

Appendix B
Coordination with the State of Alaska

B. Coordination with the State of Alaska (State), Including the Master Memorandum of Understanding with the Department of Fish and Game

1.1 Introduction

Consistent with the principles of ecosystem management and the laws and policies described in appendix A, effective management of the Refuge must be done in close coordination with the State of Alaska. This appendix is not intended to be a comprehensive list of State agencies, but rather describe the primary State agencies that share concern and responsibilities for fish, wildlife, and other natural resources.

1.2 Alaska Department of Fish and Game

The Alaska Department of Fish and Game (ADF&G) has the primary responsibility for managing fish and resident wildlife populations. On refuge lands, the U.S. Fish and Wildlife Service (Service) and ADF&G share a mutual concern for all fish and wildlife resources and their habitats, and both are engaged in extensive fish and wildlife conservation, management, and protection programs. In 1982, the Service and ADF&G signed a Master Memorandum of Understanding (dated March 13, 1982) that defines the cooperative management roles of each agency (section 1.2.1). This memorandum sets the framework for cooperation between the two agencies.

Through the direction of the Boards of Fisheries and Game, the State of Alaska establishes fishing, hunting, and trapping regulations throughout the State. These regulations apply to federal public lands unless superseded by federal subsistence regulations. The State is divided into 26 game management units (GMUs); most of these are further divided into subunits. State management objectives are developed for wildlife populations within the GMUs. All Refuge lands lie within GMU 21 (subunits B, C, and D) and GMU 24 (subunits C and D). Management objectives for wildlife and fish populations on the Refuge are discussed in chapter 3.

The State process for developing regulations involves substantial public input to the Alaska Boards of Fisheries and Game concerning changes in regulations and allocations. Input may be directly to the boards through testimony and proposals or indirectly through participation in local fish and game advisory committees. The advisory committees assist the boards in assessing local fish and wildlife issues and proposed regulations. Biological staff from ADF&G also provides data and analysis of proposals to the boards. Regulations may be changes by the boards at regular meetings, by emergency regulations, or by emergency order.

Although many biologists within ADF&G have law enforcement authority, most enforcement of fishing and hunting regulations is carried out by refuge law enforcement officers and officers of the Alaska Department of Public Safety.

ADF&G's Division of Wildlife Conservation works to conserve and enhance Alaska's wildlife and to provide for a wide range of uses for the greatest benefit of current and future generations of people through management of wildlife populations and habitat, research, information transfer, regulatory activities, and public service. Wildlife Conservation is responsible for overseeing development of management plans for a variety of wildlife populations throughout the State.

ADF&G's Division of Sport Fish is responsible for the State's recreational fishery resources: the conservation of self-perpetuating populations of fish; management of sport fisheries in both salt

and fresh water; and hatchery production and release of fish for recreational fishing. The goals of the division are to conserve naturally reproducing populations of sport fish species, provide a diverse mix of recreational fishing opportunities, and optimize the social and economic benefits of Alaska's recreational fisheries.

ADF&G's Division of Subsistence is the research branch of the department responsible for providing comprehensive information on the customary and traditional use of wild resources. Information is provided to meet management goals, aid in regulation development, facilitate collaborative agreements, assess environmental impacts, and describe the unique role of wild resources in Alaska.

1.2.1 Master Memorandum of Understanding Between the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Fish and Wildlife Service, hereinafter referred to as the Service, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained-yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Service, by authority of the Constitution, laws of Congress, and regulations of the U.S. Department of Interior, has a mandated management responsibility for certain species or classes of wildlife, and is responsible for the management of Service lands in Alaska, and the conservation of fish and wildlife resources on these lands; and

WHEREAS, the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and both are engaged in extensive fish and wildlife conservation, management, and protection programs and desire to develop and maintain a cooperative relationship, which will be in the best interests of both parties, the concerned fish and wildlife resources, and their habitats, and produce the greatest public benefit; and

WHEREAS, it has been recognized in the Alaska National Interest Lands Conservation Act and subsequent implementing Federal regulations that the resources and uses of Service lands in Alaska are substantially different than those of other states; and

WHEREAS, the Department and the Service recognize the increasing need to coordinate resource planning and policy development;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and regulate human use.
2. To manage fish and resident wildlife populations in their natural species diversity on Service lands.

3. To consult with the Regional Director in a timely manner and comply with applicable Federal laws and regulations before embarking on enhancement or construction activities on Service lands.

THE FISH AND WILDLIFE SERVICE AGREES:

1. To recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.
2. To recognize the right of the Department to enter onto Service lands at any time to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To cooperate with the Department in planning for enhancement or development activities on Service lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding to the Department in a timely manner with requirements, timetables, and any other necessary input.
4. To manage the fish and wildlife habitat on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.
5. To consider carefully the impact of any proposed treaties or international agreements relating to fish and wildlife resources on the State of Alaska which could diminish the jurisdictional authority of the State and to consult freely with the State when these treaties or agreements have a primary impact on the State.
6. To review present U.S. Fish and Wildlife Service policies and any future proposed changes in those policies in consultation with the Department to determine if modified or special policies are needed for Alaska.
7. To adopt refuge management plans whose provisions—including provision for animal damage control—are in substantial agreement with the Department's fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective refuges were established.
8. To utilize the State's regulatory process to maximum extent allowed by Federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.

THE DEPARTMENT OF FISH AND GAME AND THE FISH AND WILDLIFE SERVICE MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To consult with each other when developing policy and legislation which affect the attainment of wildlife resource management goals and objectives or management plans.
3. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented Refuge goals, objectives, or management plans.

4. To develop such supplemental memoranda of understanding between the Commissioner and the Regional Director as may be required to implement the policies contained herein.
5. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the Alaska Regional Director of the U.S. Fish and Wildlife Service and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
6. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA
Department of Fish and Game

/signed/ Ronald O. Skoog
Commissioner

March 13, 1982
Date

U.S. DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

/signed/ Keith M. Schreiner
Regional Director, Alaska

March 13, 1982
Date

1.3 Alaska Department of Natural Resources

The Alaska Department of Natural Resources (DNR) and its divisions are also key management partners, coordinating with the Service and other federal and State agencies in managing public lands (federal and State) in Alaska. DNR manages all state-owned lands, water, and surface and subsurface resources except for fish and game. DNR - Division of Mining, Land and Water manages the State's water and land interests within the National Wildlife Refuges. These interests will become increasingly significant in the next 10 to 15 years, especially in regard to water rights, navigable waters, ownership of submerged lands, and rights-of-way over refuge lands.

1.4 Alaska Department of Environmental Conservation

The Alaska Department of Environmental Conservation (DEC) is also a key partner regarding refuge management efforts in light of its mission of "conserving, improving and protecting Alaska's natural resources and the environment." For example, DEC has direct, statewide responsibility for monitoring and maintaining air and water quality. Some of the interagency coordination agreements and mechanisms involving DEC also involve DNR and ADF&G; others are specific to DEC. Issues of interest to the Refuge that may include authorizations from or cooperation with DEC include air and water quality monitoring, invasive species management, public health and safety, hazardous material spills, and chemical use.