

# **MEMORANDUM OF UNDERSTANDING**

**Among the**

**WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES**

**U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE**

**U.S. DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT**

**U.S. DEPARTMENT OF THE INTERIOR - FISH AND WILDLIFE SERVICE**

## **I. PURPOSE OF THE AGREEMENT**

Mule deer (*Odocoileus hemionus*) are a socially and economically important wildlife species that has experienced widespread declines in the last decade. Although the causes of this decline are many, the primary cause of the decline and the subsequent lack of mule deer population increases have been attributed to reduced quality habitat upon which this species is dependent.

The purpose of this Memorandum of Understanding (MOU) is to establish a cooperative framework for implementing strategies to improve habitat conditions for mule deer, which in turn will aid in returning populations to higher levels than currently exist, yet are within the ecological capacity of the land.

## **II. BACKGROUND TO THE AGREEMENT**

The parties to this agreement all have management responsibility for managing mule deer populations or the habitats upon which this species depends. The Western Association of Fish and Wildlife Agencies' Mule Deer Working Group has concluded that although there are many factors that regulate mule deer populations, long-term changes in habitat capacity have resulted in mule deer populations that have declined to levels that are socially unacceptable and this decline has adversely impacted the credibility of these management agencies. Further, many rural economies have suffered due to the decline in mule deer hunting.

Many of the areas of the West where mule deer occur are being impacted by human population growth and the demand for infrastructure to support this growth. Management of mule deer and their habitat has traditionally been done at a relatively small scale, and managing this species at a regional basis will benefit population recovery and will allow financial resources to be applied at a scale that will maximize the benefit of habitat restoration projects. Additionally, as the parties to this agreement work to implement strategies outlined in the attached Western Association of Fish and Wildlife Agencies' North American Mule Deer Conservation Plan at a regional scale, new knowledge can be shared with the parties, which will optimize successful implementation of the North American Mule Deer Conservation Plan.

This agreement is in no way an effort to usurp any statutory authority of any of the individual parties to this agreement; rather, this agreement is intended to strengthen the authorities of all entities by developing a cooperative ethic towards implementing the strategies outlined in the North American Mule Deer Conservation Plan.

### **III. SPECIFIC OBJECTIVES TO BE ACCOMPLISHED**

- Improve conditions for mule deer in the West to aid in optimizing population levels within the ecological capacity of the land. This can only be accomplished by recognizing the importance of mule deer in all land use and population management planning.
- Implement the strategies outlined in the North American Mule Deer Conservation Plan, within the financial and legal constraints of the parties to this MOU.
- Develop and foster a cooperative approach among the parties to this MOU for managing mule deer populations and the habitats upon which mule deer depend where this species receives more attention in all planning actions than they currently do.
- To encourage the implementation of the strategies outlined in the North American Mule Deer Conservation Plan through agency management plans.
- Develop partnerships with agencies, organizations, Tribal Nations, communities, and private land stewards to improve habitat conditions for mule deer in a fashion consistent with best management practices for the biotic community in the project area.
- Encourage all parties to this MOU to identify and prioritize research and management actions at a regional basis and, where it is appropriate, to combine funding to accomplish the priority research and management practices.

### **IV. AUTHORITIES**

This MOU is developed within the legal authorities provided in the following laws.

- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.)
- Fish and Wildlife Coordination Act (16 U.S.C. 661-666c)
- Multiple Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531)
- Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641-1648)
- National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.)
- National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd et seq.)
- Various state statutes that enable state wildlife agencies to enter into agreements with federal agencies.

### **V. ALL PARTIES OF THIS MOU AGREE TO THE FOLLOWING PROVISIONS**

- a) This MOU does not bind any party to financial obligations that are not authorized for that agency by that agencies' governing body.

- b) This MOU does not preclude any party from entering into agreements with other entities for similar purposes.
- c) This agreement will be effective on the date of the signature of the last party to sign and will be in effect for a period of 5 years from this date. The agreement may be renewed, revised, or terminated by mutual consent of all parties hereto. Any party of this MOU may withdraw from the agreement after giving written notice of intent to withdraw to all parties hereto.
- d) During the performance of the MOU, all parties agree to abide by the terms of Executive Order 11246, on non discrimination and will not discriminate against any person because of race, age, color, religion, gender, or disability.
- e) 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 from this agreement, but these provisions shall not be construed to extend to this agreement if made with a corporation for its general benefits.
- f) This MOU is made to optimize the establishment of a cooperative ethic to improve management of mule deer and mule deer habitat and is not intended to obligate any party in a fashion that is not consistent with any law, regulation, or directive that guide the individual parties to the agreement.

**IN WITNESS HERETO, the following parties have executed this Memorandum of Understanding.**

**Western Association of Fish and Wildlife Agencies**

*Tony Warby*

02/23/2015

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**President**

**Date**

**U.S. Department of Agriculture – Forest Service**

*Thomas A. Tidwell*

*5/5/2015*

**Chief** (see attachment)

**Date**

**U.S. Department of the Interior – Fish and Wildlife Service**



**Director**

10.21.2015

**Date**

**U.S. Department of the Interior – Bureau of Land Management**



**Director**

7/8/2015

**Date**

**Western Association of Fish and Wildlife Agencies Member Organizations**

Alaska Department of Fish and Game  
Alberta Department of Sustainable Resource  
Development, Fish and Wildlife  
Division  
Arizona Game and Fish Department  
British Columbia Ministry of Forests, Lands  
and Natural Resource Operations  
California Department of Fish and Wildlife  
Colorado Division of Parks and Wildlife  
Hawaii Department of Land and Natural  
Resources, Division of Forestry and  
Wildlife  
Idaho Department of Fish and Game  
Kansas Department of Wildlife and Parks  
Montana Department of Fish, Wildlife and  
Parks

Nebraska Game and Parks Commission  
Nevada Department of Wildlife  
New Mexico Department of Game and Fish  
North Dakota Game and Fish Department  
Oklahoma Department of Wildlife  
Conservation  
Oregon Department of Fish and Wildlife  
Saskatchewan Department of Environment  
and Resource Management  
South Dakota Game, Fish and Parks  
Department  
Texas Parks and Wildlife Department  
Utah Division of Wildlife Resources  
Washington Department of Fish and Wildlife  
Wyoming Game and Fish Department  
Yukon Department of Environment

## FOREST SERVICE ATTACHMENT

### Memorandum of Understanding among

Western Association of Fish and Wildlife Agencies, USDA – Forest Service, USDA –  
Natural Resources, Conservation Service, USDI – Bureau of Land Management, USDI –  
Geological Survey, USDI – Fish and Wildlife Service

For the North American Mule Deer Conservation Plan

Forest Service Agreement Number: **07-SU-III32422-029**

By attachment, the following Forest Service provisions are included with the agreement.

1. **FREEDOM OF INFORMATION ACT (FOIA)**. Any information furnished to the Forest Service under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552).
2. **ESTABLISHMENT OF RESPONSIBILITY**. This agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
3. **RESPONSIBILITIES OF PARTIES**. All parties to this MOU will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
4. **NON-FUND OBLIGATING DOCUMENT**. Nothing in this agreement shall obligate either the Forest Service or the other parties to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Forest Service and other parties will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This agreement does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

This authority and format of this agreement have been reviewed and approved for signature by the Forest Service.

*Isi DL Price. 12-19-06*

Forest Service Grants & Agreement Specialist

Date