



# USFS – ADFG MOU AND TITLE 10 GENERAL CONCURRENCE OPPORTUNITY

Don Martin – Forest Service Alaska  
Region Fisheries Program Manager



**Original USFS - ADFG Title 16  
MOU was developed in a time of  
conflict between the two agencies**





**The latest MOU update is based much more on respect, cooperation, and appreciation of what the two agencies do to protect the fisheries resources**



FS Agreement No. 14-MU-11100100-015  
Cooperator Agreement No. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**STATE OF ALASKA**  
**DEPARTMENT OF FISH AND GAME**  
**HABITAT DIVISION**  
**And The**  
**USDA, FOREST SERVICE**  
**ALASKA REGION**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the State of Alaska, Department of Fish and Game, hereinafter referred to as "Department," and the USDA, Forest Service, Alaska Region, hereinafter referred to as the "U.S. Forest Service."

Title: Alaska Fish Protection

**PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to provide a process for the Forest Service and the Department to cooperatively protect fish resources and habitats on National Forests in Alaska in accordance with the following provisions.

**THE FOREST SERVICE AND THE DEPARTMENT MUTUALLY AGREE TO:**

- ✓ Respect the authorities and expertise of each agency to protect fish habitat and ensure fish passage.
- ✓ Reach agreement per a written concurrence prior to instream activity.
- ✓ Resolve disputes at the field level by
  - clarifying mutual interests and points of agreement,
  - visiting the project together to discuss and reconcile site-specific issues,
  - consulting experienced staff to help reconcile differences of opinion and interpretation.
- ✓ Elevate disputes not resolved at the field level to the District Ranger and Habitat Division Regional Supervisor or Area Manager in the form of a briefing paper, jointly prepared by involved field staff, including a project summary and background, steps taken by field staff to resolve the dispute, unresolved issues, and recommendations and rationale for solutions. Unresolved disputes will advance to the Forest Supervisor and the Division of Habitat Director, and finally,

Mutual Interests: ... the Forest Service and the Department's Division of Habitat agree that maintaining an open dialog, sharing data, and working collaboratively during project development, implementation, and monitoring is essential for continued protection of the fish resources of the Tongass and Chugach National Forests.

Purpose: ...provide a process for the Forest Service and the Department to cooperatively protect fish resources and habitat...

Mutually agree to:

- Respect the authorities and expertise of each agency to protect fish habitat and ensure fish passage.
- Resolve disputes at the field level.

The Department Shall:

- Review concurrence request and notify the Forest Service within 7 days if additional information is needed.
- Provide a written response of concurrence within 30 days of request.
- Regularly participate in project construction and monitoring inspections. Annually participate in Forest Service best management practices monitoring field visits. Participate in Forest Service watershed restoration monitoring workshops.
- **Develop General Concurrences for routine activities.**



## The Forest Service Shall:

- Seek involvement during instream activity and planning.
- ...request concurrence at least 30 days prior to instream activity...
- Include all concurrence provisions in the contract award...
- Assist with Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes updates.

The MOU includes all sorts of important Federally required legalese such as:

... all federal employees are banned from all text messaging while driving while conducting official business...







**GENERAL CONCURRENCE FH15-I-0014**

**ISSUED:** March 25, 2015  
**EXPIRES:** December 31, 2015

Mr. Don Martin  
USDA Forest Service Region 10  
Fisheries Program Leader  
P.O. Box 21628  
Juneau, Alaska 99802-1628

**RE:** Routine Reconstruction and Maintenance  
Previously authorized structures on the Tongass National Forest

Dear Mr. Martin:

Pursuant to AS 16.05.841 and AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G) Division of Habitat has reviewed your proposal to reconstruct and maintain Tongass National Forest infrastructure.

**Project Description**

You will reconstruct and maintain previously authorized fish passes. You will remove or replace previously authorized stream crossing structures using stream simulation design (Appendix A).<sup>1</sup> You will maintain previously authorized roads at stream crossings. When completing these activities, you will employ best management practices to control sedimentation and erosion. You will schedule work according to the timing table for in-stream construction to minimize impacts to fish and fish passage (Appendix B).

**USDA Forest Service Agreement No. 14-MU-11100100-015**

In accordance with the fish passage act at AS 16.05.841 and the anadromous fish act at AS 16.05.871(d), this is our concurrence for reconstruction and maintenance of previously authorized Tongass National Forest structures.

<sup>1</sup> *Transportation Research Record: Journal of the Transportation Research Board, No. 2203*, Transportation Research Board of the National Academies, Washington, D.C., 2011, pp. 36-45.

## Activities included:

- Reconstruct and maintain previously authorized fish passes
- Remove or replace previously authorized stream crossing structures using Stream Simulation design – (as defined)
- Maintain previously authorized roads at stream crossings

When completing these activities, you will employ best management practices to control sedimentation and erosion. You will schedule work according to the timing table for instream construction... (attached)



A scenic landscape featuring a calm body of water in the foreground, reflecting the sky and surrounding terrain. In the background, there are rolling mountains under a sky with soft, golden light from a setting or rising sun. On the right side, a cluster of tall, dark evergreen trees stands prominently, their forms reflected in the water. The overall atmosphere is peaceful and serene.

Last Words:

Congratulations for helping develop strong productive working relationships among resource agencies. Keep up the good work!

Please use the tools available - Title 16 MOU and related General Concurrences.