Bob Marshall Wilderness Complex
Fish, Wildlife and Habitat Management Framework Supplement
Fish and Wildlife Decisions

This supplements and clarifies the decision authorities as described in the "Fish, Wildlife and Habitat Management Framework for the Bob Marshall Wilderness Complex, April 1995." This direction also provides clarification on when to apply the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA) requirements to proposals that modify wildlife and fish habitat, wildlife and fish transplantation, stocking and other population management activities in the Bob Marshall Wilderness Complex (BMWC). This supplement will help ensure a consistent, cooperative approach to our stewardship of the BMWC. The supplement builds on the key principles outlined in the USDA Forest Service Deputy Chief letter of September 6 regarding "NEPA and Management of Fish and Wildlife with States" (attached).

Decision Process Principle:

The NEPA process is triggered by Federal actions. The MEPA process is triggered by State actions. Forest Service and Fish, Wildlife and Parks BMWC Managers will review each situation on a case by case basis and seek the advice of the other agency before proposing actions. It is the position of the BMWC Managers Group that an agency that is considering proposing an action will cooperate with the other to identify possible areas of concern and/or opportunities. Wherever possible, agencies will jointly agree on areas of responsibility during the initial stages of the formulation of a proposal.

Basis for Decisions:

Under existing law and regulations, most State actions to manage fish and wildlife populations on National Forests do not require Forest Service approval and are therefore not Federal actions subject to NEPA. State agencies generally regulate hunting, fishing, and trapping; conduct population surveys; and carry out stocking and transplantation without funding or approval by the Forest Service. Federal agencies generally manage habitat and visitor use without funding or approval by the State and are therefore not State actions subject to MEPA.

BMWC Managers, except in unusual circumstances (i.e., emergency health and safety exigencies), will determine before an action is proposed as to whether it is or is not within it's jurisdiction and consistent with all elements of the "Fish, Wildlife and Habitat Management Framework for the Bob Marshall Wilderness Complex."

Application of NEPA/MEPA:

The NEPA process is triggered by Federal actions and decisions. In general, wildlife transplants and fish stocking activities by a State agency do not require Forest Service approval or decisions, are not Federal actions, and thus are not subject to NEPA. However, they are subject to MEPA. Actions are not Federal simply because Forest Service personnel are consulted in the State's decision making or analysis process. The Forest Service shall not prepare NEPA documents for State actions that require no Forest Service action, approval or funding. State transplants and stocking on National Forest Service lands may require MEPA, but do not require NEPA unless there is a connected Federal action.

Actions are considered Federal if:

a) Forest Service approval is required to carry out the project; or

b) The implementation of the project will not occur without Forest Service funds, personnel, or equipment for which the Forest Service has control.

Actions are considered State if:

a) State approval is required to carry out the project; or

b) The implementation of the project will not occur without State funds, personnel, or equipment for which the State has control.

When the State carries out its responsibilities on National Forest Service lands, some activities associated with State actions (e.g., access, habitat improvements, use of pesticides that affect habitat, or construction of facilities or structures) may require Forest Service authorization depending upon specific regulations or policy for those actions or areas. The Forest Service would assure that the appropriate NEPA analysis and decision making is conducted. This analysis would likely address the effects of the State action as a "connected action." In some cases, it may be desirable to have one jointly prepared environmental assessment meeting both NEPA and MEPA requirements that addresses both State and Federal actions.

In summary, we emphasize the importance of collaboration and coordination as we carry out Wilderness stewardship activities in the BMWC. We must use the NEPA process only for Federal decisions and the MEPA process only for State decisions. The BMWC Managers will cooperate whenever practicable to identify proposed actions that are mutually supported, while recognizing the authorities and responsibilities of each agency.

1/30/97
BWMC Lead Forest Supervisor Date

2-4-97
BMWC Lead FWPs Supervisor Date

Attachment