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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

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Subject

6525 - SIKES ACT WILDLIFE PROGRAMS

1. Explanation of Material Transmitted: This release establishes Bureau policy and procedures for implementation of Sikes Act Wildlife programs on BLM-administered lands.
2. Reports Required: Sikes Act Annual Progress Report, R-6525-1.
3. Materials Superseded: None.
4. Filing Instructions: After the attached sheets have been filed as directed, this Transmittal Sheet may be discarded.

REMOVE:

None

INSERT:

6525

(Total 21 sheets)

Deputy Director, Lands and Renewable
Resources

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.01 Purpose. This Manual Section establishes policy and procedures for implementing wildlife programs on BLM-administered lands under authority of Title II, Public Law 93-452 (October 18, 1974), otherwise commonly known and referred to as the Sikes Act (Illustration 1).

.02 Objectives. The objectives of BLM's Sikes Act wildlife program are to implement the intent of the Act and its congressional mandates. These objectives are more specifically defined as follows, with their respective reference to Sections of the Act itself given in parenthesis throughout various portions of this Manual Section; e.g., Sec. 202(a)(1).

A. Develop comprehensive plans in cooperation with State agencies to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. (Sec. 202(a)(1)). Such comprehensive plans are called Habitat Management Plans (HMPs) by BLM (See BLM Manual Section 6780) and are integrated with other public land resources and values.

B. Maintain close working relationships, coordination, and cooperation with State agencies in all aspects of the Bureau's wildlife program (Sec. 202(c)).

C. Implement specific habitat development projects and related improvement, protection, and maintenance (Sec. 201(a)).

D. Provide adequate protection for species considered threatened or endangered, including both federally listed and State-listed plants and animals (Sec. 202(c)(3)).

E. Establish a hunting and fishing stamp program for State agencies to use as a source of revenue for implementing Sikes Act wildlife programs, when and if mutually agreed to by the Secretary of the Interior, through BLM, and the respective State agency (Sec. 202(c)(3)(F)).

F. Control off-road vehicle traffic in a manner compatible with relevant wildlife habitat management on the public lands, as specified in BLM environmental assessments and land-use plans, i.e., Resource Management Plans (Sec. 202(c)(3)(E) and Sec. 205(3)). Related road closures to implement Sikes Act HMP provisions must be published in the Federal Register (see Federal Register Document Drafting Handbook).

G. Provide for legal enforcement of Sikes Act provisions and stipulations with State agencies (Sec. 204).

.03 Authority. (Also See BLM Manual Section 6500.)

A. The Sikes Act, as amended in 1974, Title II, P.L. 93-452 (16 U.S.C. 679 et. seq.).

B. The Sikes Act, as amended in 1978, P.L. 95-420 (16 U.S.C., 679 et. seq.).

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C. The Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501-509).

D. 43 CFR Part 24.

.04 Responsibility.

A. The Director and Associate Director are responsible for overall Sikes Act wildlife program coordination with all other Bureau programs. This responsibility is exercised through the Deputy Directors.

B. Deputy Director for Lands and Renewable Resources, within their assigned areas of responsibility, is responsible for the overall coordination and integration of Sikes Act program policies and procedures. They provide Sikes Act policy and program interpretations, direction, leadership, and line management to assure consistency of field implementation of policies and procedures to fulfill Sikes Act programs objectives.

C. Assistant Director, Renewable Resources, is responsible for developing and implementing policy and procedures for the Sikes Act. They identify, address, and reconcile Sikes Act program issues and conflicts within and between Rangeland Management, Forestry, Water Resources, and Wildlife programs of the Bureau and provides related direction and management for Sikes Act programs.

D. Chief, Office of Budget, is responsible for ensuring that requests for authorizations or appropriations transmitted to the Office of Management and Budget (OMB) and the Congress are supportive of the Director's and Administration's funding and employment decisions on the implementation of the Sikes Act.

E. Chief, Division of Administrative Services, is responsible for ensuring that forms of procurement and assistance used in implementing the Sikes Act are expeditiously carried out and conform with the Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224), Federal Procurement Regulations, Interior Department Procurement Regulations, and other related BLM financial policies and regulations.

F. Chief, Division of Rangeland Resources, is responsible for coordination of rangeland improvement actions implemented under the Public Rangelands Improvement Act of 1978 (92 Stat. 1803) under Sikes Act wildlife programs. They, together with the Chief, Division of Wildlife, must ensure that such actions are conducted in a cost-efficient and effective manner to best benefit all possible elements of the rangeland ecosystem.

G. Chief, Division of Wildlife, is responsible for:

1. Developing specific fish and wildlife habitat management policy, procedures, and technical guidance related to Sikes Act programs.

2. Ensuring that Sikes Act program considerations are incorporated into other Bureau programs--where appropriate.

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3. Evaluating Bureauwide effectiveness of Sikes Act HMPs, improvement and protection actions.

4. Developing guidance for the preparation of Sikes Act HMPs.

5. Systematically reviewing rules, regulations, procedures, and proposed legislation to improve and update Bureau Sikes Act programs efforts.

6. Compiling an annual summary of Sikes Act program progress and statistical data and providing such information for use by the Directorate, Office of Budget, and the public.

7. Maintaining national-level liaison and cooperation for BLM Sikes Act programs with State agencies, organizations, interest groups, concerned academia, and individuals.

H. Other Division and Office Chiefs are responsible for ensuring the incorporation of Sikes Act wildlife program policies and procedures into their program areas, where appropriate.

I. State Directors are responsible for:

1. Developing and implementing Sikes Act programs with their respective State agency Directors. This includes conducting at least one meeting per year to formally discuss Sikes Act programs, progress, and problems.

2. Preparing a State-level master memorandum of understanding or supplements thereto, to define specific points of BLM-State agency Sikes Act cooperation (see Illustration 2).

3. Submitting budget documents and other data as necessary to define funding and staffing needs required to implement Sikes Act programs. This includes an annual report (see Illustration 3).

4. Assuring that the maximum number of HMPs possible are written and implemented under Sikes Act authority, within Bureau planning system and budgetary constraints.

5. Providing technical assistance and policy guidance necessary to implement Sikes Act programs to their District Managers.

6. Evaluating and monitoring Sikes Act program field efforts and related budgetary program and cost expenditures to assure that completed work is ecologically sound and as cost-efficient and effective as possible.

J. District Managers are responsible for:

1. Developing local Sikes Act cooperative relationships with appropriate Area, Regional, or other State wildlife agency personnel and other State and Federal government agencies. This includes conducting at least one meeting per year or more if necessary to discuss Sikes Act program development.

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2. Preparing local level Sikes Act supplements to the State-level Master Memorandum of Understanding, where appropriate.

3. Preparing and implementing Sikes Act HMPs and other Sikes Act programs.

4. Ensuring that Sikes Act activities for on-the-ground habitat improvement, protection, and maintenance are completed in a timely, effective, and cost-efficient manner.

5. Submitting relevant Sikes Act program and budget information to the State Director (see Illustration 3).

6. Monitoring Sikes Act program progress and the results of HMP efforts to ensure that the objectives, quality, and quantity of work planned are met and/or rescheduled as necessary.

.05 Definitions (See also Illustration 1, Sikes Act, Section 205.)

A. Sikes Act HMP is a BLM wildlife activity plan which is prepared and implemented under authority of the Sikes Act and thus serves as a "comprehensive plan." Formal wording to this effect is contained within the section of the HMP itself (see BLM Manual Section 6780).

B. Sikes Act Funds are BLM funds either authorized and appropriated directly by Congress for Sikes Act implementation or so designated through BLM policy decisions by the Director under other legislative authorities and authorizations, e.g., the Federal Land Policy and Management Act and the Public Rangelands Improvement Act. These funds become designated and reported as such when spent to implement Sikes Act HMPs or complete other work defined within a Sikes Act Memorandum of Understanding with a State agency.

C. State Agency means the agency or agencies of a State responsible for the administration of fish and game laws of the State. As related to BLM Sikes Act wildlife program implementation, State agencies are those responsible for fish, wildlife, and threatened/endangered plant and animal species management.

D. Sikes Act Implementation means accomplishment of wildlife program tasks within Sikes Act HMP areas or other areas designated for Sikes Act work by a formal agreement between BLM and the appropriate State agency. Such implementation includes the use of funds, services, equipment, staff, or anything of value to complete effectively the following items directly related to Sikes Act programs:

1. Project survey, design, and related contract preparation;
2. On-the-ground habitat improvement, protection, and maintenance work;
3. On-site, pre- and post-project treatment studies;
4. Evaluation and monitoring;

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5. Research;
6. Inventories;
7. Wildlife releases, trapping, transplanting, and propagation;
8. Environmental assessments, impact statements, and findings of no significant impact (40 CFR 1508.9-.13);
9. Law enforcement;
10. Public affairs related programs, including publications, signs, brochures, slide shows, movies and tapes, and public presentations; and
11. Protection and restoration of Federal or State-listed threatened and endangered plants and animals and their habitats.

E. Cooperative Agreements as indicated in Sec. 202(c)(1) means formal, written, and approved documentation of BLM-State agency Sikes Act cooperation as provided within, and thus referred to, as either a State-level master memorandum of understanding or local level and other supplement(s) thereto (see Illustration 2). These are not to be confused with "Cooperative Agreements" required as a form of BLM assistance under the Federal Grant and Cooperative Agreement Act of 1977.

F. Annual Sikes Act Meeting means at least one, formal meeting per year to be held at the BLM State and/or District levels to discuss ongoing and future Sikes Act programs with appropriate State wildlife agency personnel. Other Federal and State agencies are encouraged to attend and participate, as necessary, to accomplish items of mutual interest. Such meetings should be synchronized with the budget development processes to ensure maximum coordination and incorporation of interagency funding and management priorities.

.06 Policy. In meeting BLM responsibilities for implementing the Sikes Act on the public lands, it is Bureau policy to:

- A. Assign Sikes Act implementation a high priority for allocation of wildlife program funds and personnel.
- B. Develop effective Sikes Act programs in close coordination and cooperation with State wildlife agencies and, where applicable, the U.S. Forest Service and other appropriate agencies.
- C. Prepare and implement all HMPs under Sikes Act authority with State agencies, except where:

1. There are older HMPs prepared prior to the Sikes Act of 1974 (effective date of fiscal year 1975) where it is deemed unfeasible or otherwise unnecessary to do so or as otherwise determined by the State Director, with written documentation and justification so recorded; or
2. The State agency elects not to participate.

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D. Accept contributed funds, equipment, services, or personnel from State agencies and others to implement Sikes Act programs.

E. Implement the Sikes Act in full coordination with the National Environmental Policy Act, Public Rangelands Improvement Act, Federal Land Policy and Management Act, Endangered Species Act, Executive Orders 11988 and 11990 (Floodplain Management and Protection of Wetlands), respectively, and other appropriate Federal laws and regulations. Procurement and assistance policy for implementation of the Sikes Act must also be in compliance with the Federal Grant and Cooperative Agreement Act (see .1).

F. Develop and implement Sikes Act programs in an orderly fashion, based on ecosystem management principles and the Bureau's planning, inventory, and environmental assessment systems. (See 43 CFR 1601 and BLM Manual Sections 6500 and 6602.)

G. Use the term "memorandum of understanding," in preparing new or updated documents which define formal, BLM-State agency points of cooperation and agreement under Sec. 202(c)(1) of the Sikes Act. A basic format for such memoranda of understanding is provided in Illustration 2. Existing agreement documents that are still valid, in effect and usable may remain in their present format.

H. Develop statewide plans to summarize general, long-term Sikes Act program goals and objectives if it is deemed appropriate by the respective BLM State Director and State agency Director. Such plans should be coordinated with similar efforts by the Forest Service wherever possible.

.07 Background.

A. BLM's Sikes Act Wildlife Programs. The Sikes Act of September 15, 1960, was amended on October 18, 1974, by the addition of Title II (P.L. 93-452). It was further amended in 1978 to extend its funding authority (P.L. 95-420). The basic effect of Title II was to extend the Sikes Act authority for wildlife program development from strictly Military Reservations to public lands administered by the Forest Service and the BLM. More specifically, the intent of Congress in passing the legislation was stated in Title II, Sec. 201(a), wherein: "The Secretary of the Interior . . . shall . . . , in cooperation with the State agencies and in accordance with comprehensive plans . . . plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such . . . programs shall include . . . specific habitat improvement projects and related activities and adequate protection for species considered threatened or endangered." At the time of its passage, the Sikes Act was viewed by BLM as an "organic act" for wildlife habitat management. It was a clear congressional charter to take positive, orderly actions on behalf of the public lands' valuable wildlife resource. This same philosophy was shared not only by members of Congress but by the State wildlife agencies, private interest groups, and conservation organizations. Thus, BLM considers Sikes Act implementation and its associated cooperation with State agencies as being of great budgetary and policy importance for overall wildlife program accomplishment.

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B. Federal Grant and Cooperative Agreement Act of 1977. This legislation (P.L. 95-224) followed the Sikes Act, being passed on February 3, 1978. In essence, this law established three vehicles for possible award of funds-- contracts, grants, and cooperative agreements. Any of the three instruments can be used depending on the situation. (See .1.)

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.1 Implementation of BLM Sikes Act Wildlife Programs in Coordination with the Federal Grant and Cooperative Agreement Act of 1977. The Bureau conducts an active Sikes Act wildlife program, closely coordinated and in cooperation with State agencies. Part of this program involves the transfer of BLM funds, property, services, or anything of value, to State agencies for the completion of related wildlife program work. Based upon legislative authorities contained within the FLPMA, P.L. 93-452, P.L. 95-224, and appropriate Federal, Interior, and Bureau procurement regulations and guidance, the following Bureau policy and established procurement and assistance procedures are in effect for pertinent Sikes Act wildlife program operations with State agencies. A general guide for selecting of procurement and assistance instruments is provided in Illustration 4.

.11 Contracts are the instrument used to enter into any arrangement to transfer funds to State wildlife agencies completing work specified under the Sikes Act when:

A. Purpose. The work is intended for the direct benefit or use of the BLM to fulfill Bureau responsibilities for public land habitat management; or the BLM otherwise determines that a procurement contract is appropriate.

B. Negotiated Procurement. In cases where negotiated contract procurement is involved, a noncompetitive procurement justification must be prepared, citing 41 U.S.C. 252(c)(15) as authority to negotiate under the Sikes Act. Examples of such cases where contracts are to be prepared, may include, but are not limited to:

1. Wildlife inventories, studies, research, monitoring, and document preparation required for BLM planning system support and development of environmental impact statements and assessments.
2. Bureau initiated roads, trails, and construction activities associated directly with habitat management.
3. Habitat improvement and maintenance project work, survey and design, pre- and post-treatment studies and evaluations identified as being the primary responsibility of BLM within approved wildlife HMPs.
4. Other situations where BLM is required by legal or policy mandates to protect, enhance, or maintain wildlife habitat; e.g., Executive Orders 11988 and 11990 and the Endangered Species Act, as amended. Such situations can include law enforcement, road and trail access control and seasonal closures to protect crucial wildlife use areas.

C. Procurement Regulations. Procurement contracts must be consistent with Federal and Department Procurement regulations and BLM Manual Section 1510. Most BLM procurement award of funds to State wildlife under the Sikes Act should be through contracts.

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.12 Cooperative Agreements are the assistance instruments used to provide funds, property, services, or anything of value to State agencies completing work specified under the Sikes Act when:

A. Purpose. The principal purpose of the work is to accomplish a public purpose of support, assistance, or stimulation authorized by the Sikes Act to the State agency; and

B. Involvement. Substantial involvement is anticipated by BLM in completing the work.

C. Possible Situations. Examples of such cases where cooperative agreements might be prepared, may include, but are not necessarily limited to:

1. The trapping, transplanting, release, propagation, transportation and care of fish and wildlife species where the State wildlife agency originates the proposed actions and requests BLM assistance in meeting their population goals, and the Bureau concurs by contributing such assistance and becoming substantially involved in the work.

2. Studies, research, or wildlife population trend surveys involving public lands where the State agency is primarily responsible and initiates the request for work and assistance.

3. Other significant State agency assistance requests, such as those for recreation site maintenance, road, or trail maintenance, game check stations, maps, signs, films, publications, and other major forms of public affairs materials.

4. Specific actions contained within HMPs where the State agency originated the action or has the lead responsibility for its performance.

D. Terminology. As previously noted under .05D, "cooperative agreements" have been used in the past as documents for BLM and State agencies to agree mutually in principal on wildlife program items. Such agreements can no longer be termed cooperative agreements or prepared as such. "Cooperative agreements" are now a specific instrument to provide assistance. Master memoranda of understanding and their respective supplements should be used where mutual agreement on wildlife policy items is desired.

.13 Grants are the assistance instrument used to provide funds, property, services, or anything of value to State agencies completing work specified under the Sikes Act when:

A. Purpose. The principal purpose of the work is to accomplish a public purpose of support, assistance, or stimulation authorized by the Sikes Act to the State agency; and

B. Involvement. No substantial involvement is anticipated between BLM and the State agency during completion of the work.

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C. Possible Situations. An example of a case where a grant might be used would be wildlife propagation to raise and release a threatened, endangered, or sensitive species, or a State game animal, wherein BLM has nominal oversight of the action but takes no further part in its completion. Some research and studies also fit into this category.

.14 Procedures and Signature Authority.

A. Office of Management and Budget and BLM Requirements. Cooperative agreements and grants and requests for Federal Assistance must be processed in accordance with the Office of Management and Budget Circular A-102, entitled "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments." Cooperative agreements and grants that provide for the payment of funds are subject to the signature requirements of the Bureau's Warrant System. Cooperative agreements and grants that call for the expenditure of funds over \$10,000 must be submitted to the appropriate procurement office (SCD or Director (851)).

B. Signatures. Cooperative agreements and grants that only provide for either the exchange of property or services and do NOT provide for the payment of funds to the State or local governments, may be signed by the State Director, District Manager, or Resource Area Manager--whoever is appropriate.

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.2 Interagency Coordination.

.21 Forest Service. Interagency coordination with the Forest Service to implement Sikes Act programs and Sikes Act-Federal Grant and Cooperative Act procedures with State agencies are conducted to the fullest extent possible. This avoids confusion and helps to standardize approaches. However, because of differing BLM-FS enabling legislation, procurement regulations, and past history of Sikes Act work, there may be occasions where each must apply its respective legislation and P.L. 95-224 to fit its own special situations.

.22 Fish and Wildlife Service (FWS) Coordination between BLM and the FWS for Sikes Act programs is contained within an umbrella memorandum of understanding, signed May 27, 1980. (See BLM Manual Section 6522.) The FWS supports BLM programs on public lands and must be consulted during Sikes Act actions where appropriate.

.23 Other Agencies. Coordination with other Federal and State agencies in developing Sikes Act wildlife programs should be conducted as deemed appropriate by local situations.

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.3 Contributed Funds to BLM as received from State agencies for Sikes Act wildlife program work are not affected by P.L. 95-224. Jointly funded Sikes Act projects between BLM and State agencies are encouraged. Contributed funds and their accomplishments must be monitored and reported (see Illustration 3).

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.4 Annual Sikes Act Coordination Meetings. Annual, BLM-State agency Sikes Act program coordination meetings are required (see .05E). To the fullest extent possible, such meetings should discuss items related to Sikes Act program development and procurement and assistance under the Federal Grant and Cooperative Agreement Act:

.41 Meeting Topics.

- A. Personnel. State and BLM personnel ceilings and staff availability.
- B. Funds. Available funds and any special constraints on their use.
- C. Physical Limitations. Seasonal and geographic limitations affecting work.
- D. Other Constraints. Special State and BLM planning system, legal, or political time frames, and constraints.
- E. Interagency Procurement. Coordination of contracts, cooperative agreements, and grants between the BLM, FS, and the State agency.
- F. Law Enforcement. Coordinated enforcement of State/Federal regulations.
- G. Habitat and Population Management. Discuss coordination of BLM habitat management goals and State agency wildlife population goals. This should specifically address BLM habitat improvement and protection work, rangeland improvements and livestock grazing systems, and State efforts planned for wildlife census, studies, trapping, transplanting, hunting, fishing, and other methods for species population management. It is of utmost importance to reach mutual agreement on, and address coordination of, the sequence and priority of Sikes Act HMPs to be prepared and implemented in a given fiscal year.

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.5 State Agency Sikes Act Procurement and Assistance Capability. The capability of State agencies to handle different forms of contract, cooperative agreement, and grant work for the Sikes Act program will be affected by several limitations. There are several significant categories and relevant coordination points which must be discussed and applied to annual work completion with State agencies.

.51 Possible Limitations.

A. Personnel Ceilings. Ceilings on temporary and permanent personnel are established by State personnel offices, with constraints similar to those of the Federal Government.

B. Transportation. Each State government places limits on vehicles, gasoline allowances, and travel funds.

C. Monetary Regulations. There are widely divergent regulations invoked by the various State Treasury Departments. These can effect procurement and assistance clearance procedures and processing time.

D. Facilities. State agencies have varied field office capabilities and facilities to complete work; e.g., laboratories, animal holding pens, computer processing, and storage buildings.

E. Overhead. Percentage charges for overhead services impact State agencies' ability to obligate funds for different kinds of work. These may either be fixed or varied amounts, depending on the number of State agency personnel involved.

F. Workload. State agencies may or may not be able to handle proposed BLM projects based upon prior workload commitments of their own. It is important to understand their statewide as well as local workload in order to properly schedule projects.

G. Fiscal Year Coordination. Most State agencies' fiscal years cover a period between July 1 to June 30, while the Bureau's is October 1 to September 30. The three-month variation can create difficulties in States' accepting procurement and assistance work.

H. Contract Approval. Delegations of authority for State Officials to sign contracts with BLM vary by State. In some cases, State wildlife agency Directors may sign and approve contracts. In others, approval may also include the State Comptroller General, State Treasurer, Attorney General, or Governor.

I. Expertise. Decisions by both BLM and State agency officials to proceed with procurement and assistance must consider the types and levels of State agency expertise available to accomplish the work. This is particularly applicable for monitoring, research, habitat development work, and environmental document preparation.

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.52 Budget Coordination. State agencies' willingness to work with BLM on Sikes Act procurement and assistance, and their success at completing projects may depend on the ability to coordinate and explain BLM's Annual Work Plan and budget processes in relationship to those of the State and understand its procedures and constraints.

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.6 Sikes Act Progress Report.

.61 State Directors submit an annual Sikes Act progress report to the Director (240), beginning October 30, 1982, for the FY 1982 reporting year. An example of the basic format and information to be provided for this report is given in Illustration 3. Field officials are encouraged to submit whatever information is required to portray their Sikes Act programs. Sikes Act progress reports should be prepared in coordination with the Wildlife Report General Statistics (Form 6500-1) and Wildlife Habitat Management Plan Statistics (Form 6780-3) and submitted at the same time. Sikes Act progress information should be developed in cooperation with the appropriate State agencies and copies furnished to them as soon as possible. Sikes Act Progress Report information will be incorporated with the Bureau's REX2, ADP Program.

.62 The Director (240) analyses State Office submissions and prepares a Bureauwide Sikes Act progress summary for use in supporting the wildlife budget and as backup information for appropriate reports to Congress and public interest groups.

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.7 Use Plat Recordation. Sikes Act agreements, memoranda of understanding, and a legal description of HMP areas covered under Sikes Act authority should be noted on the Use Plat(s) and accompanying Historical Index (HI). This will provide a permanent, public record of Sikes Act programs to be addressed during lands and realty transactions. Such notations help to ensure that Sikes Act actions and investments are properly considered when completing land sales, exchanges, rights-of-way grants, leases, licenses, and permits. Thus, the appropriate Use Plat and HI should be checked first for Sikes Act involvement before lands program actions are initiated on a particular tract of BLM-administered land.

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The Sikes Act
Public Law 93-452



Public Law 93-452
93rd Congress, H. R. 11537
October 18, 1974

An Act

88 STAT. 1369

To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation in military reservations", approved September 15, 1960 (16 U.S.C. 670a-f), is amended—

Conservation and rehabilitation program on military and public lands.

(1) by inserting immediately after the first sentence of the first section thereof the following new sentence: "Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, and (3) control of off-road vehicle traffic"; and

16 USC 670a.

(2) by amending section 6(b) thereof—

16 USC 670c.

(A) by amending the first sentence thereof by inserting immediately after "July 1, 1971," the following: "and not to exceed \$1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter."; and

(B) by inserting immediately before the last sentence thereof the following new sentence: "There is authorized to be appropriated to the Secretary of the Interior not to exceed \$2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter to enable the Secretary to carry out such functions and responsibilities as he may have under cooperative plans to which he is a party under this title."

SEC. 2. Such Act of September 15, 1960, is further amended by adding at the end thereof the following:

"TITLE II—CONSERVATION PROGRAMS ON CERTAIN PUBLIC LAND

"Sec. 201. (a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 202 of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities and adequate protection for species considered threatened or endangered.

16 USC 670g.

"(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under such subsection (a) on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

"Sec. 202. (a) (1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for con-

Comprehensive plans;
16 USC 670h.

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The Sikes Act
Public Law 93-452

88 STAT. 137C Pub. Law 93-452 - 2 - October 18, 1974

servation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

"(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

"(b) Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

Cooperative
agreements.

"(c)(1) Each State agency may enter into a cooperative agreement with—

"(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction;

"(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction; and

"(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

Conservation and rehabilitation programs developed and implemented pursuant to this title shall be deemed as supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture pursuant to other provisions of law. Nothing in this title shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture, as the case may be, to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531) or other applicable authority.

"(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the

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Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

"(3) Each cooperative agreement entered into under this subsection shall--

"(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

"(B) provide for fish and wildlife habitat improvements or modifications, or both;

"(C) provide for range rehabilitation where necessary for support of wildlife;

"(D) provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or considered to be threatened, rare, or endangered by the State agency;

"(E) require the control of off-road vehicle traffic;

"(F) if the issuance of public land area management stamps is agreed to pursuant to section 203(a) of this title--

"(i) contain such terms and conditions as are required under section 203(b) of this title;

"(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

"(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

"(G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this title.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 204(a) of this title.

"(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted with respect to resident fish and wildlife in accordance with applicable laws and regulations of the State in which such land is located on public land which is the subject of a conservation and rehabilitation program implemented under this title.

"(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this title.

"Sec. 203. (a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation pro-

Recordkeeping;
annual reports.

Audit.

Hunting and
fishing.

Public land
management area
stamps.
16 USC 6701.

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grams under this title will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this title unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

Conditions.

"(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

Notice.

"(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

"(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

"(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

"(4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this title except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in the first section of the Act of March 16, 1934, commonly referred to as the Migratory Bird Hunting Stamp Act (16 U.S.C. 716a), or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

"(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

"(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

"(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 204 (a) of this title.

Penalties. 16 USC 670j.

"Sec. 204. (a) (1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this title without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

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"(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 202(c) (5) of this title shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(b) (1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments, and any State officer or employee authorized under a cooperative agreement to enforce such subsection (a), to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

Enforcement.

"(2) Upon the sworn information by a competent person, any United States magistrate or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

"(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

"(c) All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

Equipment and vessels, seizures.

"(d) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

"Sec. 205. As used in this title—

Definitions. 16 USC 670k.

"(1) The term 'Administrator' means the Administrator of the National Aeronautics and Space Administration.

"(2) The term 'Chairman' means the Chairman of the Atomic Energy Commission.

"(3) The term 'off-road vehicle' means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—

"(A) any registered motorboat at the option of each State;

"(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

"(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

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"(4) The term 'public land' means all lands under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

- "(A) a military reservation;
- "(B) a unit of the National Park System;
- "(C) an area within the national wildlife refuge system;
- "(D) an Indian reservation; or
- "(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe.

"(5) The term 'State agency' means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

"(6) The term 'conservation and rehabilitation programs' means to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this title consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this title. Nothing in this term shall be construed as diminishing the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

16 USC 6701. "Sec. 206. Notwithstanding any other provision in this title, section 203 of this title shall not apply to land which is, or hereafter may be, within or designated as Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein comprise 60 percent or more of the total area of such State; except that in any such State, any appropriate State agency may agree with the Secretary of Agriculture or the Secretary of the Interior, or both, as the case may be, to collect a fee as specified in such agreement at the point of sale of regular licenses to hunt, trap, or fish in such State, the proceeds of which shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose.

Indian rights. 16 USC 670n. "Sec. 207. Nothing in this title shall enlarge or diminish or in any way affect (1) the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree; or (2) existing State or Federal jurisdiction to regulate those rights either on or off reservations.

Alaska, plans and programs, submittal to Joint Federal-State Land Use Planning Commission. 16 USC 670n. 43 USC 1616. "Sec. 208. Nothing in this Act shall in any way affect the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). During the development of any cooperative plan for Alaska which may be agreed to under title I after the effective date of this section and of any comprehensive program for Alaska under title II, such Commission shall be given an opportunity to submit its comments on such plan or program.

Appropriation. 16 USC 670g. "Sec. 209. (a) There is authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the

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next four fiscal years thereafter to enable the Department of the Interior to carry out its functions and responsibilities under this title.
(b) There is authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of Agriculture to carry out its functions and responsibilities under this title.

Sec. 3. Such Act of September 15, 1960, is further amended--

- (1) by redesignating the first section and sections 2 through 6 as sections 101 through 106, respectively;
- (2) by striking out "That the Secretary of Defense" in section 101 (as so redesignated) and inserting in lieu thereof the following:

"TITLE I--CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

"Sec. 101. The Secretary of Defense":

- (3) by striking out "Act" the first time it appears in the proviso to section 102 (as so redesignated) and inserting in lieu thereof "title";
 - (4) by striking out "Act" each place it appears in sections 104 and 106 (as so redesignated) and inserting in lieu thereof "title";
 - and
 - (5) by striking out "sections 1 and 2" in section 106 (as so redesignated) and inserting in lieu thereof "sections 101 and 102".
- Approved October 18, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-753 (Comm. on Merchant Marine and Fisheries and No. 93-1352 (Comm. of Conference).
SENATE REPORTS: No. 93-934 (Comm. on Commerce) and No. 93-1235 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 120 (1974):
Jan. 22, considered and passed House.
July 15, considered and passed Senate, amended.
Oct. 8, Senate and House agreed to conference report.

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BASIC FORMAT AND CONTENT FOR A BLM-STATE AGENCY SIKES ACT
MEMORANDUM OF UNDERSTANDING (MOU) OR SUPPLEMENT
AT THE STATE OR LOCAL LEVEL

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BASIC FORMAT AND CONTENT FOR A BLM-STATE AGENCY SIKES ACT
MEMORANDUM OF UNDERSTANDING (MOU) OR SUPPLEMENT
AT THE STATE OR LOCAL LEVEL

(NUMBER OF MOU)

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE BUREAU OF LAND MANAGEMENT

U.S. DEPARTMENT OF THE INTERIOR

(Name of BLM State, District, or Resource Area Office)
and the

(Name of State Agency and Appropriate Office Subdivision)
for

SIKES ACT IMPLEMENTATION

I. Purpose

It is the purpose of this Memorandum of Understanding to define working relationships, coordination, and cooperation procedures for implementation of Wildlife Programs under the Sikes Act between the Bureau of Land Management, (State/District), hereinafter referred to as the BLM and the (Name of State Agency), hereinafter referred to as the STATE.

II. Objectives

State quantifiable, specific objectives to be obtained through implementation of the MOU. Possible items include:

- How and when Sikes Act Wildlife Habitat Management Plans are to be prepared and scheduled for implementation.
- General wildlife population and habitat objectives.
- Points of resource program coordination.
- Annual and/or other meetings scheduled.
- Budget procedures and coordination.
- Law enforcement.
- Public affairs programs.

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III. Authority

A. Bureau of Land Management (BLM)

1. Cite Master MOU and date signed, if appropriate.
2. The Sikes Act of 1974, Title II, P.L. 93-452, as amended (16 U.S.C. 679 et. seq.).
3. The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.).

B. State Agency (Give Name)

1. Cite pertinent State laws.
2. Cite previous MOU and "cooperative agreements" if pertinent to explain State agency authority.

IV. Definitions

Give definitions of all words, terms, or phrases unique to the MOU which are critical to its understanding, clarity, and implementation. Include a description of the geographic area(s) and Habitat Management Plans (HMPs) to be addressed by the MOU.

V. Points of Agreement

- A. The BLM agrees to:
(Cite points of BLM agreement specific to the Sikes Act)
- B. The STATE agrees to:
(Cite points of State agreement specific to the Sikes Act)
- C. The BLM and STATE mutually agree to:
(Cite points of mutual agreement specific to the Sikes Act)

VI. Constraints and General Guidelines

A. This MOU is prepared, approved, and implemented subject to Federal Laws and Regulations of the United States and those governing the Department of the Interior and the Bureau of Land Management and State Laws and Regulations for (Name of State) and (Name of State agency).

B. Nothing within this MOU shall be considered to be financially obligating to either party nor shall it be limiting to either respective Federal or State Agency's responsibilities for management of their appropriate lands, waters, or resources.

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VII. Provision for Review, Modification, and/or Cancellation

This MOU shall be reviewed (regularly, every 5 years, etc.) by either or both parties to assure its legality, validity, and applicability to the Sikes Act program(s) in question. It may be modified or cancelled by either party upon thirty (30) days written notice to the other party.

VIII. Approval

We, the undersigned designated officials, do hereby approve this MOU for Sikes Act Implementation as authorized representatives for our respective agencies. This MOU shall become effective on the date when last signed and shall remain in effect for (number) years hereafter or until subsequently modified or cancelled as noted under Section VII, above.

Bureau of Land Management:

(Name of State Agency)

Area Manager Date (Local Official) Date

District Manager Date (Regional Official) Date

State Director Date State Director Date
(Optional) (Optional)

State Attorney General Date
(Optional)

Governor (Optional) Date

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BASIC FORMAT FOR REPORTING SIKES ACT WILDLIFE

PROGRAM PROGRESS

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BASIC FORMAT FOR REPORTING
SIKES ACT WILDLIFE PROGRAM
PROGRESS

<u>Reporting Item and Unit of Measure</u>	<u>Progress by Fiscal Year</u>	
	<u>Reporting</u>	<u>Cummulative Total</u>
	<u>FY (1981)</u>	<u>(FY 1975-Present)</u>
<u>ARIZONA</u>		
<u>State/Office</u>		
<u>ARIZONA GAME AND FISH DEPARTMENT</u>		
<u>Name State Agency</u>		
<u>Sikes Act Planning:</u>		
Total No. HMPs Prepared	6	13
No. Other Areas Covered by the Sikes Act	5	20
No. RMPs or MFPs with Sikes Act HMPs	1	3
<u>Sikes Act Management:</u>		
<u>Habitat Under Management:</u>		
000's Acres	975,900	4,503,100
No. Surface Acres	0	0
No. Miles	28	83
Acres Habitat Improved/Protected	10,000	43,000
Miles Habitat Improved/Protected	5	40
Acres Habitat Maintained	5,000	20,000
Miles Habitat Maintained	10	20
No. Hunting/Fishing Stamp Areas Established	0	0
No. Project Surveys/Designs	20	150
<u>Sikes Act Budget:</u>		
BLM Funds Spent \$ 000's	233.1	1,174.1
BLM Funds Needed \$ 000's	400.0	3,073.8
State Agency Contributed Funds \$ 000's	32.0	156.5
Other Agency Contributed Funds \$ 000's	0	0
<u>Sikes Act Procurement/Assistance to State</u>		
<u>Wildlife Agencies:</u>		
Contracts No./\$000's	2/20.5	10/160.9
Cooperative Agreement No./\$000's	0	0
Grants No./\$000's	0	0
<u>Sikes Act Evaluation and Monitoring:</u>		
No. Studies	20	//////////
No. Research Projects	1	//////////
No. Monitoring Efforts	15	//////////

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General Guide For Procurement And Assistance Instruments

To Be Used In Completing BLM Sikes Act Wildlife Program Work

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General Guide for Procurement and Assistance Instruments to
Be Used in Completing BLM Sikes Act Wildlife Program Work

SITUATION	PROCUREMENT Contract	TYPES OF INSTRUMENTS ASSISTANCE	
		Coop. Agreement	Grant
1. State Agency Not Involved in Performance of Sikes Act Work.			
A. Fulfills Bureau Need Whether Competitive or Noncompetitive.	X		
B. Fulfills Public Purpose of Support.			
(1) BLM Substantially Involved.		X	
(2) BLM Not Substantially Involved.			X
2. State Agency is Involved in Performance of Sikes Act Work.			
A. Fulfills Bureau Need, Whether Competitive or Not.	X		
B. Fulfills Public Purpose of Support.			
(1) BLM is Substantially Involved.		X	
(2) BLM Not Substantially Involved.			X