



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release

6-81

Date

9/3/81

Subject

6521 - STATE AGENCIES

1. Explanation of Material Transmitted: This release updates Bureau policies and procedures with State wildlife agencies with emphasis on wildlife-related work on the public lands.
2. Reports Required: None.
3. Material Superseded: The Manual Section superseded by this release is listed under "REMOVE" below. No other directives are superseded.
4. Filing Instructions: After the attached release has been filed as directed below, this Transmittal Sheet may be discarded.

REMOVE

6521 (Rel. 6-18)

(Total: 10 sheets)

INSERT

6521

(Total: 13 sheets)

*Ed Hunter*

Associate Director

## 6521 - STATE AGENCIES

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.01 Purpose. This Section provides basic procedures for cooperative programs with the State wildlife agency and other State agencies.

→ .02 Objectives. The objective is to obtain maximum cooperation with State agencies whose activities affect aquatic and terrestrial wildlife habitat management either directly or indirectly on public lands and waters administered by BLM. ←

.03 Authority. (See BLM Manual Section 6500.03.)

.04 Responsibility. (See BLM Manual Section 6500.04.)

.05 Definitions. (See BLM Manual Section 6500.05.)

.06 Policy. (See BLM Manual Section 6500.06.)

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→ .1 State Wildlife Agencies. The BLM strives for a partnership approach with State wildlife agencies on the full range of fish- and wildlife-related effort on the public lands and waters. Bureau policy is based upon the premise that management of fish and wildlife on the public lands and waters should be a joint effort between BLM and State wildlife agencies, with BLM managing the habitat and the States managing the resident animal species. Further, State wildlife agencies have regulatory authority over resident wildlife. Thus, close coordination is essential and cooperation on aquatic and terrestrial wildlife-related areas/activities of common interest is to be strengthened at every opportunity. ←

.11 BLM-State Memorandum of Understanding (MOU). A memorandum of understanding with each State promotes harmonious working relationships and program efficiency in the public interest. It also provides a basis for interagency cooperation and specifying matters in which the agencies will cooperate. (See Illustration 1.) Further, the MOU ensures continuity of effort regardless of changes in personnel. The agreement should be reviewed periodically and revised as necessary. Supplements to the MOU may be developed for special cooperative management, development, research, or studies. Illustration 1 should be used as a format, but may be modified or supplemented as the State Director deems appropriate. (See BLM Manual Section 6525 to ensure that the use of the term "cooperative agreement" is consistent with the Federal Grants and Cooperative Agreement Act of 1977.) →

.12 Inventories, Studies, Surveys, and Plans. Aquatic and terrestrial wildlife inventories and surveys must be coordinated with State agencies and others, as appropriate, to prevent duplication and to take advantage of existing inventory or other data which may be available from such sources. Where both wildlife and livestock use the same areas, conflicts on vegetation allocations may occur. BLM is responsible for reconciling any such conflicts. Major conflicts are reconciled through the Bureau's Planning System. Thus, planning documents such as the Resource Management Plan should be fully reviewed by and coordinated with State wildlife agencies. Wildlife habitat management plans (HMPs) and livestock grazing allotment management plans (AMPs), for example, provide additional planning detail. All opportunities to coordinate gathering, analysis, utilization, and management application of data should be pursued in the interest of economic efficiency and effective use and management of aquatic and terrestrial wildlife resources. ←

.13 Cooperative Habitat Improvement Projects. The Bureau encourages State wildlife agencies to participate in habitat improvements on public lands. Such projects must have mutually acceptable plans, including responsibility for maintenance.

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→ 14. Law Enforcement. Bureau employees must cooperate with States in the enforcement of local game and fish laws by reporting State violations coming to their attention to the nearest appropriate State agency. Similarly, State employees should be encouraged to cooperate in reporting violations of Federal laws and BLM regulations coming to their attention. Suspected or known criminal violations of statutes, rules, or regulations coming to the attention of a BLM employee must be reported through channels to the appropriate District Manager. The DM or his designated staff member will then notify the BLM State Special Agent-in-Charge. The method of notification will depend upon the urgency of the situation as perceived by the DM or his designated representative. When BLM employees observe or suspect a criminal violation, they should attempt to obtain the answers to as many of the following questions as possible without taking any law enforcement action or endangering themselves or others: who, what, when, where, why, and how.

.15 Wildlife Introductions, Releases, and Transplants. (See also BLM Manual Section 6820.) The Bureau cooperates fully with State agencies during efforts to reestablish native populations of wildlife. Priority must be given to those introduction, release, trapping, and transplant actions intended to sustain threatened/endangered species and other animals which both agencies have mutually deemed of special interest. State agencies are expected to have the lead role for such activities and provide the Bureau with sufficient lead time to complete the necessary public input and review process, environmental assessment, and planning procedures. Thus, States should be encouraged to provide inputs into BLM's planning process as soon as they initiate plans and actions to make transplants involving public lands.

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→ .2 Academic Institutions.

.21 Schools. Universities and a variety of other educational institutions are an excellent source of knowledge and assistance in aquatic and terrestrial wildlife matters. Their scientists and laboratories are usually available for consultation and/or contract work relating to research, inventories, or project developments. The Bureau also encourages the cooperative education program for wildlife students through appropriate colleges and universities. ←

.22 Cooperative Wildlife or Fisheries Research Units. Most States have cooperative wildlife or fisheries research units. These units may also provide cooperative or contract research relating to wildlife. Their major objectives are to train personnel for responsible positions in fish and game management; conduct basic research on the proper management of these resources; promote education through demonstration, lectures, and publications; and provide technical assistance to State and other agencies concerning fish and wildlife management problems.

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.3 State Health Departments. State health departments provide assistance through laboratory analysis of water samples and examination of diseased animals. They may assist in the field by identifying and analyzing herbicides and pesticides in plant and animal material, particularly as they relate to public health.

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**.4 State Highway Departments.** Periodic contacts with offices of the State highway departments should be made to review road construction plans. Where State highways will cross public lands, construction plans must be reviewed to ensure protection of wildlife habitat, hunter and fisherman access, travel routes of migratory big game animals, and critical reproduction and concentration use areas.



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.5 Special Interstate Commissions. There are many interstate commissions, formed for various purposes, whose functions have a direct bearing on BLM operations and land management practices and related wildlife and fish species transcending State lines, i.e., Pacific Marine Fisheries Commission, Atlantic States Fisheries Commission, etc. Meetings of these commissions should be attended by appropriate BLM officials and pertinent information directed to the appropriate State Directors.

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.6 Local Governments. Most county and local governments have planning and zoning responsibilities which can enhance or conflict with proposed BLM wildlife management activities. Thus, these government units should be consulted early in the planning of BLM wildlife activities.

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Example of a Memorandum of Understanding Between the  
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MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UTAH DIVISION OF WILDLIFE RESOURCES  
AND  
BUREAU OF LAND MANAGEMENT  
U.S. DEPARTMENT OF INTERIOR

PURPOSE:

This Memorandum of Understanding is made between the Utah Division of Wildlife Resources, hereinafter called the Division, and the Bureau of Land Management, State of Utah, through the State Director, hereinafter called the Bureau, and is pursuant to the cooperative agreement between the Governor of Utah and the State Director of the Bureau of Land Management dated September 19, 1978. This memorandum is a supplement to that agreement for the purpose of furthering State-BLM cooperation in fish and wildlife management.

OBJECTIVES:

It is the mutual desire of the Division and the Bureau to:

- (1) Provide recognition of fish and wildlife and their habitat as priority resources giving attention equal to that of other recognized resources;
- (2) Work in harmony for the common purpose of developing, maintaining, and managing fish and wildlife resources under a program of multiple-use in the best interests of the people of Utah and of the United States;
- (3) Cooperate in the conservation, restoration and management of public land wildlife and fisheries resources in harmony with multiple-use management concepts, the National Environmental Policy Act, P.L. 91-190), and other applicable federal and state laws, executive orders and regulations;
- (4) Jointly promote improved public understanding of wildlife and fisheries management; and
- (5) Enrich public understanding of the ecological systems and the natural resources important to the state and the nation.

AUTHORITY:

The Bureau is authorized and responsible by Acts of Congress and by regulations issued by the Secretary of Interior to manage, protect, and develop the resources of those public lands administered by the Bureau. Authorities include:

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Taylor Grazing Act, amended (P.L. 73-482)  
Fish and Wildlife Coordination Act, amended (P.L. 86-642)  
Endangered Species Act, amended (P.L. 93-205)  
National Environmental Policy Act (P.L. 91-190)  
Sikes Act (P.L. 93-452)  
Federal Land Policy and Management Act (P.L. 94-579)  
Public Rangelands Improvement Act (P.L. 95-514)  
BLM/FWS Memorandum of Understanding on coal areas, Sept. 1978  
Cooperative Agreement between the Governor of Utah and the  
State Director, Bureau of Land Management, September 19, 1978

The Division is authorized and responsible by Acts of the Utah Legislature and regulations issued by the Wildlife Board and Board of Big Game Control to manage, protect and develop the fish and wildlife resources of the State.

Authorities include:

Utah Division of Wildlife Resources Code

Cooperative Agreement between the Governor of Utah and the  
State Director, Bureau of Land Management, September 19, 1978.

THE COOPERATIVE ETHIC:

The successful implementation of this Memorandum of Understanding is contingent upon the mutual adherence by both agencies to the following cooperative precepts:

1. The basic intent of this document is to strengthen the cooperative approach to the management of fish and wildlife and fish and wildlife habitat on the public lands at all levels of the respective agencies.
2. Cooperation cannot be forced by this or any other document. It can only come from people who desire cooperation and their recognition of the need to cooperate.
3. The Bureau-Division relationship will be as two cooperators attempting to achieve common goals, foremost of which is the management, protection and development of the fish and wildlife resource on public lands consistent with the multiple-use management concept in harmony

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with the maintenance of environmental integrity. In achieving these common goals the Bureau and Division will strive to eliminate duplication of effort, resolve policy and management differences and attain maximum effectiveness in the use of funds and personnel.

4. A basic need of both agencies is to be kept informed on matters of mutual interest. This means the Division should be informed in a timely manner and their recommendations solicited on matters of public land management that may affect fish and wildlife resources and their management; and the Bureau should be informed in a timely manner and recommendations solicited on fish and wildlife programs of the Division that may affect the public lands.

THE AGREEMENT

A. THE BUREAU AGREES TO:

1. Recognize the Division as the agency responsible for management of fish and wildlife on public lands in conformance with the policies of the Board of Big Game Control, the Wildlife Board and the Wildlife Code of the State of Utah.

2. Involve the Division in the development of land-use programs for Bureau-administered lands at least annually informing the Division at all appropriate levels of schedules and time frames for their involvement in preplanning analysis to cooperatively determine specific assistance and input needs for inventory and other planning phases.

3. Consult frequently with the Division on matters of mutual concern; this would include keeping the Division apprised of actions planned or taken with the Fish and Wildlife Service (FWS) relative to the implementation of the National Memorandum of Understanding on coal areas between the FWS and the Bureau as well as insuring initial involvement of the Division in wildlife matters of concern.

4. Consult the respective regional office of the Division, through the appropriate district managers:

(a) at least one year in advance of Bureau activity plan decisions to modify terrestrial vegetation or influence aquatic habitat (i.e., through herbicidal sprays, fire, plowing, chaining, grazing systems or other method) to insure that all appropriate fish and wildlife habitat enhancement measures have been incorporated into the management plans and/or project proposals.

(b) on matters dealing with the improvement of wildlife and fisheries habitat on public lands and on applications for permits to impound or divert water.

(c) about plans of the Bureau, or other agencies or individuals, to apply insecticides to public lands and solicit the Division's advice on management techniques needed to minimize damage to terrestrial and aquatic flora and fauna.

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(d) about plans for any construction projects that may affect or influence fish and wildlife (e.g., roads, powerlines, major rights-of-way, etc.);

(e) of special habitat studies involving fish and wildlife;

(f) prior to the change in use designation or classification of any public lands (e.g., change in class of livestock or season of use, research natural area designation, land disposal, etc.).

5. Enter into cooperative agreements for the erection and maintenance of structures or other projects needed to facilitate wildlife and fisheries management activities of the Division on public lands, provided such structures conform in character and location with the usual requirements of the Bureau and their intended use is not in conflict with Bureau policy.

6. Practice those forms of land and resource management that will benefit wildlife and fisheries as full as practicable and give emphasis to establishing wildlife management areas for critical wildlife habitat management in coordination with the requirements of other uses and values.

B. THE DIVISION AGREES TO:

1. Recognize the Bureau as the agency primarily responsible for management of fish and wildlife habitat on BLM administered public lands.

2. Involve the Bureau in the development of Comprehensive Management Plans for programs that affect or may affect Bureau-administered lands by annually informing the Bureau at all appropriate levels of schedules and time frames for their involvement to cooperatively determine specific assistance and input needs.

3. Make or sanction no introduction (see definition, Appendix 1) of terrestrial wildlife which may affect public land until approved through cooperative agreement as per C. 21 of this Memorandum of Understanding; to consult with the Bureau, through the appropriate district manager and solicit recommendations relative to the introduction (see Appendix 1) of aquatic wildlife into habitats which may affect public lands, resulting in changes in management direction and to provide a record of all fish plantings when specifically requested by the Bureau.

4. Make no use of poisons for the control of predatory animals or other terrestrial wildlife on lands administered by the Bureau without approval of the State Director and to consult with him in use of chemicals in waters on public lands.

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5. Erect no signs, posters or structures and perform no construction or other acts not herein provided for on public lands without first securing the concurrence of the appropriate district manager. In the case of an emergency, however (e.g., emergency closures of area(s) to hunting), the appropriate district manager will be notified as soon as possible.

6. Notify the Bureau promptly of changes in the State Wildlife Resources laws or regulations.

7. Make available to the Bureau such facilities, equipment and personnel as can be assigned for the prevention and suppression of wild fires on or near the public lands insofar as is compatible with normal obligations and to notify the nearest Bureau office of any fires discovered on or near public lands.

8. Provide assistance to the Bureau in the development of its land-use programs by participating and/or cooperating in the accomplishment of required data collection, providing appropriate input and review to the preparation of the Bureau planning system, environmental assessment and environmental impact statements.

9. Assist the Bureau in arriving at an equitable reservation of forage for wild grazing animals using public lands.

10. Contact the appropriate district manager as soon as the Division decides to acquire base property and enter into agreement with the Bureau relative to the disposition of public land grazing preferences attached to the base property.

11. Inform the State Director and appropriate district offices of the Bureau of public meetings called by the Division during which problems or matters affecting use of Bureau managed lands are to be considered.

## C. THE DIVISION AND BUREAU MUTUALLY AGREE:

1. To cooperate in restoration and management of fish and wildlife and their habitats on public lands. Such cooperative efforts shall be consistent with agency responsibilities as outlined in this Memorandum; namely, the Division is responsible for wildlife and the Bureau is responsible for habitat. This will be in harmony with the multiple-use management direction as described in land use plans of the Bureau.

2. To promote a united approach to the problems related to wildlife and fisheries management including problems relating to public fishing and hunting access on and to public lands.

3. To cooperate in the identification of lands having significant wildlife values and in the formulation of plans and programs for the management of wildlife resources on public lands and by revisions as needed to keep such plans and programs current.

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4. That members of both agencies will refrain insofar as possible from expressing in public a view contrary to the accepted policy, plans and programs of the other agency. All complaints, constructive criticisms and suggestions shall be submitted to the respective supervisory personnel.

5. To encourage close cooperation between Division and Bureau personnel, including the prompt and complete interchange of information at all levels in all matters of mutual concern.

6. To have appropriate personnel at various administrative levels coordinate as often as necessary, but meet at least annually, to discuss matters relating to the management of wildlife resources on or affecting the public lands, including law enforcement problems, education programs, cooperative studies, cooperative projects and such other matters as may be relevant to the wildlife and fisheries resources or their habitats.

7. To jointly review plans at the local, district and state levels for introduction and supplementation (see Appendix 1) programs involving terrestrial and aquatic wildlife which will occupy habitat on public lands. In addition, the relocation (see Appendix 1) of big game will be accomplished without an agreement, but the Division will (a) notify the Bureau promptly of such relocations when within the same herd unit, and (b) consult with the Bureau in advance when such relocation is contemplated outside the same herd unit.

8. To jointly plan, schedule and participate in field trips for the review of range utilization, condition and trend studies of big game habitat, as well as other fish and wildlife habitat, on the public lands and to jointly prepare recommendation for the regulation of big game and domestic livestock on important big game areas so that critical public land wildlife habitat will be maintained in a high state of productivity.

9. To cooperate in assessing all impacts on public land resources that may result from water development projects of each agency and financed or licensed by a federal agency which project(s) may require or allow for a report under authority of the Fish and Wildlife Coordination Act or Upper Colorado River Storage Act. This provision in no way modifies nor should it influence the requirements of, or cooperative relationship between the Division and the U.S. Fish and Wildlife Service outlined under the provisions of the Fish and Wildlife Coordination Act.

10. That each agency will make available to the other, improvements and facilities such as cabins, trailers, etc., as would normally be used in range and wildlife work, providing such use does not conflict with use by the controlling agency.

11. To cooperate with one another in the development or construction of wildlife habitat improvements.



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12. To provide one another with reports, findings, and other written material relating to fish and wildlife habitat or wildlife uses on public lands and copies of all vital correspondence directly related to this Memorandum.

13. To assist one another in the enforcement of laws by reporting violations or suspected violations to the appropriate local agency representative.

14. That all questions which arise in the field pertaining to the cooperative work of the two agencies will be discussed by the local representative of the Division and the Bureau and questions of disagreement will be referred respectively in writing to the Director of the Utah Division of Wildlife Resources and to the BLM State Director for resolution.

15. It is expressly stipulated and agreed upon by both parties that each and every provision in this Memorandum of Understanding is subject to the laws of the State of Utah, the laws of the United States, and to the delegated authority assigned in each instance.

16. This Agreement shall not be construed as obligating the Bureau or the United States Government, the Division or the State of Utah in the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.

17. The contents herein shall not be construed as limiting or affecting in any way the authority of the State Director in connection with the proper administration and protection of public lands in accordance with the purpose and intent for which the lands are to be administered in accordance with the Federal Land Policy and Management Act of 1976 or the Public Rangeland Improvement Act of 1978 or subsequent applicable laws.

18. The contents herein shall not be construed as limiting or affecting in any way the authority of the Director of the Division in connection with proper administration and management of all fish and wildlife on the public lands in accordance with laws of the State of Utah.

19. The Memorandum of Understanding cancels the previous Memorandum, but does not invalidate supplemental cooperative agreements now in force between the Bureau and the Division covering special projects or activities of mutual concern. They shall become supplemental to this Memorandum.

20. That this Memorandum shall become effective on the last date signed below and shall continue in force until terminated by either party upon thirty (30) days notice in writing to the other of his intention to terminate upon a date indicated.

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21. That concise cooperative agreements will be written to cover wildlife and wildlife habitat projects or other work on public lands; such agreements will refer to this overall Memorandum of Understanding which shall be the primary document.

22. That no member of, or delegate to, Congress, or resident commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made for a corporation for its general behalf.

23. To comply with applicable State (Regulation III, Section 1, 1965) and Federal Anti-Discrimination Laws.

24. That amendments to this Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF UTAH, DIVISION OF WILDLIFE RESOURCES

0-22-79  
Date

By Douglas E. Day  
Douglas E. Day, Director

UNITED STATES BUREAU OF LAND MANAGEMENT, UTAH

6/22/79  
Date

By Paul L. Howard  
Paul L. Howard, Director

DEPARTMENT OF NATURAL RESOURCES

By Stephen Y. Hammond

DEPARTMENT OF FINANCE

By Paul L. Carlson

Approved as to form  
Robert B. Hansen,  
Attorney General

DEPARTMENT OF FINANCE  
APPROVED AS TO AVAILABILITY OF FUNDS  
Paul L. Carlson

By Donald A. Dwyer  
Special Asst. Attorney General

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## APPENDIX 1

It is important to note that the definition of the word "introduction" is inclusive of the terms "reintroduction, reestablishment, transplant, and introduction" as defined in BLM manual 6820.05. The definitions of these terms as used by the Bureau are:

- a. Introduction: The act of releasing exotic wildlife for the purpose or intent of creating self-sustaining populations in the wild state.
- b. Reestablishment or reintroduction: The act of releasing native wildlife into habitat formerly occupied by that species for the purpose or intent of creating self-sustaining populations in the wild state.
- c. Transplant: The act of releasing native wildlife species into habitat not previously occupied by that species for the purpose or intent of creating self-sustaining populations in the wild state.

The terms "supplement" and "relocate" as used in this Memorandum are defined as follows:

"Supplement": The act of releasing wildlife species into habitat currently occupied by a population of that species for the purpose and intent of improving or enhancing that population and maintaining a self-sustaining population in the wild. Supplementation is generally associated with plants to an existing population as an addition, or to complete an agreed-upon introduction.

"Relocate" is generally associated with an emergency need (i.e. agricultural damage, personal property damage, etc.) to remove animals causing damage in an area, relocating them to another area within the same management unit or another management unit.