

# Initiative No. 25 To The Legislature

## \*OFFICIAL BALLOT TITLE

### DAM CONSTRUCTION AND WATER DIVERSION

**AN ACT** Prohibiting the construction or operation of any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River down stream from McNary Dam within the migration range of anadromous fish, except on the North Fork of the Lewis River and White Salmon River, and prohibiting diversion of water from such stream in such quantities as will reduce the flow below the annual average low flow without concurrent approval of the Directors of Fisheries and Game.

\* As issued by John J. O'Connell, Attorney General.

## OFFICIAL ARGUMENT **FOR** INITIATIVE MEASURE NO. 25

**INITIATIVE 25 ASKS THAT:** 3% of the 255,000 sq. miles of the Columbia River Watershed be reserved for Salmon and Steelhead reproduction by reestablishing the Sanctuary created by the Legislature in 1949 (by votes of 47-1 in the Senate and 76-23 in the House). An oversight in the original bill omitted "Municipalities". Initiative 25 places Municipalities on the same basis as all others. No other portion of the existing law is changed.

**INITIATIVE 25 IS NECESSARY** to protect a 25 million dollar annual fishery. Its loss will seriously deplete the salmon fishing from Alaska to California and will destroy steelheading in lower Columbia streams. All of the existing hatcheries cannot equal the spawning potential of the Sanctuary.

**HIGH DAMS KILL FISH:** Even if the upstream spawners climb the ladders, baby fish are killed going over the spillways and through the turbines. All state and Federal fishery agencies have expressed the vital need for salmon and steelhead sanctuaries. No completely successful fish passage ways have been devised . . . even after 30 years of experimenting.

**INITIATIVE 25 WILL NOT AFFECT THE POWER POTENTIAL:** Less than 1% of the power potential is involved. There are no completed dams in the Sanctuary. None can be built whose costs of production will not exceed by more than double the ample power for sale by Bonneville Power Administration. There are at least 108 existing and proposed dams on the Columbia that will not be affected by the Initiative. And Atomic power is coming.

**FOR YOUR ADDITIONAL INFORMATION** a 16 m.m. sound, colored movie is available. Write or call: Fred Habernich, 2021 1st Ave., Seattle. Phone MA 4-4655.

**Vote FOR Initiative No. 25 !**

COMMITTEE APPOINTED TO COMPOSE ARGUMENT **FOR** INITIATIVE MEASURE NO. 25 TO THE LEGISLATURE

FISHERY RESOURCES COMMITTEE, WASHINGTON STATE SPORTSMEN'S COUNCIL

ROBERT E. COLWELL, Chairman  
8015 California Avenue  
Seattle, Washington

THOMAS O. WIMMER  
7756 Seward Park Avenue  
Seattle, Washington

KEN McLEOD  
1017 East Pike Street  
Seattle, Washington

**EXPLANATORY COMMENT ISSUED BY THE ATTORNEY GENERAL AS REQUIRED BY LAW**

**THE LAW AS IT NOW EXISTS:**

A state law now prohibits the construction of any dam exceeding twenty-five feet in height on any tributary of the Columbia River downstream from the McNary Dam, including the Cowlitz River and its tributaries. The Washington Supreme Court has ruled that this law does not limit the power of municipal corporations authorized to engage in the power business to build such dams, and that the law is not effective when in conflict with Federal law governing the use of navigable waters.

**EFFECT OF INITIATIVE MEASURE NO. 25 IF APPROVED INTO LAW:**

This act, if constitutional, would expressly limit the power of any individual, private, public, or municipal corporation, and any subdivision of the state of Washington or any other state to construct, complete or operate dams exceeding twenty-five feet in height on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries.

**NOTE:** Complete text of Initiative Measure No. 25 to the Legislature appears on Page 27.

**OFFICIAL ARGUMENT AGAINST INITIATIVE MEASURE NO. 25**

Your vote against this initiative will assure the development of new recreational areas, a fine tourist attraction, more inexpensive electric power, flood control in the lower Cowlitz valley, and a little more depth in the river for boating. By voting against No. 25 you will help put the Cowlitz River to work for all the people of our state.

Over 400 men are now at work on this project, earning payrolls which exceed \$3,200,000 yearly. The people of our state, through the municipally-owned utility in Tacoma, already have invested millions of dollars to build two dams on this river between Centralia and Morton. One dam, which will cost over \$37,000,000, is almost 70 per cent completed. Contracts have been signed to complete it. None of the costs come from taxes.

Acting in good faith, the people of Tacoma began building these dams in 1955. The United States Supreme Court has ruled twice that the City has a legal right to complete the dams. The Federal Power Commission of the United States, after exhaustive studies and hearings, has determined that the construction of the Cowlitz dams is the best development of the river for all purposes.

A new state park and other recreational facilities for camping, boating, picnicking, swimming and fishing are planned around the lake which will be formed behind the dam now being finished. This lake will be more than 13 miles long. Both dams will provide fine tourist attractions on the route from US 99 to Chinook and White Passes and to Mount Rainier.

Flood control will be established below the dams.

Protection of the fisheries resource is a foremost feature of the Cowlitz project. Tacoma is building a modern hatchery for the Game Department near Mossyrock. This replaces an obsolete hatchery. Federal and state fisheries agencies have approved the functional designs for facilities to get fish past the dams on their way up and down the river.

**We Need BOTH Fish and Power.  
Vote AGAINST 25!**

**COMMITTEE APPOINTED TO COMPOSE ARGUMENT AGAINST INITIATIVE NO. 25 TO THE LEGISLATURE**

ED M. WESTON, President  
Washington State Labor Council  
2800 First Avenue, Seattle

A. LARS NELSON, Master  
Washington State Grange  
3104 Western Avenue, Seattle

BEN HANSON, Mayor  
City of Tacoma  
Tacoma, Washington

**ADVISORY COMMITTEE**

DR. PAUL RAVER, Supt.  
Seattle City Light  
Seattle, Washington

WALTER S. GORDON  
Professional Engineer  
Lakewood Center, Wash.

OWEN W. HURD, Managing Director  
Wash. Public Power Supply System  
Kennewick, Washington

VERN F. CAIN, Mayor  
City of Centralia  
Centralia, Washington

joint tenancy shall have the incidents of survivorship and severability as at common law. Joint tenancy may be created by written agreement, written transfer, deed, will or other instrument of conveyance, when expressly declared therein to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants: *Provided however*, That such transfer shall not derogate from the rights of creditors.

**Section 2.** Every interest created in favor of two or more persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint tenancy, as provided in section 1, or unless acquired as community property or unless acquired by executors or trustees.

**Section 3.** The provisions of this act shall not restrict the creation of a joint tenancy in a bank deposit or in other choses in action as heretofore or hereafter provided by law, nor restrict the power of husband and wife to make agreements as provided in RCW 26.16.120.

**Section 4.** Section 1, page 165, Laws of 1885, section 1, chapter 270, Laws of 1953, and RCW 11.04.070 are each repealed.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State January 13, 1960.

VICTOR A. MEYERS, *Secretary of State*.

## COMPLETE TEXT OF Initiative Measure No. 210

### AN ACT providing for the uniform observance of daylight saving time in the State of Washington.

*Be It Enacted by the People of the State of Washington:*

**Section 1.** That at two o'clock antemeridian Pacific Standard Time of the last Sunday in April each year the time of the State of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the last Sunday in September in each year the time of the State of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State April 15, 1960.

VICTOR A. MEYERS, *Secretary of State*.

## COMPLETE TEXT OF Initiative Measure No. 25 TO THE LEGISLATURE

### AN ACT to conserve the state's fishery resources by limiting the powers of any person authorized to construct or operate dams or to appropriate water; defining "person"; and providing a saving clause to preserve the validity of the remainder of this act if other parts are held invalid.

*Be It Enacted by the Legislature of the State of Washington:*

**Section 1.** For the purpose of conserving the State's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the Directors of Fisheries and Game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports; *Provided that*, when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the Directors of Fisheries and Game.

**Section 2.** The term "person" as used in Section 1 herein shall include any municipal corporation or other political subdivision of this state or another state, any other public or quasi-public corporation, any private corporation or other organization organized under the laws of this state or another state, and any individual or group of individuals.

**Section 3.** If any section or provision or part thereof of this act shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof shall not affect the validity of the remaining sections, provisions or parts thereof which are not judged to be invalid or unconstitutional.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State April 3, 1958.

VICTOR A. MEYERS, *Secretary of State*.