

Meeting Date: February 9, 2022

Staff Contact: Mark Kelly, P.E., Water Resources Division Manager

TITLE: C-22-8 – Approving the 2022 Memorandum of Agreement for the Middle Rio Grande Endangered Species Collaborative Program

ACTION: Recommend Approval

Summary:

The Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program) was established by the 2003 Memorandum of Understanding, which was superseded by the 2008 Memorandum of Agreement (MOA). The Water Authority has been a member of the Collaborative program from the beginning. Substantive changes in the structure and operation of the Collaborative Program have occurred and this MOA supersedes previous agreements. Signatories to this MOA reaffirm the Collaborative Program as consisting of federal, state, and local government entities, Indian Tribes and Pueblos, and non-governmental organizations engaged in collaborative efforts to benefit listed species in the Middle Rio Grande.

FISCAL IMPACT:

None. Funding for the Collaborative Program is not changed by the updated MOU.



Middle Rio Grande Endangered Species Collaborative Program

Est. 2000

TO: Middle Rio Grande Endangered Species Collaborative Program signatories
FROM: Debbie Lee, Program Manager
DATE: January 25, 2022
SUBJECT: 2022 Memorandum of Agreement

The Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program) is a multi-party partnership of federal, state, and local entities; Indian Tribes and Pueblos; academic institutions; and non-governmental organizations working together on collaborative efforts to benefit the listed species of the Middle Rio Grande. Your organization is a current signatory of the Collaborative Program, having signed onto the existing Memorandum of Agreement (MOA), which was extended through May 15, 2022.

Over the past year, the Collaborative Program has transitioned into operating under a science and adaptive management framework with a focus on learning from the collective efforts of all the signatories, using the results from those activities to systematically address scientific uncertainties, and informing recommendations for best management practices. This is all carried out within the context of the Collaborative Program's management-relevant science objectives. More information about the Collaborative Program's operations, direction, and activities are found in the Science & Adaptive Management Plan¹ (approved December 2020) and the Long-Term Plan² (approved December 2021).

In January 2022, the Collaborative Program's Executive Committee (EC) conditionally approved a new MOA for individual signatories to take through their own individual approval processes. Signed copies will be presented to the EC at the March 23, 2022 meeting for full execution of the 2022 MOA.

All current active signatories of the Collaborative Program are receiving a copy of the 2022 MOA to review and sign. I appreciate your timely response to ensure no gap in MOA terms. Please return signed copies of the MOA to Michelle Tuineau of the Program Support Team at mtuineau@west-inc.com no later than March 15, 2022. If you have any questions, you may reach out to me at dlee@west-inc.com or (505) 219-5309.

Sincerely,

A handwritten signature in blue ink that reads "Debbie Lee".

Debbie Lee
Program Manager

¹ <https://webapps.usgs.gov/MRGESCP/documents/middle-rio-grande-endangered-species-collaborative-program-science-adaptive-management-plan>

² <https://webapps.usgs.gov/MRGESCP/documents/middle-rio-grande-endangered-species-collaborative-program-long-term-plan>

2022 MEMORANDUM OF AGREEMENT
for the
MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM

MARCH 23, 2022

STATEMENT OF PURPOSE

The Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program) was established by the 2003 Memorandum of Understanding, which was superseded by the 2008 Memorandum of Agreement (MOA). Substantive changes in the structure and operation of the Collaborative Program have occurred and this MOA supersedes previous agreements. Signatories to this MOA reaffirm the Collaborative Program as consisting of federal, state, and local government entities, Indian Tribes and Pueblos, and non-governmental organizations engaged in collaborative efforts to benefit listed species in the Middle Rio Grande.

TERMS AND CONDITIONS

- A. Effective Date and Duration. This MOA shall remain in effect for a period of 5 years from the date of its execution by the Executive Committee. The MOA shall automatically extend for an additional 5 years, unless otherwise terminated by unanimous consent of the Executive Committee.
- B. Individual Termination. During the term of this MOA, any signatory may withdraw from this MOA upon written notice to the Executive Committee. A signatory's participation in this MOA may also be terminated through termination of membership to the Collaborative Program by non-attendance at three consecutive Executive Committee meetings. Termination by individual signatories shall not terminate this MOA, which shall continue to apply with respect to the remaining signatories.
- C. Sovereignty. This MOA does not constitute a waiver or alteration of any sovereign rights and immunities.
- D. Execution in Part and Additional Signatories. This Agreement may be executed in one or more separate counterparts. All of such counterparts shall, when taken together, constitute one and the same agreement. New signatories to this MOA may be added at any time through the duration of this MOA.
- E. Under section 4(f)(2) of the ESA, 16 U.S.C. § 1533, the Secretary of the Interior is directed to develop and implement plans for the conservation of endangered species. The Secretary of

the Interior may procure the services of public and private agencies, individuals, and institutions in developing and implementing such recovery plans. Advice from such agencies, individuals, and institutions, such as that offered by signatories to this MOA, is not subject to the Federal Advisory Committee Act, 5 U.S.C. app.2. See also Bylaws, Article 6 (Executive Committee, including public notice and participation).

- F. This MOA shall not obligate any signatory to participate in, contribute to, or otherwise implement activities recommended by the Collaborative Program.
- G. This MOA is not intended to conflict with or abrogate any legal rights or responsibilities of any signatory or other party.

The signatories hereby state that they have legal authority to enter into this MOA and have legal authority to work toward the intent of the Collaborative Program.

Organization: _____

Name: _____

Title: _____

Sign

Date