

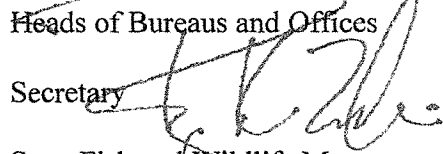


THE SECRETARY OF THE INTERIOR
WASHINGTON

SEP 10 2018

Memorandum

To: Heads of Bureaus and Offices

From: Secretary 

Subject: State Fish and Wildlife Management Authority on Department of the Interior
Lands and Waters

In 1983, the Department codified in the United States Code of Federal Regulations, 43 C.F.R. Part 24, establishing a policy that Federal authority exists for specified purposes while State authority regarding fish and resident wildlife remains the comprehensive backdrop applicable in the absence of specific, overriding Federal law. This 35-year-old rule is more relevant today than ever.

Therefore, I reaffirm the authority of the States to exercise their broad trustee and police powers as stewards of the Nation's fish and wildlife species on public lands and waters under the jurisdiction of the Department. Each of us must recognize the fundamental role of the States in fish and wildlife management, especially where States have primary authority and responsibility, foster improved conservation of fish and wildlife, and encourage a good neighbor policy with the States.

Because fish and wildlife are fundamentally dependent upon habitats on private and public lands managed or subject to administration by many Federal and State agencies, and because provisions for the protection, maintenance, and enhancement of fish and wildlife and the regulation for their use are established in many laws and regulations involving a multitude of Federal and State administrative structures, the effective stewardship of fish and wildlife requires the cooperation of the various States and the Federal Government.

The 50 State governments have extensive capacities and competencies to exercise their responsibilities to serve as trustees for fish and wildlife species resident in the respective States. These capacities and competencies are grounded in State constitutional and statutory laws, as well as an extensive body of administrative rules that collectively form a comprehensive legal underpinning to ensure that State governments effectively function as trustees of fish and wildlife resources with broad police powers to enforce those laws and regulations.

State governments have established fish and wildlife agencies that are charged with the responsibility and mandate to implement those statutes ensuring effective, appropriate, and efficient conservation and management of fish and resident wildlife species, including providing citizens with the opportunity to enjoy those fish and wildlife species through regulated hunting,

fishing, and trapping. Moreover, State governments have consistently demonstrated their commitment to sustaining fish and wildlife resources in perpetuity for the benefit of both current and future citizens. To that end, State governments have taken extensive measures to protect and conserve rare fish and wildlife species, including invertebrate species, and through the actions of State governments, they have sought additional funding to strengthen their capacity to implement management strategies at a landscape level. State governments practice sound fish and wildlife conservation and management focused on sustainable practices that protect the Nation's natural heritage, while providing for appropriate and highly regulated opportunities for citizens to enjoy fish and wildlife resources.

The States' fundamental responsibility for fish and wildlife management includes responsibility for appropriate regulation of public use and enjoyment of fish and wildlife species. The Department recognizes States as the first-line authorities for fish and wildlife management and hereby expresses its commitment to defer to the States in this regard except as otherwise required by Federal law.

In full recognition of the authority of the State fish and wildlife agencies to regulate fish and resident wildlife within their respective boundaries and jurisdiction, I request the following:

- Within 45 days of this Memorandum, all Bureaus and Offices complete a review of all regulations, policies, and guidance that pertains to the conservation and management of fish and wildlife species on lands and waters under their jurisdiction that are more restrictive than otherwise applicable State provisions for the management of fish and wildlife, including all such regulations, policies, and guidance that pertain to public recreational use and enjoyment of fish and wildlife species;
- Within 90 days, each Bureau and Office referenced provide the Deputy Secretary a report containing detailed recommendations for the respective Bureau or Office to better align its regulations, policies, and guidance with State provisions.
- After receiving the reports containing detailed recommendations, the Deputy Secretary shall appropriately consult with the State fish and wildlife agencies regarding the recommendations and deliver an implementation plan to me within 120 days of this Memorandum.

This Memorandum and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

cc: Deputy Secretary
Assistant Secretaries