

WS Directive

3.101 05/25/05

INTERFACING WITH BUSINESS AND ESTABLISHING COOPERATIVE PROGRAMS

1. PURPOSE

To clarify Wildlife Services' position and responsibilities regarding wildlife damage management (WDM) businesses, and to provide guidance for developing cooperative programs to manage wildlife damage.

2. REPLACEMENT HIGHLIGHTS

This directive replaces ADC Directive 3.101 dated 2/25/94 and WS Directive 4.220 dated 4/21/04.

3. BACKGROUND

Wildlife is a publicly-owned natural resource, and Federal and State Governments have responsibility for maintaining healthy, viable wildlife populations and for assisting Federal or State agencies, public or private institutions, organizations, or associations, and private citizens when wildlife comes into conflict with human interests. Private WDM businesses or other entities may also have the ability to respond to requests for assistance regarding wildlife damage or conflicts.

Wildlife Services (WS) is specifically authorized to enter into cooperative programs with Government agencies, public or private institutions, organizations, or associations, and private citizens to manage conflicts with wild animals. By coordinating Federal Government involvement in managing wildlife conflicts and/or damage, WS officials help ensure that wildlife management activities are environmentally sound and conducted in compliance with applicable Federal, State, and local laws and regulations, including two significant Federal environmental laws, the Endangered Species Act and the National Environmental Policy Act (NEPA).

Wildlife Services' successes in developing and providing its expertise in WDM methodologies and strategies have increasingly created methodologies, strategies, and opportunities for private industry to provide similar services in this area. The need for responsible and effective WDM is increasing as well. WS activities are differentiated from WDM activities conducted by private industry by, among other things, adherence to the environmental protection requirements promulgated under NEPA. In

accordance with NEPA, WS evaluates and considers the environmental consequences of its proposed actions. WS may implement some methods reserved exclusively for WS personnel who are the only individuals, public or private, that are trained and certified in their use. WS cooperates with private businesses by (1) providing technical training at State, regional, and national conferences, (2) developing certain WDM methods and registering certain chemical or pesticide WDM products for use by the industry and the public, and (3) assisting businesses by applying WS-specific management methods when requested.

4. AUTHORITY

The Act of March 2, 1931, as amended, (7 U.S.C. 426-426b), and the Act of December 22, 1987 (7 U.S.C. 426c) authorizes the Secretary of Agriculture to conduct a WDM program to control injurious and/or nuisance animal and bird species with provisions for cooperating and entering into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions.

Memoranda of Understanding or cooperative agreements between WS and other Federal agencies and also with the appropriate State regulatory agencies in each State define and clarify the respective roles and responsibilities of each agency for resolving wildlife conflicts.

5. DEFINITION

For the purposes of this directive, the term "cooperative programs" applies to contractual agreements with other Federal or state agencies, county or local governments, or public or private organizations, institutions, or associations, or private individuals where reimbursement for services is provided to WS.

6. POLICY

WS personnel will provide WDM information and assistance to the public in accordance with The Act of March 2, 1931, the Act of December 22, 1987, and other relevant authorities and obligations.

Directors and State Directors may enter into cooperative service agreements to facilitate the accomplishment of WS' mission. Agreements involving the exchange of funds will adhere to all applicable Federal laws and USDA and APHIS policies governing such involvement and must comply with guidelines provided in APHIS' Budget and Accounting Manual and Agreements Management Manual.

WS recognizes that requesters of WDM services have the right to

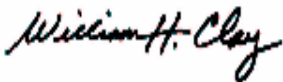
enter into cooperative agreements with WS or with a private WDM business - whichever best meets the requester's needs. Accordingly, WS will:

- a. inform service requesters that other service providers may be available and advise them of their right to choose,
- b. advise that any WS reference to private service providers does not constitute in any manner any official endorsement or approval whatsoever by WS of any product or service, or of the quality or reliability of such product or service, nor any recommendation for any product or service to the exclusion of others that may be suitable,
- c. not respond to public bid notices, and
- d. WS will not provide direct assistance services at the same time and same location or tract of land where a private business or individual is independently conducting related activities with similar methods.

This policy is not intended to preclude WS from responding to competitive grant opportunities for cooperative research funds provided that APHIS guidelines for research proposals are followed and approvals by the appropriate designated WS officials are obtained.

7. REFERENCES

- The Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b), as amended.
Animal Damage Control Program Final Environmental Impact Statement, as revised, 1997.
Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended.
National Environmental Policy Act (Public Law 91-190, 42 U.S.C. 4321 et seq.).
The Act of December 22, 1987 (7 U.S.C 426c).
APHIS Agreements Management Manual (August 4, 1997).
APHIS Budget and Accounting Manual (February 7, 2003).



Deputy Administrator