

**FISH AND WILDLIFE SERVICE
REFUGE MANAGEMENT**

Refuge Management

Part 601 National Wildlife Refuge System

Chapter 7 Coordination and Cooperative Work with State Fish and Wildlife Agencies

601 FW 7

7.1 What is the purpose of this chapter? This chapter establishes procedures for coordinating and working cooperatively with State fish and wildlife agency representatives on management of units of the National Wildlife Refuge System.

7.2 What is the scope of this chapter? This chapter applies to:

- A. The Assistant Director – National Wildlife Refuge System,
- B. Regional Directors,
- C. Regional Refuge Chiefs,
- D. Refuge supervisors, and
- E. Refuge managers within the Fish and Wildlife Service (Service).

7.3 What is the authority for this chapter? The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, provides that the Secretary of the Interior in administering the System will, among other things:

- A. Ensure timely and effective cooperation with State fish and wildlife agencies during the course of acquiring and managing refuges;
- B. Enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge;
- C. Consult with adjoining State landowners and State fish and wildlife agencies in the preparation of comprehensive conservation plans (CCP) and coordinate the development of these plans or their revisions with relevant State plans for fish and wildlife and their habitats;
- D. Include a summary of State comments in a final CCP; and
- E. Ensure regulations allowing hunting or fishing of fish and wildlife within the System are, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

7.4 What is the Service's policy on coordination with the States?

A. Effective conservation of fish, wildlife, plants and their habitats depends on the professional relationship between managers at the State and Federal level. We acknowledge the unique expertise and role of State fish and wildlife agencies in the management of fish and wildlife.

B. Both the Service and the State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on national wildlife refuges, as described in 43 CFR 24. Consistent with the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act:

(1) The Director will:

(a) Interact, coordinate, cooperate, and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of national wildlife refuges; and

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(b) Ensure that National Wildlife Refuge System regulations and management plans are, to the extent practicable, consistent with State laws, regulations, and management plans.

(2) Refuge managers, as the designated representatives of the Director at the local level, will also carry out these directives.

(3) We will provide State fish and wildlife agencies timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy. This opportunity will most commonly occur through State fish and wildlife agency representation on the CCP planning team; however, we will provide other opportunities for the State fish and wildlife agencies to participate in the development and implementation of program changes that would be made outside of the CCP process. We will continue to provide State fish and wildlife agencies opportunities to discuss and, if necessary, elevate decisions within our hierarchy.

7.5 What is the role of the Association of Fish and Wildlife Agencies? To further the congressional directive to develop effective procedures for State fish and wildlife agencies to provide meaningful participation, State representatives include Association of Fish and Wildlife Agencies (AFWA) staff who have been specifically appointed by a public officer of a State fish and wildlife agency to act on its behalf for such proceedings.

7.6 How will the Service coordinate with State representatives on the development of policy?

A. When the Service initiates national policy development to address a legislative requirement or to address a broad-scale refuge management concern, need, or issue, we:

(1) Will inform the States in order to obtain scoping or other preliminary information from them;

(2) Will meet with State representatives to discuss issues relative to the development of national policy affecting resource management on and near units of the System;

(3) Will invite interested State representatives to participate on working groups to develop policies that affect Federal and State interests;

(4) May also use intergovernmental personnel agreements to employ State representatives to assist in the development of policy.

B. When the Service has published proposed refuge management policies seeking public comment and input under the procedures set by the Administrative Procedure Act, we will continue to meet with State representatives.

(1) These discussions provide State representatives with a better understanding of the proposals and the rationale behind them. They will also provide us with a better understanding of State representative concerns and suggestions that will be incorporated, when appropriate, in products.

(2) We will include in the rulemaking record a summary of any such meetings, including any significant information, recommendations, and rationale presented that is not already part of the record.

(3) If these discussions result in new information or suggestions that result in a significant shift in our approach that is not otherwise supported by the record developed during the public comment period, we will reopen the comment period identifying for the public the new information we plan to rely on or the new regulation or policy we are proposing.

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7.7 How will State representatives participate in the development of comprehensive conservation plans?

- A. We will invite State representatives to participate on CCP planning teams.
- B. When we make final decisions, we will communicate our decisions and rationale to the States and include a summary of State comments in the final CCP.
- C. Consistent with the provisions of the National Wildlife Refuge System Administration Act, we will consult and work cooperatively with adjoining State landowners and State fish and wildlife agencies to develop and implement CCPs and coordinate the development of these plans or their revisions with State plans for fish and wildlife and their habitats.
- D. We will provide the States meaningful opportunities to participate in the review and revision (if necessary) of completed CCPs.

7.8 What are the Regional Directors' responsibilities for coordination with States? Regional Directors will meet with the directors of State fish and wildlife agencies within their Region at least annually, either collectively or individually. The purpose of the meetings is to exchange information and expertise and discuss outstanding issues such as the status of CCPs for each refuge within the Region and guidance for appropriate staff. Regional Directors and State directors should identify appropriate staff and mechanisms for further consultation including the development of memorandums of understanding (MOUs) or other instruments to guide cooperative development of plans and programs.

7.9 What are the procedures for resolving disagreements with the Service? We will try to resolve issues at the refuge manager level. In those rare instances where we cannot resolve issues at the refuge manager level, a State fish and wildlife agency may ask the Regional Director or, if necessary, the Director to resolve concerns.



ACTING DIRECTOR

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