"The U.S. District Court in the Northern District of California denied the City of Petaluma the right to limit its growth to 500 housing units a year on the grounds that the restriction is a violation of the constitutional right to move about freely. The town had based its claim for growth restriction on a judgment that its sewage treatment facilities will not support uncontrolled population increases. The judge pointed out that increasing sewage treatment capacity is preferable to residence limitations." (Western Water News, July-August 1974)

WILDLIFE COORDINATION ACT AMENDMENTS OPPOSED

NATIONAL WATER RESOURCES ASSOCIATION board of directors, at a meeting in Denver on July 25 and 26, released a joint statement which was submitted to the House Subcommittee on Fisheries and Wildlife Conservation and the Environment and the House Committee on Merchant Marine and Fisheries opposing HR 14527 and HR 10651 which would amend the U.S. Fish and Wildlife Coordination Act.

The joint statement which was made by the Water Resources Congress, National Association of Conservation Districts, National Water Resources Association and National Environmental Development Association emphasized their belief in the conservation, wise use and proper development of America's water and land resources, and also emphasized their belief in balanced development and conservation of resources which assures consideration of economic values in environmental decisions.

The statement expressively opposed bills before the Committee which would amend the Wildlife Coordination Act, particularly HR 14527 and HR 10651 which, the statement points out, would unnecessarily expand the coordination requirements of the existing Act and amend the authorities of programs now administered by other Federal agencies.
The statement is quoted in part as follows:

"We oppose the overall thrust of the proposed bills. That is, giving fish and wildlife resources and the fish and wildlife functions, preferential consideration and priority treatment over all other resource functions, including water. We believe that all water resources purposes are of virtually equal importance and should be so treated. Water, like energy, is becoming a scarce commodity and must be shared by all recognized interests.

"Section 2 of both bills requires the permitting and granting as well as the construction agencies to obtain a written report setting forth the views, comments, objections and recommendations, if any, of the Secretary of Interior, the Secretary of Commerce and the concerned State agencies, regarding the wildlife resources aspects of proposed projects.

"There are already in existence rather complex and comprehensive procedures for obtaining views and reports of all interested parties to any permit, or proposed works of improvement. These provide adequate opportunities for consideration of all interests. The proposed bills, however, specify no time limit for submission of the required reports, thereby affording the reviewing agencies a power to veto simply by inaction on their part. This veto power should not rest in any one agency, nor should it be permitted in the interest of any one resource or single purpose of any project.

"Section 2 of HR 14527 directs that the permitting, granting and construction agencies prepare an additional impact assessment, as recommended by the Secretary of the Interior or by the Secretary of Commerce or as otherwise found to be proper.

"This is an example of unreasonable treatment for fish and wildlife... and considering the National Environmental Policy Act which was passed for the purpose of assigning necessary responsibilities and
requirements to all agencies in the preparation of environmental policy statements, the proposed new provision would, at best, create confusion, duplication and costly delays.

"Section 3 of HR 10651 and HR 14527 states that an affected Department or agency shall not carry out, finance or authorize in any manner any project until notified in writing by the Secretary of the Interior and the Secretary of Commerce, as appropriate, of their concurrence and that each of their recommendations on prevention, minimization and mitigation of wildlife losses are adequately provided for -- unless their head of the agency determines in writing that the adoption of any recommendation would be contrary to the public interest.

"This provision, similar to the one in Section 2 dealing with reports gives veto power by inaction and virtual veto power by opposition to one Federal Department over another Department. This is not in keeping with our system of government.

"This again is an example of priority treatment for fish and wildlife resources and purposes over all other resources and functions which may even be of greater public interest.

"Section 3 of both bills provides that no Federal agency shall require estimates of wildlife losses solely in monetary terms as justification for adopting any recommendation of a wildlife agency . . . as are required for virtually all other purposes in Federal Water resources. We believe it is essential that all costs and benefits be displayed, including social costs, if rational decisions are to be made.

"Section 3 of both bills has provisions requiring that a Department or agency fund all the costs of providing means and measures to prevent, minimize and mitigate project-caused losses affecting fish and wildlife. Many of the projects that are constructed by Federal agencies are multiple-purpose projects and are subject to cost-sharing principles enacted by
Congress. The proposed new amendments would favor additional Federal financing of fish and wildlife without requiring any further study.

"Section 3 of HR 14527 provides that all lands and all costs for operation and maintenance as may be found justifiable for the enhancement of migratory birds, anadromous fish, and endangered species, notwithstanding other provisions of law, shall all be Federal. This provision would give preferential treatment to fish and wildlife, since the present law requires cost-sharing for that function in Federally authorized programs.

"Section 4 of HR 10651 and HR 14527 would amend the existing Act which makes the funds of construction agencies available for transfer to the Fish and Wildlife Service or NOAA (National Oceanic and Atmospheric Administration) for their investigations. Section 4 would also amend the existing Act to make the provisions applicable to Federally assisted projects and include NOAA. HR 14527 would also provide funds to State agencies.

"We are of the opinion that, for efficient and economical management, agencies should be responsible for obtaining the funding necessary to meet their own responsibilities and we so recommend this as the best means of insuring adequate funding.

"Section 9 of HR 10651 and Section 10 of HR 14527 would provide for citizen suits under the Fish and Wildlife Coordination Act. We are opposed to this provision. We believe there are already sufficient means available for private citizens to have their views considered. The number of emotionally-based environmental lawsuits which have flooded the courts in recent years have cost the taxpayers millions of dollars in court costs and in increased construction costs. If citizen suits are to be specifically authorized, then some kind of bonding system should be included to protect the taxpayer from unjustified actions, such as would be the case in other civil suits." (Emphasis supplied)
The Wildlife Coordination Act now provides that where any water diversion project is proposed for construction and which would require permits for the use of Federal lands, the entity or agency proposing such project must consult with the U.S. Fish and Wildlife Service and the State agency having jurisdiction over wildlife so that the effects of the project on wildlife can be incorporated as a part of the project planning.

HR 10651 and HR 14527 were introduced by Congressman Reuss and Congressman Blatnik, respectively. They were drafted toward remedying the alleged defects of the current law and reflect the basic recommendation of the "Action Plan" which was developed by a special committee sponsored by the then Bureau of Sport Fisheries and Wildlife and the International Association of Game, Fish and Conservation Commissioners. Environmentalists supporting this legislation say they have been frustrated by their inability to penetrate the planning system in a meaningful way, by failure of construction agencies or companies to follow through on accepted recommendations, and by the proliferation of environmentally destructive projects outside the purview of the Act.

**WATER BOARD OFFICERS REELECTED**

COLORADO WATER CONSERVATION BOARD, at a regular meeting in Grand Junction on August 1 and 2, reelected Ben Stapleton, Jr., Denver, as chairman of the Board for the ensuing year and Fred Kroeger, Durango, as vice chairman.

The agenda for the meeting included discussions on oil shale production water needs by Paul Kilburn, environmental official of the Colony Development Operation, and John M. Hopkins, acting president of the synthetic fuels division of Union Oil Company of California.

Both officials said in addition to water needed for shale processing, there must be water to serve the people who will move into the shale oil areas, and water for power generation to supply the electricity needed to run the oil shale plants.
Felix L. Sparks, Board director, reported to the Board that the staff will be investigating the water needs and means of **financing expansion** of water systems in Grand Junction, Grand Valley, Rifle, De Beque, Glenwood Springs, Meeker, Rangely and Craig. Sparks advised that in all probability a portion of the $10 million revolving construction fund could be used to **help finance** costs of these projects.

**John M. Hopkins**, of Union Oil, told the Board his company does not plan to **dry up** agricultural lands to provide water for processing oil shale. "We believe we can safely say our use of Colorado River Basin water in our contemplated oil shale operations will **not increase the burden** on uncommitted water from the basin," he said.

Hopkins said that Union plans the first project as a 1,500-ton per day demonstration plant, with the next step being a 50,000-barrel-per-day plant requiring about 8,000 acre-feet of water per year. The water would be used in cooling, process treatment, steam generation and spent shale disposal. "There will be **extensive re-use** of water in the Union process," he said.

**Paul Kilburn**, of Colony, told the Board that 10 to 12 second-feet of water will be required by a plant producing 50,000 barrels of oil per day, of which the entire amount of water will be consumed. He estimated that his company's requirement for a 50,000-barrel-per-day oil production would be between 9 and 10 thousand acre-feet of water a year which would come from **direct flow** diversions from the Colorado River and from **purchases** from Green Mountain Reservoir.

"Colony's use of water would increase the salinity of the Colorado River water at Hoover Dam by only **one-sixtieth** of one percent," Kilburn said.

**WATER RATE INCREASES OPPOSED**

MORE THAN 5,000 RESIDENTS of the City of Aurora have signed a **referendum petition** asking for the **cancellation** of a water rate increase ordinance.
recently adopted by Aurora City Council, according to a recent announcement by a group of Aurora concerned citizens. The petition was distributed by a group called WATER, Inc. (Working Against Totally Excessive Rates). Only 700 signatures were needed to put the referendum on a special election ballot.

The Ordinance, which was approved by an 8-1 vote of City Council on July 1 to become effective September 1, would raise water rates on a sliding scale: for users up to 12,000 gallons per quarter - no change at $10.20; in excess of 12,000 gallons - to be raised from 54 cents to 72 cents per 1,000 gallons.

Ruth Fountain, an at-large member of the Aurora City Council, said "the City would never recover if a water rate increase adopted by the Council is defeated at the polls. In an interview with the Aurora Advocate Sentinel, Mrs. Fountain said that without a water rate increase City services will be so cut back that all phases of the City would be affected. She predicted that some street projects would be eliminated and budgets for recreation and police services would be cut.

Aurora Water Department officials say the raise in water rates is absolutely essential to meet the existing costs of collecting and delivering potable water. "Many parts of the system are in need of repair and improvement, all of which will be extremely difficult considering the heavy strain on the Water Department budget caused by inflation," they say.

COLORADO WATER CONGRESS RULES COMMITTEE MEMBER DIES

Clarence Martin Svedman, 67, of Fort Collins, died on July 29 at the Poudre Valley Hospital after suffering an apparent heart attack. Svedman was elected to the Colorado Water Congress Rules Committee at its Denver annual meeting in February 1974. He was a cattle feeder and farmer and was the first appointed Colorado State conservationist, a position from which he retired in 1972.
COMING EVENTS

Colorado Water Conservation Board meetings are scheduled in Denver on September 18 and December 4, 1974.


Colorado Association of Soil Conservation Districts State Convention; Brown Palace Hotel, Denver, November 20, 21 and 22, 1974.

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ADDRESS CORRECTION REQUESTED