



# NMFS Authority under the Fish and Wildlife Coordination Act

[16 U.S.C. 661-667e](#)



Pacific Islands Regional Office

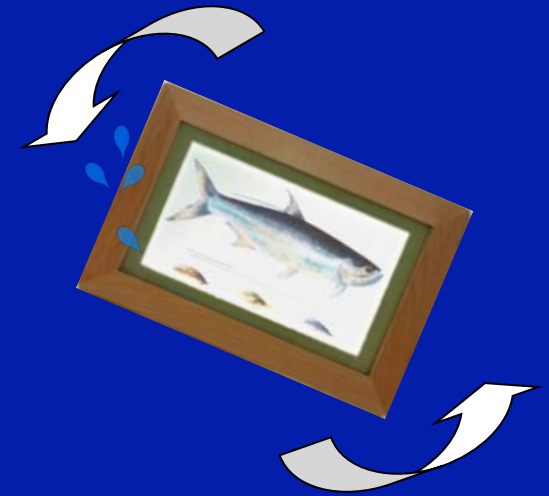
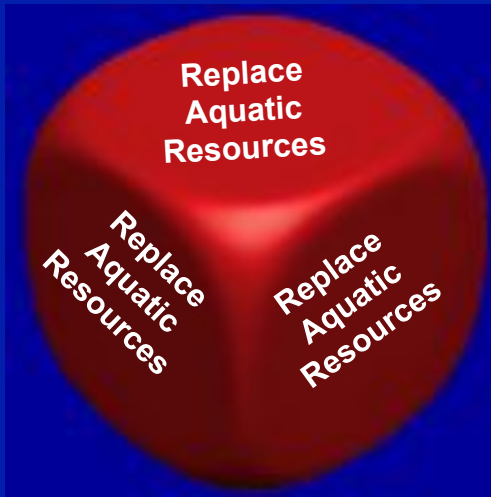




# Purpose of FWCA



To **avoid** ,**minimize** ,**rectify** and **mitigate** federal activities on fish and wildlife resources



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## 2(b) reporting



- Secretary of Services' and/or head of state fish & wildlife agency to report impact to fish and wildlife resources and recommend actions to avoid, minimize, rectify or mitigate fish and wildlife resources. Specific and Practicable....  
Delegation of Signatory.....
- The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations.



# The Evaluation Framework

Before the 2(b) report can be completed, there are four basic questions that need to be answered:

1. What are the resources likely to be affected?
2. What are the alternatives being considered or evaluated?
3. What are their impacts?
4. What will be recommended to conserve fish and wildlife resources?



# How Can it be Used

1. To couple with EFH, ESA CWA and other reviews/consultations and coordinate with partners.
2. To receive funds to conduct assessments and complete 2(b) reports.



# Status

1. Since 2004 PIRO has regularly received funding from federal partners to conduct FWCA assessments and reports. Assessment have been joint efforts.
2. A couple years ago, PIRO ran into a problem with USFWS claiming sole ownership of the 2(b) reporting.
3. NMFS OGC completed a legal review and confirmed fully authority under FWCA to consult, report and receive funds directly.
4. Pacific Region in a holding pattern to complete a template with federal partners with funding instruments to implement FWCA due to the USACE SMART Process

# Mahalo

