

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3274

SIGNATURE DATE: September 11, 2001

Subject: Delegation of Authority for Off-Site Habitat Improvements, Pacific Northwest Region,
Bureau of Reclamation

Sec. 1 **Purpose.** This Order provides authority for the Bureau of Reclamation (Reclamation) to carry out off-site habitat improvements in the Pacific Northwest Region when required to comply with section 7(a)(2) of the Endangered Species Act (ESA).

Sec. 2 **Background.** Reclamation is conducting habitat improvements in certain Columbia River tributaries to mitigate the Federal Columbia River Power System (FCRPS) effects on ESA-listed salmon and steelhead. All parties to the FCRPS 2004 Biological Opinion remand believe that habitat improvements are necessary to achieve a non-jeopardy opinion that will allow Reclamation's FCRPS facilities (such as Grand Coulee Dam) to continue to deliver water and power. A delegation of authority is needed in order for Reclamation to carry out habitat improvements at "off-site" locations (as negotiated on privately owned lands and facilities not associated with a Reclamation project).

Sec. 3 **Authority.** This Order is issued in accordance with the authority provided to the Secretary by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), 5 U.S.C. App.

Sec. 4 **Delegation.** The Assistant Secretary - Water and Science is delegated the authority under the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661 - 666c); section 5 of the Endangered Species Act (16 U.S.C. § 1534); and section 7(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. § 742f(a)) that is required to take the actions specified in Sec. 5 below, either directly or by providing financial assistance to non-Federal parties, when the Assistant Secretary determines that such actions are required in order to meet obligations under subsection 7(a)(2) of the Endangered Species Act (16 U.S.C. § 1536(a)(2)) regarding the construction and/or continued operation and maintenance of any Federal reclamation project located in Reclamation's Pacific Northwest Region. This authority may be further delegated to the Commissioner, Reclamation. It may not be delegated below the Regional Director, Pacific Northwest Region.

Sec. 5 Actions under the Authority Delegated.

a. Planning, designing, and constructing, including acquiring lands or interests therein as needed for:

(1) fish passage and screening facilities at any non-Federal water diversion or storage project within the Pacific Northwest Region; or

(2) projects to create or improve instream habitat.

b. Acquiring or leasing water or water rights from willing sellers or lessors; or

c. Monitoring and evaluating the effect of Reclamation actions on ESA-listed species.

Sec. 6 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first. In the absence of any of the foregoing actions, this Order will be terminated on August 31, 2009.

/s/ P. Lynn Scarlett
Deputy Secretary of the Interior

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