
Comprehensive planning:				
National assessment	2,500	2,000	613	613
Regional studies and others:				
WRC funded ²	2,228	770	1,170	1,570
Other agency funded ³	(7,808)	(3,263)	(3,263)	(³)
Total	12,815	8,112	6,865	9,775
Supplemental request: To implement sec. 80, Public Law 93-251 study	350	350		
1974:				
Administration and coordination	1,600	1,600	1,180	1,180
River Basin Commissions	1,343	1,643	1,062	1,062
Planning grants to States	4,068	5,000	2,400	2,400
Comprehensive planning:				
National assessment	2,500	2,500	2,395	2,000
Regional studies and others:				
WRC funded ²	1,658	1,505	775	775
Other agency funded ³	(7,407)	(6,103)	(4,210)	(³)
Total	11,169	12,248	7,812	7,417
Supplemental request: To implement sec. 209, Public Law 92-500 program ⁴	200	200		
1973:				
Administration and coordination	1,328	1,328	1,304	1,304
River Basin Commissions	1,385	1,615	1,515	1,415
Planning grants to States	4,611	5,000	3,000	3,600
Comprehensive planning:				
National assessment ⁵	2,500	1,735		
Regional studies and others:				
WRC funded ²	4,998	7,269	531	731
Other agency funded ³	(3,858)	(692)	(4,507)	(³)
Total	14,822	16,947	6,350	7,086
Supplemental request: To initiate 1975 national assessment ⁵			500	250

U.S. WATER RESOURCES COUNCIL—SUMMARY, REQUESTED APPROPRIATION LEVELS—Continued

(In thousands of dollars)

Year and program line item	Field request or WRC staff request ¹	Agency submission to OMB	President's budget	Congressional appropriation
1972:				
Administration and coordination.....	1,615	1,326	° 1,381	° 1,381
River Basin Commissions.....	1,179	1,249	1,079	979
Planning grants to States.....	4,585	5,000	3,000	3,600
Comprehensive planning:				
Regional studies and others:				
WRC funded ²	2,389	3,565	(°)	(°)
Other agency funded ³	(13,056)	(2,727)	(3,298)	(°)
Total.....	9,768	11,140	5,460	5,960

¹ Field requests emanate from River Basin Commissions, in the case of their "operating budgets" and proposed study starts. Study starts are also proposed by other field entities, such as States, interagency committees and regional sponsors. Proposals for the national assessment and administration and coordination budgets are primarily a function of WRC staff and agency committee action. The amounts reflected for planning grants to states in each year, while accurate as to initial actual requests, do not truly display potential State need. By Council regulations, State requests, for a given fiscal year, should be limited to the amount in the President's budget for that given year. However, some States do not follow that regulatory requirement, requesting amounts they would like to have. Hence, the figures shown do not necessarily reflect true need or funding reality. Additionally, while again not a pure reflection of State needs, the States provide a figure of State program funds being used in water resources planning as an increase over fiscal year 1965. Presumably, these funds called "augmentation funds," are available in whole or part for Federal matching by the Council or other programs. These "augmentation funds" are as follows: fiscal year 1976, not available; fiscal year 1975, 21,000,000; fiscal year 1974, 21,000,000; fiscal year 1973, 20,000,000; fiscal year 1972, 18,000,000. It is assumed that true State matching capability lies somewhere between the "requested" and "augmentation" amounts.

² Centrally funded budgets, all Federal appropriations made to the U.S. Water Resources Council (WRC) for subsequent transfer to all study participants, including River Basin Commissions.

³ Coordinated budgets, all Federal appropriations made direct to the individual and participating agencies. Overall budget coordinated through WRC. Actual appropriations to the multiplicity of requesting agencies cannot be readily determined without a detailed analysis by each such agency. This was not possible within time constraints.

⁴ The supplemental request for fiscal year 1974 also established a proposed \$2,700,000 budget level for fiscal year 1975, which was also disallowed.

⁵ The agency's request, in the original submission, asked for \$1,735,000 for initiation of the assessment. This request was deferred and a later submission of a \$1,000,000 supplemental authorized. However, at time of the President's request for supplemental appropriations, the amount was reduced to \$500,000.

⁶ Funds in the amount of \$320,000 were included in the administration and coordination line item for study management expenses of the southeastern New England study and "for expenses necessary for the review and preparation of plans of study and definitive cost estimates."

Senator HATFIELD. Let's take another view of this present format. As I understand part of the problems, and I guess you would agree there are problems, in coordinating the direct Federal grant and other federally assisted programs, at least some of these programs might be identified in a way that the format consists of several nonstatutory agencies, the Secretary of Commerce, the Secretary of HUD, the Administrator of EPA.

Now, the question I would have is do you feel the membership on the Water Resources Council as presently constituted is satisfactory or should it be changed? Should State representatives on the Council be considered—comment please, if you will?

Mr. HORRAN. We have supported and, indeed, proposed the membership be enlarged as we have indicated in our formal statement with one deletion.

We also, Mr. Chairman, must consider the effectiveness of any group as against what we are asking to do, what the objectives are of the WRC, what the objectives are with regard to the statutory requirements.

We will have to carefully consider enlargement beyond the present size. I think too many, frankly, might work against its effectiveness as a deliberating body.

Senator HATFIELD. I could not agree with you more. I don't feel efficiency and effectiveness in councils of this kind necessarily increase in direct ratio to the size of the Council.

But you were saying awhile ago, Mr. Secretary, the desire of the administration is to keep the emphasis on the State and the voluntary involvements of the State.

Would you feel in following through with that general philosophy it might be well to have the States represented on the Council?

Mr. HORTON. We have asked the river basin chairmen to sit as observers. They, of course, have a very important and direct relationship to the States. So they are in a position to listen in on the deliberations of the Council, and we are prepared to meet with them on any special program that might result from our discussions.

We are trying to reach a mean balance between having an effective institution and broadening our communication ties with the States through the river basin chairmen.

Mr. FAIRCHILD. The Water Resources Council has only one standing advisory committee under the provision of the Federal Advisory Committee Act and that is the State Advisory Committee. This is composed of the executive board of the Interstate Conference on Water Problems.

It is my position that if that group is strengthened, as far as our relationship with this advisory committee, that this could very well serve as a forum and a vehicle for better State input into the deliberations of the Council.

I bring to your attention, yesterday afternoon the standing State Advisory Committee with Mr. Jack Pepper as their chairman did meet with the WRC and consulted with us on several items, on the water for energy program and on the unified flood plan management program. We have been meeting with them recently about twice a year.

I see this is one area we need to strengthen the advisory committee, but the administrative problems of State membership and the funding of State membership on the Council, I think, we would have some real problems.

Senator HATFIELD. I would like to observe, having been involved in State government for a number of years I am not terribly impressed with the observer role in Federal policy making and decisions.

I do feel you have laid a good foundation in terms of having this observer role to this point and having advisory relationships, but I would not want to have you divert from my question here at this point by raising this question of size of the Council.

I think really we are dealing with a more fundamental issue than the numbers game of whether we have a Council of this number or that number. I'm not suggesting we have one representative from each State or something of that order, but it does seem to me this is the time, in light of your great commitment to maintain flexibility in the voluntary role of the States, this is a time for true partnership. And partnership comes when you have just more than a second-class status in a Council by being an observer.

The press sits here as observers in a sense. These participants here today, viewers here today are participating. They are observing on this committee, but it doesn't give them much status if they can't vote or have more than a hand clap because they agree on a statement by the chairman. That is not much of a participating role.

Mr. HORTON. Mr. Chairman, it is obviously a difficult thing to arrange an even balance. You will find that partnership role well arranged in the River Basin Commission structure itself.

We went to the Missouri River Basin Commission to ask for advice on how the water marketing functions in that river could be best accomplished, and the Commission did provide us a very balanced Federal-State advisory service on that particular request.

So the balance on the partnership role is certainly expressed in the Commission.

Senator HATFIELD. You put your finger on a keyword, partnership. I want to emphasize that. I do not think one can realistically expect to reconcile a Federal-State partnership on a River Basin Commission and deal with State planning grants without State input to a Council.

If I could draw an analogy, as I said in the Senate the other day. One of my colleagues presented a "compromise" on the New Hampshire contest we are debating on the floor. The compromise was in a sense unilateral, presented from one side. That is not a compromise. That is another alternative.

A compromise is when people get together on both sides and participate in resolving the differences by coming out with something. A half a loaf each side is getting.

I feel partnership is an analogy here. Partnership is where each person of that partnership has equal footing of input, voice participation, voting, whatever is necessary to achieve objectives of that organization.

I think it is more than a philosophical observation. It strikes at the very heart of the effectiveness of these programs that we are attempting to coordinate and deal with these grants and commissions and so forth. And again I speak from a bias. I was a Governor for 8 years. I felt the inequities of partnership roles where we were welcome to the receptions on the dedications and a few other activities of that kind. But when the decisionmaking was involved, what was going on, we sometimes were lucky to even get a press report of what was happening.

Let me go on to another question. I think I've made myself clear on this and why I feel very strongly about looking to some State representation on the Council. How effective is the present system of coordinating Federal land and water resource programs? Do you see any requirements here for changes and improvements, and if so, what are they?

Mr. HORTON. I will ask Assistant EPA Administrator Agee to address that.

Mr. AGEE. Mr. Chairman, there are a number of water pollution control planning efforts going on at the present time under sections 208 and 303 of the Water Pollution Control Act which inherently have land use planning in consideration with water resources. We are providing the coordinating mechanisms to bring water management planning activities together and we have some ways to go yet. We did within this last fiscal year provide grants to 149. I believe, totally now at the State and local level where they would do the planning and the land use implications and water quality, but we still have to bridge the gap between the Water Resource Council and the water pollution control planning efforts at the State level.

The Water Pollution Control Act does have section 209 which authorizes the Water Resource Council or through the Water Resource Council to provide for level B studies in all parts of the country for completion by January 1980.

This is an effort that is now just getting underway. In the President's budget for fiscal 1976 there is one 209 planning effort that is under consideration now with the Congress, and that is the Ohio River Basin. But we do have to look forward to a number of more of these level B planning studies to truly bring the water quality and the water management and the land use implications of these programs together.

Senator HATFIELD. Is there any way we can expedite or accelerate this problem? Because water quality and water quantity are inextricably related and we need to have this kind of coordination.

Mr. AGEE. Yes, Mr. Chairman, they certainly are. They have to be related if we are going to come to the proper solutions of balance on water quality and management activities.

The Water Resource Council did recommend through the River Basin Commissions quite a number of level B studies for fiscal 1976. They did not survive all of the budgetary process. Only one was initiated in the President's budget for 1976.

Mr. Fairchild, do you remember how many happened to be recommended?

Mr. FAIRCHILD. There was just the one for section 209 of the two level B's that were recommended to Congress. But as Director of the Council I am very encouraged by our recent discussions with the Environmental Protection Agency on coordinating the water quality and the water supply planning programs. I think we will be able to make some real progress in that area in the overall field of coordination, Mr. Chairman, I think there has been some progress made under the Water Resources Planning Act.

If you go back to the past 10 years, this progress has been because of the experience or maturity of the Federal agencies, the River Basin Commissions, and the States working together. So we have made progress. That doesn't mean we are totally satisfied with the level of progress made.

This was recognized by the National Conference on Water. We need to do a better job. I might add it is my philosophy we need to look to the Water Resources Council for this type of coordination at the national and interregional level, the title II River Basin Commission at the basin or interstate level, and the States for intrastate type of activities. And now that we have what I consider to be very active Council members as exemplified by these members appearing before you today, I think we are really going to take some further steps in the matter of coordination. We have made progress.

Senator HATFIELD. Do you think they will bring the money with them that they have under 208?

Mr. AGEE. I don't think I can respond to that, Mr. Chairman.

Senator HATFIELD. You know they not only have skills and abilities, but they have a fair amount of money. If they get membership on the Council you ought to require they bring their money with them.

Mr. FAIRCHILD. Possibly we are facetious here, but certainly when agencies and departments become members of the Council they

bring their program with them. It is the responsibility of the Water Resources Council to build upon all planning appropriations including that for section 208. I don't see that as being exclusive.

We need to make the best possible use out of that.

Senator HATFIELD. Is that what you see, Mr. Agee?

Mr. AGEE. Yes, Mr. Chairman. The funding for 208 is relatively high in comparison with funding here. To the best of my recollection I think we have \$153 million now. That is out to State and local planning agencies, but I would add a good proportion of this planning effort will lend an awful lot to contribute to water resource development planning, also, and land management planning.

But we must address in the near future funding for level B studies under 209 to adequately bring water management and land use planning all together.

Senator HATFIELD. As I understand from your comments you have no other obstacles to achieving this objective you have outlined other than the question of proper funding. Is that correct?

Mr. AGEE. I would say that is correct.

Senator HATFIELD. In other words, we find ourselves oftentimes in the Congress of having agencies appear before our appropriations subcommittees and our authorization committees indicating they could achieve a certain objective or certain level of performance if they had the funding.

A good example of this is the Forest Service. We arrive at that level of funding and we find there are other problems, other obstacles, not outlined in the initial instance. So it becomes a matter of funding plus.

I want to ask you very directly. If you get your level of funding, you don't have other factors, then, what would prohibit you from moving full steam down that road?

Mr. AGEE. To accomplish half of the 208 planning area we have no other obstacle. That is the half dealing with collection of municipal-industrial waste. That area is fairly well handled. The States are in a good position to handle that.

The other 208 dealing with the nonsource water problems, there are some obstacles. This is again wedding the land use and the water management activities with the water quality management plan.

There is always a serious question, I think, as to where the funding for these kinds of activities should come from. Should they come from Federal funds or State funds? This is a question that ultimately must be addressed.

But we have made the observation the State agencies are becoming much more self-sufficient to carry out their water quality programs and are getting in a position to deal with the river basin commissions where we have those commissions.

Mr. FAIRCHILD. There is the matter relative to S. 1596. Certainly authority for comprehensive planning terminates fiscal year 1975. If action is not taken on this particular bill or some version of it, certainly these comprehensive plans we will not have the authority anticipated. It ends fiscal year 1975.

Mr. HORRAN. That is known as a pitch.

Senator HATFIELD. That comes back to the crux of the question. We have to look beyond the funding. As you point out the question of authority is still one to be resolved, but that is not a major obstacle. I think we can work together on that fairly well.

Mr. FAIRCHILD. I hope so. We are here to cooperate.

Senator HATFIELD. You have a tone of reservation in your response. What efforts should be taken, if any, to coordinate water quality and water quantity programs? Do you feel—what role the Council should assume relative to land use planning?

Mr. AGEE. Mr. Chairman, I think the implementation of section 209 would be the next step that we would look forward to. I think that would be the vehicle and provide adequate coordination of land and water resource planning efforts.

Senator HATFIELD. I have one final question of the panel and that has to do with the intensity of your role, or the degree of activity of your role in establishing what might be called a national water policy. This refers to another section, section 102(b) of the act. We have had some comments and opinions expressed that we have moved as rapidly as we should have moved. Would you comment on that?

Mr. HORTON. Mr. Chairman, I will provide an overview from our perspective. When we came into office approximately 2 years ago it was clear the WRC had failed to provide the type of leadership and coordination in the water field I think a lot of people expected of it.

One of the difficulties there, of course, which I think we have eliminated, was the requirement that before the Council of Members could convene, the Cabinet officers themselves had to be present.

What we did was adopt a regulation for the WRC that allowed their alternates, generally at the assistant secretarial level, to pass a resolution—they could convene as the Council of Members which is the primary policy determining body. The Council members agreed we—the alternates—should meet in a regular schedule, every 3 months.

We were informed at one time the Council itself did not meet for 2½ years. We have appointed a very active and capable director. We have asked him to set out a firm agenda for each meeting. In the past 18 months we have, I think, substantially pushed to completion the principles and standards for planning, among the members of the Water Resources Council.

We have sponsored a very well accepted and widely attended national water conference. We have underway now perhaps the most important study the Water Resources Council has ever undertaken. And that is the Public Law 93-251 section 80 study looking at the discount rate, cost sharing, and planning objectives. We have done a lot of things.

I think we have shown a lot of initiative. We have not reached the goal that perhaps should be set, but, if you compare the last 2 years with the first 8 I think it is fair to say we have made some very definite contributions in leadership in water policy.

Senator HATFIELD. Have you set for yourself any particular time schedule or measurable goal that you want to achieve along this line in the next 2 or 3 months?

Mr. HORTON. Yes, Mr. Chairman, we have. We have laid out the policies, the goals and objectives of the WRC within a certain time frame. We have set goals and an agenda, a road map to get there, and

these can be made available for the record. They are part of the minutes of our past WRC meetings.

Senator HATFIELD. Secretary Horton, I am very grateful for your assistance this morning and from the panel. I want to say I think you will find this committee and the subcommittee chaired by Senator Church and other members of the subcommittee very anxious to give you full and complete support to really achieve the goals set forth in this act.

We are not going to be satisfied with any excuses that involve the wording or the provisions of the act. We are very open to change. We are very open to amendments of the act.

I can say to you as a member of the Appropriations Committee that looks at your budget you will find the same reception as far as meeting the funding levels in order to achieve these various stated goals.

I just want you to know you've come before a very friendly committee. One very anxious to move ahead. I would also say one that is probably also anxious to see the States in a more direct and participating effective role in all of the planning.

This committee, the full committee has handled the land use legislation and one very important part of that land use legislation has been we do not want to set up a Federal zoning program. We feel we do want to work through the States, and that becomes the primary responsibility of the States. You will find from this committee very strong commitments to these particular objectives, I have just enumerated.

We appreciate your time this morning. Before I dismiss the Panel and invite the second panel and then turn the chair and gavel over to my good friend and a former Governor, I am sure I spoke Senator Bumpers' sentiments, too, on the matter of representation on the State water councils. But if he has other questions to put to the Panel I'd be happy to oblige him.

Senator BUMPERS. I was not here, Mr. Chairman. In the interest of expediting the hearing I think we should go on to the next panel. I would like to also express my appreciation.

Senator HATFIELD. Before I dismiss you and turn the gavel over I note a long-time tutor of mine in the audience today, Mr. Donel Lane. I am grateful for his directorship of the State Water Resource Board of Oregon and I'm appreciative of his service at the State level. Whatever ignorance I've demonstrated this morning is his fault. Whatever intelligence I've demonstrated this morning is because I was a good student, but I attribute to Mr. Lane my basic understanding or lack of basic understanding of these problems.

Thank you, gentlemen. We will call the second panel made up of Mr. John Neuberger, chairman of the Missouri River Basin Commission, and Mr. R. Frank Gregg, chairman, New England River Basin Commission.

Senator BUMPERS [presiding]. I'm advised by Senator Hatfield that we have been trying to hold statements to summaries of 5 minutes each to try to get all the panels heard today. I'll be happy to hear from you extemporaneously or if you can summarize your statements in that length of time we want to ask appropriate questions.

Mr. Gregg.

STATEMENT OF R. FRANK GREGG, CHAIRMAN, NEW ENGLAND
RIVER BASINS COMMISSION

Mr. GREGG. Thank you very much, Mr. Chairman. I appreciate the opportunity to be here.

I understand the question of extending and increasing the issue of financial support to the States is of priority concern here and you will hear a great deal of testimony about that later.

I think it might be more useful to the subcommittee if I talked from the standpoint of about 8 years of experience under three administrations in trying to run the River Basin Commission and offer such insights as I can about how performance under the act might be improved.

Let me note first the setup under the Water Resources Planning Act is generic. In other words, if it did not exist it would have to be invented. We are talking about managing a natural system of rivers, water and land resources. And we know the activities of all of the levels of government and private owners and developers impact on this resource system.

If we are going to manage the system we have to have a way of coordinating the activities of the Federal Government, the State government, local government and the private sector as they impact on the system.

That means they have to have processes for accomplishing this. That is what the planning—Water Resources Planning Act—would do. It simply arises from the structure of the country and the system itself.

We have a Water Resources Council to give us a national perspective and provide a way of coordinating Federal activities. We have a program to support financially the States so they can think clearly about what their interests are in managing these resources and can make appropriate contributions to the multi-State problems and to serve the national interests.

We have through the River Basin Commissions mechanisms for bringing Federal and State people together to deal with issues and problems in interstate river basins and other regions. I think that is an important point.

The fact the whole nature of the Planning Act has characteristics which are inevitable. So that without reference to the details of the Planning Act as they presently exist, if it did not exist it would simply have to be invented.

Now my prepared statement has in it quite a lot of information about how the New England River Basin Commission does function which I will not repeat here, but I thought it would be useful to describe how the Commission has operated for any benefit it may be to the committee in trying to put together to make the system work better.

I only want to say two things about how the New England Commission has operated. One is we have construed our responsibility to cover the full range of natural resource issues in New England and have not felt constrained by the phrase "water and related land resources," or by the history of the Planning Act which sort of arose out of the concern for evaluating Federal projects.

We felt we had to have an institution that could look at the whole resource system in New England and could help Federal and State

people work together in managing it, whether it was in connection with Federal projects, or State projects, or private projects.

The second point worth emphasizing arises from Senator Hatfield's comments about the role of the States. That is the Commission has approved a policy position in New England which states and recognizes under the constitutional system the States have the primary authority and responsibility for managing resources except where there are overriding national interests. So the Commission has spent its time and money trying to strengthen and support State decision-making processes and to help our Federal agencies and our Federal partners carry out their national responsibilities within the region in ways that serve State objectives to the degree we could without running afoul of national objectives.

Attached to my statement is a copy of the policy statement under which the Commission operates. Let me conclude by making a couple of observations which relate more squarely to the issue before you.

The Council and the Commissions and the Planning Act have been around for 10 years. We have learned a lot. We have tried a lot of different things. Some worked some did not.

It seems to me that this is the time to systemize the pattern of inter-governmental cooperation that is called for in Public Law 89-80 and to develop some sort of understood process. An understood process through which the States, the Federal agencies and the River Basin Commissions are going to cooperate.

We have not systematized these procedures. In part because we did not want to develop a system before we knew we were doing a sensible thing.

But it seems to me after this amount of time we ought to be trying to develop performance and accountability criteria for the coordinating function of the Council, for the planning and coordinating functions of the River Basin Commissions, and at the State level to move from a program which was simply designed to strengthen State capability for planning into a program which is designed to encourage the States to carry on, in a continuing way, systematic statewide planning processes which give the State a firm handle statewide on where they want to go with water and related land.

We have to know what the States needs and requirements are before you can look at multi-State regions or indeed the national interest.

The question of the coordination role of the Water Resources Council is critical. The system resists coordination, and because there are so many agencies and so many programs coming out of the Federal Government which influence how resources are managed on the ground the role of the Water Resources Council in coordinating the ways in which Federal agencies behave both with respect to their direct programs and with respect to how they administer their grant assistance program to the States is absolutely critical.

I'm glad to see the committee is looking carefully at that. I want to support the testimony of our vice chairman who is calling for annual review in connection with the budget process by the Water Resources Council of the program, and budget request of Federal agencies for these planning activities before they appear in and are cast in concrete in the President's budget.

I think that is all I will volunteer here, except to observe in the context of whether or not the title III program is continued this three-tiered national system we talked about. A national system that works. A multi-State system that works. And a State system that works. But the whole system will fall apart unless the State system operates.

You cannot manage the resources of the country without strong, effective, highly professional State programs. If the title III program is continued it ought to be designed to serve a broad integrated function at the State level so the State can really look in a realistic way at these resources and develop firm policies and programs for managing them. If the title III program is not continued, we are going to have to take a very careful look at some other Federal financial assistance programs designed for planning including some of the EPA planning programs to make certain the net effect of Federal financial support for States for natural resources planning does produce an overall water management plan instead of simply a series of functional plans in which we have plans for water quality, plans for recreation, plans for this, and plans for that and have no plan for putting them together.

Senator BUMPERS. Your last point is extremely well made.

[The prepared statement of Mr. Gregg follows:]

STATEMENT OF R. FRANK GREGG, CHAIRMAN
NEW ENGLAND RIVER BASINS COMMISSION
BEFORE THE SUBCOMMITTEE ON ENERGY RESEARCH AND
WATER RESOURCES OF THE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS, UNITED STATES SENATE

July 10, 1975

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee today on P. L. 89-80.

I understand that the question of extending and perhaps modifying and increasing funding for Title III is an item of priority concern. Since the Title III issue will be discussed in detail by others, I would prefer to testify on how P.L. 89-80 objectives and policies have been pursued in New England, and how performance under the Act might be improved.

P.L. 89-80 provides clear statements of both objectives and policy.

P.L. 89-80 is "An Act to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning."

With respect to policy, Section 2 declares it "to be the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned".

To achieve the objective and implement the policy the Congress provided --

- in Title I, for a federal Water Resources Council to assess the needs of the Nation and subregions of the Nation, to review and recommend modifications in federal policies and programs, to guide federal participants in regional and river basin plans, to review and comment on such plans from the standpoint of the affected region and the nation;
- in Title II, for joint federal-state river basin commissions to plan and coordinate plans for use and management of water and related land resources of multi-state regions and basins;
- in Title III, for financial assistance to strengthen State participation in water and related land resource planning within the State, with adequate provision for coordination with others.

It is clear the Congress had in mind a structure capable of pursuing,

in a sustained and systematic way, national, regional, state and substate interests in management of water and related land resources.

Experience under the Planning Act in the New England River Basins Commission region (which includes portions of New York) is, on the whole, encouraging, but perhaps atypical.

P. L. 89-80, with its immediate antecedents in the Senate Select Committee on National Water Resources, was developed in large part as an improved structure for making decisions about federal water projects, with particular emphasis on project potentials of the Corps of Engineers, the Bureau of Reclamation and (acknowledging a difference in the federal role) small watershed projects of the Soil Conservation Service.

The Act reflected criticism of agency-led planning as producing fore-ordained justifications for federal projects, inadequately respecting state and environmental perspectives. It also reflected recognition of water resource development interests that new arrangements for planning were needed in order to increase support for desirable federal projects.

The emphasis in both cases was on a planning structure and process relating to the federal role in water development.

For New England, with a relatively mature economy and with most major water resource development project sites already developed, a water and related land resource planning process revolving around direct federal project possibilities was clearly not ideal. And New England's experience under P. L. 89-80 is largely a history of adapting tools designed for one set of purposes to a broader range of uses.

For details of the New England experience I refer the Subcommittee to our Annual Reports, which chart the evolution of Commission attitudes and actions.

The New England Commission is also unique in that its region embraces six states in their entirety. Most other Commission regions (except the Pacific Northwest) are oriented to an hydrologic system and include only those portions of states within the watershed. The New England River Basins Commission region includes a number of major river systems, dozens of small coastal streams and estuaries of local and sometimes regional significance, and a long, scenic and economically critical coastal zone.

A Strategy

On a broad strategic level, the Commission has developed a general approach to serving the region which is set forth in an interim report entitled "Strategies for Natural Resources Decision-Making" approved in December 1972. The report was prepared for (and subsequently approved by) the New England Governors' Conference, which had asked the Commission, in July, 1972, to report on ways to make both sense and effective use of the increasing range of federal programs available to the region for planning and management of natural resources, including the then-pending Coastal Zone Management Act (passed later in 1972), the 1972 Federal Water Pollution Control Act Amendments, and the then-current version of

a national land use policy and planning assistance program. A copy of the interim report is attached.

The critical element of the Commission report is a recognition that the individual states have the primary authority and responsibility to make decisions about how their natural resources are managed, operating within the framework of national policies and (often) with assistance from the federal government. The role of the federal government is seen as articulating broad national policy (recognizing the state leadership role), and providing financial, technical and research support for non-federal programs, direct federal initiative in management of federal land and water areas and federal project development where warranted. At the multi-state regional level, in river basins or other regions of common concern, the role is seen as that of assessing regional interests and promoting federal, interstate and federal-state cooperation in making effective use of resources to achieve management objectives.

Recognizing the broad range of public programs (including the awesome variety of federal assistance programs) directed at manipulating a finite resource base, the Commission recommended that the New England States and federal and other agencies operating in the region pursue as a matter of policy "a strategy for natural resources decision-making designed to develop and implement, under State leadership, an integrated natural resources management program for each state (emphasis supplied) which:

- is consistent with broad national policy objectives
- reflects the interests of the State and of the region
- provides guidance for all levels of government

These integrated State natural resource management programs, reflecting consideration of national and interstate interests and utilizing the implementation authorities at all levels of government, are seen as the core of the natural resources management effort in the region. Plans for interstate river basin and other physiographic regions are important elements of the state programs, but in New England, because the Commission region includes six entire states, the state is recognized as a level against which the full range of needs and management actions must be tested. Thus the "Strategies" concept provides means for bridging the classic hydrologic unit-political unit gulf.

Commission Activities Pursuant to the Strategy

As a part of the effort to develop and implement the "Strategies" concept the Commission has (references are to Sec. 201(b)):

Coordination (pursuant to Sec. 201(b)(1))

- 1) Analyzed both direct federal and federal assistance programs for natural resources planning to increase the use and usefulness of available programs

- 2) Provided staff support to the Water Resources Council and individual federal agencies on the Council to develop coordinated administrative guidelines for the Coastal Zone Management Act, planning provisions of P. L. 89-80 and others.
- 3) Provided staff support and documents to state officials administering CZMA, P. L. 92-500, Title III of P. L. 89-80 and other programs to facilitate program integration within States, and to facilitate interstate cooperation.

Prior to and since approval of the "Strategies" report, the Commission has worked under cooperative agreements with the three northern states (Maine, New Hampshire, Vermont) to help develop and publish natural resource capability information, to analyze policy and program options statewide, to formulate plans and planning guides for individual basins, and to consider organizational arrangements for securing coordinated State planning (See FY 1974 annual report sections on "Northern States Guide Plans").

The Commission provides a special liaison service to the Governors' designees assigned responsibility for the program development (Sec. 305) phase of the Coastal Zone Management Act. The designees have organized an informal coastal zone task force under the Commission. Efforts are directed at facilitating interstate and federal-state cooperation in development and review of Section 305 submissions to NOAA.

Special attention is currently being given to onshore impacts of prospective oil and gas development on Georges Bank. The Commission is assisting State CZM administrators in organizing accelerated planning programs for this purpose. The Commission is also carrying out for the U.S. Geological Survey (RALI program) a pilot project to develop and test for potential national application methodologies for responding to onshore OCS impacts, and will work closely with Section 305 designees on this project. Recognizing the primary federal responsibility for development on the Outer Continental Shelf, the Commission has organized a joint federal-state task force to bring combined technical competence to bear in advising the Department of the Interior on baseline studies, monitoring and subsequent actions relating to environmental concerns in connection with OCS leasing processes.

In the region's largest basin, the Connecticut, the Commission maintains a special staff unit and federal-state coordinating structure, with citizen and scientific community participation, to encourage cooperation in management of the river system.

In a more general context, the Commission has agreed to respond to State requests for annual sessions in State capitals to review with both federal and state agencies ways to make most effective use of natural resource programs. The same process may also be used to generate discussion of desired programs and program levels as inputs into State and federal budget processes.

Comprehensive, Coordinated Joint Plan (201(b)(2))

The Commission has construed the "CCJP" as a process through which state and federal members and Commission staff join in preparing and maintaining a regionwide overview of water and related land resource demands, supplies, conditions, trends and problems through periodic assessments, with State and basin elements developed to roughly "Level B" detail. Plans and programs of State, federal and private interests are evaluated and incorporated in basin elements; Level B studies are prepared for selected basins or subregions with unusually difficult or complex problems; special studies are undertaken to help resolve regionwide issues (i. e., responses to OCS development) or help deal with common problems (i. e., effective use of non-structural flood control measures) (Sec. 201(b)(4)).

The priorities reports called for by Sec. 201(b)(3) are seen as outputs of a continuing CCJP process.

At this moment the Commission is

- preparing a regional assessment of water and related land resource problems in connection with the Water Resources Council national assessment
- completing "Level B" plans for the Southeastern New England (eastern Massachusetts-Rhode Island), and Long Island Sound subregions

-- completing a study on flood control alternatives in the Connecticut River Basin which is supplementary to a comprehensive investigation completed under leadership of the Corps of Engineers in 1970 which led to objections to a program of added reservoir construction.

While the assessment and the Connecticut study are constrained by Water Resources Council methodology and limited (flood control) scope, respectively, the SENE and LISS studies are fully responsive to the "Strategies" concepts. These studies are deliberately designed to serve the planning and procedural requirements of the Coastal Zone, water quality, land use, NEPA and other legislation as well as the requirements of P.L. 89-80 as interpreted in the WRC "Principles and Standards". While federal project needs and opportunities are considered, the objective is to produce a plan which achieves effective management through the balanced actions of all levels of government and the private sector.

Long-Range Schedules of Priorities (Sec. 201(b)(3))

As noted above, a continuing CCJP process (through a continuing regional studies program building on and maintaining the regional assessment, incorporating results of state, federal, local and private plans and augmented as needed by Commission "Level Bs" or special studies) is the

process needed to produce meaningful reports on priorities for basic data collection, for planning, and for action projects.

A key question here is whether the federal government is prepared to receive and give appropriate (although not necessarily favorable) consideration to Commission priorities reports.

Foster and Undertake Special Studies (Sec. 201(b)(4))

Examples include current studies of ways to improve effectiveness of flood plain management programs and the demonstration project on planning for onshore OCS impacts. Earlier examples covered safety of private dams; laws and procedures of power plant siting (at state level); alternative arrangements for state coastal zone programs; an environmental reconnaissance of pumped storage electric generating stations in New England, and others.

Of unusual interest was the joint NERBC-New England Regional Commission sponsorship of the benchmark MIT study on economic and environmental effects of oil and gas development on Georges Bank.

Applications of New England Experience to P. L. 89-80

Our experience in trying to use P. L. 89-80 as a structure for pursuing our strategy of integration of natural resource planning and decision-making processes at state and regional levels would suggest that:

- 1) The management and protection of water and related land resources is and will remain a critical factor in serving the environmental and social needs of the region. Priorities may change --from environmental to energy to the economy, etc.-- but the principal use and conservation of the resource base is essential to the quality of life and stability of the social system.
- 2) P. L. 89-80 provides institutions and processes for evaluating water and related land resource conditions, needs and policies and program measures at national, multi-state, state and basin levels, and for linking management actions at all levels.
- 3) Realizing the potential of P. L. 89-80 requires effective action at each level. It is now time to systematize the pattern of inter-governmental cooperation called for in P. L. 89-80 around a concept of a national strategy for water and related land resource planning which recognizes and draws upon the 3-tiered structure. The Water Resources Council is considering such a strategy (comparable to the "Strategies" concept developed in New England); it deserves interest and support.
- 4) P. L. 89-80 has, through the Water Resources Council's leadership and coordination role (including the Principles and Standards) helped strengthen prospects for more effective federal collaboration through NERBC in support of both federal and State objectives.

The prospects of federal coordination and cooperation at field level is to some degree dependent on a more aggressive coordination role for the Water Resources Council. I wish to support testimony of NERBC's Vice Chairman, Arthur Ristau, calling for an annual review by the Council and the Commissions of program and budget requests of federal agencies with respect to both direct federal and federally-assisted natural resource planning programs.

- 5) The organization of orderly natural resource planning processes at federal and state levels requires no major institutional change. The missing link in institutions for a national strategy is a relatively uniform structure and process at the multi-state level for federal-state cooperation in consideration of interstate interests and coordination of plans and programs against such interests. Establishing Title II River Basin Commissions nationwide (with certain minor exceptions) would provide a desirable way of linking federal and state perceptions and resources in major regions, without contravening the basic authorities and prerogatives of federal and state governments.
- 6) The role of the Commission and the Commission Chairmen in federal coordination could be enhanced by a clear statement of what coordination means and how it is to be effected. (I yield to my colleague John Neuberger on details here).

7) The entire "Strategies" concept depends on well-organized inter-agency cooperation within each state in natural resources planning. Title III of P.L. 89-80 supports a key functional element of such planning (water and related land resources management for purposes other than water quality) and could be used as a means of integrating functional natural resource planning programs (water quality, water resources, outdoor recreation) on a statewide comprehensive basis. If Title III is continued, it should be designed to serve both the functional and integrative purposes. If it is not continued, it will be necessary to review the administration of other federal financial assistance programs to make certain these ends are achieved if the objective of "optimum development of the Nation's natural resources" is to be achieved from either national or state perspectives.

8) The prospects of interstate and federal-state collaboration through NERBC across the full range of natural resource issues (as called for in the "Strategies" statement) could be enhanced if law or legislative history could make it clear that, at the option of the affected Governors, Commissions may serve as cooperative vehicles for purposes of other resource programs such as Coastal Zone, land use, etc.

Mr. Chairman, thank you for the opportunity to testify. I will be glad to respond to questions.

Interim Report To The

New England Governors' Conference

on

STRATEGIES FOR
NATURAL RESOURCE DECISION-MAKING"

NEW ENGLAND RIVER BASINS COMMISSION

Approved December 6, 1972

Interim Report on
Strategies for Natural Resource Decision-Making

Summary of Findings and Recommendations

I. ELEMENTS OF A NATIONAL STRATEGY

The Commission recognizes and endorses the evolution of a national strategy for natural resource decision-making. The strategy recognizes the state as the dominant level of government, acting within the framework of national policies and with assistance from the federal government.

The strategy is explicit in the Coastal Zone Management Act of 1972 (P. L. 92-582) and Federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500), and in the proposed National Land Use Policy Act of 1972 approved by the Senate. The pattern is consistent with broad policy objectives of the Administration and the Congress in strengthening the role of the states in the federal system, and with a substantial body of law enacted by earlier Congresses providing assistance to the states for natural resources planning and management (Land and Water Conservation Fund Act, Pittman-Robertson Act, Dingell-Johnson Act and others).

The strategy includes the following elements:

The Federal government --

- 1) Establishes national policies for protection and utilization of the Nation's natural resources and issues guidelines and standards interpreting these policies.
- 2) Recognizes the State as the level of government with primary responsibility for natural resources management.
- 3) Provides financial and technical assistance and research support to the states; and reviews state plans and programs for consistency with national policy objectives, guidelines and standards.
- 4) Contributes directly to natural resource management and protection by managing federal land and water areas, undertaking major water resource projects, and enforcement activities.

- 5) Encourages, and in appropriate instances, supports, interstate and regional cooperation.

The State --

- 1) Asserts a leadership role in natural resources management within framework of national policies.
- 2) Assesses natural resources conditions, demands and adequacy of supply, and formulates management programs to meet state objectives.
- 3) Secures implementation of state management objectives through direct state actions, assistance to and a degree of control over local actions, and --in the absence of over-riding national interest-- application of state plans to federal actions.

At the interstate-regional level --

- 1) States join with each other, and as appropriate with regional federal officials, to secure the interests of multi-state regions in state and federal natural resource management activities.
- 2) Federal agencies coordinate their natural resource programs with each other and with the states, responsive both to state natural resource management objectives and to federal standards and policy guidelines.

II. RECOMMENDATIONS

General

The New England region, through the New England Governors' Conference, other regional governmental institutions and governments of the individual states, should pursue as a matter of policy a strategy for natural resources decision-making designed to develop and implement, under state leadership, an integrated natural resource management program for each state which is consistent with broad national policy objectives, reflects the interests of the state and of the New England region, and provides guidance for action by all levels of government.

Recommendations for the States

Each state should review and as necessary strengthen its structures and processes to secure the integration of land use, coastal zone, water quality and related natural resource management programs, responsive to broad social goals as interpreted by elected public officials. Structures and processes will vary, but each state should:

- 1) Design overall natural resource strategies in the context of economic, social and environmental goals of the state.
- 2) Formulate and execute natural resources plans and programs as elements of an overall strategy for effective management of the total natural resource base of the state. The state structure should be capable of identifying relationships among functional programs (water resources, fish and wildlife, outdoor recreation, etc.) and of relating these to the overall strategy.
- 3) Develop a focal point within state government capable of:
 - a) assessing relationships among natural resource programs, securing their integration, and monitoring performance against overall natural resources strategy; b) stimulating, guiding and assisting political subdivisions of the state in natural resources decision-making.
- 4) Assure access for effective participation by local governments and private citizens, and interests in formulation and execution of state programs.
- 5) Support and participate in cooperative programs to secure effective natural resource management in interstate and region-wide contexts.

Recommendations for Federal Natural Resources Agencies

Federal agencies administering programs of assistance to states for natural resources planning and management activities, while conforming to specific provisions of law, should offer positive assistance to integration of natural resources decision-making at the state level:

- 1) Recognize interrelationships, overlaps and potential conflicts among the various federal assistance programs for natural resources planning and management, and provide flexibility and consistency in guidelines setting forth procedures for state participation in programs.

- 2) Encourage and assist the states to achieve integration of state natural resource programs through such devices as integrated grants, consolidated grants and bloc grants.
- 3) Perform, as consultants to the states, specific tasks designed to meet state planning and program development needs.
- 4) Operate through the Governor in establishing patterns of federal-state cooperation in administration of natural resource programs, and operate through the state in relationships with its political subdivisions.
- 5) Delegate responsibility and authority to federal regional administrators to permit responsiveness to unique characteristics of individual states and the region.
- 6) Act firmly to secure coordination of federal natural resource activities at multi-state regional levels and within individual states, including in addition to administration of federal grant-in-aid programs, research, technical assistance and regulatory activities, and direct federal management activities.
- 7) Participate in cooperative programs to serve to secure effective natural resource management in interstate and multi-state contexts.

Recommendations for the New England Region

A. The New England region, through the combined efforts of the individual states and federal and regional natural resource agencies, should take steps to assure that the interests of the region are taken into account in both state and federal natural resource decision-making processes. For this purpose, it will be necessary to:

- 1) Assess, through careful analysis, the interests of the region in the management of natural resources.
- 2) Foster consideration of regional interests in the formulation of state natural resource plans and programs, and in administration of federal natural resource activities.
- 3) Identify interstate problems and devise means of resolving them.
- 4) Identify and advance the interests of the region in development of national policies and programs.

- 5) Strengthen direct communications links with respect to specific natural resource programs --among the states, and between federal and state administering agencies-- for such purposes as improvement of administrative practices, exchange of information, technical assistance, resolution of interstate problems, etc.
- 6) Develop, over time, such formal regional mechanisms as may prove necessary to secure integration of natural resources decision-making strategies in the interests of the region.

B. The New England River Basins Commission should continue to serve, under its existing authority* and funding channels, and pending any major modifications of regional mechanisms, as the focal point for developing and refining regional strategies for natural resources decision-making. The Commission's role in this regard should be construed as that of promoting integration and coordination of natural resource programs among the states, between the states and the federal government, and among federal agencies; not that of performing functions of state or federal agencies, or interfering in direct federal-state working relationships. In this context, and within limits of resources, the Commission should:

- 1) Serve as the principal agency for coordination within the region of plans for management of water and land resources, including interstate and regional aspects of plans and programs developed under land use, coastal zone, and water quality and related legislation. This process would involve assistance in development of state planning strategies, review of state plans and programs with special reference to interstate and regional interests, and coordination of related federal agency activities.
- 2) Pursue its responsibility for preparing and keeping up to date a comprehensive, coordinated joint plan for conservation and development of water and related land resources. The comprehensive regional plan should be construed as including:
 - a) a regional framework assessing water and related land resource conditions, requirements, and general nature and magnitude of management measures necessary to secure regional objectives;

*P. L. 89-80, Water Resources Planning Act of 1965

- b) completion of ongoing "Level B" plans* for selected areas with complex water and related land management problems, with appropriate modifications to assure consistency with strengthened state natural resource decision-making programs;
 - c) special studies of interstate and regional issues and problems necessary to develop the regional plan.
- 3) Recognize state plans and management programs prepared and approved under federal land use, coastal zone and water quality legislation as elements of the comprehensive, coordinated joint plan for the region.

C. The New England River Basins Commission should be recognized as an appropriate mechanism for contributing directly to development of regional and interstate aspects of state land use, coastal zone, water quality and related natural resource programs. Except for the "Level B" river basin plans prepared by the Commission pursuant to the Federal Water Pollution Control Act Amendments of 1972, direct Commission contributions to these programs should be undertaken at the request of the states (with any necessary federal concurrences). In this context:

- 1) The Commission will apparently be required to develop "Level B" plans for all basins by 1980, with funding appropriated pursuant to the Federal Water Pollution Control Act Amendments of 1972.
- 2) The Commission should be available to help accomplish objectives of specific state natural resource management programs, with costs borne by transfer to the Commission of federal grant funds under the program with matching state monies. Commission activities should relate primarily to interstate and regional

*"Level B" plans as defined by the Federal Water Resources Council are now underway in Southeastern New England, Long Island Sound and the Connecticut River Basin. The Commission will also be required to prepare "Level B" plans for all basins (not yet defined) by 1980, with priority for basins having substantial water quality problems, under Section 209 of the Federal Water Pollution Control Act Amendments of 1972.

aspects; and should be considered as supplementary to and not replacement for exercise of state and federal agency responsibilities for individual programs. The Commission may:

- a) conduct studies analyzing the regional interest as contributions to development of state natural resources plans and programs;
- b) assist in identifying interstate problems and problem areas, and in developing mechanisms and processes for dealing with them;
- c) perform, as consultants to the states, specific tasks designed to meet state planning and program development needs on interstate problem areas.

D. The New England region should make appropriate use of other regional institutions to help develop and implement integrated national resources management programs. Special attention should be given to roles of the New England Regional Commission (regional development policies and plan, funding for appropriate research, demonstration, planning and implementation projects) and the New England Interstate Water Pollution Control Commission (with particular reference to interstate aspects of the water pollution control program). Special attention should also be given to the potential utility of the Federal Regional Council* in coordination of federal natural resource activities, and to development of effective working relationships between the Council and the New England River Basins Commission.

* A body composed of the directors of the regional offices of the Departments of Labor, Health, Education and Welfare, and Housing and Urban Development, the Secretarial Representative of the Department of Transportation, and the directors of the regional offices of the Office of Economic Opportunity, the Environmental Protection Agency, and the Law Enforcement Assistance Administration. The Council was established by Executive Order 11647 on February 10, 1972 to advance the development of closer working relationships between major federal grant-making agencies and state and local governments, and improved coordination of the categorical grant system.

E. The New England region should consider carefully modifications in regional arrangements in the light of desirable strategies for natural resources decision-making. Initial policy guidance for the states for this purpose may be drawn from a statement approved by the New England Governors' Conference May 21, 1971, "Principles for National Policy Affecting Regional Environmental Programs" which provides, in part:

"With reference to effective regional programs, national policy will encourage development of institutional structures serving interstate regions capable of perceiving relationships among ecological, social, economic and political systems, and of marshalling and channeling Federal and State efforts in an integrated program for environmental-natural resource management, use and protection. In New England, national policy should contribute to development of a regional institutional structure, operating primarily for planning, coordination and review purposes, which:

- a) provides for joint Federal-State participation, in recognition of divided responsibilities for planning, management and protection of the environment;
- b) serves and is utilized by both Federal and State governments as a vehicle for Federal-State and interstate cooperation in environmental-natural resource matters;
- c) more specifically, serves as a vehicle for
 - 1) identifying and evaluating regional environmental-natural resource conditions, trends, problems and needs, and reviewing and recommending appropriate changes in Federal, State and regional policies and programs;
 - 2) coordinating direct Federal program activities;
 - 3) assisting in coordination of Federal environmental assistance programs;
 - 4) securing interstate cooperation and coordination;
 - 5) organizing and coordinating joint Federal-State planning and action programs addressed to environmental-natural resource problems of regional significance. "

Supporting Documents

The findings and recommendations in this interim report are based in part on the following separate documents:

- 1) NERBC Staff Paper: STRATEGIES FOR NATURAL RESOURCE DECISION-MAKING; dated September 14, 1972 and revised December 6, 1972.
- 2) COMMENTS ON NERBC STAFF PAPER (Conference Proceedings, Correspondence, Resolutions), dated December 6, 1972..

Senator BUMPERS. Mr. Neuberger.

STATEMENT OF JOHN W. NEUBERGER, CHAIRMAN AND FEDERAL COORDINATING OFFICER, MISSOURI RIVER BASIN COMMISSION

Mr. NEUBERGER. I want to pick up where Mr. Gregg left off on this matter of coordination. I address my written testimony primarily to title II of the act and particularly the responsibility of the River Basin Commissions and the chairmen of the River Basin Commissions to coordinate comprehensive planning.

The point I would like to leave with you is when we throw this word of coordination around it seems to me we need to add coordination of what, and then right away, how.

I was very happy when Senator Hatfield was chairing the committee. He said he was very open to suggestions and clarifications of the law. From my experience with the Missouri River Basin in carrying out the responsibilities of that act to coordinate comprehensive planning, there is the need, I feel, for some clarification in this coordination that River Basin Commissions are responsible for.

In my written statement I suggested some language which I will not repeat here. I feel the act and title II should be made consistent with the language used in title I where it tells the River Basin Commissions to develop comprehensive, coordinated joint plans. The word coordinated is used there and in title I of the act it uses comprehensive regional and river basin lands.

I believe the intent is the same. We have spent 10 years trying to administer it. We should define the comprehensive coordinated joint plan for a River Basin Commissions. It is confusing when you throw those words together and I am suggesting some clarification to make that charge to River Basin Commissions consistent with title I.

The word coordination is used 11 times in the act. I think that was intentional. Back when the act was being debated in 1964 and 1965 there was a duplication and overlapping and inconsistency of Federal programs in comprehensive planning.

The coordination theme comes through very strongly. It is used once in title I and it tells the Council to make study for the coordination of policy and programs. It tells the River Basin Commissions to coordinate comprehensive planning.

There is also some confusion in the act I would like to see clarified in that it indicates the Commissions are to be the principal agencies for the coordination of plans. It is my experience what is really needed is the coordination of comprehensive planning. I have found there is a real distinction between the ability to bring these different interest plans, the water quality requirements for a basin, the water quantity requirements for a basin, the industry uses, for fish and wildlife, unless you are coordinating the comprehensive planning that is going on. It is very difficult to coordinate plans after they have been produced by some special agency or lead organization.

In my testimony I suggest that word be changed from plan to planning. There is a distinction. I've had a challenge in my work as to whether the Chairman has any responsibility to overview or be involved in a comprehensive study of a lead agency until a plan is produced.

If you are going to effectuate through comprehensive planning there has to be some involvement of the Commission and the Chairman before the planning begins and not after the report is written and the recommendations come out.

There is that need for clarification in the act. I have suggested, Mr. Chairman, in my testimony.

The other point I want to make would change the membership of the Water Resources Council, expand it, bring it up to date. I also want to point out S. 1596 is very important to the River Basin Commission and the President's budget contains funding this fiscal year, 1976, for basin comprehensive planning. This authority needs to be extended so the Commission can get on with the study of the Yellowstone River basin.

We very much support passage of S. 1596. My last point, then, would be to make a case for continuing our efforts for good and improved comprehensive river basin planning for the development of our land and water resources.

I believe it is comprehensive basin planning that will achieve the balance between the competing water demands and needs of the water basin. There are many agencies, Federal and State, that have partial or special purpose plans for water resources of any given river basin.

I want to make a strong case for us to continue our efforts for good comprehensive regional basin planning. We still have many water resource conflicts. We have many problems and the Federal Government commitment to comprehensive planning is still needed and this concept established and the Water Resource Planning Act of 1965 is still valid and we ought to pursue truly comprehensive planning for the water basins of this country.

Senator BUMPERS. Thank you very much for your candid comments. I certainly appreciate your comments regarding the word coordination. It used to be one of my favorite words. It has fallen into disfavor recently. I find it batted around up here without much definition.

Last night Senator Stone and I were sitting here at an evening Interior Committee meeting. And we got into the very question of coordination which does not have any meaning unless there is some additional definition or responsibility attached to the word.

I have a series of questions here that will probably take a long time to ask and longer to respond to. In the interest of time and the fact we are under some constraints because of Senate rules with your permission, Mr. Gregg and Mr. Neuberger, I would like to ask the staff to submit those to you in writing and let you respond in writing.

I hope you will feel free and I recognize you have some constraints of your own based on OMB's recommendations in these things. But I hope you will be completely candid in your responses. Don't equivocate about funding or the necessity for the money or what you intend to do with it.

I can tell you personally I am certainly inclined to favor all three of the bills. Only one has any controversy attached to it as I understand it. I hope you will feel free to be perfectly candid, win or lose on the title III question.

If you will submit responses in writing.

Mr. NEUBERGER. We will be happy to.

Senator BUMPERS. I regret always we don't have time to get to really know each other and to get into the dialog that the questions always evoke, but that is a hazard of being a Senator and a hazard of being a witness.

Mr. NEUBERGER. We appreciate being invited.

Mr. GREGG. Thank you.

[The prepared statement of Mr. Neuberger follows:]

STATEMENT BY JOHN W. NEUBERGER
CHAIRMAN AND FEDERAL COORDINATING OFFICER OF THE MISSOURI RIVER BASIN COMMISSION
BEFORE THE SENATE SUBCOMMITTEE ON ENERGY RESEARCH AND WATER RESOURCES
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

JULY 10, 1975

Mr. Chairman and members of the committee, I welcome this opportunity to present my views with respect to the Water Resources Planning Act (P.L. 89-80) of 1965. I shall direct my testimony primarily to Title II of the act and more specifically, to the responsibilities of the river basin commissions and the chairmen for coordinated and comprehensive planning.

Water resource planning responsibilities are diffused among several federal agencies, resulting in interagency rivalries, duplication and some conflicting policies. The need for coordination of planning activities has been recognized for some time. This is one of the primary reasons that the Water Resources Council was established and river basin commissions were provided for, and the reason river basin commission chairmen were designated as federal coordinating officers.

As the chairman of a relatively new river basin commission, I am well aware of the challenges in achieving coordination and cooperation among federal agencies at the regional or river basin level. In this regard I would like to offer several suggestions and points of clarification on this purpose and function of the law.

The word coordination is used eleven times in the Water Resources Planning Act. I think we can all agree that it is a rather elusive word. Unless it is accompanied with a designation of what and how, the actual interpretation of what it means has been left up to the agencies and the administrative policy-makers. I would urge this committee to consider clarification of the act with regard to coordination and the entity or individual with which the coordination responsibilities should reside.

Under Title II, which covers the creation of river basin commissions, the words "coordination," "coordinated" and/or "coordinating" are used five times and in each of these contexts, there exists a lack of understanding as to what is to be coordinated and how. In Section 201 (b)(1), each commission is to "serve as the principal agency for the coordination of federal, state, interstate, local and nongovernmental plans for the development of water and related land resources in its area, river basin, or group of river basins." As the law now reads in this section, it implies that the commissions should have the principal responsibility for the coordination of plans. This is in contrast to the use of the word "coordinate" as found in the introductory statement of purpose at the beginning of the act, in which it is stated:

"To provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the states in order to increase state participation in such planning."

In my experience, there is a distinct and considerable difference between coordinated planning and the coordination of plans. The real needs for and benefits from federal coordination, as well as state, interstate, local and nongovernmental, is in the planning process, rather than in the coordination of plans after they have been prepared and presented in report form. Therefore, I would urge and recommend that the committee clarify the responsibilities to the commissions under Section 201 (b)(1) by changing the word "plans" to "planning" and thereby implement its intent to make the commissions responsible for coordinating planning as stated in the purpose of the act.

Section 201 (b)(2) states the second responsibility of river basin commissions as follows:

"prepare and keep up to date, to the extent practicable, a comprehensive, coordinated, joint plan for federal, state, interstate, local and nongovernmental development of water and related resources: Provided that the plan shall include an evaluation of all reasonable alternative means of achieving optimum development of water and related land resources of the basin or basins, and it may be prepared in stages, including recommendations with respect to individual projects."

The word coordinated is used in this context to describe the type of a plan river basin commissions are to prepare and keep up to date. This section has probably caused more confusion than any other part of the whole act. After nine years of experience in administration of this act, the Water Resources Council and the river basin commissions have not agreed on what the term CCJP means and how to communicate its usefulness! This committee and the Congress could make a significant contribution by clarifying this responsibility. I recommend replacing the words "comprehensive, coordinated joint plan," with the words found in Section 103, "comprehensive regional or river basin plan." Also, retain the intent of the words "coordinated" and "joint" by placing that CCJP phrase following the word "Provided." Section 201 (b)(2) would then read as follows:

"prepare and keep up to date, to the extent practicable, a comprehensive regional or river basin plan for federal, state, interstate, local and nongovernmental development of water and related resources: Provided, that the plan is prepared in a comprehensive, coordinated, joint planning process, and that the plan..."

In simple words, what this change would clarify is that the commissions are to work toward producing regional and river basin plans and that the process by which they are prepared will be comprehensive, coordinated, joint planning.

Under Section 202 (a), the act designates the appointed chairman of a river basin commission to serve in addition as the coordinating officer of the federal members of the commission. Consistent with my previous recommendations, I have interpreted that to mean: the coordinating officer of water and related land resources planning of the federal members. Since the act is not clear in stating what the chairman is to coordinate, my interpretation has been challenged by federal members and deserves clarification. Inserting the words "for comprehensive planning" after the words "coordinating officer" would clarify the Congressional intent and also provide in my opinion what is needed to assure and bring about federal interagency cooperation in comprehensive water planning.

In Title I of the Water Resources Act, the word coordination is used only once and it is found under Section 102 (b) as follows:

"Maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to federal policies and programs."

A careful reading of this Council responsibility implies that it is authorized to make continuing studies of the adequacy of the administrative and statutory means for coordination of all WRC policies and programs and make recommendations. The extent that the Council and Council chairman should have responsibilities to coordinate federal agencies' policies and programs was not addressed.

A further recommendation I would make concerns Section 204 (3). It refers to the commissions' responsibility to transmit to the Council a comprehensive,

coordinated joint plan. Here again, I would recommend that it be amended to read comprehensive regional or river basin plan as proposed in Section 201 (b)(2).

I have reviewed, Mr. Chairman, the legislation S. 1299 and support your proposal to revise the membership on the Water Resources Council. I would defer to the elected vice-chairman of the Missouri River Basin Commission, Mr. Keith Krause, for the states' comments on S. 506 which relates to the authority for federal financial assistance to the states in water resources planning.

As a closing thought permit me to make a case for continuing our efforts to obtain comprehensive regional or river basin plans for developing and managing our water and related land resources. Comprehensive basin planning is the means to achieve a balance among competing water use demands and needs in a river basin. Many agencies, federal and state, have partial or special purpose plans for the water resources for a given river basin. Their programs and projects too often conflict, get bogged down in controversial and emotional issues that need to be evaluated basinwide in a comprehensive, coordinated, joint planning process. The products that should result over time will be regional or basinwide plans that have evaluated alternatives and interactions relating to upstream developments to downstream effects and needs, as well as showing how one function or use complements or conflicts with another use. As a commission chooses from these alternative plans and courses of action, priorities for federal, state, local and nongovernmental plans and resources can better be established. Whenever financial resources are limited, field level priority analyses and recommendations become an important part of the comprehensive, coordinated joint planning process. It is important that considerable flexibility in this process be maintained so that the users of these regional and basin plans and priority reports can reflect their needs for information to carry out their responsibilities.

Mr. Chairman and members of the committee, with those comments and suggestions for clarification of the act in the area of coordination, I want to commend you for your interest in good comprehensive water resources planning, for taking a broad look at the Water Resources Planning Act and for inviting me to participate in these hearings. I would be happy to respond to questions of the committee.

Senator BUMPERS. Our third panel is Mr. Streiff, Mr. Krause, Mr. Cloud and Mr. Ristau.

STATEMENT OF JOHN STREIFF, VICE CHAIRMAN, PACIFIC NORTHWEST RIVER BASIN COMMISSION; KEITH KRAUSE, VICE CHAIRMAN, MISSOURI RIVER BASIN COMMISSION; JOSEPH D. CLOUD, VICE CHAIRMAN, OHIO RIVER BASIN COMMISSION; ARTHUR A. RISTAU, VICE CHAIRMAN, NEW ENGLAND RIVER BASIN COMMISSION

Senator BUMPERS. Mr. Streiff, you are from Lewiston, Idaho. Do you know a lawyer out there named Joe McLaren?

Mr. STREIFF. Yes, sir.

Senator BUMPERS. His son was a classmate of mine in law school. I haven't seen him since law school days. I was curious as to whether you had seen him or not.

Mr. STREIFF. No; I have not.

Senator BUMPERS. Mr. Streiff, I understand you may have to leave. You have another appointment. For that reason I will ask you, if you will, to try to summarize your testimony in about 5 minutes and we will stay on the schedule you heard us describe and define for the previous witnesses.

Mr. STREIFF. For the record my name is John Streiff. I am a farm machinery dealer from Lewiston, Idaho. I have the distinct honor of serving as the vice chairman of the Pacific Northwest River Basins Commission.

In that capacity, I also serve a chairman of the Pacific Northwest State members of the Commission which include Montana, Oregon, Washington, Wyoming, and Idaho.

I appear before you not as a professional water resource planner, but as an interested and concerned layman. Although this is my busy season, I elected to appear here today to demonstrate to you my sincere interest and concern regarding this hearing.

I am pleased to present to this subcommittee the views of the Pacific Northwest States on Public Law 89-80, the Water Resources Planning Act of 1965, and specifically the States' views on S. 506. The Pacific Northwest River Basins Commission was the first Commission established under title II of the Water Resources Planning Act. It is particularly appropriate that you have chosen to solicit the views of the State members of River Basin Commissions in your deliberations today.

I wish to emphasize at the beginning the unanimous view of the Pacific Northwest States that title III must be continued. Title III funds provide vitally needed financial assistance to the States to participate with the Federal agencies in water and related land resources planning. We recognize and are justifiably proud of the increase in State planning capabilities that have occurred over the last 10 years. This is due partially as a result of Title III funding. There is, however, still a need for direct financial assistance from the Federal Government in this area. This need is particularly apparent when viewing the number and complexity of new requirements imposed upon the States by legislation enacted since 1965.

Consider for a moment the new requirements imposed by water quality legislation, the Principles and Standards, the National Environmental Policy Act, and the actions being contemplated in response to the critical energy situation facing our country. In addition, land use planning legislation now being considered by Congress will impose substantial new planning requirements upon the States. These planning requirements must be met before a complete and viable water and land use program can be developed and implemented.

In addition to the strong support of the Pacific Northwest States for continued title III funding, we believe additional changes need to be made. A significant drawback of title III funding in the past has been the uncertainty of the level of Federal planning grant funds available to the States from year to year. This uncertainty has presented substantial problems to the States in budgeting and programing State water resource planning programs. To further complicate the issue, State budgets are often prepared 3 years in advance and many State legislatures require that Federal funds granted to the States be included as specific line items in the State budgets.

When Federal funds do not materialize, or when the amount differs substantially from that assumed in the budgeting process of the State, much time and effort is wasted in administrative adjustments.

The Pacific Northwest States strongly recommend that positive action be taken to overcome this weak link in an otherwise excellent program by incorporating into the act provisions that will assure funding at an adequate base level over a period of years.

The level of funding for title III authorized under the current act is \$5 million annually. This level is totally inadequate. Consider if you will, the level of funding authorized under section 208 of the Water Pollution Control Act Amendments of 1972—\$150 million—and the funding levels contemplated under land use planning legislation now being considered by Congress which could reach as high as \$100 million annually. There has been a substantial increase in the demands on State water planning agencies since the act was first passed in 1965, and we strongly recommend a base funding level for title III of \$10 million annually.

Furthermore, we recommend that title III funds, in addition to those available to the State from the base level funding, be provided to those States who can qualify on a matching basis. This type of action would place the level of title III planning grants more in line with the level of planning grants now authorized under the Water Pollution Control Act Amendments of 1972 and the levels being contemplated under the proposed land use planning legislation. The comprehensive water and land planning needs of the Nation could be more optimally met by providing sufficient moneys to the States under title III.

The Pacific Northwest States believe the subcommittee should also consider possible modifications of other titles of the act to better deal with certain problem areas.

A position paper approved by the States and presented to the full Commission at our last meeting is attached to my statement, and I request it be made part of the record. In the interest of time, I do not propose to read that statement in its entirety. I do wish to call to your attention these six key points contained in that statement.

(1) That the States view the Pacific Northwest River Basins Commission as being the key entity in identifying and coordinating efforts which relate to the land and water resource use and management in the Pacific Northwest.

(2) That the Commission should support any amendments to Public Law 89-80 which will enhance the capabilities of the Commission to address the issue identified in this paper.

(3) That the Commission actively support centralized funding of Federal planning activities as a better method for achieving coordination of Federal program and study efforts.

(4) That the Commission assume a greater role in emerging national study efforts, such as land use planning and energy planning.

(5) That States be given the option to obtain direct funding through the Commission to participate in regional study efforts.

(6) That all major Federal agency study efforts be coordinated by the Commission.

We strongly urge that Congress give every consideration to the desirability of assigning to existing River Basin Commissions the coordinating role called for by new legislation in these areas. We take this view to discourage the creation of additional Federal or regional coordinating entities which would only duplicate the workload upon the States and further compound the most difficult task of coordinating the programs in these overlapping areas.

Title IV. Should the hearings before this subcommittee result in amendments to titles I, II, and III of this act, then title IV must also be revised. Even if no amendments are made, the amounts authorized in title IV should be revised to account for the inflation which has occurred since enactment of the act in 1965.

On behalf of the Pacific Northwest States, I want to express to you our appreciation for the opportunity to present this brief statement to the subcommittee. The Pacific Northwest River Basins Commission States look forward to the opportunity to provide you with additional views on any specific recommendations you might wish to present at the proposed field hearings to be held in October in Las Vegas, Nev.

[The position statement on the future role of the Pacific Northwest River Basins Commission referred to by Mr. Streiff follows:]

POSITION STATEMENT OF THE FUTURE ROLE OF THE PACIFIC NORTHWEST RIVER BASINS COMMISSION BY THE STATES OF IDAHO, MONTANA, OREGON, WASHINGTON, WYOMING

The state members of the Pacific Northwest River Basins Commission are pleased to have the opportunity to present their views regarding the future role of the Pacific Northwest River Basins Commission. The states have expressed, through previous resolutions, their desires and interest in maintaining the Commission as THE viable entity to deal with water and related land resource issues in the Pacific Northwest. Section 204 of P. L. 89-80, Water Resources Planning Act of 1965, directs the Commission to carry out the policy defined in Section 2:

In order to meet the rapidly expanding demands for water throughout the Nation, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the federal government, states, localities, and private enterprise with the cooperation of all affected federal agencies, states, local governments, individuals, corporations, business enterprises, and others concerned.

The issue, insofar as the States are concerned, is not whether the Commission should continue to function after 1977, but, rather, the role the Commission

should play. This question is of particular concern to the state members, since it relates to the budget requests being prepared by the State for fiscal years 1977 and 1978, in which no increase is contemplated. Included in each of the states' budget requests are monies for the support of the Commission. (State dues) By reaching a concurrence on the Commission's future role with the non-state members, the Commission's operating budget can be established at a level that is compatible with the funding support to be provided by state members.

The states recognize that planning is not "static." Circumstances, conditions, goals, and demands have and will continue to change to reflect national, regional and local conditions and interests of the people. To keep abreast of these changes, planning must be a dynamic process. Viewed in this light, the Commission's Comprehensive Joint Plan (CCJP) cannot be considered to be "completed" in 1977. It must be viewed as providing a basic framework from which the necessary updating of the plan can be accomplished. The states view the Commission as the only organization with the expertise, experience and stature needed to update the comprehensive joint plan.

The states fully recognize that the Commission must be viewed as a two-way proposition if it is to function as a viable entity in seeking coordination of federal/state planning efforts. The states believe that scattered and separate federal planning will be better coordinated with on-going state efforts through a centralized funding process. Study funds should be allocated directly to the Commission rather than on a line item basis for the individual agency's budget as is now customary. The states will continue to seek appropriate legislative action to help bring about centralized funding.

The states believe there must be continued Commission activity in those areas covered by the broad headings of environmental quality, food and fiber production and energy development. It is essential that tradeoffs be recognized, identified and coordinated through the Commission. Viewed in this context, the major areas where the states support continued Commission activity in the future involve the following. The sequence does not imply any order of priority in individual states.

I. Serve as the coordinating forum for federal, state and interstate development and management of the region's water and land resources. With completion of the CCJP, the Commission's effort should be directed towards seeking the implementation of those plan elements identified as necessary in the short term period. The Commission should use the state programs in developing and maintaining a regional system of priorities. Utilizing a regional system of priorities for projects, programs, data collection and research, the Commission should provide the coordination necessary between federal and state entities to accomplish the identified tasks. Emphasis of coordination activities should be at the federal, state and interstate levels, leaving coordination needs at the local level to the individual states. Individual states will maintain their own water resources program in formulating priorities for water resource development projects, management programs, data collection and research. In addition to coordinating regional water resource management and development efforts, the Commission must become active in coordination of regional land use planning efforts. A single coordinating entity for land and water resources is more desirable than separate agencies for each function.

II. With renewed interest by some states in reopening Columbia River Compact negotiations, it is important that technical assistance at the regional level, as well as at the state level, be available to provide adequate technical information to negotiators. The experience and knowledge gained by the Commission through the regional planning program would be invaluable to compact negotiators in developing a workable and equitable Compact.

III. Problems affecting air and water quality and water supply exist between the United States and Canada. These problems may require referrals to the International Joint Commission and the subsequent involvement of the Pacific Northwest River Basins Commission. Our Commission should play a vital role in serving the state and federal interests of the Pacific Northwest in any activities involving the two countries, particularly with regard to possible effects upon the Columbia River system.

IV. The Colorado River Basin Projects Act Moratorium on planning studies for interbasin water transfers from the Columbia River Basins will expire September 30, 1978. The Pacific Southwest states may seek to augment their water supply through export of Columbia River Basin waters. The water needs as defined in the CCJP and its continuing refinements must provide the cornerstone for ultimate decisions on interbasin transfers.

V. The federal government has initiated study efforts regarding the needs and problems on a National basis of water for energy programs. The Commission can assist the states in providing a basis for review and analyses of these major issues by coordinating input to ensure that major problems and impacts are adequately considered. Through the Commission, the states must guarantee the right of input, review and implementation of programs affecting their resources and people. Federal fiat must recognize regional requirements and aspirations.

SUMMARY

In conclusion, the states view the Pacific Northwest River Basins Commission as being the key entity in identifying and coordinating efforts which relate to the land and water resource use and management in the Pacific Northwest. The specifics related to staffing arrangements and the operating mode of the Commission will need to be reviewed on an annual basis to ensure that the program meets state needs while being within state capabilities and not infringing upon state prerogatives. It would be premature at this time to suggest or identify specific staffing arrangements and/or procedures to be implemented in 1978 and future years.

The states adopt the following guide for charting present and future Commission activities:

(1) That the Water Resources Council be provided with a copy of this state Position Paper to ensure the Council is fully apprised of the states' views regarding the Commission.

(2) That the Commission should support any amendments to P.L. 89-80 which will enhance the capabilities of the Commission to address the issue identified in this paper.

(3) That the Commission actively support centralized funding of federal planning activities as a better method for achieving coordination of federal program and study efforts.

(4) That the Commission assume a greater role in emerging National study efforts, such as land use planning and energy planning.

(5) That states be given the option to obtain direct funding through the Commission to participate in regional study efforts.

(6) That all major federal agency study efforts be coordinated by the Commission.

Senator BUMPERS. Is there any preference as to who goes next? Why don't we just start across and go with you, Mr. Krause?

Mr. KRAUSE. Thank you.

Senator BUMPERS. For the edification of our minority member who just came in, Senator Hansen, we are asking witnesses to limit testimony to 5 minutes and we will submit questions for them to answer for the record. Is that agreeable with you?

Senator HANSEN. Yes, it is, Mr. Chairman. I have one question I would like to submit to Mr. Neuberger. I'm sorry I was unable to be here sooner. I understand he has already testified.

Senator BUMPERS. Very well. If you will give it to the staff, they will submit all the questions to the witnesses.

Proceed, Mr. Krause.

STATEMENT OF KEITH KRAUSE, VICE CHAIRMAN, MISSOURI RIVER BASIN COMMISSION

Mr. KRAUSE. I am Keith Krause, vice chairman of the Missouri River Basin Commission. I will attempt to briefly summarize my statement.

Today I represent, or my statement represents a consensus of the 10-State Missouri River Basin Commission with regard to revisions of Public Law 89-80.

In summary we feel title III planning grants to the States should be continued and they should be continued for a definite period at a minimum level of \$10 million a year. We believe as Mr. Streiff pointed out the annual allocation of the States should be fixed at least on a base amount. This is a formula and an appropriations problem, but it certainly is one which creates an administrative problem for the State agencies.

These funds are extremely important in State planning agencies. They are getting results. Some States are heavily dependent upon them for the program.

Now planning, as pointed out by Mr. Gregg, is not separate from management, and the States hold the key to that management situation.

Now with respect to title I the Missouri Basin States propose that the chairman of the Water Resources Council be independent of any Federal agency and appointed by the President.

The Water Resources Council should become an operating part of the President's domestic council. The name should be changed from Federal Water Resources Council to the National Resources Council, and the National Water Resources Council should be charged with coordinating all planning and budget requests. And finally we believe there should be field offices established for those parts of the Nation in which river basin commissions have not yet been formulated for the purpose of providing assistance to those interagency committees and the States within those areas.

We would certainly urge continued and expanded financial support. The river basin commissions are serving a real need. We are making marked progress in our area. We have only been in existence for 3 years.

The Commissioners of the Missouri River Basin States thank you for the opportunity to present testimony.

Senator BUMPERS. Thank you.

[The prepared statement of Mr. Krause follows:]

STATEMENT OF KEITH S. KRAUSE, VICE-CHAIRMAN, MISSOURI RIVER
BASIN COMMISSION BEFORE THE SUBCOMMITTEE ON ENERGY RESEARCH
AND WATER RESOURCES OF THE COMMITTEE ON INTERIOR AND INSULAR
AFFAIRS, UNITED STATES SENATE, JULY 10, 1975, WASHINGTON, D.C.

Mr. Chairman and members of the Subcommittee, I am appearing here today on behalf of the 10 member states of the Missouri River Basin Commission in the capacity of elected Vice-Chairman of the Commission. In my position as Executive Director, Kansas Water Resources Board, I also serve as the Governor's appointed representative on the Commission. The Missouri River Basin states welcome this opportunity to express support for the continuation and expansion of the Title III planning assistance program to the states. In addition, we want to take this opportunity to express additional views we have on Titles I and II of Public Law 89-80.

The Water Resources Planning Act (P.L. 89-80) of July 22, 1965, recognized the need for increased state participation in water and related land resources planning. The planning grants under Title III of the act enabled many states to start or accelerate and continue their water resources planning programs, including resource inventories containing information on water availability, present water uses and projections of water and related land resources needs.

A review of the Missouri River Basin states' individual planning programs for water and related land resources published in November 1973 by the MRBC pointed out the need for continuing the Title III program of matching grants to the states for the purpose of obtaining and maintaining a current inventory of water resources and uses and to work with other states and the federal agencies in developing, allocating and managing the waters of the Missouri Basin.

In addition to framework and basin or regional planning, the states

are involved to various degrees with Level C or feasibility planning. This includes coordination and review of project plans of the Department of the Interior, Army Corps of Engineers, the Soil Conservation Service, and in lesser degrees, other federal agencies, as well as development and construction of these projects. It must be remembered that state agency budgets are relatively small and that in terms of water resources planning allocations, the Title III grant monies received represent a significant percent of the total. It is relatively easy to compare the state water resources planning activities prior to the initiation of the act to those that resulted after Title III funding.

Planning is traditionally a low priority item in overall state budgets. In many cases, a crisis is needed to start a program, and most often because of the extremely long period of time that passes from planning to development, interest and support is lost, until the next crisis. Planning is suspect, because for the most part, results are intangible items based on future projections of need and demand. The public likes action; things they can see are easier to support and, therefore, planning is easy to cut when, in fact, it should be a continuing, accelerated process. The need for Title III state grants for planning is as great or greater now than it was in the 60's. The states must provide leadership in water resources. Federal financial assistance helps the states provide this leadership and enables states to maintain competent staffs. In order to maintain a strong state role in water resources planning, the following are required: (1) federal funding assistance, and (2) a constant and dependable level of commitment for funding.

The 10 Missouri River Basin states in caucus have agreed to three basic items concerning the Title III program. The first and basic to

the others is that Title III should be continued. Second, it should be continued for an indefinite period at a level of at least \$10 million annually. Third, the present practice of fluctuating annual allocations, which makes it extremely difficult for state administration, should be seriously reviewed.

States of the Missouri River Basin have actively supported the regional natural resources coordination and planning mechanism referred to as the Missouri River Basin Commission since its establishment in March, 1972. The Missouri River Basin Commission provides important institutional and organizational assistance to the states.

- It serves as the regional natural resources mechanism for coordinating federal and state natural resources programs.

- It provides independent and objective staff support to the states as well as federal agencies, reducing the negative impact of lead or dominant federal agency parochial interests.

- It gives the states a forum and a checkpoint to review and evaluate federal water and related land activities in each respective state.

- Most importantly, it brings together around one table all appropriate federal and state water and related land interests in the basin and affords them the opportunity to work together toward developing a comprehensive plan for the utilization, conservation and management of the basin's natural resources.

My predecessor as Vice-Chairman, William Brabham of Iowa, recently contacted by letter the members of the Congressional delegations for the MRB states. Replies indicate overwhelming support for the continuation of the Title III program. When a program has proved itself, it should be continued.

It is not an easy process. It takes a commitment by both states and federal agencies to work out difficult coordination problems. We are, as member states of the commission, committed to seeing that it does successfully work.

The Missouri River Basin Commission since its establishment in March, 1972, and since its first organizational meeting on June 14, 1972, has made significant progress in developing and carrying out duties and responsibilities as outlined in Section 201(b) of P.L. 89-80 to 1) develop a comprehensive, coordinated joint plan for the basin (CCJP); 2) foster and undertake such studies of water and related land resources problems in the basin as are necessary to prepare the CCJP; 3) serve as the principal agency for the coordination of water and related land resources plans in the basin; and 4) recommend long-range schedules of priorities of proposed water and related land resources activities in the basin. The Commission has developed in this short time key ongoing or continuing programs which relate to those duties and responsibilities. A state program review, which outlines all the current water and related land planning activities being conducted by each individual state in the basin has been instituted. A federal program review, which identifies and outlines the current fiscal year ongoing water and related land resources programs of twenty federal agencies with field estimates for two succeeding fiscal years has been activated.

During fiscal year 1975, the Commission submitted to Congress and the Office of Management and Budget, its Second Annual Report of Basin Priority Listings of Proposed Water and Related Land Resources Activities in the Missouri River Basin. This priority listings process identifies, in numerical order, key priorities, identified first by the member states; then reviewed by Commission committee and placed in numerical

order of relative standing for the entire basin; and, finally, approved by the Commission. These basinwide priorities are grouped in six categories: 1) basic data collection, 2) planning related research, 3) special studies, 4) regional or river basin studies, 5) implementation studies, and 6) implementation programs or projects. The priority listings process and other Commission programs exemplify what can be done through the regional river basin commission mechanism.

River basin commissions, in order to be ultimately successful, however, need the continued and increased support, both financially, and in concept of the federal agencies at the Washington level. It is, of course, apparent in any regional planning mechanism that difficulties can arise between those who have coordination responsibilities and those who need to be coordinated.

I am sure we all understand that no entity, whether state or federal, particularly enjoys or seeks to have its activities coordinated with other entities. We have, in my opinion, made tremendous progress in the Missouri River Basin in creating a willingness of the basin states to work together to solve common problems and to raise issues which need the joint participation of all basin states if resolution is to be brought about.

The federal agencies of the Commission have similarly shown desire to work with the basin states in resolving basinwide problems.

While we are making progress in the basin toward establishing a joint partnership between state and federal agencies in water and related land resources planning, state members do not feel there is adequate response to regional recommendations at the Washington level. We feel the principal roadblock rests with the present organizational structure of the Water Resources Council and its relationship with the Office of Management and Budget.

It is the shared view of the 10 member states of the Missouri River

Basin Commission that several changes are required in the organizational structure of the Water Resources Council if we are to improve response to national water resources management needs. First, it is our view that the chairman of the Water Resources Council be independent of any member department agency and that he be appointed by the President with the advice and consent of the Senate. The chairman would have authority to appoint a staff director. In this way we would be able to overrule the dictates of a member department over the overall functioning of the council and with cabinet status, the chairman would have authority to coordinate in much the same way that a chairman of a river basin commission, as federal coordinating officer can coordinate federal activities at the regional level.

Second, we firmly believe the Water Resources Council should become an operating part of the President's Domestic Council to insure that the goals and policies are compatible with other major goals of the incumbent administration. At present the council as constituted, while attempting to serve as a coordinating mechanism, is hindered by the fact that each of the member agencies determines the extent to which they will be coordinated. An independent chairman, along with an institutional structuring that places the council outside of existing member agencies from an administrative and coordination point of view, would bring about, in our opinion, a more effective coordinating and planning mechanism for national natural resources programs.

Third, we believe that in the same manner as there exists state representation at the regional level, so should the Water Resources Council be organized to facilitate state representation or non-federal representation at the national level. As it now stands, once the Commission makes its recommendations for studies, programs and projects to the

Water Resources Council, state or regional/state input ceases. From that point on, the parochial interests of each federal agency in viewing the regional recommendations of a river basin commission, can override the coordination and partnership efforts that have been achieved at the regional level. While federal agencies extend a willingness to cooperate and coordinate activities at the regional level, there is no opportunity for the states, or for that matter the regional entity, to have a say on the decision-making process that takes place at the national level. We believe that the decision-making process as supported by a priority listings program in each of the basins of the nation, would be enhanced significantly by permitting non-federal representatives selected by the President from nominations made by the governors of the states, to serve on the council as voting members. These non-federal council members would serve with equally appropriate federal members, possibly at the assistant secretary level.

In conjunction with this restructuring of the council, we believe that the name of the U.S. Water Resources Council should be changed to National Water Resources Council. This reflects the true nature of the organization that in accordance with the organizational structure at the regional level (river basin commissions), where state and federal agencies are participating on a partnership basis, such an organizational structure at the national level would constitute a National Water Resources Council with state or non-federal representation on the council.

Fifth, we suggest that the National Water Resources Council be charged with the responsibility for coordinating all budget requests for water and related land use planning of a sectoral nature, prior to submission of such requests to the Office of Management and Budget.

Sixth, we further support the establishment and funding of field

offices such as inter-agency committees in each major river basin of the nation where river basin commissions do not exist to work directly with state and federal water planning and management agencies.

In essence, the total organizational structure, which we view would enhance national natural resources planning consists of the following: At the regional level with equal state and federal participation and cooperation, you have river basin commissions, established by Title II of the act and supported by state and federal funding. The chairmen of these river basin commissions should be appointed by the President and responsible to the chairman of the National Water Resources Council. The responsibilities of the chairmen would be to serve as chairman of the river basin commission, and, more importantly, as the federal coordinating officer for federal natural resources planning activities in the basin. At the national level, we are recommending the establishment of a National Water Resources Council which would have as its chairman, an individual, appointed by the President of the United States, and not a member of an existing member agency of the council. He would have an independent staff of which he would appoint the director. The council would organizationally be a part of the President's Domestic Council.

We believe these recommendations, combined with a fully funded Title III program, will bring about a more efficient and effective development, coordination, conservation and management of our nation's water resources.

I want to thank you again for the opportunity to present these views as shared by the 10 member states of the Missouri River Basin Commission and encourage you to give them your support and consideration and any possible revision of the current act as it presently stands.

Mr. Chairman, I am ready to respond to any questions you or members of the committee may have.

Senator BUMPERS. Mr. Cloud.

**STATEMENT OF JOSEPH D. CLOUD, VICE CHAIRMAN, OHIO RIVER
BASIN COMMISSION**

Mr. CLOUD. Thank you. I am Joseph D. Cloud, vice chairman of the Ohio River Basin Commission and Director of the Department of Natural Resources. At the far right is my Deputy Director, Mr. William Andrews.

I am here at the request of the member States of the Ohio River Basin Commission to present to you their mutual views with respect to S. 506 and to other aspects of Public Law 89-80, the Water Resources Planning Act.

For the record, those member States are Illinois, Indiana, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

I would be remiss, Mr. Chairman, if I did not first express to this committee the joint appreciation of these States for your action in undertaking consideration of this important matter and for affording to us this opportunity to share with you our views thereon.

The effect of S. 506 is to amend Public Law 89-80 so as to place the authorization for grants to the States to assist them in developing and participating in the development of comprehensive water and related land resources plans on a continuing basis. We strongly support this proposal.

In addition, we would urge that the committee further amend title III so as to increase the authorized grant level from the present \$5 million to not less than \$10 million in each fiscal year. This recommendation is based on both the increasing scope and complexity of the planning process and on the overall increase in costs since enactment of Public Law 89-80 in 1965.

We urge therefore that the committee give serious consideration to solution of these vital problems. Among the possible remedial actions are the establishment of the Council as a fully independent agency with a membership and staff independent of the major line agencies, and that suitable provisions be made for direct input from non-Federal interests.

Almost without exception, the Ohio River Basin States strongly recommend that amendments be made to title II, or other portions of the act as appropriate, to provide for centralized funding for River Basin Commissions. This would allow more efficient and coordinated handling of Commission business, and place responsibilities at the level at which more effective decisions can be made. In such a system, provisions should be made for distribution of funds to the States for participation in the implementation of Commission programs as well as for public participation. We do not see that such amendments would lessen OMB controls.

Our comments and suggestions are offered in an attempt to render Public Law 89-80 more effective and useful and we appreciate very much your courtesy in affording us this opportunity.

Senator BUMPERS. Thank you very much, Mr. Cloud.

[The prepared statement of Mr. Cloud follows:]

STATEMENT OF JOSEPH D. CLOUD, VICE CHAIRMAN,
OHIO RIVER BASIN COMMISSION

I am Joseph D. Cloud, vice-chairman of the Ohio River Basin Commission and director, Indiana Department of Natural Resources. I am here at the request of the member States of the Ohio River Basin Commission to present to you their mutual views with respect of S-506 and to other aspects of Public Law 89-80, the Water Resources Planning Act.

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TITLE III, PUBLIC LAW 89-80

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OTHER ISSUES RELATING TO PUBLIC LAW 89-80

We feel that it is appropriate at this time to consider certain issues arising from titles I and II of the act on the basis of the record of some 10 years of experience therewith.

TITLE I

There is a pervasive feeling among the States whom I represent here today that the Water Resources Council has not, and indeed perhaps cannot, adequately implement the role and mission assigned to it by the act. The major problems are in the areas of the coordinating functions among the Federal agencies, the formulation of policy, and the development of proposals leading to a comprehensive, integrated national water policy.

We suggest that a major source of these problems relates to the statutory provisions for the status and membership of the council.

Its status is that of a wholly Federal council concerned with a resource which is in major degree one of State and local jurisdiction and concern. Its membership consists of the heads of the several major Federal agencies having some one or more diverse interests and roles in water resources planning, development, and management.

Given these circumstances, it is our view that the coordinating function among the several agencies of the council is seriously hampered because of internal jurisdictional interests: that the formulation of general policy and procedures is impaired by the same conflict of internal interests and, importantly, by the lack of adequate input of non-Federal views; and that the development of, or satisfactory progress toward, a comprehensive, integrated national water policy suffers from the same limitations as those cited for general policy and procedures.

We urge therefore that the committee give serious consideration to solution of these vital problems. Among the possible remedial actions are the establishment of the council as a fully independent agency with a membership and staff independent of the major line agencies, and that suitable provisions be made for direct input from non-Federal interests.

TITLE II

Almost without exception, the Ohio River Basin States strongly recommend that amendments be made to title II (or other portions of the act as appropriate)

to provide for centralized funding for river basin commissions. This would allow more efficient and coordinated handling of commission business, and place responsibilities at the level at which more effective decisions can be made. In such a system, provisions should be made for distribution of funds to the States for participation in the implementation of commission programs as well as for public participation. We do not see that such amendments would lessen OMB controls.

Our comment and suggestions are offered in an attempt to render Public Law 89-80 more effective and useful and we appreciate very much your courtesy in affording us this opportunity.

STATEMENT OF ARTHUR A. RISTAU, VICE CHAIRMAN, NEW ENGLAND RIVER BASIN COMMISSION

Mr. RISTAU. My name is Arthur A. Ristau, vice chairman of the New England River Basin Commission and director of the Office of State Planning for the State of Vermont.

I will forego reading my statement, but I want to associate myself with the observations made by the previous panel and the speakers you have heard heretofore on this panel.

I was provoked by a comment you made with that favorite old word coordination. I worked with Charles Crowe and he has belabored you with terms like orchestration and coordination—but as you know this is the role of the planner. He is trying to make some coherent sense out of these activities. He is trying to make the whole equal to the sum of its several parts. That is basically what compels me to suggest today the activities that are contemplated today in legislation before this committee are worthwhile and do merit the support of the committee.

We are trying in New England to knit and to orchestrate with respect to Federal initiatives online now, with respect to EPA and some of the other land and water related planning activities mandated by the Congress and which we are now in a modest way attempting to implement.

I have been associated with the New England River Basin Commission since 1967 when I was assistant to the Governor of Vermont. I can say we have had a great deal of success with the program in our region. We think it has in fact done what it has been directed to do. In fact it has done a little more.

We are involved now in attempting to make critical decisions about siting, to reconcile the equally critical claims of development within our region with the agricultural community and finally to try to make some sense out of the problems we are having with respect to energy deficiencies.

I think the role of the Commission is a central one in the orderly resolution of these conflicts. In my view it is the only mechanism to achieve a coordinated role that we have found to be essential in sorting out of the claims on our water and land resources within the New England region.

I am enthusiastic about the project. I hope consideration today will be extended, they will be adequately funded, and that the leadership role in the Council will, as has been suggested earlier, emanate from the executive department to give the planning fraternity, that one other word we like to use, leverage.

Thank you very much.

Senator BUMPERS. Mr. Ristau, I want to say one other thing. I assume you have fairly close contact with Governor Simon who is in my opinion one of the brightest and ablest leaders in the country as well as being a good friend of mine.

Mr. RISTAU. Daily.

Senator BUMPERS. If you are in contact with him daily, you are an able man too.

But I would say on the term coordination it is a very good word. It is something we need more of in every level of government as well as lower levels—higher as well as lower levels of government.

My only suggestion is when you use the word coordination be a little more definitive. It is a concept. Coordination is more a concept than it is a program, and we need to be definitive about what we mean. It may mean different things to different people. It may mean one to the River Basin Commissions and another thing to other commissions, for example. But all of your points are well taken.

I would like to address one question to the panel. There seems to be a fairly strong, if not unanimous, consensus that you would like to see title III funding increased from \$5 to \$10 million, but I am not saying just as a general comment that it would be desirable. I can understand the desirability of it, but can you give me something a little better than that to push me over the edge toward supporting that increased funding?

Mr. Krause, would you like to comment on that?

What are you going to do with the extra \$5 million?

Mr. KRAUSE. In our region I think the States have had anywhere from twice or three or four times as much State funds to match the Federal. We would employ this to expand our own staffs primarily to accommodate a very marked increase in the complexity of planning problems related to water resources.

Even though States who enjoy a past history of considerable progress in planning, planning is something that is not finished. It is something that is dynamic, that is continuous.

As expressed earlier here today, when you plan to cover or take countermeasures to overcome a problem you usually overcome not only that problem but you expose two or three others.

So the thing goes on and on. I think what we have done so far is merely scratch the surface of water resources planning as relates to other natural resource interfacing. As a result we find ourselves making progress very slowly. We would like to accelerate this if at all possible at the State level.

Mr. RISTAU. In our region as I alluded earlier, Senator, the funds if they were forthcoming would be earmarked in large percent for the reconciliation of decisions we are confronting now with respect to siting power facilities, those that of necessity must be onstream like nuclear reactors. Our energy deficiency needs no restatement here, but it is quite certain we are going to probably have to double our capacity within the next 10 years.

Those decisions are going to have serious water quality and discharge implications. In my own view this would probably be the single foremost priority with respect to our needs.

Mr. CLOUD. I would like to comment, Senator, that pilot programs that are successful do have a way of growing. The quality of the funding, the quality as determined by the amount of funding for the State of other things.

I believe States have been through the method of the carrying of the stick, and States have been sold and gotten ahead of the Federal Government in many of these areas which is an interesting fact of life at this point.

Senator BUMPERS. Gentlemen, we will submit some questions in writing and ask you if you will individually answer them in writing.

I'm curious if you feel the States ought to have membership on the Council and so on.

Mr. RISTAU. Very briefly you mentioned title V. I am quite closely associated with ours. The title V—we are funding a portion of the administrative cost of title II. I don't know how that claim has been translated in terms of seats at the table. I would feel quite comfortable with the States being given a voice, more than an advisory voice in this particular process.

If the rhetoric about decentralization and the new federalism is to be believed—

Senator BUMPERS. That was the previous administration.

Mr. RISTAU. I still feel the same kind of rhetoric. Perhaps my filtering system is not what it should be, but nonetheless I think it would be appropriate to give us a voice at the table.

One of the reasons the Federal regional council system is less than a resounding success in our part of the world is that we do not sit at the table with the members. That could well be rectified as far as Public Law 89-80 is concerned.

Senator BUMPERS. That is well said. And your Governor speaks frequently on the same thing very convincingly. Let me say I could not agree with you more on what you just got through saying.

I wish we could carry these on. There are three or four questions I would like to get into, but in the interest of time we will have to call our fourth panel.

We are probably operating illegally here this morning. Until the Sergeant at Arms so advises us we will continue.

[The prepared statement of Mr. Ristau follows:]

STATEMENT OF ARTHUR A. RISTAU, VICE CHAIRMAN
NEW ENGLAND RIVER BASINS COMMISSION, AND
DIRECTOR, OFFICE OF STATE PLANNING, STATE OF VERMONT,
BEFORE THE SUBCOMMITTEE ON ENERGY RESEARCH AND
WATER RESOURCES OF THE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS, UNITED STATES SENATE

July 10, 1975

Mr. Chairman, I appreciate the opportunity to testify today on behalf of the State of Vermont and the State members of the New England River Basins Commission on ways to increase effectiveness of programs carried out under the authority of the Water Resources Planning Act of 1965 as amended. The views expressed are based on service to two Governors of Vermont, former Governor Philip Hoff and Governor Thomas P. Salmon, in state planning and policy analysis, both for the State and at the New England regional level. I have followed the evolution of the New England River Basins Commission since its establishment in 1967, worked closely with Chairman Frank Gregg and his staff on Commission programs effecting Vermont, and am currently serving as Vermont's member and (by election of State members) as Vice Chairman.

The thrust of my testimony is along these lines:

- 1) The Water Resources Planning Act is conceptually sound.

The Act recognizes that planning and management of hydrologic systems must respect relationships between water and related land resources, and the impact that use of these resources at one place and time may have on uses at other places and times.

An effective national program for management of water and related land resources must be capable of serving coordination among uses and managers at all levels of government and within the private sector.

2) The mechanisms and processes created by the Water Resources Planning Act are appropriate to these concepts, and should be more effectively utilized. The Act provides:

- a) A mechanism for leadership and coordination in the federal Executive Branch. Title I establishes a mechanism --a Water Resources Council composed of heads of key departments and agencies, with independent professional staff. The Council is to assess the national water and related land resources situation and make recommendations for changes in federal policies and programs; to issue principles and standards guiding Federal participants in comprehensive regional or river basin planning programs; to comment on the relation of plans for regions and basins to the interests of larger regions and the nation; to provide financial assistance to strengthen state capability for water and related land resource planning.
- b) A mechanism for federal-state and interstate planning and coordination at the basin and regional level. Title II provides for establishment of river basin commissions composed of a Presidentially-appointed Chairman who also serves as Coordinating Officer of the federal members, federal departmental representatives, a state elected Vice-Chairman who also serves as coordinating officer of state members, and state gubernatorial representatives, with independent professional staff, to coordinate and prepare plans for use of water and related land resources in its region, to undertake special studies related to its planning responsibility, and to recommend priorities for gathering information, for further planning, and for action projects.

- c) A source of financial support for comprehensive planning and related coordination at the State level. Title III provides for grants to States for comprehensive water and related land resources planning programs with provision for intrastate and intergovernmental coordination.

Thus the Planning Act provides ways of recognizing and responding to the interrelationship among resource uses and users at intrastate, state, multi-state and national levels.

Because any national strategy for intergovernmental cooperation in water and related resources planning must rest on a firm foundation of state capability, I will first discuss Title III, and conclude with comments on Titles I and II.

We urge that priority be given to Title III in order to assure a continued and strengthened State role, and suggest that attention be given to modification of other titles as soon as possible.

TITLE III

The financial assistance program authorized by Title III was originally designed to strengthen state capability for comprehensive water and related land resource planning and coordination. The program should be modified to encourage strengthened state agencies to develop and maintain comprehensive statewide water and related land resource plans and processes.

Several sources available to the Subcommittee* will confirm that Title III has succeeded in strengthening state support for water and

*Including Dr. Helen Ingram's 1971 evaluation of Title III for the U.S. Water Resources Council.

related land resource planning programs --well beyond the amounts for which federal matching funds have been available. It is now time to build upon this strengthened state capability to pursue a continuing process for evaluating and responding to state water and related land resource problems and needs as a critical element of a national program.

Key steps include:

- 1) Modify Title III to provide continuing support for comprehensive statewide water and related planning processes, requiring at appropriate intervals a statewide planning product which would set forth findings as to water and related land resource requirements, adequacy and conditions for the state as a whole and for subregions of the state and recommending policies and programs for management.
- 2) Authorize an annual appropriation level for Title III which is sufficient to maintain comprehensive water and related land planning processes, for the state and for appropriate subregions of the state, and for state contributions to multi-state and national water and related land resource planning and evaluation purposes, but not at a level suitable for detailed planning for individual functions --i. e., for outdoor recreation development.

An appropriate level for this purpose is difficult to specify, but would be somewhere between the \$5 million currently authorized and the \$50 million recommended by the Western States Water Council. The basic figure suggested by the Interstate Conference on Water Problems --\$10 million-- would be a reasonable starting point.

The federal cost-share should be increased to make the program more nearly comparable to other federally-supported programs such as the Coastal Zone and HUD "701" programs.

Implicit in these recommendations on Title III is the conclusion that the Water Resources Planning Act is an appropriate vehicle for a national pattern of federal-state collaboration on multiple-purpose planning for management of water and related land resources. I acknowledge that every Congressional Committee and Executive department or agency authorizing or administering a grant program for natural resources planning and/or management sees his program as the "linch-pin" against which other programs and resource uses should be tested. I argue that the Water Resources Planning Act is an appropriate integrating vehicle because:

- 1) It is conceptually sound --as suggested earlier.
- 2) The mechanisms and process which take place under the Planning Act do not tie the planning programs or agencies --the Council, the Commissions or the Title III mechanisms-- to specific program missions. In fact, the objective is to provide means of reconciling conflicts among uses, regions and agencies and levels of government.
- 3) "Comprehensiveness" in natural resource planning perspectives, statewide and national, is more likely to be achieved under the concepts and structures and processes of the Water Resources Planning Act than it is under currently authorized "rival" programs: water quality (single agency, limited purpose); coastal zone (single agency at federal level, "comprehensive" but geographically constrained within States); "701" (most valuable as support for overall state development policy and management capability, linking major sectoral planning programs such as transportation, natural resources, human services).

A national land use program could perform an integrating function but it is not and may not be authorized. There will be time for incorporating it into an overall system if and when enacted.

I have testified to these points by reference to Title III since that Title is the principal focus of these hearings. I will conclude by expanding briefly on possible modifications in Title I and II, following the principles applied to evaluation of Title III:

Title I

Achieving the federal leadership and coordination objectives of Title I is hampered by lack of full-time leadership backed by and accountable to the President.

In fact, it is possible to argue that only the Executive Office has the combination of motivation, perspective, objectivity (with respect to agency missions) and leverage to consistently pursue coordination of federal agencies and interests.

Witnesses at these hearings will suggest a number of solutions to making the Water Resources Council more effective. My own suggestion is to effect a clear link to the Executive Office while retaining strong agency involvement, and to clarify certain coordination functions.

The following would accomplish these objectives without dramatic amendment:

- 1) Provide that the Director of the Council shall be an executive-level Presidential appointee who shall be responsible to the President for performance under the Title. Give the Director certain administrative authorities* including authority, in consultation with the Chairman, to call meetings of the Council, and

* Cabinet-level members have little time to devote to Council affairs, and important issues now reach political officers of the Departments only through a tortuous route of committees and delegates. This provision would fix clear authority for surfacing of major issues, and for control of internal administrative performance, on the Director.

prepare agendas; to formulate and advance proposed programs and budgets for Council consideration; and to appoint and supervise the Council staff.

- 2) Require the Director to make arrangements for effective consultation with States, interstate agencies, representatives of local government and private interests in administration of the Title. This could be formalized in a "Water and Related Land Resources Advisory Committee". The Executive Office is not likely to make use for federal policy purposes of a body with "voting" non-federal representation as has been suggested by others.
- 3) Strengthen the coordination language by specifying that the Council shall:
 - a) review each year the proposed program and budget requests of federal agencies for direct federal water and related land planning programs and for federal assistance funds for water and related land resources planning programs, and requests of river basin commission's for federal funds;
 - b) review and promote coordinated administration of federal assistance programs for water and related land resources planning and, permissively, to receive and coordinate agency responses to consolidated and integrated water and related land planning assistance applications from non-federal entities.

Title II

If suggested changes in Titles I and III were made, the utility of joint federal-state institutions and processes would be enhanced without amendment to Title II

A Presidentially-appointed and accountable Director who can assure that important issues will be brought to the Council in timely fashion and who has clear control of administrative processes will strengthen the leaderships and coordination functions of the Council. The role of the commission as "principal agency for coordination of plans" (Sec. 201(b)(1)) and of the commission chairman as chairman and coordinating officer of the federal members of the commission (Sec. 202(a)) would be enhanced if the Council is dealing squarely with coordination issues.

An annual review by the Council of direct federal and federal assistance program and budget requests would provide means for effective use of commission program and priority recommendations, whether expressed through elements of the required (Sec. 201(b)(2)) comprehensive coordinated joint plan, or in reports on priorities for basic data collection, planning, and action projects pursuant to Sec. 201(b)(3).

A strengthened Title III program --both in levels of grant support and in statewide comprehensive planning requirements-- will make state participation in multi-state planning programs through river basin commissions more aggressive and more rigorous.

Recommended modifications to Title II are modest:

- 1) Title II should be amended to permit, at the option of the Governors of the member states, the Commission to perform its planning coordination (Sec. 201(b)(1)), priorities (Sec. 201(b)(3)), and special study functions (Sec. 201(1)(4)), (but not the mandated "comprehensive, coordinated joint plan" functions of 201(b)(2)) with respect to such range of land, water and related natural resource issues and functions the Governors may request.

The same amendment should permit the title borne by the Commission to reflect the scope of its concerns (a "land and water resources commission", "natural resources commission").

The federal response to such requests would be through the executive order (or amendments thereto) issued by the President at the Governors' request.

- 2) Consideration should be given to increasing the federal share of costs of Commission operation budgets. The current sharing is, by action of the Appropriations Subcommittees, on a 50-50 basis. The Act does not specify a cost-sharing arrangement. Federal cost-sharing for other water and related land resource planning programs varies from a comparable 1-1 basis under Title III of P.L. 89-80 to 2-1 under the Coastal Zone Management Act and HUD's "701" to 100% from Section 208 of P.L. 92-500.

Thus, to support multi-state and federal-state cooperation through the Commissions, States must use scarce matching dollars that could otherwise bring larger returns for strictly intrastate planning.

State testimony at these hearings will urge a higher (probably 2-1) Federal cost-share for Title III. The cost-share for commission operations should be comparable to avoid disincentives to state support for interstate and federal-state cooperation through the Commissions.

A caution: the states were concerned prior to 1965 that Commissions would be dominated by federal interests to the detriment of the States. This fear has not been confirmed, but state views should be solicited.

A case could be made for amendment to strengthening Commission coordination authorities. The current authority to "serve as the principal agency for coordination of plans" (Sec. 201(b)(1)) is not further interpreted in the Act, except negatively in Section 3.

Without weakening the language or intent of Section 3, performance of the Commissions as coordinators could probably be improved by legislative history indicating that the Commissions may appropriately review and comment on water and related land resource program and budget proposals of federal agencies as they affect the region in connection with the recommended annual Council review suggested in discussions of Title I.

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee and will be glad to respond to questions.

Senator BUMPERS. Our fourth panel is Mr. Hollenstein, Mr. Guess, and Mr. Barnett. Gentlemen, thank you for coming this morning. I'm sorry we got started late. We are running behind. I'm sure you heard me discuss with the others we are asking the witnesses to summarize their formal statements. Your statements will be entered in the record. Please summarize your statements as best you can.

And I apologize. I used to come up here and testify myself. I always felt that I was being treated with some distain and contempt, and I really regret that very much. I understand it is no small chore to come down here and work on your testimony, and prepare yours as I used to do mine personally, and come down here and feel nobody really cared about my testimony after I got here.

So I apologize for those comments, for asking you to summarize. But your statements will go in the record. The staff and the committee in the marking up and passing these bills will have your testimony.

I want you to know your efforts are not in vain. I think we only have one problem which is with title III, anyway.

Would you have any preference as to who would lead off?

STATEMENT OF GENE HOLLENSTEIN, CHIEF HYDROLOGIST, MINNESOTA DEPARTMENT OF NATURAL RESOURCES; CLAIR P. GUESS, JR., EXECUTIVE DIRECTOR, SOUTH CAROLINA WATER RESOURCES COMMISSION; JACK BARNETT, EXECUTIVE DIRECTOR, WESTERN STATES WATER COUNCIL

Mr. HOLLENSTEIN. I will lead off. I am Gene Hollenstein. I am director of the Division of Waters of the Department of Natural Resources, State of Minnesota. I am here today in my capacity as secretary-treasurer of the Interstate Conference on Water Problems and am appearing before you as the chairman of the ICWP task force on amendments to the Water Resources Planning Act, Public Law 89-80. Appearing with me today is Mr. Clair P. Guess, Jr., executive director, South Carolina Water Resources Board, and second vice-chairman of ICWP. Mr. Guess is here as a member of the ICWP task force on amendments to Public Law 89-80 and as chairman of the ICWP task force on planning coordination. We both serve as elected members of the ICWP executive committee.

Other members of the ICWP executive committee and representatives of several of the States are also here today as observers to this committee hearing.

I want to thank you for giving us the invitation and the opportunity to present our views on this critical issue which we are most concerned with.

Our formal comments, as you know, that have been submitted and the issues and recommendations we will present today represent—

We will be providing these views to you as well as the official views which will be submitted by the Governor but we hope to be able to utilize the questions which you have asked here at this hearing today and we most—would most appreciate a copy of these which we can put together to transmit to the various States to get their impressions and we will analyze these and provide them to you as an honest evaluation of the views of the States on these issues.

Specifically we urge title III of the Water Resources Planning Act be amended. We recommend it be strengthened through increased funding at a minimum of \$10 million for at least a 5-year period beginning 1977 for distribution to the States as a grants-in-aid program.

We suggest one possible consideration which had received favorable support from a number of States is these moneys could be allocated equally with \$200,000 to be made available to each State each year subject to certain considerations. Considerations such as the fact that each State would have viable water resources planning and the resources to effectuate it, but the program would be comprehensive in nature and would represent a multidisciplinary planning approach and would assure maximum cooperation and coordination. And that there would also, of course, have to be adequate State funding to at least assure the State would participate. One of the recommendations was that \$200,000 be appropriated on a 2-to-1 basis. \$200,000 Federal money for \$100,000 of State input.

We also recommend a supplemental grants program to provide an additional \$10 million per year for the same period of time to be utilized primarily as a means of furthering the planning programs which the Water Resources Council has set up in terms of guidelines where national interests extend within and beyond the State boundaries. And the purpose and intent of this would be to provide some extra money for those States that have money on a matching-fund basis, a 1-to-1 basis, to get into some of the new issues which arise which has been mentioned to you the energy situation, the food and fiber crisis. Any number of new things are coming on the horizon constantly.

We are being faced with the need to meet these and come up with decisions, and we need to have the vehicle to do it. We believe the Water Resources Planning Act, section 301(a), was fully intended to assist the States in developing and participating in the developing of comprehensive land and water resource planning.

As such it was not just seed money but to enable the States to have a continuing effort. Without these base moneys, without this assurance it is very difficult for the States to keep the same level of planning assurance and be able to go along and do the job we have to do.

We must then get some assistance. The States are the best sources of information to you in terms of the planning grants. I heard Mr. Fairchild's comments that we don't need any more money because we have gotten there and we have a strong viable program. But planning is a dynamic process, as Mr. Krause said, and we must have a continuing program to do this.

Several observations with regard to the standing State advisory committee, we are in ICWP the standing State advisory committee to the Water Resources Council. But in this role we are operating under quite a few sanctions. We may, for instance, be assigned or given a task that is given up and allowed to have a representative there, but that representative is told not to transmit information to other States or carry things beyond that point.

It is like the analogy of taking a hungry man and putting him at the feast table and telling him that he can't eat anything. That is about the way we feel in terms of that operation.

So we are concerned about that. A typical example of this is the recent actions involving sections 80 and the fact that we are not at this point involved viably in this point.

In closing we feel we have the partnership arrangement which is only a partnership in one direction and there is no sharing in the activities and responsibilities and there must be such a sharing. There must be an extension of the Water Resources Planning Act, title III, and that there must certainly be adequate funding to carry it out and with this there would be a coordinated program.

In regard to title I and II, I would like to ask Mr. Guess to give you some observations and comments on that, and I do appreciate very much the opportunity to appear before you.

Senator BUMPERS. Thank you very much.

Mr. Guess.

Mr. GUESS. Thank you, Mr. Chairman. I would like to make one comment. In fully agreeing with the comment made earlier this morning, I hope the committee will consider the real essence of title I, II, and III as a package. To serve any one of the three or the intent of the three in my opinion would be a serious mistake and would tend to deteriorate the tripartite setup in the Federal Government to try to get the Federal interest, the State interest, and the local interest.

We have been talking about funds and what we would do with them. As a matter of fact, if you look at the distribution sheet as to how much money each State is getting under the allocation formula as it now exists. The largest is just above \$100,000 which may buy you 5, 6, or 7 man-years.

The smaller ones are from 40 or 50 or 60,000. That may or may not buy you 4 or 5 man-years.

We are not only trying to coordinate the State efforts in the water resources field, but to simultaneously invite Federal programs in our State.

Our responsibility is to make comment on all Federal water oriented programs. To do this, Mr. Chairman, this includes some herd riding on EPA environmental impact statements, the siting of new mouth facilities that has to do with estuaries. It has to do with the management and planning concept. It has to do with HUD. It has to do with the Corps of Engineers and navigation. And in that respect it looks like a very small fund in which many Federal programs are being put down to small agencies for their input.

Before we can make a comment it may take a year or a year and half's field work, to gather data to make a good sound judgment. It has to be scientifically done and we feel it should be respected.

The second phase coming into the Southeastern States is extremely important ground water research program to go and find whether or not we have a continuing viable water resource supply, where is it, where it exists and what are the problems.

This is no small mission, the States have set out to do. I would certainly urge and support that title III needs to be expanded and extended in time and funded at a much higher level.

Quite frankly, the \$50 million over a 10-year span is a very modest request.

As pointed out earlier, one is a grant basis for us to stay in business. The second portion, if indeed, we have an interest beyond our own

watersheds, then the second fund should be available and this largely to be extended, at perhaps the Water Resources Council request.

At the present time, we are putting in Federal input dollarwise, and it is getting to a ratio and some is much broader than this, 9 or 10 percent on the Federal side, and 91 percent or better on the State side. I think this is a healthy situation, but I do not think we should degrade the program where 10 percent or less Federal input would allow any mandates or dictates on the Federal system, Federal part of the system. It must be strong on both sides and not limited to one.

Senator BUMPERS. Thank you, Mr. Guess.

Mr. Barnett.

Mr. BARNETT. I appreciate the opportunity to come and comment for the Western States Water Council. It is an organization created by the 11 Western Governors to get together and try to foster cooperation between the 11 Western States.

Today, I am here specifically to support Senate bill 506, and its extension of title III of the act. I think it is important to point out that the 11 Western States are unanimous in their position of support.

As you might well recognize, with 11 separate sovereign States, when you get a unanimous position for all States, it is important, as we enter into the next decade the States proceed in an accelerated role in water planning in the West.

We see significant demands coming at our Western water resources that require continuing State participation. I use the word "participation" because of the testimony given earlier today by Assistant Secretary Horton.

We were disappointed to find that the administration is taking the position in opposition to the continuation of title III. It was alluded to this morning by the Assistant Secretary that the purpose for title III of the act was to develop State capabilities.

I read the act in detail. I do not see the words "State capabilities" used at all.

I would hope the Senate would reflect on what their intentions were when they enacted the act.

Well, I see the word "participation," and if we were to discontinue title III of the act it would seem, rather than talking about capabilities as the administration is talking about, we are talking about lessening State participation. That appears to be what the legislative intent was in putting title III into the act.

I personally believe the States have not developed a capability where they can participate very effectively and their capabilities are often equal to Federal agencies in analyzing alternatives and articulating positions and entering into the total plan and effort.

The prime purpose I am here today, is to support S. 506. I want to make that clear before I go on to other subjects. I do not want to confuse the issues I would like to address very briefly.

Beyond Senate bill 506, we are pleased you are considering further amendments to the act, and I would like to comment on, in more detail about the proposed October 16 field hearings, and we would anticipate not only would the Western States Water Council comment, but there may be opportunity for individual State members to comment at that time.

We have addressed in some detail the entire act and talked on all aspects of the act. At the present time, we favor a \$5 million appropriation per year for the act, plus dollars to match the moneys available at the State level for water resource planning.

I think for States to continue to participate, it is easy to analyze why \$10 million is a modest request. When the act was enacted, there were not many of the requirements for participation as there are now.

You are well aware of the fact that 10 years ago, dollars would buy more than dollars will buy today. When you look at dollars appropriated for single purpose planning in the water resource area, for example, in the water quality area, then these are small dollars we feel are necessary for total water resource planning and coordination.

Under title I of the act, we would urge there be an independent, full-time chairman appointed by the President, who would be independent of any Federal agency. We think this is important so the role of chairman is not compromised by the role of an individual as he might serve on a Cabinet from a particular agency.

We feel this chairman could serve as an executive officer and there would not be a need for a separate title of a director.

At the present time, we have no comment on title II of the act. I think I have covered the points we want to make on title III.

We would urge title IV of the act be amended and updated to accommodate the necessary changes that appear as titles I, II, and III are continued.

Let me say in summary, if you have oral or written questions, we would be happy to respond. The Western States Council meets quarterly. We could meet specially if there are questions submitted to us before our next meeting, July 24, we could respond most promptly to questions.

Senator BUMPERS. Mr. Barnett, you and Mr. Guess, both, touched on something. Is it fair to say all of you would like to see State membership on the State Resources Council? Is that a fair statement?

Mr. GUESS. Yes.

Mr. HOLLENSTEIN. Yes.

Mr. BARNETT. Yes; as a Council, we have discussed that. That is a concept we favor, but I think I should reserve a comment until October 16.

There is a concept of what the Council should really be. If the Council is strictly a cabinet-type advisor to the President, then perhaps the State will play a different role than if it is a national policy council. Those are areas we wish to explore.

Further, we would be happy to respond to that specific question at a later time.

Senator BUMPERS. You mentioned the President ought to appoint somebody who is independent of the present Cabinet level appointees. Who did you have in mind that he appoint?

Mr. BARNETT. We don't have a nominee at the present time. I am reluctant to even suggest the type of person.

Mr. BUMPERS. Mr. Guess, maybe you won't be quite so reluctant.

Mr. GUESS. We would like to see him independent of Federal agencies.

Mr. BUMPERS. You have a formal or informal organization of all river basins and water councils and so forth. Would it be fair to suggest some of those people nominate somebody to the Council?

Mr. GUESS. That would be an excellent source of talent to do that; yes, sir.

Senator BUMPERS. We used to do that at the State level. I don't know if it is done at the national level or not.

Mr. GUESS. You would find as much expertise there as you would anywhere in the country.

Senator BUMPERS. Mr. Barnett, you mentioned the States developed the capability, the planning capability. What would happen to that capability which you say is now in place and institutionalized if title III were to expire?

Mr. BARNETT. Senator, you are familiar with State problems, working with State legislatures. I would anticipate there are many States where those dollars would not be fully taken up by the States.

We find, we are frequently asked by Federal agencies to participate in the form of comments, as Mr. Guess has indicated, on various programs. It takes a significant amount of time for, or rather from State expertise. We would be less able to respond for Federal requests for participation.

I can point to the energy situation with recent experiences with numerous reports coming our way, talking about potential energy developments analyzing the potential water demands and asking for State reaction.

I would imagine if those funds were not provided, the States could not participate as meaningfully as we have been able to in the past.

Mr. GUESS. If I may cite another example, what now appears to be coming forward as a national policy through EPA rules and regulations and about plant siting. They are being required not to put any more warm water back in the stream, but to use cooling towers in the process.

The average sized units being put in the United States generate approximately 4,000 megawatt-hours, and on one particular site in which we have had a study and have had to stand up and be counted, I hope, would require a 72-percent capacity operation, the evaporation of 55,000 gallons of water a day.

The States have a very dim view, I think, for the most part, to give up our river basins or to evaporate water we need for other purposes in lieu of heating it 2 or 3 degrees and this is becoming a rather serious question.

That, alone, and riding herd, and making comment on some of these environmental studies, I think if anything, the States have had—this would be much more adverse on the States than the solutions now being sought. These are issues, and we will have to stay with it, but without that capability, and another term, if you want to put it this way, this year has been a year of cutting State budgets to the bone. Federal funds at least have given us a standby emergency generator, and to that extent, rather than having to close out programs and perform a less public service, we do have the flexibility to move with latitudes and continue these important works and without having to fire somebody today and hire them back tomorrow.

But should the Federal funds be cut out, you cut and take with it a level of competence that has been needed for a long time and most especially in States where they thought they never needed a water resource program. There today, we are being used today I think because

we have an abundance of water. Industry is easing in that direction, atomic power, and unless we can ride with it and plan and advance to some—adverse effect, it would derelict to the State and to the Nation.

Senator BUMPERS. Thank you, very much, gentlemen. I wish we had a longer period of time. There will be a few questions we would like to submit to you in writing, and we would appreciate your written responses at the earliest possible time.

[The prepared statements of Mr. Hollenstein and Mr. Barnett follows:]

Testimony of the
INTERSTATE CONFERENCE ON WATER PROBLEMS

Prepared for Presentation to
The Subcommittee on Energy Research and Water Resources
Committee on Interior and Insular Affairs

July 10, 1975

Mr. Chairman and Members of the Sub-Committee on Energy Research and Water Resources:

I am Gene H. Hollenstein, Director, Division of Waters, Department of Natural Resources, State of Minnesota. I am Secretary/Treasurer of the Interstate Conference on Water Problems (ICWP) and am appearing before you as the Chairman of the ICWP Task Force on Amendments to the Water Resources Planning Act (P.L. 89-80). Appearing with me today is Mr. Clair P. Guess, Jr., Executive Director, South Carolina Water Resources Board, and second Vice-Chairman of ICWP. Mr. Guess is here as a member of the ICWP Task Force on Amendments to P.L. 89-80 and as Chairman of the ICWP Task Force on Planning Coordination. We both serve as elected members of the ICWP Executive Committee.

Other members of the ICWP Executive Committee and representatives of several of the States are also here today as observers to this Committee hearing.

I would first express to the Committee the appreciation of myself and Mr. Guess and the appreciation of ICWP for the invitation to present our views on S. 506 and other aspects of the Water Resources Planning Act. The extension of Title III of P.L. 89-80 is a matter of critical importance to the States and your concern with this issue is greatly appreciated.

ICWP BACKGROUND

The Interstate Conference on Water Problems is an association of State officials connected with water resource administration. ICWP was formed in 1959 as a merger of the Eastern States Conference on Water Problems and the Western States Conference on Water Problems. It was recognized that year by the General Assembly of the States as an associate organization of the Council of State Governments. The purpose of ICWP is "to facilitate cooperation, consultation and exchange of information among State officials and agencies as to the conservation, use, development and administration of water and related land resources, the law governing these matters, and interstate and State-Federal relations in the field of water and related land resources; and to the extent feasible and desirable, to promote a consensus or harmonizing of state views on any subject within the purview of the Conference, and the effective presentation and dissemination of such Conference views."

As an association of State officials concerned with the wise management of water resources, ICWP supported the passage of P.L. 89-80 in 1965. ICWP has continued to work with the federal agencies to implement P.L. 89-80 in pragmatic ways to assure that all resources, including monetary, are utilized appropriately.

ICWP has regularly held meetings of State officials, both administrative and legislative, which have included discussions of P.L. 89-80. In 1971 a special meeting, jointly sponsored by the Water Resources Council and ICWP was held in Cincinnati to specifically review the accomplishments of P.L. 89-80 and to develop

recommendations for the improved implementation of the law. We understand that a report of that meeting is included in the Committee's files for your review and reference. ICWP has continued to review P.L. 89-80 and to make specific recommendations regarding its implementation. The most recent statements, adopted at the ICWP Annual Meeting in Cincinnati, August 27, 1974, are attached to this statement as "Appendix A."

The ICWP Executive Committee also sits as the Standing State Advisory Committee (SSAC) to the Water Resources Council. In this role, the ICWP Executive Committee has attempted to respond to the requests of the Water Resources Council to provide the "views of the States" within the constraints of the Federal Advisory Committee Act (P.L. 92-463).

Because of the experience of ICWP members and its continuing involvement in water resources issues, ICWP is pleased to provide all possible assistance to the Subcommittee in its deliberation on S. 506 and other important amendments to P.L. 89-80.

BACKGROUND OF THIS STATEMENT

ICWP initiated preparation of this statement in January 1975 through the appointment of a Task Force Chairman, and the call for State participants in the Task Force. The Task Force met on April 21 in Washington, D.C. A summary of the initial Task Force discussions and recommendations was circulated to all ICWP members, Governors, Lt. Governors, selected legislators and other associations through the ICWP newsletter (mailing list of 800). A number of states and individuals responded to the initial recommendations

with detailed comments which have assisted the Task Force greatly in preparing this statement.

In addition, ICWP circulated a first draft of this statement to State Water Administrators for their comments late in June. A total of 25 written and oral (telephone) comments were received from the States indicating their general agreement with the objectives and recommendations outlined in the Statement.

The issues and recommendations identified in the following sections of this testimony represent a consensus of the State views of those States responding to ICWP and are generally consistent with official State views which have been submitted to ICWP for reference by the Task Force.

ICWP will continue to solicit comments from the States and provide our findings and recommendations to the Committee. We will prepare more complete comments, reflecting the views of all of the States, for early submission to the Committee for the October 16, 1975, hearing.

DISCLAIMER

In recognition of Senator Church's request for comments and the scheduled hearing in October, the ICWP Task Force has focused its efforts for this hearing on Title III of P.L. 89-80. Those sections of this testimony relating to Title I and II of P.L. 89-80 should only be considered as "alternatives" unless so indicated.

ICWP has chosen to focus on Title III because it is the most critical section from the State point of view. Without Title III, we believe Titles I and II would be seriously impaired. While

ICWP believes that amendments are also needed for Titles I and II, specific recommendations on these titles will be provided at a later date.

The Subcommittee Members and Staff should note that ICWP is NOT submitting an official position of the States. As an association of state water officials we are providing you with a compilation of the views that we believe represent a consensus of the States' positions. Official State views will, of course, be submitted to you by the Governors and their authorized representatives in direct response to Senator Church's letter.

TITLE III BACKGROUND

Congress authorized a ten year program of grants to the States under Title III of P.L. 89-80. These grants were specifically directed at upgrading the States' capabilities to engage in comprehensive water and related land resources planning and at encouraging increased State participation with the federal agencies in inter-state regional planning. (Specific background references on the development of Title III and the Water Resources Planning Act are provided in Appendix B, adaptation of remarks by Irving Fox, "The Water Resources Planning Act: An Historical Perspective," and in Appendix C, adaptation of a report for the U. S. Water Resources Council, "An Evaluation of the Title III Water Resources Planning Grants.")

State planning capability has been upgraded in many States. A number of States have published State water plans and have increased

their capability to contribute to interstate planning activities. Other States, however, have been severely hampered in their efforts by the lack of firm commitments of ongoing federal funding commitments and have been unable to progress to the point envisioned by the drafters of the Water Resources Planning Act.

We understand that the Office of Management and Budget has currently argued that the goals of Title III have been achieved and that the States have upgraded their capabilities to a point where federal contributions are no longer needed. As a consequence, OMB and the Administration have not included Title III funding in their projected budgets.

The argument that Title III is no longer needed is vulnerable on a number of points. If we were to analyze State water planning capabilities in the context of 1965 programs, State progress would seem to be considerable. Additional staff have been hired and trained, and additional planning efforts have been initiated. However, if the "increased capability" is compared in the context of current demands, it is obvious that the degree of planning self-sufficiency envisioned for the States has not been achieved.

The added responsibilities placed upon the States as a part of new federal legislation since P.L. 89-80 was passed have diminished the States' progress in a relative sense. A simple cataloging of the new programs which require State input and decision making indicates that much more information and planning is required today than was envisioned in 1965.

In addition, the limitations placed on Title III by federal appropriations (as opposed to authorizations) have been severe.

The \$5 million annual authorization was considered to be a minimum level in 1965. Since 1965 the appropriation has reached the \$5 million authorization only once. Of the \$45 million authorized over the first nine years, only \$26.95 million has been appropriated.

EXTENSION OF TITLE III

Mr. Chairman and Members of the Subcommittee:

The Interstate Conference on Water Problems fully supports the concept of S. 506. The States and the federal government need continued and strengthened comprehensive coordinated water resources planning today and in the years to come.

Why do we need continued and strengthened Water Resources Planning?

The Water Resources Planning Act, established for the first time, a partnership arrangement between government levels on a comprehensive and cooperative basis, and provided the mechanism for much needed assistance to the States for active involvement in this process.

The Act was intended to give the States an active role in comprehensive water resources planning under a commitment by the Federal Government. Since planning is a dynamic process requiring constant re-evaluation, revision and updating there must be continuing planning effort and therefore a continuing program of federal-state cooperation.

Although the intent of Congress was to provide funding at an authorized level of \$5 million annually, this level of funding was appropriated during Fiscal Year 1975 only. Consequently, the active

participation of the majority of the States was greatly limited due to a lack of federal supporting funds. This lack of expected financial assistance has impeded the completion of essential planning programs, has resulted in wholly inadequate state participation in planning by many States.

Emerging major national issues involving water resources, energy, resource utilization, environmental protection, navigation, water rights and a number of other socioeconomic issues have created new challenges requiring new planning approaches and solutions. The extension of Title III assistance at an adequate funding level is therefore essential not only for the completion of the fundamental base level of state planning but also for new and innovative planning to respond effectively to emerging national issues.

It is obvious that the developmental effects of water programs are equally if not more important to the nation and the States now than they were during the early stages of our development. Water programs are also more critical now than they were perceived to be by Congress when the Water Resources Planning Act was originally enacted. Thus, the influence of water programs today extends well beyond the direct effects felt by those using water and water services.

BASIC GRANTS

Ten (10) million dollars per year should be authorized and appropriated by Congress for at least the 5 year period beginning 1977 for distribution to the States as "base grants-in-aid for Title 1 -"

water resources planning. These monies should be allocated equally with \$200,000 available to each State, subject to the following considerations:

- A. Each State desiring to participate must have a viable organized water resources planning program and appropriate state legislation to implement it. The water resource planning program must be comprehensive in nature and represent a multi-disciplinary planning approach and assure maximum state coordination and participation of the various involved state governmental interests.
- B. Adequate state funding to assure that the State will actively participate in the Title III water resources planning. To be eligible for a maximum "base federal grant" of \$200,000 per year, a state would have to make a matching commitment of \$100,000 per year of state funds. States providing less than \$100,000 per year as matching funds for Title III base grants would still be eligible for a federal grant at the 2 (federal) to 1 (state) ratio.

SUPPLEMENTAL GRANTS-IN-AID

Ten (10) million dollars per year should be authorized and appropriated by Congress for at least the 5 year period beginning 1977 for distribution to the States as "supplemental grants-in-aid," subject to the following considerations:

- A. That the State has in place a viable comprehensive, multi-disciplinary water planning program and the essential elements of a State water plan.
- B. That the State has the capability to undertake, in a coordinated manner, an advanced level of planning to meet special environmental, economic and/or social needs and/or problems having significant impact on the well being of its citizens.
- C. That the State has made a commitment to match the requested funds on a 1 to 1 basis.

(These supplemental funds would be used largely in meeting Water Resources Council guidelines for planning where national interests extend within and beyond State boundaries.)

WHAT WILL THE BASIC GRANTS AND SUPPLEMENTAL GRANTS-IN-AID ACCOMPLISH

These funds will assure the States the capability to accomplish long-range and mid-range planning necessary to utilize their resources within the joint constraints of water quality improvement and water quantity allocation.

The need for both "basic" and "accelerated" comprehensive planning for water resources utilization is greater today than it ever has been. All aspects of water utilization are being taxed severely by the expanding demands.

The issues identified in the hearings of the Senate Select Committee (prior to the passage of P.L. 89-80) are more critical today than they were in the period 1963-1965. Senator Mansfield,

in a hearing prior to the formulation of the Select Committee, stated that: "...an abundance of readily available water of suitable quality is a requirement of the American way of life, it is essential for continuing agricultural and industrial production. But responsible authorities warn that provision for the needed water supplies is far short of adequate."

Mansfield mirrored his colleague's concern that all aspects of water usage -- quantity, quality, recreation, and fish and wildlife conservation -- called for coordination of water resource programs and that "comprehensive" planning was the best method to achieve this.

Even in states which are "water rich" states, there are pressures to utilize and/or restrict water uses for which there has not been effective analysis. We are constantly being made aware of the "unmastered climatic changes" and the consequent water surplus (floods) and water shortages (droughts). The extension and expansion of Title III programs will provide a part of the answer for the States in identifying and creating innovative alternatives so that they may assist their citizens to live in harmony with natural conditions and with existing man made conditions.

We are fully cognizant that there will be changes in the priorities on the national scene and that changes will continue at an ever-increasing rate. These changing priorities and needs can only be met in the context of a truly "federal system." The federal system requires that the States have a primary role in the development of the basic plans for the utilization of resources within their boundaries. Where one State's plans and priorities may

conflict with, or impinge upon the plans and priorities of other States within the hydrologic areas, there is a need for regional reconciliation of the plans. Further, those conflicts between regions must be resolved at the federal level. None of this regional and federal reconciliation and refinement can take place without a strong base of State water resource planning.

COORDINATION OF FEDERAL WATER RESOURCE PLANNING PROGRAM

The Committee may wish to also consider the need for review of other Federal legislation which impinges on the State's ability to plan and coordinate water resource planning efforts within its own boundaries. The extension of federal agency efforts through the several laws authorizing federal involvement in water resources planning and development has caused State agencies and, we believe, several federal agencies to lose control of the planning efforts which are being instituted by the federal government within their own areas of jurisdiction. Consideration should be given to innovative methods of coordinating the federal efforts so that the State agencies may be fully appraised of the "goings on" before efforts have progressed to "point of no return" level.

If the Subcommittee and its several witnesses can arrive at recommendations for improved coordination of resources planning, the investment by the Federal and States governments in this area of concern could be significantly lowered while massively improving the level of accomplishment.

ICWP, therefore, urges you, Mr. Chairman, and your colleagues on the Subcommittee and in the Senate and House to expand and strengthen the State's ability to contribute to water resource planning through Title III of the Water Resources Planning Act.

ISSUES ON OTHER TITLES OF THE WATER RESOURCES PLANNING ACT

ICWP has focused its comments for this hearing on Title III because of its critical importance for the States. There are, however, a number of concerns which have been identified by the States relating to Titles I and II. The issues included here do not represent a definitive listing, nor are the suggestions for consideration meant to be final. The ICWP Task Force will continue to review the Planning Act and will present further information to the committee as the states reach consensus on preferred amendments.

TITLE I, WATER RESOURCES COUNCIL

ANALYSIS

During the decade which the Water Resources Council has been in existence, several problems in its organizational structure have been identified which appear to limit its ability to function. Numerous observers and participants have indicated that the Council: (1) is a captive of the Chairing Department; (2) has not been able to perform the coordinating function among the federal agencies because of internal objections; and (3) has not provided a satisfactory method of representation on the Council for nonfederal

interests, particularly states, and, therefore, states have not had the voice in policy determination which the Water Resources Planning Act intended.

The Water Resources Council, as established under Title I of the Act, is unquestionably a federal Council, in that all Council members and alternates are federal employees. Nonfederal parties may participate in some Council activities as observers.

A major problem is that observers are often excluded from meetings in which sensitive subjects are discussed. As a matter of practice, many issues are decided in such meetings, often without knowledge or consideration of dissenting views.

Theoretically, it would seem desirable to have nonfederal interests represented on the Council and/or Council of Representatives for two reasons. First, information dissemination on Water Resources Council activities and decisions is at best imperfect, and any additional lines of communication between the Council and the "public" would be useful. Secondly, nonfederal interests could bring to the Council points of view from outside the federal sector and the Washington scene.

From a practical standpoint, it may be difficult to decide who the nonfederal representatives should be, and the degree of nonfederal representation. It is certainly true that the larger the group, the less is accomplished. One solution might be to give nonfederal representatives a status somewhere between that of a full member and that of an observer. The entire matter of voting privileges should be carefully evaluated since voting privileges may not be necessary or desirable.

Another problem in Title I relates to the selection of the Council's Chairman and Director. The Chairman has, by tradition, been the Secretary of the Interior. The dual role can place the Chairman in the awkward position of ruling on issues that may adversely affect his agency's programs and goals. A similar situation exists with regard to the Director, in that the Director is hired by the Council (federal agency members) and, therefore, must be responsive to the Council members. Should a conflict surface between a national goal and the goal of a federal agency represented on the Council (theoretically, there should be no difference) it is difficult for the Director to act contrary to the interests of a Council member.

SUGGESTIONS FOR FURTHER CONSIDERATION

1. The Chairman of Water Resources Council should be appointed by the President with Congressional approval and be independent of involved federal agencies.*
2. The Water Resources Council should become an operating part of the President's Domestic Council to insure that goals and policies are compatible with major goals of the incumbent administration.
3. The Council should seat the same number of nonfederal representatives as federal representatives.
4. The name of Water Resources Council should be changed to National Water Resources Council.

* When Congress confirms an appointee they reaffirm their intent of the purpose of that agency.

5. The National Water Resources Council should be charged with the responsibility for coordinating all budget requests for water and related land use planning prior to the submission of such requests to the Office of Management and Budget.

TITLE II, RIVER BASIN COMMISSIONS

ANALYSIS

River Basin Commissions are charged with the development of "a comprehensive, coordinated, joint plan for Federal, State, interstate, local and nongovernmental development of water and related resources," and to serve as the principal agency for the "coordination of Federal, State, interstate, local and nongovernmental plans for the development of water and related land resources in its area, river basin, or group of river basins."

One of the problems associated with regional committees or commissions, however, is that they have no political base, and hence little effective power to implement the plans they prepare. Although it is useful to prepare interagency comprehensive, regional plans for guideline and coordination purposes, there is a danger that too much effort devoted to this task will divert attention from planning at the state level. Resource planning should certainly be accomplished at the lowest practical level, and regional committees should be used mainly to coordinate planning involving regional issues extending across state boundaries, and to introduce national factors of regional impact which would not otherwise be considered.

Recent proposed legislation in areas such as land use planning often provide for the creation of a new board or commission to coordinate and administer the programs. The states could find themselves in the position of having another federal entity established to coordinate activities with the Federal Government. Having river basin commissions or interagency committees serve as the coordinating entity for all water and land resource related matters would reduce the coordination burden.

Title II specifically designates river basin commissions to act as the coordinating mechanism for planning programs in its area. There may be some merit in amending Title II to specifically declare that it is Congress' intent that river basin commissions serve in this fashion for new programs if this would help to reduce the proliferation of new coordinating entities.

TITLE II - SUGGESTIONS FOR FURTHER CONSIDERATION

1. That the coordination function of the river basin commissions be strengthened.
2. That the efficiency of Title II river basin commissions should be increased by providing centralized budgeting procedures.
3. That the means of settling issues at the river basin commissions be clarified to insure that action can take place.

(These recommendations are made with the proviso that the States should be the primary planner for water and related land resources planning within their own boundaries, and that the States must necessarily be the primary coordinator of activities within

their own boundaries. The river basin commission would serve to assist in the coordination and reconciliation of issues which extended beyond the boundaries and jurisdiction of the State.)

Mr. Chairman, and Members of the Subcommittee, this completes the Testimony of ICWP today.

You may be assured that we will be in continuing contact with all the States. We will provide additional comments to the Subcommittee at the October hearing based on the States' input.

In addition, you, Members of the Subcommittee and/or your staff, may feel free to contact us at your convenience with any questions regarding these matters. We will be of as much assistance to you as it is possible.

We would be pleased to answer any questions you may have at this time.

ICWP STATEMENT OF POLICIES

In accordance with past procedures, the Annual Meeting of ICWP, held in Cincinnati, Ohio, August 27, 1974, received and adopted the reports of its committees on Policy, Legislation, Planning and Governmental Relations. Under direction of the ICWP Members assembled at the Annual Meeting, the Executive Committee has compiled the position and policy statements included in those four committee reports and have approved the following Statement of Policy for use and distribution by ICWP member States and Associate member Agencies.

Preamble:

The ability to manage water resources is the key to the means of survival. In the past decade, public interest has been diverted from water resources development to environmental matters and more recently to energy shortage and land use planning. In order to improve the priorities presently received for the planning, development, and utilization of water resources it is necessary to clearly state the position and policies of the ICWP. These policy positions are as follows:

"ICWP strongly urges Congress to Fund Title III of Public Law 89-80 on a permanent, not a year-by-year, basis to provide a steady reliable base for on-going state comprehensive water and related land use planning and to maintain a level of funding not less than \$5 million per year."

"ICWP will assist the Water Resources Council in coordinating viewpoints of the various states and in developing a unified program for allocating federal water resources planning funds. It is imperative that the present economy and flexibility in the expenditure of these funds for state planning function be retained."

"ICWP will provide advice and assistance to the Water Resources Council and the Office of the Water Resources Research in establishing new procedures and programs to provide maximum benefits for water resources administrators through research efforts which will provide solutions to pressing water resources problems."

"The ICWP urges that the basic purpose of the Water Resources Planning Act of 1965 be extended but with (1) substantial changes in the structure of the Water Resources Council with respect to strengthening and elevating its position in the Executive Branch of government; (2) include a clarification of the role of the states in national policy matters through the Water Resources Council; (3) increase the appropriation levels and reappraise the formula utilized in connection with the grants to states under Title III of the present act; (4) representation of the states on the Water Resources Council in numbers numerically equal to the federal agencies represented; and (5) change in the name of the Water Resources Council to the National Water Council."

Adaptation of remarks by Irving K. Fox
in a paper entitled
"An Historical Perspective of the Water Resources Act"

Some of the best analytical remarks concerning the Water Resources Planning Act of 1965 were made by Irving K. Fox, of the University of Wisconsin, in a paper entitled "An Historical Perspective of the Water Resources Planning Act." Although Professor Fox made these comments in 1970 they are as timely today as they were then. Some of Professor Fox's more cogent observations, which form an historical background for the Water Resources Planning Act are as follows:

1. National leadership in water planning and a major investment of Federal resources in water resources programs are essential to an adequate national water resources program.

For over 80 years after the adoption of the Constitution, Federal water activities were relatively minor and those things that were done by the Federal Government were clouded by differences over the constitutionality of Federal action. With the Republican victory in the national election of 1860, the constitutional issue was put to rest and since then the Federal role has increased steadily with major advances during the administrations of the two Roosevelts and in the period after World War II. By 1965, Federal programs in the water field were large and diverse and no one seriously questioned the need for national leadership, the investment of Federal funds, and the application of the expertise of large Federal agencies to planning, development, and management activities.

2. The influence of water programs extends well beyond the direct effects of using water and water services.

It is of considerable significance that from the early 1800's to today, water programs have been valued for their indirect

as well as their direct effects. From the Canal Era to the present, water development has been perceived as an important instrument of economic development. While some of the earlier conceptions of the influence of water programs have diminished in importance, there can be no doubt that the developmental effects of water programs were viewed as being of major importance when the Water Resources Planning Act was passed and this perception, no doubt, was an important consideration in its adoption.

3. Water resources planning and management should be "comprehensive" in the sense that programs should embrace an entire basin as well as all purposes that water can serve, and take into account multiple means of serving those purposes.

Multiple purpose, basin wide planning did not come into its own until the 1930's and the idea of emphasizing multiple means is a post-World War II development. Also, some purposes such as pollution control and recreation were secondary considerations until quite recently. But by the time the Water Resources Planning Act was passed, this was an accepted concept.

4. There continues to be a danger that resource availability will not keep pace with economic needs; long-range planning should be undertaken in the light of future supply and demand prospects.

This concept traces its origin to the Conservation Movement. It was strengthened by the concern over future resource availability after World War II, which resulted in the studies of the Paley Commission and Resources for the Future. It is one of the basic ideas underlying the Water Resources Planning Act which calls for a periodic national assessment of water supplies and the development of long-range regional plans.

5. To plan and implement comprehensive water programs that best serve the public interest, authority and responsibility for planning and management must be unified in each river basin.

This concept received concrete recognition in the TVA legislation of 1933, but similar legislation had been passed and vetoed twice, prior to the Act. NRPB water activities in the 1930's, the interagency committees and commissions, and the Delaware River Basin Commission were founded, in some measure, on this conception. It was a foregone conclusion that the Water Resources Planning Act should seek to unify public activities in each river basin in one way or another.

6. The Water Policies and Programs of the Federal Government should be unified.

From the establishment of the National Waterways Commission in 1917, there has been a powerful interest in unifying Federal water activities, especially at the Washington level. Presidents Hoover and Truman considered combining the Corps of Engineers and the Bureau of Reclamation and the first Hoover Commission recommended a unified Federal water resources service. Some of the supporters of additional valley authorities saw the need for coordinating policies and programs at the Washington level. In designing the Act the Water Resources Council was to be the focus of Federal leadership and the coordinator of Federal policies and programs.

Professor Fox felt that the concepts described were powerful determinants of the design of the Water Resources Planning Act and the manner in which people assumed it would be implemented. This is not to say that everyone accepted them; some had little interest

in comprehensiveness, others feared unification of Federal leadership, and so on. But these concepts governed much of the thinking about water management in 1965 and tended to determine the design of the legislation and the manner of its implementation.

The concepts of society change almost continuously and even as the legislation was being drafted, concepts were changing. One of these related to the role of the State level of government. A changing perception of what constituted an appropriated balance in our Federal system in this area resulted in grants to the States for planning and a strengthened role for State representatives in the regional commissions.

APPENDIX C

Adaptation of sections of a report prepared for the Water Resources Council by the Institute of Governmental Research, University of Arizona, 1973, entitled "An Evaluation of the Title III Water Resources Planning Grants."

The report, from which this appendix is adapted, is extensive. To summarize in four or five pages is to do a severe injustice and the full report is commended to the committee members for their review and consideration. Some observations from the report are reproduced here as background to our discussion of Title III recommendations.

Another perspective on the origin of the Water Resources Planning Act and its purposes is contained in "An Evaluation of the Title III Water Resources Planning Grants" prepared by the Institute of Governmental Research University of Arizona in 1973 under a contract with the U.S. Water Resources Council. Some observations from this report may help to give a better perspective on the Act.

The Water Resources Council, created by Title I of the Water Resources Planning Act, was designed to give the federal agencies a unified sense of purpose and direction.

The River Basin Commissions, provided for in Title II of the Act, were designed to achieve the goal of comprehensive planning, with each Commission presumably arriving at one integrated plan for the overall development of its river basin.

The grants provision of Title III were for developing a state capacity to participate on more equal terms in determining how the nation's water resources should be used.

While the roots of the Water Resources Planning Act may be traced far back, Title III is specifically the second recommendation.

of the Senate Select Committee on National Water Resources. The committee called for the federal government to "stimulate more active participation by the states in planning and undertaking water resource development and management activities by setting up a ten-year program of grants to the states for water resources planning." It was recommended that a minimum of five million dollars annually be made available for matching funds to the states for long-range comprehensive planning.

To the Senate Select Committee States were an important part of the planning process. This process needed to be perfected for a tremendous effort in the future water development. The Senate Select Committee's recommendations reflected an overriding concern for the prospective economic growth of the nation, which was believed to be closely tied to the necessity for providing adequate water resources. Secondary consideration was placed on the quality of water and for adequate recreational opportunities and fish and wildlife conservation. Senator Mike Mansfield, in a hearing prior to the formulation of the Select Committee, stated that "...an abundance of readily available water of suitable quality is a requirement of the American way of life, it is essential for continuing agricultural and industrial production. But responsible authorities warn that provision for the needed water supplies is far short of adequate."

Mansfield mirrored his colleague's concern that all aspects of water usage -- quantity, quality, recreation, and fish and wildlife conservation -- called for coordination of water resource programs and that "comprehensive" planning was the best method to achieve this

The role of the Bureau of Budget, BOB, now Office of Management and Budget, OMB, has predominantly been a concern for maintaining the supremacy of the Federal Government and increasing the ability of the executive branch exercise control over the direction and substance of water resources development. The role of the budget agency and the executive branch has been considerable.

In 1965, BOB took a strong stand with the Department of Justice for according River Basin Commissions a strictly federal status in law. BOB and the Justice Department insisted that although members of the commissions could be recommended by the states, their appointment by the President would mean that they were strictly federal officers. It was only after strong protests from the Interstate Conference on Water Problems that the Department of Justice agreed to allow the recognition of the states as equal partners within the commissions. A key proviso was that a commission could be discontinued either by a majority of the states involved, or by the Water Resources Council. The states would be allowed to appoint their members of the commissions.

For the states, a great deal was at stake in the passage of the Water Resources Planning Act, and most of all in Title III's provision for grants. The grants were to be apportioned among the states according to four criteria: population, land area, the need for water and related land resources planning, and financial need. The theme sounded most consistently by the states' various spokesmen, in recommending the passage of water resources planning bill, was the inherent desirability of coordinated, comprehensive planning, with the states taking a vigorous, independent, meaningful part.

A grant program which could offer federal funds to states for the pragmatically beneficial purpose of developing state capacity in water resources planning was the vehicle of direct state advantage upon which rode the more controversial provisions of the Water Resources Planning Act, the River Basins Commissions. A grant program to build expertise and capability would leave everyone better off and no one worse off than before. The states would have increased abilities not only to plan for themselves but also to participate in federal planning. The federal government would have more expert, more enlightened state partners in the work of river basins commissions and other regional institutions for planning national water resources. A relatively inexpensive grant program could serve as a catalyst to bind together heretofore disparate and conflicting state and federal interests in water resources. The Title III planning grants must have seemed to be an intergovernmental bargain, a small cost with large benefits.

Harold G. Wilm, Chairman of the Interstate Conference on Water Problems (an Associate organization of the Council of State Governments) made a statement to the Senate Subcommittee on Irrigation and Reclamation, February 5, 1965, that there had been a strenuous and generally successful effort made to obtain agreement among the states as to the provisions of a desirable water bill. He emphasized comprehensive, coordinated planning, with all levels of government interacting cooperatively, for the most efficient development of water resources. He acknowledged that the commissions would face a number of difficult problems, and that federal and state governments would not be able to reach agreement on all of them within the forum

of the commission. When such a disagreement proved intractable, it would be up to the legislative and executive branches of the state and federal governments to resolve the problem. But he was quite hopeful that Title II, while not absolving the states of responsibility for planning, "would encourage and lend direction to such efforts."

For many weaker states, Title III held out a promise, not in abstract principle, but in the tangible form of federal funding, that they would be able to fill a larger role in the determination of their own fate with regard to water resources. For some stronger states, the bill was a mixed blessing, combining the inducements of a grant program with some foreseeable difficulties in inter-governmental representation and leadership. On balance, however, the three part bill offered enough to the stronger states to be preferable over other alternatives and was passed.

In summary the authors of the evaluation report reached the following conclusions, which are most applicable.

The Legislative history of the Planning Act indicates that the role of Title III was both conceptually and politically essential.

Many regarded the grants provision of Title III as the indispensable tool with which the Act's projected programs could be made a reality. For while Title II would allow the creation of river basin commissions, they were not likely to become effective entities for coordinated, comprehensive planning until substantial federal funding would enable the states to become equal partners in the planning process. Presumably the five million dollars authorized for each of ten fiscal years would be sufficient to do this. Prior to passage of the Act in 1965, few states had achieved much in the

realm of water resources planning. For those states interested in making the effort to plan realistically for their water needs, the task was large, the barriers difficult. Besides funds, the states also generally lacked capable personnel. Ability to make their needs known, and to push strongly for local planning priorities, also was uncommon.

The multiplicity of federal agencies involved in various aspects of water resources development added to the difficulty and confusion the states experienced in trying to plan effectively.

Politically Title III was a very important element in achieving state support. The language of Title III was modeled on that of the Water Pollution Control Act of 1965, not because its grants had been shown to be highly effective, but rather because this language had met with little objection from the states, and was deemed enactable. If the Water Resources Planning Act was to be passed with all three titles bound together, then it was necessary to choose a model that would hold the states' support or the entire bill may have perished. It was a typical exercise in legislative enactment - not of the best bill conceivable, but of the best enactable.

Viewed in this light it is not surprising that the Water Resources Council was not given a mandate to exercise sanctions in the allocation of grants. The leeway of the Council to penalize states is hedged by the allocation formula. Although debate indicated that the sponsors of the legislation expected states to produce water plans and participate in comprehensive coordinated planning, there is little guide to performance criteria. Had the states thought that the Water Resources Council was to have the power

to cut off all funds if states failed to behave in specified ways, it is doubtful if their support would have been forthcoming.

There are, within the report on "An Evaluation of Title III Water Resources Planning Grants to States" a number of detailed analysis of state accomplishments, programs and policies developed under the Water Resources Planning Act.

Statement Before the Subcommittee on Energy Research
and
Water Resources
of the
Senate Interior and Insular Affairs Committee
July 10, 1975

The Western States Water Council was formed to foster cooperation among the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming in the development of their water resources. The Council has three representatives from each of the member states who are appointed by their respective Governors.

The Western States Water Council appreciates the opportunity to appear before this Subcommittee and comment on the Water Resources Planning Act, and specifically on S. 506 to amend Title III of the Act to extend the authority for financial assistance to the states for water resources planning.

We wish to emphasize at the beginning the unanimous view of the Council that Title III funding assistance to the states for comprehensive water planning should be continued. The purpose of Title III was to provide financial assistance to the states to increase state participation in water and related land resource planning. The Office of Management and Budget opposes continuing Title III funding on the basis that the purpose for Title III assistance has been met and no extension of Title III planning grants is warranted. Although state planning capabilities have increased markedly since passage of the Act, there is still need for direct financial assistance from the federal government. Such funding is particularly appropriate in view of new requirements imposed upon the states by legislation enacted since 1965. These new requirements include those imposed by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), the National Environmental Policy Act, and actions related to the rapidly changing energy situation.

Besides recommending that Title III funding be continued, the Council wishes to offer additional recommendations concerning Title III and the other Titles of the Act. These recommendations will be addressed in order of Title.

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TITLE I

A major problem in Title I relates to the selection of the Chairman and Director of the Water Resources Council. The Chairman has, by tradition, been the Secretary of the Interior. This dual role can place the Chairman in the awkward position of ruling on issues that may adversely affect his agency's programs and goals. A similar situation exists with regard to the Director, in that the Director is hired by the Council (federal agency members) and, therefore, must be responsive to the Council members. Should a conflict surface between a Council goal and a goal of a federal agency represented on the Council, it is difficult for the director to act contrary to the interests of a Council member.

The Western States Water Council therefore supports the recommendation of the National Water Commission to provide for an independent full-time Chairman, appointed by and reporting directly to the President. This full-time Chairman would be the executive officer for the Council and there would not be the need for a director by separate title.

Another significant problem is that the Water Resources Council, as a strictly federal council established under Title I, often makes major decisions without knowledge or consideration of non-federal viewpoints. Participation from state and local entities is only solicited in the review and comment phase. It is therefore recommended that steps should be taken to provide additional lines of advanced communication between the Council and state and local interests.

TITLE II

The Western States Water Council has no recommendations at this time as to changes in Title II of the Act.

TITLE III

As previously stated, the Council wholeheartedly supports continued Title III funding to assist state water planning efforts. This extension should be for at least ten years. However, a significant drawback of Title III funding in the past has been the uncertainty of federal assistance from year to year. This uncertainty presents significant problems to the states in budgeting, programming and hiring and maintaining competent professional staff. Many state legislatures require that federal funds granted to the states be appropriated to specific items in the state budgets. When funds do not materialize or when they come after the state legislature has met, much effort is wasted in administrative adjustments. The Western States Water Council therefore recommends that steps be taken to incorporate into the Act provisions to assure continuity of funding.

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Title III now authorized a maximum of \$5 million annually. In contrast, the level of funding authorized under Section 208 of P.L. 92-500 is \$150 million, and funding contemplated under proposed Land Use Planning legislation could reach as high as \$100 million. In view of the substantially increased demands on state water planning agencies since the inception of the Act in 1965, the Western States Water Council recommends that the funding level be increased to match all state funding with a minimum of \$10 million annually. If sufficient monies are provided to the states under Title III, much of the comprehensive planning needs could be met. This, in turn, could eliminate or reduce the need for the type of single purpose planning now required in legislation such as P.L. 92-500, Section 208 and Section 303 (c).

TITLE IV

Title IV authorized the amounts to be appropriated to carry out Title I and Title III of the Act and the administration of Title III. Should changes in the first three Title of the Act be made, the amounts authorized to carry out the provisions for administration would also need to be revised. But even if no amendments are made, the amounts authorized in Title IV should be revised to account for the inflation which has occurred since its enactment in 1965.

The Western States Water Council again wishes to express its appreciation for the opportunity to present this statement to the Subcommittee. This statement is presented as a brief and general explanation of the position of the Council. The Council itself as well as its member states look forward to the opportunity to state in more detail their views on the Water Resources Planning Act at the proposed field hearings to be held this October in Las Vegas, Nevada.

Senator BUMPERS. I assume you have been present while we heard the other panels. I would like to ask you to comply with the same rules of summarizing your written statements. If at all possible, keep it within 5 minutes.

One other thing, I might have to leave before we conclude your statements. Senator Stone will be here. He is familiar with the problems we are talking about here, and he may want to ask you some questions at the conclusion of your testimony.

With that, please proceed.

STATEMENT OF JOHN A. FINCK, ASSISTANT DIRECTOR FOR PLANNING DEVELOPMENT, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND EUGENE P. JENSEN, EXECUTIVE SECRETARY, VIRGINIA STATE WATER CONTROL BOARD

Mr. FINCK. I will summarize my statement, Mr. Chairman.

First of all, I want to say New York is pleased to have this opportunity to present its views before your committee.

My name is John A. Finck. I am assistant director for planning development in the Department of Environmental Conservation of New York State.

New York has had quite an active role in water resources. Back in 1959, we set up regional planning boards to work with localities in planning for water resources in the State. We have been pursuing that for 15 years or so. We have completed quite a bit of work in that regard.

We have also been very much involved in a title III grant program, and we feel that has helped us tremendously in our program.

You asked earlier some examples of how this has helped. I think in a lot of programs, particularly water quality, there is a lot of direct funding that goes to States and localities, and if you look on the quantity side, you won't see very many programs that have direct funding that go to States or localities. Flood control is one, energy and some of the others.

The other gentlemen have stated it is quite unbalanced from that standpoint in which the States and localities can work with Federal agencies in the water quality field. We are asked to do work with them, as one of the other gentlemen pointed out, but there are no funds.

There might be a \$2 or \$3 million basin study by Federal agencies, but there are no funds for the States to participate. Title III has helped in that respect also, so we are very favorable to it.

I might add that most of the other programs, the cost sharing, the matching, may be 100 percent Federal or two-thirds, one-third Federal to non-Federal. This program is 50 percent shared by the States and localities.

In our particular case, we have always found an overmatch as far as our request for funding under title III. We have asked for more really than what we have gotten. That is true of quite a few of the other States—

Senator BUMPERS. Let me interrupt you at that point, Mr. Finck. One point is not clear in my own mind. When you make these applica-

tions, you set out—do you or the Council set out some kind of matching requirement?

Mr. FINCK. The requirement is it is 50-50, and we state the amount of our match. If we are asking for \$200,000, we say we can match \$200,000. In some cases, we will even say we can match \$250,000.

Senator BUMPERS. So the request depends on how much money you have available, but in your applications, you state it. Is this correct?

Mr. FINCK. It is a matching program.

Senator BUMPERS. In your application, you state you have so much State money, and on a particular project, when you file an application, you say we are willing to put in \$150,000 or \$200,000, whatever it is.

Mr. FINCK. The basis of the funding may not necessarily be written into the law. It is 50-50. But the basis of the funding has been on the 50-50 aspect.

The other point is New York State is a headwater State. We are involved in five basin commissions. That is three of title II commissions, the Noonan River Basin Commission, the Ohio, and the Great Lakes. We are also involved in two compacts, the Delaware and the Susquehanna, although they are not specified as title II, and they go beyond that as far as implementation goes. They are subject to the planning principles.

Senator BUMPERS. How old is the Delaware compact?

Mr. FINCK. It goes back to 1962.

Senator BUMPERS. That is one of the oldest river compacts in the country, isn't it?

Mr. FINCK. Yes; it is.

Senator BUMPERS. In Arkansas, we were trying to setup, and we were using that as a guide. Has the compact concept of the Delaware River compact, has that worked well? How many States are involved in it?

Mr. FINCK. There is one Federal Chairman. Not Chairman, actually, a representative. Then we have the States, four States, New York, New Jersey, Pennsylvania, and Delaware. Four States and a Federal representative.

Senator BUMPERS. We are talking about a compact Congress has approved.

Mr. FINCK. Yes. To answer your questions, in certain cases, I think compacts are good, and it has served the purpose in the Delaware because prior to the compact, there were two Supreme Court decisions regarding the taking of water from the Delaware Basin, so it got very much into the transfer of water out of the basin sort of thing.

In other places, you may not have a particularly good case for a compact, but in that particular basin, I think they do.

Senator BUMPERS. Hold it for a second while I brief Senator Stone.

Mr. FINCK. The other aspect I would like to bring out is since the 1965 Water Resources Planning Act was enacted, quite a few things have happened.

In the resource field, we have had various acts. You are quite well aware of the Public Law 92-500 Water Quality Act Amendments of 1972. The Coastal Zone Management Act of 1972, the Air Acts, and solid wastes and related resources, all of these things have given the States major responsibilities in resources and their development.

I think this points out an important factor for the need to amend the Water Resource Act of 1965 to bring us up to where we are today

as far as the other resources fields, so there is a need in this area to do something to get the current thinking of today, you might say.

We also feel the title II aspect——

Senator STONE. I don't want to shorten your summary, but if that is a live quorum, which I think it is, I would like to ask Mr. Jensen to wrap up his or summarize his statement because a live quorum means they have to get our live bodies.

[The prepared statement of Mr. Finck follows:]

New York State Department of Environmental Conservation
Statement on Need to Amend the Water Resources Planning Act of
1965, PL 89-80

Prepared for Presentation at the Hearing of
the Senate Subcommittee on Energy Research and Water Resources
July 10-11, 1975

New York is pleased to have this opportunity to present its views on the need to amend and to update the Water Resources Planning Act of 1965, PL 89-80. I am John A. Finck, Assistant Director for Plan Development of the Department of Environmental Conservation.

In 1959, six years before enactment of PL 89-80, New York State adopted water resources planning legislation and in the early 1960's embarked on an ambitious program with the objective of completing comprehensive plans for managing and developing the water and related resources of the State's river basins. The need for full and active public participation was recognized by the State at that time and the legislation provided for the plans to be prepared by regional water resources planning boards composed of local citizens interested in the water related fields. Staff services are furnished by the Department of Environmental Conservation, but the planning process is a cooperative one with many federal, state and local agencies and private organizations contributing and assisting in preparation of the basin plan.

Eleven boards have been organized covering two-thirds of the State. Four board plans have been completed and adopted by the State, three more have been submitted for State approval and the four remaining plans are scheduled to be completed within the next year.

Federal grants furnished under Title III of PL 89-80 have aided in our State program. However, funds have not been adequate to meet our needs and the Board studies had to be extended, causing delays in determining solutions for some of the most pressing water problems.

In the 1960's New York State joined with other States and the Federal government on interstate-water resources planning programs. New York is a headwaters state with areas in several major drainage basins. Therefore, we are members of five Commissions with water resources planning responsibilities - the Delaware and Susquehanna River Basins compact (Federal-State) Commissions; and the Great Lakes Basin, New England River Basins and Ohio River Basin Title II Planning Commissions. Also we have participated in Federal-State Coordinating Committee studies for the North Atlantic and Appalachian regions and for the Genesee, Susquehanna and Ohio River Basins.

We provided a major State effort into the Level B study recently completed for the Long Island Sound Region. We are initiating a Level B study for the Hudson River Basin with funding through the Water Resources Council. Also, we are supporting the initiation of Level B studies in FY77 for the Lake Champlain and Allegheny River Basins. These Level B studies together with our regional water resources planning board studies will enable us to have water and related resources plans for all of the State's river basins. We are also moving forward with Congressionally authorized Level C (project planning) studies and other programs to implement basin plan recommendations.

As a result of these and other planning activities, we are well acquainted with the provisions of PL 89-80 relating to the Water Resources Council (Title I), River Basin Commissions (Title II) and planning grants (Title III). Based on our experience we believe that PL 89-80 needs to be thoroughly overhauled to reflect current needs, views and programs on water and related resource planning and management.

Since 1965 much new legislation has been enacted relative to water quality; coastal zone management; flood insurance and flood plain management; wild, scenic

and recreational rivers; air resources; solid wastes; and other resources. In recent legislation the Congress has recognized that the States have major responsibilities for planning and implementation of water and related resource programs and have supported them through Federal programs. For example, the 1972 Amendments to the Federal Water Pollution Control Act, PL 92-500, recognizes that the States have primary responsibilities for planning the development and use of land and water resources. Section 101 of PL 92-500 states "It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce and eliminate pollution, to plan the development and use (including restoration, preservation and enhancement) of land and water resources...." PL 89-80 needs to be updated to reflect the primary responsibilities and rights of States in the planning, development and use of land and water resources stated in PL 92-500.

PL 89-80 should also integrate the water quantity and water quality dimensions of water resource planning and management. The planning-implementation process and State responsibilities for water quality are detailed in PL 92-500 but nowhere do we have a comparable program for water quantity. Water shortages and consistently higher reoccurring flood damages are two obvious results of lack of adequate planning, development and management of water resources on a quantitative basis. A national policy should be adopted which recognizes State responsibilities on water quantity and adequate funding should be provided to the States to fulfill its responsibilities. Sections 303(e) and 208 of PL 92-500 planning-implementation process may be the types of mechanisms that are required for the water quantity dimension of water resources. Provisions for the integration of water resources with energy needs, resources and programs should be included.

In particular, Title I of PL 89-80 should be amended to strengthen the status of the Water Resources Council within the Executive Department and its responsibilities relative to more detailed planning and to the implementation process. Also, the present Title I requirement for a biennial or less frequent national assessment of the adequacy of water supplies is questionable because of the grossness of the information developed and the lack of adequate mechanisms to implement the results.

Title II of the Act should be amended to make corresponding changes in the river basins commissions to reflect any strengthening and/or restructuring of the Water Resources Council in Title I of the Act and also any changed responsibilities in the Council. The Title II Commissions are still developing in their roles and effectiveness for water resources planning. The States should have greater roles; and the Commissions should concentrate more, and should be more responsive to solving needs of Interstate, regional and national significance.

Title III of the Act relating to the comprehensive planning grant authorization should be extended for at least another ten years and the authorization should be increased nationwide to \$10 million annually and the full amount of the authorization should be funded. We view the Title III grant program as a vital link in the Federal-State-local process of identifying water resources problems, studying alternatives and implementing solutions. Since FY 67, when we received the first grant, we have been able to make significant progress on the development and implementation of elements of a statewide plan through the completion of regional basin boards plans and from work completed in Federal-State studies.

The Title III funds allocated to New York have been used primarily to pay salaries of professional staff who have had major responsibilities in water resources planning. We believe the continuing severe water problems nationwide - and in New York State - with flood losses, water pollution and water supply;

together with the retent trend to a more effective Federal-State partnership in planning and implementation in all fields require extension of the program and additional funding for State multipurpose resource planning.

In addition PL 89-80 should be changed to:

- provide for more emphasis on State leadership and recognition of State planning responsibilities and capabilities in water resources planning conducted by the Council.
- provide for fully centralized funding of planning studies
- provide for funding at the beginning of the fiscal year so that studies can be started on a timely basis.
- require budget request to the Council to provide for necessary and sufficient funding to the States for their work in basin and regional planning studies conducted by the Council.
- require the Council to identify clearly the planning-implementation process and provide participating states with a significant role in the process. The process should be self-sustaining and the planning should lead to implementation acceptable to the public; if adequate implementation cannot be accomplished, then reevaluation and modification of plans should be provided.

PL 89-80 should also expand on Section 209 of PL 92-500. Regional (areawide) or basin studies should be completed by a realistic date on a priority basis and should focus on the critical, immediate water problems and those foreseen in the near future (next 10-15 years). In particular, urban studies are required to integrate water and land planning and implementation. Planning for all regions or basins with substantial water quantity/quality problems should be completed by 1985.

Finally, we strongly urge that the states be consulted and given adequate opportunity to participate in the development of any amendments to PL 89-80.

STATEMENT OF EUGENE P. JENSEN, EXECUTIVE SECRETARY,
VIRGINIA STATE WATER CONTROL BOARD

Mr. JENSEN. Mr. Chairman, there are times when I wished this would happen. This time, I would rather have had a little more time. I will not repeat what others have said.

I am secretary of the Water Control Board for Virginia. We had many aspects of our water program, pollution, the whole thing.

We are concerned about the random and haphazard way in which many of the Federal agencies conduct their water resources programs.

We see the water resource council being the only viable mechanism for coordinating these programs. We think coordination is absolutely essential if we are surrounded by commissions of one kind or another.

I, myself, am a commissioner on the Interstate Commission on the Potomac. We have five Corps of Engineers districts I must work with. I get the feeling I spend all of my time getting coordinated or coordinating someone else.

Senator STONE. What is the answer to that?

Mr. JENSEN. The only thing is a strong water resources council. I see no other alternative.

Senator STONE. And the weakening of the roles of others with whom you have to coordinate?

Mr. JENSEN. No, if the council is strengthened, if it can be divorced from the Department of Interior, if it is no longer a captive council, if the States are given a strong voice in running the council, then many of these things can be brought about.

It is absolutely imperative the States have this opportunity to participate as a real partner, not as an observer.

As for money, just to give you an example, our local governments in Virginia this year will receive approximately \$10 million in Federal funds under section 208 of the Federal Water Pollution Control Act as amended. The States may receive \$50,000 as against \$10 million. \$50,000 buys me 1 year of professional consultant time. It buys me two observation—

Senator STONE. What do you need?

Mr. JENSEN. I will be asking the general assembly for probably \$1.6 million. Anything we can get from the Federal Government obviously helps us. It helps to decrease the strain, the pressure on an already strained budget.

Senator STONE. I would like to continue this. I have questions myself, but since we do have to answer a live quorum or they send the Sergeant at Arms after us, I will conclude this hearing and ask your indulgence to answer the written questions to be submitted.

[The prepared statement of Mr. Jensen follows:]

COMMENTS ON THE WATER RESOURCES PLANNING ACT OF 1965

BACKGROUND

The Water Resources Planning Act (Public Law 89-80) was passed to provide for the optimum development of the Nation's natural resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning.

Some thoughts on our experience in Virginia with water resource planning are given in my paper "Problems in Integrating Water Programs," Journal of the Hydraulics Division, ASCE, Vol. 101, No. HY3, proc. paper 11202, March, 1975. A copy of this paper is attached.

We will reverse the order of comments on the Act and comment on Title III first.

TITLE III - FINANCIAL ASSISTANCE TO THE STATES FOR COMPREHENSIVE PLANNING
GRANT AUTHORIZATIONS.

Virginia has long maintained that in water and related land resources the Federal authority should be constrained to cover broader areas of national interest and needs and in addition set broad-gauged federal minimum standards and policies. The States in cooperation with their local governments should make the ultimate decisions on how to meet these requirements.

Title III Funds, limited as they are, has helped Virginia establish a good base and effective water resources planning and management program. This funding needs to be expanded and extended. The State Water Control Board supports the Interstate Conference on Water Problems Task Force's recommendation for the continuance (extension) of Title III as proposed in Senator Church's bill S-506.

The task force recommendations are as follows:

- 1.. "An increased and guaranteed level of federal funding support for the 5 year period from 1977 to 1982 which would provide an essential guaranteed base for state water resources planning funds generally equivalent to one state dollar of expenditure for each two federal dollars of base grants-in-aid. A tentative proposal for the funding for the 5 year program subject to approval by ICWP members, is as follows:

Fifty (50) million dollars to be appropriated by Congress for the 5 year period from 1977 to 1982 for distribution to the States as grants-in-aid for Title III water resources planning at annual level of Ten (10) million dollars or 200,000 per State, subject to the following considerations:

- A. Each State desiring to participate must have a viable organized water resources planning program and appropriate state legislation to effectuate it. The water resource planning program must be comprehensive in nature and represent a multi-disciplinary planning approach to assure maximum state coordination and participation of varying state governmental interests.
- B. Adequate state funding is necessary to assure that the state will actively participate in the Title III water resources planning. This would mean that to be eligible for a maximum base federal grant of \$200,000 per year per state the state would have to make a matching state commitment of \$100,000 per year. Lesser amounts than \$200,000 per year would be matched in a similar 2 to 1 basis.

Since the successful implementation of state water resources planning is dependent on a sound program with solid financial support, this guaranteed basic grants-in-aid for a reasonable period of time (at least 5 years, with options for extension) is most essential.

2. A secondary consideration which should also be provided by Congress is for a supplemental grants-in-aid program to provide for matching accelerated federal-state water resources planning during the 1977 to 1982 period with commitments for extension after 1981. It has been suggested that this matching accelerated federal funding be an additional fifty (50) million dollars for the 5 year period or ten (10) million dollars per year."

TITLE II - RIVER BASIN COMMISSIONS

It is our experience that the river basin commissions, established under Title II, have not been eminently successful. We believe that there are a variety of reasons for this problem.

The Title II commissions were by-passed by major planning and funding programs to improve water quality on a river basin basis under Section 303(e) of Public Law 92-500. The emphasis should be on planning at the State level. Virginia presently must coordinate four separate agencies, namely: Tennessee Valley Authority, Ohio River Basin Commission, Southeast Basin Interagency Commission and North Atlantic Division Corps of Engineers. Each one operates under separate directives, with no strong leadership from the Water Resources Council. There is no known way problems can be resolved through Title II commissions for the simple reason that they have no political base and can not be held accountable. The legislative and executive branches of the State and Federal governments can only resolve the problems and until the State boundaries are redrawn, we must work through our existing structures. The Title II commissions compete with the States for limited qualified technical people available for planning.

For all of the above reasons, the Virginia State Water Control Board would recommend confining the Title II commissions to that of a limited coordinating function.

TITLE I - WATER RESOURCES COUNCIL

Most observers of the Water Resources Council, over the decade of its existence, agree that the Council has fallen short of its expectations in preparing a series of comprehensive river basin plans across the Nation.

The progress of preparation of Level B Plans has suffered due to the lack of developed realistic principles, standards and procedures for comprehensive regional or river basin plans.

The Council has been less than successful in resolving the differences between the two parallel competing flood programs, that of the Flood Plain Information Program and the Flood Insurance Rate Study Program. The Council also has been unsuccessful in providing adequate consideration for water quality planning as required by Public Law 92-500, Section 208 and 303(e).

For whatever reason, and there are many, the very excellent theory of comprehensive river basin planning has suffered due to lack of performance in the last decade.

The State Water Control Board recommends that the Committee give serious consideration to restructuring the Water Resources Council to include full membership for the Environmental Protection Agency, the U. S. Department of Commerce and the U. S. Department of Housing and Urban Development and to remove the Department of Health, Education and Welfare from membership and authorize funds commensurate with the goals to be attained; and, most important, restructure the Council within a "National" framework.

The following recommendations are made for restructuring the Council to increase its functional effectiveness:

1. The Chairman of the Water Resources Council be a Presidential appointee.

2. The Water Resources Council become an operating part of the President's Domestic Council to insure that goals and policies are compatible with other major goals of the incumbent administration.

3. The Council seat the same number of non-federal representatives as federal representatives. These should be appointed by **the President** acting on recommendations from the Governors.

4. The name of the Federal Water Resources Council be changed to the National Water Resources Council.

The Council should establish a national water policy in cooperation with the States. The Council should then adopt workable reasonably simple "principles and standards" for the preparation of comprehensive river basin plans. The Council should have a goal of complete comprehensive basin plans for all basins in the U. S. within a five year period. The Council should also redirect emphasis to the States for developing the comprehensive water and related land use plans.

JOURNAL OF THE HYDRAULICS DIVISION

PROBLEMS IN INTEGRATING WATER PROGRAMS^a

By Eugene T. Jensen,¹ M. ASCE

(Paper of the Technical Council on Water
Resources Planning and Management)

INTRODUCTION

Water quality management (water pollution control and public utility management) for many years was considered to be an entity apart from many other professional disciplines involved in water resource management. This separation perhaps reflected the somewhat divergent attitudes and professional training of the engineers who generally provided the leadership in these two respective fields. In the case of water quality, the national leadership tended to come from the Public Health Service and its engineering staff is strongly allied with the health professions and is oriented towards the protection of public health. The water resource engineers, in contrast, tended to be more construction oriented and concerned with hydroelectric power, transportation, flood protection, reservoir construction, and operations associated with irrigation systems and municipal water supply systems. The inclusion of "water quality benefits" of flow released for pollution dilution constituted perhaps the major interface between the two professional groups.

Recent years have witnessed the development of the environmental interests with a professional base resting on biology/ecology. This group has had a profound effect on the thinking and activities of the other two major groups interested in water quality and water quantity.

FRAGMENTATION IN WATER QUANTITY FIELD

The recent national focus on water *quality* problems has resulted in the development of a generally self-contained nationally uniform body of law that sets forth national goals, a detailed planning process, a mechanism for implement-

Note.—Discussion open until August 1, 1975. Separate discussions should be submitted for the individual papers in this symposium. To extend the closing date one month, a written request must be filed with the Editor of Technical Publications, ASCE. This paper is part of the copyrighted Journal of the Hydraulics Division, Proceedings of the American Society of Civil Engineers, Vol. 101, No. HY3, March, 1975. Manuscript was submitted for review for possible publication on September 13, 1974.

ing these plans (grants and permits), and a mechanism for the assessment of penalties against those communities, industries, and individuals unable or unwilling to comply with the adopted plans. In contrast, there is no similar body of law dealing with the quantitative use or management of our water resources.

Fragmentation is the principal hallmark of the water quantity field. Fragmentation appears in the Federal agencies, state agencies, Congressional committees and professional associations. Apparently it is only in the Office of Management and Budget that there is a reasonably coherent consideration of the entire water quantity and quality equation at the national level. A few states, including Virginia, have integrated water resource agencies, but recent trends have been in the direction of state agencies organized along environmental rather than resource lines.

Federal Level.—It is virtually impossible for the state administrator to comprehend or cope with the multiplicity of Federal agencies that may deal, or attempt to deal, concurrently with the water resources of a single river basin or geographic area. One may find easily one or more agencies of the Department of Agriculture, National Oceanic and Atmospheric Administration, Environmental Protection Agency (EPA), and the several agencies of the Department of the Interior, each promoting their own independent efforts. Coordination of these efforts ranges from nonexistent to haphazard to excellent, apparently depending on the personalities of project leaders and accidents of communication. Seemingly, studies are initiated by the Federal agencies without regard to the scheduling efforts of sister Federal agencies and without regard to the interest or efforts of state or local agencies. The result is expensive chaos.

State Level.—At the state level, the pollution control administrator may find himself dealing in a microcosm of the Federal government, although the limited size and funding capabilities of the state agencies may tend to limit program size and facilitate program interaction.

The professional organizations, ASCE, ICE, ASIWPCA, CSSE, AWWA, and FWPCA, to name a few, also seem to move in their own independent and seemingly random orbits, only occasionally interacting with their neighbors.

Consequences of Fragmentation.—The combination of extreme fragmentation of basic program responsibilities at the Federal level, lack of uniformity in Federal regional boundaries, and poor communications between state agencies and Congressional committees leads to an almost incomprehensible situation. Communications between the states are such that there are only limited opportunities for the exchange of ideas and even less opportunity for the development of the national leadership, which would be desirable for organized national water resources efforts.

The multiplicity of Federal statutes dealing with water resources probably is equalled in each of the states. If this generalization is correct, then state statutes may outnumber Federal statutes by a 50:1 ratio, leading to the conclusion that the nation has adopted, or has at least developed, in excess of 1,000 differing policies with respect to the management of its water resources.

DEVELOPMENT OF WATER RESOURCE POLICY

It would have been desirable and useful to have been able to present an overview of the problems of the states in integrating their water quality and

interrelated programs. The problems in obtaining such information from the several states are almost insurmountable. However, Virginia's experience in trying to adopt a water resource policy and to identify its statutory base may help to illuminate the problem.

Virginia's efforts to develop a water resource plan have been frustrated by the lack of a clearly defined state water resource policy. Although the responsible state agency had developed significant data on most of the state's water resources, the transition to an implementable plan had moved slowly. Attempts to develop such a plan in the absence of clearly defined policy had met with only limited success.

To facilitate the plan development process, the State Water Control Board adopted a four-step water resource strategy:

1. Develop and adopt a water resources policy statement.
2. Seek legislative review of the "riparian doctrine" concept as a framework for future management of the Commonwealth's surface water resources.
3. Develop a basin plan.
4. Seek legislative development of a plan implementation mechanism.

The Board's effort to develop a policy statement has moved forward on schedule, including public hearings in all geographic areas of the state, with scheduled adoption of the policy programmed for June, 1974. Unfortunately, the General Assembly declined to act on the Board's suggestion for a review of the water rights issue, thereby forcing a realignment of the Board's strategy. A copy of the Board's policy statement is incorporated. Meetings with the Water Resources Council staff and contacts with other state agencies suggest that this is a pioneering effort. The effectiveness of the approach of course remains to be tested.

FINDING A SOLUTION

In determining a solution to the fragmentation problem, three significant questions arise:

1. What are the leadership problems and what can be done?

Massive reorganization of the Federal water resource agencies might or might not provide a better framework for the nation's water resource program. In the interim, it seems clear that the Water Resources Council offers the best hope of goal setting, policy delineation, and budget analysis at the Federal level. In the view of one state, i.e., Virginia, it would be helpful for the Water Resources Council to make additional efforts to gain state input. Clearly, the Director of the Water Resources Council (WRC) has the only real opportunity for leadership! It is unreasonable to expect that the Chairman of the Water Resources Council will have the time to fill this role even if acceptable to the other WRC participants. At the state level, the "policy approach" now being used by Virginia may be helpful at the subnational level, although additional experience will be necessary.

2. How can water quality and water quantity efforts be articulated?

Organization, or lack of organization, at the national and state levels seems

to be the key to effective articulation. At the Federal level, the Water Resources Council, but with the full EPA membership, seems to be the key. Water Resources Council member agencies need to take their responsibilities seriously and to assign staff and resources adequate to the task. The emergence of the "environmental agency" has probably made it more difficult to obtain the state or national leadership necessary for a coherent national water resource program.

3. Is water quality management a part of water resources management, or is it, in fact an environmental entity?

Water quality management is probably the bridge area, or area of interface, between the broader public concern areas of "water resources" and "environment." It necessarily has some of the characteristics of each of its "parents." An attempt to force water quality management into either the "water resource" or "environmental" molds probably will be unsuccessful and work to the disadvantage of both parents. The professional in "water quality" will probably need to be particularly responsive to the forces from both directions and will be expected to have the technical skills to formulate positions mutually acceptable when viewed from the vantage points of either water resources or environment.

SUMMARY AND CONCLUSIONS

In summary, the national programs for water quality are unified and integrated at the state and Federal levels between state and Federal agencies. The more general water resources programs are badly fragmented with diffuse national leadership and poor state/Federal communications. The professional organizations apparently have contributed to fragmentation rather than harmony. The environmental trend of recent years has further obscured program and professional relationships.

11202 PROBLEMS IN INTEGRATING WATER PROGRAMS

KEY WORDS: Fragmentation; **Government agencies;** **Hydraulics;** Strategy; **Water quality;** **Water resources;** Water resources development; **Water resources management**

ABSTRACT: Water quality management was for many years considered to be an entity apart from other professional disciplines involved in water resource management. The recent national focus on water quality problems has resulted in the development of a nationally uniform body of law setting forth national goals, a detailed planning process, and mechanisms for implementing these plans. In contrast, fragmentation is the principal hallmark of the water quality field, and there is no similar body of law dealing with the quantitative use or management of our water resources. This fragmentation is evident at all levels of government. Massive reorganization of the Federal water resource agencies might (or might not) provide a better framework for the nation's water resource program. It appears that the Water Resources Council offers the best hope of program articulation at the Federal level. At the state level, the "policy approach" now being used by Virginia may be helpful-but additional experience will be necessary.

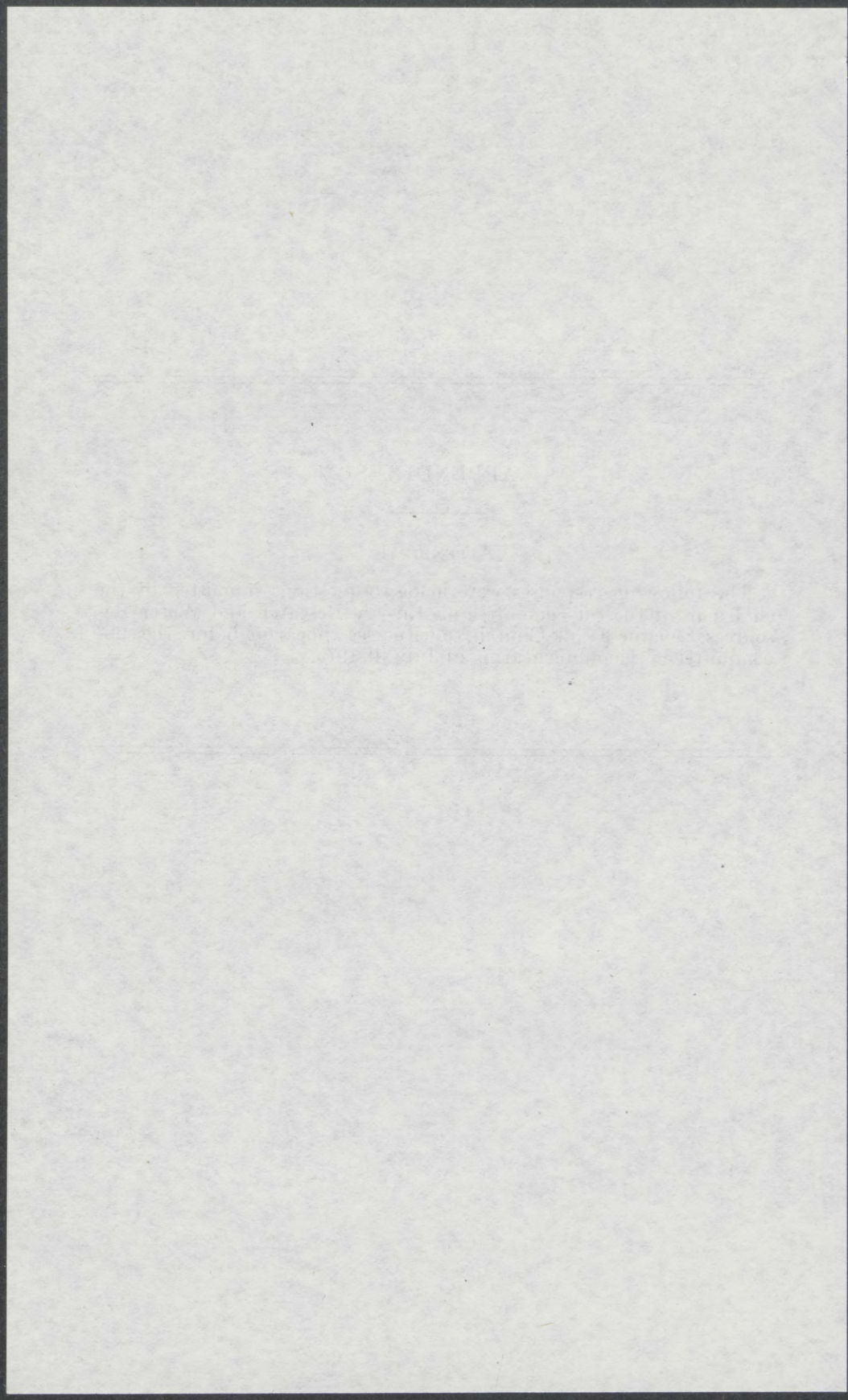
REFERENCE: Jensen, Eugene T., "Problems in Integrating Water Programs," Paper of the Technical Council on Water Resources Planning and Management, *Journal of the Hydraulics Division*, ASCE, Vol. 101, No. HY3, **Proc. Paper 11202**, March, 1975, pp. 467-470

Senator STONE. I want to thank everyone who has been at the hearing and participated. Thank you, very much. The meeting is adjourned. [Whereupon at 12:55 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

The following responses were made to questions submitted by the chairman of the Subcommittee on Energy Research and Water Resources, Senator Frank Church, to witnesses appearing before the subcommittee in the public hearing of July 10, 1975.





UNITED STATES WATER RESOURCES COUNCIL

SUITE 800 • 2120 L STREET, N.W. WASHINGTON, D.C. 20037

August 29, 1975

Honorable Frank Church
 Chairman, Subcommittee on Energy
 Research and Water Resources
 Committee on Interior and Insular Affairs
 United States Senate
 Washington, D.C. 20510

RECEIVED

SEP 2 1975

SENATOR FRANK CHURCH

Dear Senator Church:

The request for answers by the Water Resources Council to questions posed by the Senate Interior Subcommittee on Energy Research and Water Resources was received in this office on August 25, 1975. It was impossible to obtain Council action on those questions and still be responsive to the September 1, 1975, deadline indicated in your correspondence. Consequently, I have responded to those questions in my position as Director, and my answers do not necessarily reflect a Council position.

The answers to questions 1, 2, 3, and 4, relating to the Title III water and related land planning grants to States program, should remain in context with testimony of the Council during the hearings before your subcommittee on July 10. The answers to these questions are based on the hypothesis that the Title III program is to be extended beyond F. Y. 1976, which is the termination date for this grant program under the present authority.

I want to express my appreciation to you and the members and staff of the Energy Research and Water Resources Subcommittee for your continued interest in and support of the programs of the Council.

Sincerely,

Warren D. Fairchild
 Director

Enclosure

MEMBERS: SECRETARIES OF INTERIOR; AGRICULTURE; ARMY; HEALTH, EDUCATION AND WELFARE; TRANSPORTATION; CHAIRMAN, FEDERAL POWER COMMISSION - ASSOCIATE MEMBERS: SECRETARIES OF COMMERCE; HOUSING AND URBAN DEVELOPMENT; ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY - OBSERVERS: DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET; ATTORNEY GENERAL; CHAIRMEN - COUNCIL ON ENVIRONMENTAL QUALITY, RIVER BASIN COMMISSIONS



Replies to Questions Posed by Senate Interior Subcommittee
on Energy Research and Water Resources Submitted by
Warren D. Fairchild, Director, U. S. Water Resources Council

1. What requirements could be uniformly imposed on the States to make the coordination and management aspects of Title III more effective and to assure a more effective input from the States to regional and national planning processes?

Answer: Requirements to make the coordination and management aspects of Title III more effective and to assure more effective State inputs to regional and national planning processes include more explicit methodology for coordinating planning, stronger program review, and designation of the Title III recipient as State water and related land planning coordinator. The requirement that participating States develop a State water plan integrating all water and related land planning programs from which priorities for Federal assistance would flow would be desirable. These and other requirements could be uniformly imposed on the States through rules and regulations. The revised Title III Rules and Regulations adopted in 1974 increased the management requirements imposed on the States and provided incentives for States to participate in regional and river basin planning.

2. What measures is the Council prepared to take to provide a greater degree of guidance and leadership in the State planning program?

Answer: The Council can assist in the State planning program by developing comprehensive planning methodologies, providing training workshops

on comprehensive planning and by assisting in channeling Federal assistance in the implementation of such plans.

3. What incentives could be offered to encourage more interest on the part of the States in participating in Level B studies and activities of the river basin commissions?

Answer: The Council has explicitly recognized the need for some direct Federal funding to the States for Level B study participation because of timing problems between Federal and State budgets and the financial conditions in most States. Fuller utilization of the Level B products by the Federal Executive and Legislative branches in their decision-making processes would stimulate State interest in such planning. Presently, Congress is not organized in its committee structure to consider the output of such plans. Revised cost sharing, increased funding levels, and more statutory authority for river basin commissions would provide incentives for more interest on the part of States in participating in river basin commission activities.

4. How are the programs of the States judged to determine compliance with section 303 of the Act. Is there a uniform standard for assessment?

Answer: Council rules and regulations (18 CFR Part 703) provide uniform standards for assessing compliance of State programs with Section 303

of the Act. In accordance with these rules and regulations, the programs are judged by review of State annual applications, which require information specifically responsive to Section 303, review of State annual reports, fiscal audits and periodic State visits.

5. How do you measure or gauge satisfactory or unsatisfactory coordinated planning? Is it a lack of issues or conflicts? Is it the number of interagency agreements, etc.? Is it the reading you take from the states and river basin commissions? Has the Council budget request to conduct basin planning changed over the past ten years?

Answer: Satisfactory comprehensive coordinated planning is multi-objective in scope and multi-agency in participants. The gauge for such is compliance with the Principles and Standards for Planning approved by the President and promulgated by the Water Resources Council on October 25, 1973. Comprehensive basin planning at its inception was conducted under a "lead agency" concept with each participating agency funding its own participation through individual budgets. The Council inaugurated the concept, with the redefinition of planning levels, of centralized management of such planning through the Council or appropriate river basin commissions. Funding for the management aspects of basin planning (Level B studies) was then funded by the Council. Participation funding continued to be budgeted by the individual agencies.

In Fiscal Year 1975 the Council began budgeting for the total study costs through its budget under a dual centralized funded and management approach. A summary of WRC funding levels, by major program items, as requested by the committee, will be forwarded separately within five days.

6. What are the major factors (listed in order of priority) limiting the effectiveness of the Council for meeting the mandates of the Act? What changes are recommended?

Answer: This question has been addressed by a number of bodies including the recent National Water Commission. The Council is an institution of shared responsibilities by member departments. It will only be as effective as the participation of these members. By its organization peculiarities, it cannot be as strong and authoritative an organization as a formally structured institution such as the proposed Department of Energy and Natural Resources. However, in absence of such a DENR, the Council is the logical institution. The member departments continue to strive for improved effectiveness in the Council operation. The Council has recommended its membership be revised (S. 1299).

7. How effective is the present system of coordinating Federal water and related land resource programs? Are improvements needed?

If so, what?

Answer: The Council has made progress in increasing the effectiveness of present coordination systems for Federal water and related land resource programs. The Principles and Standards, for instance, are being implemented, and these provide guidelines that will permit agencies to evaluate fully the effects and trade-offs of alternative plans. However, sufficient cases of ineffective or no coordination exist that the universal judgment is that further improvements should be made. The need for improved coordination was highlighted at the recently completed National Conference on Water. The Council hopes to make substantial gains through a national planning strategy now being developed. At the other end of the spectrum of a national planning strategy is the Nationwide Analysis, which brings together all of the Federal, State, and river basin commission plans into a single, coordination national program.

8. What steps, if any, should be taken to coordinate water quantity and water quality planning programs?

Answer: It is Council policy that water quality and water quantity planning needs to be fully coordinated and integrated. Congress provided for the coordination of water quantity and water quality planning

programs in the Federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500). Water quality planning and water quantity planning are tied together through Section 208 (requiring the development of areawide waste treatment planning and management programs), Section 209 (calling for development of WRC Level B plans for all basins in the United States), and Section 303(e) (requiring the development of statewide continuing water quality planning processes). Steps being taken to coordinate water quality and water quantity planning include:

(1) Level B plans under authority of Section 209 being considered for Council funding are reviewed and commented on by EPA as to their relationship and value to EPA's programs.

(2) EPA is presently considering contract proposals on the relationship of Level B planning processes and plans for water quality planning. A four-month contract period is envisioned. An advisory committee of EPA and WRC personnel will guide this study.

(3) EPA and designated State water quality agencies are participants and have input into all comprehensive studies funded by the Council, including the National Assessment.

(4) The Council is developing a Level B handbook (to be completed in November 1975) that will be a guide and have great utility in this coordination;

(5) The Council is cooperating with the Universities Council on Water Resources Research (UCOWR) in scheduling a workshop in early 1976 to further refine and develop guidelines and procedures for coordinating and integrating water quality and water quantity planning.

The above activity points out recent activities of EPA and WRC in the necessary coordination of water planning.

9. What role should the Council assume relative to land use planning? What coordinating mechanism between a national land use program and the P. L. 89-80 program would be needed?

Answer: The Water Resources Council has not developed a position on the role it should play relative to land use planning. However, the Members in April 1974 did adopt a policy position in the document "Purpose, Policies and Objectives" that calls for coordination of water and related land and land use planning. The membership of the Council and the scope of its program under water and related land would indicate that the Council is in a unique position to play a role in land use planning if such a program is authorized at the Federal level.

10. Does the role of the Council Director need strengthening? If so, how could this best be accomplished?

Answer: The role of the Director should be reflective of any decision relative to the role of the Chairman. If a full-time Chairman becomes

a reality, the role of the Director should be that of staff and program leader. However, if the Chairman role remains as is, with limitations on his time available to WRC activities, then the status of the Director needs to be upgraded so that he can more effectively deal with policy/program issues at Departmental and Congressional levels.

11. Would a more formal relationship between the Council and the river basin commissions have merit? What are the options?

Answer: The Council is very conscious in seeking ways to strengthen its relationship with the river basin commissions. In fact, this is an approved WRC FY 1976 objective. The Chairmen currently sit as Observers to the Council, the commissions are designated to conduct WRC Level B studies within their jurisdictions, special Council of Representatives-River Basin Commission meetings are held semi-annually, and the Director and staff are in almost daily communication with each commission. A more formal relationship may have merit provided the unique State-Federal role of the commissions is maintained.

12. What plan does the Council have for playing a more active role in establishing national water policy? Why hasn't the Council performed better in meeting the requirements of Section 102(b) of the Act?

Answer: A major factor limiting the Council in fully implementing the provisions of Section 102(b) of the Act has been the inability of the

Cabinet members to meet regularly on Council business because of press of other activities directly related to operating their Departments. The members recognized this by revising WRC Administrative Rules and Regulations (June 12, 1974) authorizing designated alternates to serve on their behalf. These alternates, who are normally at the Assistant Secretary level, have been meeting regularly. Programs relating to water policy directly related to the increased activity at the members (alternates) level are:

(1) Section 80(c) study (P. L. 93-251) as assigned to the Council by President Ford. This study on planning objectives, discount rate, and cost-sharing will be completed this fall with Council recommendations going to the President at that time for his response to the Congress.

(2) The April 1975 National Conference on Water, sponsored by the Council, was a key step in the Council's plan for evolving a unified national water policy for the 1980's. Seventeen major issues and concerns were identified at the conference and are being prioritized by the Council for follow-up, with particular attention to early action activities that will have an immediate impact on a national water policy.

(3) The Council is actively pursuing the developing of a National Planning Strategy under the authority of Section 102(b) and other sections of the 1965 Water Resources Planning Act (P. L. 89-80). The objective of Section 102 is for the Water Resources Council to make appraisal and

recommendations on policies and programs based on a system of plans, priorities, and assessments as authorized in the Act. Recommendation would go to the President, and ultimately to the Congress, to assist in the allocation of Federal resources. The system envisioned for this purpose has been identified as the National Planning Strategy. This system with annual outputs would be developed for the use of decision-makers for bringing into a meaningful whole the parts of an annual Federal expenditure of \$300 million for water planning and \$10 billion for the total water program.

NEW ENGLAND RIVER BASINS COMMISSION

NERBC

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PHONE (617) 223-6211

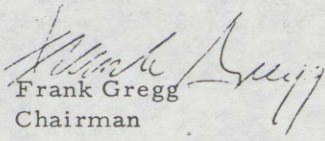
September 22, 1975

Senator Frank Church
Committee on Interior and Insular Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Church:

Enclosed are my responses to your written questions for the hearing on P.L. 89-80. I hope my responses will be of some value in pondering how to make the nation's investment in water and related land resources planning more productive.

Yours very truly,


Frank Gregg
Chairman

Enclosure

FG/n

Response to Questions from Interior Subcommittee on Energy
Research and Water Resources re Water Resources Planning
Act

from Frank Gregg, Chairman, New England River Basins Commission

1. Are you satisfied with the Level B Program? Is funding adequate?
Is timing adequate?

I will be able to give you a clearer answer after we know whether the two Level B studies NERBC is just finishing --the Long Island Sound Regional Study (LISS) and the Southeastern New England Study (SENE) --lead to implementation.

In the case of LISS, which is almost wrapped up, there is keen interest by the general public, the press, local governments, state agency officials and elected officials in the future of the Sound. The press reaction has been extremely positive. A set of press clippings is attached. My hunch is that the LIS plan will have a strong influence on future governmental actions affecting the Sound.

As to funding of individual studies, the amounts made available for the SENE and LIS studies were just about adequate. A substantial amount of money could have been saved if the studies had been centrally funded --that is, if the money had come direct to NERBC, and could have been allocated among federal and state agencies (or private consultants, for that matter) depending upon who could do the work most efficiently.

As to funding and timing of Level Bs as a dependable planning tool, the history is not encouraging. Over the last five years, as I recall, there have only been seven new starts on Level B studies. If the Commissions are to depend on access to Level B studies to complete their CCJPs, a far different level of funding will be necessary.

2. How well are planning programs of the major water agencies coordinated by the Council? What improvements are needed, if any? How could these be implemented?

The planning programs of the major federal water agencies are not directly coordinated by the Council at all.

The Council of Members Alternates (COMA) have expressed interest

in reviewing, as a part of the fiscal '77 budget cycle, new "comprehensive" planning initiatives, by RBCs, by federal agencies and by Federal grant recipients --Level B studies, Corps "urban studies" and other Corps multiple purpose basin studies, major small watershed planning programs of SCS, certain kinds of Reclamation studies and "208" studies. These kinds of studies collect much of the same basic information, and often address overlapping sets of management questions. There are dangers of duplication, and of conflict. COMA's interest here is a good start.

The Council is also considering a "national planning strategy" to provide an orderly process of scheduling planning investments, for reviewing the outputs of state planning programs and agency and RBC planning programs, and for relating them to national perspectives, policies and programs. The Council should move toward a national planning strategy along these lines --being very careful, however, not to attempt to impose artificial uniformity on state or regional or federal agencies.

3. Does the Council have a well developed program for meeting the mandates of the Act?

As noted above, the Council is in the process of developing a program for achieving some better coordination among planning programs. The Council's program may be weakest with respect to the language of the Act which authorizes the Council to review and recommend changes in federal water policies and programs generally (not simply planning programs). This should be a central focus of Council efforts, with an annual output related to the budget cycle. The national planning strategy linking state and regional and federal perspectives would provide the information base. The Council, in my opinion, spends relatively too much time "coordinating" RBCs and dealing with procedural issues and not enough time keeping on top of the national water situation and offering informed comments on how the federal government can deal more effectively with priority problems and needs.

4. How do the river basin commissions relate to the Council? What type of guidance and assistance is provided by the Council? Is it adequate? If not, what would you recommend?

At this point, the most important relationship between the Council and the Commissions is in Council review of RBC program and funding requests. This task has been approached by the Council with great zest. Commission Chairmen are amused that the Council spends a great deal more time coordinating the activities of the River Basin Commissions through the budget approval process than it does in reviewing the vastly larger planning programs of its own member agencies. We observe that the only planning programs subject to critical Council evaluation are those already subject to scrutiny by both federal and state agencies at the RBC level.

There have been protracted discussions between the Council and the Commissions on the need for regulations governing Title II Commissions operations generally, and Level B study procedures specifically. In both cases, the Commissions have argued that rigid and detailed regulations are not appropriate at this time because the Commissions are still young, the Level B situation has been in a state of flux, and the Commission should be encouraged to pursue differing approaches before an attempt is made to codify Commission behavior.

The Commissions feel, I believe, that Council oversight of Commissions should be fairly broad, and should be exercised from the perspective of the heads of the member Departments and agencies, not career line program representatives. The place for offering agency technical inputs and for protecting agency program interests is through the agency's representative on the Commission.

5. Do you believe there should be national coverage of the river basin Commissions? If so, why? What, if any, are the disadvantages of the present coverage?

It would be desirable, with some exceptions --such as in the Delaware and Susquehanna basins, which already have federal-state commissions capable of accomplishing the objectives of Title II.

Since the commissions have no authority to impose solutions there is no threat to state or to federal autonomy. Wall-to-wall commissions would, however, provide convenient mechanisms for interstate cooperation on water and related land resource issues; would provide means of interagency federal coordination under a non-agency chairman;

and would provide a way of linking both federal and state programs in the interests of the state and of interstate basins.

Wall-to-wall RBCs would also provide a dependable mechanism for assessing and asserting the interests of multi-state regions within the framework of national needs --to make the Council's concept of a national planning strategy workable.

A real disadvantage of the present coverage is that new national programs --for coastal zone management, water quality planning, power plant siting, land use, energy resource development-- tend to ignore the utility of the Commissions --or worse, to encourage creation of new multi-state institutions for each new program. As a general rule both national and state interests would be better served by using the commissions as interstate and federal-state cooperative vehicles for purposes of natural resource planning generally.

6. Do you believe the National Water Commissions recommendation for an independent chairman of WRC should be implemented? Would you prefer another option?

If a way can be found to provide for a Presidentially-appointed independent chairman and to secure the cooperation of the Members of the Cabinet and heads of agencies under his leadership, that would be fine. A more realistic option might be to have the Director of the Council appointed by the President, and to vest administrative responsibilities now given to the members of the Council in the Director, including calling meetings, seeing that tough issues affecting agency interests are on the agenda, appointing the staff, etc.

7. What recommendations do you have relative to the splintering of Federal grant assistance?

That is a tough question. I think it might be well to consider a consolidated grant program for natural resources planning. If the individual Governors could secure real integration of natural resources planning activities, and if such consolidated plans were accepted as meeting planning requirements for various federal programs, states might achieve better management results without trying to consolidate all the grant programs for acquisition, construction and management.

Much might be achieved administratively, by making certain that

administrative guidelines for natural resource grant programs encourage rather than complicate the efforts of Governors to see that these programs operate within the framework of State policy and are mutually supportive.

NERBC has put a great deal of staff time into analyzing the requirements and procedures of various federal grant programs in the natural resources field, but clearly strong initiatives at the federal level are required to permit these programs to be applied as cohesive elements of an overall resource management program.

9. Do you believe that rules and regulations should be issued for Title II?

Until there is a more substantial body of experience in commission operations, I think that detailed Title II regulations are likely to freeze commission potentials at less than optimum levels.

10. How actively do the States participate in the regional planning process? Could this be improved upon? How?

We have had pretty good and sometimes splendid state participation in planning programs of NERBC. The highlight has been the contribution by New York to the Long Island Sound Study, in which the state had 3 or 4 well-qualified people working essentially full time on the study for the last year or so.

The New York experience was exceptional.

In the early stages of the SENE and LISS studies, we encountered difficulties either with approval in getting the studies started, or later with impoundment of funds, or both. Even with the best of will, it is difficult to get State Legislatures to appropriate funds, and state administrators to assign personnel, to joint planning activities without knowing whether the federal partner is going to come through or not.

One way to achieve a minimum effective level of state participation is to appropriate federal funds as a part of the study budget for this purpose.

If the Title III grant program is augmented, it could well assure effective state participation.

11. It has been alledged that the consensus rule inhibits addressing tough issues? Is this so? What changes would you recommend, if any?

The consensus rule doesn't inhibit addressing difficult issues. In our LISS and SENE studies we were able to reach consensus on most issues. Where we could not, the fact is noted in the report, and the differing viewpoints are set forth.

It might be useful to modify the consensus language for other reasons. The framers of the Act assumed that differences of opinion would be between federal and state viewpoints, and provided that, in the absence of consensus, the Chairman would set forth the federal position and the Vice Chairman the state position. In fact, there have been no differences in NERBC along federal-state line. It would probably be preferable simply to provide that in the absence of consensus, the views of the majority shall be recorded, and opportunities be provided for minority views.

12. How can the river basin commissions be strengthened? Are changes in the role of these needed? If so, what are the alternatives and how could they be implemented? Is funding for Title II adequate?

I'd like to associate myself here with the testimony of Arthur Ristau, Vice Chairman of NERBC.

13. It has been alledged that the Council is weak and has little influence with the Executive branch. Is that so? If it is, what recommendations would you make to overcome this problem?

I've made a number of comments on this in response to earlier questions.

14. What system of penalties or incentives might be devised to preclude by-passing the river basin commissions with planning programs administered by various agencies, departments, etc. of the Federal government?

The best incentive to federal agencies to enthusiastically participate in commission planning programs, to seek commission approval of proposed new planning investigations, and to use the commissions as means of securing coordination in agency planning studies is a commitment at the Washington level to use commission planning reports and

priorities reports as a basis for evaluating agency program and funding requests.

If Washington is to grant stature to commission planning recommendations and priority reports, it will be necessary for the commissions to produce information on a highly professional and dependable basis. A principal problem in producing good information for WRC, OMB and congress is that the commissions are heavily dependent on Level B funding to do careful analytical work, and that source has not proved dependable. It will be necessary to fund the CCJP activities of the commission on a dependable basis if an annual output suitable for Washington use is to be expected.

15. Is the Commission able to properly serve as the principal agency for the coordination of federal, state, interstate, local and nongovernmental plans for the development of water and related land resources in its area? If not, what changes do you suggest?

There is, as John Neuberger has noted, a lot of confusion about what coordination means. My own view is that what we are after is efficiency in the use of planning resources, and complementarity in management recommendations produced by planning investigations.

The only way I can suggest to make certain that coordination needs and opportunities are identified, and efforts made to deal with them (whether successful or not), is to require the commissions to produce annually a report which covers the resource management situation in its region, which reviews problems, needs and opportunities, evaluates ongoing work relative to problems and needs, and makes recommendations for modifying ongoing work as well as for new initiatives.

The process of producing such an annual CCJP update --priorities report-- coordination report is the process which makes coordination possible, with respect both to ongoing planning programs and to new planning needs. And the output would give WRC, OMB and the Congress a basis for judging whether the Commissions are doing the coordination job.

This implies --as noted previously-- the need for a dependable source of funding for analytical work by the commissions.

16. It has been stated that there are cases of duplication, overlap, and similarity in several planning programs. Would you give examples of those you know to exist?

Off hand, the best example of potential duplication in planning activities is in eastern Massachusetts.

The Commission began the Southeastern New England Level B study in 1971, and completed it in 1975. The Corps of Engineers has authority under a congressional resolution to do a multiple purpose study, with flood control as a focus, in the Narragansett Bay drainage area, which lies entirely within the SENE region, and has completed studies of water supply problems in the urban areas under authority of the Northeastern United States Water Supply Study.

The Commonwealth is now developing a "management program" under Section 305 of the Coastal Zone Management Act. Several "208" studies are now underway. The area has been covered by a statewide SCS "Type 4" study, and there have been one or more State wild and scenic river studies. To these can be added HUD-funded "701" planning, the BOR-funded state outdoor recreation plan, etc., etc., etc.

It would be astounding to a program analyst to learn how little duplication there has been, but only because extraordinary efforts have been made to avoid it, with the Commonwealth's state environmental and planning agencies, the Commission chairman and staff, individual federal agencies, the regional planning agencies and others meeting endlessly to review study plans and budgets and outputs of the welter of work going on.

The coordination job would be less burdensome if coordination took place before decisions are made to undertake new studies. The Commissions should be enjoined and supported to do this job, at least with respect to direct federal and federally-financed planning programs.

Insofar as the federal investment is concerned, even the best Commission's efforts would not be productive unless WRC, OMB, and the Congress give serious consideration to Commission recommendations.

Missouri River Basin Commission

Suite 403 • 10050 Regency Circle • Omaha, Nebraska 68114

John W. Neuberger
Chairman
Keith S. Krause, Kansas
Vice-Chairman

"A Presidential State-Federal River Basin Commission"

September 4, 1975

Senator Frank Church, Chairman
Subcommittee on Energy Research
& Water Resources
245 RSOB
Washington, D.C. 20510

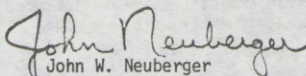
Dear Senator Church:

I am pleased to transmit responses to the questionnaire provided in your August 19, 1975, correspondence concerning the Subcommittee on Energy Research and Water Resources hearing on the Water Resources Planning Act of 1965.

Coordination and administration of the over ten billion dollars in federal water resources programs accentuates the need for a full-time independent chairman of the Water Resources Council and increased support (both Congressional and Executive branches) of river basin commissions in carrying out their responsibility as the principal water and related land resources coordination and planning agency in the region.

I appreciate this opportunity to further delineate my experiences and views on P.L. 89-80.

Sincerely,


John W. Neuberger
Chairman

JWN:ls

Enclosure

COMMISSION MEMBERS

Colorado; Iowa; Kansas; Minnesota; Missouri; Montana; Nebraska; North Dakota; South Dakota; Wyoming; Department of Agriculture; Department of the Army; Department of Commerce; Energy Research and Development Administration; Environmental Protection Agency; Federal Power Commission; Department of Health, Education and Welfare; Department of Housing and Urban Development; Department of the Interior; Department of Transportation; Yellowstone River Compact Commission; Big Blue River Compact Administration.

MRBC CHAIRMAN, JOHN W. NEUBERGER'S RESPONSE TO
QUESTIONNAIRE FOR CONSIDERATION BY INTERIOR SUBCOMMITTEE
ON ENERGY RESEARCH AND WATER RESOURCES

JWN
9/4/75

1. Are you satisfied with the Level B Program? Is funding adequate? Is timing adequate?

No, to all three questions. With regard to funding in the last four years (FY 73, 74, 75 and 76) the MRBC has submitted their high priority request for new start funding on the James River Basin in North Dakota and South Dakota. Funding through WRC has not been recommended by WRC for inclusion in the budget to Congress; therefore, South Dakota and the commission are required to seek other programs and funds to resolve the issues and evaluate basinwide alternatives in the James Basin.

The Congressional system of appropriation for Level B and other studies should be adapted to permit initiation of critical (energy-related, especially) studies as soon as recommended by the President. A good example is the MRBC's Yellowstone Level B Study which must be done in a very short time in order to meet the rapidly-developing crisis situation. Funds for the Yellowstone Study were included in the President's budget request for FY 1976 around February 1, 1975, but at this time, funds are still not available to initiate this much needed study. It should be completed by January 1977 to be effective in serving as a basis for policy decisions of the States of Montana, Wyoming, North Dakota, and South Dakota with respect to coal development and transport and environmental considerations.

2. How well are planning programs of the major water agencies coordinated by the Council? What improvements are needed, if any? How could these be implemented?

Section 102 (b) of Title I has never been implemented to cover all of the major water agencies' planning programs; however, the Council's recently-proposed national planning strategy is a forward step that would appear to greatly assist coordination among federal agencies' planning programs when implemented. All water and related land resources planning programs should be funneled through one central source (the Council) and similarly at the regional level, through the river basin commissions. This includes programs of EPA, Corps of Engineers, Interior, Agriculture, etc.

3. Does the Council have a well developed program for meeting the mandates of the Act?

Not at the present time; however, the national planning strategy when implemented, appears to offer the most promise, and with simplification, the application of the Principles and Standards will permit a more effective implementation of the mandates of the Act.

4. How do the river basin commissions relate to the Council? What type of guidance and assistance is provided by the Council? Is it adequate? If not, what would you recommend?

There are too many efforts being made by the Council (largely through its committees, COR and its staff) to adjust and control budget requests for the

programs which the river basin commissions are required to carry out in order to accomplish the mandate of the law (P.L. 89-80). Such over control and budgetary restraints placed upon the river basin commissions by the Council have served to obstruct the state-federal partnership mechanism of river basin commissions. This has deterred the progress of river basin commissions toward developing and submitting their mandated river basin plans (CCJP's). I recommend that the Council accept a policy that its member agencies' interests are truly represented at the river basin commission level by their regional representatives in formal commission meetings where consensus agreements are reached; and that Council adjustments and manipulations of carefully prepared commission programs and budget requirements are not necessary. Only the Council of Members, OMB and the President's Domestic Council should have the prerogative of adjusting river basin commission budget requests to Congress.

5. Do you believe there should be national coverage of the river basin commissions? If so, why? What, if any, are the disadvantages of the present coverage?

Yes, there should be national coverage; however boundaries in all cases do not have to be hydrological and some adjustment should be considered on a political basis. Unless there is consistent regional coverage, there will not be consistent inputs into a national planning system. There have been instances where there has been a clear need for coordination by river basin commissions. Those regions which lack the central coordinating force of a river basin commission could be (and have been) overlooked and denied timely attention. All regions of the U.S. should have the benefit of a river basin commission to provide a permanent staff for orderly and timely inputs and continuity of planning and action over a period of years to meet the regional and national needs.

6. Do you believe the National Water Commission's recommendations for an independent chairman of WRC should be implemented? Would you prefer another option?

Yes. Presently, the chairman is rightfully occupied with the full-time duties of managing departmental affairs. In addition, the fact remains that a department head as a chairman, who also serves as a cabinet member, has key staff advisers with divided loyalties and therefore, he will necessarily be advised to favor his department's views and interests first as opposed to those of the Council.

In view of the present situation where over \$300 million of federal resources are being appropriated in FY 76 for comprehensive resources planning and ten billion dollars in water resources programs (EPA, \$5.4 billion; Corps of Engineers, \$2.1 billion; Interior, nearly \$1 billion; USDA, over \$3/4 of a billion), it appears well justified that a full-time chairman be established to carry out the intent of the Act. From the state and regional perspective, such a full-time chairman should also serve as a member of the Domestic Council and policy and program coordination across the Executive Branch would be carried out more effectively.

7. What recommendations do you have relative to the splintering of federal grant assistance?

All federal water resources grant assistance programs should be under the purview and coordination of the Council and integrated joint grants to the states for water and land planning should be encouraged.

8. What are your views on what is most needed to give the Council greater stature and make it more effective? Do you see a changed role for the Council? If so, what is it?

An appointment of full-time Council chairman, who is also a member of the Domestic Council would assist each river basin commission in becoming the mandated mechanism for coordination of water and related land resource planning in its region, because the role of the Council would change from concerning itself strictly with programs of the operating agencies to concerning itself with a broader view of both direct and indirect water resources programs. Across total federal resources in planning alone, potential synergistic effects exist; much more can be achieved by the Council member agencies acting collectively as a team than by individual agencies acting independently. This change in Council role would expedite the development of the regional planning systems, the necessary regional CCJP's, and make better use of the mandated role of river basin commission chairmen to serve as the federal coordinating officer for federal agency water resources planning.

9. Do you believe that rules and regulations should be issued for Title II?

No. River basin commissions are joint state-federal entities and states cannot accept operations of the commissions under such federally-promulgated regulations. A more logical relationship between WRC and river basin commissions can take place through negotiations on policies and procedures. The diversity of states involved does not permit the establishment of a uniform set of regulations that apply to both the federal agencies and the states. On the other hand, a more formal relationship between the chairman of WRC and the river basin commission chairmen as their respective regions' federal coordinating officers should be reviewed and established.

10. How actively do the states participate in the regional planning process? Could this be improved upon? How?

It actually varies considerably from state to state. However, states, necessarily, have to consider and favor their own priorities; therefore, some states have not been able to participate to the extent that we would like. Due to limited financial resources and staff, it is the states' view that extended or increased funding from the Title III program would greatly enhance their capabilities of participating in the commission's interstate activities and the regional planning process. Commissions should also be provided the funds that they request and be permitted base staff capabilities to furnish more direct staff assistance to the states.

11. It has been alleged that the consensus rule inhibits addressing tough issues. Is this so? What changes would you recommend, if any?

The consensus rule in our commission has not inhibited discussion of any difficult issues. The requirement that every reasonable endeavor be made to achieve consensus has actually encouraged discussion of difficult and tough issues rather than limit such discussions because state members feel they have a good opportunity to express their views. At this stage in the short history of the MRBC, I would be very concerned with the possibility of any proposed changes altering this important philosophy of a joint state-federal commission.

12. How can the river basin commissions be strengthened? Are changes in the role of these needed? If so, what are the alternatives and how could they be implemented? Is funding for Title II adequate?

River basin commissions can be strengthened by recognizing that they are the principal agencies for coordination of water and related land resources in the region and that each river basin commission is responsible for preparing a comprehensive, coordinated joint plan for its region. It should be realized that the river basin commissions are the best mechanism that the Washington level can call upon for advice on water and related land resources planning matters. Commissions should be required to produce annual priority reports through annual processes of federal and state program review and coordination. The chairman of each river basin commission, as a federal employee, should be appointed as a member of the Council rather than sitting as an observer. His observations at Council meetings would provide immediate knowledge and perspective of regional viewpoints and impacts to issues. The state vice-chairman of each river basin commission should be appointed as an observer to the Council and appropriate funds to reimburse them should be authorized.

13. It has been alleged that the Council is weak and has little influence with the Executive Branch. Is that so? If it is, what recommendations would you make to overcome this problem?

Yes, this is true, primarily because such a limited number of the water resources programs have been handled by the Council. The river basin commissions have the mandated role to effectively coordinate water resource programs as cited before. This can be accomplished only if the Council is permitted to be a strong focal point for and can provide the necessary coordination of water and related land resources policies and programs over all federal agencies' programs. The Council requires strong support at the highest levels of government.

14. What system of penalties or incentive might be devised to preclude bypassing the river basin commissions with planning programs administered by various agencies, departments, etc. of the federal government?

Federal water resources programs should funnel through and have Council approval and earlier river basin commission approval before funding of new starts is considered. If not, agency proposals should then be turned down and returned to the appropriate agencies for consultation and understanding by all federal and state agencies involved in the programs and represented on the ~~river basin~~^{commissions}. In order to be budgeted, it should be mandatory that all federal and state programs be submitted to the river basin commissions through priorities reports and coordinated program reviews which involve all of the river basin commission members.

15. Is the commission able to properly serve as the principal agency for the coordination of federal, state, interstate, local and nongovernmental plans for the development of water and related land resources in its area? If not, what changes do you suggest?

No, primarily because all programs are not brought through river basin commissions. Also, Congress has started new programs with lead agencies without first considering whether proper coordination has been achieved under the commissions as the principal coordinating agencies. The fact that river basin commissions are

by law the principal mechanisms for water and related land resources planning coordination in their regions must be recognized and well supported by both Congress and the Executive branch. Higher level support would greatly assist in establishing the desired recognition of river basin commissions' responsibilities and purpose, and would therefore help in obtaining the necessary cooperation and means to do the job.

16. It has been stated that there are cases of duplication, overlap and similarity in several planning programs. Would you give examples of those you know to exist?

MRBC has identified duplication and overlap of water resources planning programs and studies at all levels. Agencies have bypassed the issue by improperly defining the level (C instead of B) of their studies and acting independently in requests to Congress. The Congress and the Council members have not been referring all new start requests to commissions for coordination and review. This will undoubtedly continue to happen, but it could be eliminated if every water resource program were required to be reviewed by the river basin commissions. As in the case of the MRBC, our commission is just evolving its procedures and policies to carry out its responsibilities through federal and state program reviews and basin priority reports. The knowledge and information which can only be gained over a period of time through practical experience in laying out these policies and procedures will assist each member on the MRBC ~~to assist~~ in eliminating future duplication and overlap problems.

NEW ENGLAND REGIONAL COMMISSION
53 STATE STREET
BOSTON, MASSACHUSETTS 02109

RECEIVED

SEP 2 1975

SENATOR FRANK

August 29, 1975

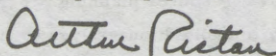
Frank Church, Chairman
Subcommittee on Energy Research
& Water Resources
United States Senate
Committee on Interior and Insular Affairs
Washington, D.C. 20510

Dear Senator Church:

Thank you for your invitation to respond to the series of questions submitted in the request for elaboration on my testimony before the Interior Subcommittee on Energy Research and Water Resources.

My comments are enclosed.

Very truly yours,



Arthur Ristau
Vice Chairman
New England River Basins Commission

Enclosure

RESPONSE OF ARTHUR A. RISTAU, VICE CHAIRMAN
NEW ENGLAND RIVER BASINS COMMISSION, AND
DIRECTOR, OFFICE OF STATE PLANNING, STATE OF VERMONT
TO QUESTIONS SUBMITTED BY THE INTERIOR SUBCOMMITTEE
ENERGY RESEARCH AND WATER RESOURCES, OF THE COMMITTEE
OF INTERIOR AND INSULAR AFFAIRS, UNITED STATES SENATE

August 28, 1975

1. -What incentives are needed to encourage more interest on the part of the States in participating Level B studies and activities of the river basin commissions?

State participation in multi-state planning programs through river basin commission would be more vigorous if:

- a) the structure of river basin commissions were amended to provide closer ties to the respective member states' governors. This may be achieved, for example, by providing, through Executive Order, that at the option of the affected Governors, commissions may serve as cooperative vehicles for a range of land, water and related natural resource issues and functions that the Governors may request, and
- b) the federal share of the costs of commission program budgets were increased. The cost share of commission operations should be comparable to other natural resource planning programs, such as on a 75/25% basis for example, to avoid disincentives to state support or participation in commission activities, and
- c) Title III of P.L. 89-80 were strengthened both in levels of grant support and in statewide comprehensive water and related land resources planning requirements. Provision should be made for continuing support for statewide water and related land resource planning processes, and for the authorization of annual appropriations which are sufficient to support such programs.

2. Is the membership of the Water Resources Council appropriate? If not, why? What should it be? Should State representation of the Council be considered?

The membership of the Water Resources Council is appropriate. Although the Council should have the means available to make effective consultation with States, interstate agencies, representatives of local government and private interests, the Executive Office would not be likely to make use of a body with voting non-federal representation for federal policy-making purposes.

3. What should be the role of the Title II Commissions in coordinating direct Federal and federally assisted water and related land resources grant programs? Should there be a consolidated grant program?

The commission's role in the coordination of direct federal and federally assisted grant programs should be one of reviewing and commenting on water and related land resource program and budget proposals of federal agencies as they affect the region. This would appear consistent with authority of Section 201(b)(1) of P. L. 89-80. A review of the proposed programs and budgets should also be conducted by the Council from a federal perspective.

A consolidated water and related land resources grant program would be an effective way to provide continuing support for comprehensive statewide water and related land resources planning processes. While certain program requirements may be advisable, a consolidated grant program would allow a degree of flexibility in resource program emphasis and would help to integrate multiple resource planning functions without unrealistic increases in current planning budgets.

4. Should river basin commission coverage be extended to include the entire Nation? How could this be best implemented?

River basin commissions should not be mandated uniformly throughout the nation. While the river basin commission has played a central role in natural resources planning in New England, the conditions -- political, hydrological, economic and the traditionally distinct regional identity -- which have helped it be effective here, may not be present in all other areas of the country. This regional coherence should be a condition precedent to the establishment of new river basin commissions.

5. Would a more formal relationship between the Council and the river basin commissions have merit? What are the options?

The relationship between the Council and the river basin commissions appears to be a cooperative, working arrangement. Further formalizing the ties between the Council and the commissions by, for example, providing that the river basin chairmen be official members of the Council, runs the risk of making the commissions subject to a degree of Executive Office or federal level control that might preclude effective state participation in the commissions.

6. How can the river basin commissions be strengthened? Are changes in the role of these needed? If so, what are the alternatives and how could they be implemented? Is funding for Title II adequate?

The answer below assumes that the question refers to the presently mandated planning role of the river basins commissions. This is contrasted to the recommendations of others who have suggested that river basins commissions be strengthened by empowering them to take on implementation or management responsibilities, such as carrying out "Level C" studies, administering Title III grants, or assuming "additional powers for certain kinds of regulation in the coastal zone. (1)"

Because federal agencies have greater resources for participation in river basin studies, and stand to benefit directly from participation in the planning process in the form of project authorizations, Governors, state legislators and state planning and natural resources agencies must see enough benefit in the river basin planning process to want to use it as a vehicle to assist their own planning programs. (2) This means that the involvement of the respective state Governors is crucial to the long term political viability of the river basins commissions. Possibly Title II of P. L. 89-80 should be amended to provide that the Governors serve as state members on the Commission.

(1) Statement of Dr. Perry R. Hagenstein, Executive Director, The New England Natural Resources Center, at Office of Coastal Environment (NOAA) meeting on implementation of the Coastal Zone Management Act, Boston, MA, January 17, 1973.

(2) "Recommendations for the Region: Organizations and Programming for Federal-State and Interstate Coordination of Resource Planning." Prepared by Dr. Helen Ingram for a Conference on Strategies for Natural Resource Decision-Making sponsored by the New England River Basins Commission, September 14, 1972.

As an alternative, a more modest modification might include amending Title II to permit, at the option of the Governors of the member states, the Commission to perform its planning coordination (Sec. 201 (b)(1)), priorities (Sec. 201 (b)(3), and special study functions (Sec. 201 (1)(4), (but not the mandated "comprehensive, coordinated joint plan" functions of 201 (b)(2)) with respect to such range of land, water and related natural resource issues and functions that the Governors may request.

The same amendment could permit the title borne by the commission to reflect the scope of its concerns (a "land and water resources commission", "natural resources commission").

The federal response to such requests would be through the executive order (or amendments thereto) issued by the President at the Governors' request.

The role of the river basin commissions also could be strengthened by performing more substantial activities in the coordinating direct federal and federally-assisted natural resource programs. As has been suggested earlier, having the commissions review and comment on program and budget proposals of federal agencies as they affect the region would help to achieve this purpose.

Because funding to support commission responsibilities, including the "comprehensive, coordinated, joint plan" (Sec. 201 (b)(2)) is inadequate, additional funds should be provided. Consideration should be given to increasing the federal share of the costs of commission program budgets. The current sharing of administrative expenses is, by action of the Appropriations Subcommittees, on a 50-50 basis. The Act does not specify a cost-sharing arrangement. Federal-cost-sharing for other water and related land resource planning programs varies from a comparable 1-1 basis under Title II of P. L. 89-80 to 2-1 under the Coastal Zone Management Act and HUD's "701" to 100% from Section 208 of P. L. 92-500. Thus, to support multi-state and federal-state cooperation through the commissions, states must use scarce matching dollars that could otherwise bring larger returns for strictly intrastate planning. If a higher (probably 2-1) Federal cost-share for Title III is adopted, then the cost-share for commission operations should be comparable to avoid disincentives to state support for interstate and federal-state cooperation through the commissions.

**pacific
northwest
river basins
commission**



September 2, 1975

John F. Streiff
VICE CHAIRMAN

Office Residence
1158 Chemeketa St., NE 1863 Woodstock Circle, NW
Salem, Oregon 97310 Salem, Oregon 97304
(503) 378-3671
XXXXXXXXXXXX

SEP 11 1975
SENATOR FRANK CHURCH

The Honorable Frank Church
United States Senate
Room 245, Russell Office Building
Washington, D. C. 20510

Re: Water Resources Planning Act (P. L. 89-80)

Dear Frank:

Our answers to the questions contained in your letter of August 19 were discussed and agreed to in a meeting of the state members of the Pacific Northwest River Basins Commission at Vancouver, Washington today.

Following the order presented in your letter, our reply to the questions are:

- (1) That direct funding to the states through the River Basins Commission would provide the incentives to insure active state participation in Level B studies.
- (2) There should be some representation of non-federal interests, because adversary positions are not presented in Council deliberations until after a position has been taken. States must react, whereas it would be more efficient if they could participate in the formulation of the policy or program. In addition, we request the Chairman of the Council be a presidential appointee and not be beholden to any Department.
- (3) The River Basins Commission should have the right to review all grants to insure conformance with CCJP.
- (4) We believe a river basins commission is desirable because it works for us. Implementation of river basin commissions throughout the entire nation should be left to the affected states in each region.
- (5) The formal relationship between the Water Resources Council and our River Basins Commission should not be disturbed. Our River Basins Commission Chairman should be independent of Water Resources Council direct control in order to accomplish regional goals and objectives. We are concerned with regional problems which should be solved in harmony with national guidelines.

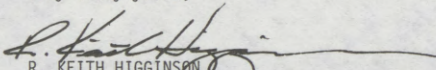
1 COLUMBIA RIVER • P. O. BOX 908 • VANCOUVER, WASHINGTON / 98660

The Honorable Frank Church
Page 2
September 2, 1975

(6) By continuity of programs through directing funding of the River Basins Commission to achieve its goals. The authorized funding for Title III appears to be adequate if Congress would appropriate that amount.

In conclusion, the participating state members of the Pacific Northwest River Basins Commission are grateful for this opportunity to comment on your questions.

Very truly yours,


R. KEITH HIGGINSON

(for) JOHN F. STREIFF
Vice Chairman

JFS:RKH:mjr

cc: Donel Lane
Emery Castle (w/minutes)
Fred Hahn "
Paul Scherbel "
William Throm "
John Streiff "

THE STATE  OF KANSAS

WATER RESOURCES BOARD

4th Floor, Mills Building
109 W. 9th Street
Telephone (913) 296-3185
TOPEKA, KANSAS 66612

September 3, 1975

RECEIVED

SEP 8 1975

SENATOR FRANK CHURCH

The Honorable Frank Church
Chairman, Subcommittee on Interior
and Insular Affairs
United States Senate
Washington, D. C. 20510

Dear Senator Church:

This is in response to the six questions posed in your letter of August 19, 1975; the answers to which will complete my testimony for the Committee's consideration relative to S. 506 and the Water Resources Planning Act of 1965.

For your convenience, the questions are being repeated.

1. What incentives are needed to encourage more interest on the part of the state in participating in Level B studies and activities of the river basin commissions?

Answer: The states have found that information leading to their participation in the Level B studies is of greater importance to them at the present time than the Level B studies themselves. They see Level B studies as a step which can be taken only after necessary preparations have been made. Many of them feel that Level B studies, as presently defined and limited, are not answering the kinds of questions they encounter in water resources planning and development. The states would become more interested in the activities of river basin commissions if they could be assured of greater emphasis on coordination of and technical assistance directly responsive to their own planning needs. The Missouri River Basin Commission is concentrating on these kinds of assistance to the states and as a result, the states are responding quite satisfactorily.

Although more than 20 Level B studies have been requested through the commissions and interagency committees; the Water Resources Council has funded only two. This is quite discouraging to the states. After rebuffs like this, the states are inclined to seek other channels for assistance to meet their needs. The program offered by the Water Resources Council would become more attractive if the states could be assured that there would be a response to their needs financially and technically.

2. Is the membership of the Water Resources Council appropriate? If not, why? What should it be? Should state representation of the Council be considered?

Answer: Membership of the Water Resources Council is not providing the kind of response that was originally intended in the Water Resources Planning Act of 1965. The river basin commissions with state participation are working reasonably well. When needs are expressed to the Water Resources Council, there is a lack of response, perhaps because of the inability of the Council membership to appreciate the state requirements. Therefore, it is recommended that the Council include in its membership an equal number of state representatives so that the state requirements could no longer be bypassed or ignored. It is further recommended that the Chairman of the Water Resources Council be appointed by the President, independent of the federal agencies, and that the Council itself be placed within the domestic council of the Executive Office of the President. This would tend to get the Council away from federal agency domination. It should be renamed the National Water Council and be appropriately responsible for the interpretation of national water policy.

3. What should be the role of the Title II Commissions in coordinating direct federal and federally assisted water and related land resources grant programs? Should there be a consolidated grant program?

Answer: I believe that the Title II Commissions have the responsibility to furnish information to the Water Resources Council relative to the operation of various state programs under Title III but that they should not directly determine funding to be distributed to the states under Title III. The same could be said for grants for waste treatment works, for fish and wildlife program grants, and for recreational grants. The allocation of funding to the states should be made under one formula and one place, otherwise, there will be too much attention directed towards the administration of these grants and not enough towards their primary responsibility, i.e., that of coordinating planning within the respective regions. I am in favor of consolidating grants if it is possible, but this would take very widespread consideration and action by the Congress of the United States to make this workable.

4. Should river basin commission coverage be extended to include the entire Nation? How could this best be implemented?

Answer: I believe the best procedure for handling commission coverage would be to continue the present policy of letting the states decide whether they wish to become a part of river basin commissions or not. They could be encouraged to see the benefits of river basin commissions by giving assistance to regions not presently in a commission. The shortcoming of an interagency committee is its lack of funding with which to do a good job of coordinating at the basin level. I believe the states are in general agreement that some form of interstate relationship must be established for the states' mutual benefit and protection. Many of them are not yet convinced that the commissions are worth

what the costs are to the states to belong. Some states would have to be members of three or four commissions and this becomes quite costly both in time and personnel commitments which must be made. I see little advantage to forcing states into a commission setup if they do not desire to become a part of it.

5. Would a more formal relationship between the Council and the river basin commissions have merit? What are the options?

Answer: If the present form of the Water Resources Council is retained, then it would appear that a provision for making the chairmen of the river basin commissions members of the Council would have merit. At the present time, the chairmen are observers to the Council and can have no direct impact on the Council's actions. This is quite frustrating to the chairmen and to the river basin commissions to be asked to stand on the sidelines when a question concerning their interests is debated or ignored as the case may be by the Council. Another possibility is making the Vice-Chairmen of the river basin commissions members of the Council. The Vice-Chairmen are appointed by the state representatives and represent the state interests directly. They are not federal employees, therefore, they could be quite detached in their thinking processes relative to federal agency activities. In my opinion, either one of these relationships would not be as valuable as restructuring the Water Resources Council in accordance with my comments on question no. 2.

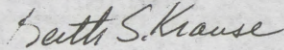
6. How can the river basin commissions be strengthened? Are changes in the role of these needed? If so, what are the alternatives and how could they be implemented? Is funding for Title II adequate?

Answer: The worthiness of a river basin commission is largely dependent upon the leadership role of the chairman. Therefore, the success of a commission greatly depends upon the choice of men for the chairmanship. There is a natural tendency for those involved in commission activities to avoid the hard decisions or to rattle the knuckles of powerful agencies or state representatives. It is doubtful that these kinds of characteristics can be legislated; yet so much of the success of the commissions depends upon the chairman's ability to do the things in a firm yet diplomatic fashion. There is also potential conflict between the federal regional councils and the river basin commissions. The federal regional councils are prone to become quite aggressive and in some instances, overstep boundaries into the field of water resources planning and management. I would prefer to see any potential land use planning be conducted through the present river basin commissions or successor commissions made up in the same general format as the present river basin commissions. This would tend to concentrate an otherwise fragmented approach to land use planning through a number of federal agencies such as the Environmental Protection Agency, Housing and Urban Development, and the Department of Transportation.

My experience relative to the funding for Title II activities is not sufficient to be able to provide a positive reaction to its adequacies. It is my opinion that the funding authority should be flexible enough to permit adjustments as they may be required.

Should my answers to these questions suggest further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Keith S. Krause".

Keith S. Krause
Executive Director

KSK:dk

RECEIVED

STATE OF INDIANA

SEP 12 1975


 Frank Church
 INDIANAPOLIS, 46204

DEPARTMENT OF NATURAL RESOURCES

 JOSEPH D. CLOUD
 DIRECTOR

September 8, 1975

 Honorable Frank Church, Chairman
 Subcommittee on Energy Research and Water Resources
 Committee on Interior and Insular Affairs
 3106 Dirksen Senate Office Building
 Washington, D. C. 20510

Dear Senator Church:

This is in response to your letter of August 19, 1975, transmitting a series of six questions to complete the hearing record and lay an adequate base for the Committee's consideration of the Water Resources Planning Act.

For some reason, your letter has just reached this office and consequently this response does not conform to your requested reply date of September 1. I do hope, however, that you may still be able to incorporate this into the record.

For ease of reference, our response to your questions is made in the same order in which they were posed and are numbered accordingly.

1. In my opinion, the major existing stumbling-block is the overwhelming dominance of the Federal side. I am not speaking here of the decision-making role per se on the Commission, since that is a consensus process. What does disturb us is the fact that every study that is made apparently must be made in strict conformance with detailed and rigid Federal rules, procedures, practices, principles, standards, etc., ad infinitum. Such nationally-developed and applied, and sometimes conflicting, "red tape", rigidly applied by the numerous federal agencies involved, leave little or no room for State or regional variations, needs or objectives. It often appears to the States that the planning concept established in the Act is designed, or at least applied, in a manner designed to impose the federal goals and objectives as overriding considerations and to use the States and their participating role simply to further those federal goals. The "Principles and Standards" of the Water Resources Council are a case in point. Every federal, or even federally assisted, study must be in strict compliance with this rigid, complicated and sometimes esoteric procedure, one of whose net results is that no decision-maker, unless he be a professional economist and planner, can understand a report, much less the general public.

The major incentive that could be provided is to establish this cooperative and joint planning process in such a manner that the Federal involvement would be in the form of assisting the States

"EQUAL OPPORTUNITY EMPLOYER"

and regions to accomplish, in a straightforward manner, their water resources planning needs, recognizing that in this day and age there are very few, if any, water resources projects which are purely federal.

2. The present membership of the Water Resources Council is not appropriate, for the reason that it reflects once again the concept of absolute federal dominance and control. On the federal side, it should be limited to representation of only those federal agencies who are actually engaged in the planning and development of water resources. Many of the present members represent only regulatory or assistance grant agencies. In line with the concepts discussed in question 1, it should by all means include State representation in a significant degree.
3. Since the Title II Commissions are to develop and maintain a comprehensive, coordinated joint plan, and since such plan reflects the consensus of the States and Federal agencies, it would appear logical that such Commissions would be in an advantageous position to coordinate federal and federally assisted programs which are involved in the implementation of that plan - provided, that this can be done in a manner which supercedes, instead of adding to, and hopefully reduces, some of the lengthy existing mechanisms.

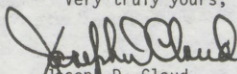
A consolidated grant program, on its face, appears to be attractive, especially if it could be designed to provide a better balance of funding as between various types of needs and programs. There are serious and involved questions of determining the regional, or basin, allocations and then the distribution of that funding throughout the basin. We would suggest that this warrants more than hasty consideration.

4. We believe that the present procedure for the establishment of Commissions, in which the initiative is basically left to the States, is proper. This would appear to be another instance in which regional differences across the nation play a role.
5. If the Council membership be changed along the lines indicated, together with its status as proposed in prior testimony, then the question of a more formal relationship is of far less importance than is the question of its role. It should be a propounder and interpreter of national policy, a mechanism to represent and facilitate the work and programs of Commissions, and to provide essential support and guidance.
6. In the general sense, and we do not have a specific program to offer, we suggest that Commissions can be strengthened as per our discussion under questions 1, 2, 3 and 5. These discussions indicate that, in our opinion, changes are needed and that legislation is necessary to affect those changes.

Funding for Title II is, as indicated in prior testimony, inadequate, and should be expanded to a level of at least \$10 million per year. We would suggest, however, that the resolution of some of the problems indicated above would do more toward spurring real interest and input from the States than would the provision of more federal monies for the States, in essence, to do work for the federal agencies under their rules. Both changes are needed.

We appreciate the interest and concern of the Committee and wish you well in your deliberation of these important matters.

Very truly yours,



Joseph D. Cloud
Director
Department of Natural Resources

JDC/WJA:bb

New York State Department of Environmental Conservation

50 Wolf Road, Albany, New York 12233

Ogden Reid,
Commissioner

August 29, 1975

Dear Senator Church:

This is in response to your request of Mr. John A. Finck of this Department, who appeared as a witness before your Subcommittee, to answer written questions concerning the Water Resources Planning Act. We appreciate your request and are pleased to respond. We have responded to your six questions in the order listed in your letter.

1. The Water Resources Council (WRC) membership should be expanded to include State members on the Council on a representative basis. A minimum of two State members should be added which would be at least one representative from the eastern part of the country and one from the western part. Three or four State members might be even more desirable. State membership is needed to provide adequate opportunity for State viewpoints to be presented to the Council for decisions on policies and programs.

2. WRC Chairman should be independent of any Federal agency. He should be appointed by the President with the consent of the Congress and should report directly to the President. The Council should be an independent agency in the Executive Office of the President. This would give higher priority status to water and related land resources matters and more direct access to the Executive and Legislative branches for policy decisions, legislative changes and sufficient appropriations for an effective national program.

3. More utilization of the States is needed in planning, management of studies and coordination in WRC programs. At the State level we provide planning and coordination on an intrastate basis and assist on interstate coordination through our participation in Title II and Compact River Basin Commissions. The River Basin Commissions should be changed to reflect any strengthening or restructuring of the Water Resources Council and any changes in Council responsibilities. The Title II Commissions are still developing in their roles and effectiveness for coordinating and carrying out planning programs. The States should have greater roles in the WRC and Commissions programs, and the Commissions should concentrate more on solving needs of interstate, regional and national significance.

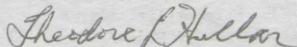
4. The Title III funding is not adequate. The authorization should be increased nationwide to a minimum of \$10 million annually and the full amount should be appropriated each year. This increase would enable us to meet our planning needs more adequately. These needs are continually increasing because of the severity of our water and related resource problems, particularly in urban areas, as reflected by increasing flood losses, continuing water pollution particularly from non-point sources and increasing water supply demands. In addition, planning is much more complex because of the need to consider all viable alternatives and to evaluate the environmental and social as well as economic impacts. Also States have been recognized and funded for increased responsibilities for planning in recently enacted Federal legislation such as for water quality and coastal zone management. This recognition and appropriate funding should be included in the Water Resources Planning Act.

5. Title III should not have an expiration date but should continue for an indefinite period. In view of current trends the need for water and related resource planning will continue to increase in the future and require continuing Federal support. Planning should be a continuous process to keep plans up to date for implementation and to incorporate changes based on new conditions, new priorities and preferences and other factors.

6. Title III funds have increased our water resources planning capability by enabling us to maintain an additional five experienced and capable staff members. With their assistance we have been able to make significant progress towards developing a State water plan by river basins. Seven basin board plans have been completed and significant progress has been made on four additional basin board studies. Staff funded under the Title III program have also enabled us to participate more actively in Federal-State and interstate planning programs. If the Title III program is allowed to expire we would lose this experience capability. The loss of these key staff members would have a severe impact on our water resources planning program and cause delays in completion of basin and State water plans and further delay in implementation of needed projects and programs.

Your full consideration of our responses to your questions will be deeply appreciated.

Sincerely yours,

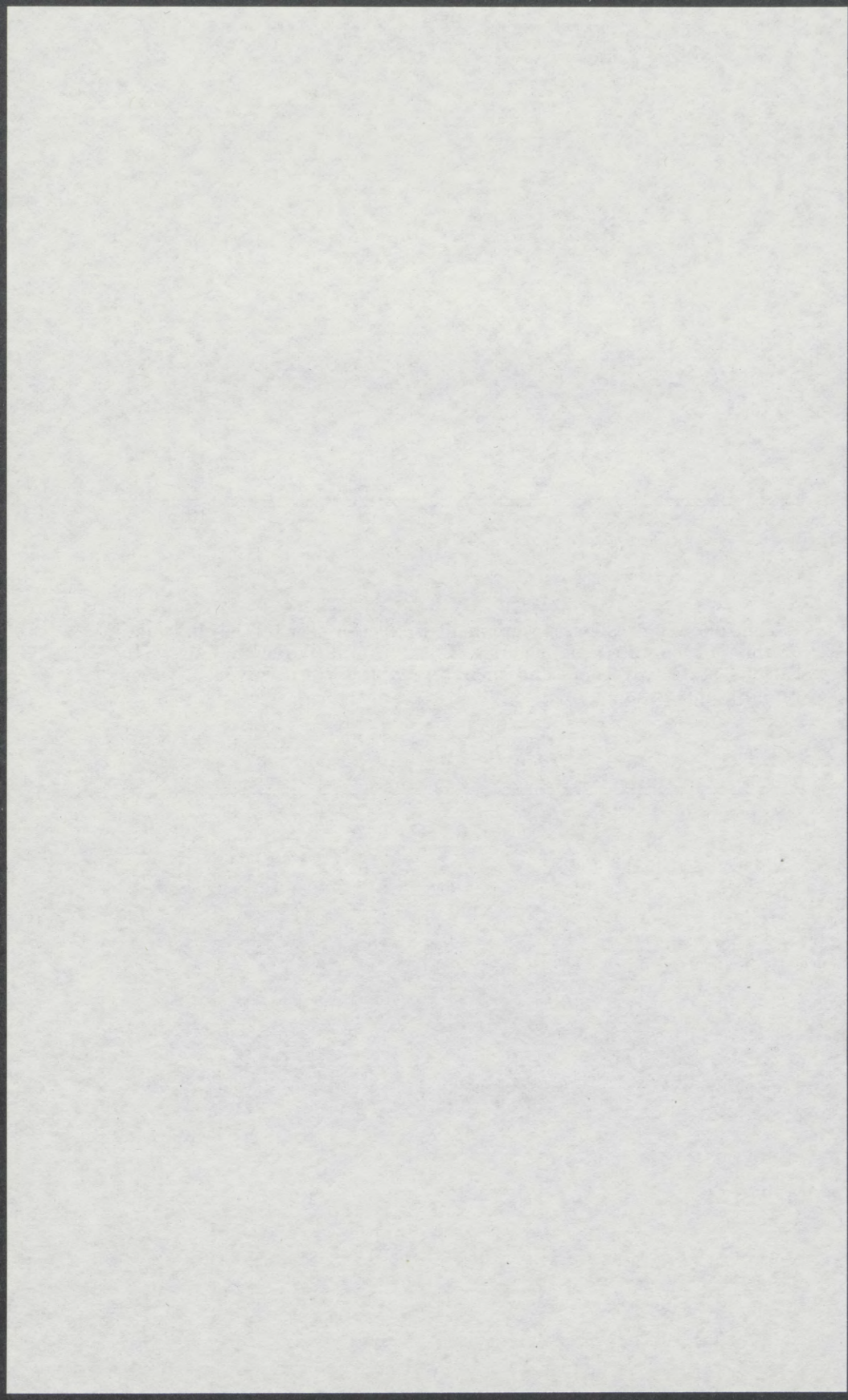


Theodore L. Hullar
Deputy Commissioner for
Programs and Research

Honorable Frank Church, Chairman
Subcommittee on Energy Research & Water Resources
Committee on Interior and Insular Affairs
United States Senate
Washington, D. C. 20510

APPENDIX II

The following responses were made to a letter sent by the chairman of the Subcommittee on Energy Research and Water Resources to various State Governors and their representatives involved in water resources planning.



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M — JUNEAU 99801

JAY S. HAMMOND, Governor

June 4, 1975

The Honorable Frank Church
Chairman
Subcommittee on Energy Research
and Water Resources
Interior and Insular Affairs
Committee
United States Senate
Washington, D. C. 20510

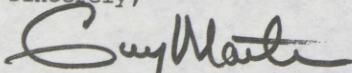
Dear Senator Church:

Thank you for the copy of S. 506, which would continue financial assistance to the states for water resources planning.

Alaska has participated in the Title III Water Resources Planning Act. Federal funding levels have generally been at basic allotment amounts. Your amendment to the Water Resource Planning Act of 1965 would provide for continuity in future water planning which is very desirable in Alaska.

I am pleased to be able to advise that the administration of the State of Alaska will support S. 506 and will request Senate and House members from Alaska to work toward passage of the bill.

Sincerely,



Guy R. Martin
Commissioner

cc: The Honorable Mike Gravel
The Honorable Ted Stevens
The Honorable Don Young

ARKANSAS

COMMISSIONERS
 JOHN LUCE, CHAIRMAN
 FORT SMITH
 WAYNE GAIRHAN, VICE-CHM.
 TRUMANN
 ROBERT P. LEWIS
 SCOTT
 GRAHAM P. MULLEN
 DES ARC
 GERALD C. HENDRIX
 ANTOINE
 EARL S. LANDERS
 BATESVILLE
 JACK A. GIBSON
 DERMOTT



DEPARTMENT OF COMMERCE
 DIVISION OF SOIL AND WATER RESOURCES

1200 WESTPARK DRIVE, ROOM 308
 LITTLE ROCK, ARKANSAS 72204

DONALD V. ALLEN
 DIRECTOR OF COMMERCE

JOHN P. SAXTON
 DIRECTOR
 (501) 371-1611

July 15, 1975

The Honorable Frank Church, Chairman
 Subcommittee on Energy
 Research and Water Resources
 Committee on Interior and Insular
 Affairs
 United States Senate
 Washington, D. C. 20510

Dear Senator Church:

An opportunity to comment on your S. 506 is appreciated.

I further appreciate your efforts to assist the states in the matter of comprehensive water planning. The State of Arkansas is considered by those in the western one-half of the United States to be a water-rich state. We are, but the basic problem is one of management. We do not have the water at the locations desired in quantity and quality needed. Our increasing population, industry, and efforts to obtain maximum yields of food and fiber products make the development of a viable water management plan imperative. This task cannot be accomplished within the time frame required without federal assistance.

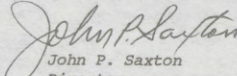
In relation to directions of future water planning efforts, in my opinion, the most important factor that appears to fragmentize all activities is the lack of genuine coordination between federal agencies and between the federal agencies and the states. Locally, we have an excellent federal-state relationship, but the federal agencies are not nearly so coordination orientated between themselves. An example to illustrate this observation: Under the provisions of the Water Resource Planning Act of 1974, the Army Corps of Engineers is authorized to assist the states in comprehensive water resource planning. Our state received some funding for this program in FY 1975. The Department of Agriculture (Soil Conservation Service)



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has started a Type IV Study of the entire state. We have and will continue to attempt to coordinate these two programs. An improved product would result, however, if the Congress approved a statutory mandate that federal agencies maintain a continual coordination in related projects.

Sincerely,


John P. Saxton
Director

JPS:bw

CENTRAL ARIZONA PROJECT ASSOCIATION

1124 Arizona Title Building

Phoenix, Arizona 85003

Telephone 253-2136

April 21, 1975

J. C. WETZLER, CHAIRMAN OF THE BOARD
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NORMAN FAIN, VICE PRESIDENT
FRED R. STOFFT, SECRETARY-TREASURER
RICH JOHNSON, EXECUTIVE DIRECTOR

MORLEY E. FOX
WASHINGTON REPRESENTATIVE
200 C STREET, S. E.
WASHINGTON, D. C. 20003
TELEPHONE (202) 547-6063

Hon. Frank Church, Chairman
Subcommittee on Energy
Research & Water Resources
United States Senate
Washington, D. C. 20510

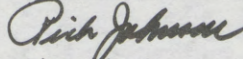
Dear Senator Church:

During the period in which I was Executive Director of the Arizona Water Commission I initiated Arizona's participation in the Title III grant program under P.L. 89-80. I assure you that it was the means of adding much needed expertise to the staff and making a long needed beginning on development of a State Water Plan.

Because the Central Arizona Project is the key to such a Statewide plan, and progress on that project is only now beginning to move forward, the larger plan is just beginning to take form. Although I am no longer with the Commission, it is apparent to me that Title III funds will continue for several years more to be essential to the Commission's function in the water resources planning field.

I encourage you to continue your effort to extend the Title III grant program beyond 1976.

Sincerely,



Rich Johnson

RJc

DEPARTMENT OF WATER RESOURCES

P. O. BOX 388
SACRAMENTO
95802



MAY 19 1975

Honorable Frank Church, Chairman
Subcommittee on Energy Research
and Water Resources
Senate Committee on Interior and
Insular Affairs
Washington, D. C. 20510

Dear Senator Church:

This is in response to your letter concerning continued funding of the grant program under Title III of P. L. 89-80, the Water Resources Planning Act.

You asked for comments and thoughts regarding the directions which we believe water resources planning should take in the decades ahead. Water resource planning in the future must be reoriented to give a greater attention to serving the interests of the general public as opposed to development which has tended to benefit mostly interest groups. Emphasis should be given to better management of supplies already developed. Where further development of supplies is necessary, sound economic principles should be applied. Direct beneficiaries should pay their full share of allocated project costs.

We do not see any lessening in the efforts by all agencies concerned with water resource planning, only a need for a change in direction and emphasis. Certainly the value to the nation of adequate water supplies to support municipal, industrial and agricultural needs, for reducing flood losses, and for recreational and fish and wildlife uses has not diminished.

Water resources planners in the decades ahead will be faced with the difficult task of equating the desire of the people to preserve free-flowing rivers, against the national and international demands for increasing food and fiber production and the spiraling demand for energy. There will be a need to provide even greater opportunity for public involvement by responsible citizens.

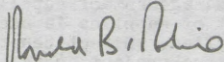
The energy crisis has imposed yet another area of concern to water planners which should have input from the people in arriving at acceptable solutions. The total demand for energy will have to be taken into account in examining alternative means for meeting supplemental demands for water. It is evident that water resource planning

will eventually be only one element of total resource planning at some future point in time. It is obvious the task before us will become increasingly complex and time consuming as competition for available resources becomes more intense while at the same time we strive to maintain a high quality of life for our citizens.

One area in which we see a need for greater emphasis is in water conservation measures and reuse of existing supplies. In our current planning programs, we are emphasizing evaluation of water conservation measures, reuse of existing supplies to the maximum extent practicable, and other possible means of achieving better water management and a reduction in energy usage. We believe that much can be done at the state and local levels in making better use of existing supplies. In some instances waste water reclamation may offer a possible source of supply. The potential for its use will require careful evaluation to determine how it may fit into planning for overall water needs. Added emphasis will need to be given to the potential use of agricultural waste water for power plant cooling. Much of the work in these areas will be the responsibility of the state water planning organizations.

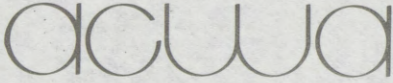
We can expect increasing attention to land use planning and control which will require increased capability and involvement at the local governmental levels. The means for increasing our capability in water resources planning must also be available. It is important, therefore, that state governments continue to receive grant funds for water resources and related land use planning. We are hopeful that Title III of the Water Resources Planning Act can be extended as provided for in your bill S. 506.

Sincerely,



Ronald B. Robie
Director

Airmail



association of california water agencies • since 1910
a non-profit corporation

April 24, 1975

The Honorable Frank Church, Chairman
Subcommittee on Energy Research and
Water Resources
Senate Committee on Interior and
Insular Affairs
New Senate Office Building
Washington, D.C. 20515

Dear Senator Church:

This is in response to your recent letter concerning the Water Resources Planning Act, and specifically Title III of Public Law 89-80 relating to the grant program. This Association supports the continuation of grants to states for water resource planning. This program has provided the basis for a great deal of the water resources planning activities of many states and should, without question, be continued on a permanent basis.

Water resources planning must necessarily be a continuing activity as there is a constant need to evaluate and re-evaluate planning activities in the light of changing circumstances, new technology and changing public attitudes and concerns. We would, therefore, support the intent and purpose of your S. 506 and recommend its passage by the Congress of the United States.

As a matter of information, the Association of California Water Agencies is composed of some 260 public agencies which deliver approximately 85% of the water supplied in the State of California. We respectfully urge your consideration of our views with regard to continued funding of state water planning activities under Title III of the Water Resources Planning Act.

Sincerely,

A handwritten signature in cursive script that reads "Louis B. Allen, Jr."

Louis B. Allen, Jr.
Assistant Executive Director

LBA:as

1127 11th street, suite 305 • sacramento, california 95814 • (916) 441-4545 • lyle w. martin, president
• howard h. hawkins, vice president • john p. fraser, executive director and general counsel

BENJAMIN F. STAPLETON
Chairman, Denver

FREDERICK V. KROEGER
Vice-Chairman, Durango

JOHN T. BENTON
Burns

CLARENCE E. BURR
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QUINCY C. CORNELIUS
Hooper

JOHN R. FETCHER
Steamboat Springs

LEE E. FORD
Montrose

HUGH E. PICKREL
Rocky Ford

HERBERT H. VANDEMOER
Sterling



RICHARD D. LAMM
Governor

DEPARTMENT OF NATURAL RESOURCES

COLORADO WATER CONSERVATION BOARD

102 COLUMBINE BUILDING 1845 SHERMAN STREET
DENVER, COLORADO 80203

FELIX L. SPARKS
Director

LAREN D. MORRILL
Deputy Director

Telephone
303-892-3441

March 27, 1975

The Honorable Frank Church
United States Senator
United States Senate
Washington, D. C. 20510

Dear Senator Church:

Enclosed herewith is a copy of a resolution adopted by this board at its meeting in Washington, D. C. on March 20, 1975, expressing support for the legislation which you have introduced, S. 506, to continue financial assistance to the states under the provisions of the Water Resources Planning Act. Copies of this resolution have been sent to all members of Colorado's congressional delegation and to the Water Resources Council.

We greatly appreciate your interest and support for an extension of the provisions of state financial assistance under the act. I am quite sure that you will have the support of the members of Colorado's congressional delegation towards the passage of your bill.

Respectfully yours,

FELIX L. SPARKS
Director

FLS:mm
Enc.

COLORADO WATER CONSERVATION BOARD
102 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

March 20, 1975

R E S O L U T I O N

WHEREAS, the Eighty-ninth Congress of the United States in 1965 enacted Public Law 89-80, the Water Resources Planning Act; and

WHEREAS, the purpose of the act was to provide for the optimum development of the nation's natural resources through the coordinated planning of water and related land resources through the establishment of a water resources council and river basin commissions and to provide financial assistance to the states to increase state participation in such planning; and

WHEREAS, Title III of the Water Resources Planning Act provides for the appropriation of funds to the Water Resources Council for grants to states on a matching basis to assist them in developing and participating in the development of comprehensive water and related land resources plans; and

WHEREAS, the scheduled expiration of the Title III planning assistance grant program to the states as provided for in the 1965 Act is June 30, 1976; and

WHEREAS, the State of Colorado through the Colorado Water Conservation Board has participated in the Title III planning assistance grant program since its inception, and the federal funds received, coupled with matching state funds, have benefited the state greatly in the implementation of comprehensive planning, with respect to intra-state and interstate water resources, to meet the needs of water related activities, taking into account prospective demands for all purposes served through or affected by water and related land resources development; and

WHEREAS, few, if any, issues are more critical for future development of Colorado than effective and wise use and management of the state's finite water resources, and the many critical water related issues facing the state require continued comprehensive water resources planning; and

WHEREAS, S. 506, a bill to extend the authority for financial assistance to the states for water resources planning, has been introduced in the United States Senate by Senator Church of Idaho;

NOW, THEREFORE, BE IT RESOLVED by the Colorado Water Conservation Board in regular meeting in Washington, D. C., this 20th day of March 1975, that the planning assistance grant program of the 1965 Water Resources Planning Act is a worthwhile and needed program and should be extended as provided for in S. 506; and

BE IT FURTHER RESOLVED that the Governor of the State of Colorado and each of Colorado's Senators and Representatives in the United States Congress be requested to lend assistance to carrying out the intent and purposes of this resolution.

C E R T I F I C A T E

I certify that the foregoing is a true and correct copy of a resolution adopted by a unanimous vote of the members of the Colorado Water Conservation Board in regular session assembled at Washington, D. C., on the 20th day of March 1975.



FELIX L. SPARKS, Secretary



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
 Dover, Delaware 19901

John C. Bryson
 Secretary

May 8, 1975

The Honorable Frank Church
 United States Senator
 Chairman Subcommittee on Energy
 Research & Water Resources
 Interior and Insular Affairs
 Washington, D.C. 20510

Dear Senator Church:

We endorse your bill (S.506) which is directed toward extending authorization to provide funding to the states for Water Resources Planning. The program under Title III of PL 89-80 (The Water Resources Planning Act) has been most useful in the State of Delaware. Federal funding has assisted the state in developing trained staff and in directing its efforts toward development of a comprehensive water resources plan. This is a major step forward in a state which has been traditionally considered a "water rich" state. We will review Title I and II of the act and provide comments prior to the hearing date.

Sincerely,

John C. Bryson
 John C. Bryson
 Secretary

JCB/NCV/vh

cc: The Honorable William V. Roth, Jr.
 The Honorable Joseph R. Biden
 The Honorable Pierre S. duPont IV
 The Honorable Dale Bumpers
 Mr. Warren D. Fairchild



OFFICE OF THE DIRECTOR
WATER RESOURCES RESEARCH CENTER
TELEPHONE: (202) 629-7804

WASHINGTON TECHNICAL INSTITUTE
4100 CONNECTICUT AVENUE, N.W., WASHINGTON, D.C. 20008

April 29, 1975

RECEIVED

MAY 1 1975

SENATOR FRANK CHURCH

The Honorable Frank Church
Chairman, Subcommittee on Energy Research
and Water Resources
Committee on Interior and Insular Affairs
United States Senate
Washington, D. C. 20510

Dear Senator Church:

I am pleased to have the opportunity to comment on the directions which water resources planning should take in the decades ahead. Generally, I feel that water resources planning in the future must address the following issues:

- Water resources for energy development
- Control of nonpoint sources of pollution
- Relationship of land use planning to growth
- Regional management of water resources and interjurisdictional problems.

My remarks on water resources planning as related to these issues are presented in Attachment I to this letter.

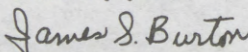
For the planning process in general, I believe that more emphasis should be placed on explicit goal setting for solving critical water resources problems. Also, there should be a continued effort to develop effectiveness measures to determine the degree to which goals are being achieved.

For your information, I have also included a copy of the following documents which present the water resources problem projections and research needs for the District of Columbia.

1. "Water Resources Problem Projections for the District of Columbia, Fiscal Year 1976 through 1980", Water Resources Research Center, Washington Technical Institute, October 15, 1974*.
2. "Water Resources Research Requirements for the District of Columbia, Fiscal Year 1976 through 1980", Water Resources Research Center, Washington Technical Institute, November 1, 1974*.

Please contact me if you should require any further information.

Sincerely yours,



James S. Burton
Director

Attachments (3)

*The technical reports referred to were retained in the committee files.

ATTACHMENT IDIRECTIONS FOR WATER RESOURCES PLANNING
IN THE DECADES AHEAD

James S. Burton, Ph. D.

First, I would like to address the planning process in general. Within the planning process, I believe that more emphasis must be placed on explicit goal setting for solving the totality of critical water resources problems for specific locations. Secondly, effectiveness measures should continue to be developed to determine the degree to which set goals are being achieved.

The planning activity should be related more to the implementation phase. This requires a coordinated effort between the planners and the persons responsible for implementing the plan at the initial planning phase. The degree to which the implementation phase was achieving the set water resources planning goals would be determined by the effectiveness measures. Furthermore, the long-range plans to achieve certain water resources goals should continue to be reviewed at least annually and updated to enable timely changes in the plan in response to changing conditions and new information in the area.

I believe that water resources planning in the decades ahead must address the following issues:

1. Water resources for energy development
2. Control of nonpoint sources of pollution
3. Land use planning and growth
4. Regional management of water resources and interjurisdictional problems.

Water resources planning as related to these issues are discussed in the following sections.

WATER RESOURCES FOR ENERGY DEVELOPMENT

A major issue which must be addressed by water resources planning is the competition between the domestic use of water and the development of our energy resources to attain our goal

of energy self-sufficiency. Of particular concern is the development of our oil shale and coal reserves in the western part of the United States. For example, oil-shale mining is expected to become a major industry in several parts of Colorado, Utah, and Wyoming underlain by the Green River Formation¹. This demand for water is of particular concern for the arid parts of the Colorado River Basin where limited water will dictate economies in water use. Although, the availability of water in the Upper Colorado Basin appears to be sufficient for the next ten years, there may be severe shortages in some drainage areas where intensive energy development is expected. Additional areas of energy development requiring large amounts of water are coal gasification and coal liquefaction.

CONTROL OF NONPOINT SOURCES OF POLLUTION

Another water resources problem that future planning efforts should address deals with the pollution of municipal water supplies across the nation by trace organic compounds. There is some indication that these compounds may be carcinogenic. Long-range plans for eliminating these organic compounds from municipal water supplies would encompass the following: (1) a monitoring phase to determine the source of these chemicals, for example, trace organics originating from point and nonpoint sources; and (2) a development phase which would use technology transfer from earlier developments to prevent or eliminate organic materials from entering municipal water supplies once the source and nature of the organic material were determined. Control technology could be transferred from projects either sponsored or conducted by government agencies like the Department of the Interior, Environmental Protection Agency, the Department of Defense, and National Science Foundation, as well as those conducted by private industry. An example of technology transfer would be the application of the reverse osmosis process developed for the desalination of water to the removal of organics from drinking water.

If a specific technological process was not available for removing organics, then one would apply the "best available technology". Effectiveness measures on how well a specific plan to eliminate organics was achieving its goal would depend on the monitoring of organics in drinking water during the implementation phase.

LAND USE PLANNING AND GROWTH

One of the more important issues in water resources planning in the future is the relationship between land use planning and

population growth. The growth of an area must be carefully planned to ensure that an adequate supply of water is available for domestic use and that water quality is not impaired. There must be adequate plans for water supply including the construction of water impoundment structures to ensure a minimum flow of water to the community during drought periods. Concurrently, water quality must be protected by implementing zoning and regulated controls to channel growth in those areas best suited for development. For areas undergoing development, sediment and erosion control ordinances must be developed to prevent runoff from construction sites.

In addition to water supply and the use of various controls to protect water quality, the comprehensive land use plan must consider the future wastewater treatment facilities required for specific population growth areas and the future developments in wastewater treatment processes that will produce high quality effluents which can be used by humans. Particular emphasis should be placed on the reuse of water. For example, the potential water supply problem of the Washington Metropolitan area could be alleviated if a cost-effectiveness process could be developed to reuse water from the Potomac River Estuary.

For industrialized areas, water reuse development would be a means of achieving the goal of "zero discharge" for an industrial plant. In this instance, wastewater would be reused instead of discharging pollutants into a river.

Another aspect of land use planning that must be implemented in future decades is to provide for the wise use of flood plains. The intensification of the use of the Nation's flood plains has caused a rise in exposure to flood losses. These losses have only been partially offset by national expenditures to modify flooding.

REGIONAL MANAGEMENT OF WATER RESOURCES AND INTERJURISDICTIONAL PROBLEMS

Finally, overall water resources planning for the decades ahead must consider regional management of water resources and institutional problems. In most instances, water resources problems are not associated with a single town or city, but may be common to a region. An example of this is the Washington Metropolitan area which encompasses the District of Columbia; Arlington and Fairfax Counties in Virginia; and Montgomery and Prince Georges Counties in Maryland. There are about 20 separate government and private agencies in the Maryland, Virginia and District of Columbia area concerned with the distribution of water throughout the region. This multiplicity of

agencies each with their separate policies and politics impedes the effective use of the current water supply and hinders sound development of new supply services.

Also, there is the problem of the lack of coordination between the scheduling of needed waste treatment facilities. This problem has produced building moratoriums and proposals for limiting growth in the Washington Metropolitan area. The methodology must be developed for coordinating all interests into a uniform program with respect to water supply and wastewater treatment.

REFERENCE

1. George H. Davis and Leonard A. Wood, "Water Demands for Expanding Energy Development", Geological Survey Circular 703, 1974.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 4, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Laws, Committee on
Interior and Insular Affairs, Washington, D.C.

DEAR FRANK: Enclosed is a copy of a letter which I have received from Wyoming's Governor, Ed Herschler, in support of S. 506, a bill to extend Public Law 89-80, the Water Resources Planning Act.

As you know, I have joined you in sponsoring this important legislation. I would hope that you can include Governor Herschler's letter in the committee's hearing record.

Thank you for your attention to this matter.

Sincerely,

GALE MCGEE,
U.S. Senator.

Enclosure.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., July 28, 1975.

HON. GALE W. MCGEE,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MCGEE: Senator Church introduced S 506 to remove the time limit for water and related land resources planning grants to the States under Public Law 89-80. The act specified grants for a 10-year period, fiscal years 1967-76. We urge your support for this bill and for continued and improved funding for this program of vital importance to Wyoming.

Hearings in Washington, D.C. have already been held on the bill, and we understand that additional hearings are being scheduled for sometime in October in Las Vegas.

The title III grants for the States were provided so that the States could better participate in Federal and Federal-State water resources planning, and so that the States could formulate their own water and related land resources plans. The program contributed about 35 percent of the costs of establishing a framework water plan for Wyoming, and considerably improved our capabilities for participating in related Federal water resources planning.

Planning must extend beyond the assessment stages, and State participation in the Federal planning is a continuing, if not increasing, function. Wyoming's energy resources and the national energy situation are requiring expanded State planning of all kinds, and the title III program has been effective in Wyoming.

We would appreciate your support for favorable consideration of Senator Church's bill.

Yours sincerely,

ED HERSCHLER.

ENVIRONMENTAL POLICY CENTER,
Washington, D.C., July 21, 1975.

Senator FRANK CHURCH,
Chairman, Subcommittee on Energy Research & Water Resources, Senate Com-
mittee on Interior & Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: The Environmental Policy Center did not testify at the hearings which your Subcommittee held on July 10 and 11 concerning legislation pertaining to the Water Resources Council (S. 506 and S. 1299). Instead, we are submitting this letter for inclusion in the hearing record. We do not have specific comments on S. 506 and S. 1299. Rather, we are writing because it is our view that much more substantial changes in the structure of the Water Resources Council are called for than are addressed, for example, in S. 1299 which would add HUD, Commerce, Transportation, and EPA to membership in the Council while dropping HEW. The purpose of this letter is to urge your Subcommittee to hold oversight hearings on needed reforms in the Water Resources Council and to begin to act on some of the major alterations suggested in the final Report of the National Water Commission concerning the operation of the Water Resources Council.

Here are some of the major problems we see with the Water Resources Council. First, the WRC has not been able to perform the coordination of water resource planning and the institution of necessary reforms. We know of no project that has been substantially revised or scrapped as a result of WRC action. Yet there should be many such instances and we challenge the WRC

to produce a list of such projects if it maintains to the contrary. The reason for this inaction is clear: the WRC is so structured that each of the members has a vote and action can only be by consensus. The WRC thus does not veto the projects planned by its member agencies, nor as far as we can tell has there been meaningful coordination where controversial projects are concerned.

Consider the September 20, 1964, report of the G.A.O. entitled "Improvements Needed in Making Benefit-Cost Analyses for Federal Water Resources Projects." The G.A.O. was sharply critical of the analyses used by the various agencies to justify their water projects. The G.A.O. noted that benefits were not computed in a consistent manner, there was inconsistent use of crop prices and yields, flood control benefits were computed on a systems rather than on an incremental basis, power benefits were claimed for capacity to be provided by another project, benefit computations were not adequately supported and were based on inappropriate or questionable assumptions, project costs were not fully considered, state and federal land values were not included in benefit-cost computations, annual operation & maintenance costs were understated, and pertinent studies were not made. The WRC has been aware of these defects for years, yet has taken no action to force agencies to do a better, more honest job of benefit-cost analysis. The G.A.O. concluded by recommending that the WRC exercise much greater scrutiny over the procedures used by the water development agencies to justify their projects:

"Because of the problems identified in the GAO review—varying interpretations and inconsistent applications of Senate Document 97 guidance which itself was designed to achieve uniform evaluations of water resource projects, and the varying application by the agencies of their own implementing procedures—GAO believes that similar problems may continue to occur under the new principles and standards unless responsive corrective actions are taken and thorough attention is given to such matters by the Council and the water resource agencies.

Accordingly, GAO believes that a review by the Council of the agencies' implementing and detailed procedures is necessary to provide more certainty of uniform and consistent benefit-cost determinations both among and within the water resource agencies."

The National Water Commission's Report strongly criticized the lack of proper federal coordination and review of water development projects and offered a number of recommendations concerning the Water Resources Council. Your Subcommittee is considering now legislation which would implement some of these recommendations such as #11-4 and #11-6 which concern Title III of the Water Resources Planning Act and the grant program and the inclusion of new agencies as members. We urge your Subcommittee to go much farther and consider basic overhaul of the WRC. Simply adding new members and extending the grant program cannot get at the heart of what has to be done with water resources planning. Look at some of the criticisms which the National Water Commission leveled at the WRC. The Commission noted that the "Council seems most weak in its ability to review the policies and programs of the Federal agencies, to confront policy questions and resolve them, and to resolve interagency conflicts." In discussing the Fish and Wildlife Coordination Act, the Commission found that the "Council is in a position to require coordinated planning of fish and wild life interests along with other project purposes in the river basin planning program conducted under the Water Resources Planning Act." The Commission went on to recommend that the WRC "supervise and coordinate Federal water project planning to assure that fish and wildlife values receive equal consideration with other project purposes, as required by the Coordination Act." (Recommendation #5-42) The sad fact is that the Coordination Act has never really been properly implemented and the GAO report submitted to Congress a year ago last spring confirmed the charges made over the years by national conservation groups about water projects not conforming to the requirements of the Coordination Act.

In conclusion, we urge you to pursue the issues we have raised about the effectiveness of the WRC in coordinating water project planning and in seeing that agencies do proper benefit-cost analysis. We believe that oversight hearings are called for and we hope that your Subcommittee will be willing to take testimony from major national conservation organizations on the future role of the Water Resources Council.

Sincerely,

BRENT BLACKWELDER,
Washington Representative.

STATE OF FLORIDA,
OFFICE OF GOVERNOR REUBIN, O'D. ASKEW,
May 1, 1975.

Hon. FRANK CHURCH,
*Chairman, Subcommittee on Energy, Research and Water Resources, U.S. Senate
Committee on Interior and Insular Affairs, Washington, D.C.*

DEAR SENATOR CHURCH: Thank you for your recent letter regarding your proposed bill to provide authority to continue funding of the grant program under Title III of P.L. 89-80, the Water Resources Planning Act. We strongly support this bill as being essential to water resource planning in Florida.

We are continuing to review the Water Resources Planning Act and will soon be able to provide you with further comments regarding future water resources planning and utilization and implementation of the Act.

We appreciate the opportunity to make recommendations on this matter of mutual concern.

Sincerely,

REUBIN ASKEW, *Governor.*

DEPARTMENT OF NATURAL RESOURCES,
Atlanta, Ga., July 22, 1975.

Hon. FRANK CHURCH,
*Chairman, Subcommittee on Energy and Water Resources, Senate Committee of
Interior and Insular Affairs, Dirksen Senate Office Building, Wash-
ington, D.C.*

DEAR SIR: Your correspondence concerning the continuation of funding of the grant program (S. 506) under the Title III of P.L. 89-80, the Water Resources Planning Act, is greatly appreciated. As you are probably aware, Georgia presently receives funds under Title III and has a direct interest in the future of this program. In response to your letter, I would like to take this opportunity to respond for the State of Georgia in support of the proposed bill, S. 506.

Congress has repeatedly recognized that the states have major responsibilities in the area of managing water resources. Title III funds have enabled Georgia to meet some of these responsibilities. Our major on-going program accomplishment funded by Title III monies has been a state-wide Resources Assessment Program. As a major project of this program, resources have been indexed along with county inventories and mappings of vegetation and soil on a state-wide basis. Users guides on vegetation and soil have been published and circulated to encourage use of data generated by the Resources Assessment Program.

Resources Assessment serves as the backbone to most land and water resource planning in Georgia on a state-wide basis. As this resource data is accumulated it is brought to the attention of appropriate agencies and consultants. Information available through this program has served as a vital component to many concerns, i.e., the eighteen Area Planning and Development Commissions in the State, and the Metropolitan (Atlanta) Area Water Resources Study, sponsored by the Corps of Engineers. Particular progress has been made with the State Department of Transportation, which is now using our natural resource factors in route planning decisions. Thus, Federally matched funds under Title III have greatly expanded basic land and water planning programs in Georgia.

These Federal funds have enabled Georgia to develop planning to the stage of regional concern through cooperative efforts with adjoining states. Title III funds have created technological expertise important to Federal programs, such as Coastal Zone Management, while it has given us the personnel to converse effectively on state and regional issues. Georgia is now active with the Resources Advisory Board, an interstate organization which provides a concerted effort in solving water oriented issues of its member states, and a member of the Southeast Basin Interagency Commission, an interstate organization designed to provide a State/Federal problem resolution forum for water and general resource questions. Georgia's Resources Assessment Program, established through the use of these funds, should also be able to enhance the National Assessment Program in their evaluation of natural resources within the State of Georgia.

Ongoing funding through Title III is necessary to natural resource planning in the various states and takes a particular impetus with the uncertainty of land use legislation and supporting financial assistance. Until such time that

land use planning can be developed on a coordinated State/Federal level, the stability afforded by the continuation of Water Resource Planning Act funds will insure the continuity of progressive water and land planning.

The continuation and further development of programs, such as the Resources Assessment Program, is directly dependent on future Title III funds. We are presently working on environmental data banks, trying to make our Resources Assessment Program updatable through computerization and methods of remote sensing. In the future, we hope to use satellites as data gathering units on state-wide resources. While it is likely that many of the programs established through the Water Resources Planning Act would be continued without Title III funds, progressive planning techniques will not be developed in Georgia with less money than is presently available.

The rapid growth of concern for and the use of natural resources in Georgia makes long range planning a necessity, and it will become more of a necessity in the future. Just as planning is becoming more vital, the need for water resource planning funds will be greater than ever before in the years to come.

The Georgia Department of Natural Resources encourages the Senate to aggressively move to approve S. 506 and the progressive state resource planning efforts that Title III of the Water Resources Planning Act of 1966 has initiated. Your consideration for including our comments in the Committee record would be deeply appreciated.

Sincerely,

JOE D. TANNER, *Commissioner.*

OFFICE OF THE GOVERNOR,
Frankfort, Ky., May 5, 1975.

HON. FRANK CHURCH,
*Chairman, Subcommittee on Energy Research and Water Resources, U.S. Senate,
Washington, D.C.*

DEAR SENATOR CHURCH: This is in regard to your recent communication concerning the Water Resources Planning Act of 1965. You enclosed a copy of Senate Bill 506 proposing continuance of financial assistance to States for water resources planning under the Act and asked for comments regarding future water resources planning objectives.

Prior to 1965, there was no significant statewide planning for water resources in Kentucky. The financial assistance under Title III of the Water Planning Act was the catalyst for the development of a program in this field which has been most useful in the state administration. I am in full accord with the proposal in S. 506 that this federal financial assistance should be continued.

Kentucky is richly endowed with water and fossil fuels, both components in the production of energy. I feel that orderly planning for the use of these resources is most necessary in the best interest of Kentucky and the nation. Guidance we have received from the Water Resources Council and the Ohio River Basin Regional Commission has been of great value to us in our efforts to optimize the utilization of both coal and water.

Please be assured that I support continued implementation of all three elements of the Water Resources Planning Act.

Sincerely,

JULIAN M. CARROLL, *Governor.*

EXECUTIVE CHAMBERS,
Honolulu, June 4, 1975.

HON. FRANK CHURCH,
*Chairman, Subcommittee on Energy Research, and Water Resources, U.S. Senate,
Washington, D.C.*

DEAR SENATOR CHURCH: Thank you for your letter and the copy of S. 506 which is a bill to provide the authority to continue funding the grant program under Title III of Public Law 89-80, the Water Resources Planning Act.

The State of Hawaii is very much in favor of this bill. Our Department of Land and Natural Resources has been receiving funds from Title III to inventory the water resources on each of the islands and to prepare the comprehensive water resources plan for the State. The plan presently being developed will assess the water resources situation from the local viewpoint. It will develop solutions to water resources problems that emerge from assessments and prepare a program which will serve as a dynamic guide for executives, legislators and decision makers. The effectiveness of the plan will result in

better management of our water resources; more efficient and economical development of projects to serve the water needs of the people; sagacious selection of long-range research and development programs which will seek solutions to future problems of water resources in Hawaii through improved technology; and more improved water resources conservation that will effectively assure the continued supply necessary to meet the water requirements of the economical, environmental, and social needs of the State.

Title III funds are also used for an educational program to develop the technical capability of our State planners and engineers to cope with water resources problems.

Further, Title III funds have enabled the State to develop a cooperative understanding among water people on all governmental levels so that coordinated plans are being considered for the State of Hawaii.

The Water Resources Planning Act which was passed in 1965 authorized funds under the Title III program for a period of ten years expiring with FY 1976. During this period, however, only one-half of the funds originally authorized for the program in 1965 was made available. As a result, the intended level of the Title III program was never reached.

The Title III program has enabled Hawaii to keep abreast of the water demands required during our period of accelerated growth and these funds will be of great assistance to us in planning for the future under our new controlled growth policy.

With regard to Title I and Title II of the Water Resources Planning Act, Title I concerns the operation of the U.S. Water Resources Council and the biennial assessment to determine the adequacy of supplies of water necessary to meet water requirements in each water resource region. It is our opinion that the Water Resources Council plays an important role in coordinating all water programs of the Federal government. The Council, however, does not have control of the budgeting process for water projects and therefore acts only through persuasion.

With reference to the Assessment, we believe that the biennial assessment of water resources should be changed to an assessment every five years. There is so much to be done during the assessment process that it has been impossible to conduct an assessment on a biennial basis. Five years is just about the right time frame.

Title II of the Water Resources Planning Act is concerned with river basin commissions. Hawaii does not have a river basin commission and therefore we have no comments regarding this matter.

We urge the Committee on Interior and Insular Affairs and the Subcommittee on Energy Research and Water Resources to support Bill S. 506 which will fund Title III of the Water Resources Planning Act on a permanent basis and will provide a steady, reliable base for on-going State comprehensive water and related land planning.

With warm personal regards, I remain,

Yours very truly,

GEORGE R. ARIYOSHI, *Governor.*

STATE OF MARYLAND,
DEPARTMENT OF NATURAL RESOURCES,
WATER RESOURCES ADMINISTRATION,
Annapolis, Md., July 11, 1975.

Hon. FRANK CHURCH,
U.S. Senate
Washington, D.C.

DEAR SENATOR CHURCH: The Water Resources Administration, who administers the Title III funds for Maryland, has reviewed S. 506, and recommend that this Bill be enacted. The assistance provided to date through Title III has facilitated active participation by the states in federal-interstate water and related land resources planning processes.

We further recommend that grants for participation in and contribution to regional and river basin planning, such as Level A and Level B planning, be allocated separately from grants allocated developing a State water plan. Participation in federal-interstate studies should be funded directly, that is, states should be reimbursed for their actual cost of participation in such studies. This procedure for grant allocation would provide adequate funds to those states

participating in federal-interstate (Level A and Level B) studies, would not "penalize" states where such studies have already been accomplished (such as the NAR Study, the Ohio River Basin Study), and would provide funds to States in proportion to their needs and problems at the state and community level. Although we believe Level A and Level B studies are important for developing a national and multi-state regional perspective, the information and analyses developed during such studies are frequently not directly applicable to state and local planning needs. Therefore, we recommend that S. 506 be amended accordingly.

Sincerely yours,

HERBERT M. SACHS, *Director.*

STATE OF MAINE,
EXECUTIVE DEPARTMENT,
STATE PLANNING OFFICE,
Augusta, Maine, May 20, 1975.

Senator FRANK CHURCH,
Chairman, Subcommittee on Energy Research & Water Resources, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: Your recent letter to the Governor's Office has been referred to this office for action.

While we were aware of your bill to make Title III, of P.L. 89-80, grants to states for water resources planning a permanent feature of the Act, we deeply appreciate your direct communication informing us of your interest in this program and request for our comments for future improvement in water resources planning.

We support the bill as written and offer some comments on water resources planning in the attached statement.

Sincerely,

ALAN D. GOODWIN, *Assistant Director.*

RELATIONSHIPS OF THE TITLE III GRANTS PROGRAM OF THE WATER RESOURCES PLANNING ACT (89-80) TO THE STATE OF MAINE

In contrast with western states, where water is short, Maine has such abundant water resources that there has been traditionally no need to undertake comprehensive planning to determine allocation of water for best use to meet broad public goals. Operation of the English common-law riparian system governing water rights proceeded fairly well through courts since losing parties could find water elsewhere to fulfill their needs. A sudden increase in public consciousness about the severe pollution of Maine's major rivers during the 1960's led to awareness of the need for an improved institutional approach to ameliorate this problem and to the need for a broader perspective about all facets of water resources and integrate them for the purposes of improved management.

With the passage of the Water Resources Planning Act (89-80) in 1965, and its Title III grants program to states to undertake comprehensive planning for water and related land resources, and with the establishment of the New England River Basins Commission in 1967 under Title II of the Act, Maine State government began its own program in this direction. The establishment of the State Planning Office in 1969 helped formalize this program to be carried out by a Division of Water Resources.

A good deal of the early work of the Division fell within the general programs of the State Planning Office: (1) to bring about State government reorganization (2) establish regional planning and development districts (3) prepare a plan for enunciating state policies and (4) establish a State data bank including use of automated data processing systems. These programs are essentially developed with reflective action programs underway within line agencies of State government and regional agencies.

In 1972 the State Planning Office entered into formal agreement with the New England River Basins Commission to prepare a Maine guide plan for the development of comprehensive planning and management of water and related land resources. A product of this agreement is a report defining the concepts of such planning and the need to apply them to the management of water and related land resources in Maine. Executive direction to agencies concerned with natural resources is recommended to develop a coordinated approach to man-

agement within the concepts, procedures, principles, and standards as established by the Water Resources Council.

Data-gathering for the Second National Assessment of water and related land resources is at hand. The State Planning Office provides staff support for a newly established Commission on Maine's Future, which must hear the water resources planning and message as it undertakes its deliberations. The Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, direct the Water Resources Council to prepare comprehensive plans for all river basin areas by 1980. In Maine there are no such prospects for basin areas here except possibly the authorized Saint John River Basin study (not Dickey-Lincoln School), for which attempts are underway to be adjusted to meet Level B or Section 209 (92-500) standards. An immediate role for this Office is to continue the guide plan project to pave the way for establishing these projects.

The project areas mentioned above require the attention of the Water Resources Division but are ancillary to the main task called for in the Guide Plan, that of inducing the State government to tool up for undertaking comprehensive planning for improved management of water and related land resources.

In short, the Title III grants program has enabled Maine State government to begin a program of comprehensive planning for improved management of water and related land resources. The grants have enabled the State to create a Division of Water Resources Planning within the State Planning Office for this purpose. Since Maine traditionally did not develop such a program, linkage that has developed between the State and New England River Basins Commission and Water Resources Council is all the more important.

The preceding description of the State program shows that a primary phase of development has been completed setting the stage for undertaking comprehensive basin planning. It is a reasonably safe prediction that should the Title III grants program be terminated at the end of fiscal year 1976 the State program with linkage to regional and Federal government would end. The subsequent development of Level B basin plans by the Federal government would tend to proceed in isolation from the State and be far less relevant or actually irrelevant to the situations within major basins.

Whatever reasons can be advanced to permit or delete a State or Federal public investment program, it is more probable that Maine State government would not appropriate funds to cover a defunct Title III grants program. The State Planning Office therefore, definitely favors enactment of S. 506 which makes Title III grants a continuing program. Also, while Maine favors an increase in the Title III grant total well beyond the present \$5 million authorization, the State would not likely be able to take on an increased share because of an inability to increase matching funds. On any increase in total grant funding the state matching ratio would have to drop to one-third or lower in order for such increases to be utilized.

The State has enjoyed its relationship with the Water Resources Council and New England River Basins Commission. However, the feeling is inescapable that the Council is a sort of poor stepchild within the Federal Government. Along with subnormal appropriations for Title III grants, there have been reductions in operating budgets for the Council with increased difficulty by the State to communicate and relate to this agency. It appears apparent that the Council should "move up" within the Executive Branch in order to fulfill its legislative mandate better. The State will support more detailed specific recommendations in this matter to be offered by a joint statement by the state members of the New England River Basins Commission and the Interstate Conference on Water Problems.

UNIVERSITY OF MASSACHUSETTS,
WATER RESOURCES RESEARCH CENTER,
Amherst, Mass., May 19, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR: I would like to comment as follows on S. 506 "A Bill to Amend the Water Resources Planning Act".

I strongly support the intent of the bill which will amend Title III of the Water Resources Planning Act (P.L. 89-80) to provide permanent funding authorization to the states for water resources planning.

The development of a capability in our State Division of Water Resources dealing with water resources planning has been slowed by past inadequate funding, but is on a solid basis at last. It, therefore, would be most unfortunate were federal support to be withdrawn at this time. Such action with respect to Title III funds would nip a positive program in the bud and put us back to where we were a decade ago.

We now believe we understand the complexity of water resources planning. Ten years ago we were aware of many difficulties, but even so we tended to oversimplify the issues and problems. We were relatively uncertain as to the implications of land use planning, regional approaches, and citizen participation in the planning process. Now that the ground work has been done and the State is ready to move forward, it would be a real waste to pull the floor from under the program. This is essentially what would happen if the amendment is not accepted.

Sincerely,

BERNARD B. BERGER, *Director.*

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, April 30, 1975.

Senator FRANK CHURCH,

Chairman, Subcommittee on Energy Research and Water Resources, U.S. Senate Interior and Insular Affairs Committee, Washington, D.C.

DEAR SENATOR CHURCH: I was pleased to learn of your efforts to continue the funding of water resource planning grants to states under Title III of the Water Resources Planning Act (P.L. 89-80). Michigan has participated in this program since its inception and we fully support its continuation. We are also an active participant in the Great Lakes Basin Commission, organized pursuant to Title III of P.L. 89-80, and we provide a significant amount of direct financial support for the Commission's operation. For these reasons, we are interested in the upcoming hearings on this Act and I appreciate your calling these to my attention.

Sincerely,

WILLIAM G. MILLIKEN, *Governor.*

GREAT LAKES COMMISSION,
Ann Arbor, Mich., July 7, 1975.

Hon. FRANK CHURCH,

Chairman, Subcommittee on Energy Research and Water Resources, Committee on Interior and Insular Affairs, Dirksen Senate Office Building, Washington, D.C.

DEAR SIR: It is understood that your Subcommittee will be considering in hearings, July 10 and 11, 1975, amendments to PL 89-80, the Water Resources Planning Act of 1965.

By means of this letter I wish to furnish to you our views on PL 89-80, and request that our views and this letter be considered and included in the Record of Hearings.

Title I—Water Resources Council

It is recommended that:

- (a) The Water Resources Council be established as an independent agency, within the Executive Office of the President.
- (b) The Chairman of the Water Resources Council be appointed by the President and approved by the Congress.
- (c) The Environmental Protection Agency and the Federal Energy Agency be named as full members of the Council.
- (d) State members be included in the Council on a representative basis.

Title II—River Basin Commissions

It is recommended that:

- (a) Consideration be given to centralized budgeting and funding of RBCs (River Basin Commissions).
- (1) To provide an accurate account of funds applied to the planning effort.
- (2) To allow evaluation of the economic costs of RBC operations, and
- (3) To permit budgetary control of RBC functions.
- (b) More definite time schedules be established for RBC operations to provide guidelines or motivation for arriving at planning schedules, objectives or goals.
- (c) More specific language be provided to require

(1) That tasks, studies and other activities shall relate directly to the planning function as it may be unique to regional or basin requirements, and

(2) That adjunctive activities that may be undertaken be evaluated to insure that such activities are not within the planning responsibly sphere of other agencies and are, in fact, not duplicating the work of other agencies.

Title III—Financial Assistance to the States for Comprehensive Planning Grant Authorization

It is recommended that

(a) Title III provisions be continued beyond the 10-year period provided for in the Act, and

(b) Provision be made by legislation for extending Title III provisions for a *minimum* time period of 5 years at a *minimum* funding level of \$5 million per year for each of the 5 years.

These views and comments are submitted in brief form. Additional information can be furnished as the Subcommittee wishes.

Thank you for your consideration.

Sincerely yours,

LEONARD J. GOODSELL,
Executive Director.

MISSOURI DEPARTMENT OF NATURAL RESOURCES,
Jefferson City, Mo., July 28, 1975.

HON. FRANK CHURCH,
*U.S. Senator, Dirksen Senate Office Building,
Washington, D.C.*

DEAR SENATOR CHURCH: Enclosed is my statement in support of an extension of funding of Title III of the Water Resources Planning Act of 1965.

Would you please make the appropriate transmittal to members of the Senate Subcommittee, and if there are any questions or the opportunity for further testimony a field hearings, I would be pleased to respond.

Thank you for your consideration.

Sincerely yours,

JAMES L. WILSON, *Director.*

Enclosure

STATEMENT BY JAMES L. WILSON, DIRECTOR, MISSOURI DEPARTMENT OF NATURAL RESOURCES

This statement is submitted to support continuation of a financial assistance program for state planning as originally provided in Title III of the Water Resources Planning Act, P.L. 89-80, of 1965. Water resource planning activities in Missouri are the responsibility of the State's Department of Natural Resources, Division of Planning and Policy Development.

The fund support provided by Title III has been the major catalyst in our State's water resource planning and coordination activities ever since the Water Resources Planning Act was passed. Now that Missouri state government has just completed a major reorganization, our State is better able to use Title III funds than ever before. All of the State's natural resource concerns and all of the state agencies responsible for natural resource research, planning, regulation and management—excepting fish, game and forestry—are now combined in one department. State functions for geological and water resources survey, clean air, clean water, safe drinking water, solid waste disposal, land reclamation, flood plain management, soil conservation districts, state parks and historic sites and outdoor recreation planning all are in a single state department; this means interdisciplinary water resource planning and the coordination of state water-related activities can be much more effective than the previous, fragmented, "separate state agency" approach to each function. We have demonstrated this year that reorganized state government can coordinate and blend agency viewpoints to reach state decisions on controversial water issues.

The need for close inter-departmental coordination between nine of the major state departments will continue because water and water-related lands affect so many activities; but, at the state level, there is better central direction and the opportunity for the effectiveness which accompanies central direction. In short, Missouri now is better organized to serve the water resource planning and coordination objectives originally stated in the Water Resources Planning Act.

While this reorganization may have improved the state government structure for coordinated efforts in state water planning, the state workload has increased at the same time. A key point is that much of this workload comes from the impact of federal programs. Missouri probably isn't unique in that respect, and we are fortunate to be a state rich in water resources. But the State is hydrologically split between four of the Nation's twenty major river basins, more divisions than any other states, and the Missouri portion of each river basin has an extensive federal water resource development program. In fact, in this fiscal year, far more federal water planning and development expenditures are projected for Missouri than for any of the other ten states of the Missouri River Basin!

A few statistics give an idea of the planning workload. Last year we screened over 1500 summaries of proposals for federal expenditures and 130 Corps of Engineers permit applications which were circulated by the A-95 State Clearing-house. Those proposals of greatest importance then got more detailed attention; this included thirty-three environmental impact statements. A detailed review of sixteen of these was necessary, usually along with an accompanying federal survey report, watershed work plan, or management plan. Staff effort on these reviews ranged from two person days up to more than three person months depending upon the complexity of the issues involved.

At the same time, there are numerous other federal planning activities where the state's interests are affected. For Fiscal 1976, a state interest is identified in over 140 federal water planning or development activities led either by the Corps of Engineers, the Soil Conservation Service, or the U.S. Forest Service. Many of these reports will be lengthy and complex, and carry a significant impact for Missouri's natural resources.

In addition, the state is involved with implementing the Water Resources Council's "Principles and Standards" to give concern for the environment of a co-equal status with economic development, with providing information on the state which is necessary to the "National Water Assessment", and with considering ways to meet the plan requirements of Section 209 of Public Law 92-500 by funding through the Water Resources Council's "level B" planning. This planning is the logical way to integrate the public concerns for the State's natural resources, for rural area development, and for area-wide waste treatment management, but the Public Law requirement for that level of planning throughout the state by 1980 is a tremendous task.

The net result is that the heavy burden of federal activity is a significant constraint which reduces our effort to do creative work necessary to meet state identified needs, including most importantly by a state water plan. This situation forces the state to continue to be in a reactive position, responding to federal proposals, rather than in a creative position of determining the most favorable course for the state. The Missouri Department of Natural Resources, with the assistance of Title III, represents the last stronghold between federal development agencies (such as the Corps of Engineers) and the wise management of our state's natural resources. It is in our best interests to keep this program healthy and competent.

In conclusion, the major point is that the concept of federal assistance to the state for water resources planning is absolutely sound because much of the state workload is in response to federally generated activities.

Our State is now better able to coordinate and plan for water resources and the need for these planning activities is great. You are urged to continue the federal financial support for this program.

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nevada, May 7, 1975.

HON. FRANK CHURCH,
U.S. Senate, Chairman, Subcommittee on Energy Research and Water Resources,
Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR CHURCH: I sincerely appreciated receiving your recent letter in which you enclosed a copy of your bill, S. 506. Financial assistance to the states under the authority of the Water Resources Planning Act has been extremely helpful to Nevada in our State water planning efforts. We concur in and support your efforts to extend the authority for financial assistance to the states.

You indicated that hearings have been scheduled on July 10 and 11, 1975. As requested in your letter, I will provide you with my comments and thoughts prior to the scheduled hearing.

Sincerely,

MIKE O'CALLAGHAN,
Governor of Nevada.

STATE OF NEW HAMPSHIRE,
Concord, May 7, 1975.

HON. FRANK CHURCH,
U.S. Senate, Chairman, Subcommittee on Energy Research and Water Resources,
U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: This letter furnishes my comments on S. 506, your proposed amendment to P.L. 89-80, the Water Resources Planning Act.

I share your conviction that greater attention should be focused upon water resources planning in the United States. The extension of Title III funding will at least enable a continuation of valuable programs now in progress. In addition to your proposed amendment, I urge you to consider the following general changes:

(a) Substantial changes in the structure of the Water Resources Council with respect to strengthening and elevating its position in the Executive Branch of government.

(b) A clarification of the role of the States in national policy matters through the Water Resources Council.

(c) Increased appropriation levels and revision of the grant formula to permit smaller shares of State matching funds.

(d) Representation of the States on the Water Resources Council in numbers numerically equal to the federal agencies represented.

(e) Redesignation of the Water Resources Council as the National Water Council.

I believe these suggested changes will improve the present laws and assist in an important requirement to clarify the national water resources planning situation.

Sincerely,

MELDRIM THOMSON, JR.

STATE OF NEW MEXICO,
STATE ENGINEER OFFICE,
Santa Fe, July 11, 1975.

HON. FRANK CHURCH,
Subcommittee on Energy Research and Water Resources, Committee on Interior
and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter which enclosed a copy of S. 506, A bill to amend the Water Resources Planning Act, to extend the authority for financial assistance to the states for water resources planning, and for your notice of the hearing on July 10 and 11, 1975.

I am the Governor's representative on the Pacific Southwest Interagency Committee and the Arkansas White Red Basins Interagency Committee and have responsibility for administering the water planning program under Title III, P.L. 89-80 in New Mexico.

The water institutions, policies and programs of the Western States and of the federal water agencies which serve those states were developed and molded by the erally have served effectively the water needs of the West and in this way have served the national interest.

Almost without exception the federal agencies working with water resources in New Mexico have coordinated their efforts and have cooperated well with each other and with the State. These agencies have been appropriately sensitive to the wishes and objectives of the state. This desirable situation is attributable in considerable measure to the fact that the State for many years has been diligent in working with the federal agencies and to the fact that New Mexico's Congressional delegates have very effectively represented the State's interest in water resource matters. New Mexico would like to see the water resource activities of the Federal agencies expand.

The states, local governments and private enterprise have depended upon federal agencies for the planning and development of major water resources projects in the past and these projects have been accomplished without duplicative engineering agencies at the local level.

New Mexico has participated in the Title III program of P.L. 89-90 since its passage in 1965. The program has been helpful to us in planning activities with other state agencies and has assisted us in our coordination efforts with Federal agencies, especially the construction agencies such as the Bureau of Reclamation, Corps of Engineers and the Soil Conservation Service. I support the change to section 301(a) as proposed in S. 506.

New Mexico has not participated in river basin commissions such as authorized by Title II of P.L. 89-90. Several opportunities to form such commissions have been presented to the states of Arkansas-White-Red and Colorado River Basins and they have been rejected by the affected states. The interagency committees serve the purpose of coordinating State-Federal activities contemplated for the regional commissions and I urge the continuation of the interagency form of coordination.

The opportunity to present my views on the Water Resources Planning Act is appreciated. It is requested that this letter be made a part of the record on S. 506.

Sincerely,

S. E. REYNOLDS,
State Engineer.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 15, 1975.

HON. FRANK CHURCH,
*Chairman, Subcommittee on Energy, Research and Water Resources, Senate
Office Building, Washington, D.C.*

DEAR SENATOR: I am pleased to receive your letter and a copy of S. 506 to continue funding of the Federal grant program under Title III of PL 89-80, the Water Resources Planning Act.

The State of New York is vitally interested in the Title III grant program and we strongly support extension of the program beyond FY 76. We view the Title III grant program as a vital link in the Federal-State-local process of identifying water resources problems, studying alternatives and implementing solutions. Since FY 67, when we received the first grant, we have been able to make significant progress on the development of a statewide plan through the completion of regional basin board plans and from work completed in Federal-State studies. The Title III funds allocated to New York have been used primarily to pay salaries of professional staff who have had major responsibilities in water resources planning.

We are also deeply concerned at this time about the need for additional funds for the Title III program. The Executive Budget for FY 76 recommends only \$3 million, a 40 per cent decrease in this year's funding. This reduction would be disastrous in view of escalating costs and increased State resources planning responsibilities. Even the authorized amount of \$5 million which was appropriated for only the first time in FY 75 is no longer adequate. We strongly recommend an increase in the authorization for appropriations to at least twice the presently authorized amount, or a minimum of \$10 million. We believe the continuing severe water problems nationwide—and in New York State—with flood losses, water pollution and water supply, together with the recent trend to a more effective State-Federal partnership in planning and implementation in all fields, require extension of the program and additional funding for State multi-purpose planning.

We also have views on new directions we believe water resources planning should take in the future and on changes that are needed in Titles I and II of the Water Resources Planning Act. I have asked Environmental Conservation Commissioner Ogden Reid to prepare a statement for the hearing by the Subcommittee on Energy Research and Water Resources in July and to communicate further with the Interior Committee staff, if necessary.

We are most appreciative of your interest in water resources planning and for your initiative on S. 506 as an important first step.

Sincerely,

HUGH L. CAREY.

NEW YORK STATE COLLEGE OF AGRICULTURE AND LIFE SCIENCES,
Ithaca, N.Y., July 25, 1975.

HON. FRANK CHURCH,
*Chairman, Subcommittee on Energy Research and Water Resources, Committee
on Interior and Insular Affairs, Washington, D.C.*

DEAR MR. CHAIRMAN: This is to summarize our current views of P.L. 89-90, the Water Resources Planning Act, and to transmit to you, also for your hearing record, a discussion draft entitled "River Basin Management." This discussion

draft results from a state-of-the-art workshop organized by a Committee of the Universities Council on Water Resources and funded by the U.S. Office of Water Research and Technology. The workshop was led by Wade Andrews of Utah State University and Harold Capener of Cornell University. This workshop will reconvene in August and a revised version of the paper will result.

Thank you for this opportunity.

Sincerely,

DAVID J. ALLEE.
HAROLD R. CAPENER.
LEONARD B. DWORSKY.

Enclosure.

TESTIMONY ON PUBLIC LAW 89-80, THE WATER RESOURCES PLANNING ACT

Mr. Chairman, I am David J. Allee, Professor of Resource Economics at Cornell University and joining me in this statement is Leonard Dworsky, Professor of Environmental Engineering and Harold Capener, Professor of Rural Sociology, both at Cornell University. We are speaking as individuals, but draw upon discussion of groups brought together by the Universities Council on Water Resources and in a workshop funded by the Office of Water Research and Technology, organized by Wade Andrews of Utah State University and Harold Capener of Cornell University. As the deliberations of these groups proceed they may wish to make formally endorsed statements to you as your review proceeds.¹

As an attachment to this statement we have included a draft discussion paper entitled "River Basin Management" prepared by David J. Allee for the use of the Andrews-Capener-OWRT workshop. This workshop will reconvene in August and a revised version of the paper will result.

We begin where so many others have in considering this topic, recognizing two facts. First, the river basin is a natural system representing physical, biological and social interdependence which offer opportunities for improved resource management to a world that is structured along other geographic and organizational lines. Second, there has been a national strategy of evolving coordinative arrangements along interagency, intergovernmental and river basin lines. Our history goes back to the 1930's with the National Resources Planning Board, to the several predecessors of the present Water Resources Council, to TVA, the basin interagency committees, to the various interstate compact commissions and the present Title II planning commissions. Beside basin and national groups for coordination of water resources, the nation has also experimented with interstate regionalism in other ways; the Appalachia Regional Commission and the related "5A" regional development commissions, Federal Regional Councils, and the border commissions with Canada and Mexico.

An assessment of P.L. 89-80, against realistic criteria will show, we believe, a good but far from perfect arrangement. The Water Resources Council and the basin planning commissions have performed the limited functions intended by the Congress and the President. There has been good personal leadership, specifically Executive Director Henry Caulfield, Don Maughan, and the current Director Warren Fairchild, and good communication between the various national and state participants in the water resources development process. It has provided, at both the national and multi-state regional level, a place for the examination and study of problems whose resolution was not immediately apparent and where many points of view were needed. Coordination of planning has taken place. A focus for leadership review and response development has been provided.

Clearly, the effort should be continued and strengthened. We see no reason to deviate from this forty-year policy trend. In our opinion, strengthening changes to be considered at this time, include:

1. *Broadened representation.*—At the federal level, the broadened participation in water related public investment and regulation must be recognized by placing more agencies under the *effective* coordination of the Water Resources Council. Coverage by the "Principles and Standards" for planning and evaluation is a case in point. Coordination of basin planning budgets and schedules is another. At the regional level, consideration should be given to improving the access and

¹ Other members of the UCOWR Committees and the OWRT workshop may choose to be associated with this testimony, add their own statements now or in time for future deliberation of this committee.

participation of localities, citizen groups, metropolitan areas and other regional entities such as those for urban planning, regional development and coastal zone management.

2. *Regional coordination of planning.*—More of the planning funds could move to the participating agencies through the commissions. Similarly, planning scheduling should be given a stronger role in the commissions. A role for commission staffs in supplementing agency project planning should be considered, particularly in the continuous evaluation of social and environmental systems, regional economic effects, and in linking water related development activities to more general regional agencies established under other authority (e.g., New England Economic Development Commission, Appalachia Regional Commission).

3. *Stimulating new planning alternatives.*—Cost sharing of project measures that address regional concerns for innovative economic development and environmental enhancement should be considered. This would be especially important for economically disadvantaged groups or others in special need (e.g., Indian communities, poverty pockets). These could be supplemental grants to cover part of what would otherwise be the local share for approaches where that is now excessive. Likewise, provisions for cost sharing of operation, maintenance and replacement through basin commissions also would be used to encourage consideration of non-traditional approaches to water problems.

4. *Incentives for state participation.*—The development of integrated national approaches to selected critical problem areas should be facilitated by changing and expanding the basis of Title III grants to the states. At present, these grants are restricted to planning activities. Timely state implementation assistance of other kinds is critical to success in dealing with many policy problem areas. For example, over the next several years local governments will need substantial assistance in implementing flood plain management regulations. Energy problems, regionalization of water supply relating pollution control to land use, wetland management and other areas of special need can be foreseen. State participation in basin planning is not the only need.

5. *Regional reporting to the Congress.*—Congressional committees as they prepare to consider changes in authority and appropriations in the several individual water programs should receive direct reports and testimony from the basin commissions to assist in priority setting and to stimulate coordination.

6. *Independent WRC Chairman.*—Provision for the appointment by the President of an Executive Chairman of the Water Resources Council should be made comparable to the arrangement for the basin commission chairmen.

7. *Provide for national coverage.*—Congress should act to designate river basin commissions for all parts of the nation not now covered. Integration of the various ad hoc basin arrangements, mostly interstate compact commissions, with the Title II planning commissions should be done to stimulate complete coverage of the act at the regional level. For example, in the Middle Atlantic States, the existing compact commissions on the Delaware, Susquehanna and Potomac could be designated as the nucleus for Title II commissions, being supplemented with the required representation when they act as planning bodies.

8. *Border problems.*—Special authority is needed for the Great Lakes Basin Commission to cooperatively plan with Canada under arrangements and guidelines developed by the State Department and appropriate Canadian authorities in cooperation with the International Joint Commission. Similar arrangements for other border watersheds should be considered.

9. *Integration of quality and quantity planning.*—Clearer and sharper guidelines from the Congress are needed for the coordination of measures for quality management with quantity management specific to the Environmental Protection Agency and "Section 208" planning as well as in connection with basin-wide water resources planning generally.

10. *Linking research and planning.*—While they are separate functions whose independence must be preserved, nonetheless closer coordination at least at the basin level between planning and research has been shown to be fruitful by recent cooperation between the commissions and the State institutes created under Title I of the Water Resources Research Act of 1964, sister legislation to P.L. 89-80.

Finally, the Congress in these hearings has the opportunity, and perhaps the responsibility, to determine how far the nation is to go in the direction of multi-state regionalism. The Congress does not appear to have addressed this question before and your committee has as its jurisdiction important elements of the question.

These comments, the enclosed discussion paper, and the materials developed by your committee, as they become available, will be circulated to the members of the workshop mentioned above and the appropriate committees of the Universities Council on Water Resources. Any reaction which may be of value to your committee will be shared with you and your staff.

RIVER BASIN MANAGEMENT²

(By David J. Allee³)

WHAT HAVE BEEN OUR EXPECTATIONS?

At least two elements of conventional wisdom have been important in what we have expected of the various forms of river basin organization that now cover virtually every part of the nation. First, the concept of the drainage basin as a unit of management has rested upon an image of hydrologic interdependencies. Water runs downhill. Actions upstream affect those who are downstream. Management that took these interdependencies into account would be more efficient, producing more from limited resources. (Fox, 1955)

But water is ubiquitous in its role in society. Consider flood risk management and the location and construction decisions of those who might be tempted to live in that statistically defined area—rather for all but hydrologists it is the ill-defined flood plain. Or consider domestic water supply and liquid waste disposal. Or electric power, recreation, irrigation, navigation or the many parts of environmental quality, or the many ways water development is said to affect regional economic growth. To be held responsible for all of that approaches and often exceeds the charge to a general government. But remember, it is limited conceptually by the extent to which actions in the name of all these purposes produce interactions important to the other actors in the basin. Thus basin management needn't imply assuming responsibility for doing everything but "simply" causing the interests of all to be taken into account by all those who do act.

A second element in what has been expected hangs upon the observation that authority for all those many purposes to which water is put is now fragmented between many levels and units of general governments. Jurisdictions overlap. Responsibility is not clear. No one is in charge; thus the river basin organization is to be put in charge. This has been a standard form of analysis and prescription in public administration, at least since Woodrow Wilson articulated it in the late 1800's. We are beginning to see that it has uniformly either failed or been ignored. [Ostrom, 1974]

The result is an expectation of an horizontal organization that cuts across a great many of the other organizational compartments of society and is able to assert a central authority in dealings with all of them. But river basin organizations in reality have had to settle for something far less. Indeed, it may not be possible to find any that have been so unwise as to try—whatever some expectations have been. Against more realistic standards of performance than these expectations they have achieved a great deal. The facilitation of communication between those who have an interest in a basin probably has improved efficiency. There has been some greater taking into account of the interests of others. The comprehensiveness part of the expectation has expressed itself in many file drawers of data and plans, if as yet little impact on the overall project decision process. In some cases such as the Tennessee Valley Authority a narrow specialized role has been successfully developed in a niche left between, or taken from, the territories of other agencies.

² These notes are the author's synthesis of the discussion at a state of the art workshop entitled "A Review of Organizational and Institutional Capacities to Plan, Manage and Control Water Resource Problems in Major River Basins" organized by Wade H. Andrews, Institute for Social Science Research on Natural Resources, Utah State University and Harold Capener, Chairman of the Department of Rural Sociology, Cornell University. It was held at Logan, Utah, April 7-9, 1975. Support for this effort was provided by the Office of Water Research and Technology, U.S. Department of the Interior and the several universities involved. This is intended as an input for further discussion and already has been enriched by the comments of Helen Ingram, Director of the Institute for Government Research, University of Arizona and Leonard Dworsky, Department of Civil and Environmental Engineering, Cornell University. Omissions and other lapses are still to be credited to the author.

³ Professor of Resource Economics, Department of Agricultural Economics, New York State College of Agriculture and Life Sciences, A Unit of the State University of New York at Cornell University, Ithaca, New York 14853.

Basin organizations are much like other agencies. They have to identify the content areas in which they can develop a role and expertise. This, in turn, hinges on the development of client relationships and the identification of credit as roles are developed. Without clients and credit, claims on resources become lost in the competitive struggle of government. Alternative strategies for basin organizations have been characterized as the "grass roots," "governors," "compromise and moderation," or the "federal agencies" strategies. [Ingram, 1973]

CAUSES OF DISSATISFACTION IN RIVER BASIN MANAGEMENT

The basic politics of water resource development has been in the distributive arena. Public water programs have been seen more as providing benefits for all and costs to none than as redistributive or regulatory to borrow Lowi's three-way classification. (Lowi) The charge to the agencies has been to design projects and programs so that those who might see themselves as disadvantaged are compensated, eventually if not immediately. Redistributive elements; i.e., taking from those who shouldn't have it and giving to the deserving, or regulatory elements of the programs has been emphasized less. But the old decision rules are changing; the old political mix is changing. As one old timer in the water game put it, "... water ... is in galloping disarray. When, if ever ... [it] ... is put in working order, it is going to be quite different from what it was." With the rise of HUD and EPA, SBA and EDA, this is well underway at the federal level.

Local support for traditional projects is uncertain. The old clients aren't as strong and often divided. The "natural" supportive groups have many other claims for their attention, other ways to "do good" for the community. Water development as a vehicle for growth, indeed, growth itself, is now questioned at the local level.

The test of agreement at each stage of a water project is harder to come by, more and more often allowing the project to be deferred. The environmental movement has provided participants who do not share the positive orientation to the means of water development held by the other participants. This shows itself in the actions of state and federal agencies and elected officials at every level who before went along with proposals for development. Mutual accommodation has been harder to achieve because there is less of a common interest in achieving a successful negotiation. Mutual non-interference has been possible in fewer and fewer cases because environmental issues generate a national public. New guidelines for fairness and equity must be developed along lines that re-establish confidence in open decision making. For example, the new "Principles and Standards" for project planning and evaluation being implemented by the Water Resources Council are in response to sentiment that the old approaches were unfair to environmental interests. The old benefit to cost ratio is under pressure in its role of saying "no" or "yes" and helping build consent. Likewise, cost-sharing rules that show a willingness to carry the burden that others have before are not enough to win consent. Opponents are heard more often when they argue benefits are too much greater than the costs born by those benefited. [Ingram, 1972]

The efficiency and efficacy of the traditional water development means (dams and channels) are being questioned. But most of the agencies in the "water game" are specialized by the means of solving problems not by the problems themselves. Thus dams and channel work have become the legitimate federal approaches to flood management, hydropower, water supply and irrigation, etc. Changing ownership rights in the flood plain (e.g., zoning or easements), re-scheduling of discretionary power use, limiting leaks and low valued uses of municipal water, and encouraging the development of water conserving crop varieties and farm practices, are all feasible partial alternatives to dams and channel work. They have very different environmental consequences than dams and channels but have been looked upon as someone else's job, and thus too often not seriously considered. The undermining of confidence and thus of consent which this has produced should be obvious. But these are not easy solutions to implement.

Likewise, water quality degradation has become more obvious. The costs of its correction are apparent. The limits to the distributive politics approach become clear—indeed a real infusion of grant funds through the states came about at about the same time as there was real support for a meaningful regulatory approach. But more to the point here, this water quality approach

grew up largely outside of the framework of the traditional federal water agencies and the basin organizations that had grown around them. After years of minor participation in basin planning, indeed, in any planning beyond facilities and stream classification, the quite autonomous water quality "chapter" of the water "fraternity" is now launched on what is at least a well funded regional planning effort of its own. Will our expectations for comprehensive basin management receive yet another blow?

This is not to say that the water development agencies have not had an interest in water quality. Low flow augmentation has fit their interests very well. The Corps of Engineers almost developed a lasting alliance with the Public Health Service and thus commitment to water quality management in the Ohio River studies in the 1940's. More recently, it has sought a planning role emphasizing land disposal—a technique largely ignored by the state-oriented water quality network. The Soil Conservation Service points to erosion control as a water quality measure. Salinity control is finally getting some attention from irrigation developers. Thermal problems of power generation are getting more attention. And much of this has come from the recent recognition of the need to accommodate environmental interests rather than from any opportunity to court their support.

Surely, part of this change and part of the prescription for modification comes out of the increasing complexity of social organization that has accompanied urbanization and industrialization of society. The role of the agency and its technical staff are changing as the communities in which we live become more fragmented, and less cohesive. The planner cannot expect to have social values prescribed for him leaving him only the role of the value-free technician. The planner is more and more forced to seek out value and preference signals. With only a very small portion of society willing to participate in the process, recruitment of support and opposition becomes difficult. The evidence suggests that opposition is easier to come by than support.

Community cohesion has declined and we are learning to deal with more conflict. There is no longer a choice to "involve the public." And efforts to enlist support after the solution is in hand will help mobilize the easier to mobilize opposition. Thus planning and consent building may have to go more hand in hand than in the past. But agencies tied to particular solutions may not have the flexibility to perform alone the kind of conflict management, consent building function required.

Another source of dissatisfaction with the basin as a unit of management as currently exercised may exist in the emerging colonial aspects of resource development. The fight over the dam in a rural area to give flood protection to the downstream city is a long standing version of upstream, downstream conflict. Basin organizations have long had to address that problem. But many times the city and its hinterland are not in the same basin. With energy development as a growing focus for water, importing pollution and exporting clean power will become more of a conflict issue. Basin entities, to be viable and approach expectations, must become a focus for the bargaining on such issues. To be fully creditable to the general public they may have to facilitate representation of interests that would otherwise be less well represented.

In reality, then, the river basin is a natural unit for a set of secondary interests. On hydrologic and ecologic grounds it is increasingly significant as the pressures on our resources grow. But from a political and sociological standpoint it is severely limited. The major focus of the interests to be accommodated turn toward the general governments and any strengthening of basin management must recognize that re-establishing a sense of equilibrium in water can only come about with inter-interest accommodations ratified if not worked out at the general governmental level.

WHAT SHOULD A BASIN INSTITUTION PROVIDE?

All the characteristics that might be listed are less interesting than those that provide a tailoring to the kind of pluralism of our political system and yet do the job inherent in the natural basin unit. It includes a re-examination of representation, how to internalize the externalities of individual actions; information capacity including the identification of stakes, building consent by facilitating accommodation and projecting new images of what could be. Broadening choice to find consent seems to be a major strategy. Reconciling local and

regional interests appear to be a key element. It implies new content, new actors and clients, new credit, indeed, a new "water game."

Representation of interests in an organization, ideally, should be related to the stake which those groups have in the actions likely to be taken by that organization. Such representation can be formal, with such devices as seats on a board of directors or quite informal, simply recognizing that the group in question has the capability to protect itself through normal political processes. It is quite well established that not all interests are in fact able to represent themselves in equitable proportion to their stake in the decisions made to provide public goods and serves which once provided are more or less equally available to all.

Large groups whose interest is diffused over many members, especially if that interest is intangible, conjectural and in the future, are at a disadvantage. Small groups of individuals with a high immediate, tangible stake identify their mutual interest and are more likely to form a cohesive effective group (Olson, 1973). For these and other reasons, the professional composition of planning staffs, evaluation procedures and other mechanisms to express the public interest such as facilitation of participation by politically disadvantaged groups is of interest. In many cases it is not possible to adequately quantify a particular value, e.g., wilderness or social disruption. But it should be possible to judge whether or not those who seek to represent those values had reasonable representation in the decision process.

River basin management is very much a question of dealing with "The Tragedy of the Commons" (Hardin, 1968 and Ostrom, 1974). Common property, public goods and externality problems are inherent in the water system. "Internalizing the externalities" of individual action whether by private persons, firms, local governments or public agencies subject to tunnel vision in the basin game. The basin organization needs the capacity and the will to identify where society is better served by taking into account the impact on others of individual action. Changing the incentives facing these other actors by offering cost sharing, by facilitating the participation of the affected interests, by review and permit processes, and the like, are the tools available to the basin organization.

Information capability is central to the basin task. While it is true that few public decisions are made following a comprehensive planning approach (Lindblom, 1962 and Lindblom and Braybrooke, 1964), it is also likely that those charged with taking the comprehensive point of view can have a positive effect on other actors in this fragmented, incrementalist world. At least they can offer up as an element in public debate images of what the future might be like. Even the failure to do so effectively when so charged would serve to legitimize others in doing so. Likewise, by providing a bargaining arena that takes the posture of considering all alternatives and all effects the comprehensive agency may facilitate consent building in situations where otherwise action would be stymied.

SOME INCREMENTAL CHANGES TO BE CONSIDERED

The multi-state region—a basin or a group of basins—has long been an obvious unit of analysis—but what about its potential as a management and administrative unit? The arrangements called for in the Water Resources Planning Act of 1965 (especially the Title II commissions and the Title III grant funds), more recently the Susquehanna Compact, the Water Quality Agreement with Canada and the new look of the International Joint Commission are just some examples of a long line of actions that test the potential of the basin. In general those close to the process by which projects are approved and funded find it difficult to see where basin arrangements make much difference. But changes in the project consent building process may suggest that basin arrangements should be given—indeed may take—a more significant role.

Those who see a stake in individual projects—whether negative or positive—often behave with little apparent sense of responsibility for the whole systems involved. Bit by bit, more system understanding may enter our debates if we indeed can find ways to link the bargaining arena more closely to the limits of the systems involved. Improving interest access, bargaining capacity, availability of multiple purpose projects that take full advantage of the full array of means and address a wider range of objectives should lead to more effective collective solutions to our water problems.

Thus, one of the questions to be raised in considering planning objectives and cost sharing, at very least, is "who is to do what?" Can we realistically specify what *ought* to be done without considering the question of *who* is to do it? Plans with an emphasis on whatever shakes out of the new environmental quality,

regional development and social wellbeing accounts of the proposed multiple objective planning may be able to employ a basin role to enhance effectiveness in consent building. Cost sharing that gives a basin orientation to implementing these national objectives may be a way out of the dilemma of direct project funding for these objectives, perhaps encouraging more systematic evaluation and verification of the *quid pro quo* for the federal dollars involved.

NEW ROLES FOR BASIN PLANNING

Environmental and other indirect impacts, however imperfect our methodology, are now an accepted part of formal project evaluation. Just to meet Environmental Impact Statement requirements it is necessary to open the analysis of the project to critiques from those interested in such values. Formal multiple objective evaluation procedures proposed by the Water Resources Council may be modified as a result of current reviews. But it is unlikely that some of the elements that are new to the evaluation, such as in some elements of the social wellbeing account, will be lost.

And regional development is no longer the avoidable, simple issue it once was. At least since Pennsylvania objected to Mike Kerwin's proposal to link the Ohio River with Lake Erie some inter-regional impacts have political interest. As important is the ambivalence that now exists in many parts of the country about whether regional development is even desirable. Indeed, Oregon's experience seems to say a posture of avoiding development is a good way to attract it. And of course there is still strong interest in dealing with disadvantaged groups who often have a particular geographic distribution—Indians, Appalachia, rural development. Also water projects now have many other federal programs that compete for local activist support, and that frequently are seen as less conflict producing.

The point is that project benefit-cost analysis has major weaknesses from both a political and technical level that might be corrected somewhat through the participation of an analytical group at the regional level. When analysis is done, project-by-project, there are many things that seem to suffer. The cumulative effects of a series of projects is harder to establish and usually ignored. Even reaping the technical advantages of hydrologically linking projects becomes difficult—especially between projects of different agencies. The show case character of the few projects where this was done in the Appalachian water plan make that point. Perhaps they would do better in a second plan. But evaluation of environmental, social and economic system effects is even more difficult. Also, to be considered is the tendency for "ad hocery," i.e., consideration of cost and output effects, beyond the most basic, only when it is to the advantage of the moment.

But perhaps the greatest need that might be served by stronger regional arrangements is the interaction between the technical and political aspects of system evaluation. Individual water agencies simply are hard pressed to develop the expertise to perform creditable environmental and social analysis or even analysis of the indirect economic effects. Part of the problem is that they do not have the perspective to see the inter-relations between water projects and other public actions or even between water projects themselves if they cross agency lines. Part of the problem is that with the increased potential for conflict in water projects, it is rational to start more planning studies and put less into each; yet evaluation of environmental, social and regional systems is most demanding of analytical capacity, calling for more resources, not less. Part of the problem is that we have not yet developed highly accepted measurement and evaluation methodology to show good cause and effect between projects and all the called for aspects of environmental, social and regional development systems, at least not comparable to that which is used in the engineering and national economic evaluation. The result is that the agency—seen as an advocate for its proposal—suffers from general suspicion of its analytics.

A basin agency with capacity to evaluate projects at the system level could at least critique and finally bless the analytics of the agencies. But if the scale economies of system analysis in environmental, social and regional development are as great as they seem at this time it may be advantageous for the basin agency to actually do much of the project analysis and provide formulation guidelines for project plans. It should be remembered, however, that what is needed is not just more analytical competence judged by the experts, but also linkage to political capacity as judged by those affected by the projects. It is here that the interaction of cost sharing and analytical role is important.

BUDGETING AND COST SHARING AT THE REGIONAL LEVEL

The existing Water Resources Council needs to be restructured somewhat to give a broader representation and to more effectively participate in the budget process. Perhaps the organization of the Title II basin planning commissions suggests several alternatives. Note that the federal chairman personally oversees much of the basin commission staff activity. His only duty is commission chairman.

Note also that the Title II Commission is made up of federal agencies as well as state representatives. In a planning context this should have advantages. In other roles the general governmental representation of the typical compact commission may be preferable. Should overlapping arrangements be recognized now as worthwhile to meet different needs? For example, should existing Compact Commissions be authorized to form the nucleus of a Title II Commission? The same people could wear different hats, calling meetings of different representatives depending upon whether they were meeting as a Title II commission or a compact commission.

Congressional committees prior to reviewing the authority, guidelines and appropriation for individual water programs should direct the basin commissions to prepare reports and offer testimony on priorities from the basin point of view. An independent chairman of the Water Resources Council, formal recognition of the coordinative role of the Assistant Secretaries in the several departments, and expanded emphasis on the participation by the Governors of the states would go far towards identifying the commission as an independent viewpoint and a focus for coordination.

Other advantages to enhancing the role of the region or basin follow from other changes in the politics of water programs. For example, displaying inter-regional balance in the budget of the nation's overall water program should be more advantageous as the strengthening of environmental groups at the local level and national level goes on. Most programs are regionally balanced in the budget process now. The old rule of mutual non-interference has given way to an acceptance of some interregional questioning of water projects and programs. Making a new place in the system where tradeoffs between water programs can be seen and worked out could be advantageous to all. Congress and the agencies should be seeking a new arena for interest accommodation as the old decision rules shift.

Also seeing a single program broken into regional components has some potential for increasing program effectiveness. It is commonplace to point out that broad national budget components are relatively fixed from year to year. Yet there is a tendency to treat individual projects as if they posed no opportunity cost in the budget. Perhaps regionalization of programs would suggest that sizing a project at \$16 million, where an \$8 million solution was almost as good a problem solution, was doing the region out of a second project.

The Corps now prepares a five year budget by region; should the other agencies do likewise? Shouldn't all planning budgets be put on a regional basis as well as construction? Isn't regional monitoring and assessment of EQ, RD and SWB factors closely akin to the planning input? The Water Resources Council should continue to shift the concept for level B planning toward greater usefulness at the project level—shorter time horizon, more issue and conflict orientation. Congress has heard from basin groups regularly—but perhaps it should ask them to play a more obvious role in their budget process. Of course, giving basin commissions a cost-sharing role and providing for expanded input into the EQ, RED and SWB aspects of project planning, as well as funding, would put them into the budget process. At very least, representatives of basin arrangements should comment on the size and shape of both the construction and planning budgets in their region. It would have to be established and recognized that they represented a point of view independent of the President's and thus were not subject to clearance by the Office of Management and Budget. Emphasizing the state representation involved could do this.

Alternative channels for federal aid, as complements to existing arrangements for direct project fiscal participation, should be considered. It is doubtful that direct shares can be reduced otherwise. But of more significance indirect cost sharing through clearer labelling of the funds could be used to more precisely key assistance to specific national objectives—for example, the economic development of disadvantaged regions and minority groups, enhancement or mitigation of environmental values. And it could be viewed as a way to induce or make more

effective participation in the decision process of particular groups or points of view, those that have access to the channels chosen. Revenue sharing as an alternative place for water funds, as usually proposed, suggests that local and state governments know what society needs and just lack fiscal resources. State capacity (and willingness) to deal with water problems is certainly a candidate for further enhancement through cost sharing. But a case can be made that even with state and national objectives, much less at local levels, incentives and interest representation are not identical with the public interest and that grants that provide for specific objectives can be a desirable tool in the hands of representatives of a federal point of view in water resources. Also for various reasons, some that will be explored shortly, the multi-state region is a channel for complementary federal aid funds that should be considered carefully.

The success of the Appalachia Regional Commission suggests that in at least one case where governors succeeded in gaining access to complementary funding they provided a measure of political viability and vitality to the regional institution involved. An important part of the ARC program is cost sharing which is supplemental to that available from other federal sources, on a project by project basis. The ARC model cannot be pushed too far. For example, none of the similar so-called "5A" interstate commissions has shown the same program and budget strength. Nonetheless, it should suggest a closer look at basins as channels for water cost sharing.

While the basin has had limited political significance, it remains the unit for common property problems. The basin defines the system within which externalities are transmitted and within which some of the public good aspects must be managed. Note that much of the substance in the four objectives approach to planning and evaluation originally proposed by the Water Resources Council are aspects of these "Tragedy of the Commons" elements.

To sum up, the challenge is to provide principles that will lead to procedures for matching evaluation to the systems involved, reflecting and shoring-up the weakness of benefit-cost analysis at the project level. There probably are economies and program advantages in dealing with the extra local effects of projects in a unit separate from the several agencies; there may also be some advantages in achieving systematic evaluation. The monitoring and assessment function of some basin arrangements gives them a start on the process. "Independent" review groups need a political base somewhere and the governors are one place to turn—the states should be pressed for more political accountability in the water field. Linking some cost-sharing to the evaluation of extra local effects of the projects seems to make sense if they are in fact to be well-represented in project formulation. Stressing the implementability of non-traditional project means through cost-sharing reform may offer as much potential for improved performance as any other item discussed.

BIBLIOGRAPHY

- Advisory Commission on Intergovernmental Relations. *Multistate Regionalism* (1971).
- Allee, David J. and Helen M. Ingram. *The Authorizations and Appropriations Processes in Water Resources Development*. Report to the National Water Commission (1972).
- Braybrooke, David and C. E. Lindblom. *A Strategy of Decision* (New York, 1963).
- Fox, Irving K. "An Evaluation of Institutional Arrangements." Mimeo, statement prepared for National Water Commission (April 1970).
- and Isabel Picken. *The Upstream-Downstream Controversy in the Arkansas White-Red Basins Survey*, ICP Case No. 55 (University of Alabama Press, 1955).
- Gere, Edwin Andrus. *Rivers and Regionalism in New England* (University of Massachusetts, Bureau of Government Research, 1968).
- Hart, Gary W. *Institutions for Planning*. Report to the National Water Commission (1971).
- Hoggan, Daniel H. "River Basin Water Planning Organizations in the 60's," *Water Resources Bulletin*, Vol. 10, No. 6 (December 1974), pp. 1173-1186.
- Howards, Irving and Edward R. Kaynor. "Institutional Patterns in Evolving Regional Programs for Water Resources Management," *Water Resources Research* (University of Massachusetts, 1971).
- Ingram, Helen. "Patterns of Politics in Water Resources Development," *National Resources Journal*, 2(1) :112 (1971).

- . *The New England River Basins Commission: A Case Study*. Report to the National Water Commission (1971).
- . "The Changing Decision Rules in the Politics of Water Development," *Water Resources Bulletin*, Vol. 8, No. 6 (December 1972), pp. 1177-1188.
- . "The Political Viability of Regional Water Institutions," *American Journal of Agricultural Economics* (February 1973).
- Lindblom, Charles E. "The Science of Muddling Through," *Public Administration Review* XIX (Spring 1959), pp. 79-88.
- Lowi, Theodore. "American Business, Public Policy, Case Studies and Political Theory," *World Politics* 16 (July 1964), pp. 677-715.
- Muys, Jerome C. *Interstate Water Compacts*, Report to the National Water Commission (1971).
- Olson, Mancur. *The Logic of Collective Action* (Cambridge, Mass., 1963).
- Ostrom, Vincent. *Institutional Arrangements for Water Resources Development*, PB 207314 (Springfield, Virginia: National Technical Information Service, 1971) (1971b). Report to the National Water Commission.
- . *The Intellectual Crisis in American Public Administration*. (University, Alabama: The University of Alabama Press, 1973).
- Roberts, Marc J. "Organizing Water Pollution Control, The Scope and Structure of River Basin Authorities," *Public Policy* (Winter 1971), Vol. XIX, pp. 75-142; and Roberts, Marc J. "River Basin Authorities: A National Solution to Water Pollution," *Harvard Law Review*, Vol. 83 (May 1970).
- Rothblatt, Donald N. *Regional Planning: The Appalachian Experience* (Lexington, Mass.: Heath Lexington Books, 1971).
- Schmid, A. Allan. *Impact of Alternating Federal Decision-Making Structures for Water Resources Development*. Prepared for the National Water Commission.
- Selznick, Philip. *TVA and The Grass Roots: A Study in the Sociology of Formal Organization* (New York: Harper and Row, 1949).
- U.S. Water Resources Council. *Water and Related Land Resources Planning, A Policy Statement* (Washington, D.C., 1970), 5 p.
- . *Environmental Statements—Framework Studies and Assessments of Regional or River Basin Plans, A Policy Statement* (Washington, D.C., 1971), 3 p.
- . *First Annual Report to the Congress of the United States on Level B Planning* (Washington, D.C., 1973a), 35 p.
- . "Water and Related Land Resources, Establishment of Principles and Standards for Planning," *Federal Register*, Vol. 28, No. 174, Part III (1973b). 91 p.
- Warren, Robert and Geoffrey Wandesforde-Smith. *A Comparative Analysis of American and Canadian Governmental Arrangements for the Development of Regional Water Policy in the Columbia River Basin*. Office of water Resources Research (September 1970).
- Wildavsky, Aaron. "The Political Economy of Efficiency: Cost Benefit Analysis, Systems Analysis, and Program Budgeting," *Political Science and Public Policy*, ed. by Austin Ranney (Chicago: Markham Publishing Co.), p. 64.

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, June 12, 1975.

Senator FRANK CHURCH, *Chairman*,
Subcommittee on Energy Research and Water Resources,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your recent letter enclosing a copy of S. 506 which would authorize continued funding of the grant program under Title III of P.L. 89-80, the Water Resources Planning Act. We strongly favor this bill. The Title III grant program is providing vital support for North Carolina's water resources planning effort. We cannot afford to lose it.

You asked for our thoughts regarding the future course of water resources planning. You also solicited our comments on Title I and Title II of the Water Resources Planning Act (P.L. 89-80). We welcome the opportunity to give you, quite candidly and objectively, our views on water resources planning, its present posture and the need for reorientation. A suitable backdrop for our comments

is the growing concern among states regarding the shape of water resources planning and the roles of federal, state, and local governments in the planning process. This concern was evident in the strongly-worded statements of many delegates to the National Conference on Water, held at Washington, D.C., April 22-24, 1975.

First, a word about the fragmented, generally uncoordinated, and sometimes conflicting efforts that prevail in water resources planning, especially among federal agencies. In the absence of a comprehensive national water policy, we are attempting to plan and manage our water resources in piecemeal fashion, without effective coordination among the agencies in charge of the various pieces. We have federal agencies that plan and execute water resources development programs and projects. We have a federal agency that concentrates on water quality planning and enforcement. We have other agencies that perform rather academic exercises in the name of planning but which produce no visible worthwhile results. Somehow we must bring the activities of these agencies together into an integrated effort within the framework of a clearly defined comprehensive national water policy.

In my opinion, we need a major restructuring of our water resources planning and management system and a decided reorientation of our priorities. Planning should start at the grass roots among the people who will benefit from the planning and whose will and desires must take priority in the final analysis. The local government entity, which is closest to the people, must play a leading role in the planning processes. Since water resource planning transcends local and state boundaries, there is surely a need for federal involvement. I am convinced, however, that the federal involvement should focus principally upon the national and interstate aspects of planning and management, and that it should not be the dominant force in shaping state and local actions.

With reference to Title II, our only involvement in the operations of a river has been quite limited and we are not in a position to evaluate its performance. However, we do have reservations concerning the budgetary support the Council has received. Whether attributable to OMB's demonstrated coolness for water resources development, or to some other factor, it is clear that the Council's funding support has not been consistent with its statutory mission.

With reference to Title II, our only involvement in the operations of a river basin commission has been as a minor member of the Ohio River Basin Commission. We believe that the river basin planning concept is basically sound and that a river basin commission, if properly supported and operated, can provide workable machinery for interstate water resources planning. It is certainly no substitute for state and local planning efforts.

North Carolina is anxious to contribute in any way we can to building a sound national program of water resources planning and management. Such a program is essential. It can be developed only through close cooperation and concerted effort among local, state and federal interests.

Sincerely,

JAMES E. HOLSHOUSER, Jr.,
Governor.

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, April 30, 1975.

HON. FRANK CHURCH,
U.S. Senator,
Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: North Dakota strongly supports your efforts, through Senate Bill 506, to indefinitely extend Title III of P.L. 89-80, the Water Resources Planning Act.

In the last ten years—with the assistance of Title III Grants—North Dakota has completed a framework level State Water Plan, more detailed plans for the Goose and Knife River Subbasins, and a Reconnaissance-Feasibility Study of the subbasins included in our 14-County West River Area. Our State plan needs updating, and we are about to embark upon a detailed study of the Devils Lake Subbasin in eastern North Dakota.

The recently recessed State Legislative Assembly authorized the State Water Commission to participate on a cooperative basis with the U. S. Bureau of Reclamation in a feasibility grade study of the Apple Creek Unit, Pick-Sloan

Plan, Missouri Basin Project. The State appropriation of \$186,000 alone substantially surpasses the FY 1975 Title III Grant of \$89,150.

Continuation of Title III funding is particularly important to North Dakota. Because of its low population density and the absence of major urban centers, North Dakota cannot compete with other states for Level B funding. While the Souris-Red-Rainy River Basins Commission was operational, two proposals—one for the Devils Lake Subbasin in North Dakota and another for the Red Lake Subbasin in Minnesota—were submitted over a period of three successive years to the Water Resources Council for funding. Each year they shared the bottom of the Council's priorities listing.

Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972, further compounded the problem of securing a higher priority for Level B proposals for studies needed in North Dakota. The Yellowstone Level B proposal, which does include a part of North Dakota, appears to be in a highly favorable position for funding this year, but this can be attributed at least in part, to the fact that the area has considerable potential as an exporter of energy. Other parts of the State which have neither the potential to produce energy nor the concentrations of population needed to qualify under P.L. 92-500, but which have all of the problems present to warrant a detailed Level B Study, will find themselves at the bottom of the Level B priority list for the foreseeable future.

Title III matching funds help bridge the priorities gap and at the same time, assist the State of North Dakota in participating in the increasingly more active and demanding river basin commission activities.

As a consequence of these factors, we certainly support extension of the Title III program. We likewise support \$5.0 million as a minimum funding level. I have no doubt whatsoever that North Dakota will continue to appropriate the funds needed to match future Title III grants.

With kind personal regards,

Sincerely yours,

ARTHUR A. LINK,
Governor.

OHIO DEPARTMENT OF NATURAL RESOURCES,
Columbus, Ohio, July 7, 1975.

Hon. FRANK CHURCH,

Chairman, Subcommittee on Energy Research and Water Resources, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: Reference is made to your recent letter enclosing S. 506 to extend funding authorization under Title III of the Water Resources Planning Act (PL 89-80), and to your indication of interest in comments regarding Title I and II of the Act. I take great pleasure in forwarding these comments on behalf of Governor Rhodes, who has been a strong supporter of the principles embodied in the Water Resources Planning Act. As you know, Governor Rhodes took the lead in establishing the Ohio River Basin Commission under Title II, and joined with other Governors in a resolution to request establishment of the Great Lakes Basin Commission.

It is my conviction that radical changes are needed if the purposes under PL 89-80 are to be realized. Since the Act was passed in 1965, two major issues have emerged: environmental awareness and the energy crisis. This Nation, more than ever before, needs a mechanism for optimum development of natural resources through the coordinated planning of water and related land resources. I believe the following recommendations would effect better coordination by the Water Resources Council and would increase the role of the States.

TITLE I

We support the recommendation of the National Water Commission to set the Council up under an independent, full-time chairman, appointed by the President and to place the Council under the Executive Office of the President, as is the Council on Environmental Quality. This would permit a more independent role for the Council than having its chairman affiliated with an agency as at present.

The selection of an independent, full-time chairman for the Council would make the procedure compatible then with the procedure for appointment by the President of the chairman of a Basin Commission, as provided in Title II, Section 202a of PL 89-80. We have been well satisfied with this method of selection

of the chairmen for the two basin commissions with which Ohio is affiliated, and with the opportunity this affords for continuing cooperation with full-time basin commission chairmen.

We also feel that having the Council chairmanship in an independent status would improve the budgeting process of the Council.

Consideration might also be given to adding the Environmental Protection Agency and Federal Energy Administration as statutory members of the Council.

It would also be desirable to provide in PL 89-80 for some kind of state representation on the Council, again to reflect the same type of federal-state membership as provided in Section 202c for each basin commission.

TITLE II

I fully support the river basin commission concept as the best way to coordinate, on a regional basis, the many local, state, and federal water and related land programs. It is disappointing that the States have not been more aggressive in forming Title II commissions throughout the Nation. The Water Resources Council could assist in this effort. Until this is accomplished we will lack true national policy and direction in water planning. If Level B planning is to be of use, centralized funding and strong central management of the studies is needed. River basin commissions provide a valuable forum for states and federal agencies to discuss problems and differences. Centralized budgeting for the river basin commissions would allow better handling of commission business. Amendments to Public Law 89-80 should provide for the distribution of funds to the States for participation in basin commission activities as well as for public participation.

TITLE III

This funding program has been a valuable catalyst for improving the water planning programs in many states. The Title III program has provided Ohio with over \$800,000 since 1965. This amount is relatively small compared to our expenditures for water resources planning, but these funds have assisted us in completing three out of the five major basin water development plans. With the many federal requirements for water planning and the increasing concern of water for energy needs, there is an urgent need for completion of the two plans and updating those already completed. One of the unfinished plans is in coal-rich southeast Ohio, which faces both the opportunities created by a large energy resource and the accompanying problems of developing that resource.

We support continuation of the Title III program with an increase in maximum allowable funding to \$10,000,000 in order that adequate water planning may be carried out in all states.

Senator Church, we feel that water planning and water resources development will play an increasingly important role in our Nation's future. We *know* how important water will be in providing adequate energy for the future. But development of water resources must be planned rationally and with full coordination at all levels. We support a strengthened Water Resources Council, active river basin commissions, and improved funding to permit better State involvement in the planning of our Nation's water resources.

Thank you for this opportunity to comment on The Water Resources Planning Act. We appreciate your understanding of the complex problems in water resources development, and support fully your efforts to continue funding to the States under Title III.

With kind regards,
Sincerely,

ROBERT W. TEATER,
Director.

STATE OF SOUTH DAKOTA,
EXECUTIVE OFFICE,
Pierre, S. Dak., June 12, 1975.

Senator FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: I understand that the Sub-Committee on Energy Research and Water Resources of the Committee on Interior and Insular Affairs

will be holding hearings and taking testimony on S. 506, an act to provide continued funding of the grant program under Title III of P.L. 89-80, the Water Resources Planning Act. While I may not be in a position to attend the hearings scheduled on July 10 and 11, 1975, I would appreciate serious consideration be given to the following comments.

I would certainly urge that: (1) Congress take affirmative action to continue the Title III program; (2) Title III be funded at a level of not less than \$10 million annually, assuming consistency in year-to-year appropriations; and (3) Title III have no set priority date.

South Dakota has effectively utilized its allotted funds received from Title III in developing a small but effective water and related land resources planning staff. A state water plan, incorporated into the overall state comprehensive plan, is being completed. With new demands being placed upon our limited water resources, due to the development of energy resources and increased agriculture production, greater state efforts to plan and develop our water resources effectively and efficiently is desirable. States must continue to actively engage in the entire planning process. The matching dollars received through Title III have materially aided the state's ability to participate in regional and national planning or water and related land resources.

With regard to Title I and Title II of the Water Resources Planning Act, I would urge Congress to reconsider the role of the Water Resources Council. Since water planning and management is so basic to many of our other national issues such as energy development, food production, low cost transportation, environmental protection, etc., consideration should be given to strengthening the role the Council plays in federal affairs. A restructuring of the Council with a Presidential-appointed chairman and reporting directly to the President would remove some of the inter-agency rivalry. The Council provides the mechanism to adequately focus on complex issues, providing it is adequately supported and funded.

River basin commissions as provided under Title II extend that mechanism to smaller regions throughout the nation. This state has consistently supported the concept of joint planning and decision-making when it comes to major state-federal actions concerning water resources. Again, a strengthening of support and funding for river basin commissions would go far in removing inter-agency rivalry and duplication of federal efforts to assist the states and the public in effective water resources management. More emphasis toward consolidated budgeting whereby the river basin commissions would fund and direct federal agency planning activities in a basin would be most helpful to the states.

I appreciate the opportunity to comment on this most important and complex subject and would hope that the Sub-Committee and full Committee will give serious consideration to my comments contained herein.

Sincerely,

RICHARD F. KNEIP,
Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, S.C., May 6, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: I am more than pleased to respond to your request to make comment on your proposed bill S. 506, extending the authorization for Title III of P.L. 89-80.

In view of the national impact on the planning of water resources and the direction which this nation must take in coping with its energy crisis, it appears to me that we would be extremely shortsighted if we do not provide for adequate updated water resources planning in a very strong Federal-State relationship which is the original concept and purpose of P.L. 89-80.

South Carolina historically has had an abundant water supply in general terms. It has been one of the major resources that has attracted industrial growth, and it will be a vital link now and in the future to any increase in the scope of our tax base which is sorely needed. Public Law 89-80, beginning in 1967, gave this state its first impetus to move forward with its water resource planning, development, conservation and utilization. As a result, the General Assembly in that year created the South Carolina Water Resources Commission. With a

relatively small Federal investment and a much larger State investment, this Commission has developed a very significant but small technical staff who work cooperatively with other agencies and the private sector in seeking solutions to water resource problems. This staff has also been extremely responsive to the Office of the Governor and to the General Assembly in helping analyze and provide broad spectrum policies with respect to our water and related land resources. Accordingly, for these and many other reasons, I sincerely endorse your approach to extending Title III of the Water Resources Planning Act of 1965, P.L. 89-80.

If bill S. 506 is adopted as you have presented it to the Congress, there will doubtlessly be a strong and welcomed response from other states who in the past have not had capital to invest in such development. Further, the import of P.L. 89-80 has developed closer ties between states where water resource interests have a regional bearing. As to Title I of P.L. 89-80, it appears that the membership of the Water Resources Council could be strengthened by adding as chairman a person of nonfederal employment and extending the membership to include representatives of the Environmental Protection Agency and the Department of Housing and Urban Development.

I commend you for instituting hearings on this matter on July 10-11, in Washington, and I reserve the right for the State of South Carolina to further express itself at the time of these hearings on these matters.

Sincerely,

JAMES B. EDWARDS.

CLEMSON UNIVERSITY,
DEPARTMENT OF AGRICULTURAL ENGINEERING,
Clemson, S.C., May 16, 1975.

Hon. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: Your letter and copy of S. 506 were appreciated. I, as well as other members of the Water Resources Research Institute in South Carolina, have worked very closely with the South Carolina Water Resources Commission. This organization, which receives funds through Title III of P.L. 89-80, has served South Carolina, the region, and the nation in solving water resources problems of critical concern. Through the Water Resources Commission, we maintain contact with user agencies making more effective use of research. It is only through this team work that research and planning can go hand in hand to solve the problems of our nation.

It is strongly urged that you, as well as other members of the United States Senate, give full support to S. 506 extending indefinitely Title III of P.L. 89-80. It is hoped that funds for Title III will be sufficient so that each state would get \$100,000 per year with additional funds for other critical needs.

Your support of water resources is sincerely appreciated.

Sincerely,

A. W. SNELL,
*Chairman of the Directorate,
Water Resources Research Institute.*

TENNESSEE DEPARTMENT OF CONSERVATION,
Nashville, Tenn., May 8, 1975.

Hon. FRANK CHURCH,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR CHURCH: Reference is made to your recent letter enclosing copy of S. 506 which you introduced January 30, 1975, to provide for the authority to continue funding of grants to states under Title III of the Water Resources Planning Act of 1965, P.L. 89-80.

In view of the scheduled hearing before the Subcommittee on Energy Research and Water Resources in July 1975, I would like to express my strong support for the passage of this very important amendment to the Water Resources Planning Act of 1965. I shall take this opportunity, also, to make a few comments pertaining to Titles I and II of this Act.

Tennessee is a member of the Interstate Conference on Water Problems and supports its 1974-75 Statement of Policy which emphasizes the continued funding to the states, stating: "ICWP strongly urges the Congress to fund Title III of Public Law 89-80 on a permanent, not a year-by-year, basis to provide a steady, reliable base for ongoing state comprehensive water and related land use planning and to maintain a level of funding not less than five million dollars per year".

We also support the following ICWP policy statement regarding water resources planning coordination: "The ICWP urges that the basic purpose of the Water Resources Planning Act of 1965 be extended but with (1) substantial changes in the structure of the Water Resources Council with respect to strengthening and elevating its position in the Executive Branch of government; (2) include a clarification of the role of the states in national policy matters through the Water Resources Council; (3) increase the appropriation levels and reappraise the formula utilized in connection with the grants to states under Title III of the present Act; and (4) representation of the states on the Water Resources Council in numbers numerically equal to the federal agencies represented". It is believed that the Water Resources Council should be responsive to the administrative viewpoint and *independent* of federal agency domination.

We further support the role and duties of the river-basin commissions as set out in Title II of P.L. 89-80 for the preparation of comprehensive, coordinated, joint-river basin plans and recommended priorities. Titles II and III make it possible for Tennessee to participate in basinwide regional water and related water resources planning. This state is a member of the Ohio River Basin Commission and actively participates in the compilation of a CCJP for the Ohio River Region.

Grants to Tennessee under Title III have enabled this state to pursue the development of a CCJP for the entire state with participation by both state and federal agencies. It is our intention to continually update this plan in light of rapidly changing conditions and needs. Lack of continued, adequate funding of Title III would seriously curtail this effort and would severely limit Tennessee's capability to participate in basinwide regional water and related land resources planning and in the establishment of recommended priorities. It is emphasized that only through river-basin commissions can the states have a voice in defining national priorities under P.L. 89-80 as it now stands.

Thank you for the opportunity to make the above comments.

Sincerely,

B. R. ALLISON,
Commissioner.

TENNESSEE WILDLIFE RESOURCES AGENCY,
Nashville, Tenn., May 14, 1975.

Hon. FRANK CHURCH,
*U.S. Senate, Russell Building,
Washington, D.C.*

DEAR SENATOR CHURCH: I am writing with reference to Senate Bill S. 506, which amends the Water Resources Planning Act. Title III of this Act presently authorizes annual grants of \$25 million to States to assist them "in developing and participating in the development of comprehensive water and related land resources plans."

State involvement in environmental evaluation and planning has been greatly expanded in recent years due to the National Environmental Policy Act and other legislation. Implementation of the new Principles and Standards procedures for habitat evaluation will also require much greater participation from the State level. The National Coordinating Committee recommends an amendment for not only extension, but expansion of Title III, to include grants to state fish and wildlife agencies for use in environmental planning. We also recommend that not less than 25% of the total funds allocated to any state shall be made available to the fish and wildlife agency of that state for the above stated purpose.

We also feel that it is not only appropriate, but is a must, that aid to state fish and wildlife agencies is necessary in order to help guide federal projects that affect fish, wildlife and their environments.

State fish and wildlife agencies rely almost exclusively upon revenues from sale of licenses for hunting and fishing and Federal-Aid funds transferred to them by the U.S. Fish and Wildlife Service. At the same time, the Fish and Wildlife Coordination Act requires that state agencies participate in the consultation and planning of all federal water projects. With budgets that are already strained and the many other demands placed on state agencies that manage fish and wildlife resources, it is impossible for these people to administer, evaluate, and participate in an effective professional manner unless some relief is received from grants, such as S. 506.

We ask that you give strong and urgent consideration to the recommendations put forth by the National Coordinating Committee involving the amendment to S. 506.

If I can be of further help or service to you, please call or write.

Sincerely,

HARVEY BRAY,

Chairman, National Coordinating Committee.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, May 8, 1975.

HON. FRANK CHURCH,
*U.S. Senator,
New Senate Office Building,
Washington, D.C.*

DEAR SENATOR CHURCH: We are indeed very interested in possible changes in the Water Resources Planning Act (Public Law 89-80), and especially as they might relate to Title III. This Act has been made the subject of a staff study by the Western States Water Council, and one of Utah's representatives, Daniel F. Lawrence, Director of the Division of Water Resources, is actively involved in this effort.

We certainly intend to make a statement at your hearing July 10-11, either independently or in concert with other western states through the Western States Water Council.

I feel that though the Water Resources Council and the programs it administers have been of significant value in the planning and development of western water resources, there are legislative changes which could be made to increase its effectiveness.

Sincerely

CALVIN L. RAMPTON,
Governor.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, April 30, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: In response to your recent information on Title III of PL 89-80 and your proposed amendment thereto embodied in Senate Bill 506, the State of Washington offers its strong support of extending Title III and provides the following further information in this regard:

1. These federal funds are urgently needed to maintain the State of Washington's interests within federal planning activities related to water resources. Federal expenditures by agencies other than the Water Resources Council for water resources planning in the State of Washington for FY-1975 are estimated to exceed \$2,680,500 (see attached project list). These sizable expenditures by federal agencies for water resource planning in our state require extensive coordination, and in many instances the attempted resolution of difficult questions, including:

- a. The rights of the federal government to water, which may originate or be developed for use on federal lands.
- b. Rights of Indians to water and the quantification thereof.
- c. Jurisdiction over water we share with Canada and with other states.

2. The State of Washington relies heavily on Title III funding to provide a minimum level of coordination and for the representation with respect to the state's interests in federal planning activities within our state.

3. In addition to the continuance of Title III, the continuity of funding would be of real assistance to this state inasmuch as we have staff positions directly tied to this funding source.

4. The future holds the challenge of determining at what level various aspects of water resource planning may be best coordinated to be reflected upon and benefit the public of the local area, the state, the region, and the nation. We would propose a stronger role for the states as assisted under Title III, and the River Basin Commissions as assisted under Title II.

In regard to Title II, we believe that the Pacific Northwest River Basins Commission provides excellent regional forum on water resource matters.

The state has previously communicated our views on the subject to our congressional delegation. I am taking this opportunity to inform my Washington, D.C. office of your proposed hearing on July 10 and 11 next.

Sincerely,

DANIEL J. EVANS,
Governor.

Enclosure.

Approximate Fiscal Year 1975 Federal Agency Expenditures in Water Resource Planning in Washington State.¹

Department of Interior program, State of Washington, fiscal year 1975

	<i>Amount</i>
All Interior agencies (eight agencies) :	
CCJP—(BPA, BOR, FWS, GS, BR, NPS, BLM, BM) (estimate) -	\$80,000
Bureau of Reclamation :	
1. Appraisal studies (level B) :	
Colville Indian Reservation-----	
Yakima Indian Reservation-----	90,000
2. Feasibility studies :	
Grand Coulee 3d PP-----	
Bumping Lake enlargement-----	
Oroville-Tonasket-----	
Walla Walla project-----	208,000
3. Special studies :	
Yakima Valley water management-----	
Yakima project R. & B.-----	100,000
Reclamation, total (rounded)-----	400,000
Fish and Wildlife Service :	
Estuarine studies-----	
Land and water resource planning assistance-----	
State water plan-----	
Fish and Wildlife, total (estimate)-----	75,000
Bureau of Land Management :	
Resource management, conservation, and protection (estimate) --	15,000
Total Interior-----	\$570,000

Corps program, State of Washington, fiscal year 1975 (Approximate)

Level C program :	
Puget Sound and adjacent waters-----	
Chehalis River and tributaries-----	
Colville River Basin-----	
Crab Creek-----	
Wenatchee-----	
Metro Spokane-----	
Okanogan-----	
Yakima-----	
Grays Harbor-----	
Seattle Harbor-----	
Snohomish River and tributaries-----	\$1,260,000

¹ See footnote at end of table.

Level B (three studies)-----	75,000
Columbia River and tributaries—Level C (gross proration)-----	485,000
Total, Corps-----	\$1,820,000
<i>USDA water planning program, State of Washington, fiscal year 1975</i>	
Level B—three studies-----	\$95,500
Level C (P.L. 566)—three projects-----	105,000
Type IV (two areas)-----	90,000
Total, USDA-----	290,500
Total Federal agency (USDA, Corps and USBR) water resource planning, fiscal year 1975, Washington State-----	2,680,500

¹ Source—Pacific Northwest River Basins Commission estimates.

NATIONAL WATER RESOURCES ASSOCIATION,
Washington, D.C., May 7, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources, Senate
Interior and Insular Affairs Committee, New Senate Office Building, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: Thank you for the inquiry about PL 89-80.

I consider that amendment of the Water Resources Planning Act is necessary to help the States to cope with the impacts of resource-oriented Federal legislation of the past ten years.

Why I so consider is discussed in the Memo, attached. That Memo is to be used to explore further the views of non-Federal planners. You will be informed of whatever results from such exploration.

Sincerely,

CARL H. BRONN.

Enclosure.

NATIONAL WATER RESOURCES ASSOCIATION,
May 1975.

MEMO

Subject: Future of P.L. 89-80 [Water Resources Planning Act].

This responds to the inquiry of Chairman Frank Church about future directions of water resource planning through PL 89-80, and the extension of its Title III.

To get current States' views, I talked with several State water resource planners attending the recent Western Governors' Conference on Agriculture, and with others at the National Water Conference. Two points stand out:

(1) Federal laws enacted *since* PL 89-80 was conceived are complicating local water resource planning. This merits continued Federal aid to State planning via Title III, and—

(2) The States are contributing fully to Title III (even more), yet the States' preferences are not strongly recognized in Federal plans and actions which pertain to water and related land resources.

Those factors, and others, suggest re-working of PL 89-80. Toward that, I discuss conditions meriting amendment of the Act. This will, I plan, be followed by drafts of amendments.

Complexity of Aims

The Federal government has legislated new aims for water resources, such as: The Coastal Zone Management Act, the Flood Hazard Reduction Act, the Water Quality Amendments of 1972, the Wild and Scenic Rivers Act, NEPA, and Wilderness legislation; other Federal laws and programs impact upon States' planning for water and land resources. In the resulting mix of policy, law, regulation, and court decisions, *one existing planning device* appears to seek *reconciliation of aims*—that is the Level B Study.

Integral Study—What it is

Each Level B Study comprises: a study report not to exceed 100 pages; technical backup available from other planning; the E.I.S.; a brochure comprehensible to John Q. Public.

For this, Level B Studies depend upon judgments developed by the planning of the past 10 years; they are timely [in two priorities related to substantial water quality management problems under PL 92-500], and prepared quickly—a two-year limit is placed on each Study.

A purpose of the Level B Study is to integrate a wide range of natural resource planning programs. It recognizes the inseparability of water quality, water quantity, and land management problems. In doing this, it depends upon the mutual interests of local, State, regional and Federal entities.

States' Role

The Level B Study seeks strong participation and leadership by States; this includes delineating the components of the States' objectives.

The Level B Study ties to PL 92-500 via:

- Section 209 [with its \$200 millions of authorizations];
- The National Policies and Goals Study [Section 10];
- River Study Centers [Section 104(s)];
- Programs for control [Section 102(b)];
- Areawide waste treatment management [Section 208(a), to which Level B accords high priority for Subparagraphs (2), (3), and (4)];
- Water quality standards and implementation plans, especially the planning process [Sec. 303(e)(3)(B)].

In all this, PL 92-500 declares a policy of the Congress to recognize and to protect the *primary rights* of the States to plan for land and water resources.

Other Planning

Most States are taking a new look at State responsibilities to guide the uses of private lands, and several States have enacted legislation for this. The water resource is often a strong factor in the practicability of such planning.

The national interest in energy—development, processing, consumption—will take into account both State and National Water resource preferences. In fact, some Governors would use water resources to control energy development and use.

The national interest in a reliable agricultural output to strengthen long-range capability to acquire critical overseas materials is affected by the water resource, as through flood control, drainage, irrigation, inland transportation, and harbor capacities.

In all the foregoing, States' ambitions are a key to fulfillment of the national interest; planning should aim at welding the two!

Summation

The discussion speaks for formulating expedited, integrated water resource policies by States having different capabilities and aspirations. This requires planning to integrate States' ambitions with the effects from the myriad of Federal policies now impinging upon water and related land resources. Level B Studies with State direction may be part of the approach.

If Level B is a major device, the factors discussed should be worked into a strengthened PL 89-80.

The array of factors mentioned are illustrative of newer National interests, attested to by laws, programs, court decisions, and changing worldwide economic development. Altogether, they signal a demand for substantial Federal and State *funding* of integrated water and related land planning, in a program of no less than 5 years duration.

Conceptualization

To develop reactions to this approach—as a focus for changes in PL 89-80—copies of this Memo are being sent to planners in several States. They will be encouraged to write to an Ad Hoc Committee of NWRA. Your Staff will be informed as to results . . . hopefully a draft of prospective amendments.

CARL H. BRONN,
Executive Director.

NATIONAL WATER RESOURCES ASSOCIATION,
Washington, D.C., July 8, 1975.

HON. FRANK CHURCH,
Chairman, Subcommittee on Energy Research and Water Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This indorses S. 506, which would extend the authority for financial assistance to the States for water resources planning.

The National Water Resources Association¹ favors not only extension, but also whatever rate of funding can be matched by the States, because:

The U.S. population is certain to grow, but the national supply of water is unpredictable. In fact, some weather experts suggest that precipitation may be less during the next 50 years than in the past fifty;

Environmental aims often increase the competition for the water resource, especially as regards *withdrawal* of water from rivers and streams;

Per capita withdrawals tend to increase as G.N.P. rises, and also as proportionately more energy is sought from semi-arid areas;

Withdrawals of ground water have, in certain significant areas, exceeded the natural rate of replacement.

Non-federal planning which involves water and related land resources is vastly complicated by Federal actions, like:

The Clean Water Law of 1972;

Wild and Scenic Rivers Act, and other set asides;

Flood Hazard Reduction Act;

Coastal Zones Management Act;

The stimulation of local land use planning through proposals for Federal land use criteria;

Requirements for environmental impact statements and assessments.

I admit that some of those needs for water and related land use planning may be more protective than productive. But needs they are, . . . and will be as long as cited legislation, reinforced by regulations, guidelines, and court orders, affects significantly the uses of water and related land resources.

I ask that this letter (furnished in 25 copies) be made part of the hearing record. Should there be questions, I will be in the hearing room on July 10.

CARL H. BRONN,
Executive Director.

STATE OF WEST VIRGINIA,
OFFICE OF THE GOVERNOR,
Charleston, June 23, 1975.

HON. FRANK CHURCH,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR CHURCH: Thank you very much for your letter relative to S. 506 to continue funding of the grant program under Title III of P.L. 89-80, the Water Resources Planning Act.

Your personal interest in introducing this bill is greatly appreciated by West Virginia. Title III Funds are the only Federal funding available to our state for Water and Related Land Resources Planning. Should this be discontinued, this state's Water Plan will be seriously impaired. Also, participation in Federal and river basin commission studies will be difficult, if not impossible.

I can assure you that West Virginia feels strongly that Title III Funds are vital to continuation of this state's Water Resources Plan and make possible the participation in Water and Related Land Resources Planning studies conducted by Federal, state, and river basin commissions.

I urge the Congress to give thoughtful consideration to the extension of Title III funding beyond terminal date defined in P.L. 89-80. Such an extension would serve not only to benefit water resources planning in West Virginia, but would provide continuing impetus to the total effort of coordinated water resources planning for the entire nation.

Sincerely yours,

ARCH A. MOORE, Jr.,
Governor.

¹ NWRA is a non-profit federation of organizations in the 17 western continental States, and Hawaii. It was organized in 1932 under sponsorship of the western conference of governors.

STATE OF WEST VIRGINIA,
DEPARTMENT OF NATURAL RESOURCES,
Charleston, May 13, 1975.

HON. FRANK CHURCH,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR CHURCH: Thank you very much for your letter of recent date relative to S. 506, a bill which you introduced on January 30, 1975, to provide for the authority to continue funding of the grant program under Title III of PL 89-80, the Water Resources Planning Act.

Your personal interest in introducing this bill is greatly appreciated by West Virginia. Title III funds are the only Federal funding available to this Department for Water and Related Resources Planning so if this program is discontinued, this State's Water Plan will be seriously impaired, also participation in Federal and River Basin Commission studies will be difficult, if not impossible.

I can assure you that West Virginia feels strongly that Title III Funds are vital to continuation of this State's Water Resources Plan and make possible the participation in Water and Related Planning Resources studies conducted by Federal, State and River Basin Commissions.

The Honorable Arch A. Moore, Jr., Governor of West Virginia, in 1973 strongly suggested that Title III Water Resources Planning Act of 1965, PL 89-80, be continued beyond fiscal year 1976.

I am enclosing copies of letters from the Honorable Arch A. Moore, Jr., Governor of West Virginia, Honorable John Slack, Honorable Harley Staggers, Congressmen of West Virginia, Honorable Robert C. Byrd, Honorable Jennings Randolph, Senators of West Virginia. We recommend that this program be continued indefinitely and with additional funding.

If I can be of further assistance, please feel free to contact me.

Sincerely,

IRA S. LATIMER, Jr.,
Director.

Enclosures.

AUGUST 1, 1973.

HON. ROBERT C. BYRD,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: Title III of the Water Resources Planning Act of 1965, PL 89-80, has proven to be of great benefit to West Virginia in the initiation of new and expansion of ongoing water and related land resources planning activities. If Title III water resources planning grants to the states are allowed to lapse after fiscal year 1976, progress in this vital area will be significantly slowed.

Although the impact on water resources planning programs of Public Law 92-500 (Federal Water Pollution Control Act Amendments of 1972) has not yet been fully assessed, the continuation of the Title III grant program provides supportive effort to the accomplishment of the directives set forth in that Act. Regardless of the funding levels adopted for the Area-wide Waste Treatment Management under Section 208 and accelerated Level B Plans under Section 209, additional input of Title III funding to the states can ensure the timely completion of these planning programs and River Basin Commission Comprehensive Coordinated Joint Plans (CCJP), as well as development of each state's water resources plan. In view of these much needed planning activities, it is essential that extension and expansion of the Title III grant program be enacted by Congress.

West Virginia is not alone in its support of the Title III program. As a matter of record, the Ohio River Basin Commission, with the support and unanimous agreement of its eleven member states, adopted at its meeting of October 27, 1972, the following policy statement on Title III funding:

Whereas the Title III funding provided in the Water Resources Planning Act of 1965 has been vital in the development of water resources planning at the state level; and

Whereas many state water planning efforts would be seriously impaired without Title III funding:

The Ohio River Basin Commission recommends that the Water Resources Council fully support extension of the Title III funding beyond the terminal date defined in PL 89-80. Furthermore, the Ohio River Basin Commission recommends that, should such Title III funding extension be approved, the level of such Title III funding be substantially increased so that state water planning programs may be accelerated and development of the Commission's CCJP expedited.

I urge the Congress and the Water Resources Council to give thoughtful consideration to the extension of Title III funding. Such an extension would serve not only to benefit water resources planning in West Virginia, but would provide continuing impetus to the total effort of coordinated water resources planning for the entire Nation.

Sincerely yours,

ARCH A. MOORE, Jr.,
Governor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 23, 1973.

Hon. ARCH A. MOORE, Jr.,
Governor, State Capitol,
Charleston, W. Va.

DEAR GOVERNOR: Thank you very much for your letter of recent date relative to the Water Resources Planning Act of 1965, Public Law 89-90, and the water resources planning programs of Public Law 92-500.

I certainly appreciate your writing me and agree wholeheartedly that the Title III Program is of great importance to West Virginia.

I have supported this in the past and will continue doing all I can to see that funding is approved for the extension of Title III.

With kind personal regards, I am

Sincerely yours,

HARLEY O. STAGGERS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 10, 1973.

Hon. ARCH A. MOORE,
Governor, State of West Virginia,
Charleston, W. Va.

DEAR ARCH: I have your letter of August 1, concerning funds for Title III of the Water Resources Planning Act of 1965. These funds are contained in the Agriculture Appropriations bill which has just passed the House and Senate, but it has not been finally adopted because a conference committee is still resolving differences in the bill between the versions passed by the two bodies.

In the House bill, there was \$178,000,000 approved; in the Senate bill there was \$185,000,000. Of these amounts, the funds to cover enforcement, air pollution, water pollution control and pesticide control total \$45,900,000 in the House bill and \$46,800,000 in the Senate bill.

I would anticipate this situation will be resolved by conference agreement not long after the Congress reconvenes in early September.

Yours sincerely,

JOHN SLACK,
Member of Congress.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., August 16, 1973.

Hon. ARCH A. MOORE, JR.,
Governor, State of West Virginia,
Charleston, W. Va.

DEAR ARCH: Thanks so much for your letter indicating your full support for the Title III planning grant program authorized by the Water Resources Planning Act of 1965 and urging that funding be expanded and extended beyond the fiscal 1976 termination date now projected.

I am glad to get your favorable evaluation of the program in question and I am convinced, as you are, of its significant benefit in states such as West Virginia where resources are relatively limited.

Pressures on municipalities generated by increasing demands for water and by water quality requirements will accentuate the need for resource development and waste management planning and procedures in the coming years to a degree far beyond that presently existing and I consider federal assistance in that area both appropriate and essential.

Any proposal for program expansion or extension would initially be considered by the Senate Interior Subcommittee on Water and Power Resources so I am forwarding copies of your letter and mine there for review and consideration.

Meanwhile, you may be sure of my support for your position when any legislation bearing on the issue comes before the Senate.

With warm personal regards, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 18, 1973.

HON. ARCH A. MOORE, JR.,
*Governor, State of West Virginia,
State Capitol, Charleston, W. Va.*

DEAR ARCH: The enclosed letter from the United States Water Resources Council will be self-explanatory. The Council has taken note of your strong support for the program authorized by Title III of the Water Resources Planning Act, and I am advised that the question of extending the grant program will be carefully weighed during the current fiscal year.

As a member of the Senate Appropriations Committee, I shall be alert to the advisability of continued funding of this program.

With good wishes.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

STATE OF WISCONSIN,
OFFICE OF THE GOVERNOR,
Madison, Wis., May 12, 1975.

HON. FRANK CHURCH,
*Member of the Senate,
Committee on Interior and Insular Affairs, Washington, D.C.*

DEAR SENATOR CHURCH: Since 1966, Wisconsin has received financial assistance through Title III of the Water Resources Planning Act which authorizes grants to states to assist them in developing and participating in the development of comprehensive water and related land resources plans.

This grant program has been invaluable in developing the Water Resources Planning Program in the State of Wisconsin. The monies made available through Public Law 89-80 have greatly aided the establishment of a statewide data network enhanced coordination between state government and regional and river basin planning commissions, and facilitated the development of a state comprehensive water resources management plan for Wisconsin. Our State needs the assistance of a strengthened Title III program to successfully accomplish the job we have started and to go on to the next steps. The expiration of the assistance program would have a disastrous effect on our ability to play our role in the regional and national planning for water and related land resources.

Clearly, progress in developing a continuing State water resource plan is contingent upon Federal matching dollars.

I support, and have already asked the Wisconsin Congressional Delegation to support, passage of Senate Bill 506 which would extend Title III grant authority indefinitely.

To date, Federal dollars have not been adequate to support the rapid development of needed planning techniques and tools such as information systems. Full annual appropriations are desperately needed to allow Wisconsin and other states to adequately prepare for and participate in state, interstate and regional planning essential to protect and improve the nation's water resources.

If there is more which I can do to encourage passage of this bill, please let me know.

Sincerely,

PATRICK J. LUCEY,
Governor.

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