



Highlights of [GAO-07-519](#), a report to congressional requesters

Why GAO Did This Study

Interstate compacts are legal agreements between states that are designed to resolve concerns that transcend state lines, such as allocating interstate waters. While some compacts assign their administration to existing state agencies, compacts requiring greater coordination among states may establish an interstate agency, typically called a commission, to administer their provisions.

Congress must give its consent to compacts that affect the balance of power between the states and the federal government. An example of a congressionally approved environment and natural resource compact is the Tahoe Regional Planning Compact, which created the Tahoe Regional Planning Agency (TRPA) to administer its provisions. For such compacts, GAO determined (1) the organizational structures, powers and authorities, and dispute resolution and public accountability mechanisms; (2) the extent to which concerns have been raised about the structure and governance of compacts that have commissions; and (3) how the structure and governance of TRPA compares to those of other similar compact commissions.

GAO reviewed 59 congressionally approved compacts and surveyed those 45 that had commissions. To view selected results from GAO's survey of interstate compact commission officials, go to www.gao.gov/cgi-bin/getrpt?GAO-07-524SP.

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To view the full product, including the scope and methodology, click on the link above. For more information, contact Anu Mittal at (202) 512-9846 or mittala@gao.gov.

INTERSTATE COMPACTS

An Overview of the Structure and Governance of Environment and Natural Resource Compacts

What GAO Found

Forty-six of the 59 congressionally approved environment and natural resource compacts that GAO reviewed had established interstate commissions to administer the compact, while the remainder relied on existing state agencies. The 46 compacts with commissions varied in their organizational structure, powers and authorities, and means of resolving disputes, but were similar in how they ensured public accountability. For example, commission size ranged from 2 to 48 members, and some commissions had regulatory authority, while others had only advisory authority. Twenty-six percent of the compacts had provisions for resolving disputes. However, about 36 percent of the commissions responding to GAO's survey reported that they had used means other than litigation to resolve disputes. Significantly more, about 94 percent, of the commissions reported having procedures for ensuring public accountability, such as holding public meetings and allowing public input. For the 13 compacts that did not have commissions, GAO found variations in their powers and authorities, and few of these compacts provided mechanisms for dispute resolution or public accountability.

Interstate compact commissions reported that significant concerns about their structure and governance have rarely been raised. When concerns did arise about organizational structure and public accountability, they varied from commission to commission. However, concerns about regulatory authority largely centered on the scope of the commission's authority. In addition, a number of compact officials believed that concerns about commission structure and governance often reflected disagreements with specific commission actions rather than actual concerns about the organizational structure, public accountability, or regulatory authority of the commission itself.

The Tahoe Regional Planning Agency is generally similar in organizational structure and governance to three other interstate compact commissions with comparable functions—the Columbia River Gorge, Delaware River Basin, and Susquehanna River Basin Commissions. All four commissions consist of appointed representatives, although their size and composition vary; they all have an administrative appeals process to resolve disputes, and they use similar accountability mechanisms. A major difference between the Tahoe Regional Planning Agency and the other commissions relates to the breadth of its authority regarding land use issues. This authority extends to water, air, and other natural resources, as well as public health and safety, whereas the Columbia River Gorge Commission has more limited land use authority, and the Delaware and Susquehanna River Basin Commissions have no land use authority.