



United States Department of the Interior



In Response Reply To:
FWS/R8/AES

FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

MAR 16 2015

Charlton H. Bonham
Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Chuck

Dear Mr. Bonham:

This responds to your January 12, 2015 letter requesting our acceptance of your "SECTION 6 COOPERATIVE AGREEMENT – REVIEW OF LAW DEMONSTRATING COMPLIANCE WITH ESA" (Review of Law). We requested this Review of Law in accordance with section 6(c) of the Endangered Species Act (Act), which authorizes the U.S. Fish and Wildlife Service (Service) to enter into a Cooperative Agreement "...with any State which establishes and maintains an adequate and active program for the conservation of endangered species and threatened species."

Over the past 2 years, our agencies have worked together to update the previous version of our Section 6 Cooperative Agreement. In addition, we have developed a Memorandum of Agreement (MOA) which outlines agency points-of-contact and describes processes for increasing collaboration on all aspects of the ESA and California Endangered Species Act (CESA). We believe both documents will improve transparency and information sharing resulting in enhanced conservation for federally and state-listed species and their habitats.

We have reviewed your January 12, 2015, Review of Law and determined that your program meets the legal requirements for a limited authorities cooperative agreement under section 6(c) of the ESA, 16 U.S.C. 1535(c)(1) and (c)(2). We find that your program meets all of the criteria laid out in section 6(c)(1)(A) through (E) and 6(c)(2)(A) through (D), except with regard to resident invertebrate species listed under the ESA. The CESA does not include the authority to conserve invertebrate species by listing them as threatened or endangered. Section 6 of the ESA was amended in 1977 by Pub. Law 95-212 to allow states to enter into limited authorities cooperative agreements where state authority over all ESA listed species is lacking.

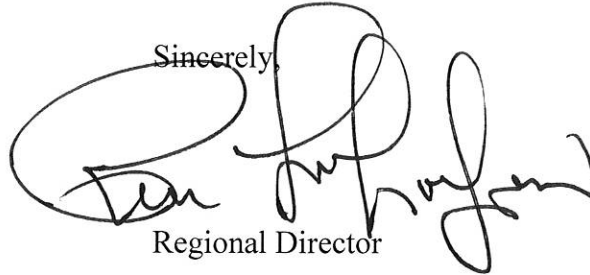
Enclosed are 2 signed copies of the section 6 cooperative agreement and the MOA. Please sign and date both of these documents, and return one of the originals back to us.

Mr. Charlton H. Bonham

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We have enjoyed working with your staff on development of this Cooperative Agreement and MOA, and we look forward to future coordination. I am confident these agreements will strengthen our working relationship and lead to great conservation outcomes for endangered, threatened and candidate species and habitats in California.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Yarraguirre". The signature is written in a cursive style with a large initial "D" and "Y".

Regional Director

Enclosures

cc:

Dan Yarraguirre, Deputy Director, Wildlife and Fisheries Division, CDFW

Mike Fris, Assistant Regional Director, Ecological Services, FWS