

Fish & Wildlife Coordination Act: Opportunities for States to Review Federal Water Development Projects

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The Fish & Wildlife Coordination Act (FWCA) amendments of 1946 require, that for any federal water development project, the lead federal agency must coordinate with the U.S. Fish and Wildlife Service and the state wildlife agency where the project is occurring. The FWCA provides an opportunity for states to be on equal footing with the federal government when it comes to reviewing and providing recommendations on federal water development projects across the country.

A survey conducted by the Arizona Game & Fish Department in September of 2019 found that state participation in FWCA consultations varies wildly: some states have good working relationships with their federal partners (primarily the U.S. Army Corps of Engineers, Bureau of Reclamation, and the Federal Energy Regulatory Commission), some states have poor and even adversarial relationships with federal agencies, and there are a few states that are not even aware of the FWCA and the project review abilities it affords them. As a result, the Association of Fish & Wildlife Agencies, Subcommittee on Water, has created an FWCA Working Group to 1) make sure that state wildlife agencies are aware of their rights under the FWCA, 2) decide what tools, guidebooks, and/or training sessions need to be created for states, and 3) bring in our federal partners to create relationships that allow for FWCA review. In Arkansas, when the only federal nexus is the FWCA, the Arkansas Game and Fish Commission is using it as an opportunity to pull in other agencies and NGOs who have otherwise lost their project review capability due to changing federal definitions.