

Columbia
Interstate Compact

INDEX

	Page
Article 1 — Purposes	1
Article II — Definition of Terms	1
Article III — The Columbia Interstate Compact Commission	2
Article IV — Finance	4
Article V — General Powers	5
Article VI — Allocation of Power	7
Article VII — Apportionment of Water and Related Matters	8
Article VIII — Pollution Control	10
Article IX — Fish and Wildlife and Recreation	11
Article X — Rules and Regulations	12
Article XI — Existing Rights Recognized	12
Article XII — Termination and Amendment	12
Article XIII — Severability	13
Article XIV — Ratification and Effective Date	13

PROPOSED COMPACT DRAFT

This draft of the proposed Columbia Interstate Compact was approved for public release and discussion at the meeting of the Columbia Interstate Compact Commission held November 11, 1954 in Portland, Oregon. The draft was approved by the negotiating Commissions from the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. It is subject to review by the Columbia Interstate Compact Commission after public discussion and consultation with Federal agencies concerned.

ARTICLE I — Purposes

- 1 The major purposes of this compact are, with respect to the land and
- 2 water resources of the Columbia River Basin:
- 3 A. To facilitate and promote the orderly, integrated and comprehensive
- 4 development, use, conservation and control thereof for various purposes.
- 5 Included as some of the principal purposes are these: the development of
- 6 lands by irrigation and other means; the protection and use of water for
- 7 domestic, industrial, and municipal purposes; the use of water for hydro-
- 8 electric power production; the use of water for navigation; the protection
- 9 and enhancement of fish, wildlife and recreational resources; the prevention
- 10 and control of pollution; and the prevention and control of floods.
- 11 B. To further intergovernmental cooperation and comity with respect to
- 12 these resources and the programs for their use and development by, among
- 13 other things
- 14 (1) Providing for the relationships between certain beneficial uses of
- 15 water as a practicable means of effecting an equitable apportion-
- 16 ment thereof, and for means of facilitating and effecting additional
- 17 interstate agreements with respect thereto, and
- 18 (2) Providing an interstate body to consider the various common prob-
- 19 lems with respect to the use and development of those resources
- 20 and to plan for, review and recommend plans for their development.

ARTICLE II — Definition of Terms

- 1 As used in this compact:
- 2 A. The term "Columbia River System" shall mean the Columbia River and
- 3 its tributaries within the United States of America.
- 4 B. The term "Columbia River Basin" shall mean all the drainage area of
- 5 the Columbia River System within the United States of America.
- 6 C. The term "state" or "member state" shall mean a state which has ratified
- 7 and is a party to this compact.
- 8 D. The term "upstream state" shall mean any of the states of Idaho, Mon-
- 9 tana, Nevada, Utah, or Wyoming.
- 10 E. The term "downstream state" shall mean either of the states of Oregon
- 11 or Washington.
- 12 F. The term "upstream area" shall mean all the area of the states of Idaho,
- 13 Montana, Nevada, Utah, and Wyoming situated within the Columbia River
- 14 Basin, and all those portions of the states of Oregon and Washington,
- 15 situated within the Columbia River Basin, lying east of the summit of the
- 16 Cascade mountains.
- 17 G. The term "beneficial consumptive use" shall mean any use of waters,
- 18 recognized as a beneficial use under the law of the member state involved,
- 19 resulting in a substantial amount of the water diverted being consumed or
- 20 so used as not to return to the Columbia River System. Such uses shall
- 21 include those for domestic, livestock and municipal purposes, irrigation of

22 land, and such industrial and other beneficial uses as involve consumptive
23 use of the water diverted.

24 H. The term "nonconsumptive use" shall mean any control or use of water
25 in which, exclusive of seepage and evaporation of water incidental to the
26 control or use, the water remains in or returns to the Columbia River System
27 substantially undiminished in volume. Such uses shall include use for
28 navigation, flood control, production of hydroelectric power, industrial pur-
29 poses that are nonconsumptive, the maintenance of stream flows for pollu-
30 tion control, fish and wildlife and recreational purposes, and such other
31 beneficial uses as result in nonconsumptive use of the water involved.

32 I. The term "government" shall mean, severally, the member states and
33 the United States.

34 J. The term "Commission" shall mean the Columbia Interstate Compact
35 Commission.

ARTICLE III – The Columbia Interstate Compact Commission

1 A. There is hereby created an agency of the member states, and of each
2 of them, to be known as the Columbia Interstate Compact Commission.
3 The Commission shall be composed of two commissioners from each of the
4 states of Idaho, Montana, Oregon, and Washington, and one commissioner
5 each from such of the states of Nevada, Utah, and Wyoming as shall ratify
6 the compact, to be designated or appointed in accordance with the laws of
7 the state which they represent and serving and subject to removal in ac-
8 cordance with such law, and one commissioner of the United States to be
9 designated and to serve as provided by the laws of the United States.

10 B. Each commissioner of a state shall be entitled to one vote in the Com-
11 mission. The commissioner of the United States shall serve as chairman of
12 the Commission but shall have no vote.

13 C. The requirements as to a quorum for the transaction of business and as
14 to votes required to carry an action at any meeting of the Commission, shall
15 be as follows:

16 (1) Commencing with the date the compact has become effective as to
17 all seven states named in subdivision A of this article

18 (a) The presence in person or by proxy of eight or more of the
19 voting members of the Commission shall constitute a quorum for
20 the transaction of business, such a quorum to include at least one
21 commissioner each, in person or by proxy, from such of the states
22 of Idaho, Montana, Oregon and Washington as have appointed or
23 designated commissioners. For the duration of any called meeting
24 of the Commission the presence of a quorum shall be determined at
25 the commencement of such meeting. If any duly called meeting is
26 recessed because of a lack of a quorum initially, a reconvened meet-
27 ing may be set by the giving of written notice to all commissioners
28 not less than ten (10) days in advance thereof, and if the appointed
29 commissioners of any of the states of Idaho, Montana, Oregon or
30 Washington default by failing to appear in person or by proxy at
31 the reconvened meeting, the requirements as to representation in
32 the quorum by such state or states so defaulting shall not govern as
33 to such meeting.

34 (b) Any action by the Commission shall be effective only if it be
35 carried by a vote of eight or more of the total voting membership
36 of the Commission.

37 (2) Commencing with the date the compact has become effective, as
38 provided in Article XIV, but before all seven states have ratified,
39 the requirements shall be as provided in (a) and (b) of (1) above of
40 this article, except

41 (a) If only four or five states have ratified, the phrase "six or more"
42 shall be substituted for the phrase "eight or more" wherever there
43 appearing.

44 (b) If only six states have ratified, the phrase "seven or more" shall
45 be substituted for the phrase "eight or more" wherever there ap-
46 appearing.

47 D. In the absence of any commissioner, his vote may be cast by the other
48 commissioner of his state or by another representative designated or ap-
49 pointed in accordance with the laws of that state; provided that, the said
50 other commissioner or representative casting said vote shall have a written
51 proxy in proper form as may be established by rule of the Commission.

52 E. The Commission shall meet to establish its formal organization within
53 ninety (90) days of the effective date of this compact, such meeting to be
54 at the call of the chairman or by a majority of the commissioners then
55 appointed or designated. The Commission shall then adopt its initial set of
56 bylaws providing for, among other things: the adoption of a seal, and the
57 authority and duties of the vice-chairman, treasurer and executive director-
58 secretary. The Commission shall also then elect from among its members
59 a vice-chairman and treasurer to serve for the first full or part annual term,
60 these offices to be filled thereafter from among Commission members by
61 annual elections. The Commission shall appoint the executive director,
62 who shall also act as secretary, to serve at the pleasure of the Commission
63 and at such compensation and under such terms and conditions as it may
64 fix. The executive director shall be custodian of the records of the Com-
65 mission with authority to affix the Commission's official seal and to attest
66 to and certify such records or copies thereof.

67 F. The executive director, subject to the approval of the Commission in
68 such cases as its bylaws may provide, shall, without regard to the provisions
69 of the civil service laws of any member state or of the United States, appoint
70 and remove or discharge such engineering, legal, expert, clerical, and other
71 personnel as may be necessary for the performance of the Commission's
72 functions; may fix their compensation, and define their duties; and require
73 bonds of such of them as the Commission may designate.

74 G. The Commission may

75 (1) Borrow, accept, or contract for the services of personnel from any
76 government or agency thereof, from any intergovernmental agency,
77 or from any other entity.

78 (2) Accept for any of its purposes and functions under this compact any
79 and all donations, gifts, and grants of money, equipment, supplies,
80 materials, and services from any government or agency thereof or
81 intergovernmental agency or from any other entity and may receive
82 and utilize the same.

- 83 (3) Acquire, hold and dispose of real and personal property as may be
84 necessary or convenient in the performance of its functions.
- 85 (4) Establish and maintain one or more offices for the transacting of its
86 business.

87 H. The Commission and its executive director shall make available to the
88 member states or the United States any information in its possession at any
89 time and shall always provide free access to its records during established
90 office hours by duly authorized representatives of such member states or
91 the United States and any other interested entity.

92 I. The Commission shall make and transmit annually to the legislative body
93 and executive head of each government a report covering the activities of
94 the Commission for the preceding year and embodying such plans, recom-
95 mendations, and findings as may have been adopted by the Commission.
96 The Commission may issue such additional reports as it may deem desirable.

97 J. All meetings of the Commission for the consideration of and action on
98 any matters coming before the Commission, except matters involving the
99 management of internal affairs of the Commission and its staff, shall be
100 open to the public. Matters coming within the exception of this subdivision
101 may be handled by the Commission in executive sessions under such rules
102 and regulations as may be established therefor.

ARTICLE IV – Finance

1 A. The compensation and expenses of each commissioner which are to be
2 paid shall be fixed and paid by the government which he represents. All
3 other expenses incurred by the Commission in the course of exercising the
4 powers conferred upon it by this compact, unless met in some other manner
5 specifically provided by this compact, shall be paid by the Commission out
6 of its own funds.

7 B. The Commission shall submit to the executive head or designated officer
8 of each contributing member state a budget of its estimated expenditures
9 for such period, and at such times, as may be required by the laws of that
10 state for presentation to the legislature thereof.

11 C. Each of the Commission's budgets of estimated expenditures shall con-
12 tain specific recommendations of the amount, or amounts, to be appropriated
13 by each of the member states. The Commission shall, at the initial organiza-
14 tional meeting after this compact becomes effective, or as soon thereafter
15 as is practicable, establish the initial fiscal period, this to be, if practicable,
16 the period ending with the close of the first full biennium, commencing
17 July 1, of the year in which the compact becomes effective; and shall estab-
18 lish the budget of expenditures for that period. The budget for the initial
19 period, if it be a full biennium, shall be not less than \$65,000.00. The re-
20 spective shares of the budget for the first full, or part, biennium shall be
21 as follows:

22	Member State	Percent of Budget
23	Idaho	23.5
24	Montana	23.5
25	Nevada	2.
26	Oregon	23.5
27	Utah	2.
28	Washington	23.5
29	Wyoming	2.

30 If it becomes necessary to establish the initial period to cover only a portion
31 of a biennium, the maximum budget for such initial period shall be the
32 part of the total amount provided for a full biennium derived by applying
33 thereto the ratio that the part period bears to the full period. If any of the
34 states of Nevada, Utah or Wyoming fail to ratify during the initial period,
35 the total budget for that period shall be reduced by the amount of the
36 share of the state failing so to ratify.

37 D. Subsequent budgets shall be recommended by the Commission and the
38 amounts shall be allocated among the member states. The shares of Idaho,
39 Montana, Oregon and Washington shall be equal and in no event shall the
40 share of Wyoming exceed three percent (3%), the share of Nevada exceed
41 two percent (2%) and the share of Utah exceed one percent (1%) of the total
42 annual budget.

43 E. The Commission shall not pledge the credit of any government except
44 by and with the authority of the legislative body thereof given pursuant to
45 and in keeping with the Constitution of said government. The Commission
46 shall not incur any obligations prior to the availability of funds adequate
47 to meet the same.

48 F. The Commission shall keep accurate accounts of all receipts and dis-
49 bursements. The receipts and disbursements of the Commission shall not
50 be subject to the audit and accounting procedures of any of the member
51 states nor the United States. However, all receipts and disbursements of
52 funds handled by the Commission shall be audited yearly by an independent
53 certified public accountant and the report of the audit shall be included in
54 and become a part of the annual report of the Commission.

55 G. The accounts of the Commission shall be open for public inspection
56 during established office hours.

ARTICLE V – General Powers

1 The Commission shall have power:

2 A. To collect, correlate, and report on data relating to present and poten-
3 tial uses of water and other resources within the Columbia River Basin or
4 any portion thereof and on data relating to available sources of water for
5 use in the Columbia River Basin or any portion thereof; conduct investiga-
6 tions and surveys to determine the extent of resources and the nature of
7 the problems involved in their present and future development and manage-
8 ment; and recommend plans for their development.

9 B. To undertake itself, or in cooperation with governments or agencies
10 thereof or other entities with respect to the Columbia River Basin

11 (1) Review of all plans for the construction of works authorized or re-
12 authorized to be undertaken after the effective date of this compact
13 for flood control, navigation, power development, irrigation, or other
14 water use or management which involve facilities having capacity
15 for the control, diversion, storage or other use of flows of more than
16 200 cubic feet per second or the capacity to store at any time more
17 than 25,000 acre-feet of water and which are proposed to be under-
18 taken pursuant to laws of the United States, whether under permis-
19 sion granted by the United States or by means of financing in whole
20 or in part by the United States, or otherwise; and to submit its
21 findings on such plans to the member states and interested agencies
22 of the United States.

23 (2) Preparation of plans for works to develop, use, control or protect
24 particular waters. Any such plan may, without limitation by this
25 enumeration, involve any or all of these objects—the development and
26 use of water for domestic, municipal, irrigation, industrial including
27 development of power, fish and wildlife, recreational, and navigation
28 purposes; or its control and protection by drainage, prevention of
29 floods, and control of pollution; or other such objects as are found
30 by the Commission to be beneficial and proper.

31 (3) To appear and make recommendations, at its option, at any hearings
32 held subsequent to the effective date of this compact, on any projects
33 authorized or licensed but on which no actual at-site construction
34 has then been undertaken.

35 In the review and preparation of plans under this subdivision B, the Com-
36 mission shall consider and determine whether the proposed works, (referred
37 to herein variously as development, project or works) considering all benefits
38 to whomsoever they accrue and all costs by whomsoever incurred, will
39 result in the fullest, economically justifiable development of the land, timber,
40 mineral and water resources involved, and whether that development or
41 other potential developments in the Columbia River Basin should have
42 priority in construction; and with respect thereto shall recommend as to
43 when and by what entity, governmental, intergovernmental, public or
44 otherwise, a particular project should be undertaken. Such recommenda-
45 tions shall include the conditions or limitations that the Commission deter-
46 mines should be imposed on the project to assure attainment of the desired
47 objectives thereof, including in the case of federally financed hydroelectric
48 power developments, proposals, if any, as to the use of surplus power reve-
49 nues for the development of other land and water resources in the Columbia
50 River Basin. The Commission, unless otherwise provided by law or by
51 agreement with the governmental agency involved, shall, in connection with
52 the review of plans under (1) of this subdivision B, review and report there-
53 on as hereinafter provided within ninety (90) days from the receipt of the
54 plans from the agency or entity seeking the license or authorizing legisla-
55 tion required. The Commission's report and recommendations shall be
56 made in writing to the licensing or planning agency involved and the legis-
57 lature or legislatures concerned if authorizing legislation is required. The
58 report shall indicate, among other things, whether the recommendations of
59 the Commission are concurred in by the commissioners of the member state
60 or states in which the project is located, and shall set forth the views of any

61 commissioner that are not consistent with the recommendations of the
62 Commission.

63 C. In connection with the development and execution of operating plans
64 for coordinated use and management of water storage capacity in the
65 Columbia River System or any portion thereof

66 (1) To undertake itself or in cooperation with governments or agencies
67 thereof or other entities, the collection, correlation, and interpreta-
68 tion of data as to precipitation and runoff and the forecasting of
69 runoff.

70 (2) To cooperate with governments or agencies thereof or other entities
71 responsible for the operation of the various developments involved,
72 in the making of plans for the integrated operation for flood control
73 purposes of water storage capacity that is under law available for
74 such purposes, and in the administration of such plans.

75 (3) To cooperate in the making of plans for the integrated operation of
76 all hydroelectric developments, including capacity for the storage
77 of water for power production, to the end of achieving the most
78 efficient use of the hydroelectric power resources in the Columbia
79 River Basin, and to encourage, through contractual arrangements
80 and otherwise, the participation in such plans by the various entities,
81 public and otherwise, having generation facilities in the Columbia
82 River Basin.

83 Any operating plan proposed hereunder shall have as its objective the
84 optimum use of the developments involved for the several purposes for
85 which they were authorized under law; and no plan proposed by the Com-
86 mission for the use of storage capacity for flood control purposes shall be
87 inconsistent with the criteria and limitations established by law and contract
88 for the use of storage capacity for various purposes or result in conflict
89 with any right to the beneficial consumptive use of water, whether natural
90 flow, storage, or otherwise, which is validly established under law of a
91 member state.

92 D. To collect, correlate and publish water facts necessary for the purpose
93 of this compact directly or in cooperation with the United States Depart-
94 ment of the Interior or any agency which may succeed to the powers, duties,
95 and functions thereof, and with any other governmental or intergovern-
96 mental agency or agencies.

97 E. To cooperate with the International Joint Commission—United States
98 and Canada, the appropriate agencies of Canada and the Province of
99 British Columbia, as well as with agencies of the member states and the
100 United States, in studies, plans and recommendations with respect to any
101 project which may have a substantial effect on the uses of the waters of the
102 Columbia River and its tributaries that are of international concern.

ARTICLE VI – Allocation of Power

1 A. By the ratification of this compact, it is the declared purpose and intent
2 of the member states that there shall be a fair and equitable apportionment
3 and allocation among the member states of the hydroelectric power de-
4 veloped in the Columbia River Basin. Having regard for this purpose and
5 intent, and giving consideration to the problems of the state or states in

6 which proposed projects are to be located, the Commission shall with respect
7 to any project including power benefits which is being planned or reviewed
8 by the Commission:

- 9 (1) Determine the amount of power and energy attributable to the
10 development and make, subject to the provisions of paragraphs (2)
11 and (3) of this subdivision, such recommendation as it finds to be
12 practicable to provide for the equitable distribution thereof among
13 all the member states.
- 14 (2) Determine the amount of power and energy attributable to the
15 development that, in its judgment, is equitable for reservation and
16 use in the state or states in which the project is located and what
17 kind of reservation would be reasonable and practicable in the
18 particular case. The amount of the reservation shall be the sum of
19 (a) the full amount of prime power and energy that would be de-
20 veloped at that project were it to be operated on an isolated basis
21 without regard to existing or future upstream storage, and (b) a fair
22 and equitable share of the additional power and energy developed
23 at-site and at existing and future downstream power plants by reason
24 of the coordinated release of water, taking into consideration any
25 reduction of power and energy generation resulting from the deple-
26 tion in stream flow arising from upstream beneficial consumptive
27 uses occurring after the year 1948 A.D. in the state for which the
28 reservation is recommended, and taking into consideration such
29 other factors, whether negative or positive, as the Commission finds
30 to be proper for consideration. In those cases in which a project is
31 located in more than one state, the recommendations shall include
32 the basis upon which the total reservation hereunder shall be allo-
33 cated equitably among those states. A recommendation for the
34 reservation of the full amount of the power and energy so determined
35 shall be made as to projects to be authorized for construction by
36 any agency of the United States; and shall be made as to projects
37 to be licensed under the authority of the United States unless the
38 Commission finds the making of a reservation to be impracticable.
- 39 (3) Recommend, if a recommendation is made under the provisions of
40 paragraph (2) above, the inclusion of provisions in the authorizing
41 legislation or the license requiring the entity responsible for the
42 operation of the development to make power and energy covered
43 by the proposed reservation available for purchase and use in the
44 state or states in which the project is located. Any such recommen-
45 dation shall provide that, subject to reasonable notice for withdrawal
46 as demand therefor develops, such power and energy may be made
47 available elsewhere.

ARTICLE VII – Apportionment of Water and Related Matters

- 1 A. All waters of the Columbia River System shall be available for appro-
2 priation for beneficial purposes under the laws of the states involved, but,
3 except for the provisions in this subdivision A, relating to certain relation-
4 ships between consumptive and nonconsumptive uses, no apportionment
5 of waters or determination of rights to the use thereof is made by this
6 compact. Rights to beneficial consumptive uses within the upstream area,
7 whether established heretofore or hereafter prior to the controlling date,

8 under the laws of the states involved, if validly established under those
9 laws, shall be recognized as against, and shall not be limited by, any rights,
10 existing or future, to such waters for nonconsumptive uses by means of
11 developments located wholly or partly within a member downstream state
12 whether the rights to such nonconsumptive uses are established under the
13 laws of a member state, or are being asserted under the authority of the
14 United States in connection with any water use or control development
15 constructed by or under the authority of the United States, subject to these
16 provisions and limitations:

- 17 (1) As of January 1 of the year 2000 A.D., or as that date may be extended
18 by unanimous action of the Commission (herein called the controlling
19 date), there shall be a determination as to the amount of water
20 originating in or flowing through the upstream states remaining un-
21 appropriated, in terms of flows and quantities of runoff, at gauging
22 stations near the point at which the principal tributaries of the
23 Columbia River leave the downstream boundaries of Idaho. No ex-
24 tension of the controlling date shall be beyond January 1, 2050 A.D.
- 25 (2) When the controlling date as established under the provisions of
26 paragraph (1) of this subdivision is reached, the Commission shall
27 determine whether a further extension is to be sought, whether the
28 then unappropriated water is to be apportioned among the member
29 states, or whether no further action with respect to the remaining
30 unappropriated water is to be taken. Any further extension of time
31 beyond January 1, 2050 A.D., or such apportionment among the
32 member states may be proposed by means of a supplement to this
33 compact to be ratified by the legislatures of affected member states
34 and consented to by the Congress of the United States as then
35 required by law. Unless expressly otherwise provided in a supple-
36 ment to this compact, no right to the beneficial consumptive use of
37 water in the upstream area which, as of the controlling date, has
38 been validly established in accordance with the laws of the state
39 involved and consistent with the provisions of this compact shall be
40 impaired by such supplement.
- 41 (3) In the event no further extension or no apportionment in keeping
42 with the provisions of paragraph (2) of this subdivision is agreed
43 upon and effected, any then existing right for beneficial consumptive
44 use of waters in the upstream area coming within the provisions of
45 this subdivision as of the controlling date, shall continue to be rec-
46 ognized as herein provided, but no provision of this compact shall
47 preclude any member state from asserting a claim in any manner
48 available as a matter of law to an equitable share of the water re-
49 maining unappropriated as of the controlling date.

- 50 In the case of a stream tributary to the main stem of the Columbia River
51 situated wholly within a downstream state however, the relationships as
52 between nonconsumptive use rights appurtenant to a development located
53 thereon and consumptive use rights as to the waters of such a tributary
54 upstream from that development shall be governed by the laws of that state
55 without regard to the foregoing limitations of this subdivision.
- 56 B. The member states hereby designate, appoint, and empower their com-
57 missioners to draft, negotiate, and promulgate any and all compacts ap-
58 portioning waters of any tributary stream forming part of the Columbia
59 River System among or between the states through which said tributary
60 stream flows. Any such proposed supplementary compact which has as its

61 primary purpose the apportioning of water among the compacting states,
62 which does not adversely affect or in anywise impair any rights, powers, or
63 privileges of the United States shall, after approval by the Commission and
64 ratification by the legislatures of the member states party thereto, be re-
65 ported on to the Congress by the commissioner of the United States and
66 shall become effective after the expiration of ninety (90) legislative days
67 of the Congress from the date the report is presented if not rejected by joint
68 resolution of the Congress within that period. Any other supplemental
69 compact negotiated as herein provided shall become effective upon approval
70 by the Commission, ratification by the legislatures of the member states
71 party thereto, and consent thereto by the Congress. All valid, interstate
72 compacts affecting the waters of the Columbia River System which are in
73 effect as of the date this compact becomes operative shall remain unaffected
74 hereby.

75 C. In the event this compact is terminated, any right to the beneficial con-
76 sumptive use of water which, prior to the date of termination, is required
77 to be recognized under the provisions of this compact shall continue to be
78 recognized after such termination to the extent herein provided. Unless
79 otherwise expressly provided in a supplemental compact, made pursuant to
80 the provisions of subdivision B of this article, no such right required to be
81 recognized as of the effective date of such supplement shall be impaired by
82 such supplemental compact.

83 D. This compact shall become effective only if Federal law accepting and
84 implementing the provisions of subdivision A of this article with respect
85 to developments wholly or partly in downstream states constructed by or
86 under the authority of the United States is enacted as part of the legislation
87 giving the consent of the Congress to this compact.

ARTICLE VIII – Pollution Control

1 A. The governments recognize that the rapid increase of the population of
2 the Columbia River Basin and the growth of industrial, mining, and related
3 activities within that area can lead to increasingly serious pollution of the
4 waters of the Columbia River System constituting a grave menace to the
5 health and welfare of the people living in the Columbia River Basin and
6 also occasioning a great economic loss. The governments further recognize
7 that maintenance and improvement of the condition of the waters of the
8 Columbia River System require cooperative action and that pollution abate-
9 ment and control are essential to the proper realization of the objectives of
10 this compact and to the safe, profitable, and efficient multiple-purpose use
11 of the waters of said Columbia River System.

12 B. In addition to the powers enumerated in Article V, it shall be the duty
13 of the Commission to, and the Commission shall have power:

14 (1) To engage in such investigations, analyses, or other appropriate
15 means as are deemed necessary to obtain, coordinate, tabulate and
16 summarize technical and other data on the pollution of the waters
17 of the Columbia River System or any portion thereof and on the
18 character and condition of such waters; and to prepare reports
19 thereon annually or at such other times as may be deemed advisable
20 by the Commission.

21 (2) To cooperate with governments or agencies thereof or other entities
22 for the purpose of promoting uniform laws, rules, or regulations for

23 the abatement and control of pollution of the waters of the Columbia
24 River System or any portion thereof, and to make and, from time to
25 time, to revise and to recommend to the governments reasonable
26 minimum standards for the treatment of sewage and industrial or
27 other wastes now or in the future discharged into such waters.

28 (3) To disseminate to the public, by any and all appropriate means, in-
29 formation respecting pollution abatement and control in the waters
30 of the Columbia River System or any portion thereof and on the
31 harmful and uneconomical results of such pollution.

32 (4) Upon receipt of a complaint from a member state that interstate
33 waters in which it has interests are being materially and adversely
34 affected by pollution and that the state in which the pollution
35 originates has failed to take appropriate abatement measures, to
36 make such investigation and survey as the Commission finds to be
37 proper, and thereafter to recommend to the appropriate agency that
38 proper action be taken under state or Federal law.

ARTICLE IX – Fish and Wildlife and Recreation

1 A. In the exercise of the powers and functions conferred on the Commis-
2 sion, it shall be the policy of the Commission to prepare and review plans
3 for development and application of measures for preventing damage to fish
4 and wildlife and recreational resources of the Columbia River Basin and
5 to cooperate with all agencies charged with the responsibility for protect-
6 ing and fostering these resources.

7 B. In the furtherance of this policy the Commission shall:

8 (1) Submit pertinent information to, and receive recommendations from
9 official agencies of the governments having jurisdiction or otherwise
10 affected, with respect to projects and programs in which the Com-
11 mission may be concerned.

12 (2) Recommend that, in all projects which are within the purview of
13 the Commission, effective fish and wildlife protective facilities or
14 compensatory measures as required by the laws of member states,
15 and taking into consideration recommendations of governmental
16 agencies responsible for fish and wildlife administration, shall be
17 incorporated into water-use developments, and that the costs thereof
18 including operation and maintenance be included as a part of the
19 cost of said projects. The fish and wildlife facilities and compensatory
20 measures referred to in this article may include physical installations
21 located elsewhere than at the actual site of the project. The Com-
22 mission shall recommend that the liability for the provision of fish
23 and wildlife facilities shall not be terminated upon the completion
24 of construction of an individual project.

25 (3) Give proper recognition to fish and wildlife and recreational use
26 of water by recommending such steps as may be necessary and prac-
27 ticable to assure the maintenance of necessary minimum stream flows,
28 reliable and adequate pool levels, and allocation of water for fish
29 and wildlife protective or compensatory facilities, and for the
30 regulation of such stream flows and pool levels so as to conform
31 to sound fish and wildlife management practices to the fullest
32 extent practicable.

ARTICLE X – Rules and Regulations

1 The Commission shall have the power to adopt and issue such bylaws,
2 rules and regulations to effectuate the purposes of this compact as in its
3 judgment may be appropriate. The Commission shall publish its bylaws,
4 rules and regulations in convenient form.

ARTICLE XI – Existing Rights Recognized

1 A. Nothing in this compact shall be deemed:

- 2 (1) (a) To affect adversely the rights of any individual Indian, tribe,
3 band, or community of Indians to the use of the waters of the
4 Columbia River System for irrigation;
5 (b) To deprive any individual Indian, tribe, band, or community of
6 Indians of any rights, privileges, or immunities afforded under Fed-
7 eral treaty, agreement, or statute; or
8 (c) To affect the obligations of the United States of America to the
9 Indians, tribes, bands, or communities of Indians, and their reserva-
10 tions.
- 11 (2) Except as otherwise provided by Article VII hereof and the Federal
12 legislation required for the implementation thereof, to impair or
13 affect any rights, powers, or jurisdiction of the United States, or
14 those acting by or under its authority, in, over and to the waters of
15 the Columbia River Basin; nor to impair or affect the capacity of the
16 United States, or those acting by or under its authority, to acquire
17 in accordance with the laws of the state involved rights in and to use
18 of waters of the Columbia River Basin.
- 19 (3) To subject any property of the United States, its agencies or instru-
20 mentalities, to taxation by any member state or subdivision thereof.
- 21 (4) Except as otherwise provided herein and by the Federal legislation
22 required for the implementation of this compact, to subject any
23 property of the United States, its agencies or instrumentalities, to
24 the laws of any member state to any extent other than the extent
25 those laws would apply without regard to this compact.
- 26 (5) To affect the applicability of the laws of any member state with
27 respect to water rights properly claimed thereunder, except to the
28 extent that the applicability in a given case would be inconsistent
29 with the provisions of this compact.

ARTICLE XII – Termination and Amendment

- 1 A. This compact shall remain in full force and effect unless and until
2 terminated by action of the legislatures of the states of Idaho, Montana,
3 Oregon and Washington and consented to and approved by the Congress
4 of the United States; provided, that in the event of such termination all
5 rights theretofore established hereunder or recognized hereby shall con-
6 tinue to be recognized as valid notwithstanding such termination.
- 7 B. This compact may be amended or supplemented by action of the legis-
8 latures of all member states and with the consent of the Congress of the
9 United States.

ARTICLE XIII – Severability

1 The provisions of this compact shall be severable and if any phrase,
2 clause, sentence, or provision of this compact is declared to be contrary to
3 the constitution of any government or the applicability thereof to any
4 government or agency thereof, or other entity is held invalid, the validity
5 of the remainder of this compact and the applicability thereof to any gov-
6 ernment or agency thereof, or other entity shall not be affected thereby.

ARTICLE XIV – Ratification and Effective Date

- 1 A. This compact shall enter into force and become effective and binding
2 when it has been ratified by the legislatures of the states of Idaho, Montana,
3 Oregon and Washington, and consented to and approved by the Congress
4 of the United States and by the enactment of legislation by the Congress
5 accepting and implementing the provisions of subdivision A of Article VII
6 with respect to developments wholly or partly in downstream states con-
7 structed by or under the authority of the United States.
- 8 B. After this compact has been ratified and approved by all the afore-
9 mentioned governments, it shall become effective and binding as to any
10 of the states of Nevada, Utah or Wyoming when ratified by the legislature
11 of any such state. Delay in the ratification of this compact by any state
12 shall not be construed as affecting in any way its subsequent right of rati-
13 fication and participation therein.