LOWER COLORADO RIVER
MULTI-SPECIES CONSERVATION PROGRAM

AGREEMENT

BETWEEN THE

UNITED STATES
DEPARTMENT OF THE INTERIOR

AND THE

LOWER COLORADO RIVER
MULTI-SPECIES CONSERVATION PROGRAM
STEERING COMMITTEE

AMENDMENT NO. 2
1. PARTIES

THIS AMENDATORY AGREEMENT is made and entered into between the United States Department of the Interior ("Department") and the Lower Colorado River Multi-Species Conservation Program Steering Committee ("Steering Committee"). These entities are hereinafter referred to singly as "Party" and collectively as "Parties":

2. EXPLANATORY RECITALS

2.1 Effective on or about May 1, 1997, representatives of the Department and the three Lower Colorado River Basin States of Arizona, California and Nevada entered into that certain "Lower Colorado River Multi-Species Conservation Program Joint Participation Agreement" to jointly develop a Lower Colorado River Multi-Species Conservation Program ("Program") and to formally establish the Steering Committee and other organizational structures necessary for the Program.

2.2 The Program is a cooperative effort between federal and nonfederal entities whose purpose is to:

2.2.1 conserve habitat and work toward the recovery of "included species" within the 100-year floodplain of the lower Colorado River, pursuant to the federal Endangered Species Act and the California Endangered Species Act, and attempt to reduce the likelihood of additional species listings under those acts; and

2.2.2 accommodate current water diversions and power production and optimize opportunities for future water and power development, to the extent consistent with law.

2.3 On June 26, 1996, the Department and the Steering Committee entered into that certain "Lower Colorado River Multi-Species Conservation Program Agreement" ("June 26, 1996, Agreement") by which they agreed, subject to appropriation, to a sharing between them of the costs of developing the Program and implementing certain interim conservation measures during fiscal years 1996 through 1999, with each of them paying 50 percent of the costs. The June 26, 1996, Agreement was amended, effective February 15, 2001, to provide additional funding on the same basis for fiscal years 2000 through 2002.

2.4 Effective on or about May 1, 1997, representatives of the Department of the Interior and the three Lower Colorado River Basin States of Arizona, California and Nevada entered into that certain "Lower Colorado River Multi-Species Conservation Program Inter-State Cost-Sharing Agreement" ("Inter-State Cost-Sharing Agreement") to provide funding commitments
2.5 The Parties to the June 26, 1996, Agreement desire to share, in the same percentages, additional costs of developing the Program and implementing certain interim conservation measures during fiscal years 2003 through 2005, not to exceed in the aggregate $2,266,680. By this Amendatory Agreement, the Parties hereto desire to amend the June 26, 1996, Agreement to provide additional funding commitments and arrangements with respect to costs of the Program for fiscal years 2003 through 2005.

IN CONSIDERATION of the above recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

3. EFFECTIVE DATE; TERM

This Amendatory Agreement shall become effective on the effective date of that certain “Lower Colorado River Multi-Species Conservation Program Inter-State Cost-Sharing Agreement, Amendment No. 2”, approved by the respective governing authorities of, and entered into among, the entities representing the states of Arizona, California and Nevada, by which those states agree to collectively fund 50 percent of the costs of developing the Program and implementing certain interim conservation measures during fiscal years 2003 through 2005, and to otherwise carry out the applicable provisions and purposes of this Amendatory Agreement.

4. AMENDMENT OF SUBSECTION 5.1

Subsection 5.1 of the June 26, 1996, Agreement is hereby amended to read as follows:

5.1 The Parties are committed, through Federal and non-Federal processes, to seek their respective shares of funding for the Program in future years, subject to appropriations, with a goal of providing at least $8,966,680 million in aggregate for Program development and interim conservation measures. To this end, in addition to the other specific actions described in this Agreement, each Party shall take all lawful steps necessary to seek additional funding to be made available to the Program in subsequent fiscal years. The Department shall seek only non-reimbursable funding for the Program in subsequent years.

5. AGREEMENT TO REMAIN IN EFFECT

Except as otherwise herein amended, the June 26, 1996, Agreement shall remain the same and fully in effect.

— END OF AMENDATORY AGREEMENT —
IN WITNESS WHEREOF, the Parties have caused this Amendatory Agreement to be executed.

UNITED STATES DEPARTMENT OF THE INTERIOR

By: [Signature]
John W. Keys, III, Commissioner
Bureau of Reclamation

Date signed: MAY 1, 2003

By: [Signature]
Steve Williams, Director
U.S. Fish and Wildlife Service

Date signed: 6/16/03

LOWER COLORADO RIVER
MULTI-SPECIES CONSERVATION PROGRAM
STEERING COMMITTEE

By: [Signature]
Gerald R. Zimmerman
Chairman

Date signed: 6/27/03