

The following draft Agreement supplements, but does not replace, the MOU by and between the Bureau of Land Management (BLM) and the California Department of Fish and Wildlife (CDFW), which was entered into by BLM and CDFW on November 27, 2012. The Agreement is still in draft form and may change in order to accommodate input received during the public review of the Draft DRECP. The draft Agreement has been formulated to support implementation of the plan decisions under any of the action alternatives in the Draft DRECP, although adoption of some alternatives may require adjustments to the draft Agreement. Once executed, the Agreement will provide a framework through which the two agencies will have memorialized and made specific their cooperation and coordination to protect and conserve fish, wildlife, plants and their habitat within the DRECP Area. It is the intention of BLM and CDFW to execute the Agreement adjusted pursuant to public review at the same time as, or closely subsequent to, the DRECP Record of Decision.

**AGREEMENT BY AND BETWEEN
THE BUREAU OF LAND MANAGEMENT AND THE CALIFORNIA DEPARTMENT
OF FISH AND WILDLIFE**

A. STATEMENT OF PURPOSE

The Bureau of Land Management (BLM) and the California Department of Fish and Wildlife (CDFW) agree to work with each other and with the United States Fish and Wildlife Service (USFWS) and the California Energy Commission (CEC) in an effort to streamline renewable energy project permitting while conserving biological and natural resources within the Desert Renewable Energy Conservation Plan (DRECP) Area. The BLM and CDFW have developed this agreement (Agreement) for the purpose of memorializing and making specific their cooperation and coordination to protect and conserve fish, wildlife, plants and their habitat within the DRECP Area. This Agreement supplements the MOU by and between the Bureau of Land Management and the California Department of Fish and Game, entered into by BLM and CDFW on November 27, 2012.

B. STATEMENT OF AUTHORITIES

The BLM and CDFW each have specific administrative responsibility or regulatory authority under Federal and state statutes. These statutes direct them, in part, to take into consideration biological and natural resources within the state, including certain species of concern and their habitats, and adverse effects resulting from federal, state, and private land use and development actions. These statutes include but are not limited to:

1. BLM. The Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. § 1701 et seq.); the Omnibus Public Lands Management Act of 2009 (OPLMA), Pub. L. 111-11, March 30, 2009; the Consolidated Appropriations Act of 2012, Pub. L. 112-74, December 23, 2011; the Endangered Species Act of 1973, Sec. 2 (c)(1) and Sec. 7(a)(1) and (2) (ESA); the Sikes Act of 1974, 16 U.S.C. § 670g-o; the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. (NEPA); Recreation and Public Purposes Act, 43 U.S.C. § 869, et seq. (RPPA); and 43 C.F.R. Part 24, Department of the Interior Fish and Wildlife Policy: State-Federal Relationships.

2. CDFW. The California Endangered Species Act, Fish and Game Code § 2050, et seq. (CESA); the Natural Community Conservation Planning Act, Fish and Game Code § 2800, et seq. (NCCPA); Fish and Game Code § 1600, et seq., the Native Plant Protection Act, Fish and Game Code § 1900, et seq. (NPPA); Fish and Game Code §§ 3511, 4700, 5050, and 5515; Fish and Game Code §§ 3503, 3503.5, and 3513; Fish and Game Regulations, Title 14, Cal. Code Regs.; Fish and Game Code § 1802; and the California Environmental Quality Act, Public Resources Code § 21000, et seq. (CEQA).

C. COOPERATION AND COORDINATION

To the maximum extent possible consistent with Federal and state law, the BLM and CDFW will coordinate and cooperate with one another regarding: (i) the implementation of the DRECP, including but not limited to, the conservation and management of Covered Species within the

DRECP Area ; (ii) any other significant and relevant policy, planning, and implementation decisions by BLM or CDFW that have the potential to affect fish, wildlife, and plant resources, or the habitat upon which they depend, in the DRECP Plan Area. In the event the DRECP is later amended or revised to add sub-area plans or to expand the list of Covered Activities or Covered Species, both the BLM and CDFW intend this Agreement to apply to such amended or revised plans.

D. PROCEDURES AND RESPONSIBILITIES OF THE PARTIES

1. Conservation Lands in the DRECP Area.

a. BLM's Conservation Lands. The BLM manages federal public land within the DRECP Area. Some of this land is managed under some form of conservation protection, including: (i) Legislatively and Legally Protected Areas, such as BLM Wilderness Areas, Wilderness Study Areas, and Wild and Scenic River designations; (ii) lands designated through the DRECP as part of the National Landscape Conservation System (NLCS) within the California Desert Conservation Area under PL 111-11; and (iii) lands administratively designated as Areas of Critical Environmental Concern (ACECs) and Wildlife Allocations through the DRECP. Some lands are subject to overlapping designations and CMAs for wildlife and non-wildlife conservation goals. These conservation designations and their management are described through the Record of Decision (ROD) for the DRECP. Collectively, lands with these designations, whether they obtained them through adoption of the DRECP Land Use Plan Amendment (DRECP LUPA) or were so designated previously, are referred to herein as "BLM Conservation Lands."

b. DRECP NCCP. To satisfy the requirements of the NCCPA, the DRECP Natural Community Conservation Plan (DRECP NCCP) requires the creation of an NCCP Reserve and implementation of other equivalent conservation and mitigation measures that provide for long-term management and protection of habitat, natural communities, and species diversity for the conservation of the DRECP Covered Species. In the DRECP NCCP, CDFW has identified the DRECP NCCP Reserve Design, which includes privately owned land, state-owned land, and Federally owned land, including BLM Conservation Lands. The NCCP Reserve will be created within the DRECP NCCP Reserve Design.

c. Importance of BLM Conservation Lands in DRECP NCCP. The conservation benefits of BLM Conservation Lands are necessary to achieve the "step-down" biological goals and objectives (Step-Down BGOs), also known as the DRECP NCCP Biological Goals and Objectives, and the DRECP NCCP relies heavily on those benefits to satisfy the conservation requirements of the NCCPA, including the requirement to develop an NCCP Reserve. Because the DRECP has been cooperatively developed, lands that include other LUPA non-wildlife conservation goals (e.g., cultural) have been deliberately designed to be compatible with the Step-Down BGOs. Without the conservation benefits of the full extent of BLM Conservation Lands, and without the protective land use planning designations and management of these lands, the DRECP NCCP Reserve Design would have to be expanded on non-federal lands, and the DRECP NCCP's requirements for conservation and mitigation actions on non-federal lands would have to be increased, to satisfy NCCPA requirements.

d. Importance of Collaborative Wildlife Management for the DRECP.

CDFW and BLM recognize that the DRECP was developed as a landscape plan including multiple jurisdictions, and recognize that action within one agency's jurisdiction may impact resources under another agency's jurisdiction. This approach furthers FLPMA's requirement that the BLM coordinate land use planning with state and local governments to the extent consistent with the laws governing the administration of federal public lands (43 U.S.C. 1712(9)). Because the biological Conservation and Management Actions (CMAs) within the DRECP were developed jointly by the BLM, CDFW, CEC, and USFWS, coordination between CDFW and BLM in implementing them on federal public lands is crucial to promote the Step-Down BGOs. In addition, the BLM has identified CMAs for non-biological resources on federal public lands, including BLM Conservation Lands. Coordination of management of the biological resources is important to ensure that management is consistent with the management of the non-biological resources on federal public lands. In addition, coordination between the BLM and CDFW to ensure consistent management on both federal public lands and non-BLM portions of the DRECP NCCP Reserve is important to promote the Step-Down BGOs.

2. Role of BLM Conservation Lands in the DRECP NCCP.

a. DRECP NCCP Conservation Requirements. The DRECP NCCP

expressly assumes that current protective land use designations (e.g., NLCS, ACEC, wilderness, etc.) for BLM Conservation Lands will remain in place for at least the duration of the DRECP NCCP and that land uses and activities on those lands will be managed consistently with those protective designations and the Step-Down BGOs for DRECP Covered Species. The BLM retains discretion in accordance with Federal law, regulations, and policy to manage its lands identified as part of the DRECP NCCP Reserve Design and seeks to exercise that discretion to further the BLM's and CDFW's mutual purpose in implementing the DRECP and to assist CDFW in satisfying its obligations under the NCCPA.

b. BLM Conservation Lands. In acknowledgment of the critical importance

BLM Conservation Lands serve for the DRECP NCCP, with respect to BLM Conservation Lands generally, the BLM agrees to do the following:

- i. Manage BLM Conservation Lands in a manner that is consistent with the protective land use designations (e.g., NLCS, ACEC, Wildlife Allocation, etc.) and that achieves, to the maximum extent possible, the Step-Down BGOs, and is consistent with the DRECP Plan-Wide Biological Goals and Objectives and other conservation goals identified in the DRECP LUPA, for the duration of the DRECP NCCP;
- ii. Implement the CMAs set forth in the DRECP LUPA on BLM Conservation Lands for the duration of the DRECP NCCP; and
- iii. Confer with CDFW at least thirty days prior to initiating any action to amend or otherwise change the protective land use designations (e.g., NLCS, ACEC, Wildlife Allocation, etc.) or CMAs on the BLM Conservation Lands for the duration of the DRECP NCCP. Both the BLM

and CDFW acknowledge that the BLM may need to amend its land use plan within the DRECP Area and that such an amendment could affect the protective land use designations and land management practices on which the DRECP NCCP relies. The BLM intends, consistent with Federal law and regulation, to ensure that any subsequent land use plan amendments within the DRECP Area will retain the biological values to a level sufficient to meet the Step-Down BGOs and the ongoing protection of the DRECP NCCP Reserve.

c. DRECP NCCP Reserve. In acknowledgment of the critical importance BLM Conservation Lands serve for the DRECP NCCP, with respect to all BLM Conservation Lands included in the DRECP NCCP Reserve to be used for compensatory mitigation, the BLM agrees to do the following:

- i. Collaborate with CDFW to ensure durable protection for those BLM Conservation Lands identified in the DRECP as suitable for use as compensatory mitigation for Covered Activities under the DRECP NCCP. For each project to be permitted under the DRECP and to be constructed on lands managed by the BLM, CDFW, or a third party capable of meeting the required terms and conditions, shall apply for one or more of the following land use authorizations to further secure the protection of an adequate number of acres of land, from among this previously identified pool of compensatory mitigation lands, to fulfill the project's compensatory mitigation requirements under the DRECP: (I) rights-of-way pursuant to 43 U.S.C. § 1761, et seq.; (II) permits, leases, or easements pursuant to 43 C.F.R. § 2920; and (III) leases pursuant to the Recreation and Public Purposes Act, 43 U.S.C. § 869, et seq. (RPPA). Concurrent with the execution of this Agreement and consistent with the MOU entered into by the BLM and CDFW on November 27, 2012, the BLM, in approving the ROD for the DRECP LUPA, has committed to apply one or more of these land use authorizations, or other land use authorizations that provide equivalent durable protections, it determines to be appropriate given the location and mitigation purpose of the lands, as provided in the LUPA, to protect the compensatory mitigation lands identified for projects to be permitted under the DRECP and to be constructed on lands managed by BLM. Based on the ROD, BLM intends that any such land use authorization will, to the extent consistent with law and regulation, be valid for the duration of the impacts for which those lands provide compensatory mitigation. The duration of the impacts includes the duration of the project itself, decommissioning, and the restoration of the site sufficient to restore the biological functions at a level sufficient to provide habitat functions for the DRECP Covered

Species in the affected area, as determined by the BLM in coordination with CDFW. In the event the Department of the Interior elects to withdraw, pursuant to Title 43 U.S.C. § 1714, some or all of the BLM Conservation Lands the BLM and CDFW have jointly identified as suitable for compensatory mitigation for Covered Activities under the DRECP, use of the land use authorizations discussed above may not be necessary for the applicable compensatory mitigation lands.

- ii. Consider the use of site-specific Sikes Act Agreements and Cooperative Agreements for Management prior to approval of project ground disturbance to collaboratively manage lands within the DRECP NCCP Reserve on which compensatory mitigation actions are located and for which one or more of the land use authorizations discussed in Section D.2.c.i above is granted; and
- iii. Ensure, consistent with Title 43 U.S.C. Section 1765, that any subsequent right-of-way granted for use of any BLM Conservation Lands previously approved for compensatory mitigation and included in the DRECP NCCP Reserve includes terms and conditions that both “minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment” and “require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.” For purposes of the BLM’s implementation of Section 1765, the BLM and CDFW agree that the NCCPA’s requirements for conservation and protection of habitat reserves, as set forth in Fish and Game Code section 2820(a)-(b) and as set forth in the DRECP LUPA and NCCP, and CESA’s requirement for full mitigation of impacts to state-listed species, as set forth in Fish and Game Code section 2081(b), will be protected through appropriate terms and conditions on any subsequent rights-of-way granted.
- iv. Follow the process set forth below for reviewing applications for projects on BLM Conservation Lands approved for compensatory mitigation. Any BLM action on those lands would be subject to the protective designations in the DRECP LUPA and any valid existing rights. Projects proposed on BLM Conservation Lands previously approved for compensatory mitigation purpose would be subject to the applicable land use plan, including protective land use designations and CMAs, and any valid existing rights (including land use authorizations listed in Section D.2.c.i). If the BLM receives an application for a project on BLM Conservation Lands approved for use as compensatory mitigation and subject to one of the mitigation tools listed in Section D.2.c.i, the BLM will inform the applicant proposing to develop those mitigation lands of the extent of the

existing use as mitigation, both temporally and spatially, prior to processing an application for a right-of-way or other permit or approval for development. Before approving any such project, BLM will confer with CDFW to discuss whether and to what extent granting the application would impair or be inconsistent with the mitigation value of the lands, and whether alternative mitigation for those values is available. The BLM will invite CDFW to be a Cooperating Agency under NEPA for purposes of the application for actions requiring an EIS-level analysis. CDFW may request Cooperating Agency status for other NEPA actions, such as Environment Assessment-level analysis. The BLM, in its discretion and considering the mitigation value of the lands, will consider appropriate means of limiting impairment or inconsistency with the mitigation values, including any additional mitigation measures or design features, and will determine whether to approve, approve with modifications, or deny any such application. In the event the BLM approves an application or action on mitigation land that impacts the values being mitigated for or makes that mitigation less effective, the BLM and CDFW will further confer to identify actions to offset any impacts to previously approved compensatory mitigation from the subsequently proposed project. Such offsetting actions may include, but are not limited to identifying, evaluating, and applying tools and actions on additional BLM Conservation Lands to provide durable, long-term assurances that they will be protected and managed for DRECP Covered Species. Prior to the BLM's approval of a subsequently proposed project, the BLM and CDFW will cooperate and coordinate to the maximum extent possible to achieve the goals of this Agreement and the DRECP.

- v. Projects proposed by the BLM on federal public lands will be subject to and consistent with the DRECP LUPA and any valid existing rights. If the BLM is considering a project on BLM Conservation Lands approved for compensatory mitigation, it will confer with CDFW as early as is feasible to design the project in a way that avoids or minimizes impacts to previously approved compensatory mitigation and follow the procedures set forth in Section D.2.c.iv.

d. Establishment of Phase One of the DRECP NCCP Reserve. On [*Fill in Date*], CDFW applied for a [*Fill in one of the following*: right-of-way pursuant to 43 U.S.C. § 1761, et seq./permit pursuant to 43 C.F.R. § 2920/lease pursuant to 43 C.F.R. § 2920/easement pursuant to 43 C.F.R. § 2920/lease pursuant to the RPPA] for the protection of [*Fill in Number*] acres of BLM Conservation Lands which may be used for compensatory mitigation for the DRECP. Concurrent with approval of the ROD and execution of this Agreement, the BLM released its Environmental Assessment under NEPA with regard to this application. The BLM agrees to pursue its best efforts to complete the processing of this application within ninety days of approving the ROD for the DRECP.

3. Cooperation and Coordination between the BLM and CDFW

a. Coordination. The BLM and CDFW recognize that it is important that the DRECP LUPA and the DRECP NCCP be implemented in coordination with one another to promote NLCS values and achievement of the Plan-Wide Biological Goals and Objectives, and that CDFW wildlife management on federal public lands and non-BLM reserve lands be coordinated with the BLM to ensure that the biological and non-biological values on BLM Conservation lands and non-BLM portions of the DRECP NCCP Reserve, including CDFW-managed lands or interests in land and public land authorizations, are adequately conserved during the implementation of the DRECP.

b. DRECP LUPA Multiple Use Requirements. The DRECP was developed as a landscape conservation plan, meaning that it includes multiple jurisdictions, and recognizes that actions within one agency's jurisdiction may impact resources under another agency's jurisdiction. Both agencies recognize the importance of coordinating implementation actions and management of lands under their respective jurisdictions. Through the DRECP LUPA, the BLM has evaluated the federal public lands within the DRECP Plan Area, and allocated those lands to different uses. One use in the DRECP LUPA is conservation. Under FLPMA and PL 111-11, the BLM has, in cooperation with the CDFW, USFWS, and CEC, designated BLM Conservation Lands through the DRECP LUPA, including National Conservation Lands under PL 111-11, and ACECs and Wildlife Allocations under FLPMA, and identified CMAs for the management of those lands. Under this Agreement, the BLM will, in cooperation with CDFW and in conjunction with the DRECP NCCP, and as described in the DRECP, protect biological resource values on BLM Conservation Lands. In addition, the DRECP NCCP Reserve includes non-BLM managed lands. Where those lands are in close proximity to federal public lands, their management may impact resources on federal public lands.

c. CDFW Wildlife Management on BLM Conservation Lands. Consistent with the goals of this Agreement and its authority as defined in State law, regulations, and policy, and in acknowledgement of the importance of CDFW's management of wildlife, with respect to management of wildlife on federal public lands, CDFW agrees to do the following

- i. Manage wildlife on BLM Conservation Lands in cooperation with the BLM in a manner that is consistent with those lands' designations, and that promotes achievement of the Step-Down BGOs for the duration of the DRECP LUPA;
- ii. Help ensure implementation of the CMAs set forth on BLM Conservation Lands for the duration of the DRECP LUPA;
- iii. Confer with the BLM prior to taking any actions on BLM Conservation Lands that may impact the values for which those lands were designated (biological or otherwise), as defined in the DRECP LUPA ROD.

d. Coordination of Management of the NCCP Conceptual Plan-Wide Reserve Design and the DRECP LUPA. Consistent with the goals of this Agreement and its authority as defined in State law, regulations, and policy, and in acknowledgement of the

importance of CDFW's management of wildlife in the DRECP Plan Area, CDFW agrees to do the following

- i. Should the BLM consider changing its land use designations, including amending the BLM Conservation Lands above, to meet the requirements of FLPMA or other federal law or regulation during the term of the DRECP NCCP, CDFW will work with the BLM to develop alternatives that continue to promote the goals of the DRECP, and identify and inform the BLM of any inconsistencies between the proposed amendment and the DRECP NCCP as early as is feasible.
 - ii. Where the BLM identifies activities or management on non-BLM managed lands included in the NCCP Reserve Design that are impacting resources on federal public lands, CDFW will confer with the BLM to develop a strategy to avoid or minimize impacts to federal public lands.
- e. DRECP NCCP Reserve. Consistent with the goals of this Agreement and its authority defined in State law, regulations, and policy, and in acknowledgement of the importance of CDFW's management of wildlife within the DRECP Plan Area, with respect to all BLM Conservation lands used for compensatory mitigation and included in the DRECP NCCP Reserve, CDFW agrees to do the following
- i. Apply to the BLM, or work with the BLM to identify a mutually agreed upon third party to apply to the BLM, for the use authorizations to ensure durable protection of these lands, as described in Section D.2.c.i above;
 - ii. Consider the use of site-specific Sikes Act Agreements and Cooperative Agreements for Management prior to approval of project ground disturbance to collaboratively manage lands within the DRECP NCCP Reserve on which compensatory mitigation actions are located and for which one or more of the land use authorizations discussed in Section D.2.c.i above is granted;
 - iii. For land use authorizations granted to CDFW under Section D.2.c.i above for compensatory mitigation, ensure that terms and conditions of that authorization are complied with, and work with the BLM to develop processes to monitor terms and conditions for land use authorizations granted to third parties for compensatory mitigation; and
 - iv. Follow the processes set forth in Sections D.2.c.iv and D.2.c.v above for applications for projects on BLM Conservation Lands approved for compensatory mitigation. In addition, CDFW agrees to notify the BLM of any proposed activity on compensation lands that has the potential to impact BLM-managed resources, and obtain the appropriate BLM-approval prior to commencing that activity.

4. Notification.

a. Notice to Holders of Land Use Authorizations for Mitigation Actions. The BLM and CDFW will provide written notification to the holder of any land use authorization for any compensatory mitigation action, as described in Sections D.2.c.i. above, upon the BLM's receipt of an application for a right-of-way or other permit or approval, CDFW's receipt of an application for any permit or approval, or the initiation of any activity by the BLM or CDFW themselves if the application received or activity initiated has the potential to affect the BLM Conservation Lands on which the compensatory mitigation action is located. Both the BLM and CDFW agree to meet in a timely manner with the holder of the land use authorization, if a meeting is requested by any of those three parties, to discuss the application or activity and its potential impact to the compensatory mitigation action.

b. Annual Report on Project Approvals within the DRECP Area. The BLM and CDFW shall provide each other, on or before January 1 of each calendar year, with a written account of all rights-of-way, permits, authorizations, and other approvals issued by the BLM or CDFW for projects and activities occurring on, or potentially affecting BLM Conservation Lands.

5. Dispute Resolution.

a. The BLM and CDFW recognize that disagreements concerning implementation or interpretation of this Agreement may arise from time to time and agree to work together in good faith. In the event that the agencies may reach an impasse in resolving an issue, it is in the best interest of each agency to resolve the issue at the lowest possible level of each organization. The first level will involve the BLM Field Office Manager and the CDFW Environmental Program Manager. If resolution cannot be reached at that level, the next level will involve the BLM District Manager and CDFW Regional Manager. If resolution cannot be reached at that level, the next level will involve the BLM State Director and CDFW Director or Chief Deputy Director. Both agencies agree to make the appropriate individual or their representatives available within a reasonable timeframe to discuss the disagreement.

b. Proposed BLM land use plan decisions. Title 43 CFR Section 1610.3-2(a) requires BLM land use plans to be consistent with officially approved or adopted resource related plans of state governments, so long as the land use plan decision is also consistent with the purposes, policies, and programs of Federal laws and regulations applicable to federal public lands. The BLM and CDFW acknowledge that the DRECP NCCP, once approved, constitutes an officially approved or adopted resource related plan, and that any amendment to the BLM's DRECP LUPA would be subject to Title 43 CFR Section 1610.3-2. The parties agree that if there is an apparent inconsistency between a proposed land use plan decision and the DRECP NCCP, CDFW will notify the BLM in writing of the apparent inconsistency. If the BLM and CDFW are unable to reach agreement using the provisions in Section D.5.a above, they agree to follow the procedures in Title 43 CFR Section 1610.3-2(e) to resolve the apparent inconsistency, including potential appeal to the BLM Director if the BLM State Director and Governor are unable to come to agreement.

E. ADMINISTRATIVE PROVISIONS

1. Effective Date. This Agreement is made and entered into as of the last date of signature by and between the BLM and CDFW.
2. Termination.
 - a. This Agreement shall be effective for the duration of the DRECP NCCP, unless terminated earlier by either agency. Either Agency may terminate this Agreement by delivering to the other Agency a written notice of intent to terminate at least ninety days prior to the proposed termination date.
 - b. Both parties agree to meet and confer prior to termination of the Agreement to determine how they will maintain the biological values provided in the DRECP through the Step-Down BGOs and CMAs in the absence of the protections afforded by this Agreement.
 - c. Termination of this agreement shall not affect any authorizations by BLM pursuant to Sections D.2.c.i and D.2.d. Notwithstanding any termination of this Agreement, the land use authorizations for compensatory mitigation lands identified in the DRECP would continue to be subject to the terms and conditions of and law applicable to each individual authorization, and thus would be protected pursuant to Sections D.2.c.i, D.2.c.iii, and D.2.d for the duration of the impacts to which they relate.
 - d. Should CDFW extend the term of the DRECP NCCP, the parties will meet and confer to determine whether to extend the term of this Agreement.
3. Amendment or Modification. This Agreement may be amended with the written agreement of the BLM and CDFW.
4. Applicability of State and Federal Law. Notwithstanding any other provision in this Agreement, nothing in this Agreement is intended to be nor shall it be interpreted to be inconsistent with any applicable Federal or state law or regulation.
5. Funding. This Agreement does not obligate any funds from either Agency. Subject to the availability of funds, the BLM and CDFW each agrees to fund its own expenses associated with this MOI. Nothing contained in this Agreement shall be construed as obligating any Federal agency to any expenditure or obligation of funds in excess or advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. §1341.
6. Elected Officials Not to Benefit. No member of or delegate to Congress shall be entitled to any share or part of this Agreement, or to any benefit that may arise from it.
7. FACA. The parties will comply with the Federal Advisory Committee Act to the extent it applies.

U.S. BUREAU OF LAND MANAGEMENT

Signature

Date

Title

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Signature

Date

Title

DRAFT