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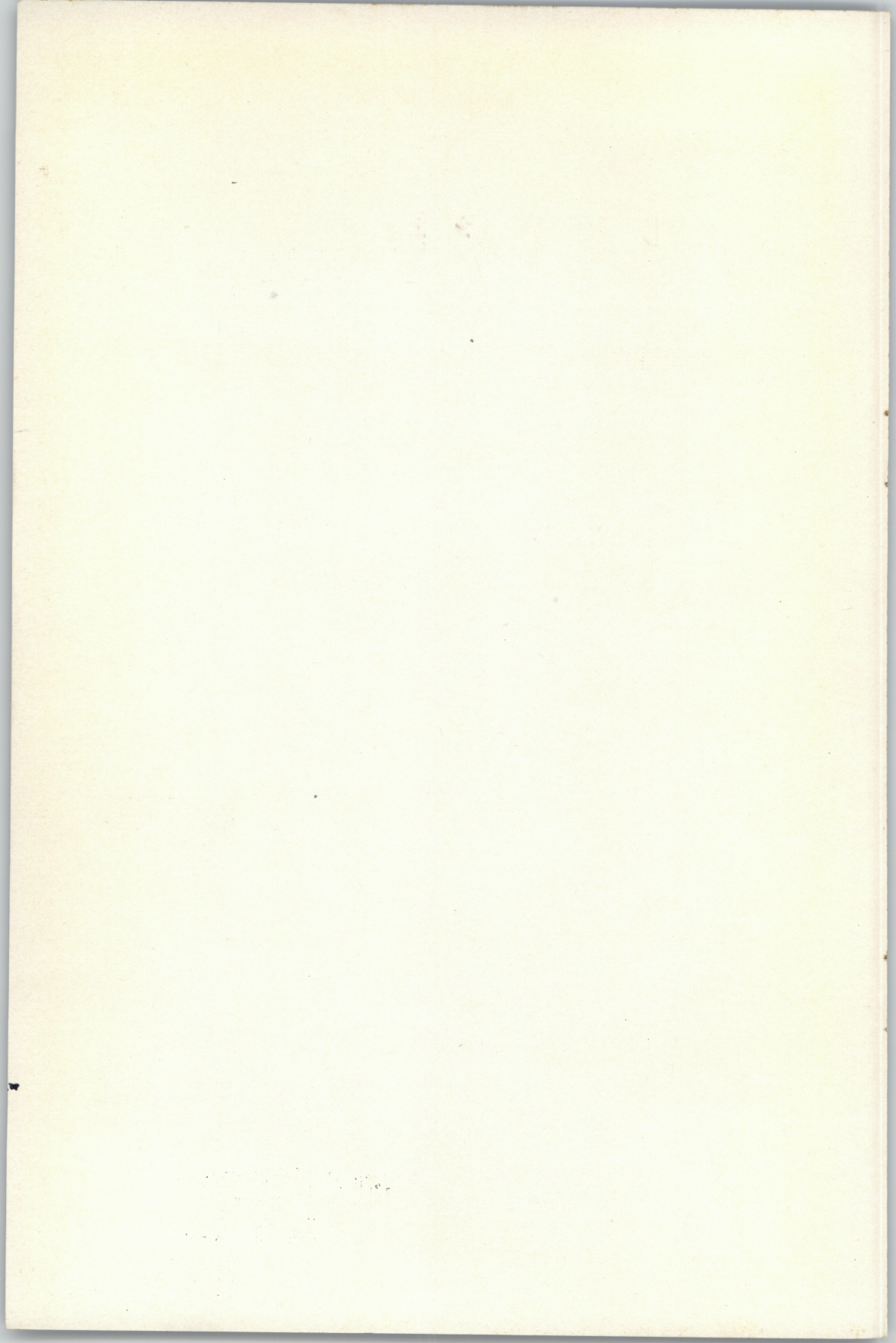
THE INTERSTATE COMMISSION ON
THE DELAWARE RIVER BASIN

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A Report

ON ITS ACTIVITIES
AND ACCOMPLISHMENTS

For the year ending June 30, 1947



INCODEL

presenting

A REPORT ON THE ACTIVITIES
AND ACCOMPLISHMENTS

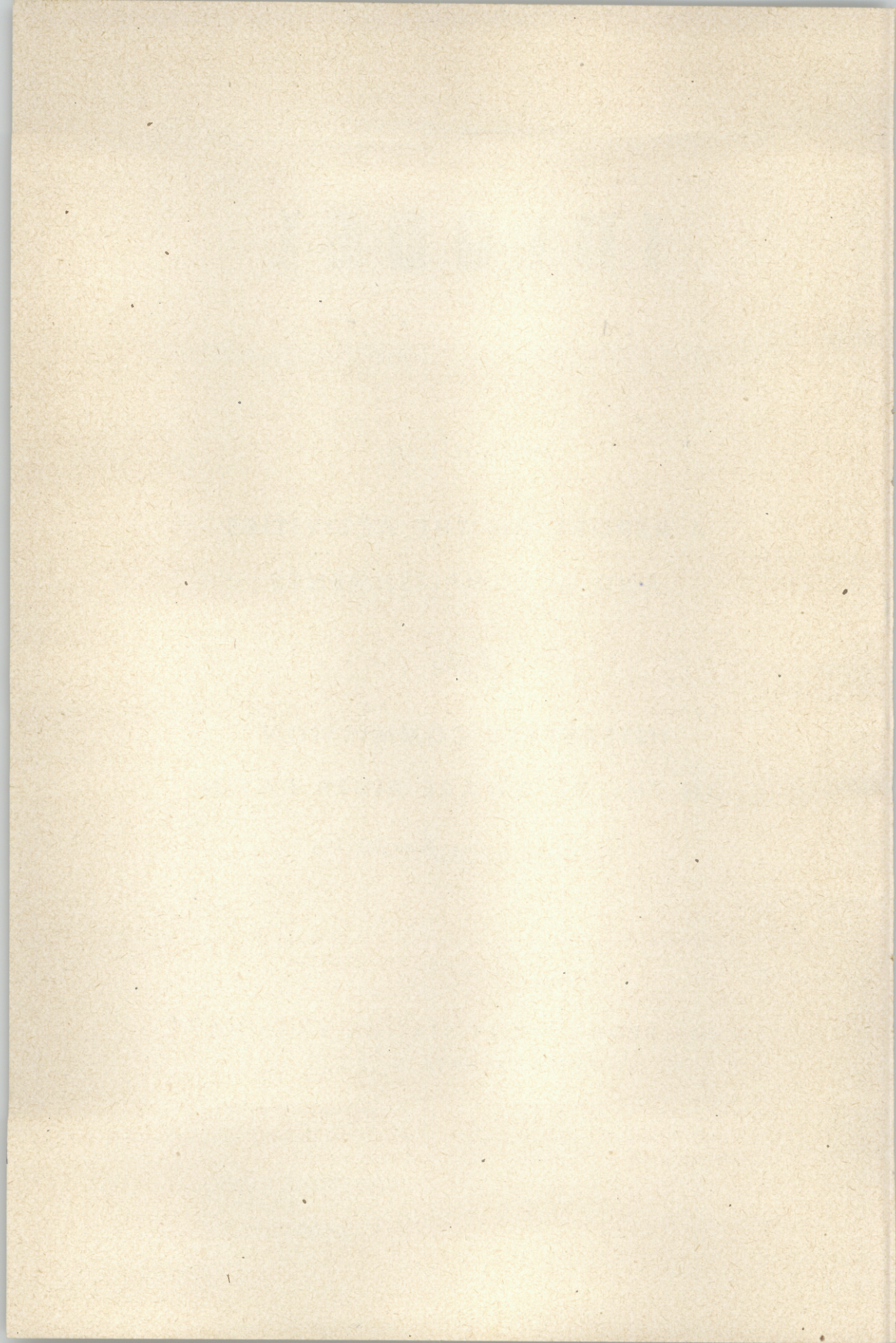
of the

INTERSTATE COMMISSION
ON THE DELAWARE RIVER BASIN

For the year ending June 30, 1947

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TO BE continually more effective year after year always has been Incodel's main objective.

It is pleased to report that forward and satisfying strides were made in all of its activities in the fiscal period, July 1, 1946, to June 30, 1947.

Through Incodel, New York, New Jersey, Pennsylvania and Delaware are now more united than ever in their determination to make the Delaware River Valley one of the finest and most productive interstate river regions in the world.

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IT IS the purpose of this brochure to present a brief summary regarding a few of Incode's recent accomplishments and future aims.

Because of its significance, both regionally and nationally, a section has been devoted to a discussion of Incode's participation in efforts to secure a better balance in Federal-State Relationships in the field of land and water resources development. This is followed by statements covering some of Incode's major programs for the Delaware River Basin.

Federal-State Relationships

It is generally agreed that no governmental agency has contributed more than Incodel toward the recent re-establishment and maintenance of a desirable balance in relationships between Federal and State governments in the matter of land and water resources development. Its services in this field have been recognized and applauded on a nation-wide scale.

Early in its existence Incodel concluded that the States had been talking too much about their rights and doing too little about their responsibilities. It was this general tendency, it reasoned, that had accounted as much as any other factor for the rapid transfer of authority from the States to the national government over many present day problems, including development and control of land and water resources.

The solution to the situation was simple and obvious, although the choice of alternatives was not too easy. The time had come to abandon the path of least resistance, that treacherous downhill route to totalitarianism, in favor of the longer but safer climb along the American road of self-government and self respect. Instead of turning problems of the Delaware River Valley over to the central government to answer, the States would solve them themselves. Thus, Incodel began its work by concentrating upon conditions in its own bailiwick.

In brief, that is the background underlying the unified programs being developed by Incodel and administered by appropriate existing agencies of government—local, State and Federal—for the abatement of stream pollution, the equitable sharing in the wise utilization of land and water uses, the conservation of soil and forest resources, and other related projects.

But, in 1944, it became apparent that to be fully effective, Incodel had to broaden its vision and expand the scope of its activities. Before the Congress then were omnibus flood control and river and harbors bills conceived by zealots calling for the authorization of innumerable projects about which State and local governments, and their people,

FEDERAL-STATE RELATIONSHIPS

had little or no advance knowledge. Many of these were detrimental to the general welfare and interests of States affected. Nonetheless, efforts were made to railroad them through. Even when there was a partial awakening as to what was going on many difficulties were put in the way of those who wished to be heard in opposition to undesirable proposals.

This was the situation which led Incodel to become one of four sponsors of a campaign designed to put an end to such procedures. Associating itself with representatives of water resources agencies from twenty-five other States it successfully fought for the enunciation of a policy by Congress to recognize and protect States' interests and their rights and responsibilities in the development of rivers and their watersheds. This policy, a part of the so-called O'Mahoney-Millikin amendment to the 1944 Flood Control Act and 1945 River and Harbor Act, carries supplementary procedures requiring cooperative Federal-State investigation of all navigation and flood control projects as well as review of such projects by Governors of States affected before they may be submitted to the Congress for authorization. These principles have been incorporated in all subsequent flood control and river and harbor acts.

Incodel's opposition to movements aimed at blanketing the country with federally controlled river basin agencies clothed with authority to disregard the interests of State and local governments is another valuable contribution to the maintenance of proper Federal-State relationships. Incodel has no objection to the principle of studying river basins in their entirety. In fact, it stands for this position. But it takes issue with the fallacious theory that the development of the resources of an interstate river region falls within the exclusive province of the Federal government. It also quarrels with the premise that the country should be divided into regions in which three-men boards, appointed by the President, have the final say in the matter of the development of natural resources.

Incodel also has raised its voice against the recent growing trend within certain Federal agencies dealing with water resources development to circumvent the will of Congress for the purpose of promoting their own private theories and selfish interests by resorting to the use of peculiar computation practices, subterfuge and the willful misinterpretation of laws.

FEDERAL-STATE RELATIONSHIPS

This nation is the only major democracy left in the world. If it is to continue to occupy this role the powers of government must remain in the hands of the people and their duly elected representatives.

A group with which Incodel has worked for the preservation of these American principles is now formally organized as the National Water Conservation Conference. It is comprised of delegates appointed by Governors and of representatives of organizations, public and private, dealing with the utilization and development of land and water resources from thirty-five States.

"The purpose of the Conference," as stated in its constitution, "shall be to promote and encourage appropriate development, control, conservation, preservation and utilization of the water resources of the Nation; to preserve the rights and interests of the several States therein; to recommend Federal and State legislation in relation thereto; and to maintain appropriate relations between the Federal and State governments in dealing with such resources."

A few of the immediate major programs of the Conference are:

To assist in the preparation, and to campaign vigorously for the passage, of Congressional legislation calling for an intensive investigation of legal, economic and other factors involved in the development of the land and water resources in the country with the object of formulating a sound national policy relative thereto that will properly define and provide for local, State and Federal responsibilities and participation.

To secure the passage of Federal legislation extending the principles of the O'Mahoney-Millikin Amendments contained in the Flood Control Act of 1944, in order to secure further recognition and protection of the interests of State and local governments, particularly in reference to priorities in the uses of water where conflicts arise.

To continue to oppose any movement to establish federally controlled river basin agencies clothed with power to disregard the interests of State and local governments.

To assist in the preparation, and to campaign vigorously for the passage, of Congressional legislation affirming and declaring States' ownership in submerged lands within their respective boundaries, and to all resources in and under said lands; and, concurrently, renouncing the powers attributed to the Federal government over such

FEDERAL-STATE RELATIONSHIPS

lands by the U. S. Supreme Court in the California Case (No. 12, Original — October Term, 1946) decided June 23, 1947.

To oppose any measure for Federal stream pollution control that does not adequately provide for recognition and protection of the interests, rights and responsibilities of State and local governments.

Incodel also has played a prominent part in programs of the Council of State Governments respecting Federal-State relationships in water resources development. Its chairman, Hon. Ellwood J. Turner, is the presiding officer of the Council's Committee on Water Resources. That committee has provided remarkably valuable services in collecting and analyzing factual information and in formulating general guiding principles concerning the development of land and water resources.

While much better than a few years ago, the situation regarding Federal-State relationships in the field of land and water resources development is still in a state of confusion. Incodel's regional operations and its participation in programs of such agencies as the National Water Conservation Conference and the Council of State Governments are aimed to bring order out of chaos.

Its activities in each of these fields will be continued and carefully coordinated.

Stream Pollution Abatement

RECENT ACCOMPLISHMENTS

In the Delaware River watershed was launched in 1946-47 the largest cooperative stream pollution abatement program ever undertaken in any interstate river basin. Contracts were awarded for the construction of Philadelphia's \$50,000,000 sewage collection and treatment project; actual work was started on the Schuylkill River Restoration Project by the Commonwealth of Pennsylvania.

These developments constitute positive proof that Incodel's basin-wide program to prevent the unwarranted use of the Delaware River and its tributaries as dumping grounds for the unprocessed waste of industry and man is definitely under way.

Breaking the log jams which existed on the Philadelphia and Schuylkill River projects provided the spark that has set Incodel's \$100,000,000 four-State pollution abatement program into action.

FUTURE AIMS

Incodel intends to do its utmost to keep the wheels in motion. That is why, at the very beginning of its 1947-1948 operating period, it instituted a campaign to emphasize the importance of financial planning.

Practically all municipalities and industries, having a responsibility, have prepared construction plans and specifications for the proper disposal of wastes. But, those blue-prints are not worth more than the paper they are written on unless they are backed up by financial programs to give life to the projects they represent.

Incodel will direct special attention toward securing general acceptance of that fact and getting something done about it. Its aim will be to have every municipality and industry—even to the last delinquent—prepared to launch their clean up programs in 1948.

Port and Transportation Problems

RECENT ACCOMPLISHMENTS

The adoption in 1947 of Incodel's over-all program for knitting the Port of Philadelphia and other harbors along the Delaware River from Trenton to the sea into one of the most efficient water terminals in the world is of far reaching significance. For many years Incodel had been urging that port and transportation problems in the great Philadelphia metropolitan area should be envisioned on a unified regional—instead of on an individualistic—basis. During the past year it devoted a great proportion of its energies toward successfully securing States' acceptance of that point of view. Benefits to be realized from the development and execution of a cooperative action program for the promotion of these regional assets will be tremendous.

FUTURE AIMS

Incodel expects that real progress will be made on this project during 1947-1948.

The recently enacted laws of Pennsylvania and New Jersey direct the Delaware River Joint Commission to undertake an immediate action program for the improvement and expansion of port and transportation facilities. It is instructed to cooperate with Incodel.

The program is so urgent, so important, so vital to the future welfare and prosperity of the region that not a minute should be wasted in getting it started. Action is imperative. When called upon, Incodel will give its services to the fullest possible limit.

Soil and Forest Conservation

RECENT ACCOMPLISHMENTS

Under the impetus of Incodel's leadership more progress was made during 1946-47 than ever before in the advancement of soil and forest conservation in the Pennsylvania section of the Delaware River basin. In that interim, soil conservation districts were created in Lehigh, Carbon, Berks, Chester and Monroe Counties, and a substantial interest has been aroused for the establishment of similar agencies in Northampton and Bucks Counties. When it is realized that not a single district was in existence a year earlier, last year's results represent a real accomplishment.

Headway was made, too, in the promotion of programs for forest conservation. While efforts to have Pennsylvania and New Jersey enact a forest practice measure were unsuccessful, this was primarily because the agencies that would administer the laws were not adequately staffed and equipped to do a fully effective job. Nevertheless, they were deeply impressed with the validity of Incodel's recommendations and are expected to make a sincere effort to advance the cause of forest conservation under the terms of existing statutes.

FUTURE AIMS

Incodel proposes to give special attention to soil and forest conservation programs in 1947-1948. The hardest part of the job is behind it. The opposition to creation of soil conservation districts which existed in Pennsylvania a year ago is bogging down.

The Commission's attention for the current year will be directed toward securing the adoption of a sound and comprehensive plan for the prevention of soil erosion and forest destruction in every section of the Delaware Basin.

It also will continue to campaign for the establishment of a forest experimental center in the Delaware River Valley.

Water Supply Diversions

INCODEL's program to request the United States Supreme Court to clarify the intent of the provision in its decree in the New York v. New Jersey Delaware River (Diversion) Case (283 U. S. 336) relative to retention of jurisdiction by the Court was delayed last year. This occurred through no fault of the Commission.

The program revolves around a difference in interpretation of that part of the Court's decree which reads as follows:

"Any of the parties hereto, complainant, defendants or intervenor may apply at the foot of this decree for other or further action or relief *and this Court retains jurisdiction of the suit* for the purpose of any order or direction or modification of this decree, or any supplemental decree, or any supplemental decree that it may deem at any time to be proper in relation to the subject matter in controversy."

One group is of the opinion that such retention of jurisdiction by the Court would be invoked only in case of problems which arise in respect to the operation of New York City's Delaware Basin water project; others maintain that it was meant to apply to the whole subject of water supply diversions in the basin, including future water supply projects within any State.

It is agreed that the answer can only be supplied by the Court. Incodel intends to give a high priority to this program during 1947-1948.

Federal Programs and Projects

WHILE the 80th Congress was in session in 1947 Incodel representatives were kept busy consulting with members of Congress about Federal programs and projects in the Delaware Basin.

Such action was imperative because of a general lack of appreciation of the value of conservation and of the need, importance and place of the Federal government in respect to planning and research activities for conservation programs.

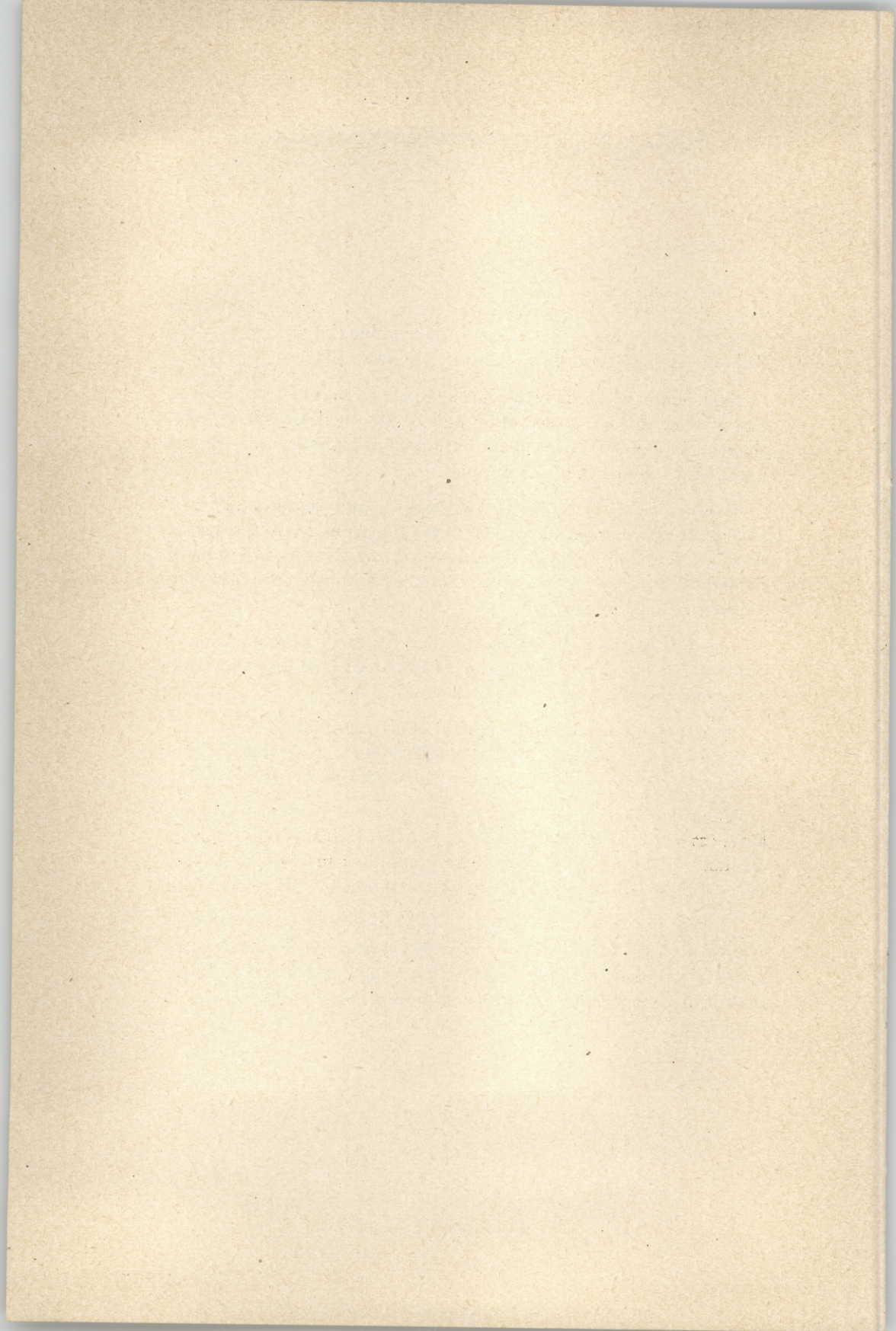
Except for the intervention of Incodel and representatives of other alert water resources agencies essential ground water investigations cooperatively conducted on an equal basis by the United States Geological Survey and agencies of State government were in danger of being stopped completely.

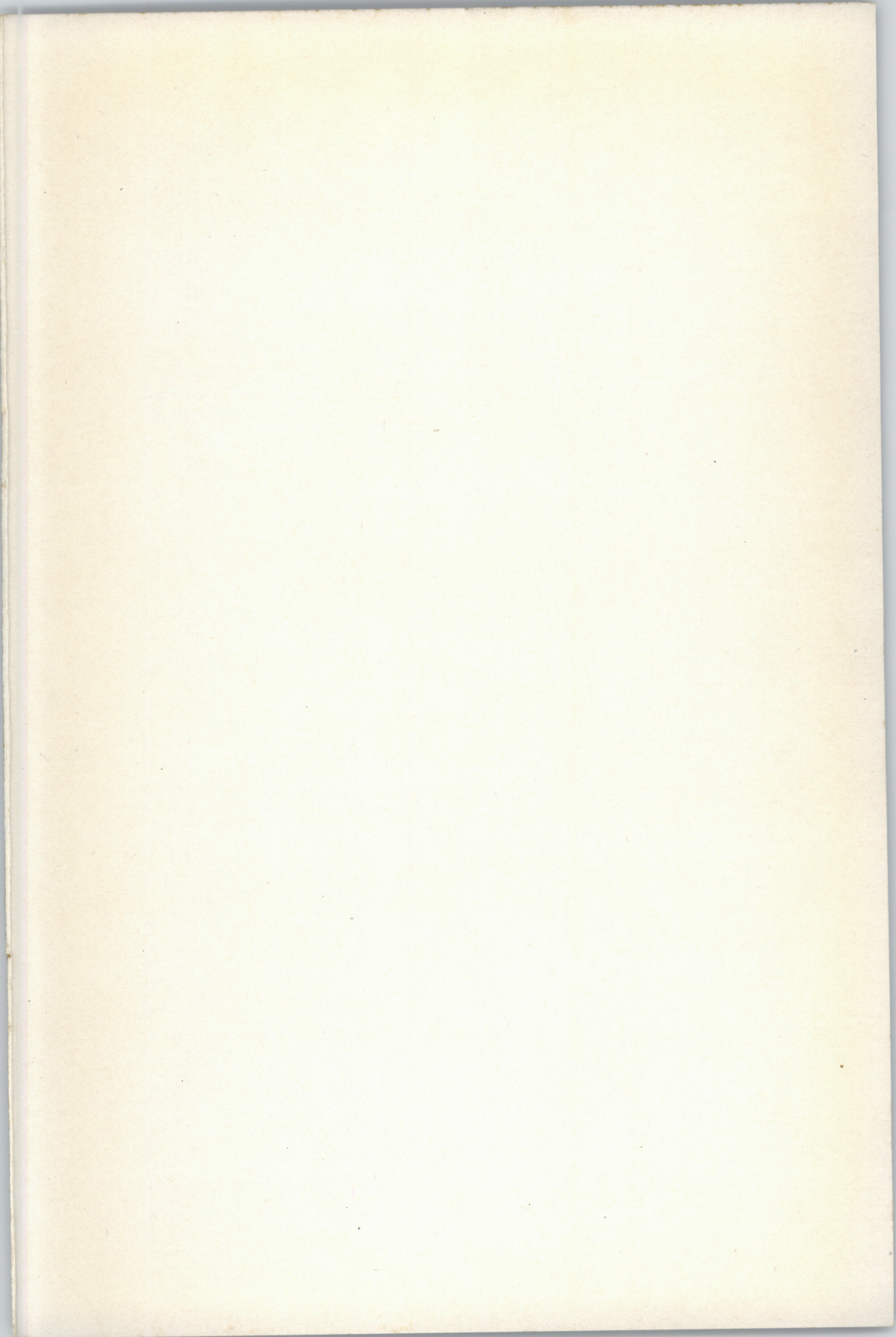
Incodel also lent its assistance in securing an appropriation of \$100,000 for the detailed planning of an authorized project for the control of floods in the Lehigh Valley.

It participated in an unsuccessful effort to obtain an earmarked appropriation of \$75,000 for the establishment of a joint Federal-State forest experiment center in the Delaware River watershed.

The reluctance of Congress to provide small sums of money for these essential planning and research activities while placidly placing its stamp of approval on "incentive" programs involving relatively huge appropriations was a source of surprise and disappointment.

One of Incodel's major aims in 1947-1948 will be to enlighten United States Senators and members of Congress of the wisdom and value of judicious Federal participation in well conceived and practical programs for the wise utilization and conservation of natural resources.





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