

DEPARTMENT of the INTERIOR

FISH AND WILDLIFE SERVICE

news release

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FISH AND WILDLIFE COORDINATION ACT REGULATIONS TO BE PROPOSED

Comments from every viewpoint are solicited on proposed rules intended to ensure that wildlife conservation is given appropriate consideration in all phases of Federal water development, the Department of the Interior announced today.

The regulations, scheduled for next spring, are authorized under the Fish and Wildlife Coordination Act. That Act requires that wildlife conservation receive equal consideration with other features of water project development, from planning through implementation. But it hasn't always worked.

Both Interior and the Department of Commerce, which shares responsibilities under the FWCA, issued a joint Notice of Intent to Propose Rules on September 22, 1978. This action is intended to obtain the widest possible attention and input from the public, Congressional, State, and Federal sources before formal proposed regulations are published. Once the proposed rules are published the public will then have 60 days to present written comments. In addition, public hearings will be held before the final rulemaking. Promulgation of this regulation was directed by President Carter's Water Policy Initiative of July 12, 1978.

The Fish and Wildlife Coordination Act requires Federal agencies which are involved in the impoundment, diversion, deepening, or other control or modification of any stream or body of water to first consult with State

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and Federal wildlife agencies. Agencies which issue licenses or permits for these activities also have to consult. Although the water development agencies make the final determination as to what measures are necessary to conserve, mitigate, and compensate for losses of wildlife resources, the views of the wildlife agencies are taken into account in their decisions.

The Fish and Wildlife Coordination Act was enacted in 1934 and has been amended several times since; however, most agencies involved with water development activities have not adopted formal procedures implementing this law. As a result, disparities in interpretation and program emphasis exist, and there is often little opportunity for the public to participate in decisions as to which wildlife conservation measures will be adopted.

It is anticipated that the final regulations will include:

--Procedures for resolving differing interpretations of the Act and procedures for consultation on wildlife conservation.

--Procedures for public and State participation in the FWCA planning process.

--Procedures for resolving interagency differences on what measures should be included in the project plans.

--Guidelines for determining whether mitigation measures should be developed for previously authorized projects or existing projects.

--As directed by the President, methods for determining the adequacy of measures to mitigate losses to fish and wildlife.

Suggestions for matters to be addressed in regulations should be received by October 27, 1978. Comments should be addressed to William W. Garner, Office of the Solicitor, Room 6544, U.S. Department of the Interior, Washington, D.C. 20240. Because of the importance of these regulations, both the Department of the Interior and Commerce want to make their rule-making as open and public a process as possible. Therefore, all interested citizens are invited to present their views.