

MEMORANDUM OF UNDERSTANDING  
between  
UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
and the  
UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
BUREAU OF LAND MANAGEMENT  
NATIONAL PARK SERVICE  
and  
UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL MARINE FISHERIES SERVICE

94-SMU-058

This Memorandum of Understanding (MOU), is made and entered into by and between the U.S. Department of Agriculture Forest Service, hereinafter referred to as FS; the U.S. Department of the Interior Fish and Wildlife Service, hereinafter referred to as FWS; The U.S. Department of the Interior Bureau of Land Management, hereinafter referred to as BLM; the U.S. Department of the Interior National Park Service, hereinafter referred to as NPS; and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, hereinafter referred to as NMFS. Collectively, the parties to this MOU will be referred to as the cooperators.

## I. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation and participation among the cooperators in the conservation of species that are tending toward federal listing as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C.

The cooperators propose to work together to achieve a common goal of conservation of selected species, agreed upon by the cooperators, that are tending toward federal listing, ((e.g., sensitive, candidate or proposed species)(see Attachment A for definition of terms)) through protection and management of their habitats and ecosystems upon which they depend. Conservation Agreements (See Attachment A for definition of terms) will be developed for species and/or habitats selected by the cooperators using an agreed upon method of priority setting and in full consideration of budgetary feasibility and respective Agency missions. Attachment A is incorporated by reference into this MOU.

## II. STATEMENT OF MUTUAL INTEREST AND MUTUAL BENEFITS

The FS is a land management agency responsible for the management of the national forests and grasslands. The FS manages 191 million acres in 43 states that serve as habitat for many plant and animal species. The FS also has a national policy (Forest Service Manual 2670) to manage habitats for plant and animal species to prevent the need for their federal listing under the Endangered Species Act.

The FWS is a Federal land management and regulatory agency responsible for the implementation of the Endangered Species Act and coordinating with other Federal and State agencies in the national effort to prevent the extinction of species. The FWS is responsible for the publication of the plant and animal candidate lists and has a national candidate conservation program.

The BLM is a land management agency responsible for the management of public lands. The BLM manages 270 million surface acres in 29 states that serve as habitat for many plant and animal species. The BLM also has a national policy (BLM Manual 6840) and strategic plans for implementing BLM's Fish and Wildlife 2000, an initiative to manage habitats for plant and animal species to prevent the need for their federal listing under the Endangered Species Act.

The NPS preserves and manages more than 80 million acres in 367 units of the National Park System for the enjoyment of present and future generations and is responsible for increasing the public knowledge, awareness, and appreciation of natural resources. NPS policies promote the conservation of all federally listed threatened, endangered, or candidate species within park boundaries and their critical habitats.

NMFS is a regulatory agency responsible for stewardship of the Nation's living marine resources. As part of this stewardship role, NMFS implements the Endangered Species Act for most anadromous and marine species.

In 1973, the Endangered Species Act (ESA) was enacted to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved" and made it "the policy of Congress that all Federal departments and agencies shall seek to conserve endangered and threatened species and shall use their authorities in furtherance of the purposes of this Act." Data collected by state Natural Heritage Programs across the United States show that some 9,000 U.S. plant and animal species are rare, seriously declining in numbers and/or are likely to be at risk of extinction within the foreseeable future. Addressing the threats to these species, thereby reducing or possibly eliminating the need for their listing as endangered or threatened, is of benefit to the cooperators and the nation.

This agreement will be of particular value for those species that require an inter-forest, inter-regional, and/or ecosystem approach to effectively conserve their habitats.

Habitat conservation assessments (see Attachment A for definition of terms) will provide the technical information and interpretation to develop Conservation Agreements outlining the procedural assurance necessary to reduce, eliminate, or mitigate specific threats to some species. These habitat assessments will also represent an important component for development of an

ecosystem management approach on national forests, national parks, national wildlife refuges, public rangelands, and other land managed by the cooperators. Such information will also be useful to private landowners and state and other Federal land managers who may choose to coordinate their land management activities with those of the cooperators.

The cooperators seek to improve efficiency by combining their efforts, to foster better working relationships and promote the conservation of species, and thereby encourage conservation of national biological diversity.

In consideration of the above premises, the parties agree as follow:

### III. COOPERATORS SHALL:

1. Work together and participate in the conservation of selected plant and animal species and their habitats to reduce, mitigate, and possibly eliminate the need for their listing under ESA by developing habitat conservation assessments leading to Conservation Agreements, where appropriate, for selected species, groups of species, or specific ecosystems.

2. Assemble interagency interdisciplinary teams of specialists and land managers to develop habitat conservation assessments for selected species.

a. These assessments will include the best available, comprehensive, state-of-the-art technical information and describe the habitat requirements for a species (or group of species) throughout its occupied range on federal lands.

b. Teams will be established for selected species, agreed upon by all cooperators, in Fiscal Year 1994. Timetables and responsible parties to complete these assignments will be identified. Line officers in each agency will be given responsibility to complete assessments, provide interagency cooperation, and accountability in a timely manner. Assessment teams will be established for subsequent fiscal year activities.

c. As part of the habitat conservation assessment, the respective line officers from the cooperators will identify, where appropriate, shortcomings of existing agency management direction and propose specific options for further consideration.

3. Use appropriate procedures to ensure adherence to all legal requirements in analyzing changes and establishing new management direction for habitat conservation. When appropriate, this will include amendment or revision of land and resource management plans or changes to the cooperators directive systems. These amendments and/or changes, in addition to a signed conservation agreement, will provide a basis for and commitment to the new direction.

4. Develop conservation agreements, as appropriate, to remove, reduce, or mitigate threats to candidate or sensitive species. These agreements will be based on the habitat conservation assessments as described in Section III, 2.

5. Further the purpose of this MOU. Examples may include cooperation in:

- a. Preparation and dissemination of public information materials for selected species or species groups and their habitat,
  - b. Special technical and policy sessions for agency personnel, and
  - c. Meetings and special sessions to facilitate information exchange regarding the selected species conservation principles.
6. Meet annually at a national level to review the status of the previous years' work, prepare a joint accomplishment report, and establish a program of work for the Fiscal Year.
  7. In all agencies, consider successful implementation of the program in evaluating line officer performance. Key leaders who contribute to notable successes will be recognized on a continuing basis.

#### IV. IT IS MUTALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE PARTIES THAT:

1. Specific work projects or activities that involve the transfer of funds, services, or property among the cooperators to this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, services or property among the parties to this MOU must comply with all applicable statutes and regulations, including those statutes and regulations applicable to procurement activities, and must be independently authorized by appropriate statutory authority.
2. This MOU in no way restricts the cooperators from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
3. Nothing in this MOU shall obligate the cooperators to expend appropriations or to enter into any contract or other obligations.
4. This MOU may be modified or amended upon written request of any party hereto and the subsequent written concurrence of all the parties. Cooperator participation in this MOU may be terminated with a 60-day written notice of any party to the other cooperators. Unless terminated under the terms of this paragraph, this MOU will remain in full force and in effect until September 30, 1999.

#### V. PRINCIPAL CONTACTS

The following persons will be the principal contacts for their respective agencies at the time of execution of this MOU. These contacts may be changed at the agencies' discretion upon notice to the other cooperating agencies.

Robert D. Nelson - WLF  
USDA Forest Service

Jamie Rappaport Clark  
USDI Fish and Wildlife Service

14th & Independence, SW  
P.O. Box 96090  
Washington, DC 20090-6090  
(202) 205-1206

18th & C St. NW  
(ARLSQ 452)  
Washington, DC 20240  
(703) 358-2171

Joe Kraayenbrink  
USDI Bureau of Land Management  
1849 C Street NW WO-240  
Washington, DC 20240  
(202) 452-7770

Gary Johnston  
USDI National Park Service  
Wildlife and Vegetation Div.  
P.O. Box 37127 MS-490  
Washington, DC 20013  
(202) 343-8115

Phil Williams  
Office of Protected Resources  
USDC National Marine Fisheries Service  
Silver Spring Metro Center 1  
1335 East-West Highway  
Silver Spring, MD 20910  
(301) 427-2322

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the last written date below.

/s/ Jack Ward Thomas  
JACK WARD THOMAS, Chief  
USDA Forest Service

January 25, 1994  
Date

/s/ Mollie H. Beattie  
MOLLIE H. BEATTIE, Director  
USDI Fish and Wildlife Service

January 25, 1994  
Date

/s/ Jim Baca  
JIM BACA, Director  
USDI Bureau of Land Management

January 25, 1994  
Date

/s/ Rolland A. Schmitten  
ROLLAND SCHMITTEN, Assistant Administrator  
USDC National Marine Fisheries Service

January 25, 1994  
Date

/s/ Dennis B. Fenn for  
ROGER G. KENNEDY, Director  
USDI National Park Service

January 25, 1994  
Date

## ATTACHMENT A DEFINITION OF TERMS

**Candidate Species:** Those plant and animal species that, in the opinion of the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), may qualify for listing as endangered or threatened. The FWS recognizes two categories of candidates. Category 1 candidates are taxa for which the FWS has on file sufficient information to support proposals for listing. Category 2 candidates are taxa for which information available to the FWS indicates that proposing to list is possibly appropriate, but for which sufficient data are not currently available to support proposed rules. The NMFS most recent candidate species list is published in 56 FR 28797. Because of the smaller numbers of species on NMFS candidate species list, NMFS does not apply categories to its candidate species list.

**Proposed Species:** Any plant or animal species that is proposed by the FWS or NMFS in a Federal Register notice to be listed as threatened or endangered.

**Sensitive Species:** Those plant and animal species identified by a Regional Forester or a BLM State Director for which population viability is a concern, as evidenced by:

- a. Significant current or predicted downward trends in population numbers or density.
- b. Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.

**Habitat Conservation Assessment:** A comprehensive, state-of-knowledge technical document that describes life history, habitat requirements and management considerations for a species or group of species throughout its/their occupied range on the lands managed by the cooperating agencies.

**Conservation Agreement:** A formal written document agreed to by FWS and/or NMFS and another Federal agency, Tribe, State agency, local government, or the private sector to achieve the conservation of candidate species through voluntary cooperation. It documents the specific actions and responsibilities for which each party agrees to be accountable. The objective of a Conservation Agreement is to reduce threats to a candidate species and/or its habitat. An effective Conservation Agreement may lower listing priority or eliminate the need to list a species.