An Analysis and Comparison of Title II River Basin Commissions

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AN ANALYSIS AND COMPARISON OF
TITLE II RIVER BASIN COMMISSIONS

by

Douglas Alden Cox

A Thesis
Submitted to the
Faculty of The Graduate College
in partial fulfillment
of the
Degree of Master of Arts

Western Michigan University
Kalamazoo, Michigan
December 1975
ACKNOWLEDGEMENTS

Special thanks go out to Mr. Leonard T. Crook, of the Great Lakes Basin Commission, who has helped in so many ways they cannot all be counted. He opened up the Commission for use when any information was needed, and this included the staff and the library. Thanks also go to Mr. E. J. Gullidge, of the Pacific Northwest River Basins Commission, and Mr. Philip Tabas, of the New England River Basins Commission, who were able to furnish much needed information.

Last but not least, special thanks go to Mr. and Mrs. Robert J. Cox for helping to proofread this document. When the going became rough they said keep going, you can do it.

The blame for any mistakes or omissions lies with the author, and not with any of the sources of reference and information.

Douglas Alden Cox
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COX, Douglas Alden, 1948-
AN ANALYSIS AND COMPARISON OF TITLE II
RIVER BASIN COMMISSIONS.

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INTRODUCTION

This study will focus on the joint Federal-State partnerships which have been established under Title II of the 1965 Water Resources Planning Act enabling legislation.

Seven river basin commissions have been established under Title II of the Water Resources Planning Act. These include the New England River Basins Commission, the Ohio River Basin Commission, the Great Lakes Basin Commission, the Upper Mississippi River Basin Commission, the Missouri River Basin Commission, the Pacific Northwest River Basins Commission, and the Souris, Red, Rainy River Basin Commission. The latter has been incorporated in the Upper Mississippi River Basin Commission. Therefore, there are six functioning Title II river basin commissions. They cover all, or part, of 32 states. Several states are members of more than one commission; an example being New York which is a member of both the New England River Basins Commission and the Great Lakes Basin Commission. Table I, entitled Title II River Basin Commissions, appears on page 2 of this study.

This study analyzes the three oldest Title II river basin commissions—the Pacific Northwest River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission. These three commissions have been chosen as examples to test whether the Title II commissions are effective in carrying out their Congressionally mandated duties.
### Table I

**Title II River Basin Commissions**

<table>
<thead>
<tr>
<th>Commission Name</th>
<th>Executive Order Number</th>
<th>Date Established</th>
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<tr>
<td>Pacific Northwest River Basins Commission**</td>
<td>11331</td>
<td>March 6, 1967</td>
</tr>
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<td>Great Lakes Basin Commission**</td>
<td>11345</td>
<td>April 20, 1967</td>
</tr>
<tr>
<td>Souris, Red, Rainy River Basin Commission*</td>
<td>11359</td>
<td>June 20, 1967</td>
</tr>
<tr>
<td>New England River Basins Commission**</td>
<td>11371</td>
<td>September 6, 1967</td>
</tr>
<tr>
<td>Ohio River Basin Commission</td>
<td>11578</td>
<td>June 13, 1971</td>
</tr>
<tr>
<td>Missouri River Basin Commission</td>
<td>11658</td>
<td>March 22, 1972</td>
</tr>
<tr>
<td>Upper Mississippi River Basin Commission</td>
<td>11659</td>
<td>March 22, 1972</td>
</tr>
</tbody>
</table>

*Incorporated in the Upper Mississippi River Basin Commission.

**The three oldest existing commissions—they will be analyzed in this study.**
The general purpose of this study will be to answer the major question, are the Title II commissions viable institutional alternatives in the field of water and related land resource studies in the United States? The proposition is that they do provide a viable institutional alternative to the temporary commissions, ad hoc committees, and formal structures (TVA, Delaware River Basin Commission, etc.) with construction and management, as well as planning responsibilities.

Three commissions are used in order to compare and analyze the strengths and weaknesses of each one as they relate to the general purpose of the study.

The purpose of this study will be to test this proposition by using the following sets of questions. The questions will be investigated and answered, in order to see if the major proposition can be supported.

The first set of questions deals with the source of legal authority for the Title II river basin commissions. The first question to be dealt with is, what is the source of legal authority for Title II river basin commissions, and what are a few of the basic problems encountered in the preparation of the Congressional legislation? Another question to be proposed is, were the legislators, federal agencies, and states desirous in having the Water Resources Planning Act become law? This will give an insight into whether the agencies and Congress felt the law itself was viable. In this section of the study, a short history of the Congressional legislation will be provided, as well as a look at
the more important Titles of the Water Resources Planning Act.

A second set of basic questions must now be answered in respect to the viability of the Title II commissions. How are Title II commissions established and what are some of the motives which lead to the establishment of a Title II commission? Are the motives self-centered, or are they generally for the good of the region? In this section of the study, the characteristics of the river basin commissions to be analyzed will be looked at, as well as the reasons for establishing each commission.

The third set of questions is important to discover if the critical political considerations involved with river basin commission development and establishment lead to viable institutions. First, does the Federal-State partnership promote compliance and coordination? Second, how adequate is financing and budgeting? Third, is public participation stressed, and does the public take an active role in commission programs and meetings? Finally, is decision-making by consensus a viable approach? In this section, the study will discuss the various political issues involved and their relevance to the effectiveness and viability of the commissions.

In the fourth section of the study, the set of questions deals with the viability of the planning process as it relates to the Congressional mandates of the Title II commissions and its relationship to economic, cultural and environmental considerations. First, is joint Federal-State planning possible and how has the planning process evolved? Second, what is the purpose of priority reports, and what is the definition and importance of the Comprehensive,
Coordinated, Joint Plan? Third, what are the types of studies authorized and how effective have they been? Finally, what are some of the basic studies which have been carried out, in progress, or which are being planned for the future?

The concluding section of the study covers several basic questions dealing with the viability of the Title II commissions. First, have the commissions succeeded or failed to carry out their Congressionally mandated duties? Second, do the experts feel that the commissions are viable institutional entities for the future, or are they weak and ineffective? A final question to be asked is, can the Title II river basin commissions be improved?

The introductory chapter gives a brief history of the comprehensive water resources planning movement in the United States. It also gives the legislative history of the Water Resources Planning Act.

Chapter two gives a brief description of the major three Titles of Public Law 89-80. The law is investigated, because it will be referred to in the future discussion.

Chapter three deals with the characteristics of the commissions to be analyzed, and the reasons for the establishment of Title II commissions.

Chapter four deals with the critical political considerations which must be looked at when measuring the viability of any organization. These include cooperation, funding, public participation, and finally decision-making. Decision-making in this case is by consensus.

The fifth chapter analyzes the planning process, and includes
the analysis of such items as joint planning, Congressional mandates, and types of studies and planning to be undertaken.

Finally, the conclusions discuss the successes and failures, the strengths and weaknesses, and the overall viability of the Title II river basin commissions.

History Of Comprehensive Water Resources Planning

Since the beginning of history, the availability of water has determined the course of civilization. Water is a basic necessity of life. The abundance or scarcity of water has not only dictated where and how man will live, but also how far he will progress economically and culturally. This has been true whether we consider an oasis in the middle of a desert, the water supply system of an ancient city-state, or a modern river system serving the water needs of a large industrial or agricultural complex.¹

Comprehensive regional river basin development is difficult to describe, but it involves regional unified river basin development. This approach is comprehensive in that it expands water resources planning to encompass all aspects of natural resources as they relate to economic growth and the cultural characteristics of the society.²

The initiative to establish comprehensive river basin planning


commissions came from the Bureau of the Budget. Between 1940 and 1950 several interagency river basin committees were established. These included the Missouri (1945), the Columbia (1946), the Pacific Southwest (1948), which were established through the Federal Interagency River Basin Committee of 1943.¹ The Arkansas-White-Red Basin Committee was established in 1950, as well as the New England-New York Basin Committee. The latter two were created by presidential directive. These committees came under strong criticism because the states participated at federal invitation only, there was no executive leadership, and there was no statutory authority.²

By the mid 1950's, reform was sought. President Eisenhower's Advisory Committee on Water Resources Policy recommended regional river basin water resources committees be formed. The recommendation called for a permanent nonvoting chairman to be appointed by the president. Representatives of all federal departments and the states involved would also be members. The Committee on Water Resources Policy was made up of the Secretary of Agriculture, the Secretary of Defense, and the Secretary of the Interior.³

Reform was sought, and Congress was ready to assume the responsibility for coming up with the proper solution to the problem.

Legislative History Of The Water Resources Planning Act

² loc. cit., p. 136.
³ loc. cit., p. 137.
In the late 1950's, the Congress recognized the need for a broad view, comprehensive and coordinated approach for planning for the effective management of the nation's water and related land resources. Congress wanted all of those who were involved in the development of the river basin regions to take an active part in the planning process. This included the federal government, states, local governments, industry, associations, and individual citizens. The traditional fragmented approach where federal, state, local and private groups pursued their own aims was no longer practical. One entity should oversee the development of water and related land resource plans.

There were numerous problems with the earlier 'ad hoc' committees and temporary commissions, and it was said that;

if water resource planning is to play a role in directing the future use of our water resources, it is argued that a shift must be made from the present 'tyranny of small decisions' to more comprehensive and evaluative planning, and have the planners and decision makers communicate to the public the importance of attaining a planned balance between preservation and development.

In 1961, the United States Senate Select Committee on National

---


Water Resources predicted that total water withdrawals in the United States, for all purposes, would double between 1954 and 1980 and in turn triple by the year 2,000. It became apparent to Congress that full development of all available water resources would be a national requirement for 1980.¹

The Water Resources Planning Act was an outgrowth of the findings and recommendations of the Senate Select Committee on National Water Resources—the Kerr Committee. In the final report submitted January 30, 1961, six basic types of water problems found in various parts of the nation were outlined. These included supply, distribution, natural quality, pollution, variability, and floods.²

The Kerr Committee found that five major regions of the country would have inadequate water supplies in 1980 to meet anticipated increases in population and economic activity, even with full development. These regions included: (1) South Pacific, (2) Colorado River Basin, (3) Great Basin (Utah-Nevada-California), (4) Upper Rio Grande—Pecos, and (5) Upper Missouri River Basin. By the year 2,000 shortages were anticipated to occur in the Upper Arkansas-Red River Basins, the Western Great Lakes, and the Louisiana-Texas Western Gulf region. Other regions of the country would have adequate usable water if they expended billions in pollution control, recycling, storage reservoirs, and more efficient management

¹Dominy, op. cit., p. 297.

practices. The area in the latter category included the industrial
area from Boston south to Norfolk, Virginia, then west in a great
band to Kansas City and Sioux Falls, South Dakota.¹

The Kerr Committee report presented five recommendations,
and they included:²

(1) The Federal Government, in cooperation with the States,
should prepare and keep up to date plans for comprehensive
water development and management for all major river basins
in the United States***.

(2) The Federal Government should stimulate more active
participation by States in planning and undertaking water
development and management activities by setting up a 10-
year program of grants to the States for water resources
planning. A minimum of $5 million should be made available
annually for matching by States***.

(3) The Federal Government should undertake a coordinated
scientific research program on water***.

(4) The Federal Government should prepare biennially an
assessment of the water supply-demand outlook for each of the
water resource regions of the United States***.

(5) The Federal Government in cooperation with the States
should take*** steps to encourage efficiency in water development
and use***.

The third recommendation was enacted into law in the 88th Congress
as Public Law 88-379 (Water Resources Research Act). The Water
Resources Planning Act, of the 89th Congress, incorporates the
other four recommendations.

In January 1959, Congressman Wayne Aspinall introduced a bill to
authorize the establishment of permanent river basin commissions. The
bill was a result of a comprehensive study by the House Interior

¹ibid.

²loc. cit., p. 3.
Committee of previous recommendations of earlier reports dealing with ways to strengthen federal resource policies. The bill called for the members of the river basin commissions to be appointed by the president. The governors were to nominate the candidates from the states. The commissions were to include representatives from any existing compact agency having jurisdiction over the water in a river basin. There was to be a ten year life span for the commissions, unless extended by the president. The basic problem with this bill was that no action was taken, however, the proposed bill was part of the groundwork for the 1965 Water Resources Planning Act.¹

On July 13, 1961, a new bill was introduced in Congress which sought to provide optimal development of the nation's water resources through the establishment of a federal Water Resources Council and river basin planning commissions. This bill faced the problem of a widespread controversy over state involvement. First, the president was to have the opportunity to appoint the state representatives, and not the state governors. Second, there were no adequate procedures for state inputs in the planning process, and the states feared federal domination. Finally, would the Water Resources Council be empowered to make ultimate decisions regarding establishment of the commissions? The bill failed to pass through Congress. In 1963, the same bill was revised to allow state

selection of state representatives. A 'double veto' was also provided to protect states' interests in the planning process. Before this time, the problems with passage of the bill dealt primarily with the fear the states had of federal domination. However, this was not the problem with the bill this time. The bill was approved in the Senate, but it was too late in the Congressional session and did not get a chance to reach the floor of the House of Representatives.¹

In 1965, a similar bill was brought to the floor of Congress. Senate Interior Committee amendments ensured that the river basin commissions would not adversely affect federal, state, or interstate water resource planning and control jurisdictions. The Upper Colorado River was to be considered a separate river basin under Title II and no river basin commission could be established in the Columbia River Basin. The House Interior Committee amended the bill to provide for the establishment of a river basin commission on the Columbia River if agreed to by 3 of the 4 states in the region.²

Senate bill S. 21 and House bill H. R. 1111 were sent to the Conference Committee. On July 13, 1965, the Water Resources Planning Act was reported out of the Conference Committee and sent to the president for signature.

¹ibid.
²loc. cit., p. 105.
Water is one of several resources without which a Nation cannot satisfy the fundamental wants of its people or achieve the important national goals it sets for itself. Without water, life itself cannot be sustained.¹

The question of the major problems found during the legislative process was discussed briefly in the introductory chapter. When the bill was passing through the legislative process, five principal issues were raised. These include: (1) The relative strength of the federal and state governments on the river basin commissions; (2) the procedures to be used for decision-making; (3) the possible overlap of water resources planning institutions; (4) the procedure for creating river basin commissions; and (5) the question of funds to assist states in order that they may participate effectively in the commissions.² The bill which was reported out of the Conference Committee on July 13, 1965, dealt with each of these areas to the satisfaction of the Congress. Comments relating to these five principal issues will be presented throughout the rest of the study.

The question to be asked at this time is, were the legislators,


the federal agencies, and the states desirous in having the Water Resources Act become law? If so, it can be assumed that the act was deemed viable by those who supported it. If the act were viable, then the planning commissions established by the act would also be acceptable institutions to plan for water and related land resources in the regions where they were to be established.

The House and Senate bills were similar in wording to the earlier bills which failed to pass through the Congress. Therefore, a majority of the serious discussion and debate had occurred previously. The major problems dealt with clarification of specific points. There were no major stumbling blocks and through compromise in the Conference Committee an acceptable package was developed. The Congressional Record shows that a majority of the members of Congress favored the legislation. Representative Dow from New York will be used as an example of one of the members of Congress who supported the legislation. Representative Dow stated that:

But perhaps the most remarkable feature of the bill now offered, is the fact that it does for the first time in any bill I have seen, set a standard pattern for interstate agencies. The Nation is freckled with various interstate committees, commissions, authorities, and districts, all of them ad hoc, for the curing of specific problems. None of them fits a wider pattern or envisions conformance with a policy broader than the specific job to be done at a time and place.1

If House Report 169 and Senate Report 68 of the first session of the 89th Congress were analyzed, it would be seen that the federal agencies which have jurisdiction over water and related

land resource planning also put their endorsement on the respective bills.¹ The federal agencies mixed altruistic motives with self-fulfillment motives. They were interested in coordinating activities, if it were to their advantage. They also saw the loop-hole in the law which forbids the river basin commissions to adversely affect federal, state, or interstate water resource planning and control jurisdictions.

Congressman Aspinall, Chairman of the House Interior and Insular Affairs Committee, in 1965 stated that:

From a position of disinterest or downright opposition, the States have become the most ardent supporters of this legislation. Last year the committee received the personal endorsement of 23 Governors and the endorsement of many additional state water agencies and groups. The legislation has the full backing of the Council of State Governments, which represents all the states.²

This assessment shows that the federal agencies and state governments accepted the principle of joint and comprehensive planning.

The Water Resources Planning Act was a synthesis of divergent and sometimes contradictory views about water resource development. Congress and not the Executive Administration was the leader in fashioning the bill and guiding it through the legislative process. The bill was signed into law on July 22, 1965. It is the most comprehensive attempt at river basin planning to date. The major goals of the law are to develop water and related land resource


²U. S. Congress, Congressional Record, op. cit., p. 6393.
plans for major river basins and to coordinate federal water policies and programs to meet the nation's water needs.¹

Before this study can look at the river basin commissions in any greater depth, the Water Resources Planning Act must itself be briefly analyzed to see what it has to say about the important aspects of the Water Resources Council, regional river basin commissions, and federal financial assistance to the states.

The preamble of the Water Resources Planning Act presents in a capsule view the three major Titles of the act. The preamble wording helps to add viability to the act and the important word to note is optimum. The preamble states that the act was established 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."²

The Statement of Policy, in the Water Resources Planning Act, states that in order to meet the rapidly expanding demands for water throughout the nation it is the policy of 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.¹

Mr. Leonard Crook, of the Great Lakes Basin Commission, pointed out that the wording of the above phrase has helped to establish ideal planning commissions which allow all interested agencies and parties, of a river basin commission region, to become involved in the actual planning process.

The Water Resources Planning Act brought together federal and state water resource agencies and afforded an opportunity to coordinate programs and helped to cut needless duplication.

Title I: Water Resources Council

The participation by many agencies in joint program planning in itself produces, as a by-product, a great deal of coordination in management and administration.²

The Water Resources Council serves as the chief federal coordinating agency for national water resources planning. The Council presents a forum for interdepartmental communication, and the Council makes decisions based on a consensus of the members. The discussion of decisions being made by consensus will be analyzed in the chapter dealing with political considerations.

The Water Resources Council is a cabinet level Council and


reports directly to the President and Congress. The federal agencies with full membership on the Council include the Department of the Interior, the Department of Agriculture, the Department of the Army, the Department of Health, Education and Welfare, the Department of Transportation, and the Chairman of the Federal Power Commission. Associate members include the Department of Commerce, the Department of Housing and Urban Development, and the Environmental Protection Agency. Observers to the Council include the Attorney General, the Office of Management and Budget, and the Council on Environmental Quality. The chairmen of the river basin commissions are also observers.

The Congressionally mandated functions of the Council include:

1. Maintain a study and prepare a National Water Assessment;
2. Coordinate and review river basin, regional plans and programs prepared by Federal-State interests;
3. Coordinate water and related land resources planning policies and programs of the federal member agencies;
4. Administer federal financial grants to states for water and related land resources planning;
5. Establish principles, standards, and procedures for federal participants in the preparation of plans and formulation and evaluation of federal water and related land projects; and
6. To establish and assist river basin commissions, inter-agency committees and coordinating

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When the Water Resources Council was established, the 15 river basin studies which were underway across the nation came under its jurisdiction.

Title II: River Basin Commissions

Title II permits river basin regions to establish multistate river basin commissions under the statutory provisions of the law. The river basin commissions represent a unique Federal-State partnership. In this way, coordination can be achieved without centralization of the planning process. The river basin, or hydrological unit, is the basis for planning. The federal agencies and the states have equal rights and these rights are fully protected by the law.

Title II commissions are viable, because they are legal entities created by Congressional mandate. They have a permanent staff, an independent chairman, and established procedures. They are permitted to take action in their own name and operate as a field committee of the Water Resources Council. The commissions have helped to improve federal and state relations in the field of water and related land resources planning. The states have taken the initiative and now participate actively with the federal agencies in

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the work of the commissions.¹

The Water Resources Planning Act establishes who the voting members of the Title II commissions will be. There is to be a chairman who is appointed by the president. The chairman will serve as the coordinating officer for the federal members of the commission. There is one member from each federal department, or independent agency, which has a substantial interest in the work to be undertaken by the commission. There will be one member from each state which lies wholly, or partially, within the river basin region. There will be one member appointed by any interstate agency created by an interstate compact to which the consent of Congress has been given. Finally, when deemed appropriate by the president, one member, from the United States section of any international commission created by a treaty to which the consent of the Senate has been given.² Local governments, interested groups, and private citizens are not given a vote on the commissions, however they have the opportunity to voice their opinions to the member agencies and attend the public workshops and seminars held by the river basin commissions. River basin commission meetings are also open to the public in accordance with the law.

The chairman speaks for the federal members of his commission.


²U. S. Government (Congress), Public Law 89-80, op. cit., Title II, Section 202.
Mr. Crook, of the Great Lakes Basin Commission, pointed out that the federal agencies cannot stop action which the commissions plan, because the chairman has the authority to establish the federal position with or without the consensus of the federal participants. The chairman is vested with the principal responsibility for determining procedural matters in the absence of applicable bylaws or the lack of consensus among the members.¹

The vice-chairman is to be selected from among the state members, but he cannot speak for the state members independently. He must reflect their consensus viewpoint only.

Title II river basin commissions have the following statutory duties: (1) They are to serve as the principal agency for coordination of plans for development of water and related land resources in the area; (2) To prepare and keep up to date a Comprehensive, Coordinated, Joint Plan (CCJP) of water and related land resources; (3) To recommend long range schedules of priorities for the collection and development of plans; and (4) To undertake studies necessary in the preparation of a Joint Comprehensive Plan, which must be reviewed and kept up to date.²

The commissions are to hold one meeting each quarter, or four per year. Decision-making is by consensus. The issue of consensus will be taken up later in the study. If difficulties arise at commission meetings, bargaining must take place and an agreement must be reached or the matter is deferred. A consensus is required,

¹Hart, op. cit., p. 13.
however, special provisions were made in the law for the presentation of all dissenting points of view.¹

Each commission establishes its own bylaws. The bylaws provide the basis for Federal-State collaboration. The bylaws contain such items as the place of business, frequency and place of meetings, quorum, minutes, order of business, parliamentary rules, committees, expenses of members, budget, and personnel practices. The chairman and vice-chairman, in consultation, shall have authority on procedural matters such as fixing the time and place of meetings, set deadlines for submission of reports, establish subcommittees, and appoint the personnel employed by the commission.²

Title III: Federal Grants

Title III deals with federal financial assistance to the states on a matching basis to develop a water plan, and to participate in regional planning with federal agencies and other states in order to complete a comprehensive, coordinated, joint plan for the region. In Fiscal Year 1975, $5 million was allocated to the 50 states and U. S. Territories.³

Conclusions

³loc. cit., p. 3.
The Water Resources Planning Act opened the door to all who wished to become involved in water and related land resources planning. In 1971, the Executive Director of the Water Resources Council stated that "the Water Resources Planning Act offers an opportunity for federal and state collaboration that is new, not only in the comprehensive planning of water and related land resources, but in Federal-State relations generally."\(^1\)

The Congress, federal agencies, and states agree that the Water Resources Planning Act is viable, and that the river basin commissions established under the act are viable institutions for water resources planning. In fact, there is initiative at the federal level to establish Title II river basin commissions throughout the nation. One of the areas being considered is the Chesapeake Bay region.

The study will now proceed to look at what conditions are necessary to establish Title II commissions, as well as the general characteristics of Title II commissions and the Pacific Northwest River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission.

\(^1\)Advisory Commission on Intergovernmental Relations, op. cit., p. 108.
TITLE II: RIVER BASIN COMMISSIONS

In order to be viable and achieve the purpose for which they are established, the Title II river basin commissions must be easily established. The question to be asked at this point in the study is, how are Title II commissions established and what are some of the reasons why Congress felt that the law establishing river basin commissions with a joint federal and state membership was a necessity?

Title II commissions are very easy to establish and are then fairly easy to put into operation. The Water Resources Planning Act enables the president, by executive order, to establish a river basin commission on written request of the Water Resources Council or a state. The concurrence of the Council and at least one-half of the states in the basin, or the basins involved, is a condition for establishment.\(^1\) In practice, however, a consensus of federal and state representatives has been obtained before a river basin commission has been established. Each commission must organize within 90 days, for performance of its functions, after the president establishes it by executive order.\(^2\) The practice of getting a consensus of the members expected to participate in a new commission is.


\(^{2}\)Fairchild, op. cit., p. 6.
river basin commission helps to provide that fruitful plans will be made.

If a river basin commission finishes its work, it can also be easily terminated. A river basin commission may be terminated by the Water Resources Council, or a majority of the states in the region.¹

The House Committee on Interior and Insular Affairs felt the river basin commissions would be beneficial to all concerned:

Because of their makeup the commissions will be assured of acceptance and support by all interests, local and national, governmental and non-governmental, that are concerned with water and associated land resources development. The committee believes these planning commissions would be effective in actually producing plans that make maximum and best use of our water resources and are practicable of accomplishment.²

The commissions were to come up with plans which would benefit all purposes. This included controlling floods, preventing pollution, providing for domestic, municipal and industrial use, irrigation, assisting navigation, providing hydroelectric power and energy, and providing outdoor recreation opportunities and fish and wildlife conservation and enhancement.³

The commissions established would have uniform procedures established for federal agencies and states in connection with the work of the commissions. All relationships would be understood, and money and time would be saved in their establishment. It was

¹loc. cit., p. 5.
³loc. cit., p. 4.
felt by the committee that:

There will then be no need to start afresh to negotiate the structure of a comprehensive water resources planning effort each time it is desired to institute such planning for a particular basin or region.¹

The Senate Committee on Interior and Insular Affairs also agreed that joint federal and state planning would prevent the creation of deadlocks in coming up with viable plans.

The commissions were favored and finally established because of the problems of duplication and unnecessary or unintegrated functions of federal agencies in the water resources field.

The commissions are mechanisms through which diverse interests and activities are brought together to begin and maintain a basin-wide planning process. Basin-wide problems can be identified, inventoried, and studied. In this framework, the federal and state representatives face the task of coordinating intra-state and interstate views on various basin planning studies, in order to achieve the most viable plans.²

The Title II commissions are easy to establish and provide a uniformity of planning techniques. They help to end needless duplication of effort and make coordination between members easier. At this point in the study, the general characteristics of the three commissions to be studied will be looked into, as well as the more important reasons why each commission was established.

¹loc. cit., p. 7.

²Advisory Commission on Intergovernmental Relations, op. cit., p. 97.
Reasons For Establishment And General Characteristics

The question to be asked at this time is, what are some of the motives which lead to the establishment of a Title II commission? Are the motives self-centered, or are they generally for the good of the region? To answer this question, the Pacific Northwest River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission will be analyzed. Each of the three Title II commissions being analyzed was established for its own unique reasons. The following are reasons why river basin commissions have been established in each of the three regions.

Mr. E. J. Gullidge, of the Pacific Northwest River Basins Commission, pointed out that the commission was established at the request of the governors of the five northwest states. The law states that if the Columbia River Basin were to establish a commission, concurrence by at least three of the four states of Idaho, Montana, Oregon, and Washington would be necessary.¹ The states of Idaho, Montana, Oregon, Washington, and Wyoming requested the commission be established.

Mr. Gullidge went on to state that the interests and attitudes of the public changed from almost purely developmental to a combination of developmental and environmental concerns. The basin commission was a forum to plan for both concerns. The above two motives for the establishment of the Pacific Northwest River Basins Commission were both for the good of the region.

¹U. S. Government (Congress), Public Law 89-80, op. cit., Title II, Section 201 (a)
The third motive, and greatest issue, was a little self-centered, however, the region felt the need to defend its interests. This issue was the possibility of diverting the Columbia River to the Southeast. The commission provided a desirable Federal-State coordinating arrangement and precluded the possibility of having a regional agency study the feasibility of diverting water from the area.\(^1\) The Water Resources Planning Act, in Section 3, states that nothing in the act shall be construed;

\[(d) \text{ as authorizing any entity established or acting under the provisions hereof to study, plan, or recommend the transfer of waters between areas under the jurisdiction of more than one river basin commission or entity performing the function of a river basin commission.}\] \(^2\)

This clause is all important, for without it, the Pacific Northwest River Basins Commission may never have been established. The states felt that the commission approach was viable, both because of the need for additional coordination and the desire to protect their interests in the Columbia River Basin.

The Pacific Northwest River Basins Commission (PNRBC) is the oldest and largest Title II river basin commission. The commission was established March 6, 1967 by Presidential Executive Order 11331. There are three states entirely within the boundaries, and two more states are partly within the jurisdiction of the commission.\(^3\)

\(^1\)Booz, Allen and Hamilton Inc., op. cit., p. 48.

\(^2\)U. S. Government (Congress), Public Law 89-80, op. cit., Section 3 (d).

\(^3\)Advisory Commission on Intergovernmental Relations, op. cit., p. 122.
There are 12 sub-basins within the commission's jurisdiction. The commission's jurisdiction covers 274,000 square miles.  

Membership on the commissions varies from commission to commission. The federal membership on the Pacific Northwest River Basins Commission includes: The chairman, who is appointed by the president; the Department of Health, Education and Welfare; the Department of Housing and Urban Development; the Federal Power Commission; the Chairman, U. S. Entity, Columbia River Treaty; the Environmental Protection Agency; the Department of the Interior; the Department of Transportation; the Department of Agriculture; the Department of the Army; and the Department of Commerce. State membership includes: Idaho; Montana; Oregon; Washington; and Wyoming.

On matter relating to the Snake and Rogue Rivers, the associate members Nevada, Utah, and California are consulted.

Mr. Leonard T. Crook, of the Great Lakes Basin Commission, pointed out that the State of Michigan initiated the action to create the Great Lakes Basin Commission, because Michigan is the main beneficiary of the Great Lakes. Michigan borders on four of the five lakes and has almost fifty percent of the land area of the drainage basin. The Kerr Committee Report, spoken of earlier, anticipated that by the year 2,000 the western Great Lakes region would

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1Hart, op. cit., p. 56.


3Hart, op. cit., p. 56.
face severe water shortages. Michigan did not wish to see one of the states most valuable resources ruined. Therefore, they initiated the request for a commission.

The Governors of Indiana, Minnesota, Ohio, and Wisconsin joined Michigan in initiating the request for the Great Lakes Basin Commission. The States of Illinois, New York, and Pennsylvania concurred in the request. Mr. Crook pointed out that New York acquiesced because it had advanced its planning a little further than the other states, and because the entire shoreline of Lake Ontario is in New York State. Thus, there was lesser need for participation and cooperation with the other states.

A few of the basic issues and problems which led to the establishment of the Great Lakes Basin Commission included inadequate municipal, agricultural and industrial water supplies; polluted lakes and rivers; blighted waterfronts; floods; shortages of water based recreational opportunities; ecological imbalances in lakes; improper management of flood plain areas; inadequate navigation facilities; uncontrolled and destructive extremes in lake levels; erosion and sediment production; conflicting uses of lakeshores; inadequate management of wildlife resources and river preservation; and finally conflicting institutional authorities and arrangements. The states of the region clearly


saw these problems and issues and wished to achieve an integrated and viable approach through a Title II river basin commission.

The Great Lakes Basin Commission (GLBC) is the second oldest Title II river basin commission. The commission was established April 20, 1967 by Presidential Executive Order 11345. There is one state wholly within the basin, and seven more states are partly within the jurisdiction of the commission. The commission's jurisdiction covers 179,000 square miles.¹

The federal membership on the commission includes: the chairman, who is appointed by the president; the Department of Agriculture; the Department of the Army; the Department of Commerce; the Department of Health, Education and Welfare; the Department of Housing and Urban Development; the Department of the Interior; the Department of Justice; the Department of State; the Department of Transportation; the Environmental Protection Agency; the Federal Power Commission;² and when the Presidential Executive Order is drawn up, the Energy Research and Development Administration will become a member. The State Department representative is a member of the U. S. delegation to the International Joint Commission which helps to regulate the boundary waters in the Great Lakes region.

The state membership on the commission includes: Illinois; Indiana; Michigan; Minnesota; New York; Ohio; Pennsylvania; and Wisconsin.

¹Advisory Commission on Intergovernmental Relations, op. cit., p. 123.

The Great Lakes Commission, an interstate compact, is also a member.  

The Canadian National Government and the Province of Ontario are allowed to have non-voting observers attend the Great Lakes Basin Commission meetings.

Mr. Philip Tabas, of the New England River Basins Commission, pointed out that the major reason why the New England Commission was established was to integrate and coordinate existing federal and state programs and planning activities in the region. It was felt that through a river basin commission, a more viable approach to the problems could be attained. A common language and common practices would be established. These would facilitate joint, coordinated water resource planning. This would reduce conflict and misunderstanding between federal and state members.

When the New England River Basins Commission was established, the following characteristics were found in the New England region. First, there was much federal water resources planning in the region. Second, the states in the region had a great deal of sophistication in their water resource planning departments. Third, the nature of the water problems were similar and there were numerous interstate compacts dealing with the more serious of these problems. Finally, the basic philosophy of those involved with water resource planning was similar.

1 ibid.

2 Hart, op. cit., p. 67.

3 loc. cit., p. 66.
The basic philosophy was to concentrate on the state rather than the sub-regional basin as the territorial unit for implementing regional policy.¹

The New England River Basins Commission (NERBC) is the third oldest Title II river basin commission in existence today. The commission was established September 6, 1967 by Presidential Executive Order 11371. There are six states entirely within the boundaries, and one state which is partly within the jurisdiction of the commission.² This is the most compact commission. It has 11 sub-basins and its jurisdiction covers 66,000 square miles.³

Federal membership on the New England River Basins Commission includes: The chairman, who is appointed by the president; the Department of Agriculture; the Department of the Army; the Department of Commerce; the Department of Health, Education and Welfare; the Department of Housing and Urban Development; the Department of the Interior; the Department of Transportation; the Federal Power Commission; the Environmental Protection Agency; and the successor to the Atomic Energy Commission which will probably be the Energy Research and Development Administration. State membership includes: Connecticut; Maine; Massachusetts; New Hampshire; New York; Rhode Island; and Vermont. The six interstate compacts include: The Atlantic States Marine Fisheries Commission; the Connecticut

¹Advisory Commission on Intergovernmental Relations, op. cit., p. 131.

²loc. cit., p. 122.

³Hart, op. cit., p. 53.
River Valley Flood Control Commission; the Interstate Sanitation Commission; the Merrimack River Valley Flood Control Commission; the New England Interstate Water Pollution Control Commission; and the Thames River Valley Flood Control Commission.¹

In this section of the study, the establishment of a Title II river basin commission was discussed. The law provides an easy and viable mechanism for establishing river basin commissions. There are many reasons for wanting a river basin commission established in a region. Some reasons and motives deal with self-centered protectionist ideas, whereas, others deal with the cooperation and integration of the region. These characteristics and reasons for establishment will lead the study into a discussion of the important political considerations which must be looked at in order to discover whether the Title II river basin commissions are effective in carrying out their duties.

POLITICAL CONSIDERATIONS

In this section of the study, the viability of Title II river basin commissions will be looked at from the viewpoint of the important political considerations. The elements to be covered in this section of the study include the effectiveness of the Federal-State partnership, financing and budgeting, public participation, and finally decision-making by consensus. Before the study moves into the meat of this section, a few general items will be discussed.

Title II river basin commissions are an elaboration and codification of what went on before. They are a compromise between 'continuing Yalta's' (inter-agency arms-length semi-hostile negotiations) and regional 'super-agencies' (having broad operational authority).

Title II commissions grew out of a decade of planning and negotiation between governments and government agencies whose interests would be primarily affected.

The Title II river basin commissions have several important aspects upon which to focus attention. First, they are an approach which tends to focus on the total system and the interrelationship of all the parts. A geographically defined planning area is used rather than a different planning area for each separate problem.

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1 Hart, op. cit., p. 68.
2 Hoggan, op. cit., p. 1185.
Second, early plan formulation and public participation throughout the planning stages help to provide guidance.

Third, the 'one time only' form of planning can be transferred to a continuous process in which plans can be adjusted to meet different situations.

Fourth, comprehensive mechanisms for plan implementation must be established. Title II commissions allow this implementation.

Fifth, guidelines for organizing and pursuing river basin studies and criteria for evaluation of planning should be properly developed. The commissions have developed such study procedures.

Finally, effective leadership is the key to the success of a multi-agency planning organization. Title II commissions tend to exhibit a wide range of experiences, and dynamic, impartial and tactful leadership.

In order to come up with a satisfactory bill, Congress did have to place limits on those things which the commissions were allowed to do. The basic authority of the commissions is limited to planning and the making of suggestions. They do not have the authority to regulate, construct or manage any of the projects which they help to plan. The day-to-day work of planning and management of water and related land usage is carried out directly by private individuals and institutions and government agencies at all levels without formal involvement of the commissions. The commissions help facilitate these programs where they can.¹

The Title II commissions have three basic characteristics which make them stand out and appear more visible. First, they are legal entities with a Congressional mandate. Second, they have an independent chairman and a permanent staff. Third, they tend to promote parity between the federal and state members.

The critical innovation was the creation of an independent chairman and staff, divorced from the federal and state agencies. The chairman is the most visible symbol of the river basin commission. Charles Hodde, first chairman of the Pacific Northwest River Basins Commission, remarked: "Only the chairman gets the credit for the commission."\(^1\) It may look as if this statement would be true, however, the other members of the staff play crucial roles in the development of plans and planning procedures. They share with the chairman an allegiance to the river basin commission.

Since the position of chairman is not a permanent position, the chairman plays politics in order to retain his position, while at the same time trying to get the work of the commission accomplished. The question to be asked is, will the selection of a new chairman hurt the continuity of a river basin commission and its studies? Where the chairman has remained the same, as in the New England River Basins Commission, there is no problem. In most cases, where a new chairman has been appointed to a commission, there has been little disruption in the continuity of a commission. This is because the commissions are doing Congressionally mandated work,

\(^1\)Ingram, op. cit., p. 9.
and the new chairman does not wish to disrupt any of the ongoing work. Therefore, the new chairman tends to modify his positions, if they differ from the staff, and follow the general directions of the staff.

On June 30, 1974, the Pacific Northwest River Basins Commission had a staff of approximately 15 persons. Mr. Gullidge stated that the present staff is adequate to handle the commission's workload. Additional staff members may be selected as the need arises.

The Great Lakes Basin Commission has one of the largest staffs. Mr. Crook pointed out that the Great Lakes Basin Commission staff is composed of approximately 30 persons. The staff members are professionals in their respective areas of water and related land resources. The staff is large at this time, because the commission is making a concentrated effort to complete its framework study and get it published. Additional staff members may be selected as the need arises. The current activities are at a reasonable level, and it is expected that when the framework study is completed, the current staff will be adequate to accomplish coordination.

The New England River Basins Commission is also large and consists of approximately 30 persons. The staff members are professionals in their area of expertise. Additional staff members may be selected as the need arises. The staff is adequate to handle the workload at the present time.

The Pacific Northwest River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission have similar yet distinctive bylaws. Important articles of the bylaws will be analyzed where appropriate in this section of the study.
In each of the commissions analyzed, committees, subcommittees, task forces, and work groups may be established or terminated in accordance with the bylaws of the individual commission. Each commission has several important committees and other work groups which help to identify issues of concern, conduct studies where appropriate, to provide commission coordination, to provide technical resources, and to provide and exchange valuable information.

The committees and work groups form the backbone of the commissions' study and planning processes. They help to alert the commissions to changing conditions in the regions. The important committees and work groups from each commission will be listed.

The specialized work committees of the Pacific Northwest River Basins Commission include the following:

- Aquatic Plant and Insect Control
- Economic Studies
- Fish and Wildlife
- Hydrology and Hydraulics
- Meteorology
- Policy
- Power Planning
- Recreation
- Urban and Rural Lands
- Water Supply and Water Pollution Control

The Director of Planning is the chairman of the Policy Committee. This committee is composed of commission members and meets on specific reference from the commission. Mr. Gullidge pointed out that no liaison assistance is required, because it is headed by a staff member.

An ad hoc Program Development Committee is composed of state and federal members. It reviews the plan of study for the Comprehensive, Coordinated, Joint Plan and makes recommendations to
the commission relative to approval or disapproval of specific changes.

Mr. Crook pointed out that the committee structure of the Great Lakes Basin Commission is relatively simple. A few of the more important committees include the following:

- Budget and Staffing Committee
- Organizational Policies Committee
- Coastal Zone Management Standing Committee
- Standing Committee on Transportation
- Ad Hoc Review Committee on International Joint Commission Report on Regulation of Great Lakes Water Levels
- Ad Hoc Review Committee for the Grand River Basin Study
- Citizens Advisory Committee—Maumee Study
- National Assessment Work Group

Additional review committees have been established for the Type II and Level B studies initiated before the commission was established. Technical committees and work groups have been established for the various studies which are underway. There are 27 technical committees associated with the framework study; one for each appendix of the study.

The overall Plan and Program Formulation Committee includes representatives from each member agency to integrate the concepts contained in the work groups and to prepare the plan for the Great Lakes Basin.

Mr. Tabas listed the following committees and task forces which are important in the operation of the New England River Basins Commission:

- Flood Plain Management Task Force
- Coastal Zone Task Force
- Outer Continental Shelf Task Force
- Energy/Natural Resources Committee

Active study committees and work groups are essential for effective and viable Title II river basin commissions.
Federal-State Partnership

This section of the study deals with the viability and effectiveness of the Federal-State partnership. The question to be asked is, does the Federal-State partnership promote compliance and coordination?

Title II river basin commissions do present a forum of coordination among the states, between federal and interstate agencies and the states in connection with planning and implementation programs. They provide an effective exchange of information in needs, problems, current planning activities, potential conflicts, techniques, and ideas.\(^1\) It is important to note that they help to prevent potential conflicts among members.

The commissions bring all appropriate federal resources to bear on issues and programs. Single agency duplication is avoided.

In addition, the states support the commissions. Why do the states support the commissions? The following reasons have been suggested. First, the states have an equal voice with the federal agencies in the programs and studies of the commissions. Second, it is the one institution which can be looked to in an effort to coordinate Federal-State natural resources programs of an interstate nature. Third, the independent staff can look objectively at regional views. Fourth, the states get an early warning device which can warn them of certain proposed federal actions that can be


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detrimental to their policies and programs.¹

Title II river basin commissions are the form of institution most acceptable to federal agencies, because they do not threaten or supersede the federal agency authority. The commissions have no operating or management authority. They coordinate planning for river basin development.²

The commissions are not to replace effective planning organizations already in existence. In the Congressional hearings, the following observation was made:

It is not intended that functioning mechanisms which are already in existence and are adequately performing the planning job be replaced by commissions authorized in this legislation.³

In the commissions analyzed, the level of interest of the governmental agencies has varied. Where federal participation has been weak, state participation has tended to be strong. Active participation has, at times, been hampered by lack of funding and problems associated with federal and state agency reorganization.

Mr. Crook, of the Great Lakes Basin Commission, said that there have been troubles with federal agencies, because they are not desirous of releasing any of their authority to the various river basin commissions. However, the educational process which goes on during discussion between members causes member agencies to take a new look at their position and come up with a successful compromise.

¹Fairchild, op. cit., p. 12.
²Derthick, op. cit., p. 134.
position.

Mr. Gullidge said the states are the dynamic force behind the Pacific Northwest River Basins Commission. The five governors recognized the value of such a regional planning tool and requested that the commission be established. The states have members who are appointed directly by each governor. The future of the commission rests with the states. In a meeting held June 12, 1975, in Kalispell, Montana, the state members stated the following, in a position paper on the role of the commission:

The States have expressed through previous resolutions their desire and interest in maintaining the Pacific Northwest River Basins Commission as the viable entity to deal with water and related land resources issues in the Pacific Northwest. The States view the Pacific Northwest River Basins Commission as being the key entity in identifying and coordinating study efforts which relate to land and water resource use and management in the Pacific Northwest.

The Pacific Northwest River Basins Commission is deemed to be an effective and viable institution. Strong state support and participation is one of the reasons the Pacific Northwest River Basins Commission is an effective regional organization.

Mr. Crook pointed out that the Great Lakes Basin Commission has attracted more attention to the Great Lakes region, since its establishment, than would have been attracted otherwise. The commission has had minor problems with state involvement, however, the states tend to take an active role in the commission's activities. A few of the problems encountered have been inadequate funding, and

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inadequate staff capabilities to interact effectively with the Great Lakes Basin Commission staff and activities.

The Great Lakes Basin Commission also has a working relationship with the federal Upper Great Lakes Regional Commission.

The New England River Basins Commission has succeeded in encouraging a more visible regional focus to water resources management. The states take an active interest in the commission. In fact, the New England Governors' Conference has endorsed the commission on more than one occasion. At its December 15, 1972, meeting, the Governors' Conference made the following statement:

The New England River Basins Commission should continue to serve, pending changes in regional institutions, as the focal point for developing strategies for and promoting integration of natural resource management programs at the regional level, undertaking analyses of regional needs and issues, developing integrated management programs for selected river basins and other problem areas, and assisting in development and review of State programs with special reference to regional and interstate aspects.¹

The Governors' Conference then urged the federal government to act firmly to improve coordination of federal natural resource programs among agencies and with the states.²

In addition, the region is served by the New England Regional Commission. In 1969, the New England River Basins Commission and the New England Regional Commission came up with an agreement which sought to ensure coordination of activities and effective

²ibid.
participation of river basin commission planning functions in total regional economic development programs. These activities have included coastal zone management programs and water quality demonstrations.¹

In the commissions analyzed, effective coordination has tended to promote compliance and the development of viable planning activities. There are problems associated with the planning processes, but these will be analyzed later in the study. It is important to note that there has been effective coordination between the federal and state agencies who are members of the Title II River Basin Commissions.

In conclusion, the Senate Committee on Interior and Insular Affairs made the following observation when discussing the merits of the proposed law:

The committee believes that when water problems are approached from a planning basis, by planners for optimum development, State and Federal rights issues will seldom, if ever, create deadlocks. Benefits which may result from various engineering plans are calculable and measurable, and provide a tangible, factual basis for agreement on project plans.²

Finance And Budgeting

In this section of the study, the question to be asked is, how adequate are financing and budgeting in the overall operation of the Title II river basin commissions?

¹Hart, op. cit., p. 54.
²Senate Report Number 68, op. cit., p. 5.
Money is an essential ingredient to the viability of any agency, or organization. Under the proper conditions, an agency would want a generous and dependable supply of funds. The chairman would also desire a strong hand in the dispersal of funds among the members in order to support the work associated with the mission of the agency, or organization. In river basin commission funding, this has often not been the case. State and federal agency funding, for multistate regional organizations, is often lower than for important intra-agency and intra-state programs and planning.

The Water Resources Planning Act states that there will be a cost sharing by federal agencies and state governments. Traditionally, funding for the commissions has tended to be fifty percent federal and fifty percent state. Mr. Crook pointed out that the state governments decide among themselves at what level they believe the commissions should be funded in any specific year. The federal government, through the federal agencies, will usually match or provide any amount of funding up to a statutory limit of $750,000 per year for the general activities of the commissions. He then went on to point out that while the federal government tends to match state funds, this has not been the case in the Great Lakes Basin Commission. Around $56,500 which the states have provided to the commission the federal government has not yet matched. He thinks that matching funds will be available in the future when the president requests that the matching be completed.

State funding has also been a problem, especially in the Great Lakes Basin Commission. A few states in the past have had to forego
funding for as long as three years. However, all states up to the current Fiscal Year have made up for past deficiencies save one or two exceptions. When the states can see actual coordination and effective plans being developed, they are likely to contribute more funds to the commissions and to contribute the funds on time.

The fifty-fifty apportionment of funds has the effect of requiring clear commitments from the states to the activities of the river basin commissions since they share in paying for them. The federal members must also recognize the states' right to have a voice in the activities which are jointly financed.¹

The Water Resources Council is responsible for providing the total cost of the chairman, including all of his expenses. Members, from the state and federal agencies which make up the commissions, are paid out of their agencies' funds. Members travel to river basin commission meetings from their federal or state office locations. The staff members are paid out of the river basin commissions' operating budgets.

Major Level B studies, which will be defined later in the study, are financed by the federal government. It is often hard to get the Office of Management and Budget, and the Congress to authorize funds to carry out these major studies. For example, the Great Lakes Basin Commission desires to do one of the Level B studies on the Fox-Wolf River Basin found in Wisconsin. Funds for this study were requested in the last three Fiscal Years.

¹Ingram, op. cit., p. p. 36-37.
Mr. Crook pointed out that funding has not yet been approved by the Office of Management and Budget, or the Congress. Consequently, a Level B study through Fiscal Year 1976 is not anticipated.

With centralized funding, from the Water Resources Council to the river basin commissions, the problems with federal agency funding may be overcome. Instead of individual agency funding, the Water Resources Council would distribute all federal funds.

The operating budgets are financed jointly. River basin commission budgets vary from $200,000 to $450,000. The state members contribute, on an average, between $5,000 and $40,000 to the operational budget of the river basin commissions.¹

The Water Resources Planning Act outlines where the monies and supplies come from, in addition to the annual audit which is required.²

(b) A commission may accept for any of its purposes and functions appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States or any subdivision or agency thereof, or intergovernmental agency, and may receive, utilize, and dispose of the same.

(c) The commission shall keep accurate accounts of all receipts and disbursements. The accounts shall be audited at least annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants, certified or licensed by a regulatory authority of a State, and the report of the audit shall be included in and become a part of the annual report of the commission.

(d) The accounts of the commission shall be open at all reasonable times for inspection by representatives of the

¹Fairchild, op. cit., p. 10.

²U. S. Government (Congress), Public Law 89-80, op. cit., Title II, Section 207 (b), (c), and (d).
jurisdictions and agencies which make appropriations, donations, or grants to the commission.

Title II river basin commissions are provided with a budget permitting planning activities independent of previous ongoing agency project planning.¹

The three commissions analyzed have separate bylaw sections which deal with the budgetary process. In each case, the chairman in consultation with the vice-chairman prepares an operational budget which will reflect the commission costs. After the budget is approved by the commission, it is transmitted to the Water Resources Council and the member states. The operational budget expenses are for such items as salaries and benefits, travel, supplies, services of other agencies, and equipment.

At this time it would be interesting to take a look at a condensed financial statement from each of the commissions being studied. Fiscal Year 1974 will be used as the example in every case.

Pacific Northwest River Basins Commission²

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¹Hart, op. cit., p. 52.

Great Lakes Basin Commission

Regular Fund Balance July 1, 1973 $221,281
Revenues
Federal Agencies-Operating $201,500
States $208,000
Federal Agencies-Other $166,038
Total $602,822
Total Expenditures-Salaries Included $486,539
Regular Fund Balance June 30, 1974 $316,283

New England River Basins Commission

Regular Operating Funds
Cash Balance at Beginning of Year $121,267
Revenues
United States $189,420
States $189,420
Total $503,107
Total Expenditures-Salaries Included $388,209
Cash Balance at End of Year $111,898

The above are examples of operational budgets, and they do not show any of the special study budgets. The budgets for special studies are prepared by the participating federal agencies and include the cost of commission staff participation, as well as other incidental costs.

Financing is not as adequate as it could have been. Federal financing has been limited. With some degree of centralized funding, at the federal level, financing could be adequate. In the past, federal funds have been provided directly to the federal agencies. If the Water Resources Council were to give


the federal funds directly to the commissions, for studies and projects, the studies and projects would be sure to have the proper funding. The states also have a limited supply of funds to offer the commissions.

To the extent that the commissions have been able to coordinate federal and state activities and develop effective plans and planning techniques with the resources they are given, they must be considered viable. The Pacific Northwest River Basins Commission and the New England River Basins Commission have completed most of their major studies. The Great Lakes Basin Commission is progressing with its preliminary studies.

Public Participation

Is public participation stressed, and does the public take an active role in commission programs and meetings? Public understanding and participation is important to all effective organizations. Without public backing, a plan could be disregarded. In addition, an effective organization can often get the public to support it in times when political and financial support are needed the most.

Future demands for water are not predetermined, but depend to a large measure on policy decisions which are controlled by the society. Updated laws and legal institutions are needed if future water policies are to be successfully implemented.\(^1\)

\(^1\)Morton, Rogers C. B., Chairman U. S. Water Resources Council, Testimony Before the Subcommittee on Water and Power Resources; Committee on Interior and Insular Affairs; U. S. Senate, July 17, 1973.
River basin commissions tend to work more closely with federal and state agencies. Therefore, their visibility with local politicians and the public at large is not as great as they would like at the present time. On the other hand, the activities of the commissions' staffs make them accessible to public interest groups and individual citizens.¹ River basin commission meetings are open to the public, and public workshops and hearings are held throughout the regions. This allows public participation and input at all levels of the planning process.

The Pacific Northwest River Basins Commission has tried to identify the segments of the public which should be involved in the planning process.² This would also apply to any river basin commission desiring to make a study. First, public hearings should be held where 'key people', or 'pro' and 'con' leaders of the local community, will be willing and able to speak out on the issues.

Second, local governments should take an active interest in the plan and sponsor a program or project in the plan.

Third, events should be publicized through the media. The public needs factual and understandable information about the planning process and proposals.

Fourth, local committees on water resources should be formed and get involved in the planning process.

Fifth, environmental oriented organizations already in existence

¹Hart, op. cit., p. 52.
should get involved in the planning process.

Sixth, local governments should sponsor groups to investigate the planning process of the commission.

Finally, professional organizations should become involved with the formation of water and related resource plans.

The Pacific Northwest River Basins Commission is responsive to no identifiable constituency.\(^1\) The commission has encountered skepticism and the public has resisted change. This is partly because the techniques and compromises used to arrive at the possible alternatives will not please everyone.\(^2\) For this reason, full public scrutiny, debate, and development of a consensus concerning the most desirable options is needed.\(^3\) Full public information and education is a necessity.

Mr. Gullidge said that public participation is a definite part of the program of the Pacific Northwest River Basins Commission. In the Pacific Northwest, the most effective public participation has been in connection with the major Level B studies. Each state has been assigned responsibility for leading public involvement in their areas.

Oregon and Idaho carry out public involvement as part of the formulation of state water policies and plans. The Oregon State

\(^1\)Hart, op. cit., p. 73.


\(^3\)loc. cit., p. 53.
Study Team will use the Oregon Land Conservation and Development Commission's public involvement program to obtain state goals and guidelines as an indication of public needs and desires. In Idaho, a record of the public input from meetings, hearings, a series of 20 public workshops, and two public opinion surveys has been prepared and is available for use during plan formulation.

Montana conducts an intensive program in the Flathead River Basin. Existing local committees and private individuals are assisting in keeping the public informed.

Washington utilizes a State Extension Service and organized citizens' committees.

Pacific Northwest River Basins Commission meetings are conducted throughout the region, and although meetings are open to the public, attendance is relatively small—from around 60 to 200. A public relations program through the press and radio has been conducted, but the problem is that the commission's effort has little appeal except in the case of a controversy or an important issue to the people. The persons who generally attend the meetings are those who have some specific interest in the activities of the commission. A majority of the citizens in the Pacific Northwest are not knowledgeable about the commission and its functions. The channels of communication with the general public are kept open by the public information office.

In the Great Lakes Basin Commission, the Public Information Office has the responsibility of keeping the public informed about basin commission activities. It also has an obligation to listen to the public and consider what it hears. A monthly newsletter,
The Communicator, goes to more than 11,000 subscribers and contains articles on the basin commission and its activities and member agencies.¹

Mr. Crook pointed out that public participation is stressed by the Great Lakes Basin Commission, but that funding for such activities has been minimal to date. When funding is available, it is taken from the Plan Formulation Committee's funds. This has detracted from the funds available for plan formulation. When the commission is willing to give up some of its planning money to inform the public of its existence, this helps to show the seriousness with which the commission supports public participation.

Commission meetings are conducted throughout the region. The number of citizens attending Great Lakes Basin Commission meetings number from 20 to 40 depending on the location, subject matter, and other similar factors. The most consistent attendees are the Great Lakes Basin Task Force of the American Association of University Women who have a four year effort underway in studying the basin commission, its operation, its effectiveness, and the public response to its recommendations.

A majority of the citizens in the region do not know who the Great Lakes Basin Commission members are, nor, in fact, what the Great Lakes Basin Commission is or does. Mr. Crook said that public relations can be increased in many ways. More coordination and involvement of the commission in regional studies and activities

would produce a good deal more knowledge about the commission activities. These types of studies have resulted in increased awareness of the commission, but have been undertaken in only isolated portions of the basin. Citizens participate actively at the public workshops, particularly when the subject is a regional study, such as the major Maumee River Basin study.

The Great Lakes Basin Commission has been able to reach the influential, affluent and well educated public. These are the individuals who have historically been willing to devote time and effort to public issues. The citizens who do participate are somewhat altruistic in their objectives.

The New England River Basins Commission has enlisted the advisory assistance of interested citizens, industrial personnel, and university scientists. Participation brings rewards which persons and groups see as being valuable and which are not otherwise easily attained.¹

The New England River Basins Commission represents a decision point outside federal and state line agencies. Where the commission reviews a study conducted by federal agencies, interest groups and citizens may see the commission as a board of appeal. The League of Women Voters in Massachusetts has had a close relationship with the commission since the beginning. The League has worked hard to publicize the commission and its chairman. Members of the League observe the meetings and sit on a few of the advisory committees. Conservation groups identify with the

¹Ingram, op. cit., p. 22.
commission and have the reputation of being present when their advice is needed.¹

Because of the diverse interests of the citizens and the membership of the commission, it is unlikely that the New England River Basins Commission will present a point of view satisfactory to all individuals and groups.

Mr. Tabas pointed out that in the New England River Basins Commission public participation is a central part of the three major Level B studies. The commission also enjoys a relatively high degree of visibility in the region's media and close contact is maintained with the interested public through the commission's newsletter. The commission staff includes a public information officer.

The degree of effectiveness of the public participation programs has varied from commission to commission, however, each commission put an emphasis on its public participation programs. Each commission contains a public affairs office which helps to advertise the commission. The involved and interested individuals and groups participate actively in the commissions' programs and meetings. The individuals and groups who are unaware of the various river basin commissions often will not understand why a given plan is needed and work to defeat its implementation. If persons and groups are not interested in finding out about the river basin commissions, this is not the fault of the river basin commissions. Public participation is increasing and will help

¹loc. cit., p. 23.
in future planning efforts. The interested public will inform those who do not know about the commissions. In the end, the commissions will have effective and viable plans which will be accepted by the public, because they were able to provide a solid input in the plan formulation.

Decision-Making By Consensus

The question to be asked at this point in the study is, can decision-making by consensus be considered a viable approach? Decision-making by consensus is the weakest form of decision-making and unless everyone agrees, an important matter can not be studied.

Each one of the commissions analyzed has an Article of its bylaws which deals with decision-making by consensus. Every reasonable effort will be made to arrive at a consensus following the legal interpretation found in the Water Resources Planning Act. Consensus refers to the absence of objection from the members of the commissions who participate in making decisions. A member, although present, may elect not to participate in a decision which is unfavorable to him. This often helps to expedite business. If a member uses this procedure, the member will announce the fact that he is abstaining and it will be placed in the official record.

It is interesting to note that the vice-chairman, acting upon instructions of the state members can not speak for them independently; he must reflect their consensus viewpoint. Mr. Crook points out that this interpretation means that any state can veto an action of a river basin commission, but not any federal member because the chairman is the only one that can veto an action for the federal
members.

The Great Lakes Basin Commission has a unique bylaw proposition, which was alluded to by Mr. Crook. It allows, in initial consideration of a motion or proposition, usage of the bylaw condition which permits action by a majority vote. To adopt a motion or proposition in its final form, however, the rule of consensus still prevails.

How did Congress decide that decision-making would be by consensus? The consensus issue was the subject of considerable debate. The debate took place in the 88th Congress, and the wording found in the Water Resources Planning Act of the 89th Congress remained the same.

As introduced in S. 1111 of the 88th Congress, the voting provisions were patterned after those which proved workable in the Conference Committees between the House of Representatives and Senate in negotiation of differences in legislation. The wording was as follows:

(d) At such time as voting is considered necessary in conducting the business of a commission, the voting shall be only by the chairman, acting in behalf of the Federal members, and by the vice chairman, upon instructions from the State members.¹

In its letter, on the bill, dated September 11, 1963, the Bureau of the Budget suggested the two-vote Conference Committee procedure:

could be an invitation to deadlock and appears to overlook the fact that the commission must proceed on the basis of consensus among the members with the possibility for expression

of differing views.¹

The Bureau of the Budget went on to recommend the new sub-section (d) should contain language to encourage consensus and provide an opportunity for individual views to be presented.²

In its report dated September 9, 1963, the Department of the Interior proposed specific language for sub-section (d):

(d) In the work of the commission every reasonable endeavor shall be made to arrive at a consensus of all members on all issues; but failing this, full opportunity shall be afforded each member for the presentation and reporting of individual views: Provided, That the chairman, in consultation with the vice chairman, shall have the final authority, if necessary, to fix the times and places for meetings, to set deadlines for the submission of annual and other reports, to establish subcommittees, and to decide such other procedural questions as may be necessary for the commission to perform its functions.³

As reported out by the Senate Committee on Interior and Insular Affairs, on November 26, 1963, sub-section (d) read as follows:

(d) In the work of the commission every reasonable endeavor shall be made to arrive at a consensus of all members on all issues; but failing this, full opportunity shall be afforded each member for the presentation and report of individual views: Provided, That at any time the commission fails to act by reason of absence of consensus, the position of the chairman, acting in behalf of the Federal members, and the vice chairman, acting upon instructions of the State members shall be recorded.⁴

When taken up before the Senate, an amendment was proposed to strike out the final word 'recorded,' and insert the words

¹ibid.
²loc. cit., p. 70.
³ibid.
⁴ibid.
set forth in the record.' This was to make it clear that there was no intention to require a record vote on differences. The amendment was accepted by unanimous consent.¹

The House Interior and Insular Affairs Committee accepted the Senate language, but added an additional proviso which reads similar to the language found in the Department of the Interior report. It read as follows:

Provided further, That the chairman, in consultation with the vice chairman, shall have final authority, in the absence of a consensus, to fix the times and places for meetings, to set deadlines for the submission of annual and other reports, to establish subcommittees, and to decide such other procedural questions as may be necessary for the commission to perform its functions.²

The Department of the Interior used the following reasoning in supporting the consensus proposition. This seems to be at the heart of the whole matter.

The amendment suggests a distinction between matters of procedure and matters of substance. It is necessary, in our opinion, that someone have final responsibility to decide the procedural matters essential to the proper functioning of the commission, such as the times and places for meetings, deadlines for annual and other reports, and establishment of subcommittees, if these arrangements cannot be fixed by agreement. The amendment assigns this authority to the chairman, to be discharged after consultation with the vice chairman. We believe that adequate restraints exist against the arbitrary use of the power. The President always may be persuaded to replace an unsatisfactory chairman; the majority of the States may unilaterally dissolve the commission if the rulings of the chairman are unacceptable. On the questions of substance, however—such as what standards shall be followed to evaluate water resources developments, what value judgments shall be given priority, or, of course, what elements will be included in the comprehensive plan—arrangements

¹loc. cit., p. 71.
²ibid.
must be made for the presentation and statement of minority, dissenting or alternative opinions. This is the basis on which various river basin commissions and interagency groups have functioned successfully for a number of years. Their experience attests to the significant contribution which the river basin commissions proposed under S. 1111 can make notwithstanding, and probably because of, the absence of voting provisions in the traditional sense.

There must be a consensus on all final resolutions and motions. This may discourage consideration of controversial topics because little is gained by the chairman in forcing issues.

A change to majority rule would not solve the problem since the chairman does not have any real authority to enforce decisions. The river basin commissions have participated in data based activities to a greater extent than they have in setting policy or resolving conflicts. However, as the members see what accomplishments the commissions can make, they will be more willing to set policy and resolve major conflicts. Thus, it can be seen that the principle of consensus has worked in the past, in river basin organizations and Congressional Conference Committees, and most people feel that it will continue to work in the Title II river basin commission system.

Decision-making by consensus can be frustrating, but in cases where a consensus is reached, action and cooperation are assured.

1loc. cit., p. 72.
3ibid.
4loc. cit., p. 47.
This is the case where a member can abstain from making a decision. If a member does not wish to interfere with the business being transacted, or if the business does not deal with his agency, the member may decide not to participate. This allows the commissions to function more smoothly and give the members a way out of a touchy situation.

It must be remembered that acceptable compromises are the answer, not complete harmony. Complete harmony is desired, but it is very difficult to attain. Discussion and compromise allow for more alternatives to be included and broader plans to be developed. It is, therefore, felt that while consensus is often burdensome, in the long-run it is a viable approach to decision-making.

This study has spent considerable time on the political implications of the Title II river basin commissions. The federal and state partnership was looked at. Financing and public participation were looked at. Finally, decision-making by consensus was discussed. In the next section, the basic elements of the planning process will be investigated. Some of the basic problems dealing with the planning process will also be covered.
THE PLANNING PROCESS

This section of the study deals with the effectiveness and viability of the planning process and its relationship to economic, cultural and environmental considerations. The first question to be asked deals with joint Federal-State planning. Is joint Federal-State planning possible and how has the planning process evolved?

The first part of this question was answered earlier in the study. Joint federal and state planning is possible. In fact, both participate regularly in the river basin commissions. The federal agencies and the states also supported the enabling legislation.

When talking about the evolution of the planning process, the Water Resources Council must be investigated. Federal members of the river basin commissions are required by law to follow the principles and procedures established by the Water Resources Council. The Water Resources Planning Act states that:

The Council shall establish, after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission. 1

1U. S. Government (Congress), Public Law 89-80, op. cit., Title I, Section 103.
The states must also follow federal guidelines if they desire to receive money from the federal government. The Water Resources Council distributes money to the states under Title III of the Water Resources Planning Act.

Thus, the Water Resources Council oversees the activities of the commissions and provides a degree of coordination with federal agencies at the executive level. Mr. Tabas, of the New England River Basins Commission, pointed out that the Council is able to reconcile program priorities of the commission with the program priorities of other river basin commissions and helps to provide funding to the commissions.

Mr. Crook, of the Great Lakes Basin Commission, brought out an interesting fact about the Water Resources Council. River basin commission plans and reports are directed to the Council and reviewed. Comments can be made on the plans and reports, but they cannot be changed. They are then transmitted to the president who in turn submits them to the Congress. Therefore, the federal participants are bound to some degree by the Water Resources Council, because they have to act in accordance with the Council's principles, standards, and procedures.

The only review power exercised by the Water Resources Council which can control the activities of the river basin commissions is the budgetary review power. Therefore, the Council can use this leverage to make sure its principles, standards, and procedures are carried out by the commissions.

The Water Resources Council has outlined three methods of study.
These are the Level A framework and assessment studies, the Level B preliminary or reconnaissance plans, and the Level C feasibility plans.

Framework studies and assessments are merged in the first and broadest level of planning—Level A studies. They evaluate, or appraise, on a broad basis the needs and desires of people for the conservation, development, and utilization of water and related land resources. They identify regions (hydrologic, political, economic, cultural, industrial, etc.) with complex problems which require additional detailed investigations and analysis. They may recommend specific implementation plans and programs in areas where further study is not required. They are multiobjective in nature, and will consider federal, state and local means. They will not involve basic data collection, cost estimating, or detailed plan formulation.¹

National Assessments give a general appraisal of overall national needs for water and related goods and services based on correlated projections of population and economic activity in each region of the nation. This is a continuing study reported every 5 years and will be based on and help to serve as a national constraint to regional framework studies which are to be kept viable by updating.²

Updated framework studies will give a continuing appraisal of overall regional needs based on more detailed projections of


population and economic activity in the region. They will also show emerging influences relating to total environmental considerations.¹

A Level B plan is a regional (political, economic, etc.) or river basin plan for a selected area. They are preliminary or reconnaissance level water and related land resource plans. They are prepared to resolve complex long-range problems discovered in the preparation of the framework studies and National Assessments. They will vary in scope and detail, but will focus on 15 to 25 year needs and desires. They will involve federal, state and local interests in plan development and will identify and recommend action plans and programs to be pursued by individual governments and entities. They will be used only where problems are interdisciplinary and of such extreme complexity that an intermediate planning step is needed between the framework and implementation studies.²

They may be developed through Federal-State water and related land studies involving interested state and federal agencies and through cooperative comprehensive studies between individual state and federal agencies. These plans are prepared by river basin commissions in their regions. The size and limits of a region depend on such considerations as the interrelationship of problems, and the possibility of effective plan implementation. Regions may cover river basins, sub-basins, one or more states or political sub-divisions, economic regions, or population areas.³

¹ibid.
²ibid.
³ibid.
Level B studies give detailed interpretation of national and regional projections, identify alternative methods and programs, identify alternative projects and uses of water and related land resources, evaluate the impacts of proposed land uses and projects on the environment. Multipurpose considerations are taken into account with every project or program. Beneficial and adverse effects will be looked at to help select the proper alternatives.\footnote{loc. cit., p. 1-5: Appendix.}

Recommendations for projects and programs will be based on reasonable assumptions of investment capabilities of agencies designated to carry out the programs or projects. The plans will serve as guides to future development and will give an indication as to the magnitude of the program required to meet long-range needs and desires.\footnote{ibid.}

Level C studies are program or project feasibility studies undertaken by a single federal, state, or local entity for the purpose of authorization or development of plan implementation. They are conducted under normal agency responsibilities and authorities. They implement findings, conclusions, and recommendations of assessments and regional plans found needed in the next 10-15 years.\footnote{ibid.}

Level C studies encompass the spectrum from preservation to full development. They lead to administrative, legal, non-development action programs, or developmental programs. The study
formulation includes multipurpose multiobjective considerations, benefit and cost determinations, cost allocations, cost sharing, and repayment analysis.\(^1\)

Level C studies are to be completed within 2 years. They are initiated from a source other than a regional plan recommendation, and the study will be expanded to show present and anticipated relationships of the proposal to alternative methods and means of meeting the needs and desires of the people, as well as other present and anticipated water and related land resource programs in the region.\(^2\)

The Water Resources Council has recently established a new set of principles and standards. It also established a new approach to Level B planning studies. The new approach will change water and related land resource planning. The new approach is designed to save taxpayers time and money. The revisions streamlined the study organization while emphasizing additional public participation and state leadership. Studies will now be completed two years after their funding dates. The new principles and standards apply to all federally funded agencies involved in planning and development of water resources. Environmental quality and national economic development must now be met by suggested alternatives.\(^3\)

\(^1\)ibid.

\(^2\)ibid.

Joint federal and state planning can be effective and viable with uniform procedures and study methods. The Water Resources Council, therefore, has a great deal to do with the way the river basin commissions carry out their studies. The planning process has evolved with the sophistication of the Water Resources Council's principles and standards, and planning study procedures.

Congressional Mandates

In order to look at selected studies, this study must first analyze priority reports and the Comprehensive, Coordinated, Joint Plan. The question to be asked at this point is, what is the purpose of priority reports and what is the definition and importance of the Comprehensive, Coordinated, Joint Plan? Both are required by Congressional mandate in the Water Resources Planning Act.

Title II river basin commissions must prepare and keep updated a Comprehensive, Coordinated, Joint Plan for their region (from this point on, the plan title will be shortened to Joint Plan unless it is necessary to use the full title). This includes making all studies which are necessary to formulate the Joint Plan, such as Level A, Level B, Level C and any other special studies which are appropriate for inclusion in the overall plan. The Joint Plan will deal with water and related land resources and will present long-range alternatives to various problems found during the study process. Along with the submission of the Joint Plan, recommendations for implementing the plan must also be forwarded. This is a continuing and important process, because the plans must be kept up to date and revised when changes occur.
Why is comprehensive planning important and why is comprehensive planning needed? In 1967, the Executive Director of the Water Resources Council, Henry Caulfield gave six basic reasons:¹

First, comprehensive water and related land resources planning of a river, or a regional grouping of river basins, provides the best way of inducing regional growth of population and economic activity, where water resource development is the key to growth generally.

Second, comprehensive planning is the best way of assuring that development of water and related land resources will keep pace with and adequately support regional growth of population and economic activity.

Third, the comprehensive approach enables development of a plan, or alternative plans, over bigger geographic areas. This is particularly important where local water supplies are found to be inadequate. In other words, consideration of larger areas will often permit greater development than could take place within a more restricted area if dependent wholly upon the resources in that area.

Fourth, because proposed uses of water and related land resources in a river basin normally involve both conflicts of use and opportunities for complementary action, the comprehensive river basin approach provides the means for complementary action and tends to reduce conflicts by bringing under study a wider array of alternatives and by affording the opportunity for mitigating adverse consequences over a wider area.

Fifth, individual project plans can be put within the framework of systematic analysis of an area and, if justified, gain in credibility as feasible in the public interest.

Sixth, a river basin plan properly prepared and presented to the public enables better communication and public discussion of proposed future uses of water resources within a basin or region.

Each river basin commission is now formulating its Comprehensive Coordinated, Joint Plan. Each river basin commission has its own modified definition of the Joint Plan. The Water Resources Council has also developed a concise definition.

The Water Resources Council definition of the Joint Plan gives the best overview of what the plan is intended to do. Mr. Gullidge, of the Pacific Northwest River Basins Commission, also used the following definition when referring to the plan:

**Definition:** The CCJP (Comprehensive, Coordinated, Joint Plan) is the current recommended plan and alternatives thereto resulting from a continuous regional planning process which reflects, integrates, and synthesizes efforts and activities for meeting the water and related land resources needs of the region. The CCJP is developed and updated annually by agencies of all levels of government (Federal, State, interstate, and local) and the private sector. The CCJP sets forth State and regional implementation, planning, data collection, and research schedules.

**Discussion of Definition:** Comprehensive means that the plan is to cover all water and related resources functional uses (such as transportation, environmental enhancement and preservation, food and fiber, etc.) of the participating States and Federal agencies and the private sector.

Coordination means that the participants act together in arriving at and implementing a comprehensive plan to satisfy needs associated with the above functional uses.

Joint means that the participants, through their coordination activities, are to integrate their planning and implementation programs into a single plan for meeting the needs of the basin or region.¹

The Great Lakes Basin Commission uses a somewhat modified definition when it defines the Joint Plan, however the definition establishes similar guidelines. The plan is defined in the following manner:

The Comprehensive, Coordinated, Joint Plan (CCJP) is a specific document composed of elements approved and adopted by the Great Lakes Basin Commission, identifying those water and related structural and non-structural projects, programs and other measures designed to enhance the economic, environmental and social conditions of the area, and will include

¹Gullidge, op. cit., answers to interview questions.
the Level A Study (Framework Study) and revisions through the National Assessments; Level B Studies and revisions to reflect changed conditions; and the results of appropriate commission, Federal, State, regional, interstate, local and non-governmental planning studies. The CCJP will be developed through a continuous dynamic procedure, may be prepared in stages, and will be kept current.¹

This is how the Great Lakes Basin Commission defines the components of the Joint Plan:

Comprehensive - considers a wide range of water and related land resource problems and the various alternative solutions to such problems.

Coordinated - requires the expert efforts and cooperation of State, Federal, and local governments, and non-governmental bodies and individuals within the Basin.

Plan - designates types, features and costs of solutions to solve resource problems, and points out areas where more detailed information is needed.²

Mr. Tabas, of the New England River Basins Commission, presented a simple and concise definition. The Joint Plan is a comprehensive plan for conservation and development of New England's water and related land resources which is being prepared in various stages and in different forms. It is joint in the sense that federal and state agencies are linked through joint planning. It is coordinated to the extent that it is prepared with the intent of securing the integration of all levels of government in managing resources. The Joint Plan is a vehicle that each level of


²Great Lakes Basin Commission, Challenges for the Future:..., op. cit., p. 6.
government can use for planning its own management and developmental programs. The Joint Plan is the final goal of each river basin commission.

In this section of the study, a discussion of priority schemes will be discussed, with their assets and liabilities. Priorities were established over the planning process by agreements between the members of the commissions. However, it has often been difficult to achieve a proper blend of broad planning goals and related priorities, because of the diverse technical backgrounds of the agencies involved.¹ There have been problems with priority reports over the years. The basic purpose of priority schemes is to identify the areas within each river basin commission which need further study in relation to water and related land resource development.

Mr. Gullidge said that priority reports were issued in the Pacific Northwest River Basins Commission in 1970 and 1971. He went on to say that priority reports were discontinued due to the lack of a plan for the region and for the individual states on which to base a priority. A priority report is planned for submission in Fiscal Year 1977 based on the findings of the Joint Plan. The priority report will recommend priorities for programs, projects, studies, data acquisition, and research.

In the Great Lakes region, the Great Lakes Basin Commission has temporarily stopped publishing priority reports. The commission

¹Advisory Commission on Intergovernmental Relations, op. cit., p. 130.
originally went into great detail with priorities. An initial listing of several hundred activities was established, and each of the activities was assigned a numerical priority (1, 2, 3, etc.).

The problem was, of the '7' study areas finally listed, it said that 120 should be funded in the next Fiscal Year. A preliminary schedule was last published in 1970, however, the Great Lakes Basin Framework Study outlines general priorities through the year 1970. The commission requested that work on priorities be stopped until work on the Joint Plan had provided improved perception of future needs. The commission's survey of projects planned for the next five years will be used to help compile an up-to-date schedule of priorities.²

In the chapter dealing with summary and conclusions of the Great Lakes Basin Commission long-range priority report prepared in 1970, the following paragraph is found:

This is the first comprehensive, coordinated report on long-range schedules of priorities. It therefore has limitations and shortcomings which must be recognized. Through a process of development and refinement, each successive report will be more complete, authoritative, and of ever increasing value to those who use it.

It can be readily seen that a base should be established for the proper ordering of priorities. Many Title II river basin commissions

¹Derthick, op. cit., p. 143.


have suspended issuing priority reports until their Joint Plan is published. The Joint Plan and its studies make an excellent base and show what will be the perception of future needs in a given region.

It should be easy to make priority reports from the Joint Plan. In the final processing of the Joint Plan, the Water Resources Planning Act says that the final report will be sent to the head of each federal agency, the governor of each state, and all commission members for a 90-day review. Their comments will be attached to the report. The report will then be reviewed by the commission members, and after approval sent to the Water Resources Council and made available to the public. All involved would see what the largest problem areas were. From that point on, a priority report submitted year by year would help to update the Joint Plan.

Even though Title II river basin commissions do not figure prominently in the most important crisis—unemployment, energy, crime, and the general economy—they do have an impact on a number of these areas in that things can be done in the water and related land resources field which can make the solutions for the major problems easier. The major priority stressed by the commissions analyzed is the energy crisis. With the energy crisis and the need to develop domestic fossil fuel resources, the importance of water to achieve energy independence has been further stressed.

Thus, the Congressional mandates of the Title II river basin

1U. S. Government (Congress), Public Law 89-80, op. cit., Title II, Section 104 (3).
commissions form a very important part of the planning process. The planning process will be discussed briefly in the remainder of this section.

**Studies Authorized And Effectiveness**

River basin commission planning programs differ and depend on regional circumstances. The question to be asked at this point in the study is, what are the types of studies authorized and how effective have they been?

The programs and types of studies authorized are likely to include the following: Level A framework studies; Level B studies; National Water Assessments; transportation; stream flow; in-stream requirements; power plant siting; flood plain management; environmental matters; water for energy; land-use; hydro power; wild and scenic rivers; and water supply.¹

Level A framework studies, in most cases, Level B studies, and special studies and projects form the backbone of the river basin commissions' planning process.

It is interesting to note, as Mr. Gullidge pointed out, that the five Northwest States, along with non-governmental entities, reviewed the activities under way in the commission's studies and reached essentially the same conclusions as developed by the Columbia-North Pacific Framework Study. The completed and ongoing studies were found to be adequate for the joint plan for the region, except in certain areas where additional Level B studies are

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¹Fairchild, op. cit., p. 11.
required. The Pacific Northwest River Basins Commission has been effective in helping regional planning and development of water and related land resources by providing a forum for discussion at both interstate and State-Federal levels, and by its comprehensive planning endeavors.

The Great Lakes Basin Commission has not yet had a material effect on regional development, but the long-range economic health of the region would be enhanced if the commission's recommendations were to be carried out. Mr. Crook pointed out that the consideration of ecological and social factors would be enhanced if the commission's recommendations were carried out.

The New England River Basins Commission has been helpful in the region's economic development to the extent that the commission's plans have carried recommendations dealing with regional development. Prospects of interstate and Federal-State collaboration across the full range of natural resources issues will be enhanced by greater involvement of the involved states.

The effectiveness of the river basin commission plans will depend to a great extent on how they are sold to the public, and how sincere the members who formulated the plans are in helping to implement them. Evidence, like the study in the Pacific Northwest, tends to show that plans formed by consensus can be implemented.

Studies And Study Procedures

In the Title II river basin commissions, new activities and proposals for study are developed based on the statutory
responsibilities of the commissions, and the policy directives expressed by the commission members. What are some of basic studies which have been carried out, are in progress, or which are being planned for the future?

All recommendations and proposals drawn up by the river basin commissions must be in accordance with the National Environmental Policy Act of 1969. Public Law 91-190 set forth five rules which must be followed and presented in every proposal:

1. The environmental impact of the proposed action.
2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.
3. Alternatives to the proposed action,
4. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.¹

The planning follows the guidelines put forth in the law and the principles and standards of the Water Resources Council. Impacts of each plan developed must meet four accounts: (1) National Economic Development; (2) Regional Development; (3) Environmental Quality; and (4) Social Well Being. Mr. Crook said that this demands that careful consideration be given to social, cultural, and environmental factors. The river basin commissions have structured their study formats to meet these rules and objectives.

The Office of Management and Budget, Executive Office of the President, has said, "Natural resources and environmental programs

encourage the wise management of the nation's natural resources, balancing development and environmental needs while at the same time conserving these resources for future generations."¹ This has become evident in water resources management programs in the Title II river basin commissions.

Future water programs should shift emphasis from water development to preservation and enhancement of water quality. Planning for water development must be linked to planning for water quality and coordinated with land use planning. Sound economic principles must be adopted to encourage better uses of water resources.² The Title II river basin commissions have program studies and plans which cover all of these areas.

Natural resources management has changed over the years. The new federal strategy is to place most of the responsibility for resource management in the hands of the states. The river basin commissions are in a good position to develop viable plans.

What purposes do the regional level studies, which the river basin commissions prepare, serve? First, they provide assessments on regionwide needs and problems as a direct input to state planning processes, and into federal policy and program development. Second, they provide a framework for evaluation of water and related land management from a state viewpoint. Third, special projects provide


²Morton, op. cit.
a factual basis for state and regional action on issues of regionwide significance. Fourth, they help to identify and avoid interstate conflicts. Fifth, a sharp focus is placed on the states as a basic unit for decision-making in the water and related land resource field. Finally, there is a link between state water and related land planning activities and those of the federal agencies.  

Do the plans of the river basin commissions, contain economic, cultural, and environmental considerations?

Mr. Gullidge explained how the Pacific Northwest River Basins Commission has been involved in new concepts, in terms of cultural and environmental considerations. He specifically pointed to a commission study entitled *Ecology and the Economy*. The study describes a planning methodology employing the concept of carrying capacity and applying it broadly in terms of man's industrial, economic, and social activities.

Mr. Crook, of the Great Lakes Basin Commission, noted that social, cultural, and environmental considerations are inherent in all water and related land resources planning. The philosophy of a planner can be seen in the types of objectives he identifies for his study. He tends to identify problems from a social, cultural, and environmental consciousness developed through a long association with these factors. Between 75 and 85 percent of the staff is environmentally oriented. The commission's framework study has a separate appendix on esthetic and cultural aspects. It also has

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appendicies dealing with social problems through health aspects, as well as recreational boating, outdoor recreation, and water supply.

The New England River Basins Commission studies attempt to maintain a dynamic economy, while maintaining an environment of high quality. This includes health aspects, aesthetics, recreational aspects, and ecological aspects. The comprehensive water and related land resource plans take into account economic development, population growth, and water quality.¹

It is the philosophical bias of the New England River Basins Commission that the natural resources of the region, under appropriate management, can provide a healthy, attractive environment fit for man to live in, while at the same time supporting an economy which provides decent opportunities for the people of the region. New England River Basins Commission's foremost goal, then, is to find ways to make this philosophy work by helping to improve the management of the region's resources.²

Mr. Gullidge points out that a full-time three man federal technical staff composed of a representative of each of the Departments of Agriculture, Army, and Interior work with the commission staff on the coordination and management aspects of studies. Study teams have been established in each state, with key members from the state and federal agencies. Each team is responsible for the management and preparation of the studies within that state.

In relation to Level B studies, the Pacific Northwest River


Basins Commission provided a study manager for each study. The study manager guides the planning studies in the states, and fits the studies into an overall plan. Coordination of state water planning efforts and the viability of river basin planning studies is facilitated under this arrangement.

Mr. Gullidge pointed out the following ongoing studies. Water plan studies are being conducted by each state, the U. S. Department of Agriculture is making Type IV studies, the Corps of Engineers is making a study of the Columbia River and its tributaries, all of which provide information on system effects of upstream alternatives. Other important studies include the Western U. S. Water Plan report, and the water management studies being conducted by the U. S. Bureau of Reclamation. In addition, the water quality plans prepared by the states under the 1972 amendments to the Federal Water Pollution Control Act and the studies being made by the states in cooperation with the Department of Commerce under the Coastal Zone Management Act will be important parts of the Joint Plan.

In July 1973, the Pacific Northwest River Basins Commission published the Columbia-North Pacific Framework Study covering the entire Pacific Northwest. The Puget Sound and Adjacent Waters study, and the Willamette River Basin study have also been completed.

A majority of the Pacific Northwest Level B studies are scheduled to be in draft form in 1975. The development of specific portions of the Comprehensive, Coordinated, Joint Plan has been assigned. The intent is to arrange for and schedule the sources of information at an early date, then formalize the arrangements and schedules for the record with memos or letters as appropriate.
The staff of the Great Lakes Basin Commission is now using systems analysis within the basin. From the new style of analysis, the proposed Great Lakes Environmental Planning Study was redesigned. The new design proposes using systems analysis as a means to find better and more viable solutions to problems in the Great Lakes Basin.\^{1}

The Great Lakes Basin Commission has the right to review regional studies conducted in the basin. This allows better coordination of water and related land resource planning and makes it easier to develop the Joint Plan. A few of the studies to be reviewed include the Grand River Basin of Michigan, the Elkhart River Basin of Indiana, and Erie County in Pennsylvania.\^{2}

The following areas of coordination were carried on in Fiscal Year 1974. The Great Lakes Basin Commission used its influence to coordinate land use planning, coastal zone management, regional social and economic planning. The commission also sponsored shoreline damage reduction workshops. The commission is working in conjunction with the Federal Regional Council to help formulate a strategy for reducing shoreland damage caused by flooding.\^{3} In addition, preparation for the 1975 National Assessment was accomplished. A Lake Erie wastewater management demonstration project was also started by the United States Army Corps of Engineers.

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\(^{3}\) loc. cit., p. 1.
Mr. Crook pointed out that the Great Lakes Basin Commission has almost completed work on its basic framework study. Drafts of all elements except the main brochure have been completed through the second draft, and are now in the process of final approval and publication.

The Great Lakes Basin Commission has only one Level B study in progress. Progress is being made, but it is estimated to be about three months behind in a two year time schedule which will expire in March 1976. For this reason, the Maumee Level B study will probably be completed in June 1976. Progress has been erratic because of the lack of adequate funding and state governmental reorganizations.

When the New England River Basins Commission was established, a number of planning studies were already being conducted with the Army Corps of Engineers as lead agency. These studies included a broad water resource study of the entire North Atlantic Region, a North Eastern Water Supply Study, and a Type II study of the Connecticut River. Because of the North Atlantic Regional Framework Study, the commission has not needed to carry out a Level A framework study. The study is funded separately and is a study through the year 2020.

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1loc. cit., p. 6.

2Ingram, op. cit., p. 45.

The New England River Basins Commission's Level B studies are either completed, or are nearing completion. Mr. Tabas stated that the Long Island Sound Study was completed as of July, 1975. The Southeastern New England Study has completed its public review stage and is now being prepared in its final report. The Connecticut River Supplemental Flood Plain Management Study is ready for its public review period. Together with the Northern States Guide Plan Programs (Maine, Vermont, and New Hampshire) which are designed to provide a 'sketch' of the region's river basins, the Level B studies comprise the commission's major planning programs.

The New England River Basins Commission does perform "special studies" as requested by its members, which are, as it has been put, "things which need to be done and everyone wants done but somehow no one gets around to doing." Examples pointed out by Mr. Tabas include the Task Force on the Wise Use of Flood Plains; a study of small private dams and the flood hazard posed by them; a study of power plant siting laws that has been used in several states to fashion siting institutions; and the evaluation of specific nuclear plant sites. Other special studies include those dealing with offshore oil exploration and international cooperation.

Future studies will be initiated as the need arises. The Joint Plan for the river basin commissions will be directed at programs and actions which can be carried out by federal and state natural resource agencies in combination with regional and local governments. It brings together federal, state, regional, local,

1Ingram, op. cit., p. 43.
and non-governmental plans which have been developed and rationalize them into a unified plan of action. The plans are viable, because they are achieved through the process of compromise and consensus among all federal, state, and interstate agencies which have an interest in planning for water and related land resources.

Planning Process Problems

There have been a few problems with the planning process, however, a majority of them have been overcome through mutual compromise. What are a few of the problems which have been associated with the planning process?

There has been a nagging problem of how to coordinate the committee approach. This has been because of the divergent agency views, interests, and traditions. It is often hard to arrive at a balanced solution or plan. Although membership has typically been diverse, planning often ends up compartmentalized with collection and analysis of data proceeding along separate functional lines. It has, therefore, taken much time and effort to formulate plans. An unfortunate by-product of this has been the collection of substantial amounts of data not needed in the plan formulation process. Even though unnecessary data may be gathered, effective plans have been developed through coordinated efforts.

Problems have also been found in the management of regional planning responsibilities. The small central staffs, of the river basin commissions, have to depend on federal and state agencies for

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1Hoggan, op. cit., p. 1183.
the preparation of basic data for their studies. The central staff has no way to force agencies to meet planning deadlines. There is no guarantee that conflicting agency reports can be successfully coordinated in the final plan.\footnote{Advisory Commission on Intergovernmental Relations, op. cit., p. 97.} This is because the dominant obligation of the member is to the organization they represent. Coordination is voluntary and no member is compelled to sacrifice the goals or interests of his agency.\footnote{Derthich, op. cit., p. 143.} As Mr. Gullidge pointed out, a commission member may personally lean strongly toward one point of view, but his departmental position lies along another and he is torn by this, but seldom does he depart from the departmental line. It must be kept in mind that acceptable compromises are the answer, and not complete harmony. With the diverse membership of the Title II river basin commissions, it is seldom that complete harmony can be found.

A potential problem is that only small parts of some states may lie in the jurisdiction of a river basin commission. Also, a few states are members of more than one river basin commission. In the Great Lakes Basin Commission, the states which belong to more than one river basin commission have asked for a redefinition of the Comprehensive, Coordinated, Joint Plan goals, in order to get a consistent approach.\footnote{Great Lakes Basin Commission, 1974 Annual Report, op. cit., p. 9.}

Often, the river basin commissions have had to begin Level B

\footnote{Advisory Commission on Intergovernmental Relations, op. cit., p. 97.}

\footnote{Derthich, op. cit., p. 143.}

\footnote{Great Lakes Basin Commission, 1974 Annual Report, op. cit., p. 9.}
studies before the basic framework study had been completed because of political pressures. For instance, the Pacific Northwest River Basins Commission started studies of Eastern Washington and the Snake River, and the Great Lakes Basin Commission started its Maumee study, before the Level A framework study had been completed.\(^1\)

Another problem encountered has been the reluctance of Congress to use the river basin commissions as the single point of coordination for all water and related land use planning. Congress has given member agencies added mandates outside of the commissions' jurisdiction. For instance, the Department of Housing and Urban Development administers flood insurance under the National Flood Insurance Act of 1968. Section 701 of the Housing Act of 1954 engages in water and related planning activities in municipalities, counties, multi-county development districts, and states. The Corps of Engineers, the Environmental Protection Agency, and the Bureau of Reclamation have also been given additional mandates. Congress has not yet given the states the amount of money which it originally authorized. There has also been a habit of failing to incorporate the views and secure the cooperation of local governments and private interests in river basin planning.\(^2\) Thus, the full potential as effective planning and coordinating bodies has not yet been achieved.

\(^1\)Advisory Commission on Intergovernmental Relations, op. cit., p. 129.

There is one more problem which must be talked about. This is the difficulty in meeting planning schedules, because of either the lack of agency cooperation or the lack of proper funding. Mr. Crook pointed out that state and federal agencies often have inadequate staff numbers and capabilities to interact effectively with the river basin commission activities and staff. The agencies are often not funded or staffed adequately to undertake a commission responsibility. In addition, agency reorganizations have a tendency to slow down progress.

Even with these functional and structural problems, the Pacific Northwest River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission continue to function eight years after they were established. They continue to progress toward their goal of formulating a Joint Plan, by planning effectively for the long-range preservation of the nation's water and related land resources.
CONCLUSIONS

It has been pointed out that the Water Resources Planning Act was an outgrowth of the findings of the Senate Select Committee on National Water Resources—the Kerr Committee. The final report of the committee presented five recommendations. The Title II river basin commissions were established as a result of the recommendation for joint comprehensive development and management for all major river basins in the United States.

The committee also found that major sections of the country would have inadequate water supplies to meet anticipated needs, unless money and time were spent, by the year 2,000. The majority of Title II river basin commissions which exist today are found in the regions where the committee suggested the greatest need for comprehensive water resources planning was needed. Included in this group are the New England River Basins Commission, and the Great Lakes Basin Commission which are analyzed in this study. Other Title II river basin commissions found in the group include the Ohio River Basin Commission, the Missouri River Basin Commission, and the Upper Mississippi River Basin Commission. In fact, all but one of the commissions (Pacific Northwest River Basins Commission) were in an area where there would be the possibility of severe water problems. These regions realized that something must be done. Therefore, they established a Title II river basin commission.

Title II river basin commissions are legal institutions to plan
and coordinate water and related land resources. They are flexible and cover large geographic areas. They have a unique federal and state relationship. They also work closely with other regional bodies. The commissions should be initiated at the state and local levels with the help of the Water Resources Council.

Successes And Failures

The question to be asked in this part of the study is, have the Title II commissions succeeded or failed to carry out their Congressionally mandated duties?

In general, member agencies have remained interested in the work of the commissions. Commission membership is valuable only if the commissions can make important decisions and viable plans dealing with water and related land resource planning. Effectiveness depends on members who authorize implementation of basin commission policy in their separate but overlapping jurisdictions. This interdisciplinary cooperation helps to present the largest practicable number of alternatives for evaluation. Mr. Tabas, of the New England River Basins Commission, is thus correct when he points out that the commission's effectiveness depends on the degree to which its work is responsive to the needs of its member agencies. Also, the member agencies continue to be interested in the commission to the extent that it exists as a vehicle to assist the agencies in their work.

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If planning studies can identify politically viable alternatives and build consensus among participants in favor of a particular alternative then implementation is likely and the commission's stature will be enhanced. Current evidence indicates that the planning programs are becoming functional and cover more than a collection of agency's pet projects or construction backlogs.¹

Mr. Gullidge explains that two field canvasses of agencies have been made to determine the extent that the recommendations of two Type II studies and a regional comprehensive framework study have been carried out. This was at the request of the U. S. Water Resources Council, and the responses indicate wide use of the reports and that many of the recommendations were the basis of actions.

Mr. Crook feels that many results of competent planning are the result of an educational process which goes on in the planning process. In this process, member agencies often modify their positions and change their attitudes. When planning is undertaken by consensus, the likelihood of the recommendations being implemented in some manner by some agency is more positive than it would be otherwise, because of the need to compromise.

Mr. Tabas points out that the plans and studies are carried out with the active involvement of the agencies which are in a large part responsible for their implementation. Therefore, the recommendations made by the commissions have a headstart toward implementation.

¹Caudill and Viessman, op. cit., 50.
In the areas which have been covered by completed comprehensive river basin studies, it appears that the commissions have been fairly successful. Their recommendations have been used as the basis of actions. With the rule of consensus, it is more likely that the commissions' recommendations will reflect a more balanced view of water and related land resource development and planning. The Title II river basin commissions cannot be called failures. In fact, until more studies can be completed and data analyzed, it must be said that the Title II river basin commissions are progressing toward their ultimate legislative mandate, even though progress may be slower than was originally hoped.

Strengths And Weaknesses

Do the experts feel that the commissions are viable institutional entities for the future, or are they weak and ineffective? This section of the study will answer that question. Title II river basin commissions have several strengths and general assets.

First, they are the most formal type of regional water and related land resource institutions yet created. They are legal entities and cover large geographical areas.

Second, they are stable and flexible. They have an independent chairman who is appointed by the president. With the change in chairman, there is the possibility of discontinuity and confusion in the development of plans and planning procedures, however, the evidence does not point in this way. They also have permanent, small, and professional staffs. The chairman and staff can look at the problems of the region with an objectivity not otherwise possible.
Third, the plans bear more weight and authority due to the formal structure and the Congressional mandate of the commissions. Governmental agencies are likely to follow the recommendations and plans of a legal entity.

Fourth, the chairman is the continuing spokesman for the interests of the commission. In addition, the commissions are visible for purposes of private participation and local governments.

Fifth, the commissions have a degree of independence and authority with no specific policies to promote or projects to develop. They help to coordinate planning efforts and are independent of the member agencies.

Finally, with the states being full members, more realistic plans are formulated. State participation has been substantial and very effective.

On the other hand, the Title II river basin commissions have some basic weaknesses. First, there is no guarantee that a permanent governmental entity will be found in a river basin region to ensure that the Comprehensive Joint Plan is followed. There is a possibility that politicians who desire a plan may be defeated in an election. If an individual who does not like a plan gets into office, the plan may be disregarded.

Second, the commissions are not presently given sufficient authority over funding and budgeting to ensure ultimate control of water resources planning in a region. Federal funding could be increased with centralized funding from the Water Resources Council, for the consolidated planning budget. If the states see that the commissions are beneficial to their well being,
they would be willing to contribute more money, and on time, to the commissions' operations. State water resource agencies would then be able to participate fully in commission planning activities. increased federal funding to the states would also increase participation.

Third, many agencies do not have adequate staff numbers or capabilities to work closely with the river basin commission staffs on comprehensive planning projects.

Fourth, the process of compromise and consensus tends to reduce expectations of performance among commission members. However, the process of compromise and consensus allows more problem areas to be covered, while at the same time presenting an enlarged range of alternatives which would not have been noticed before.

Fifth, the commission system has not adequately evolved procedures for involving local governments and private interests in the planning processes. While they are not directly involved in the planning processes, they can let their feelings be known at the public workshops and public hearings which are held during the planning process. If a local government, or individual, is truly interested, the public hearings will be attended and the issues will be discussed. The goals and objectives of a water and related land resource plan can be clearly drawn out, or compiled and used, to the extent that public participation provides knowledge about the desired future of the people of the region.

Finally, water resources planning may be an insufficient goal for the commissions. They will need further activities.
The commissions do more than just plan. They give advise to agencies and make speeches to the public. Commission staff members sit on committees of other organizations, and often attend other organizations' meetings to give constructive help where it is needed.

The serious weaknesses of the commissions, which have been presented through the years, have been overcome, or can be overcome with a little understanding and effort.

The legislative mandate includes the stipulation that the Title II river basin commissions cannot limit the authority of states, or the federal agencies. The commissions coordinate planning activities, through consensus, and hope that their recommendations are implemented. It must be remembered that coordination and compromise is voluntary. Sometimes, the member agencies pursue their own goals without using the commissions. The commissions are flexible, but lack any authority to enforce their decisions. For this reason, the commissions perform better where they do not compete with other water development agencies which have control over their decisions.¹

Title II river basin commissions are preferred over interagency and ad hoc committees for water and related land resource planning. They should be encouraged as regional planning entities for water and related land resources. The commissions are new and unique regional institutions, and should be given a chance to develop their Comprehensive, Coordinated, Joint Plans for their respective

Title II river basin commissions are the optimal water and related land resource planning institutions available today. They provide a potential for complete coverage of all the nation. This would bring about planning uniformity throughout all of the river basins in the United States.  

River basin commissions are not established to avoid total conflict, but to come up with hard alternatives and policy choices. They are not to reach unilateral decisions or make isolated recommendations. State planning capabilities are used to identify goals, needs, uses, and allocations. Federal capabilities are used to implement goals, priorities, and to construct projects.  

Former President Nixon had the following to say about Title II river basin commissions:  

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.  

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.  

Mr. Crook feels that in the next ten years river basin commissions  

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1ibid.  

2Hines and Smith, op. cit., p. 105.  

3Hart, op. cit., p. 72.  

will be established over much of the United States. They are recognized as viable entities to sort out policies, to identify regional objectives, and to do coordinated long-range planning for water and related land resources. The commissions will have a role to play in the integration of the basic responsibilities of the federal, state and local governments in a workable manner. They should be able to underline critical issues and assist in obtaining priority for the more urgently needed resources and to help in solving the more urgent problems.

Considering the limited authority of the Water Resources Council and river basin commissions, and the poor record of funding, major objectives of the Water Resources Planning Act have been met fairly well. The capability of states for comprehensive water resources planning has been materially improved; extensive river basin studies have been completed; principles, standards and procedures for water resources planning have been developed; and assessment of water problems and evaluation of their priorities has been made.¹

After completion of its Joint Plan, a river basin commission should be continued in order to (1) update and revise the plan, (2) continue the coordination and planning efforts, and (3) reestablish and revise priorities.²

Can River Basin Commissions Be Improved?

The question has been asked, can the Title II river basin commissions be improved? Can they be made more viable and responsive to the needs of the river basin areas they cover?

²Caudill and Viessman, op. cit., p. 6.
Change is not impossible. Many suggestions have been made on how to make the commissions more viable and responsive. In 1972, the chairmen of the commissions sent a letter to the Office of Management and Budget requesting that the following amendments be made to the Planning Act: extend coverage to the entire nation; broaden commission sphere of activities to natural resources; develop effective incentives for state and federal agency participation; and to make explicit the coordinating function would relate to direct federal activities, administration of grant programs and review of federal budget and programs at the field level.¹ These suggestions have not been followed up, but they would resolve many of the weaknesses referred to earlier. Thus, strengthened commission authority should most realistically arise through centralized funding of planning studies, control over water resources planning grants to states, and review authority over the planning done by other governmental units.²

Most experts do not envision a commission structure with implementation authority. This is because the commissions do not have the capacity to carry out detailed project reviews to perform design functions, or to provide in-depth legal administrative project promotion. Also, local government does not wish to relinquish authority to develop the river basin region to federal and state institutions.

¹loc. cit., p. p. 50-51.
²Hart, op. cit., p. 71.
By refusing to grant regulation, construction, and management powers to the river basin commissions, Congress has effectively destroyed many of the advantages to be gained from water resource planning on the river basin level. On the other hand, at least one commentator has observed that the granting of operating and implementing authority to the river basin commissions is politically unrealistic at this time, given the caution with which some states jealously guard their powers. The best solution then would be to provide the states with increased federal funding, and thereby encourage and support their participation in river basin commissions.¹

The cooperation and perspectives achieved indicates that progress is being made in meeting the major water and related land resource problems. There is now a new body of knowledge which must be examined. Much time and energy has gone into the river basin commissions' planning procedures and establishment, however, much remains to be done. The Title II river basin commissions do provide a viable institutional alternative for the purposes of water and related land resource planning in the United States.

¹Hines and Smith, op. cit., p. 104.
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APPENDIX I

Interview Questions

1. What are the reasons your region decided to establish a river basin commission, and who are the members of your Commission? What impact do each of the members have on the commissions?

2. What role does the Water Resources Council have in coordinating the activities of the commission? Can the Water Resources Council stop proposed activities?

3. Have the states been a dynamic force in the decision-making process of the commission, or have the federal agencies taken the lead role?

4. Has your commission followed its established bylaws, or have there been times when you have seen fit to deviate somewhat from them in order to expedite business?

5. What is your present definition of consensus? What is your present definition of the important Comprehensive, Coordinated, Joint Plan?

6. How far along on your basic framework study have you progressed? Have you made any progress in your Level B & C studies? What progress?

7. How large of a staff do you support? Is it enough to support your activities? What type of committee structure do you have in your commission? How many committees and what are their functions? Standing committees, subcommittees, technical committees, work groups, etc.

8. Does your commission have any relations with the Canadian government? Is Canada an observer?

9. How do you establish your working budget? What factors are involved? From what sources do you get most of your funding? Does the federal funding equal or supply more funds than the state funding? The other way? Is the present way of financing adequate to meet your needs?
10. Is public participation stressed by your commission? How many citizens, on an average, attend your activities? Would you estimate that a majority of the citizens in your region know who you are and what your functions are? If not, what public relations could be used to increase your visibility? What type of citizens participate in your public participation workshops?

11. Has there been a continued interest in all of the governmental agencies involved?

12. What are the basic social, cultural and environmental considerations which you look at when attempting to come up with a new activity or plan? Do you have any special studies dealing with these areas at the present time? What are a few of the more important ones? Can the goals and objectives for a water and related land resource plan be clearly and specifically drawn out? Can accurate evaluations and assessments of ecological impacts be made of alternative water resource development and utilization schemes?

13. Since you are only a planning commission, do you find most of your recommendations are carried out by the states and federal agencies?

14. What problems has the commission had to overcome since it formation in 1967? What are the basic strengths and weaknesses of the commission structure, and what are a few of the stresses incurred?

15. How are your basic priorities established and what are the top ones at this time?

16. In the future, do you see the basin commissions being given enabling legislation to allow basic operating, management, and regulatory functions, like the TVA model?

17. Has the river basin commission helped in regional development? What do you see as the future for the river basin commission?
APPENDIX II

Example Of Letter

On October 19, 1965, George Romney, the Governor of the State of Michigan, sent the following text to the U. S. Water Resources Council asking for the establishment of a river basin commission in the Great Lakes region.

The continuing expansion and intensification of problems involving our water resources has strongly impressed upon me the broad community of interest that must be involved in their solutions. The need for establishment of coordinative procedures whereby future problems may be foreseen and prevented on a comprehensive basis has for some time been increasingly apparent to me.

Such procedures seem in very large measure to be provided by Title II of the recently enacted Public Law 89-80 and I can see no reason for delay in the initiation of their application in this area.

Accordingly, as Governor of the State of Michigan, I hereby respectfully request the establishment of a river basin water and related land resources commission for all the area in the United States that is drained by the St. Lawrence River system, including the Great Lakes and their Tributaries. I am acquainting the Governors of the States of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania and New York with my request and the reason therefor, and reminding them of the statutory requirement of concurrence in this request by not less than three of those States in order for the request to become actionable by the Council.