

Appendix J.

MEMORANDUM OF UNDERSTANDING
Between the
USDI-BUREAU OF LAND MANAGEMENT-PALM SPRINGS FIELD OFFICE
and the
USDA-FOREST SERVICE-SAN BERNARDINO NATIONAL FOREST

This Memorandum of Understanding (MOU) is made and entered into between the United States Department of Interior-Bureau of Land Management, Palm Springs Field Office (hereinafter referred to as the BLM) and the United States Department of Agriculture-Forest Service, San Bernardino National Forest (hereinafter referred to as the Forest Service).

I. INTRODUCTION/BACKGROUND

Congresswoman Mary Bono introduced legislation (H.R. 3676) in the House of Representatives on February 16, 2000 for the establishment of Santa Rosa and San Jacinto Mountains National Monument (National Monument). A companion bill (S. 2784) was introduced in the Senate by Senator Dianne Feinstein on July 26, 2000. The 106th Congress agreed by unanimous consent to the establishment of the National Monument. The passage of this legislation and the signing into law by President Clinton on October 24, 2000 established a 272,000 acre National Monument; encompassing 86,400 acres of BLM lands, 64,400 acres of San Bernardino National Forest lands, 23,000 acres of Agua Caliente Band of Cahuilla Indians lands, 8,500 acres of California Department of Parks and Recreation lands, 34,500 acres of other State of California agencies lands, and 55,200 acres of private land. The National Monument Act also established a Monument Advisory Committee to assist BLM and Forest Service develop a National Monument Management Plan (Monument Plan).

The BLM and the Forest Service are tasked with the management of federal lands in the National Monument in cooperation and consultation with the Agua Caliente Band of Cahuilla Indians, state agencies and local governments to preserve the monument's significant biological, cultural, recreational, scenic, geological, educational, and research values.

II. PURPOSE

This Memorandum of Understanding, and attached Interagency Agreement, establishes a coordinated BLM and Forest Service strategy for completing the management plan for the Santa Rosa and San Jacinto Mountains National Monument. The National Monument Act requires the Secretaries of Interior and Agriculture to complete a Monument Plan by October 24th, 2003. The Secretaries shall submit the Management Plan to Congress before the Monument Plan is made public.

III. AUTHORITIES

This MOU is entered into under the joint interdepartmental policies as well as under the individual department authorities of the U.S. Department of Agriculture and the U.S. Department of the Interior. The federal agencies have general authority to cooperate and reach interagency understanding on matters within the scope of this document.

This MOU is authorized by Section 307 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737 (FLPMA), as amended. The FLPMA mandates the Federal agencies to manage lands under their jurisdiction for multiple use and sustained yield in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.

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The Federal agencies must comply with National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sec. 4321, et seq., and related requirements, including the Council on Environmental Quality (CEQ) regulations 40 CFR 1500-1508 published in the Federal Register, November 29, 1978. As required by Section 102(2)(C) of NEPA, Environmental Impact Statements (EISs) are to be included in every recommendation or report on proposals significantly affecting the quality of the human environment. CEQ regulation 40 CFR 1501.5 states that a lead agency shall supervise the preparation of a NEPA document if more than one Federal Agency proposes or is involved in the same action. CEQ regulation 40 CFR 1501.6 emphasizes agency cooperation early in the NEPA process and states that any other Federal Agency which has jurisdiction by law shall be a cooperating agency.

Additionally, this MOU is authorized by the following assorted laws and other MOUs:

1. Protection Act of 1922 (16 U.S.C. 594);
2. Memorandum of Understanding between the United States Department of Interior and the Department of Agriculture dated January 28, 1943;
3. Economy Act of June 30, 1932 (47 Stat. 417; 31 U.S.C. 686, as amended). (For USDI Agencies only);
4. Forest and Rangeland Renewable Resources Planning Act of 1974 (160 U. S. C.1600);
5. Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a);
6. Forest Service Cooperative Agreement Act of December 12, 1975 (16 U.S.C. 565a1-3);
7. The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (16 U.S.C. 431nt, as amended by Public Law 106-434, Section 2);
8. Wilderness Act of 1964, California Wilderness Act of 1984, and California Desert Protection Act of 1994; and
9. Memorandum of Understanding between USDI – Bureau of Land Management – Palm Springs South Coast Field Office and the USDA-Forest Service – San Bernardino National Forest (FS MOU# 01-MU-11-05-12-63-006).

IV. STATEMENT OF MUTUAL BENEFITS

The BLM and Forest Service are dedicated to the management of our Nation's biological, cultural, recreational, scenic, geological, educational, and research resources. Underlying the purposes of and specific agreements contained in this MOU, the parties recognize a number of mutual interests that they wish to address, including, but not limited to:

- Collaborative Approach in the Management of Natural Resources;
- Sustainability of Ecosystems;
- Tribal Self-Determination and Self-Governance;
- Efficient and Effective Law Enforcement; and
- Implementation of the Federal Trust Responsibility.

Thus, to protect the resources within the National Monument and to comply with appropriate laws, the BLM and Forest Service agree that it is to their mutual benefit to work cooperatively and efficiently to develop and implement the Santa Rosa and San Jacinto Mountains National Monument Management Plan.

V. THE BLM AND FOREST SERVICE AGREE TO:

1. Jointly prepare the Monument Plan and associated environmental review with assistance from cooperating and interested parties.

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2. Develop an Interagency Agreement for Plan Completion. (When completed, this Interagency Agreement will be attached and become a part of the MOU). This agreement will describe the analysis process for the Monument Plan, identify the key issues to be addressed in the NEPA document, and detail a public participation strategy to be used during plan development and review of both the Monument Plan and the NEPA document. The agreement may be modified as necessary in the judgment of the BLM and/or Forest Service.
3. Adhere to the public participation plan and overall strategy identified in the Interagency Agreement described above.
4. Consult with the Monument Advisory Committee established by the National Monument Act to identify issues and develop appropriate strategies for consideration in the Monument Plan
5. Use BLM Planning Regulations for the Monument planning process and management plan structure. BLM Planning process guidance is provided for in Title 43 Code of Federal Regulations Part 1610 and the Bureau of Land Management Planning Manual H-1606-1.
6. Establish an interdisciplinary team as required by 40 CFR 1500 to oversee the environmental analysis and jointly provide resource expertise where needed to complete relevant portions of the management plan and corresponding environmental review.
7. Seek to engage in constant and clear communication between agencies to ensure consistency between concurrent land use planning processes, including, but not limited to: San Bernardino National Forest Plan Revision, Coachella Valley California Desert Conservation Area Plan Amendment, Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, and the Agua Caliente Band of Cahuilla Indian's Habitat Conservation Plan.
8. Identify components of current planning efforts to be incorporated into the Monument Plan where appropriate. The Monument Manager, in consultation with the Cooperating Agencies, will ensure a final determination on the inclusion or deletion of material from the NEPA document in all instances involving questions as to the content of any material (including all data, analysis, and conclusions).
9. Authorize the Monument Manager to maintain the official case file for the project in the Palm Springs Field Office and assume responsibility for design, organization, preparation, and maintenance of the administrative record for the project.
10. The Monument Manager will make all information submitted by the public and others accessible upon request pursuant to the rules and exceptions of the Freedom of Information Act. This information will be made available following publication of the NEPA document.
11. The Monument Manager, in coordination with Cooperating Agencies, will be responsible for public review of the NEPA document and public hearings.
12. The Monument Manager will be the collection point for all public comments regarding the project. BLM will establish procedures for coordinating public comments with Forest Service and Cooperating Agencies.
13. The BLM and Forest Service, in consultation with Cooperating Agencies, will determine any necessary modification of the NEPA document as a result of public comments and will be responsible for responding to comments.
14. Upon completion of the 30-day review of the FEIS, the Forest Service and BLM will issue separate Records of Decision. Following the publication of individual Records of Decision, BLM will be responsible for implementing the plan on BLM lands and Forest Service will be responsible for implementing the plan on National Forest lands.

VI. ADMINISTRATIVE PROVISIONS:

1. ANTI-DEFICIENCY ACT. This instrument is subject to the Anti-Deficiency Act (31 U.S.C. 1341).
2. MODIFICATION/AMENDMENT. This MOU may be modified or amended in writing by mutual agreement of all parties involved. Modification within the scope of this instrument shall be made by the issuance of a fully executed amendment prior to any changes being performed.
3. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service and BLM under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
4. TERMINATION. Either party, in writing, may terminate the instrument in whole, or in part, at any time before the date of expiration.
5. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the agencies from participating in similar activities with other public or private agencies, organizations, and individuals.
6. EFFECTIVE DATE/COMPLETION DATE. This instrument is executed as of the date of the last signature and, unless sooner terminated, is effective through February 1, 2006, at which time it will expire unless renewed.
7. RESTRICTION FOR DELEGATES. Pursuant to Section 22, Title 41, United States Code, no member of, or Delegate to, Congress shall be admitted to any share or part of this instrument or any benefits that may arise therefrom.
8. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Bureau of Land Management:
Danella George
National Monument Manager
P.O. Box 581260
690 West Garnet Avenue
North Palm Springs, CA 92258
(760) 251-4817 or Danella_George@ca.blm.gov

Forest Service:
Laurie Rosenthal
San Jacinto District Ranger
San Bernardino National Forest
1824 S. Commercenter Circle
San Bernardino, CA 92408-3430
(909) 884-6634 x3150 or lrosenthal@fs.fed.us
9. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulation, and procedures including those for Government procurement and printing. Such endeavors will be outlined the agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

10. APPLICABLE STATUTES/REGULATIONS. This instrument is subject to all applicable Federal statutes and regulations. If any of the provisions of this instrument conflict with any statute or regulation, the statute or regulation controls.

VII. RATIFICATION

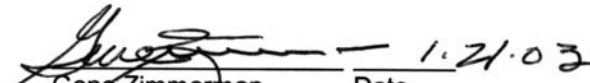
IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the last written date shown below.

Bureau of Land Management

San Bernardino National Forest




Danella George Date
National Monument Manger

 1.21.03

Gene Zimmerman Date
Forest Supervisor
San Bernardino National Forest

 1/21/03

James G. Kenna Date
Palm Springs Field Manager
Bureau of Land Management

 1/21/03

Laurie Rosenthal Date
San Jacinto District Ranger
San Bernardino National Forest