

09-SU-11132424-031

Federal Lands Human Powered Outdoor Recreation
MEMORANDUM OF UNDERSTANDING

Among the

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

U.S. DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Fish and Wildlife Service
National Park Service

And

THE OUTDOOR ALLIANCE,
A coalition composed of the:

ACCESS FUND
AMERICAN CANOE ASSOCIATION
AMERICAN HIKING SOCIETY
AMERICAN WHITEWATER
INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION, and
WINTER WILDLANDS ALLIANCE

This **Memorandum of Understanding (MOU)** is entered into by and among:

1. The U.S. Department of the Agriculture, Forest Service (FS); the U.S. Department of the Army, U.S. Army Corps of Engineers (USACE) the U.S. Department of the Interior, Bureau of Land Management (BLM); the U.S. Fish and Wildlife Service (FWS); and the National Park Service (NPS); (collectively "the Agencies") and
2. The Outdoor Alliance (OA), which is a coalition of the Access Fund (AF), American Canoe Association (ACA), American Hiking Society (AHS), American Whitewater (AW), International Mountain Bicycling Association (IMBA), and Winter Wildlands Alliance (WWA); (collectively "the Private Organizations").

A. PURPOSE

The purpose of this MOU is to develop and expand an information-sharing framework of cooperation among the Parties at the national, regional, and local levels for planning and implementing mutually beneficial projects and activities related to human-powered outdoor recreation activities conducted on federal lands. As the term is used by Outdoor Alliance, human-powered outdoor recreation includes: climbing (rock, ice, mountaineering, and bouldering), paddling (canoeing, kayaking and rafting), skiing (backcountry downhill, snowboarding, telemark and Nordic), snowshoeing, hiking and mountain biking. These activities and projects will complement the respective missions of the Parties and serve the mutual interests of the Parties and the public.

B. AUTHORITY

This MOU is entered into under the following authorities:

FS

Organic Administration Act of 1897 (16 U.S.C. 551);

USACE

To promote recreation authorities contained in Section 4 of the Flood Control Act of 1944, as amended (16 U.S.C. 460d); the Federal Water Project Recreation Act of 1965 (P.L. 89-72, 79 Stat. 213-218); and Section 208 of the Water Resources Development Act of 1996 (P.L. 104-303, 110 Stat. 3680-3681);

BLM

Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*);

FWS

Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*) and Fish and Wildlife Act of 1956 (16 U.S.C. 742(f) *et seq.*); and

NPS

National Park Service Organic Act (16 U.S.C. 1 *et seq.*).

C. THE PARTIES

1. The Agencies

The Agencies are responsible for the management of federal lands and strive to enhance the public's knowledge, awareness, responsible use, experience, and appreciation of those lands. The Agencies also strive to sustain the natural resources on those lands.

- a. The primary mission of the BLM is multiple use management of the public lands. Under the BLM's multiple-use management mandate, outdoor recreation activities -- including, among other things, climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing activities -- are legitimate uses of the public lands, except where specifically prohibited.
- b. The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. As set forth in law, the mission is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of people. The Forest Service also provides technical and financial assistance to State and private forest landowners, encouraging them to practice good stewardship and quality land management in meeting their specific objectives.
- c. The USACE plays a leadership role in the development, management, protection and restoration of the Nation's water resources. The USACE is also the steward of the lands and waters at its water resources projects. Its Natural Resources Management mission is to manage and conserve those natural resources, consistent with the ecosystem management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations.
- d. The FWS has the authority to accommodate public uses that do not conflict with the primary mission of the National Wildlife Refuge System (NWRS). The FWS provides extensive human-powered recreation opportunities on over 300 units of the NWRS.

- e. The primary mission of NPS is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. To the extent that they do not interfere with the preservation mandate and are determined appropriate, climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing activities are legitimate uses of the National Park System. In certain situations the use may require specific NPS authorization.

2. The Private Organizations

The Outdoor Alliance is a coalition created in 2005 by six national, member-based, human-powered outdoor recreation organizations to serve as a platform to collectively pursue public lands and waters conservation, stewardship and responsible access matters on behalf of the outdoor human-powered recreation community. The six organizations are:

- a. The Access Fund. Founded in 1991, the Access Fund is the national advocacy organization that keeps climbing areas open and conserves the climbing environment. The Access Fund supports and represents climbers nationwide in all forms of climbing; rock climbing, ice climbing, mountaineering, and bouldering. Five core programs support the mission on national and local levels: public policy, stewardship & conservation (including grants), grassroots activism, climber education, and land acquisition.
- b. The American Canoe Association. Founded in 1880, The American Canoe Association is a nationwide, not for profit organization that is in service to the broader paddling public by providing education on matters related to paddling, supporting stewardship of the paddling environment, and enabling programs and events to support paddlesport recreation.
- c. American Hiking Society. Founded in 1976, American Hiking Society is the national organization dedicated to promoting and protecting America's hiking trails, the natural areas that surround them, and the hiking experience itself. AHS pursues this mission through volunteerism, outreach and education; policy and advocacy work; and trail grants and technical assistance.
- d. American Whitewater. Founded in 1954, American Whitewater is a national organization with a mission to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. American Whitewater is a membership organization representing a broad diversity of individual whitewater enthusiasts, and river conservationists. The organization is the primary advocate for the preservation and protection of whitewater resources throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission.

- e. International Mountain Bicycling Association (IMBA). Founded in 1988, IMBA's mission is to protect, create, and enhance quality trail experiences for mountain bikers worldwide. IMBA actively promotes responsible mountain biking, supports volunteer trailwork, assists land managers with trail management issues, and improves relations among trail user groups. IMBA members have created more than 5,000 (8,000 km) miles of new trails worldwide.
- f. Winter Wildlands Alliance. Formed in 2000, Winter Wildlands Alliance is the national non-profit organization working on behalf of snowshoers, skiers, snowboarders, winter hikers, and other outdoor adventurers, addressing national issues that impact winter landscapes in an effort to assure a quality human-powered snowsports experience on public lands.

D. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

1. The Parties have common interests, including providing public access to federal lands, and public opportunities for climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing on federal lands in a safe and environmentally-sound manner.
2. It is in the Parties' interest to maintain good communications and to disseminate information on available locations on federal lands where climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing activities can be conducted in a safe and environmentally sound manner.
3. The Private Organizations desire to encourage participation in climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing on federal lands by providing assistance to the Agencies in connection with conservation, stewardship and protection of federal lands.

E. THE AGENCIES AGREE TO:

1. Identify a contact for each Agency to serve as a liaison between the Private Organizations and that Agency for collection and dissemination of information about issues related to climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing activities on federal lands under that Agency's jurisdiction. As agency resources allow, each Agency liaison will:
 - a. Strive to facilitate understanding and communication among the Agencies, the Private Organizations, the human-powered outdoor recreation community, and the public.
 - b. Assist in addressing national issues and facilitate cooperative relationships between local Agency contacts and the Private Organizations to resolve issues that arise regarding climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing activities on federal lands.

- c. Provide local Agency contact information to the Private Organizations.
 - d. Participate in meetings convened by the Outdoor Alliance related to matters arising out of the MOU.
2. Where appropriate, encourage local Agency officials to collaborate with the Private Organizations and its local chapters in the development of mutually beneficial projects and educational activities.
 3. Where appropriate and feasible, make available to the public the Private Organizations' interpretive and educational materials regarding climbing, paddling, hiking, mountain bicycling, and backcountry skiing and snowshoeing.
 4. Maintain on their external websites a list of Agency land management plans to be revised.
 5. Assist in the identification of areas where awareness and access to public lands are perceived to be inadequate for human-powered outdoor recreation opportunities, consider potential solutions to improve awareness of and access to those areas or alternative areas, and work with the Private Organizations to improve access to these areas where appropriate.
 6. Furnish the Private Organizations, as requested, with information about maintenance backlogs and right-of-way needs on roads, primitive roads, trails, and other facilities intended to provide access for human-powered outdoor recreation opportunities on federal lands, and explore cooperative projects to address these needs with local chapters, where appropriate, of the Private Organizations.
 7. Work with the Private Organizations to improve the maintenance, reconstruction, or modernization work at outdoor recreation sites or areas on the federal lands that are used by the human-powered outdoor recreation community on federal lands, and do so in a mutually satisfactory manner that incorporates best management practices and that is consistent with applicable laws, regulations, and Agency policies.
 8. Annually work with the Private Organizations on a volunteer day of significance (such as National Trails Day) to human-powered outdoor recreation enthusiasts to promote the efforts of the Agencies and Private Organizations to maintain access to recreational opportunities on federal lands.
 9. Work with the Private Organizations to identify other governmental and private cooperators for projects involving human-powered outdoor recreation activities on federal lands.
 10. Strive to keep the Private Organizations apprised on a timely basis of changes in national policies, land management plans, or other factors that would impact access or opportunities for human-powered outdoor recreation activities on federal lands. The

Agencies will include the Private Organizations in public involvement lists for proposed projects and land management plan revisions and amendments that would impact access or opportunities for human-powered outdoor recreation activities on federal lands.

11. Consistent with applicable laws, regulations, and Agency policies, encourage local agency officials to be responsive to requests for information and input from the Private Organizations.

12. Work towards the use of web-based technology to provide maps and other access and transportation information used by human-powered outdoor recreation enthusiasts. Inform the Private Organizations about the type of tabular and spatial data that must be collected and maintained to provide this web-based information. Explore cooperative projects to address these needs with the Private Organizations and local chapters, where appropriate, of the Private Organizations.

13. Consistent with applicable laws, regulations, and Agency policies, consider the goals and concerns of the Private Organizations in connection with access to public lands for human-powered outdoor recreation activities. Assist the Private Organizations as they develop their list of goals and concerns related to federal lands management.

F. THE PRIVATE ORGANIZATIONS AGREE TO:

1. Identify a contact for the Private Organizations to serve as a liaison between the Private Organizations and the Agencies for collection and dissemination of information regarding issues related to human-powered outdoor recreation opportunities on federal lands. The Private Organization liaison will:

- a. Strive to facilitate understanding and communication among the Private Organizations, the Agencies, human-powered outdoor recreation enthusiasts, and the public.
- b. Maintain familiarity with the internal structure and operation of the Private Organizations and utilize that knowledge, in coordination with the Agency liaisons, to facilitate cooperative relationships between the Private Organizations and local Agency contacts to resolve issues that arise regarding human-powered outdoor recreation activities on federal lands.
- c. Provide contact information for the Private Organizations to the Agency liaisons.
- d. Participate in meetings convened by the Agencies regarding matters that arise out of the MOU.

2. Identify a contact (to be updated as appropriate), listed in Appendix A, for each Private Organization to facilitate, in coordination with the Agency liaisons, cooperative

relationships with the local Agency contacts to resolve issues that arise regarding human-powered outdoor recreation activities on federal lands.

3. Make available to the Agencies (at no cost) interpretive and educational materials regarding human-powered outdoor recreation, when requested.
4. Provide leadership, services, and materials at the national, regional, and local levels to promote human-powered outdoor recreation activities on federal lands.
5. Develop and maintain a network for contacting human-powered outdoor recreation enthusiasts who are members of or otherwise affiliated with the Private Organizations.
6. Participate in Agency land management planning efforts to identify suitable areas for human-powered outdoor recreation activities on federal lands and areas where existing access for these activities is currently inadequate.
7. Notify human-powered outdoor recreation enthusiasts about volunteer maintenance projects to improve human-powered outdoor recreation access routes, sites, or facilities on federal lands.
8. Work with the Agencies to improve the maintenance, reconstruction, or modernization work at outdoor recreation sites or areas on the federal lands that are used by the human-powered outdoor recreation community on federal lands, and do so in a mutually satisfactory manner that incorporates best management practices and that is consistent with applicable laws, regulations, and Agency policies.
9. Work with the Agencies at the local level to identify the need for improvement and maintenance of facilities for human-powered outdoor recreation activities.
10. Annually notify the Agencies of available technology and technical assistance in connection with:
 - a. Managing human-powered outdoor recreation activities on federal lands.
 - b. Collecting and maintaining tabular and spatial data necessary to provide web-based maps and other information concerning access to federal lands.
11. Promote compliance with outdoor ethics (such as the Leave No Trace) and laws, regulations, and Agency policies related to use of federal lands for human-powered outdoor recreation activities by transmitting information on outdoor ethics programs and legal requirements to human-powered outdoor recreation enthusiasts.
12. Consider the missions and goals of the Agencies as they relate to providing access to federal lands for human-powered outdoor recreation activities.

G. IT IS MUTUALLY AGREED BY THE AGENCIES AND PRIVATE ORGANIZATIONS THAT:

1. They will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing the objectives of this MOU.
2. The Agencies and the Private Organizations must be cognizant of the demands of all segments of the public for opportunities to use and enjoy federal lands.
4. Any action to be taken by the Agencies and the Private Organizations under this MOU is subject to available funding.
5. In implementing this MOU, each Agency will be operating under its own laws, regulations, and policies, including the development and implementation of Environmental Stewardship Plans, subject to the availability of appropriated funds.
6. Nothing in this MOU authorizes either the Agencies or the Private Organizations to obligate or transfer funds, property, or services. Specific projects or activities that involve the transfer of funds, services, or property among the Parties require execution of separate agreements and are contingent upon the availability of appropriated funds. These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable laws.
7. Nothing in this MOU is intended to alter, limit, or expand the Agencies' statutory and/or regulatory authority.
8. This MOU in no way restricts the Agencies or the Private Organizations from participating in similar activities with other public or private agencies, organizations, and individuals. This specifically includes other memoranda of understanding that Outdoor Alliance member organizations maintain or will maintain with the Agencies or other federal agencies.
9. This MOU does not create any substantive or procedural right that is enforceable at law or equity against the United States or its officers, agents, or employees.
10. No member of or delegate to Congress may benefit from this MOU either directly or indirectly.
11. Any information furnished to the Agencies under this MOU is subject to the Freedom of Information Act (5 U.S.C. 552).
12. The Parties will appoint a chair for a specified period to provide for consistent and effective communication among the Parties by scheduling meetings and conference calls and leadership in the identification of mutually beneficial objectives and projects.

13. The liaison for each Agency (referenced in paragraph E.1) is:

Name: James S. Bedwell
Title: Director – Recreation, Heritage & Volunteer Resources
Organization: USDA - Forest Service, National Forest System
Address: 201 14 th Street, SW, MS-1125
City/State/Zip Code: Washington, DC 20024-1125
Telephone: (202) 205-1240 office, (202) 205-1145 FAX
Email Address: jbedwell@fs.fed.us

Name: Bob Ratcliffe
Title: Chief – Division of Recreation & Visitor Services (WO-250)
Organization: USDI - Bureau of Land Management
Address: 302 LS, 1849 C Street, NW
City/State/Zip Code: Washington, DC 20240-9989
Telephone: (202) 452-5040 office, (202) 452-7709 FAX
Email Address: Bob_Ratcliffe@blm.gov

Name: Kevin Kilcullen
Title: Branch Chief for Visitor Service
Organization: USDI – US Fish & Wildlife Service
Address: 4401 N. Fairfax Drive Rm 1634
City/State/Zip Code: Arlington VA 22203
Telephone: (703) 358-2382
Email Address: Kevin_Kilcullen@fws.gov

Name: Rick Potts
Title: Chief, Conservation & Outdoor Recreation Division
Organization: USDI – National Park Service
Address: 1201 Eye (I) Street NW 9th Flr. Rm. 936
City/State/Zip Code: Washington, DC 20005
Telephone: (202) 354-6904
Email Address: Rick_Potts@nps.gov

Name: Mary J. Coulombe
Title: Chief, Natural Resources Management
Organization: US Department of the Army, Corps of Engineers
Address: HQUSACE, CECW-CO-N 441 G Street NW
City/State/Zip Code: Washington DC 20314-1000
Telephone: (202) 761- 7122 1228
Email Address: mary.j.coulombe@usace.army.mil

14. The liaison for the Private Organizations (referenced in paragraph F.1) is:

Name: Adam Cramer
Title: Policy Architect and General Counsel
Organization: Outdoor Alliance
Address: 815 Connecticut Avenue, NW, Suite 220
City/State/Zip Code: Washington, DC 20006
Telephone: 202/386.7671
Email Address: abc@leitercramer.com

15. The contact for each Private Organization pursuant to paragraph F.1 is identified in Appendix A. The local contacts for each Agency are the responsible officials for each administrative unit, who may enter into agreements as needed to implement this MOU.

16. Other federal agencies and private entities may be added to this MOU with the written concurrence of all the Parties.

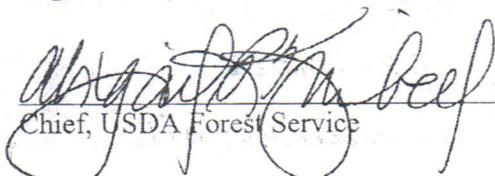
17. All programs and activities conducted under this MOU will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes.

18. This MOU becomes effective upon signature by all parties and, unless terminated, shall be in force for five years from its effective date. Any party to this MOU reserves the right to withdraw from this agreement, or any part thereof, at any time upon 60 days prior written notice to all other parties hereto (at the addresses set forth below or as otherwise indicated).

19. This MOU constitutes the entire understanding of the parties and supersedes all previous understandings and agreements between the Parties, whether oral or written. Any modification to this MOU must be in writing signed by all parties.

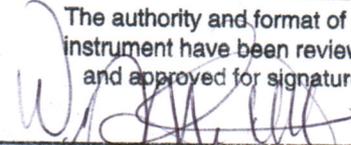
20. By signing below, the Parties certify that the individuals identified in paragraphs G.13, G.14, and G.15 and Appendix A of this MOU are their respective representatives and are authorized to act in their areas of responsibility on matters related to this MOU.

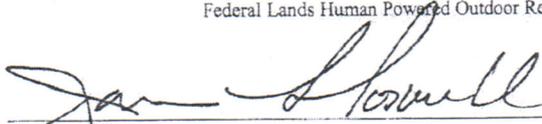
21. By signing below, the Parties certify that the individuals identified in Part G of this MOU are their respective representatives and are authorized to act in their areas of responsibility on matters related to this MOU.


 Chief, USDA Forest Service

Date: 1/12/09

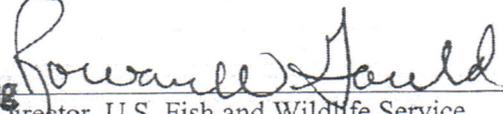
FS Grants & Agreements review concurrence
 /s/Willis S. Mitchell, 12/16/2008

<p>The authority and format of this instrument have been reviewed and approved for signature.</p> <p></p> <p>Grants and Agreements Specialist</p> <p>12/16/08</p> <p>Date</p>
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Date: 1/15/09

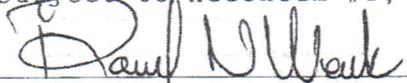
Director, Bureau of Land Management

Acting 

Date: 9/7/2010

Director, U.S. Fish and Wildlife Service

Subject to Addendum #1, which replaces Section C(1)(d)



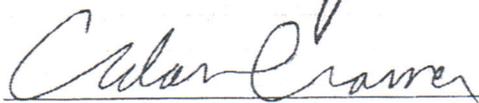
Date: 5/21/09

Director, National Park Service



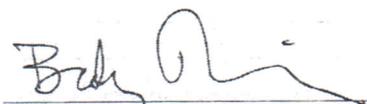
Date: 2/11/09

Commander, United States Army Corps of Engineers



Date: 6/3/09

Outdoor Alliance



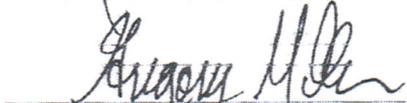
Date: 6/16/09

Access Fund



Date: 6/27/09

American Canoe Association



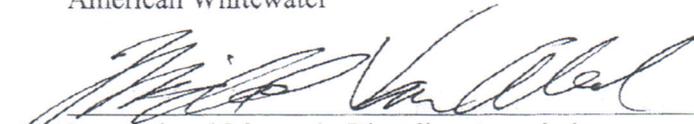
Date: 7/8/09

American Hiking Society



Date: 6/22/09

American Whitewater



Date: 6/15/09

International Mountain Bicycling Association



Date: 6/23/09

Winter Wildlands Alliance

Appendix A

Name: Jason Keith
Title: Policy Director
Organization: Access Fund
Address: P.O. Box 17010
City/State/Zip Code: Boulder, CO 80308
Telephone: 303/325.5936
Email Address: jason@accessfund.org

Name: Paul Sanford
Title: Director, Stewardship & Public Policy; Legal Counsel
Organization: American Canoe Association
Address: 7432 Alban Station Blvd, Suite B-232
City/State/Zip Code: Springfield, VA 22150
Telephone: (703) 451-0141
Email Address: psanford@americancanoe.org

Name: Kim Hutson de Belle
Title: Senior Director for Stewardship and Policy
Organization: American Hiking Society
Address: 1422 Fenwick Lane
City/State/Zip Code: Silver Spring MD 20910
Telephone: 301/565-6704
Email Address: kim@americanhiking.org

Name: Kevin Colburn
Title: National Stewardship Director
Organization: American Whitewater
Address: 1035 Van Buren St
City/State/Zip Code: Missoula, MT 59802
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Email Address: kcolburn@amwhitewater.org

Name: Jenn Dice
Title: Government Affairs Director
Organization: International Mountain Bicycling Association
Address: 207 Canyon - Suite 301
City/State/Zip Code: Boulder, CO 80302
Telephone: 303-545-9011
Email Address: Jenn@imba.com

Name: Forrest McCarthy
Title: Public Lands Director
Organization: Winter Wildlands Alliance
Address: 910 Main Street, Suite 235
City/State/Zip Code: Boise, ID 83702
Telephone: 208/386.9227
Email Address: fmccarthy@winterwildlands.org

Addendum #1

The language in Section C(1)(d) of the Memorandum of Understanding, which relates exclusively to the Fish and Wildlife Service, shall be struck and replaced with the following:

The FWS provides extensive human-powered recreation opportunities on over 300 units of the National Wildlife Refuge System (Refuge System). Before allowing recreation activities to occur, Refuge Managers are responsible for determining if they are appropriate and compatible with the refuge's purpose(s) and the Refuge System's mission as required by the National Wildlife Refuge System Administration Act of 1966, as amended.