MEMORANDUM OF UNDERSTANDING AMONGST THE UNITED STATES OF AMERICA, THROUGH ITS DEPARTMENT OF THE INTERIOR, ARIZONA DEPARTMENT OF WATER RESOURCES, COLORADO RIVER BOARD OF CALIFORNIA, COLORADO RIVER COMMISSION OF NEVADA, ARIZONA GAME AND FISH COMMISSION, CALIFORNIA DEPARTMENT OF FISH AND GAME, NEVADA DIVISION OF WILDLIFE.

1. Purpose.

The purpose of this Memorandum of Understanding (MOU) is to create a forum for consideration of all matters related to the effects of water and power resources development, management, operations, maintenance and replacement, or activities to offset those effects, to endangered, threatened, and candidate species within the 100-year floodplain of the mainstream Colorado River and the full pool elevation of affected reservoirs from below Glen Canyon Dam to the Southerly International Boundary. This Memorandum of Understanding shall serve as an endorsement of the goal, objectives and process defined within the attached Lower Division States\Tribes Steering Committee's Scoping Outline (Attachment A).

2. No Delegation or Abrogation.

All signatories to this Memorandum of Understanding recognize that they each have statutory responsibilities that cannot be delegated, and that this MOU does not and is not intended to abrogate any of their statutory responsibilities.

3. Amendment.

Amendments to this Memorandum of Understanding may be proposed in writing by any of the parties and shall become effective upon approval of all the parties in writing.

4. Term.

This Memorandum of Understanding shall remain in effect until it is superseded by another agreement or terminated by agreement of the parties.

Any party may withdraw from the Memorandum of Understanding upon ten (10) days written notice to the other parties.

5. Consistency with Applicable Law.

This Memorandum of Understanding is subject to and is intended to be consistent with all applicable Federal and State laws and interstate compacts.
6. **Notices.**

Any notice required to be given shall be effective when mailed, postage prepaid to the following:

Mr. John Rogers  
Regional Director  
U.S. Fish & Wildlife Service  
P.O. Box 1306  
Albuquerque, NM 87103

Ms. Rita P. Pearson  
Director  
Arizona Department of Water Resources  
15 South 15th Street  
Phoenix, AZ  85007

Mr. Gerald R. Zimmerman  
Executive Director  
Colorado River Board  
770 Fairmont Avenue  
Glendale, CA  91203

Ms. Janet Frasier Rogers  
Chairman  
Colorado River Commission of Nevada  
1515 E. Tropicana, Suite 400  
Las Vegas, NV  89119

Mr. Duane L. Shroufe  
Secretary of Arizona Game & Fish Commission  
2221 W. Greenway Road  
Phoenix, AZ  85023-4399

Mr. Boyd Gibbons III  
Director  
California Department of Fish and Game  
1416 Ninth Street, 12 Floor  
Sacramento, CA  95814

Mr. William Molini  
Administrator  
Nevada Division of Wildlife  
P.O. Box 10678  
Reno, NV  89520-0022
IN WITNESS WHEREOF each party has caused this Memorandum of Understanding to be executed by an authorized official on the day and year set forth below by his or her signature.

[Signatures]

Date

[Signatures]

Date

[Signatures]

Date

[Signatures]

Date

[Signatures]

Date

[Signatures]

Date
ATTACHMENT A

Lower Division States\Tribes Steering Committee's Scoping Outline for the Management Program Planning Process *

Goal

To develop a "partnership" as the primary forum to consider, develop, fund and implement a management program to ensure that the defined management objectives of the "partnership" are realized.

Objectives

To develop and implement a feasible multi-species management program that:

• accommodates current water diversions and power production and optimizes future water and power development opportunities,
• works toward the conservation of habitat and toward recovery of the species, and
• reduces the likelihood of additional "threatened/endangered" species listings.

These objectives would be realized through an agreement to integrate and coordinate the management program with the Section 7 consultation process to assure the implementation of mitigation measures developed in the management plan provide the basis for "reasonable and prudent alternatives and/or measures" resulting from these consultations. It is the intention of the partnership, through the development of the multi-species management plan, to secure incidental take authorization for listed species and to secure prelisting agreements for species not yet listed.

Process

Pre-Management Program Planning Process

• Prepare Lower Division States/Tribes Scoping Document
• Prepare and sign "Partnership" MOU
• Prepare Management Program Feasibility Assessment
• Revise the Goals and Objectives as appropriate to reflect Feasibility Assessment findings
• Work toward consensus for a funding framework
• Obtain decisions from program participants whether to proceed with the development of a Management Program

* Endorsed by the Lower Division States\Tribes Steering Committee 4/26/94
Management Program Development Process

• Prepare and sign "Program" MOU

• Prepare Management Program (Development of an Habitat Conservation Program or an alternative program)

• Prepare supporting regulatory and environmental documentation (CEQA and NEPA)

• Implement Feasible Priority Programs Elements

• Obtain decisions from program participants whether to proceed with implementation of the Management Program

Management Program Implementation Process

• Prepare and sign "Implementation" MOU

• Obtain incidental take authorization for listed species and prelisting agreements for species not yet listed for sponsoring entities

• Implement Management Program

Geographic Area

Below Glen Canyon Dam to the Southerly International Boundary.

Primary focus on the riverine area within the 100-year floodplain of mainstream Colorado River and other areas of interest to mainstream water users.

Species Considered

All federal and state listed, proposed, and candidate (C1 & C2) species dependent on the aquatic and riparian environments.

Potential Participants

Federal, state, and local resource managers/regulators

International Boundary and Water Commission

Tribal interests

Resource users (i.e., water, power, recreation, et al.)

Environmental interests

Elected and/or appointed officials

Members of the general public
Funding and Time frame

Commit up to $100,000 to the preparation of the Program Feasibility Assessment to be completed by September 1, 1994.

Remainder of the Funding and Time frame to be determined.

The Feasibility Assessment is now scheduled to be completed by December 16, 1994, in accordance with an August 29, 1994 Agreement as amended with SWCA Environmental Consultants.