

MEMORANDUM OF UNDERSTANDING

between

USDA FOREST SERVICE

ROCKY MOUNTAIN REGION AND INTERMOUNTAIN REGION,

and

STATE OF WYOMING

and the

WYOMING GAME AND FISH COMMISSION

THIS MEMORANDUM OF UNDERSTANDING (MOU) is hereby entered into by and between the USDA Forest Service, Rocky Mountain Region and Intermountain Region, hereinafter referred to as the Forest Service, and the Wyoming Game and Fish Commission, hereinafter referred to as the Commission. National Forest System (NFS) lands referred to in this document are the Federally owned lands in Wyoming administered by the Forest Service including wilderness, wild and scenic rivers, National Monuments, and other lands within the Bighorn, Black Hills, Medicine Bow-Routt, Shoshone, Ashley, Bridger-Teton, Caribou, Targhee and Wasatch-Cache National Forests.

This document supersedes the Master MOU (Forest Service Manual (FSM) 2600-96-1, 2610) of February 1977, and subsequent appendices and supplements.

A. PURPOSE.

The purpose of this document is to define the wildlife and fish conservation program on NFS lands which recognizes agency responsibility and areas of cooperation and coordination.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS.

The Commission was created under the laws of the State of Wyoming to manage, protect, maintain, enhance, rehabilitate, and extend the fish and wildlife populations of the State, and the Forest Service is authorized by Acts of Congress and regulations of the USDA to administer the multiple use management of the natural resources, including fish and wildlife habitat, on the NFS lands in the State of Wyoming. It is mutually beneficial to work in harmony for the common purpose of maintaining, developing, and managing the fish and wildlife populations and habitat as well as other resources on the NFS lands. Such cooperation is in the best interest of the wildlife and fish resources on NFS lands and also in the best interest of the people of Wyoming and the United States.

C. FOREST SERVICE SHALL:

1. Recognize the Commission as the agency with the authority, jurisdiction, and responsibility to manage, control, and regulate fish and wildlife populations on NFS lands unless federal law specifically supercedes such authority.
2. Cooperate in the enforcement of Wyoming game and fish laws and regulations to the extent permitted by federal laws and regulations including reporting violations or suspected violations to the Commission.

3. Advise and coordinate with the Commission on Forest Service plans, projects, preparation of environmental analysis reports or environmental statements, programs, and policies having an impact on fish and wildlife resources and related recreation.
4. Coordinate with and involve the Commission in a timely manner when developing goals, objectives, management areas, standards and guidelines, and monitoring that affects fish and wildlife habitat and related recreation in Forest Land and Resource Management Plans, amendments to those Plans, and in subsequent fish, wildlife, plants and habitat management or conservation activities.
5. Cooperate with the Commission in accordance with F.4 below, in the design, implementation, and maintenance of fish and wildlife habitat improvements, structural and non-structural, on NFS lands provided they are consistent with the Commission and Forest Service management plans and conform to policies, laws and regulations concerning the use of these lands.
6. Cooperate with the Commission, when requested, in fish and wildlife population surveys and harvest data collection.
7. Notify the Commission of proposed changes in Forest Service policies and regulations that may affect Commission programs on NFS lands.
8. Serve as lead agency in the preparation of NEPA documents required when there is a connected Federal action or decision related to State wildlife management actions on NFS lands. The Forest Service shall not prepare NEPA documents for State actions that require no Forest Service action, approval or funding. Under existing law and Federal regulations, most State action to manage fish and wildlife populations on national forests and grasslands do not require Forest Service approval and are therefore not Federal actions subject to NEPA.
9. Cooperate in the development and implementation of new analytical techniques, habitat inventories and evaluation procedures, and ecosystem and habitat type mapping.

D. COMMISSION SHALL:

1. Recognize the Forest Service as the agency responsible for the management of NFS lands in Wyoming including the fish and wildlife habitats on these lands.
2. Conduct fish and wildlife management practices compatible with Forest Service multiple use principles on Forest Service administered lands.
3. Coordinate with and provide information and assessments to the Forest Service concerning Commission objectives, plans, projects, programs, and policies for fish, wildlife, and related recreation on Forest Service administered lands.
4. Notify the Regional Forester and Forest Supervisors of changes in policies, objectives, plans, projects, programs, management, laws, and regulations which may affect NFS land management, policies, or Forest Service authorities on NFS lands.

5. Actively participate with the Forest Service during land management planning processes and assist in developing conservation strategies, goals, objectives, management areas, standards, guidelines, and monitoring.
6. Assist as appropriate in NEPA document preparation that may be required when there is a connected Forest Service action or decision related to State wildlife management actions on NFS lands.
7. Cooperate with the Forest Service in fish and wildlife population surveys and harvest data collection to the extent possible.
8. Involve the Forest Service early in the development of population planning documents, seek comments on these documents and coordinate actions on NFS lands directed by these documents.
9. Cooperate with the Forest Service in the design and implementation of wildlife and fish management on NFS lands.

E. SPECIFIC AREAS OF COOPERATION:

The specific areas of cooperation and subjects of mutual concern listed below have been identified as potentially needing attention for establishing or improving cooperation and coordination between the Commission and the Forest Service. Basic guidelines or procedures that indicate how these matters will be handled in carrying out the provisions of this MOU may be developed, signed, and appended hereto becoming an integral part of this MOU. If other procedures, aside from those listed herein, need to be developed in the future, they may be appended to this MOU as appropriate.

<u>AREAS OF COOPERATION</u>	<u>Appendix</u>
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1. Administrative coordination	
Permits and licenses	1a
Emergency actions	1b
Training	1c
Other Agreements (law enforcement, etc.)	1d
2. Planning	
Wyoming Game and Fish Commission Strategic Plan	2a
Wyoming Game & Fish Commission Management Plans	2b
Forest Service Resource and Land Management Plans	2c
Forest Service programmatic plans (timber program, travel management, etc.)	2d
National Environmental Policy Act	2e
3. Ecosystem management strategy	
Threatened and endangered species	3a
Biodiversity/ecosystem/landscape management	3b
Forest Service sensitive species	3c
State Native Species Status	3d

4. Information exchange--data sharing	
Research studies	4a
Resource information assistance and data sharing	4b
5. Activity Plan coordination	
Habitat improvements	5a
Land classification	5b
Land acquisition/trades	5c
Land-use authorizations	5d
Mineral activities	5e
Oil and gas activities	5f
Water Developments	5g
Vegetation manipulation/control (other than fire)	5h
Animal damage management (predators, rodents, insects)	5i
Fencing	5j
Forest management actions	5k
Road construction and access (including ORV)	5l
Recreation management	5m
Signs	5n
Public use facilities construction/maintenance	5o
Wilderness management guidelines	5p
Fire control/prescription	5q
Bear baiting	5r
Wildlife transplants	5s
Fish stocking in wilderness	5t
6. Public involvement and information	
News releases	6a
Informational papers	6b

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

- 1. INTERAGENCY COORDINATION MEETINGS.** Statewide and local (Forest-level) coordination meetings will be held each year to exchange information and discuss projects, proposals and issues of mutual interest.
- 2. PARTICIPATION IN SIMILAR ACTIVITIES.** This instrument in no way restricts the Forest Service or the Commission from participating in similar activities with other public or private agencies, organizations, and individuals.
- 3. PRINCIPAL CONTACTS.** The principal contacts for this instrument are:

USDA Forest Service
Rocky Mountain Region
Wildlife Program Manager
P.O. Box 25127
Lakewood, CO 80225
303-275-5007

Wyoming Game and Fish Commission
Habitat Protection Program Supervisor
5400 Bishop Blvd.
Cheyenne, WY 82006
307-777-4509

USDA Forest Service
Intermountain Region
Wildlife Program Manager
324 25th Street
Ogden, UT 84401
801-625-5117

4. **NON-FUND OBLIGATING DOCUMENT.** This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.
5. **MODIFICATION.** Changes within the scope of this instrument shall be made by the issuance of a bilaterally executed modification.
6. **COMPLETION DATE/TERMINATION.** This instrument is executed as of the last date shown below and expires upon 30 days notice by either party.

The authority and format of this instrument has been reviewed and approved for signature.

/s/ Luann Waida 11/21/00
FS Agreements Coordinator Date

THE PARTIES HERETO have executed this agreement.

<u>/s/ Lyle Laverty</u> Regional Forester Rocky Mountain Region USDA Forest Service	<u>11/22/00</u>	Date
<u>/s/ Jack A. Blackwell</u> Regional Forester Intermountain Region USDA Forest Service	<u>12/11/00</u>	Date
<u>/s/ Steve Faccioni (for)</u> Director Wyoming Game and Fish Commission	<u>11-3-00</u>	Date
<u>/s/ Larry Star</u> Chief Fiscal Officer Wyoming Game and Fish Commission	<u>11/2/00</u>	Date
<u>/s/ L.G. Cook</u> State Attorney General Wyoming Game and Fish Commission	<u>11/3/00</u>	Date