Attachment 3

MEMORANDUM OF UNDERSTANDING
between the
U.S. Department of the Interior
Bureau of Land Management
and the
U. S. Fish and Wildlife Service

To Promote the Conservation of Migratory Birds

This Memorandum of Understanding (MOU) is entered into between the Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) (hereinafter "the Parties").

I. Purpose and Scope

Pursuant to Executive Order 13186, 66 Fed. Reg. 3853, (January 17, 2001), entitled "Responsibilities of Federal agencies to Protect Migratory Birds," this MOU outlines a collaborative approach to promote the conservation of migratory bird populations. Executive Order 13186, 66 Fed. Reg. 3853, (January 17, 2001), directs agencies to take certain actions to further implement the migratory bird conventions, the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA) and other pertinent statutes. The MBTA, signed in 1918, and amended in 1936, 1974 and 1978, implements the United States' commitment to four international conventions (with Canada, Mexico, Japan and Russia) for the protection of migratory birds. This MOU does not alter the Parties' legal obligations under the MBTA or BGEPA and does not authorize the take of migratory birds.

The purpose of this MOU is to strengthen migratory bird conservation by identifying and implementing strategies that promote conservation and avoid or minimize adverse impacts on migratory birds through enhanced collaboration between the Parties, in coordination with state, tribal, and local governments. This MOU identifies specific activities where cooperation between the Parties will contribute to the conservation of migratory birds and their habitat. These activities are intended to complement and support existing and facilitate new collaborative conservation partnerships and comprehensive planning efforts for migratory birds. This includes joint ventures, planning efforts, and activities of the bird initiatives (North American Waterfowl Management Plan (NAWMP), the North American Waterbird Conservation Plan (NAWCP), the North American Landbird Conservation Plan, the U.S. Shorebird Conservation Plan (USSCP), and the North American Bird Conservation Initiative (NABCI)).

II. Statement of Mutual Benefit and Interest

The Parties agree that migratory birds are important components of biological diversity. Their conservation and management will help sustain ecological integrity, insect control,

pollination of wild and cultivated flora, and natural seed dispersal. Migratory Bird conservation will help to meet the growing public demand for conservation education and outdoor recreation, such as wildlife viewing and hunting opportunities. Migratory birds also are important economically and activities focused on birds provide financial benefits to local communities and businesses. Further, the Parties agree that it is important to: 1) focus on bird populations, as opposed to individuals or the species, in their entirety; 2) focus on habitat restoration and enhancement where actions can benefit specific ecosystems and migratory birds dependent upon them; and 3) recognize that actions that may provide long-term benefits to migratory bird populations as a whole may also have negative impacts on individual birds.

III. Authorities

This MOU is entered into consistent with the provisions of the following statutes and Executive Orders:

- Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. §§ 668-668d)
- Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544)
- Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1701-1785)
- Fish and Wildlife Act of 1956 (16 U.S.C. § 742a et seq.)
- Fish and Wildlife Conservation Act of 1980 (16 U.S.C. § 2901-2911)
- Migratory Bird Conservation Act of 1934 (16 U.S.C. § 715 et seq.)
- Migratory Bird Treaty Act of 1918 (16 U.S.C. § 703-712)
- Multiple-Use Sustained-Yield Act [of 1960] (16 U.S.C. §§ 528-531)
- National Environmental Policy Act of 1969 (42 U.S.C. § 4321-4370d)
- Public Rangeland Improvement Act of 1978 (43 U.S.C. § 1901-1908)
- Responsibilities of Federal Agencies to Protect Migratory Birds, Executive Order No.13186, signed 2001, 66 Fed. Reg. 3853 (Jan. 17, 2001)

IV. Bureau of Land Management

The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. The BLM is responsible for management of more land, 253 million surface acres, than any other Federal agency. These lands, mostly in 12 western states, including Alaska, are characterized predominately by extensive grassland, forest, high mountains, arctic tundra, and desert landscapes. The BLM manages these lands for multiple uses, including energy and minerals, timber, forage, recreation, wild horse and burro herds, fish and wildlife habitat, wilderness areas, and archaeological, paleontological, and historical sites.

The BLM is recognized as a leader in quality public land management nationally and internationally and plays a pivotal role in conservation of migratory bird populations and their habitats, including many nationally and internationally recognized Important Bird Areas. The BLM initiated bird conservation strategies in 1987 through its strategic plan, *Fish and Wildlife 2000,* a Plan for the Future. From this plan, strategies for raptors,

waterfowl, upland game birds, and nongame and migratory game birds were developed which, when combined with conservation partnerships, provide guidance and direction for on-the-ground conservation and management.

The BLM uses both broad-based Resource Management Plans and more focused activity planning such as Habitat Conservation Management Plans and Watershed Management Plans to further the conservation, habitat improvement, and conservation of many bird species.

The BLM field offices, state, and headquarters office personnel are actively involved with several bird conservation partners and partnerships to facilitate improved bird conservation on public lands and in North America. The partners include other Federal agencies, state agencies, the Audubon Society, several bird observatories (Klamath, Point Reyes Bird Observatory, Conservation Science, Rocky Mountain, etc.), American Bird Conservancy, Ducks Unlimited, National Wild Turkey Federation, The Peregrine Fund, Quail Unlimited, and joint ventures such as the Intermountain West Joint Venture, the Playa Lakes Joint Venture, the Prairie Pothole Joint Venture, and the Sonoran Joint Venture. Partnerships include PIF, joint venture committees, NABCI, and the National Fish and Wildlife Foundation. The BLM supports and participates in NABCI and several of its subcommittees, and in Partners in Flight (PIF), both nationally and regionally. The BLM also participates in the development and implementation of the NAWMP, NAWCP, the North American Landbird Conservation Plan, and the USSCP.

V. U.S. Fish and Wildlife Service

The mission of the FWS is to work with others to conserve, protect, manage, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The FWS is legally mandated to implement the conservation provisions of the MBTA, which includes responsibilities for population management (e.g., monitoring), habitat protection (e.g., acquisition, enhancement, and modification of habitats), international coordination, and regulation development and enforcement.

Many FWS programs are involved in bird conservation activities, including:

A. The Division of Migratory Bird Management and Regional Migratory Bird Offices serve as focal points in the United States for policy development and strategic planning, developing and implementing monitoring and management initiatives that help maintain healthy populations of migratory birds and their habitat, and providing continued opportunities for citizens to enjoy bird-related recreation.

B. The Division of Bird Habitat Conservation is instrumental in supporting habitat conservation partnerships through the administration of bird conservation grant programs and the development of joint ventures that serve as major vehicles for implementing the various bird conservation plans across the country.

C. Ecological Services field offices across the country serve as the primary contacts for environmental reviews that include, when requested, projects developed by the

BLM field offices involving migratory bird issues. The field offices coordinate with the Regional Migratory Bird Offices, as necessary, during these reviews regarding permits and overall migratory bird conservation coordination for BLM activities.

D. The Office of Law Enforcement is the principal FWS program that enforces the legal provisions of the MBTA.

VI. Both Parties Shall:

A. As practicable, protect, restore, and conserve habitat of migratory birds, addressing the responsibilities in Executive Order 13186.

B. Follow the FWS Bald Eagle Management Guidelines, as appropriate and consistent with agency missions, which can be found at http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf. The Guidelines are a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. The document should be used in concert with a site-specific analysis to ensure all site conditions have been evaluated and addressed in avoidance and minimization measures. Many states and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and the FWS encourages the continued development and use of these planning tools to benefit bald eagles.

C. Follow other migratory bird conservation measures as appropriate and consistent with agency missions. The measures, which are currently being developed, are anticipated to contain information and recommendations regarding how to avoid disturbing raptors (including golden eagles) and other migratory birds and how to avoid negatively affecting their populations.

D. Work collaboratively to identify and address issues that affect species of concern, such as migratory bird species listed in the *Birds of Conservation Concern* (BCC) and FWS's Focal Species initiative. Potential activities could include monitoring abundance of birds and the creation, conservation, and protection of habitats important to these species.

E. Promote and contribute migratory bird population and habitat data to interagency partnership databases including the: National Biological Information Infrastructure (NBII), the Breeding Bird Research and Monitoring Database (BBIRD), Avian Knowledge Network (AKN), Waterbird Monitoring Partnership Database (WMPD), Natural Resources Monitoring Partnership (NRMP), and other databases that meet the needs of the Parties.

F. Adopt the recommendations in the NABCI Monitoring Subcommittee report "Opportunities for Improving Avian Monitoring" (February 2007), where

applicable, when developing and implementing migratory bird conservation activities that warrant monitoring. Take appropriate steps to implement actions identified in the NABCI Monitoring Subcommittee's Annual Work Plan (http://www.nabci-us.org/monitoring.html).

G. Provide training to agency employees on bird population and habitat inventory and monitoring methods, as well as management practices that minimize adverse impacts and promote beneficial proactive approaches to migratory bird conservation.

H. Increase awareness of the information contained within comprehensive planning efforts for migratory birds, such as the bird conservation initiatives, to facilitate integration of conservation measures into land management and project planning.

I. Participate on the interagency Council for the Conservation of Migratory Birds established by the Executive Order to evaluate the implementation of this MOU. The Director of the BLM, or a representative designated by the BLM Director, will serve on the Council. The duties of the Council include the following:

1. Share the latest resource information to assist in the conservation management of migratory birds.
2. Report annually on the accomplishments and recommendations related to the Executive Order.
3. Foster partnerships to further the goals of the Executive Order.
4. Select an annual recipient of a Presidential Migratory Bird Federal Stewardship Award for contributions to the protection of migratory birds.

VII. The Bureau of Land Management Shall:

A. Maintain or update current policy guidance regarding management of migratory birds and their habitat pursuant to the MBTA and EO 13186.

B. Address the conservation of migratory bird habitat and populations when developing, amending, or revising management plans for BLM lands, consistent with the Federal Land Policy and Management Act, Endangered Species Act, and other applicable law. When developing the list of species to be considered in the planning process, BLM will consult the current FWS Species of Concern lists (see Definitions under Species of Concern).

C. Evaluate and consider management objectives and recommendations for migratory birds resulting from comprehensive planning efforts (this includes the Partners in Flight North American Landbird Conservation Plan, North American Waterfowl Management Plan, U.S. Shorebird Conservation Plan, Western Hemisphere Shorebird Reserve Network, North American Waterbird Conservation Plan, and other planning integrated through the NABCI).

D. During the planning process, consider special designations that may apply to all or part of the planning area, such as Important Bird Areas in the United States, and consider such designations in the appropriate plan documents.

E. Participate in planning efforts of Bird Conservation Regions (BCRs) to facilitate development of conservation actions that benefit migratory bird species across multiple land ownerships, such as large-scale watersheds and coastal area restoration projects. This would include collaborative regions specific inventory monitoring such as that initiated among BLM, FWS, and the states in BCR 17. Increase awareness within the agency of information contained within these plans and within other comprehensive planning efforts for migratory birds.

F. At the project level, evaluate the effects of the BLM's actions on migratory birds during the NEPA process, if any, and identify where take reasonably attributable to agency actions may have a measurable negative effect on migratory bird populations, focusing first on species of concern, priority habitats, and key risk factors. In such situations, BLM will implement approaches lessening such take. Examples of possible approaches include those conservation measures listed in VII.G below.

G. In coordination with the FWS, develop conservation measures and ensure monitoring of the effectiveness of conservation measures to minimize, reduce or avoid unintentional take. As needed, modify conservation measures to be more effective in reducing unintentional take and, as practicable, to restore and enhance the habitat of migratory birds. Examples of potential conservation measures include taking steps to:

1. Avoid identified raptor nests during motorcycle races.
2. Prevent bird entry into heater vents at oil and gas production facilities.
3. Avoid areas of raptor concentration when placing wind turbines.
4. Avoid nesting season during rangeland improvements, such as prescribed fire.
5. Manage livestock to avoid impacts on nesting birds and to improve migratory bird habitat.
6. Alter the season of some recreational activities and events to minimize disturbance of migratory bird breeding activities.
7. Modify wild horse and burro gathering activities to minimize disturbance of migratory birds during the breeding season.
8. Retain snags for nesting structures where snags are underrepresented.
9. Retain the integrity of breeding sites.
10. Minimize collisions with fences and meteorological towers on public lands through construction and marking stipulations.

H. Work with Federal and non-Federal partners such as the Strategic Habitat Conservation partnership and joint ventures to integrate migratory bird and habitat

conservation into BLM planning efforts. This would include participation in the Council for the Conservation of Migratory Birds to oversee the implementation of the Executive Order 13186 and appropriate BLM participation in Joint Venture boards.

I. Integrate migratory bird conservation measures, as applicable, into future Activity Management Planning (Grazing, Recreation, Cultural Resources, Wildlife, etc.), surface operating standards and guidelines for oil and gas exploration and development, and renewable (wind, solar, and geothermal) energy development NEPA mitigation. This will address habitat loss and minimize negative impacts.

J. Complete and begin implementation of a migratory bird conservation strategic plan within two years of the signing of this MOU, contingent upon the completion of the FWS Raptor Conservation Measures. The strategic plan will include the BLM's priority goals and objectives for bird conservation based upon legal responsibilities, and physical and natural resource opportunities. While foundation for this initially will be the existing four bird conservation strategies of Fish and Wildlife 2000, this comprehensive strategy will be driven by the needs of Bird Species of Concern. The BLM-wide plan will emphasize addressing the needs for inventory, monitoring, habitat treatments, and monitoring effects of habitat treatments and will be consistent with BLM wildlife program priority workload measures. Outreach, marketing, and partnerships, including economic and recreational value of birds, will also be addressed in the plan.

K. Prevent and manage invasive species for the benefit of migratory birds through collaboration and local participation in cooperative weed management and invasive species management plans and efforts through the BLM invasive species program.

L. Minimize or prevent the pollution or detrimental alteration of the environments utilized by migratory birds whenever practical by assessing information on environmental contaminants and other stressors relevant to migratory bird conservation.

M. Support management studies and research to identify the habitat conditions needed to conserve migratory birds and to evaluate the effects of management activities on habitats and populations of migratory birds.

N. Promote participation in NABCI, PIF, training of international students at the National Training Center, international joint ventures, and resource personnel exchange programs.

O. Recognize and promote the value of migratory birds to the public through support of, and participation in, International Migratory Bird Day events; through development of Watchable Wildlife viewing sites that focus on bird conservation:

and by sponsoring bird watching and appreciation activities (e. g. bird festivals and celebrations and youth education (WOW) programs) that draw visitors to the BLM lands.

P. Continue and enhance partnerships with non-Federal entities to further bird conservation to further regional conservation planning, outreach, and education.

Q. BLM will follow all migratory bird permitting requirements for activities subject to 50 CFR part 21. While working through the permitting process with FWS, the BLM will, to the maximum extent practicable, minimize the intentional take of species of concern and, if necessary, develop standards and procedures regarding such take.

VIII. The Fish and Wildlife Service Shall:

A. Coordinate with the BLM by providing recommendations to avoid and minimize adverse effects upon migratory birds from BLM actions when requested by BLM field offices.

B. Through the Division of Migratory Bird Management, continue to maintain a permits web page that provides links to all offices responsible for issuing permits and permit application forms for take of migratory birds.

C. Provide essential background information to the BLM when requested to foster sound management decisions. This may include migratory bird distributions, status, key habitats, conservation guidelines, and risk factors. Update the FWS publication of Birds of Conservation Concern at regular intervals.

D. Provide identified special migratory bird habitats (e.g., migration corridors, stop-over habitats, waterfowl molting resorts, wintering sites, and ecological conditions important in nesting habitats) to aid in collaborative planning.

E. Review and comment on NEPA documents and other planning documents as requested by BLM field offices.

F. Coordinate the exchange of information with the BLM regarding inventory, research, and monitoring data collected as part of either conservation efforts on BLM lands or efforts to avoid or minimize adverse effects on birds as a result of projects on BLM lands.

G. Issue a draft for public comment of Raptor Conservation Measures, including those for golden eagles, within one year of the signing of this MOU, and finalize those conservation measures within two years.

IX. Definitions:

Action–any action, permit, authorization, collaborative effort, program, activity, project, official policy, rule, regulation or formal plan directly carried out by the agency.

Birds of Conservation Concern – published by the FWS Division of Migratory Bird Management, refers to the list of migratory and non-migratory birds of the United States and its territories that are of conservation concern. The 1988 amendment to the Fish and Wildlife Conservation Act requires the identification of "species, subspecies, and populations of migratory nongame birds that, without further additional conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973."

Comprehensive Planning Efforts for Migratory Birds – includes Partners in Flight North American Landbird Conservation Plan, North American Waterfowl Management Plan, U.S. Shorebird Conservation Plan, Western Hemisphere Shorebird Reserve Network, North American Waterbird Conservation Plan, and other planning integrated through the NABCI.

Conservation Measure – an action undertaken to improve the conservation status or to minimize or avoid take of one or more species of migratory birds. Examples include surveys and inventories, monitoring, status assessments, land acquisition or protection, habitat restoration, disturbance avoidance, population manipulation, research, and outreach.

Conservation Planning – strategic and tactical planning of agency activities for the long-term conservation of migratory birds and their habitats.

Cooperative Ecosystem Studies Units (CESU) National Network - a network of cooperative units established to provide research, technical assistance, and education to resource and environmental managers.

Council for the Conservation of Migratory Birds – an interagency council established by the Secretary of the Interior to oversee the implementation of Executive Order 13186.

Ecological Condition – the composition, structure, and processes of ecosystems over time and space. This includes the diversity of plant and animal communities, the productive capacity of ecological systems and species diversity, ecosystem diversity, disturbance processes, soil productivity, water quality and quantity, and air quality. Often referred to in terms of ecosystem health, which is the degree to which ecological factors and their interactions are reasonably complete and functioning for continued resilience, productivity, and renewal of the ecosystem.

Effect (adverse or beneficial) – "effects" and "impacts," as used in this MOU are synonymous. Effects may be direct, indirect, or cumulative, and refer to effects from management actions or categories of management actions on migratory bird populations, habitats, ecological conditions and/or significant bird conservation sites.

Important Bird Areas (IBAs) – a network of sites that provide essential habitat for the long-term conservation of birds. In the United States, the IBA network is administered by the American Bird Conservancy and the National Audubon Society (http://www.audubon.org/nird/iba/).

Joint Venture – an ecoregional self-directed partnership of Federal, state and local agencies, tribes, non-government organizations, corporations and individuals that has formed to deliver the objectives of national or international bird conservation initiatives.

Management Action – an activity by an agency that could cause a positive or negative impact on migratory bird populations or habitats. Conservation measures to mitigate potential negative effects of actions may be required.

Migratory Bird – an individual of any species protected by the Migratory Bird Treaty Act; a list of protected migratory birds can be found in 50 CFR 10.13, (http://www.gpoaccess.gov/cfr/index.html).

National Environmental Policy Act (NEPA) – a Federal statute that requires Federal agencies to prepare a detailed analysis of the environmental impacts of a proposed action and alternatives, and to include public involvement in the decision making process for major Federal actions significantly affecting the quality of the human environment (42 U.S.C. § 4321, et. seq.).

North American Bird Conservation Initiative (NABCI) – an initiative to align the avian conservation community to implement bird conservation through regionally-based, biologically driven, landscape-oriented partnerships across the North American continent. The NABCI includes Federal agencies of Canada, Mexico and the United States, as well as most landbird, shorebird, waterbird, and waterfowl conservation initiatives (http://www.nabci-us.org).

North American Waterbird Conservation Plan (NAWCP) – a partnership of Federal and state government agencies, non-governmental organizations, and private interests focusing on the conservation of waterbirds, primarily including marshbirds and inland, coastal, and pelagic colonial waterbirds (www.nacwcp.org/pubs/). The vision of the partnership is that the distribution, diversity and abundance of populations and breeding, migratory, and nonbreeding waterbirds are sustained throughout the lands and waters of North America, Central America, and the Caribbean.

North American Waterfowl Management Plan (NAWMP) –a partnership of Federal and state agencies, non-governmental organizations, and private interests focusing on the restoration of waterfowl populations through habitat restoration, protection, and enhancement (http://birdhabitat.fws.gov/NAWMP/nawmphp.htm).

Partners in Flight (PIF) – a cooperative partnership program of more than 300 partners including Federal and State government agencies, non-governmental organizations, conservation groups, foundations, universities and industry focusing on the conservation of landbirds.

Population – a group of distinct, coexisting, conspecific individuals, whose breeding site fidelity, migration routes, and wintering areas are temporally and spatially stable, sufficiently distinct geographically (at some time of the year), and adequately described so that the population can be effectively monitored to discern changes in its status.

Seabird Conservation Plan, Pacific Region – defines the status of, and research, monitoring, and conservation actions needed for the long-term conservation of seabirds foraging in near-shore and offshore waters in the Pacific, and nesting on the Pacific Islands under U.S. jurisdiction (http://www.fws.gov/pacific/migratorybirds/conservation.htm).

Species of Concern – refers to those species listed in the periodic report *Birds of Conservation Concern;* priority migratory bird species documented in the comprehensive bird conservation plans (North American Waterbird Conservation Plan, U.S. Shorebird Conservation Plan, Partners in Flight Bird Conservation Plans); species or populations of waterfowl identified as high, or moderately high, continental priority in the North American Waterfowl Management Plan; listed threatened and endangered bird species in 50 CFR 17.11: and game birds below desired condition as identified by the Service's Division of Migratory Bird Management.

Take–to pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to pursue, hunt, wound, kill, trap, capture or collect (50 CFR Section 10.12). The Executive Order further defines take to include intentional take, meaning take that is the purpose of the activity in question, and unintentional take, meaning take that results from, but is not the purpose of, the activity in question. Both intentional and unintentional take constitute take as defined by the regulation.

U.S. Shorebird Conservation Plan (USSCP) – an effort undertaken by a partnership of Federal and State government agencies, as well as non-governmental and private organizations to ensure that stable and self-sustaining populations of all shorebird species are restored and protected (http://www.fws.gov/shorebird).

X. Dispute Resolution

In the event of a dispute between the Parties regarding a particular practice or activity, the Parties shall first attempt to resolve the dispute with the BLM Field Office management and the appropriate FWS office. If there is no resolution at this level within 30 days, either Party may elevate the issue to the appropriate officials at BLM State or FWS Regional offices. In the event that there is no resolution at this level, within 30 days, the dispute may be elevated by either Party to the Washington office of each agency.

XI. It is Mutually Agreed and Understood That:

A. This MOU will not change or alter requirements associated with the MBTA, BGEPA, the Endangered Species Act, NEPA, or any other statutes or other legal authority.

B. This MOU in no way restricts either Party from participating in similar activities with other public or private agencies, governments, organizations, or individuals.

C. This MOU is neither a fiscal nor a funds-obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the Parties will be handled in accordance with applicable laws, regulations, and procedures, including those for government 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.

D. The Parties shall schedule annual meetings to review progress and identify opportunities for advancing the principles of this MOU.

E. This MOU is intended to improve the internal management of the Department of the Interior and does not create any right or benefit, substantive or procedural, separately enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

F. Modifications to this MOU shall only be made in writing by mutual consent of both Parties, through issuance of a written modification signed and dated by both Parties.

G. The Parties agree that this MOU shall be implemented to the extent permitted by law and in harmony with agency missions, subject to the availability of appropriations and budgetary limits.

H. The MOU will not change or alter species-conservation process and procedure requirements associated with the Endangered Species Act or with agency-defined priority species. Each agency's responsibilities towards such species remain unchanged.

I. The parties agree that the BLM may not be able to implement all elements of this MOU upon signature of the MOU. Upon signing of the MOU, revision or adoption of some elements into Resource Management Plans will be required to implement those elements to the fullest. However, many land-use plans already address migratory birds to the extent described in this MOU because of existing planning and policy guidance pertaining to Executive Order 13186. Incorporation of all elements of the MOU into land use planning will be facilitated by land use plan maintenance, amendment, or revision.

J. Upon signing of this MOU, the MOU will be published in the *Federal Register* advising the public of the MOU's availability.

K. This instrument in no way alters or takes the place of the respective Party's requirements for conducting environmental analysis, including NEPA requirements.

The principal contacts for this instrument are as follows:

Bureau of Land Management
E. Dwight Fielder, Chief
Division of Fish, Wildlife, and Plant Conservation
Phone: 202-912-7230
Fax: 202-912-7187
email: Dwight_Fielder@blm.gov

U.S. Fish and Wildlife Service
Dr. Robert Blohm, Chief
Division of Migratory Bird Management
Phone: 703-358-1966
Fax: 703-358-2272
email: Robert_Blohm@fws.gov

This instrument is executed as of the last date signed below and expires no later than five-years after the last signature date, at which time, it is subject to review and renewal, or expiration.

The Parties hereto have executed this agreement as of the last date shown below.

for Robert V. Abbey
Director
Bureau of Land Management

4/12/2010
Date

Rowan Gould
Acting Director
U.S. Fish and Wildlife Service

4/12/2010
Date