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Memorandum

To: Executive Coordinator, California Desert Management Project, US DOI
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District Superintendent, Colorado Desert District, CDPR
200 Palm Canyon Dr, Borrego Springs, CA 92004-5005
Field Manager, El Centro Field Office, BLM
1661 S 4th St, El Centro, CA 92243
Regional Manager, South Coast Region, CDFG
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4665 Lampson Avenue, Suite J, Los Alamitos, CA 90720
Executive Director, Wildlife Health Center, University of California at Davis
Wildlife Health Center, School of Veterinary Medicine, University of California, Davis, CA 95616
Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service
6010 Hidden Valley Road, Carlsbad, CA 92009
Center Director, Western Ecological Research Center, US Geological Survey
3020 State University Drive East, Modoc Hall, Room 3006, Sacramento, CA 95819

RECEIVED
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BY:

From: Restoration Coordinator, California Desert Management Project, BLM

Subject: San Sebastian Marsh-San Felipe Creek Memorandum of Understanding

Date: October 27, 2004

I am pleased to forward to you, for your signature, the final copy of the San Sebastian Marsh-San Felipe Creek Memorandum of Understanding, which addresses interagency riparian restoration, and weed control within the watershed. You may recall an earlier version of this agreement that was circulated for signature earlier this fall. During this previous signature phase, it was determined that the indemnification clause should be removed. No other sections were modified and the statement of work remains the same as in the original agreement. I apologize for the inconvenience of having to redistribute this agreement for signature.

After signing the agreement, please forward it to the next person on the distribution list and send me an email of who you are sending it to. This will allow me to track the agreement's progress. The final signatory should send the agreement to John Hamill, Executive Coordinator, California Desert Management Project. If you have any questions or concerns, please contact me at 760-365-0955 or via email at russell_scofield@partner.nps.gov. Thank you again for your effort and willingness to establish this agreement.

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DEPT OF FISH & GAME
SOUTH COAST REGION

Memorandum of Understanding

Regarding the Conservation and Management of the San Felipe, Fish, Vallecito, and Carrizo Creek Watersheds, San Diego & Imperial Counties, California

Between:

United States Department of the Interior
California Desert Management Project

Bureau of Land Management
El Centro Field Office

California Department of Fish and Game
South Coast Region
Eastern Sierra and Inland Deserts Region

California Department of Parks and Recreation
Colorado Desert District

University of California at Davis
Wildlife Health Center

U.S. Fish and Wildlife Service
Carlsbad Fish & Wildlife Office

and

U.S. Geological Survey
Western Ecological Research Center

October 18, 2004

I. Introduction

The San Felipe Creek, Fish Creek, Vallecito Creek and Carrizo Creek watersheds, along with their tributaries, cover nearly 734,000 acres of southern California's western Colorado Desert. This overall watershed, together with its associated marshes (Sentenac Cienega, Carrizo Marsh, Vallecito Cienega, and San Sebastian Marsh), has long served as a primary stopover for migrating bird life in the arid Colorado Desert. These creeks and marshes provide lush riparian islands for wildlife and the overall watershed is home to twelve state- or federally-listed rare, threatened or endangered species (including the least Bell's vireo, southwestern willow flycatcher, Peninsular bighorn sheep and desert pupfish) and at least seventy-two species of special concern. Ecological restoration of natural conditions along this important riparian corridor, as well as protection of rare, threatened, endangered or special status species, are prime concerns of the state and federal land management agencies in this region.

Currently, invasive exotic species such as salt cedar (*Tamarix* sp.), infest many of the riparian systems within the western Colorado Desert. Salt cedar effectively out-competes native flora, provides little wildlife forage, uses massive amounts of water, and is often so dense that some animals cannot reach what remains of the dwindling water sources. The removal of salt cedar results in an increase in biological diversity due to the reestablishment of native plants and animal species. Likewise, other invasive species found within the Watershed have detrimental effects on the native plant and animal species of the region. These include (but are not limited to): brown-headed cowbird, European starling, mosquitofish, crayfish, bullfrogs, perennial pepperweed, Saharan mustard, puncture vine, and silverleaf horse-nettle.

A coordinated, interagency approach to the management and conservation of biological diversity within this watershed region will increase the effectiveness of such efforts there. A cooperative program among the public land management agencies involved should result in: (1) improved efforts to control invasive species; (2) increased monitoring and protection of rare, threatened and endangered species; (3) habitat protection through land acquisition; (4) heightened public awareness and support for these efforts; and (5) increased opportunities for additional grants or matching funds. Sharing of resources and geographical focusing of efforts should also increase the effectiveness of restoration and monitoring efforts.

II. Purpose

This Memorandum of Understanding expresses an agreement between: the U.S. Department of the Interior, California Desert Management Project, or "Desert Manager's Group", hereafter referred to as **DMG**; the U.S. Department of the Interior, Bureau of Land Management, El Centro Field Office, hereafter referred to as the **BLM**; the California Department of Parks and Recreation, Colorado Desert District, hereafter referred to as **DPR**; the California Department of Fish and Game, South Coast Region and Eastern Sierra & Inland Deserts Region offices, hereafter referred to as **CDFG**; the University of California at Davis – Wildlife Health Center, hereafter referred to as **UCDWHC**; the U.S. Department of the Interior, Fish and Wildlife Service, Carlsbad Fish & Wildlife Office, hereafter referred to as **USFWS**; and the U.S. Department of the Interior, U.S. Geological Survey, Western Region Ecological Center, hereafter

referred to as **USGS**. The purpose of the agreement is to coordinate and cooperate in the conservation of biodiversity within, and the restoration of habitat within, the greater San Felipe, Fish, Vallecito and Carrizo Creek watershed, located in San Diego and Imperial Counties, California.

III. Authority

Existing federal or state statutes, departmental directives, commission policies, or other delegations of authority or responsibility define the authority for agencies and organizations to participate in this effort. . These include, but are not limited to, the following:

- Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.)
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)
- Executive Order 13112 (Invasive Species) February 3, 1999
- Wildlife Habitat Incentive Program, Federal Improvement and Reform Act of 1996, PL 104-127; Food Security Act of 1985, as amended, 16 USC 3830 et seq. Activities under this Agreement will improve wildlife habitat through the removal of invasive plant species allowing native vegetation to reestablish.
- Economy Act (31 U. S. C. 1535) Agency Agreements
- Sikes Act (16 USC 670a-670o, 74 Stat. 1052), as amended, Public Law 86-797. Public Law 93-452, signed October 18, 1974, (88 Stat. 1369) authorized conservation and rehabilitation programs on BLM lands. These programs are carried out in cooperation with the States by the Secretary of the Interior.
- Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715 et seq.)
- Fish and Wildlife Coordination Act (1934), as amended (16 U.S.C. 661 et seq.) ???
- Federal Aid in Wildlife Restoration Act (1937), as amended (16 U.S.C. 669 et seq.)

For the BLM:

- 43 USC 1781, creation of the California Desert Conservation Area
- San Sebastian Marsh Area of Critical Environmental Concern Management Plan (CA-06ACEC-61) and San Felipe Creek Wildlife Habitat Management Plan (CA-06WHA-61), A Sikes Act Project, Prepared by U.S. Department of the Interior, Bureau of Land Management, California Desert District, El Centro Resource Area and State of California, The Resources Agency, Department of Fish and Game.
- McCain Valley Wildlife Habitat Management Plan (CA-06WHA-T1), A Sikes Act Project, Prepared by U.S. Department of the Interior, Bureau of Land Management, California Desert District, El Centro Resource Area and State of California, The Resources Agency, Department of Fish and Game. February 1984.

For the State of California:

State of California, California Coder of Regulations (CCR):

- Title 3: Food and Agriculture. Division 4: Plant Industry. Chapter 6: Weed Free Areas and Weed Eradication Areas. Subchapter 6: Noxious Weed Species. Section 4500: Noxious Weed Species.

State of California, Public Resources Code (PRC):

- Division 5, Chapter 1.3, Sections 5093.30-5093.40 – California Wilderness Preservation System
- Division 5, Chapter 7, Sections 5810-5818 – Wetlands Preservation
- Division 10, Sections10000-10005 – Streamflow Protection Standards

State of California, Fish and Game Code:

- Division 2, Chapter 4, Sections 1300-1375 – Wildlife Conservation Law of 1947
- Division 2, Chapter 4.1, Sections 1385-1391 – California Riparian Habitat Conservation Program
- Division 2, Chapter 4.3, Sections 1400-1431 – Inland Wetlands Conservation Program
- Division 2, Chapter 5, Sections 1500-1586 – Fish and Game Management
- Division 2, Chapter 8, Sections 1800-1802 – Conservation of Wildlife Resources
- Division 2, Chapter 10, Sections 1900-1913 – Native Plant Protection
- Division 2, Chapter 11, Sections 1925-1926 – California Desert Native Plants
- Division 2, Chapter 12, Sections 1930-1933 – Significant Natural Areas
- Division 3, Chapter 1.5, Sections 2050-2116 – California Endangered Species Act
- Division 3, Chapter 9, Sections 2780-2799.6 – California Wildlife Protection Act of 1990

California Department of Parks and Recreation, Department Operations Manual (DOM):

- Section 1831.1 (Vegetation), Resource Management Directive #33: Exotic Plant Species
- Section 1831.1 (Vegetation), Resource Management Directive #34: Exotic Plant Removal
- Section 1831.2 (Wildlife), Resource Management Directive #35: Natural Faunal Habitat
- Section 1831.2 (Wildlife), Resource Management Directive #36: Restoration and Maintenance of a Natural Faunal Balance
- Section 1831.5 (Water), Resource Management Directive #43: Avoidance of Stream Degradation, Diversion of Waters, Alteration of Stream Regimens and Pollution

California Fish and Game Commission Policies on:

- Raptors
- Cooperation
- Endangered and Threatened Species
- The Salton Sea
- Water
- Wetlands Resources
- Wilderness Areas

California State Park and Recreation Commission Policies on:

- I.7 – Economic Cooperation
- II.1 – Integrity of State Park System Lands
- II.3 – Resource Management in State Reserves and State Preserves
- II.4 – Preservation of Vegetative Entities
- II.5 – Wildlife Management in Units of the State Park System

- Memorandum of Understanding: California's Coordinated Regional Strategy to Conserve Biological Diversity – "The Agreement on Biological Diversity," September 19, 1991. Signatories: California Resources Agency, California Department of Fish and Game, California Department of Forestry and Fire Protection, California Department of Parks and Recreation, State Lands Commission, USDI Bureau of Land Management, USDA Forest Service, USDI U.S. Fish and Wildlife Service, USDI National Park Service, University of California.
- Memorandum of Understanding Among Public and Private Organizations Relating to Natural Area Program Coordination in California. 1989. Signatories: California Department of Fish and Game, California Department of Parks and Recreation, State Lands Commission, University of California Natural Reserve System, USDI Bureau of Land Management, USDI National Park Service, USDI U.S. Fish and Wildlife Service, USDA Forest Service, USDA Forest Service – Pacific Southwest Forest and Range Experiment Station, The Nature Conservancy – California Field Office.

Nothing herein shall be construed as limiting or affecting, in any way, the authority of the parties to this Agreement.

IV. Geographic Scope

This Agreement refers to the Watershed area defined by the watersheds and riparian zones of San Felipe Creek, Oriflamme Creek, Vallecito Creek, Fish Creek, Walker Creek, and Carrizo Creek in San Diego and Imperial Counties (see Exhibit A). Public land management units owned by BLM, DPR, and CDFG occur within the defined watersheds. These include: Anza-Borrego Desert State Park® (DPR), and the State Wilderness units within; San Sebastian Marsh Area of Critical Environmental Concern (BLM); West Mesa ACEC (BLM); Fish Creek Mountains Wilderness (BLM); Coyote Mountains Wilderness (BLM); Coyote Mountains ACEC (BLM); Carrizo Gorge Wilderness (BLM); Sawtooth Mountains Wilderness (BLM); McCain Valley Wildlife Management Area (BLM); San Felipe Valley Wildlife Area (CDFG); Walker Canyon Ecological Reserve (CDFG); and San Felipe Creek Ecological Reserve (CDFG).

The area of concern includes the following California Regional Water Quality Control Board Water Basins in southeastern San Diego County and southwestern Imperial County: Mescal Bajada, San Felipe, Mason, Vallecito, Canebrake, Carrizo, McCain, and Ocotillo-Lower Felipe.

Actions addressed in this Agreement only apply to public lands managed by BLM, DPR, and CDFG. Private landowners will be encouraged to participate in invasive exotic species control through forums such as weed management areas, resource conservation districts, and resource conservation and development districts.

V. Statement of Work

All parties agree:

1. To develop and update coordinated, interagency work plans and budgets (both long [5-year] and short [annual] term plans) for implementation activities prescribed through this Agreement. The work plans will address the following goals that the parties hold in common:
    a. Natural resources inventory, monitoring and assessment;
    b. Ecological restoration of damaged habitats, the control and eradication of invasive exotic species, and the reintroduction of native species, where feasible, within the watershed;
    c. Land acquisition of private lands within the watershed from willing sellers, where practical and economically feasible;
    d. Public education and outreach regarding the conservation of biological diversity, control of invasive exotic species, and management of the watershed. Private parties will be engaged through forums such as weed management areas (WMA's), resource conservation districts (RCD's), and resource conservation and development districts (RC&DD's). In accordance with Section VIII, this Agreement may be expanded to include such entities.

2. To share resources, to the extent possible and practical, to implement the work plans developed through this Agreement.

3. To seek funding through agency budget processes and to cooperate in the development of grant requests to implement annual and long-range plans developed under this Agreement.

4. To prepare an annual report of accomplishments of restoration work, grants obtained, or other activities resulting from work plans developed as a result of this Agreement. This annual report will be used to heighten the awareness of, and highlight accomplishments to partners, grantors, and the public.

VI. Non-Fund Obligating Document

This instrument is neither a fiscal, nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the partners to this Agreement will be handled in accordance with applicable laws, regulations, and procedure including those for procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. Nothing herein shall be considered as obligating any party in the expenditure of funds to carry out the provisions of this Agreement.

VII. Applicable Laws

This Agreement shall be governed by the applicable statutes, regulations, directives, and procedures of the United States. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

VIII. Modification

Modifications to the scope and provisions of this agreement shall be made only with the written consent of all parties. New parties may be added to the Agreement upon approval by all signatories.

IX. Termination

Termination of participation by any party shall require thirty (30) days written notice to all signatories prior to the effective date of termination. The withdrawal of one or more party(ies) shall not constitute Agreement termination. The Agreement shall be viable so long as two or more signatories remain as participants.

X. Signatures

John Hamill, Executive Coordinator, California Desert Management Project, U.S. Department of the Interior — Date: 2/15/2005

Mathew L. Fuzie, District Superintendent, Colorado Desert District, California Department of Parks and Recreation — Date: 10/19/04

FOR Gregory Thomsen, Area Manager, El Centro Field Office, Bureau of Land Management, United States Department of the Interior — Date: 11/3/04

Charles Raysbrook, Regional Manager, South Coast Region, California Department of Fish and Game — Date: 11/12/04

Curt Taucher, Regional Manager, Eastern Sierra and Inland Deserts Region, California Department of Fish and Game — Date: 11/23/04

Walter Boyce, Executive Director, Wildlife Health Center, University of California at Davis — Date: 12/3/04

Jim Bartel, Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, U.S. Department of the Interior — Date: 1/31/05

for Deborah Maxwell, Center Director, Western Ecological Research Center, U.S. Geological Survey — Date: 2/7/05