

MEMORANDUM OF UNDERSTANDING

between
The COLORADO BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
and
The ROCKY MOUNTAIN REGION
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
Agreement No. 07-MU-11020000-030
and
The COLORADO OFFICE OF OUTFITTERS REGISTRATION
and
The COLORADO DIVISION OF WILDLIFE
and
The COLORADO DIVISION OF PARKS AND OUTDOOR RECREATION
on

The Coordination and enhancement of Services to and by the Outfitting Industry in Colorado on National Forest System, BLM and State Public Lands

I. BACKGROUND

It is the mutual desire of the U.S. Department of Agriculture, Forest Service, the U.S. Department of the Interior, Bureau of Land Management, The Colorado Division of Wildlife, The Colorado Division of Parks and Outdoor Recreation, and the Colorado Office of Outfitters Registration to cooperate in maintaining and enhancing the quality of service provided to the outfitting industry in Colorado on National Forest System lands and Bureau of Land Management administered public lands through the coordinated application of Federal and State laws and regulations governing the operation of outfitting and guiding services.

II. PURPOSE

The parties involved in this Memorandum of Understanding (MOU) recognize outfitting as a viable Colorado industry deserving the full consideration in the planning process and so far as feasible, agency policy and procedures governing the outfitting industry on all federal and state lands administered by the Agencies in Colorado. The purpose of this Memorandum of Understanding (MOU) is to maintain and enhance the quality of service provided to and by the outfitting industry in Colorado on National Forest System lands, BLM administered public lands and state public lands; to achieve consistency of permit issuance, administration, and compliance with applicable Federal, State and local laws and regulations; and to promote cooperative efforts between all parties in the identification and prosecution of individuals who are operating in violation of applicable federal and state laws and regulations.

III. AUTHORITY

A. The Bureau of Land Management, herein referred to as BLM, is

the DOW.

C. "Regulatory Agencies": Those entities that are authorized by federal or state statutes, rules or regulations to issue permits, licenses or registrations, as well as to regulate, investigate, or prosecute a violation of law or statute. This definition includes, but is not limited to, the River Outfitter Licensing section of Parks, and the Office.

V. PROCEDURES

The Service, BLM, DOW, Parks, and the Office mutually agree as follows:

A. All Agencies

1. To maintain close cooperation through the interchange of information in matters of mutual interest including enforcement of laws, reporting complaints, violations and unsatisfactory performance and to mutually advise of any convictions of outfitters and guides for violations of laws or regulations.
2. To hold joint meetings annually between the Service, BLM, the DOW, Parks, and the Office to discuss MOU changes and other policy matters.
3. Each party will designate their representative(s) as its official contact in regard to the MOU by a letter with copies to all parties upon signing this MOU and each year thereafter until the MOU terminates. These representatives (or their designee) are responsible for coordinating their respective agency's responsibilities during the administration of this MOU in a timely and efficient manner. If they cannot resolve a coordination problem, they shall immediately communicate the problem to the next higher level of authority within the Service, BLM, the DOW, Parks, or the Office for resolution.
4. All Agencies will update the other Permitting, Regulatory or Enforcement Agencies of any proposed rule or regulation changes that may have an affect on the other agencies.

B. Permitting Activities

1. Permitting and Regulatory Agencies will coordinate the permitting and registration of outfitters that want to provide outfitting services for the purpose of hunting or fishing.
2. In the event of a proposed change of ownership of an outfitting business affecting BLM, Service or state lands, the BLM, Service, DOW, OOR or Parks will make a reasonable attempt to contact any other affected parties prior to reissuing a permit registration or authorization to the new owner.
3. When a new outfitter business becomes available on Service or BLM

C. PARTICIPATION IN SIMILAR ACTIVITIES. This agreement in no way restricts any of the parties from participating in similar activities with other public or private agencies, organization, and individuals.

D. NON-FUND OBLIGATING DOCUMENT. Nothing in this MOU shall obligate the Service, BLM, DOW, Parks or the Office to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Service, BLM, DOW, Parks or the Office will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

E. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

F. RESPONSIBILITIES OF PARTIES. The Service, BLM, DOW, Parks, and the Office and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

G. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

APPROVALS:

FOR THE U.S. DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT

Sally Wisely
Sally Wisely
Colorado State Director

5/7/07
Date

John Silence
John Silence
Special Agent in Charge
Colorado/Eastern States

4/23/07
Date

FOR THE U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Stephen Sherwood
Stephen Sherwood
Director
Recreation, Heritage & Wilderness Resources

5/9/07
Date

Gil Quintana
Gil Quintana
Special Agent in Charge
Law Enforcement & Investigations

5/9/07
Date

FOR THE OFFICE OF OUTFITTERS REGISTRATIONS, DIVISION OF REGISTRATIONS

Rosemary McCool
Rosemary McCool
Director, Division of Registrations

5/25/07
Date

FOR THE COLORADO DIVISION OF WILDLIFE

Mark B. Konishi
~~Bruce McCloskey~~, Mark B. Konishi
Acting Director, Division of Wildlife

6/10/07
Date

FOR THE COLORADO DIVISION OF PARKS AND OUTDOOR RECREATION

Larry Thuan
Deputy Director

6-4-07
Date

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

Luann Waida
Luann Waida
Forest Service G&A Specialist

5/15/07
Date