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## Resolution 2002-04-06 Fish and Wildlife Coordination Act Reform

Association of Fish and Wildlife Agencies

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**Resolution 2002-04-06**

**FISH AND WILDLIFE COORDINATION ACT REFORM**

**WHEREAS**, the explicit and animating purpose of the Fish and Wildlife Coordination Act (16 USC 661 et seq.) is that wildlife conservation receive equal consideration and be coordinated with other features of water-resource development in the United States; and

**WHEREAS**, the Coordination Act stipulates that whenever any body of water is proposed or authorized to be controlled or modified by a federal agency or permittee, the federal agency shall first consult with the U.S. Fish and Wildlife Service and the state agency exercising authority over wildlife resources of the state where the facility is to be constructed; and

**WHEREAS**, the Coordination Act authorizes the Secretary through the U.S. Fish and Wildlife Service to conduct investigations to determine possible damage to wildlife resources and to determine means and measures to prevent loss or damage to wildlife resources, and provides for comparable reports from a state agency; and

**WHEREAS**, the Coordination Act directs the federal construction or permitting agency to "give full consideration" to such reports and recommendations and then authorizes the construction/permitting agency to select such measures for inclusion in the project plans as, in its discretion, seem justifiable to achieve maximum overall project benefit; and

**WHEREAS**, the fish and wildlife resource often sacrificed to "overall project benefit" is a local resource; and

**WHEREAS**, destruction of local resources, such as fish kills, often go uncompensated and no requirement exists that there be mitigation of fish and wildlife losses unless funds are appropriated by Congress for that purpose; and

**WHEREAS**, the Fish and Wildlife Coordination Act as written is inadequate to protect local fish and wildlife resources from damage or loss in the execution of national policies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Fish and Wildlife Coordination Act be amended to carry out more effectively its explicit animating purpose to require that direct damage by a federal agency, or its permittee, to local and regional fish and wildlife resources be compensated and mitigation measures be conducted contemporaneously with the project, both compensation and mitigation being made part of project cost, and that the immunity of federal construction and permitting agencies, if any there be, be waived by Congress in those instances where the Coordination Act has not been observed.