

**BI-NATIONAL DESERT BIGHORN SHEEP
RESTORATION PROGRAM
MEMORANDUM OF AGREEMENT**

BETWEEN

CEMEX located at Av. Independencia 901 Ote. Colonia Cementos, Monterrey, Nuevo Leon, Mexico 64520, CEMEX Inc. dba El Carmen Land and Conservation Company, LLC located at 920 Memorial City Way, Suite 100, Houston, Texas 77024, Texas Parks and Wildlife Department (TPWD) located at 4200 Smith School Road, Austin, Texas 78744, the Texas Bighorn Society (TBS), located at 1711 Avenue J, Lubbock, Texas, and the Wild Sheep Foundation (WSF), located at 720 Allen Avenue, Cody, Wyoming 82414. Throughout this agreement CEMEX, TPWD, TBS and WSF may be referred to collectively as the "Parties".

INTRODUCTION

The Parties to this Memorandum of Agreement (MOA) recognize that the Big Bend region of Texas and the northern areas of Coahuila and Chihuahua, Mexico, hereinafter referred to as the "Region", form an important zone of biological diversity that transcends political boundaries by way of a natural biological corridor that connects the United States and Mexico. The Region is indicated on Figure 1. Furthermore, the Parties recognize that the Region, for all its complexity and vastness, is at risk because of potential adverse impacts by humans. The collaborative working relationship among the Parties in the form of bi-national restoration and management of desert bighorn sheep in the Region will provide a flagship species initiative that will benefit natural communities and further help restore and conserve the region's biological diversity.

Through the cooperative efforts of TPWD, TBS, and private landowners since the mid-1950s, desert bighorn sheep in the Trans-Pecos Ecological Region of Texas have been restored to the population levels of the late 1800s. Currently, 8 free-ranging populations of desert bighorn, numbering over 1500 animals, occur in viable populations across the area. This partnership has clearly demonstrated the strategic importance of parties that have shared interest consolidating their capacities and resources to achieve a common goal.

In 2000, CEMEX initiated a desert bighorn sheep restoration program in Coahuila, Mexico with the establishment of the Sierra Pilares propagation facility. The objective at Pilares is to maintain a semi-captive population of approximately 200 desert bighorn sheep for the

purpose of restoring desert bighorns to suitable habitat in northeastern Mexico. Bighorn numbers within the Pilares facility are currently estimated at 300. In 2004, 2005 and 2009, desert bighorns were released from the propagation facility into the wild in the Sierra Maderas del Carmen. This free ranging population is currently estimated at approximately 35 sheep. In 2006 CEMEX entered into a partnership with Mr. Jose Vallina at his La Guarida bighorn breeding reserve located near Coyame, Chihuahua for the purpose of acquiring additional broodstock for reintroduction purposes. This reserve has a growing population of approximately 120 bighorns. In 2007 CEMEX joined with a Mexican nongovernmental organization (NGO), Organizacion Vida Silvestre A.C. (OVIS) at its reserve in Sierra del Viejo of Sonora, which now has a breeding population of approximately 40 sheep. All total, CEMEX and its partners in Mexico now have a breeding population that is approaching 500 sheep as a nucleus population for the purpose of restoring free ranging desert bighorn sheep into suitable habitats in the Region.

PURPOSE

The Parties to this MOA:

- 1. Are committed to desert bighorn sheep restoration in the Region where it is biologically, economically, and politically feasible until all suitable habitat is occupied and the long-term viability of transplanted bighorn sheep populations is achieved.**
- 2. Express a mutual interest in restoring and conserving desert bighorn sheep and other native wildlife by promoting, coordinating, supporting, and conducting activities in the Region focused on the cross-border restoration and management of native wildlife species and their sustainable benefits and value to the citizens of the United States and Mexico.**

OBJECTIVES

The objectives of this MOA are to:

- 1. Promote the importance of desert bighorn sheep as a keystone species in the Region.**
- 2. Establish bi-national desert bighorn sheep restoration management goals, objectives, and strategies.**

3. **Consolidate management resources on a bi-national level to the greatest extent possible.**
4. **Restore desert bighorn sheep into suitable habitat on both sides of the international border.**
5. **Ensure bi-national protection of desert bighorn sheep.**
6. **Support scientific research that focuses on desert bighorn sheep restoration and management.**
7. **Increase public awareness of the socio-economic value of desert bighorn sheep.**

GENERAL CONDITIONS

CEMEX, TPWD, TBS, and WSF agree to the following general conditions:

1. **That the term of this MOA is for ten years, and may be renewed thereafter by the mutual agreement of the Parties.**
2. **That this MOA embodies the entire understanding and agreement between the Parties, and no oral term or condition not contained herein shall be binding.**
3. **That this MOA becomes effective upon signing by all Parties.**
4. **That this MOA may be amended in writing upon agreement and signature of all Parties.**
5. **That any Party can terminated its participation in this MOA, by providing written notice to the other Parties at least 90 days prior to the date of their termination.**

INDIVIDUAL PROVISIONS

CEMEX agrees to the following provisions:

1. **To support the planning and implementation of desert bighorn sheep restoration and management in the Region as shown in Figure 1.**

2. To help coordinate desert bighorn sheep restoration and management activities in the Region with the Parties and in Mexico with SEMARNAT (Mexican Federal Wildlife Agency), State Wildlife Departments of Coahuila and Chihuahua, private landowners and other interested parties.
3. To protect and manage habitat including movement corridors for desert bighorn sheep in the Region when and where possible.
4. To transplant desert bighorn sheep within the Region.
5. To ensure that a representative group of adult bighorn sheep released into the wild are radio-collared and monitored to determine movements, distribution, productivity, survival, and mortality rates.
6. To plan for joint ground and aerial surveys with TPWD, TBS, WSF, and others in the Region.
7. To manage for high rates of reproduction and survival in order to establish viable and self-sustaining metapopulations of desert bighorn sheep in the Region.
8. To implement habitat enhancement projects and apply sound wildlife management practices.
9. To manage predators at a level that does not prevent the establishment of a self-sustaining desert bighorn sheep population in the Region.
10. To remove exotic ungulates as needed whenever encountered within the Region.

TPWD agrees to the following provisions, with regard to property in the Region under the control and management of TPWD:

1. To coordinate desert bighorn sheep restoration projects in the Region with CEMEX, TBS, WSF, private landowners, and other interested parties.
2. To help protect and manage desert bighorn sheep habitat, including movement corridors in the Region.
3. To continue transplants of desert bighorn sheep into the Region.

4. To plan for joint ground and aerial surveys with CEMEX, TBS, WSF, and others in the Region to the greatest extent possible, recognizing that TPWD's ability and authority to conduct such surveys is limited to areas within the State of Texas.
5. To manage for high rates of reproduction and survival in order to establish viable, self-sustaining metapopulations of desert bighorn sheep in the Region.
6. To manage predator populations at a level that does not prevent the establishment of a self-sustaining desert bighorn sheep population in the Region.
7. To remove exotic ungulates as needed and practicable on state lands within the Region.

The TBS and WSF agree to the following provisions:

1. To participate and provide leadership in the planning of the desert bighorn sheep restoration and management activities in the Region.
2. To help coordinate the implementation of desert bighorn sheep restoration and management activities in the Region.
3. To assist in developing partnerships and sustainable funding mechanisms for the long-term restoration and management of desert bighorn sheep.
4. To promote awareness of the socio-economic benefits of desert bighorn sheep restoration in the Region.

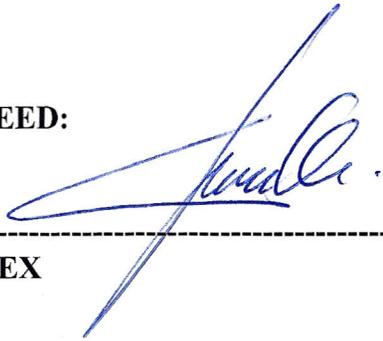
MUTUAL PROVISIONS

CEMEX, TPWD, TBS, and WSF mutually agree to the following provisions:

1. To implement a bi-national ecosystem management approach to promote the conservation of biodiversity in the Region.
2. To establish desert bighorn sheep as a keystone species and as one of the primary indicators of the over-all ecosystem health of the Region.

- 3. To provide strategic field sites for scientific studies focused on bighorn restoration and habitat selection.**
- 4. To meet at least once per year to discuss work plans, to exchange information, to evaluate progress, to identify potential impediments, and to explore options for consolidating available data and strategic resources.**
- 5. To improve public awareness by developing and disseminating information to the media, advocacy groups, wildlife organizations, and other interested parties regarding desert bighorn life history and ecology, and restoration initiatives in the Region.**
- 6. To work to ensure bi-national protection of desert bighorn sheep.**
- 7. To form a Chapter of the Wild Sheep Foundation in Mexico.**

AGREED:



CEMEX

DATE: 19 / October / 2010

AGREED:



Texas Parks and Wildlife Department

DATE: 22 September 2010

AGREED:



Texas Bighorn Society

DATE: 10 / 4 / 10

AGREED:



Wild Sheep Foundation

DATE: 10 / 4 / 10

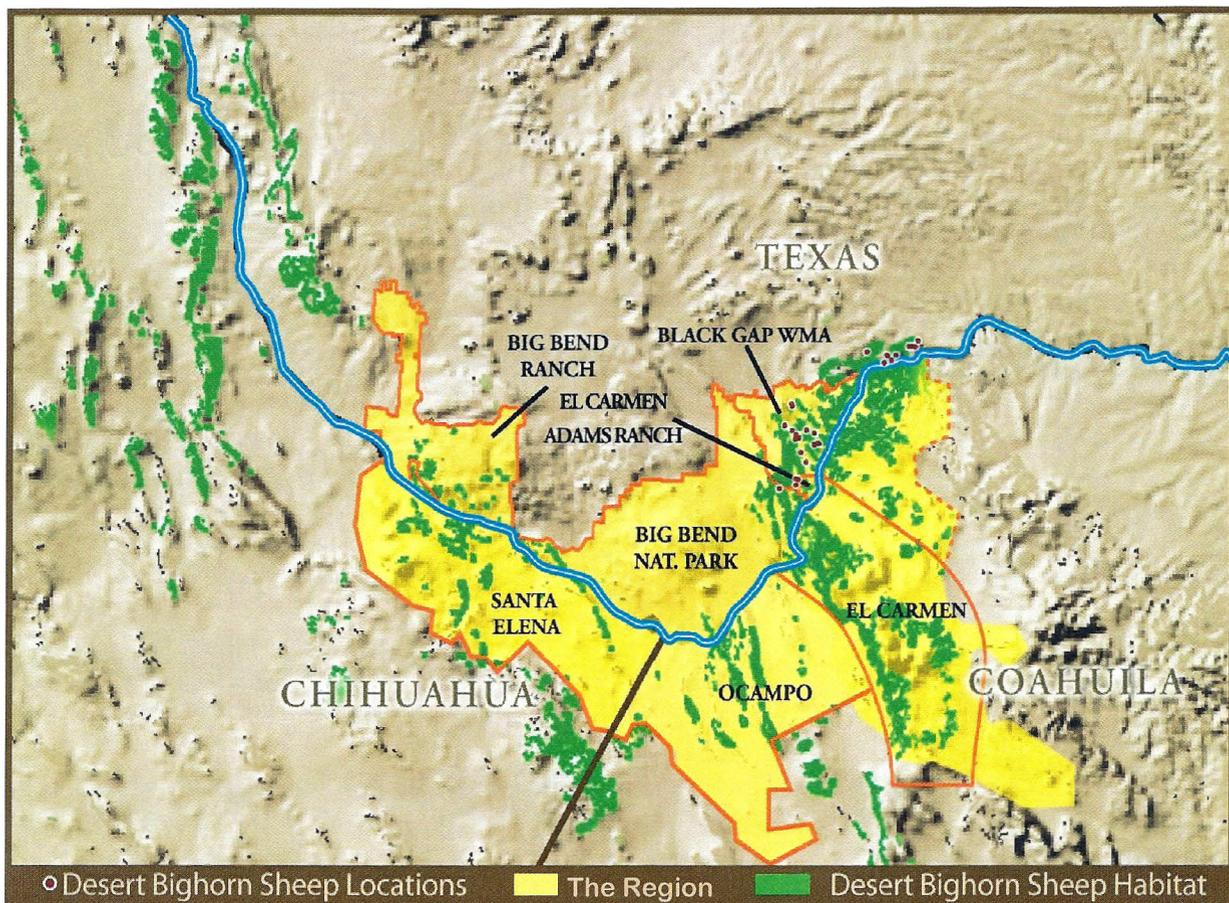


Figure 1. Big Bend – El Carmen Desert Bighorn Sheep Region.