

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

**STATEMENT OF PURPOSE**

The Middle Rio Grande Endangered Species Collaborative Program (Program) is established by this Memorandum of Agreement (MOA) as a collaborative effort consisting of federal, state, and local governmental entities, Indian Tribes and Pueblos, and non-governmental organizations. The intent of Program participants is two-fold: first, to prevent extinction, preserve reproductive integrity, improve habitat, support scientific analysis, and promote recovery of the listed species within the Program area in a manner that benefits the ecological integrity, where feasible, of the Middle Rio Grande riverine and riparian ecosystem; and, second, to exercise creative and flexible options so that existing water uses continue and future water development proceeds in compliance with applicable federal and state laws. To achieve these ends, the Program may not impair state water rights or federal reserved water rights of individuals and entities; federal or other water rights of Indian nations and Indian individuals, or Indian trust assets; San Juan-Chama Project contractual rights; and the State of New Mexico's ability to comply with Rio Grande Compact delivery obligations.

In April, 2002, a Memorandum of Understanding (MOU) was executed by certain federal agencies, the State of New Mexico, Indian Pueblos, and other parties that set forth certain interim agreements with respect to establishment of the Program. Through a series of amendments, the MOU was subsequently extended by the parties through December 2008. This MOA supersedes the MOU, as amended. The signatories to this MOA agree to participate in and support the Program.

**AUTHORITIES**

- A. Consultation and Coordination. Under section 4(f) of the Endangered Species Act (ESA), 16 U.S.C. §§ 1531 et seq., the Secretary of the Interior is directed to develop and implement plans for the conservation of endangered species. The Secretary of the Interior may enlist the services of public and private agencies, individuals and

institutions, including Program signatories, in developing and implementing such recovery plans. Advice from such agencies, individuals, and institutions, such as that offered by Program signatories, is not subject to the Federal Advisory Committee Act, 5 U.S.C. app. 2. The Program does not create an agency, board, commission, or any other entity of state government, nor does the MOA create a state advisory committee subject to Section 9-1-9 NMSA 1978.

- B. Applicable Tribal Law. Pursuant to the applicable Tribal laws, and inherent Tribal sovereignty, the tribes have the authority to administer water rights, to oversee the development of water resources, and to protect and manage fish and wildlife resources within the boundaries of their reservations.
  
- C. Statement of Authorities. 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 Program.

## **TERMS AND CONDITIONS**

- A. Effective Date and Duration. This MOA shall remain in effect for a period of 13 years from the date of its execution by any agency of the United States and any additional non-Federal signatory, unless extended by written agreement.
  
- B. Amendment. This MOA may be amended by written agreement of the signatories. Any signatory may withdraw from this MOA upon written notice to the other signatories.
  
- C. No Delegation or Abrogation. All signatories to this MOA have statutory legal responsibilities that cannot be delegated. This MOA does not and is not intended to abrogate any statutory or legal authorities.
  
- D. Consistency with Applicable Law. This MOA is subject to and is intended to be consistent with all applicable Federal, State, and Tribal laws and interstate compacts. Federal agency consultation with Tribes shall occur for all Program activities affecting Tribal resources in conformance with all applicable Executive and Secretarial Orders and Policies.

E. Legislative Approval. All funding commitments to carry out the Program are subject to approval by the appropriate State, Tribal, and Federal legislative bodies.

F. Governance and Operating Procedures: The governing body of the Program (Executive Committee) shall operate pursuant to Program Bylaws and other documents, as needed, specifying Program governance and operating procedures, and may amend those documents as needed.

G. Program Modifications. Modifications to the Program may be made pursuant to Bylaws adopted by the Executive Committee of the Program and without modification to this MOA or the additional written consent of the signatories.

**Insert the name of your organization here:**

ABCWYA

**Sign here**



**INSERT YOUR NAME HERE,**

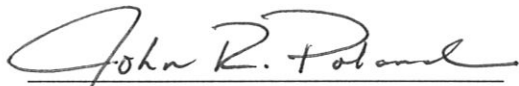
**Insert your title here**

Executive Director

7/17/08

**Date**

**Department of Interior  
Bureau of Reclamation  
Albuquerque Area Office**



**JOHN R. POLAND,  
Area Manager**

5/21/08

**Date**

Insert the name of your organization here: *CITY OF ALBUQUERQUE*

*MATTHEW F. SCHMADER*

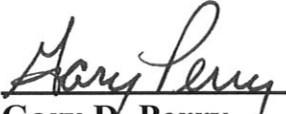
Sign here *MS*  
INSERT YOUR NAME HERE,

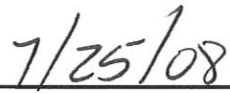
Insert your title here

*SUPERINTENDENT, OPEN SPACE DIVISION  
PARKS AND RECREATION DEPARTMENT*

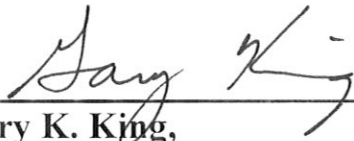
*July 15, 2008*  
Date

Middle Rio Grande Conservancy District  
P.O. Box 581  
Albuquerque, NM 87103

  
Gary D. Perry,  
Chairman

  
Date

**Office of the New Mexico Attorney General:**

  
\_\_\_\_\_  
**Gary K. King,**  
**New Mexico Attorney General**

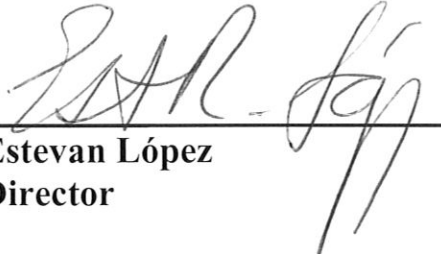


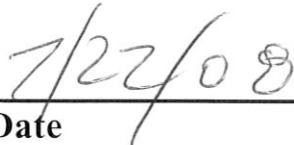
New Mexico Department of Game and Fish

  
\_\_\_\_\_  
Bruce Thompson,  
Director

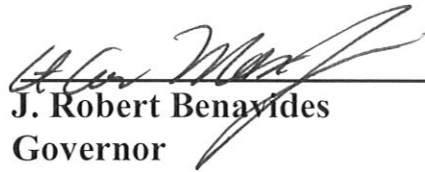
7-22-08  
Date

**New Mexico Interstate Stream Commission**

  
\_\_\_\_\_  
**Estevan López**  
**Director**

  
\_\_\_\_\_  
**Date**

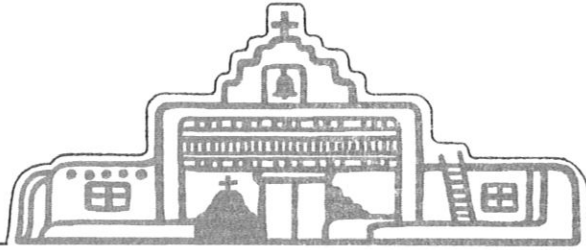
Pueblo of Isleta:

  
For **J. Robert Benavides**  
**Governor**

Pueblo of Santa Ana

  
\_\_\_\_\_  
Ulysses G. Leon  
Governor

  
\_\_\_\_\_  
Date



# Santo Domingo Tribe

OFFICE OF THE GOVERNOR P.O. BOX 70, SANTO DOMINGO PUEBLO, NEW MEXICO 87052 TELEPHONE (505) 465-0055 FAX (505) 465-0056

**Santo Doming Tribe:**

**Sisto Quintana,  
Governor Santo Domingo**

7/30/08  
Date

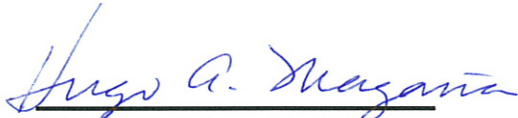
**U.S. ARMY CORPS OF ENGINEERS  
Albuquerque District**



**B. A. Estok**  
**Lieutenant Colonel, U.S. Army**

**Date signed:** 9 JUN 08

**U.S.D.A. Forest Service, Rocky Mountain Research Station**



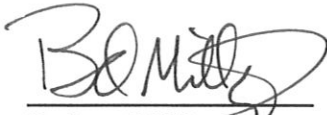
**Hugo A. Magaña Ph.D.**

**Insert your title here**

**Dec. 8, 2008**

**Date**

**U.S. Fish and Wildlife Service:**



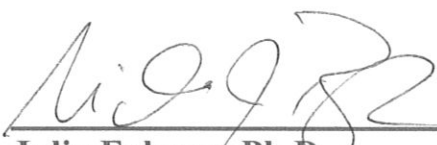
**Brian Millsap,  
Fish and Wildlife State Administrator,  
New Mexico**

17 July 2008

**Date**



**The University of New Mexico**

*for*   
\_\_\_\_\_  
**Julia Fulgum, Ph.D.**  
**Interim Vice President for Research**

**Date signed:**



**New Mexico Department of Agriculture**

Office of the Director/Secretary  
MSC 3189  
New Mexico State University  
P.O. Box 30005  
Las Cruces, NM 88003-8005  
Tel: 575-646-3007  
Fax: 575-646-8120

ORIGINAL

RECEIVED BOR ALBUQUERQUE AREA OFFICE OFFICIAL FILE COPY		
DEC 29 '08		
I-08-585		
Class	ENV-6.00	
Prj	MR	
Cntr #		
Fldr #		
Date	Initial	To
ONE	MB	102

December 15, 2008

Lisa K. Croft  
Deputy Area Manager  
Middle Rio Grande ESA Collaborative Program Manager  
Albuquerque Area Office Bureau of Reclamation  
555 Broadway NE, Suite 100  
Albuquerque, New Mexico 87102

Dear Ms. Croft:

Enclosed you will find the New Mexico Department of Agriculture's (NMDA) signed signature page for the Middle Rio Grande Endangered Species Collaborative Program (MRG) Memorandum of Agreement signifying NMDA's continued commitment to the MRG program.

Thank you for your support for this important effort.

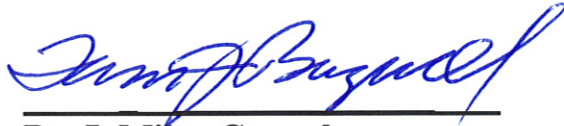
Sincerely,

I. Miley Gonzalez, Ph.D.  
Director/Secretary

IMG/jm/hb

Attachment: NMDA signature sheet

**New Mexico Department of Agriculture**



---

**Dr. I. Miley Gonzalez**  
**Director/Secretary**

12/15/08

---

**Date**

**Middle Rio Grande  
Endangered Species Collaborative Program**

c/o Bureau of Reclamation  
555 Broadway Ave NE, Suite 100  
Albuquerque NM 87102  
PHONE 505-462-3541 | FAX 505-462-3783



[www.mrgesa.com](http://www.mrgesa.com)

Federal Co-Chair: **David Sabo**  
Non-Federal Co-Chair: **Estevan Lopez**  
Program Manager: **Lisa K. Croft**

David K. Mitchell, President  
Assessment Payers Association of the MRGCD  
P.O. Box 326  
Los Lunas, NM 87031

August 21, 2008

Dear Mr. Mitchell

Thank you for your letter of May 19, 2008 regarding representation on the Executive Committee of the Collaborative Program.

The Executive Committee met on July 17, 2008 and at that time determined that additional information was needed before a final decision could be made on your application. The By-laws for Collaborative Program state:

*The Executive Committee may consider among other things the following criteria in determining whether to accept an application, provided that an applicant need not meet all criteria, and further provided that meeting the criteria does not guarantee an applicant's acceptance as a signatory. These criteria include:*

- a) *representation of a sizable constituency, for example through public outreach or membership;*
- b) *contribution to the non-federal cost share, including in-kind services;*
- c) *ownership of an interest affected by the Program, such as land, water, or other property rights;*
- d) *jurisdictional or regulatory responsibility, including sovereignty; and*
- e) *commitment to participation.*

The Executive Committee would like any additional information you would like to provide that addresses the above criteria regarding the Assessment Payers Association of the MRGCD, but in particular would appreciate additional information regarding criteria (a) and (c). This additional information will help the Executive Committee to make a better informed decision regarding your application for membership to the Executive Committee.

The APA has been a valued and active participant in the Collaborative Program and we look forward to continuing to work with your organization as they provide a critical link to the agricultural community. Please feel free to contact Lisa Croft, Program Manager at 505 462-3541 or Estevan Lopez, Non Federal Co-Chair, at 505 827-6103; if you have any questions or concerns.

Thank you again for your support and commitment to the Collaborative Program.

Sincerely,

Dave Sabo  
Federal Co-Chair

Estevan Lopez  
Non-Federal Co-Chair

**Assessment Payers Association of the Middle Rio Grande  
Conservancy District:**



5-16-08

---

**David K. Mitchell,  
President**

**Middle Rio Grande  
Endangered Species Collaborative  
Program**

c/o Bureau of Reclamation  
555 Broadway Ave NE, Suite 100  
Albuquerque NM 87102  
PHONE 505-462-3541 | FAX 505-462-3783



<http://www.mrgesa.com/>

Federal Co-Chair: **David Sabo**  
Non-Federal Co-Chair: **Estevan Lopez**  
Program Manager: **Lisa K. Croft**

---

Governor Stuart Paisano  
Pueblo of Sandia  
481 Sandia Loop  
Bernalillo, New Mexico 87004

August 21, 2008

Dear Governor Paisano:

The Middle Rio Grande Endangered Species Collaborative Program recently finalized the Memorandum of Agreement for Program participants. Enclosed you will find the signature page for you to complete and return to the Program.

As a long time Program member we look forward to your continuing participation and involvement in achieving the Program goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Sabo".

Federal Co-Chair  
Dave Sabo

A handwritten signature in black ink, appearing to read "Estevan Lopez".

Non-Federal Co-Chair  
Estevan Lopez

---

**Pueblo of Sandia**

---

**Governor Stuart Paisano**

---

**August , 2008**

**Audubon New Mexico**



---

Jonathan Hayes  
*Executive Director*

**2/20/2020**

---

Date