

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office

In Reply To:

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EMAIL TRANSMISSION - 08/27/04
Instruction Memorandum No. MT-2004-091
Expires: 9/30/05

To: Field Managers

From: State Director

Subject: Memorandum of Understanding (MOU) with the United States Fish and
Wildlife Service (FWS)

Program Areas: Threatened and Endangered Species and Planning

Purpose: The purpose of this Instruction Memorandum (IM) is to:

1. Notify field offices that the Montana/Dakotas Bureau of Land Management (BLM) has signed an MOU with the FWS and encourage field offices to use the MOU procedures (reviewed by field offices in spring 2004 and signed June 30, 2004).
2. Provide additional guidance on implementing the MOU effectively.

Policy/Action: The MOU was developed to encourage early and open communication with the FWS during Section 7 Consultations on upcoming Montana BLM Resource Management Plan (RMP) revisions. The procedures outlined in this MOU were designed to develop and share information earlier in the plan revision process, when species conservation measures can be incorporated into alternative design and analyzed as part of the preferred alternative. It is anticipated that this early coordination will result in improved conservation measures being included and analyzed during plan revision.

In communicating with the FWS, BLM resource specialists should consider a range of measures to address all stages of species recovery—protection of species and habitats, maintenance of existing habitat and development of new habitat.

The BLM resource specialists should ensure that conservation measures developed with FWS are incorporated into all the necessary sections of the planning documents. For example, design features for timber harvest projects should not be listed only in the wildlife section; they should be listed in the timber management section.

The attached memo was developed specifically for the land use plan consultation process, but the process outlined in the memo can and should also be used for other project and analysis levels. Projects and plans analyzed as RMP amendments, large or small scale Environmental Assessments (EAs), and even Categorical Exclusions can benefit from early and open coordination with the FWS if staff time allows.

Timeframes listed in Attachment 2 of the MOU list 135 days to complete formal consultation with the Service; however, with early coordination, this time period may be reduced as referred to in the Interagency Agreement: Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (ESA) of June 1999 (Appendix G of the planning handbook).

The MOU was developed with the Montana Field Office of the FWS; however, our intent is to use this process during revision of the North and South Dakota RMPs as well. At the beginning of plan revision, North and South Dakota BLM Field Offices should contact the appropriate FWS field office to initiate the process described in this memo, if possible.

Background: The interpretation that land use plans had no practical effects on threatened and endangered species changed due to *Pacific Rivers Council v. Thomas*. Since land use plans authorize activities, consultation on land use plans must also consider the effects of the full range of activities authorized by the plan. Through this agreement, the BLM and FWS have agreed to work together during the revision process to develop proactive conservation actions that will meet the intent of BLM 6840 policy and section 7(a)(1) of the ESA, and to incorporate such measures into the alternatives analyzed in the associated Environmental Impact Statement (EIS).

Contact: Please contact Gayle Sitter (896-5024) at the Montana State Office with any questions or comments.

Signed by: A. Jerry Meredith, Associate

Authenticated by: Merry Prestridge (MT923)

1 Attachment

1-[Memorandum of Understanding](#) between United States Department of the Interior Bureau of Land Management Montana State Office and United States Department of the Interior Fish and Wildlife Service Montana Field Office regarding Montana BLM Resource Management Plan Revisions (in its entirety)

Distribution

SOMT - 1

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