

MEMORANDUM OF AGREEMENT

BETWEEN

U.S. GEOLOGICAL SURVEY
FOREST & RANGELAND ECOSYSTEM SCIENCE CENTER

AND

U.S. ARMY CORPS OF ENGINEERS
SOUTH PACIFIC DIVISION

FOR THE

NATIONAL MIDWINTER BALD EAGLE SURVEY

PURPOSE

This Memorandum of Agreement (hereafter MOA), is made and entered into by the U.S. Geological Survey, Forest & Rangeland Ecosystem Science Center (hereafter USGS), and the U.S. Army Corps of Engineers, South Pacific Division (hereafter USACE, SPD) concerning the administration and management of the annual National Midwinter Bald Eagle Survey. Collectively, the parties to this MOA will be referred to as the Cooperators. The purpose of this MOA is to establish a partnership between the Cooperators that maintains the long-term, national coordination of the count, data analysis, and reporting.

BACKGROUND

Each January, several hundred individuals count eagles along standard, non-overlapping survey routes throughout the conterminous United States as part of the National Midwinter Bald Eagle Survey (hereafter Midwinter Survey). The National Wildlife Federation initiated the Midwinter Survey in 1979. The Raptor Research and Technical Assistance Center (now USGS, Forest & Rangeland Ecosystem Science Center) assumed responsibility for coordinating the count and analyzing results in 1992. The annual Midwinter Survey represents a unique source of long-term, baseline data. Unlike nesting surveys, it provides information on both breeding and nonbreeding segments of the population at a potentially limiting time of year. It also provides an opportunity to monitor modifications or threats to habitat at important wintering areas. The count has become a tradition that will likely continue in many states. In addition to providing information on eagle trends, distribution, and habitat, the count has helped to create public interest in Bald Eagles and their conservation.

AUTHORITIES

Organic Act of March 3, 1879, as amended (43 U.S.C. 36C).

Fish and Wildlife Coordination Act of 1954, as amended (16 U.S.C. 661 *et seq.*).

Section 2 of the Conservation of Forest Land Act of 1960 (P.L. 86-717).

Section 7(a)(1) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

THE COOPERATORS AGREE:

1. USACE, SPD will assume responsibility for coordinating the Midwinter Survey beginning in 2007. Coordination responsibilities will include scheduling counts, announcing survey dates and procedures, maintaining a list of state coordinators, recruiting new coordinators when necessary, and making survey forms available to coordinators and participants.
2. USACE, SPD will organize all Midwinter Survey results received, review them for completeness, and enter them on-line as time allows.
3. USACE, SPD will enter 2006 Midwinter Survey results that have not yet been entered.
4. USGS will provide assistance to USACE, SPD in coordinating the January 2007 Midwinter Survey.
5. USGS will continue to maintain the long-term database of Midwinter Survey results through 2007. USGS will download newly entered information quarterly and append new data to the existing database. USGS will prepare metadata for the dataset and advise USACE, SPD on database specifics.
6. USGS will coordinate with the Northwest Alliance for Computational Science and Engineering (NACSE) at Oregon State University about updating, maintaining, and troubleshooting the online private data-entry form and the public data-retrieval website in 2007.
7. USGS and USACE, SPD will work with NACSE and the USGS National Biological Information Infrastructure to transition the long-term hosting of the public query website and private data-entry website to USACE from NACSE after 2007.
8. USACE, SPD will maintain the long-term database of Midwinter Survey results from 2008 until the expiration and/or cancellation of this MOA.

9. In 2010 and 2015, USACE, SPD and USGS will jointly pursue resources and/or funds to compile and analyze data gathered during the preceding five years. The analysis and reporting would follow previously used USGS methods (see Steenhof et al. 2002. Trends in midwinter counts of bald eagles in the contiguous United States, 1986-2000: Bird Populations, v. 6, p. 21-32).

10. USGS and USACE, SPD will evaluate all options and determine where best to house hard copy records, pre-2006 and post-2006.

ADMINISTRATION

It is mutually agreed and understood by the Cooperators that:

The commitments made herein are subject to the availability of funds. Nothing in this MOA will be construed as affecting the authorities of either party, or as binding beyond their respective authorities or to require any of the employees of either party to obligate or expend funds in excess of available appropriations. 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 other services must fully comply with all applicable requirements for competition.

Conflicts between the parties concerning procedures under the MOA which cannot be resolved at the operational level will be referred to the next higher lever, as necessary, for resolution.

The need for this MOA is expected to continue for 10 years, at the end of which period it will expire, unless canceled, extended, or renewed. Either party may propose changes to this MOA during its term. Such changes will be in the form of a written modification and will become effective upon signatures of both parties. The terms of this MOA may be renegotiated at any time at the initiative of either party, following at least 30 days written notice to the other party. Either party, upon mutual agreement, in writing, may terminate the instrument in whole, or in part, at any time before the date of expiration.

This instrument in no way restricts the parties from participating in similar activities with other public or private agencies, organizations, and individuals.

Pursuant to Section 22, Title 41, U.S.C., 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.

The MOA will become effective upon signatures by all of its Cooperators.

PRINCIPAL CONTACTS

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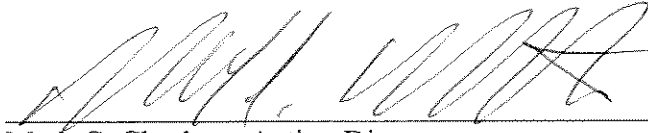
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APPROVED:

The Cooperators hereto have executed this MOA as of the last written date below:

 4/3/07
Date

Mark C. Charlton, Acting Director
Programs Directorate
South Pacific Division
U.S. Army Corps of Engineers

 3/19/07
Date

Carol Schuler, Director
Forest & Rangeland Ecosystem Science Center
U.S. Geological Survey