

MEMORANDUM OF UNDERSTANDING
between
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
and
TEXAS A&M FOREST SERVICE
for
**Wildland Fire Management and Prescribed Burning at U.S. Army Corps of Engineers Projects within
the Fort Worth District**

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

References

1. Engineer Regulation 1130-2-540
2. Engineer Policy 1130-2-540
3. Memorandum for O&M Distribution #2; FYI 09-05, dated April 7, 2009
4. Executive Order 13352, dated August 26, 2004
5. Texas House Bill No. 9, dated March 31, 1915
6. Texas Education Code, Sec. 88.102

Purpose

To coordinate and facilitate wildland fire management, prescribed fire, training, and operations on federal lands administered by the U.S. Army Corps of Engineers Fort Worth District (CESWF) at Lake Projects within CESWF. The twenty-five Lake Projects are listed below, as well as their respective counties. Lake Projects are listed by Region.

Trinity Region

- Bardwell Lake within Ellis County, Texas.
- Benbrook Lake within Tarrant County, Texas.
- Grapevine Lake within Denton and Tarrant Counties, Texas.
- Joe Pool Lake within Dallas, Ellis and Tarrant Counties, Texas.
- Lavon Lake within Collin County, Texas.
- Lewisville Lake within Denton County, Texas.
- Ray Roberts Lake within Cooke, Denton and Grayson Counties, Texas.

Three Rivers Region

- Aquilla Lake within Hill County, Texas.
- Hords Creek Lake within Coleman County, Texas.
- Navarro Mills Lake within Hill and Navarro Counties, Texas.
- Proctor Lake within Comanche County, Texas.

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

- O.C. Fisher Lake within Tom Green County, Texas.
- Waco Lake within McLennan County, Texas.
- Whitney Lake within Bosque and Hill Counties, Texas.

Piney Woods Region

- Jim Chapman/Cooper Lake within Delta and Hopkins Counties, Texas.
- Lake o' the Pines within Camp, Harrison, Marion, Morris and Upshur Counties, Texas.
- Sam Rayburn Reservoir within Angelina, Jasper, Nacogdoches, Sabine and San Augustine Counties, Texas.
- Town Bluff Lake within Jasper and Tyler Counties, Texas.
- Wright Patman Lake within Bowie and Cass Counties, Texas.

Capital Region

- Belton Lake within Bell and Coryell Counties, Texas.
- Canyon Lake within Comal County, Texas.
- Georgetown Lake within Williamson County, Texas.
- Granger Lake within Williamson County, Texas.
- Somerville Lake within Burleson, Washington and Lee Counties, Texas.
- Stillhouse Hollow Lake in Bell County, Texas.

Recitals

1. The CESWF manages federal lands at the twenty-five Lake Projects within CESWF. Wildland fire management is used to promote a healthy and natural environment and to protect the public from the threat of uncontrolled wildland fires. Operational Management Plans for each Lake Project includes prescribed fires as an effective management tool.

2. Texas A&M Forest Services (TAMFS) is the State agency charged with the responsibility of managing and promoting healthy forests, and to protect the public from the threat of uncontrolled wildland fires. TAMFS is authorized to plan and conduct wildland fire management activities, to include prescribed fires as well as wildland firefighting.

3. With similar missions, it is recognized that a Memorandum for Understanding (MOU) between CESWF and TAMFS is mutually beneficial, promoting healthy ecosystems and protecting the public from the threat of uncontrolled wildland fires. The TAMFS seeks realistic prescribed burning management and training opportunities and CESWF manages federal lands which benefit from prescribed burning and wildland fire management activities.

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

ARTICLE 1 – RESPONSIBILITIES

1. CESWF agrees:

a. Collaborate with TAMFS in preparing work plans and/or prescribed burn plans for parcels of land identified by CESWF in accordance with annual Operations Management Plans when outside assistance and coordination is necessary.

b. Ensure work plans and/or prescribed burn plans comply with all applicable federal laws and ensure work plans and/or prescribed burn plans are not in conflict with applicable U.S. Army Corps of Engineers (USACE) natural resource, environmental, and cultural resource protection policies.

c. Provide access to parcels of federal lands at each Lake Project available for wildland fire management to include, but not limited to prescribed burning, mechanical removal of fire fuels, fire line installation/maintenance, wildland fire training, and other management activities for the prevention and reduction of wildland fires.

d. Refer private adjacent landowners to TAMFS when landowners inquire about fire management on their privately owned property adjacent to USACE owned property.

e. In addition to the Regional Points-Of-Contact (POC) listed within ARTICLE 2, each Lake Project will provide a local POC as needed to: provide access, designate project locations and answer questions specific to lands managed by the Lake Project and assist the CESWF Regional POC in their duties. The local POC's will be on-site during TAMFS operations on an as needed basis or when requested by TAMFS. Any Lake Project, Regional and/or CESWF personnel assisting TAMFS in wildlife fire management operations on CESWF managed lands will possess the necessary qualifications and certifications specific to USACE.

f. The USACE personnel will notify the following entities that may be impacted by a prescribed burn or any associated activity such as fire lane maintenance, fuel removal and etc.

- Local EMS, law enforcement and fire personnel.
- Private adjacent landowners (if applicable).
- Outgrant lessees.
- Local government offices.

g. The USACE personnel and/or designated individual will attend the pre-mission safety brief, hosted by TFS.

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

2. TAMFS agrees to:

- a. Prepare work plans and/or prescribed burn plans through collaboration with Lake Projects for parcels of federal lands identified by CESWF personnel.
- b. Ensure work plans and/or prescribed burn plans comply with all applicable state, federal, and local laws.
- c. Ensure all TAMFS personnel have the appropriate and necessary qualifications specific to their agency, prior to engaging in any operation on CESWF managed lands.
- d. Coordinate prescribed burn plans with appropriate CESWF personnel for final approval before each burn.
- e. Execute prescribed burns and on-site activities in accordance to schedule mutually agreed upon with appropriate CESWF personnel.
- f. Install new or maintain existing fire breaks where needed in preparation for prescribed fire activities. Efforts will be coordinated, through the use of work plans and/or prescribed burn plans, with onsite Foresters, Natural Resources Management and/or Environmental Stewardship personnel and/or Lake Project personnel.
- g. Mechanically remove fire fuels through use of mulchers, chainsaws and other equipment as needed.
- h. TAMFS will place all necessary safety signs along public roadways and intersections as required by law and their agency policies; i.e. "Caution Smoke Ahead" and other signs as appropriate or needed.
- i. TAMFS will provide a pre-mission safety brief with TFS personnel, USACE personnel, and local fire, EMS and other first responders as needed to provide for the safety of personnel associated with the prescribed burn.

3. The Parties agree wildland fire management shall be a shared responsibility, but until an approved prescribed burn plan is executed, the CESWF is the lead agency and, at its sole election, may restrict or prohibit any planned prescribed fire activities on any given day based upon the decision of local CESWF personnel and/or site conditions. The Parties agree that upon execution of an approved prescribed fire burn plan, TFS shall be the lead agency for the entire execution phase. The Parties each reserve the right to prioritize its resources and decline to provide assistance on any particular project if other legislatively directed missions take priority. The MOU does not in any way prohibit or restrict CESWF from conducting its own prescribed burn activities independent of TAMFS.

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

ARTICLE 2 – POINTS OF CONTACT

The following personnel are designated as the principal points-of-contact between the Parties for the wildland fire management and prescribed fire activities contemplated under this MOU.

United States Army Corps of Engineers

For CESWE:

U.S. Army Corps of Engineers
Operations Division

Mailing Address:

ATTN: Natural Resources Manager
819 Taylor Street
Fort Worth, TX 76102
(817)886-1571
aaron.w.howell@usace.army.mil

For Trinity Lakes Region:

U.S. Army Corps of Engineers
Operations Division, Benbrook Lake

Mailing Address:

ATTN: Environmental Stewardship
Business Line Manager
1801 N. Mills Street
Lewisville, TX 75057
(817)292-2400
martin.k.underwood@usace.army.mil

For Three Rivers Lake Region:

U.S. Army Corps of Engineers
Operations Division, Whitney Lake

Mailing Address:

ATTN: Natural Resources Management
Business Line Manager
285 CR 3602
Clifton, TX 76634
(254)622-7405
jennifer.l.sleezer@usace.army.mil

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

For Piney Woods Region:

U.S. Army Corps of Engineers
Operations Division, Wright Patman Lake

Mailing Address:

ATTN: Environmental Stewardship
Business Line Manager
64 Clear Springs Park
Texarkana, TX 75501
(903)838-8781
emmitt.d.attaway@usace.army.mil

For Capital Region:

U.S. Army Corps of Engineers
Operations Division, Somerville Lake

Mailing Address:

ATTN: Natural Resources Management
Business Line Manager
1560 Thornberry Drive
Somerville, TX 77879
(979)596-1622
ernest.c.eberle@usace.army.mil

Texas A&M Forest Service

Statewide:

Texas A&M Forest Service
Wes Moorehead
Assistant Director- Forest Resource Protection
200 Technology Way, Suite 1162
College Station, TX 77845-3424
(979) 458-7344
wmoorehead@tfs.tamu.edu

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

Central and West Texas Leadership:

Texas A&M Forest Service
Rich Gray
Chief Regional Fire Coordinator
200 Technology Way, Suite 1162
College Station, TX 77845-3424
(979) 218-2406
rgray@tfs.tamu.edu

East Texas Leadership:

Texas A&M Forest Service
Jacob Donellan
East Texas Operations Department Head
155 Texas Forest Service Loop
Lufkin, Texas 75904
(936) 875-4400
jdonellan@tfs.tamu.edu

Fuel Reduction and Prescribed Fire Program:

Texas A&M Forest Service
William 'Andy' McCrady
Program Coordinator III
4126 Old Tyler Rd.
Nacogdoches, TX 75964
(936) 564-9276
wmccrady@tfs.tamu.edu

North East Texas:

Texas A&M Forest Service
Brian Pope
Regional Forester- North Region
(936) 546-3164
bpope@tfs.tamu.edu

Central East Texas:

Texas A&M Forest Service
Jordan Herrin
Regional Forester- Central Region
(979) 450-4859
jherrin@tfs.tamu.edu

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

South East Texas:

Texas A&M Forest Service
Joel Hambright
Regional Forester- South Region
(936) 546-3151
jhambright@tfs.tamu.edu

North Texas:

Texas A&M Forest Service
Lee Andersen
Assistant Chief Regional Fire Coordinator- North Branch
(936) 205-7380
landersen@tfs.tamu.edu

Central Texas:

Texas A&M Forest Service
Jimmy Mullis
Assistant Chief Regional Fire Coordinator- Central Branch
(979) 218-2407
jmullis@tfs.tamu.edu

South Texas:

Texas A&M Forest Service
Todd Nightingale
Assistant Chief Regional Fire Coordinator- South Branch
(936) 546-3163
tnightingale@tfs.tamu.edu
Subject:

West Texas:

Texas A&M Forest Service
Shane Crimm
Branch Fire Coordinator- West Branch
(325) 276-1713
scrimm@tfs.tamu.edu

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

North West Texas:

Texas A&M Forest Service

Nick Dawson

Assistant Chief Regional Fire Coordinator- Northwest Branch

(325) 271-1393

ndawson@tfs.tamu.edu

ARTICLE 3 – LIABILITY

The Parties agree that there are inherent risks and dangers involved with wildland fire management and prescribed fire activities, to include but not necessarily limited to, serious bodily injury, death, and property damage. Except for cases where willful misconduct is demonstrated, the Parties agree to be solely responsible for any and all property damage, bodily injury, or death sustained by it, and any and all employees, agents, actors, and assigns acting on its behalf, whether such damage, bodily injury, or death arises from negligence or otherwise. If either Party elects to use contractors, volunteers, or non-employee representatives during any activities undertaken pursuant to this MOU, each Party shall have said contractors, volunteers, or non-employee representatives sign a waiver or other legally binding agreement, thereby waiving any and all claims against the other Party to this MOU.

ARTICLE 4 – STATEMENT OF NO FINANCIAL OBLIGATION

Signature of this MOU does not constitute a financial obligation on the part of TFS, CESWF or any Lake Projects within CESWF. Each Party will fund its own participation in carrying out the purposes of this MOU. Transfers of funds or property are not authorized under this MOU. If a transfer of funds or property is desired, a separate funds obligating agreement must be executed by the appropriate Parties. No provision of this MOU shall be interpreted to require the obligation or payment of funds in violation of the Anti-Deficiency Act, Title 31 U.S.C. § 1341.

ARTICLE 5 – AMENDMENTS

Any modification to this MOU shall be in writing and must be signed by an authorized representative from TFS and CESWF.

SUBJECT: Coordination of wildland fire management and prescribed burning activities on federal lands administered by USACE with the Texas A&M Forest Service

ARTICLE 6 – EFFECTIVE DATE AND DURATION

This MOU becomes effective upon the date last signature and shall remain in effect for a period five (5) years.

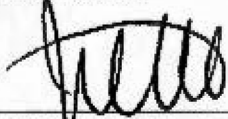
ARTICLE 7 – TERMINATION

This MOU may be terminated at any time by mutual agreement of both Parties in writing or unilaterally by either Party with thirty (30) days written notice to the other.

ARTICLE 8 – SIGNATORY AUTHORITY

The signatories below covenant and warrant that they have authority to execute this MOU, and by signing below, the agrees to the above terms and conditions.

U.S. ARMY CORPS OF ENGINEERS
Fort Worth District



JONATHAN B. STOVER, P.E., PMP
Colonel, EN
Commanding
U.S. Army Corps of Engineers
Fort Worth District

TEXAS A&M FOREST SERVICE



AL DAVIS
Interim Director
Texas A&M Forest Service

4 MAR 2022

(Date)

03/07/22

(Date)