

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 2600 – Wildlife, Fish, And Sensitive Plant Habitat Management
Chapter 2610 - Cooperative Relations**

Amendment: 2600-1990-2

Effective date: June 25, 1990

Duration: This amendment is effective until superseded or removed.

Approved by: F. Dale Robertson, Chief

Date approved:

Responsible Staff:

Last Change: Amendment 2600-1990-1 to entire FSM 2600

Superseded Document(s):

Digest: Following is an explanation of the changes throughout the directive by section

2614: Adds new section on subsistence uses of fish and wildlife in Alaska.

2614.01: Cites Title VIII of Alaska National Interest Lands Conservation Act as Secretary's authority to implement subsistence program in Alaska.

2614.04: Delegates to Regional Forester, R-10 authority to promulgate subsistence rules for the Chief.

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2610.1 - Authority

The following laws and regulations provide authority for cooperative relations in wildlife, fish and sensitive plant habitat.

1. Sikes Act (88 Stat 1369 as amended; 16 U.S.C. 670g, 670h, 670o). The Sikes Act directs the Secretary of Agriculture in cooperation with State agencies, to develop a comprehensive plan for the conservation and rehabilitation of wildlife, fish, and threatened and endangered species on lands under the Secretary's jurisdiction. These plans include the work needed to accomplish the goals of the plan.

Under the provisions of the act, the State agency and the Forest Service may enter into agreements detailing specific cooperation, the work they are to accomplish, and specific National Forest System areas where the work is to be performed. A Sikes Act agreement may provide for the State to collect special fees for hunting, fishing, or trapping on these areas. Funds collected by the State agency may be used by the State to accomplish habitat improvement work, as mutually agreed upon.

Public Law 97-396 specifically exempted Sikes Act agreements from provisions of the Federal Grant and Cooperative Act of 1977 (31 U.S.C. 6301-6308) and from the competitive bidding provisions of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 251-260).

2. Cooperative Funds Act of June 30, 1914 (16 U.S.C. 498). Under provisions of the Act of June 30, 1914, contributions may be accepted for projects, such as construction of access roads and trails, construction and maintenance of campgrounds, construction of fencing, improvement of streams, lakes, and range land, and similar improvements needed to meet wildlife, fish, and plant habitat management goals, objectives, and standards on National Forest lands (FSM 1584). This authority does not apply to National Grasslands.

3. Granger-Thye Act (16 U.S.C. 572). Section 5 of the Granger-Thye Act authorizes the Forest Service to cooperate with State wildlife and fish management agencies or others in performing work on non-Federal lands within or near National Forest System lands, provided that the Forest Service would derive benefits from such efforts (FSM 1584.13).

4. Fish and Wildlife Coordination Act. In applying this act, federal and State wildlife and fish management agencies and the Forest Service have joint responsibilities:

The wildlife and fish agencies conduct studies and recommend measures to protect, develop, and improve wildlife and fish habitats affected by water-use projects involving Federal lands, Federal funds, or Federal licenses and permits.

The Forest Service determines if such water-use projects on National Forest System lands are compatible with multiple-use management, including management of wildlife, fisheries, and plant habitats.

The Fish and Wildlife Service, in cooperation with the Forest Service and the State fish and wildlife management agencies, plans and conducts fish- and wildlife-related portions of studies required for major water and power development projects on National Forest System lands under the Fish and Wildlife Coordination Act, as amended. Statutory activities under the Fish and Wildlife Coordination Act remain with the Fish and Wildlife Service.

For similar studies on National Forest System lands, required by the Federal Power Act, the Forest Service consults with the Fish and Wildlife Service and the State fish and wildlife management agency as to what are appropriate studies and cooperates in the conduct of such studies. Statutory activities under the Federal Power Act remain with the Forest Service.

5. Forest Service Wildlife Regulations.

a. The regulation at 36 CFR 241.1 covers the appointment of forest officers as deputy State game wardens or conservation officers (FSM 5300).

b. The regulation at 36 CFR 241.2 emphasizes Forest Service responsibility for determining the extent of wildlife and fish use on the National Forest System lands, directs forest officers to cooperate with the States in both the planning and action stages of management, and stipulates that the harvesting of wildlife and fish must conform with State laws.

2610.2 - Objectives

1. To develop and maintain partnerships with the appropriate State agencies to jointly establish and meet wildlife, fish, and threatened, endangered, and sensitive species habitat goals, objectives, and standards.

2. To cooperate with other agencies, conservation organizations, concerned landowners, and individuals in all appropriate aspects of wildlife, fish, and threatened, endangered, and sensitive species habitat management.

2610.3 - Policy

1. Recognize the role of the States to manage wildlife and fish populations within their jurisdictions and the responsibility of the Fish and Wildlife Service to manage fish and wildlife resources within its authority.

2. Recognize the State fish and wildlife agencies as a public agency with management responsibilities for wildlife on the National Forests and include them as partners in planning and implementation of activities that effect wildlife and fish.

3. Provide leadership in habitat management on National Forest System lands to meet resource objectives of the Forest Service and its cooperators.

4. Maintain processes for resolving habitat management issues of the Forest Service and its cooperators.
5. Participate with and involve other agencies, organizations, and individuals in fostering support for natural resources management on National Forest System lands.
6. Provide information to and opportunity for the public to use and enjoy the fish and wildlife resources on National Forest lands.
7. Communicate fish and wildlife resource status and trends on a regular basis to National Forest users to show result of the wildlife and fish program.
8. Publicize wildlife and fishing recreation opportunities to obtain use in balance with resource capability.

2610.4 - Responsibility

2610.41 - Chief

The Chief shall:

1. Develop national level interagency agreements with other Federal agencies.
2. Develop national policies for cooperation with States and other Federal agencies, conservation organizations, concerned landowners, and individuals.
3. On a national level, develop and maintain effective relationships with agencies, organizations, and individuals interested in the management of wildlife and fisheries resources on National Forest System lands.

2610.42 - Regional Forester

The Regional Forester shall:

1. Develop and maintain effective relationships with agencies, organizations, and individuals interested in wildlife and fisheries resources on National Forest System lands.
2. Develop and execute pertinent memorandums of understanding with each State.
3. Maintain a Regional process for resolution of potential interagency conflict.

2610.43 - Forest Supervisor

The Forest Supervisor shall:

1. Develop and maintain close relationships with agencies, organizations, and individuals interested in the wildlife and fisheries resources on National Forest System lands.
2. Maintain forest processes for recognizing and resolving potential interagency conflicts.

2610.44 - District Ranger

The District Ranger shall:

1. Develop and maintain close relationships at the local level with agencies, organizations, and individuals interested in wildlife and fisheries management on National Forest System lands.
2. Maintain a District process for recognizing and resolving potential interagency conflict.

2611 - Cooperation With State Wildlife and Fish Management Agencies

2611.1 - State--Forest Service Memorandum of Understanding

With each State, develop a written memorandum of understanding involving policy or State-wide procedural matters. Periodically review and revise these memorandums of understanding. Prepare Regional or forest supplements to the basic memorandum of understanding to cover specific cases. This encourages continuity of direction regardless of changes in personnel. Regional Foresters and Forest Supervisors shall work to establish and maintain broad formal memorandums of understanding with each State in which there are National Forest system lands. Coordinate with other Regions in States covered by more than one Region.

2611.2 - Law Enforcement

States are primarily responsible for wildlife and fish law enforcement. In most cases, wildlife and fish law enforcement activities by forest officers are incidental to other responsibilities and are restricted to National Forest System lands. See FSM 5300 for Service-wide instructions concerning wildlife and fish law enforcement. Where needed, Regional supplements cover conditions that apply under the laws and policies of the different States.

2611.3 - Research

Encourage State wildlife and fish agency research projects on National Forest System lands and provide all practicable assistance through technical advice and administrative concurrence, when State agencies request the use of National Forest System for studies, sample plots, or other research needs. Such research may be done directly by the States, but preferably the States should handle the research in cooperation with the Forest and Range Experiment Stations. Where circumstances permit, qualified State personnel may be assigned to work at the

Experiment Stations. It may benefit some States to secure needed research by financing individual projects through the Forest Service Research Station. Formal agreements or contracts may be entered into for such cooperative research. The Station Director shall negotiate and approve these agreements or contracts. Forest officers should ensure that there has been proper consultation with the Fish and Wildlife Service concerning research on federally listed species.

2611.4 - Administrative Studies

Plan administrative studies of a limited duration (3-5 years) with States, Forests and Range Experiment Stations, as appropriate, to provide information needed for immediate management application (see FSM 1990).

2612 - Cooperation With Other State Organizations

2612.1 - Schools

Regional Foresters and Forest Supervisors shall maintain contacts with State and other educational institutions teaching wildlife and fish management or related courses. These contacts shall keep the institutions currently informed on National Forest System issues, concerns, and opportunities and promote the factfinding necessary to their resolution.

Frequently, schools can make use of National Forest System lands for study and experimental or demonstration areas. Studies of National Forest System issues, concerns, and opportunities by graduate students are encouraged.

2613 - Cooperation With Fish and Wildlife Service

2613.1 - Interagency Agreements

Refer to FSM 1530 for exhibits for agreements between the Forest Service and the USDI Fish and Wildlife Service.

2614 - Subsistence Management for Alaska National Forests

2614.01 - Authority

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) authorizes the Secretary of the Interior and, with regard to National Forest System lands, the Secretary of Agriculture to implement a program to grant preference in favor of subsistence uses of fish and wildlife on public lands in Alaska and to issue such regulations as may be necessary to implement a subsistence use program on public lands. The Secretary of Agriculture by memorandum of June 21, 1990, has delegated the authority to promulgate such subsistence rules to the Chief of the Forest Service.

2614.04 - Responsibility

Notwithstanding the reservation of rulemaking authority to the Chief in FSM 1010, the Regional Forester for the Alaska Region (Region 10) is delegated authority to promulgate proposed and final rules as may be necessary to implement Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111-3126) and to act for the Chief of the Forest Service on all matters related to subsistence uses pursuant to Title VIII.