
MEMORANDUM OF UNDERSTANDING

MONTANA FISH AND GAME COMMISSION - FOREST SERVICE, REGION ONE

U.S. DEPARTMENT OF AGRICULTURE

This Memorandum of Understanding, made in duplicate this 7th day of September, 1978, by and between the Montana Department of Fish and Game, hereinafter called the Department; and the United States Forest Service, Region One, hereinafter called the Forest Service.

WHEREAS, the Department, together with the Fish and Game Commission, was created under law by the State of Montana for the protection, preservation, and propagation of all species of wild mammals, birds, fish, mollusks, crustaceans, amphibians, and reptiles hereinafter called wildlife.

WHEREAS, the Forest Service, by Acts of Congress and regulations issued by the Secretary of Agriculture, is responsible for maintaining proper habitat conditions for desirable populations of wildlife and fish within National Forest lands, compatible with other recognized uses of the lands and water concerned, and

WHEREAS, it is the mutual desire of the Department and The Forest Service to work in harmony for the common purpose of promoting an effective wildlife management program on National Forest lands in Montana for the best interests of the people of Montana and of the United States.

I. THE FOREST SERVICE AGREES:

- a. To recognize the Commission and the Department as being the agencies responsible for establishing the regulations under which populations of wildlife will be managed.
- b. To manage wildlife habitat resource on National Forest lands to benefit wildlife, under the principles of multiple use management with special emphasis on endangered and threatened species.
- c. To provide the Department with annual reports and new plans, on a Regional and Forest level, which relate to the management of resources.
- d. To permit the erection and maintenance of structures needed to facilitate wildlife management activities, provided such structures conform in character and location to Forest Service requirements, and are covered by a cooperative agreement or a special use permit.
- e. To permit the Department to undertake and maintain wildlife habitat improvements on National Forest lands pursuant to laws and regulations governing use of these lands, and provided such improvements are in accord with Forest Service land use plans, provided further that such projects are covered by cooperative agreements and special use permits.

f. To keep the Department informed of important changes in Forest Service policies, programs and projects which will have a significant impact on wildlife and/or outdoor recreation resources including: Land exchanges, water use projects, herbicide and insecticide applications, timber sales, and roads.

g. To consult with the Department and use its available expertise in the preparation of Environmental Analysis Reports. Copies of such reports will be made available to the Department.

h. To assist the Commission and the Department of Fish and Game in the enforcement of the Montana Fish and Game laws to the extent permitted by Federal laws and regulations (36 CFR 261.8).

II. THE DEPARTMENT AGREES:

a. To recognize the Forest Service as the agency responsible for the occupancy, use, and management of the National Forests and the wildlife habitat present or potentially available on National Forest lands.

b. To keep the Forest Service currently advised on existing and proposed wildlife management projects, policies, laws, and regulations, and to furnish copies for reference and distribution.

c. To make or sanction no transplants nor introductions of wildlife on Forest Service administered lands until a cooperative investigation has been made and approval is received from the appropriate Forest officer.

d. To provide information to the Forest Service concerning annual fish stocking plans, and removing rough fish within the National Forest.

e. To erect no signs, posters, nor permanent structures on the National Forest land without first securing approval from the Forest Supervisor.

f. To make no use of pesticides for wildlife control on National Forest land without prior approval.

g. To consult with the Forest Service in regard to regulations of wildlife populations and harvesters so that wildlife habitat on National Forest lands will be maintained at an optimum state of productivity consistent with management objectives for other National Forest resources.

h. To encourage a cooperative and professional approach in seeking solutions to problems which may arise, by meeting at least once annually on a Forest Supervisor and Department Regional Supervisor level for discussions of National Forest and Department programs affecting wildlife resources and habitats.

i. To comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulation of the United States Department of Agriculture (7 CFR, Part 15) issued pursuant to that Act, and hereby assures that in the operation and performance of this Memorandum of Understanding to take immediately any measures necessary to effectuate this requirement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Commission by the United States Department of Agriculture, this assurance shall obligate the Commission, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

If any personal property is so provided, this assurance shall obligate the Commission for the period during which they retain ownership or possession of the property. In all other cases, this assurance shall obligate the Commission for the period during which the Federal financial assistance is extended to it by this Memorandum of Understanding to the Commission by the United States Department of Agriculture. The Commission recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance. The Commission further agrees that the United States in addition to any other rights and remedies provided by this assurance, the Civil Rights Act of 1964, or the regulations issued thereunder, shall have the right to enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

III. THE DEPARTMENT AND THE FORST SERVICE MUTUALLY AGREE TO:

a. Cooperate in the management of wildlife and fish resources of the State of Montana under the Forest Service's practice of multiple use management on National Forest lands.

b. Promote the integration of wildlife and fish habitat goals and objectives between the two agencies.

c. Make available such improvements, facilities, and equipment normally used in the management or protection of wildlife resources, not in current use and with prior written approval, coordinated with the Forest Supervisor and the Department Regional Supervisor.

d. Maintain effective cooperation with a prompt and complete interchange of information.

e. Cooperate in the issuance of State licenses and Forest Service special use permits to outfitters and guides.

f. Investigate proposals for the transplant of wildlife and fish species on the National Forest and to prepare an Environmental Assessment Report of the investigation by the Forest Supervisor and the Department Regional Supervisor which will document acceptance or rejection of the proposal with the reasons given. Approved plans shall state the number of animals to be transplanted, the release site, impact on private lands, and any other pertinent information. Relocation of individual animals taken in solving nuisance or depredation problems

will be accomplished through mutual written agreement by the Forest Supervisor and Department Regional Supervisor.

g. Invite the Department Regional Supervisor to participate in preliminary route selection and plans-in-hand inspections of Forest Service road construction projects, in timber operator, other cooperator, or permittee road construction projects which may affect Fish and Game. The Forest Supervisor will consult with the Department Regional Supervisor on other water or hydraulic developments which may affect Fish and Game. The Forest Supervisor will furnish the Department Regional Supervisor copies of Department Form FG124, along with copies of PIH inspection reports or project review reports if made.

h. Investigate each proposed brush control project. The Forest Supervisor will notify the appropriate Department Regional Supervisor during the project planning phase. The Department will submit a written report on wildlife species, with recommendations for the mitigation of harmful effects and suggestions on how to benefit wildlife.

i. Cooperate in the implementation of the Sikes Act by developing a comprehensive plan for the conservation and rehabilitation of wildlife habitat. The plan will specify areas for programs, provide for direct wildlife habitat improvements or modifications, suitable range rehabilitation where necessary to support wildlife, protection for species classified as endangered or threatened, control of off-road vehicles, habitat research, studies, surveys, plans, and census, law enforcement, hunting, fishing, and trapping regulations and propagation.

j. All cooperative projects undertaken by parties to this Memorandum requiring a sharing of exchange of costs, manpower, equipment, or facilities will be covered by a separate cooperative agreement which will be attached as a supplement to this Memorandum.

k. The Department recognizes the Forest Service as the agency responsible for Wilderness Area Management under the 1964 Wilderness Act. The agencies agree to cooperatively plan the following wildlife activities:

- (1) Management of wilderness lakes
- (2) Fire management planning
- (3) Reintroductions of native species
- (4) Habitat and populations surveys and studies.

l. Cooperate to the full extent possible with land use planning and coordinate plans when on adjacent State and National Forest lands.

m. Each and every provision of this Memorandum of Understanding is subject to the applicable laws of the State of Montana and the laws of the United States, and the regulations promulgated thereunder.

n. Nothing in this Memorandum shall be construed as obligating the Commission or the State of Montana and the Forest Service or the United States Government in the expenditure of funds or for the future payment of money in excess of appropriations authorized by State and Federal laws.

o. Nothing herein contained shall be construed as limiting or affecting in any way the authority of:

(1) The Commission in connection with the proper protection preservation, and propagation of fish, game, fur-bearing animals, game and nongame bird resources for which they are responsible.

(2) The Regional Forester in connection with the proper administration and protection of the National Forests in accordance with the purpose for which the lands contained therein were required and reserved.

p. To comply with Public Law 91-190, the National Environmental Policy Act of 1969, the cooperator and Forest Service agree to direct their program activities covered by this agreement toward managing and enhancing the environment for the widest range of beneficial uses without its degradation or risk to health or safety or other undesirable consequences. The cooperator further agrees to assist the Forest Service in the preparation of environmental statements as required by section 102(2)(c) of PL 91-190 for all major Federal actions taken under this agreement which might significantly affect the quality of the human environment or be highly controversial in regard to unresolved conflicts concerning the use of resources.

q. No member of, nor delegate to, Congress, nor resident Commissioner shall be admitted to any share or part of this Memorandum or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Memorandum if made for a corporation for its general benefit.

r. This Memorandum and subsequent supplements and/or amendments shall become effective upon approval by both parties hereto and shall continue in force unless either party indicates upon thirty (30) days' notice in writing to the other party its intention to terminate upon a date indicated.

MONTANA DEPARTMENT OF FISH AND GAME

By: /s/ Robert F. Wambach

9/8/78

Date

USDA FOREST SERVICE

By: /s/ Tom Coston
Regional Forester

9/21/78

Date

SUPPLEMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MONTANA FISH AND GAME COMMISSION AND THE REGIONAL FORESTER, REGION 1, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE DATED SEPTEMBER 21, 1978.

INTERAGENCY AQUATIC RESOURCES COMPUTERIZED DATA BANK

WITNESSETH:

WHEREAS, Region 1 of the USDA-Forest Service, and the Montana Fish and Game Commission are mutually interested in fishery related aquatic resources of Montana, and

WHEREAS, each agency is gathering data on these resources, and

WHEREAS, it would be mutually beneficial and a savings of resource management dollars if data collected by each agency was stored in a common computer data bank, and

WHEREAS, Section III, j of the Master Agreement and Section 5 of the Granger-Thye Act authorizes cooperative work of this nature, and

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. The Forest Service shall:

1. design and develop the basic computer program system for an aquatic resources data bank.
2. Make available the necessary remote computer facilities and time at the USDA Ft. Collins Computer Center (or similar computer facilities as necessary) to the extent allowable by law or statute.
3. Make available, as necessary, remote terminal equipment to the specified remote computer facilities.
4. Administer access to the specified remote computer facilities.
5. Provide itemized statements of expenditures showing the amount of the computer use and storage cost to be reimbursed by the Commission, at quarterly intervals if desired by the Commission, but at least as of September 30 and March 31 of each year. Billings will be mailed to Montana State Fish and Game Commission, Attention: Fisheries Division, Helena, Montana 59601.

B. The Commission shall:

1. Reimburse the Forest Service for all costs incurred of any special programming that does not pertain to National Forest administered lands.

2. Reimburse the Forest Service for all costs of input, retrieval and storage of data that does not pertain to National Forest waters to the extent that they are not offset by costs of services furnished by the department; i.e., keypunching forms entered by Forest Service personnel, and providing special listings from the State computer file that are specifically requested by the Forest Service. Prior to billing by the Forest Service, the Commission will submit an itemized list of costs incurred on behalf of the Forest Service so balance can be billed. Reimbursement will be within 30 days of receipt of billing.

C. It is Mutually Agreed and Understood By and Between the Said Parties That:

1. Each party will name an overall agency coordinator to communicate and facilitate the handling of the agencies' data, and coordinate mutual needs and improvement of the data bank.

2. Each party will store data in this computer data bank in a manner to permit retrieval by the parties to this agreement.

3. Each party shall authorize and encourage negotiations of other State and Federal agencies residing in Montana to participate in this program.

4. This supplement shall become effective as soon as signed by the parties hereto and shall continue in force unless terminated by either party upon 30 days notice in writing to the other party of his intention to do so.

5. All other clauses contained in the Master Memorandum of Understanding dated September 21, 1978 will apply to this supplement.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed this _____ day of _____, 1979.

MONTANA FISH AND GAME DEPARTMENT

Date May 11, 1979 _____ By /s/ Robert F. Wambach
Director

U.S. FOREST SERVICE

Date May 16, 1979 _____ By /s/ Tom Coston
Regional Forester

SUPPLEMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
MONTANA FISH AND GAME COMMISSION AND THE REGIONAL FORESTER,
REGION 1, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE
DATED APRIL, 1979

FISH AND WILDLIFE MANAGEMENT IN FOREST SERVICE
UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

WITNESSETH:

WHEREAS, The Wilderness Act of 1964 (P.L. 88-577) specifically states its objectives, policy, and management direction in sections 2(a) and 4(b), and Wilderness is defined in section 2(c).

Fish and wildlife resource management in Forest Service units of the National Wilderness Preservation System will adhere to the practice of allowing natural ecological successions to operate freely insofar as they do not endanger life, property, or significant resources outside such areas. This would include natural infestations of insects and fire in areas where approved fire management plans are in effect. Fire suppression would be carried out according to the Service-wide suppression policy in all other situations. Management will be directed toward maintenance of native plants and animals in their natural setting, and native animals and plant species classified as endangered or threatened under the provision of the Endangered Species Act of 1973.

There is need for continual coordination and cooperative efforts between the Montana Department of Fish and Game and the Forest Service to manage the fish and wildlife resources and their habitats in wilderness. Both agencies concur in section 4(d) (8) of the Act which states: "Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several states with respect to wildlife and fish in the National Forests." Secretary of Agriculture regulation (36 CFR 292.2) states, in part: "In resolving conflicts in resource use, wilderness values will be dominant to the extent not limited by the Wilderness Act, subsequent establishing legislation or these regulations."

With the above in mind, the following policy is stated:

FISH AND WILDLIFE RESEARCH

Policy

Research on wildlife, their habitats, and the recreational users of these resources is a legitimate activity in wilderness and primitive areas. Methods which temporarily infringe on the wilderness experience may be used provided the information sought is essential and alternative methods or locations are not available.

Helicopters and fixed-wing aircraft may be used to conduct approved fish and wildlife research activities in wilderness and primitive areas. Aircraft shall be used in a manner to minimize disturbance to other users, including humans and wildlife.

Where research activities are underway prior to designation as a wilderness or primitive area, those activities may be carried to their logical conclusion.

Guidelines

1. In planning aircraft flights over wilderness and primitive areas, the following factors shall be considered to minimize disturbance: time of day, season of the year, elevation of flight, route of flight, and location of landing areas on perimeters of the area. Regional Forester approval is necessary on a cases-by-case basis when landings are planned.

FACILITY DEVELOPMENT AND HABITAT ALTERATION

Policy

Although neither construction of facilities nor alteration of wildlife habitats to enhance their value for a species is consistent with the free operation of natural processes, there are situations where such measures may become necessary for the continued existence of wildlife living on or adjacent to wilderness or primitive areas. This is particularly true in the case of wildlife species adversely impacted through the activities of man in such areas.

Fishery flow maintenance dams, water developments, water diversion devices, ditches and associated structures necessary for wildlife management and in existence prior to designation of a wilderness or primitive area may be permitted to remain in existence, operated and maintained, provided maintenance is performed with nonmotorized equipment, and subject to the guidelines.

Clearing of debris which impedes the migratory movements of fish on critical spawning streams shall be permitted.

Guidelines

1. Any proposed new structures or habitat alterations shall be submitted to the administering agency for approval.
2. Any new and existing structures permitted for wildlife management will be built or maintained in a manner which will minimize the visual impacts on the landscape.
3. Clearing of debris from spawning streams shall be limited to those identified in an approved management plan as being critical to the propagation of fish.
4. All clearing of debris shall be by nonmotorized equipment. Explosives may be used only when the use of handtools is not practical and outside of heavy visitor-use periods.
5. Any decision to remove any existing water related improvements, mentioned in the policy statement above, will be made jointly by the State agency and the administering agency.

ENDANGERED AND THREATENED SPECIES

Policy

The importance of wilderness and primitive areas in providing habitat for endangered and threatened species of wildlife, as identified by Federal and State governments, is hereby recognized. This is especially true of those species that are dependent upon wilderness conditions for their survival. However, it is also recognized that there are other land designation options available which may offer similar or higher levels of protection for such species without the management constraints imposed by designation as a wilderness or primitive area.

Guidelines

1. Wilderness or primitive area designations shall not be used solely to benefit endangered and threatened species of wildlife when an alternative land classification will offer equal or better protection.
2. In previously designated wilderness and primitive areas and those subsequently designated that contain known populations of endangered or threatened species, wilderness management shall provide the maximum protection for these species and their habitat.
3. Wilderness and primitive areas that offer suitable habitat for threatened and endangered species may be used as transplant sites subject to conditions described elsewhere in this document.

Note: Other sections of these policies and guidelines address additional aspects of the management of threatened and endangered species.

FISHERIES MANAGEMENT

The following policies and guidelines are intended to provide for a sound fisheries management program in wilderness and primitive areas.

ANGLING

Policy

Angling is a legitimate wilderness and primitive area activity subject to State laws and regulations that are enforceable by State wildlife officers and all other duly commissioned persons.

POPULATION SAMPLING

Policy

Scientific sampling of fish populations is recognized as an essential procedure in the maintenance of balanced fish populations in wilderness and primitive areas.

Guidelines

Population sampling involving gill netting, electrofishing (nonmotorized), or other standard methods complying with sections 4(c) and (d) of the Wilderness Act falls under the provision for studies. Timing shall be coordinated to avoid heavy public-use periods.

CHEMICAL TREATMENT

Policy

Chemical treatment may be necessary to prepare waters for the reestablishment of a native species, to reestablish an endangered or threatened species, and to correct undesirable conditions resulting from the influence of man.

Guidelines

1. All Federal and State laws, regulations, and executive orders relative to the use of pesticides shall be strictly adhered to.
2. In the selection of a pesticide, preference shall be given to those that can be readily detoxified, e.g., derbis which can be detoxified with potassium permanganate, particularly when used in streams or other waters with downstream connections.
3. Chemical treatment operations should be scheduled during periods of low human use.
4. Fish removed shall be immediately disposed of in a manner agreed to by the Montana Department of Fish and Game and the USDA-Forest Service.

SPAWN TAKING

Policy

The collection of fish spawn shall be permitted from wilderness and primitive areas when alternative sources are nonexistent or unreliable or where spawn taking was an established practice prior to the area being officially designated, subject to the guidelines below.

Guidelines

1. Collection and removal of spawn shall not involve the use of motorized equipment within the boundaries of the area.

2. Techniques and facilities necessary to spawn taking operations and in existence prior to the designation of the area may continue to be used as provided for in the approved management plan.
3. Facilities for spawn taking stations established subsequently to designation must be of a temporary nature and be completely removed after the termination of each season's operation.
4. A decision to no longer permit spawn taking where it was an established practice prior to designation of the area will be made jointly by the Montana Department of Fish and Game and the USDA-Forest Service.

FISH PLANTING AND TRANSPLANTING

Policy

Planting or transplanting of fish may be conducted by the State agency, using means appropriate for wilderness or primitive areas, when any one of the following criteria is met: (1) to reestablish or maintain an indigenous species, (2) to restore an endangered or threatened species, or (3) to maintain or enhance recreational values as identified in the management plan.

Barren lakes and streams may be considered for stocking after it has been mutually agreed to that there will be no appreciable loss of scientific values or adverse effects on wilderness resources.

Alterations in fish planting programs shall not be made for the purpose of reducing the impact of overuse except as part of a cooperative effort between the Forest Service and the State Fish and Game Department to adjust such use.

Numbers of fish and time of planting will be determined by the State agency. Species selected for planting will be in accordance with the guidelines below.

Guidelines

1. The Fish and Game Department shall make fish stocking schedules available to the Forest Service, indicating what species and numbers are planned for each water within a wilderness or primitive area.
2. Stocking rates shall be adjusted to minimize the likelihood of exceeding the biological capabilities of the water being stocked so as to reduce the chance of producing a stunted population and to minimize the likelihood of attracting overuse to the detriment of wilderness or primitive area resources.
3. Preference in the selection of species for planting will be given to: native species (for purposes of this document, species of fish traditionally planted prior to designation may be considered native); endangered or threatened species of fish if there is likelihood for survival and if the species or subspecies has an overall distribution pattern encompassing the transplant site;

and species likely to spawn successfully under the conditions characteristic of the water being considered.

AERIAL FISH PLANTING

Policy

Aerial planting of fish shall be a permitted practice for those waters in wilderness and primitive areas where this was an established practice before the area was classified as a wilderness or primitive area, or other practical means are not available.

Guidelines

1. Same as guideline No. 1 under Fish and Wildlife Research.
2. As justification for aerial stocking, the Fish and Game will supply the Forest Service a list of those waters which stocking with aircraft was an established practice prior to designation, indicating the type of aircraft as fixed-wing or helicopter, which will become a part of the management plan.
3. For those waters not on an aerial stocking schedule, the Fish and Game shall demonstrate in writing to the Forest Service the need for use of aircraft.

WILDLIFE MANAGEMENT

HUNTING AND TRAPPING

Policy

Sport hunting and trapping in wilderness and primitive areas are recognized as legitimate activities subject to State laws and regulations that are enforceable by State wildlife officers and all other duly commissioned persons.

Guidelines

1. Sport hunting and trapping defined as a recreational use and not that of a total effort such as would be the case commercially.

WILDLIFE STUDIES

Policy

All wildlife studies conducted within and over wilderness and primitive areas shall be conducted within the basic concept of preserving the natural character of these areas. Aerial counts and observations of wildlife without landing shall be permissible for management of wilderness

wildlife resources. Capturing and inconspicuous marking of animals, including radio telemetry, shall be permitted.

Temporary installations, such as shelters for cameras and scientific apparatus, enclosures and exclosures, essential for wildlife research and management studies may be approved on a case-by-case basis.

Guidelines

1. Same as guideline No. 1 under Fish and Wildlife Research.
2. Insofar as possible, all structures shall be situated and constructed so as to make them unobtrusive on the landscape.
3. Structures shall be constructed of native materials or camouflaged to make them blend with their natural surroundings.
4. Specific written approval and/or permits must be obtained from the Forest Service prior to the erection of any structure, enclosure, or exclosure.
5. All structures will be properly disposed of in a manner prescribed by the Forest Service after the need therefore no longer exists.

TRANSPLANTING WILDLIFE

Policy

Reintroduction or supplemental transplants of terrestrial wildlife species in wilderness or primitive areas shall be permitted subject to the following criteria: (1) the status of a threatened or endangered species would be enhanced; or (2) the population of a native species eliminated or reduced by acts of man would be restored or enhanced; or (3) other significant wilderness or primitive area values would not be impaired.

Guidelines

1. All introduction projects by the Fish and Game shall have prior written approval from the Forest Service.
2. Transplants shall be made in a manner compatible with the wilderness character of the area.
3. Animal transplanting programs may use mechanical transport, including helicopter, only upon a determination by the Assistant Secretary of Agriculture that the reintroduction is desirable and that no practical alternative mode of transportation exists.

4. Predator control measures may be employed subject to restrictions detailed under Control of Problem Animals, if such controls are deemed necessary to the establishment or reestablishment of a species.

CONTROL OF PROBLEM ANIMALS

Policy

Control of problem animals in wilderness and primitive areas may be necessary to reduce depredations on other wildlife and domestic livestock, to remove animals creating a public nuisance related to human interests, and to prevent transmission of diseases or parasites affecting other wildlife and humans. Control of nonindigenous species may also be necessary to abate conflicts with native species, particularly if those native species are endangered or threatened.

Guidelines

1. Acceptable control measures include lethal and nonlethal methods, depending upon need, justification, location, conditions, efficiency and applicability of State and Federal laws.
2. Control measures are to be implemented by the State wildlife agency or by other agencies pursuant to cooperative agreements and memorandum of understanding and must be approved by the administering agency on a case-by-case basis.
3. To the extent possible, control shall be directed at individual animals or populations causing the problem.
4. The level of control shall be the minimum necessary to control the problem animals.
5. Control by the use of pesticides shall be limited to those situations where other measures are impractical and shall be subject to the following restrictions.
 - a. All relative Federal and State laws, regulations, and executive orders shall be strictly adhered to.
 - b. Applications of pesticides shall be performed only by properly trained or licensed personnel.
 - c. The placement of pesticides shall be accurately indicated on the large-scale standard USDGS map available.
 - d. Warning signs shall be placed at the entrance to the area where pesticides are being used to warn the public of any dangers to themselves or their pets.
 - e. Pesticide applications which lend themselves to removal or some other form of safe disposal shall be so administered. Said agents shall not be permitted to remain in a toxic condition longer than six (6) months.

f. Pesticides selected shall be as target specific as possible and those likely to produce secondary poisoning or to otherwise enter a fish or wildlife food chain under normal use shall not be allowed.

VISITOR MANAGEMENT TO PROTECT WILDLIFE RESOURCES

Policy

The intent of Congress, as expressed in the Wilderness Act of 1964 (section 2(a)), is to secure for ". . . present and future generations the benefits of an enduring resource of wilderness . . ." by establishing a National Wilderness Preservation System which ". . . shall be administered for the use and enjoyment of the American people in such a manner as will leave them (wilderness areas) unimpaired for future use and enjoyment as wilderness. . . ." The Act goes on to define wilderness as an area ". . . protected and managed so as to preserve its natural conditions . . ." (section 2 (c)).

In order to provide the necessary protection to conserve the wildlife resource of the area and still permit public use and enjoyment of said resources, the Forest Service in consort with the State Fish and Game will take steps to directly or indirectly regulate consumptive and nonconsumptive use by humans so as to maintain wildlife populations and their habitats at levels and conditions specific in the management plan.

Guidelines

1. Each management plan will specify controls on the type and season of public use necessary to minimize conflicts with wildlife.
2. Trails and designated camping areas shall be laid out in a manner to avoid sensitive areas or to minimize their overuse by providing appropriate buffer zones.
3. Location of trail heads, size of parking lots, steepness of grades on trails, and similar techniques should also be employed to control level of public use.
4. If and when it becomes apparent that public use is significantly degrading the wilderness or primitive area resources, limitations on visitor use which are applied across the board in an equitable fashion shall be imposed and enforced by the appropriate agency.

MONTANA DEPARTMENT OF FISH AND GAME

By: /s/ Robert F. Wambach
Director

4/2/79
Date

USDA - FOREST SERVICE

By: /s/ Warren G. Davies
(for) Regional Forester

4/17/79

SUPPLEMENT NO.3 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
MONTANA FISH AND GAME DEPARTMENT AND THE REGIONAL FORESTER,
REGION 1, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE DATED
SEPTEMBER 21, 1978

ELK HUNTING OPPORTUNITY AND ROAD ACCESS MANAGEMENT COORDINATION

WITNESSETH:

WHEREAS, the Montana Fish and Game Department, hereinafter referred to as the Department, and Region 1 of the USDA Forest Service, hereinafter referred to as the Forest Service, mutually recognize the opportunity to improve elk management on National Forests through increased cooperative efforts, and

WHEREAS, the Department and Forest Service agree that a clearly understood and implemented access management program will increase the effectiveness of habitat management for elk, and that the variety of public hunting and related recreation opportunities can thereby be promoted, and

WHEREAS, the absence of such an effective access management program will lead to diminished elk habitat effectiveness and reduced hunting opportunities, thereby not fulfilling elk and related recreation outputs as projected in agency management plans. It is envisioned that this condition would result in interagency polarization and lead to conflicts in dealing with project-level decisions and actions, accompanied by a decrease in public trust of the agencies management abilities, and lower public acceptance of integrated resource management programs, and

WHEREAS, the Department and Forest Service desire to initiate a cooperative access management program to improve elk hunting opportunities and habitat security on National Forests, and

WHEREAS, the Department and the Forest Service Master Memorandum of Understanding of September 21, 1978, does not specifically provide for such a cooperative program.

NOW THEREFORE, in consideration of the above premises the Department and Forest Service hereby agree that:

1. Forest Supervisors and Regional Supervisors will meet to discuss and agree upon geographic areas within which to manage access for elk hunting opportunities and elk habitat security.

2. Forest Supervisors and Regional Supervisors will meet and review elk habitat security as identified in National Forest Management Plans and will develop and implement levels of access management appropriate to support the desired variety of hunting opportunities.

3. Forest Supervisors and Regional Supervisors will develop cooperative enforcement programs to maintain and improve elk hunting opportunities and habitat security on National Forests.

4. Forest Supervisors will address hunter access management within the context of their Travel Planning Program, which will be coordinated with Regional Supervisors.

5. Forest Supervisors and Regional Supervisors will monitor and evaluate and make desired revisions to access management programs.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of the last date written below.

MONTANA FISH AND GAME DEPARTMENT

Date September 8, 1986 By /s/ James W. Flynn
Director

USDA FOREST SERVICE

Date August 21, 1986 By /s/ James C. Overbay
Regional Forester