



Highlights of [GAO-04-602](#), a report to the Committee on Indian Affairs, United States Senate

Why GAO Did This Study

Numerous federal agencies conduct water, power, or resource management activities affecting the fish and wildlife of the Columbia River Basin, as well as the 13 tribes residing there. These agencies, such as the Bonneville Power Administration (Bonneville), Army Corps of Engineers, and Forest Service, and regulatory agencies, such as the National Marine Fisheries Service, are also responsible for protecting, sustaining, and enhancing fish and wildlife resources in the basin and involving the tribes in the process.

Recently, Bonneville's financial position deteriorated significantly, and some tribes in the basin challenged Bonneville's actions modifying funding of fish and wildlife activities in federal court. In this context, GAO agreed to (1) identify and describe the laws, treaties, executive orders, and court decisions that define federal responsibilities to perform activities benefiting fish and wildlife in the basin and involve the tribes, and (2) describe the plans and programs that guide these respective fish and wildlife activities. In accordance with our policy to refrain from addressing matters that are in litigation, GAO did not examine any issues that are before the court.

www.gao.gov/cgi-bin/getrpt?GAO-04-602.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Barry T. Hill at 202-512-3841 or hillbt@gao.gov.

COLUMBIA RIVER BASIN

A Multilayered Collection of Directives and Plans Guides Federal Fish and Wildlife Activities

What GAO Found

Federal responsibilities for protecting, mitigating, and enhancing fish and wildlife resources in the basin, as well as involving the tribes in the process, are defined by a multi-layered collection of laws, treaties, executive orders, and court decisions. Nationwide, basin-specific, and agency mission-specific laws create responsibilities for federal agencies to mitigate the impacts of federal activities that could potentially harm fish, wildlife, and their habitat. For example, the Endangered Species Act establishes nationwide responsibilities for agencies to protect listed species, while the Northwest Electric Power Planning and Conservation Act (Northwest Power Act) establishes responsibilities in the basin to mitigate the impacts of hydropower development, and each agency has mission-related responsibilities to fish and wildlife, such as the Forest Service's responsibilities under the National Forest Management Act. Regarding tribes, federal agencies must consult and collaborate with Indian tribes on fish and wildlife activities that may impact tribal rights established under various treaties and executive orders. Federal responsibilities and activities under these laws, treaties, and executive orders have been defined and clarified over the years through numerous court decisions.

Federal agency fish and wildlife activities in the basin are guided by numerous plans and programs, but the majority of fish and wildlife activities are driven by the Northwest Power Act and the Endangered Species Act. Under the Northwest Power Act, the Columbia River Basin Fish and Wildlife Program addresses all fish and wildlife impacted by the Federal Columbia River Power System, and under the Endangered Species Act, agencies are guided by the biological opinions developed by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for the protection of threatened and endangered species, as well as two other related collaborative plans. Agency participation in these key efforts varies widely, from mandatory funding of fish and wildlife activities to voluntary collaboration on the design of activities, but interagency collaboration is essential to successful implementation of these activities. In addition, other laws and specific agency missions drive numerous other collaborative and individual fish and wildlife activities.

We provided copies of our draft report to the Departments of Agriculture, Commerce, Defense, the Interior, as well as Bonneville and the Environmental Protection Agency. Bonneville and the Departments of Agriculture and Commerce provided official written comments. The comments were generally technical in nature and we made changes to the report, where appropriate. The Department of Defense and the Environmental Protection Agency had no comments on the report. The Department of the Interior did not provide comments in time to be included in this report.