

**Draft**  
**Memorandum of Agreement**  
**for Implementation of a**  
**Cooperative Interagency Monitoring Program**  
**for the Desert Tortoise in California**

**A. Background**

- Status and distribution of the Desert Tortoise in California
- Monitoring requirements included the DT Recovery Plan
- Recommendations of the GAO audits for DOI and DOD to enter into a MOA re: DT monitoring
- DTRPAC recommendations related to DT monitoring
- Summary of DT monitoring efforts in the California desert and role of the Desert Managers Group

**B. Purpose and Scope**

The purpose of this Memorandum of Agreement (MOA) is to set forth the intentions of the parties, insofar as they are compatible with each agency's primary mission, to participate in a cooperative interagency monitoring program for the desert tortoise in California. The goal of the program will be to monitor the status and trends in:

1. size and viability of desert tortoise populations
2. the extent and condition of DT habitat, and
3. threats to DT population and their habitats

The MOA address roles and responsibilities of the parties for planning, field surveys, data management, reporting and funding.

**C. Geographic Scope**

This MOA applies only to desert tortoise monitoring efforts in California. Monitoring actions implemented through this agreement will be closely coordinated with the FWS Desert Tortoise Recovery Office to provide a consistent approach to recovery of the desert tortoise throughout its range.

**D. Term**

This MOA shall remain in effect for a period of five years from the date of its execution.

**E. Amendment**

This MOA may be extended, amended, or terminated by agreement of the parties or any party may withdraw from this MOA upon 90 days written notice to the other parties.

F. Authorities

1. Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq)
2. Endangered Species Act of 1973, as amended (16 USC 1531-1544, 87 Stat.884)
3. Sikes Act of 1960 (16 USC 670a-670, 74 Stat. 1052), as amended
4. Chapter 159 of Title 10, US Code, Section 2684a: Agreements to limit encroachment and other constraints on military training, testing and operations
5. National Park Service Organic Act (16 USC 1 et seq)
6. State of California Public Resources Code
7. California Fish and Game Code (Section 1802)
8. MOU to participate in the California Desert Managers Group

G. Statement of Work: *(this section will address the roles and responsibilities of the various agencies for planning, permitting, field surveys, data management, reporting and funding)*

1. USFWS will:
2. BLM will
3. NPS will
4. NTC will
5. NAWS will
6. MCAGCC will
7. EAFB will
8. CDFG will
9. The DMG will

H. No Delegation or Abrogation

Parties to this MOA recognize that they each have statutory responsibilities that cannot be delegated, and that this MOA does not and is not intended to abrogate any of their statutory responsibilities.

I. Funds

Insofar as it is compatible with each agency's primary mission and statutory responsibilities, all parties shall budget for sufficient funding to execute their responsibilities identified in the MOA. All parties agree and understand that performance under this MOA is dependent upon the lawful appropriation and authorization of funds. All parties agree to develop efficient and cost effective means for transferring funds among said parties for carrying out the purposes of this Agreement.

J. Signatures:

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California State Director, Bureau of Land Management Date

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California/Nevada Operations Manager, Fish and Wildlife Service Date

\_\_\_\_\_  
Regional Director, National Park Service Date

\_\_\_\_\_  
Commander, National Training Center Date

\_\_\_\_\_  
Commander, Naval Air Weapons Station, China Lakes Date

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Commander, Edwards Air Force Base Date

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Commander, Marine Corps Task Force Training Center Date

\_\_\_\_\_  
Director, California Department of Fish and Game Date

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Desert Managers Group Date