

Memorandum of Understanding

Between the US Fish and Wildlife Service, the Alaska Energy Authority, Alaska Village Electric Cooperative and the Denali Commission

Subject: Bulk Fuel Facility Operations in Communities Adjacent to Spectacled Eider Critical Habitat in Eastern Norton Sound

Date: July 2003

WHEREAS: The United States Fish and Wildlife Service (Service), an agency of the U.S. Department of the Interior is, along with the National Marine Fisheries Service, charged with implementing the Endangered Species Act of 1973, (16 U.S.C. 1531 et seq: 87 stat 884, as amended) (Act). Through interagency cooperation, Federal agencies or Commissions are required by the Act to assure that their actions do not jeopardize the continued existence of listed species.

WHEREAS: The Service has specifically identified the waters of eastern Norton Sound as Critical Habitat for spectacled eiders (*Somateria fischeri*). Furthermore, the spectacled eider recovery team has noted that eastern Norton Sound is likely the most important habitat to protect for the Yukon-Kuskokwim Delta breeding population, the most imperiled of the three spectacled eider populations and which has undergone over a 95% reduction in numbers in recent decades.

WHEREAS: The Alaska Energy Authority (AEA) and the Alaska Village Electric Cooperative (AVEC) act as non-federal representatives on bulk fuel upgrade projects that are funded by the Denali Commission (DC).

WHEREAS: It is the desire of the signatories to this Memorandum of Understanding (MOU) to minimize disturbance and threats to the spectacled eider during the summer/fall migration, staging, and molting periods, within spectacled eider Critical Habitat in eastern Norton Sound.

THEREFORE: This MOU is executed by the parties listed below for the purpose of documenting a mutual commitment between the parties to agree to the following elements of bulk fuel facility design and operation in communities adjacent to eastern Norton Sound:

A) The Service agrees:

1. To develop, in collaboration with DC, AEA and AVEC, educational materials for distribution to the communities and other entities that order bulk fuel deliveries. Education materials will contain information regarding concentrations of spectacled

July 2003

2 of 3

eiders in eastern Norton Sound, the ecological importance of eastern Norton Sound to molting spectacled eiders, the economic and ecological benefits of receiving single annual fuel deliveries, and the ecological benefits of receiving those deliveries prior to August 1st; and

2. That the terms of this MOU, when implemented, will have conservation benefits for the threatened spectacled eider and its Critical Habitat by minimizing the disturbance and threats resulting from the operation of bulk fuel facilities in eastern Norton Sound.

B) The undersigned parties agree to:

1. Work towards reducing the disturbance to spectacled eiders, including staging and molting flocks by:
 - a) Encouraging villages to take maximum advantage of the revolving loan fund that enables cash poor villages to make one bulk fuel purchase prior to August 1st of each year;
 - b) Counseling village administrators on the monetary benefits of one consolidated fuel delivery; and
 - c) Distributing education materials to eastern Norton Sound communities. The purpose of the education materials is to explain the economic and ecological benefits to receiving single annual fuel deliveries, and to receiving those deliveries prior to August 1st.

C) Effective Period, Amendments and Termination:

1. This MOU will be effective as of the last date signed below and shall be effective indefinitely unless terminated. Any party may terminate their participation in this MOU by serving 30 days written notice to the other parties.
2. The Parties to this MOU agreed to review the effectiveness of this MOU through an annual meeting or other mutually agreed upon approach.
3. Nothing in this MOU is intended to diminish, modify or otherwise affect the statutory or regulatory authorities of the Service or DC. The Service's and DC's undertakings pursuant to this MOU are subject to the availability of funds.

D) Contact Information

The parties hereby designate Gregory R. Balogh, of the Service, as the person who will coordinate administration and information dissemination resulting from this MOU.

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July 2003

3 of 3

The undersigned understand and agree to the terms and conditions of this Memorandum of Understanding.

AGREED TO:

U.S. Fish and Wildlife Service

By Ronan W. Gould
Date Aug 5, 2003 Title Regional Director

Denali Commission

By Jeff Star
Date July 18, 2003 Title Federal Chair Denali Commission

Alaska Energy Authority

By Don Muir
Date July 21, 2003 Title Executive Director

Alaska Village Electric Cooperative

By Musa Gowli
Date July 22, 2003 Title President & CEO