

# Memoranda of Understanding (MOU) & Memoranda of Agreement (MOA)

## Partnerships in NRM PROSPECT Course



*“The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.”*



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# Overview

- Goal: Participants will learn about the differences between the two types of agreements and how they are developed and utilized.
- National MOU list and brief description of the types of work/activities included in the MOU
- Local MOUs and success stories



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# MOUs & MOAs: What are They?

- MOUs and MOAs are used to coordinate the Corps' authorized activities with another entity.

Outline what each entity has to offer to the partnership, as well as what each has at stake.

These “agreements to agree” or umbrella agreements are often used interchangeably (and incorrectly) in conversation, but they are distinctly different.



# Authority for MOUs

- There is no explicit authority which permits USACE to collaborate through these non-binding documents, but all activities need to be within the Corps mission.
- Anything the Corps does under the MOU would be based on other general authorities.
- For example, there is no explicit authority to hold meetings or conferences related to Civil Works projects, but usually such meetings are implicitly permitted by the general authorities as a necessary expense to accomplish our legislatively permitted goals.
- If the MOU has something to do with recreation or environmental stewardship at Civil Works sites, the general authorities related to operating and maintaining these areas would apply.



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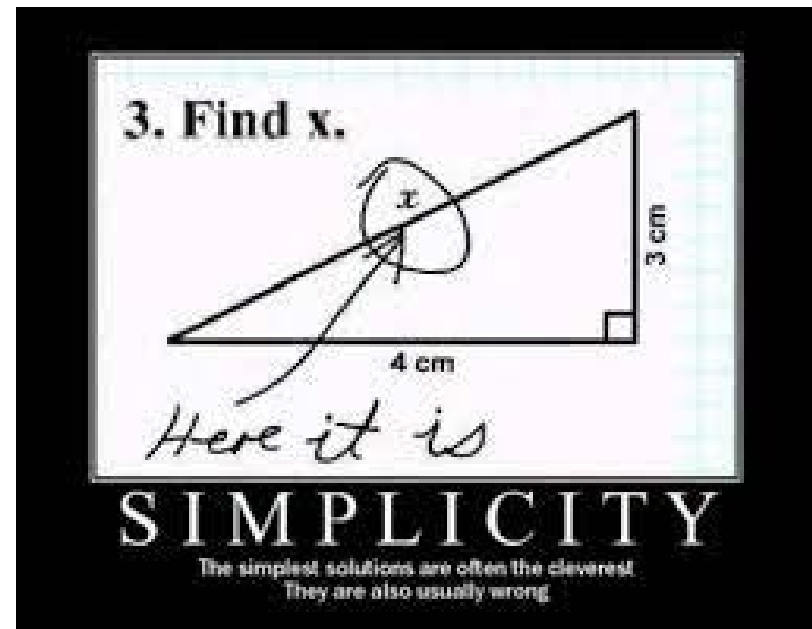


# Memorandum Of Understanding (MOU)

- A “general area of understanding” within both parties' authorities.
- No transfer of funds for services is anticipated.
- MOUs often state common goals and nothing more.
- An MOU may be used to outline the operation of a program so that it functions a certain way.
  - For example, two agencies that have similar goals may agree to work together to solve a problem or support each other’s activities by using an MOU.
- The MOU is nothing more than a formalized handshake that may help keep a partnership “on task”

# MOUs are Simply an “Agreement”

- MOUs should usually include language that states something similar to:
  - “This is not a funds obligating document; by signing this agreement the parties are not bound to take any action or fund any initiative.”
  - MOUs are not legally binding
- MOUs can be as large, or as small in scope as you’d like them to be.
- Advice: Keep ‘em simple!



# How to Get Started with a MOU

<https://corpslakes.erdc.dren.mil/partners/moumoa-template.cfm>



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### MOUs/MOAs Sample Templates

Here are two examples from the Portland District used when developing new MOUs or MOAs at the local level. Please note that processes may vary from district to district.

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- [DOD MOA template for Support to State and Local Governments, 2016](#)



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# Let's take a closer look at a MOU format:

<https://corpslakes.erdcdren.mil/partners/moumoa-template.cfm>

DOD Instruction 4000.19  
MOU Template

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE DEPARTMENT OF THE ARMY  
ENCLOSURE2

**[U.S. ARMY CORPS OF ENGINEERS may also be appropriate depending on the level of approval authority and/or other relevant circumstances]**

AND  
THE [SECOND PARTY]  
FOR  
[INSERT SUBJECT]

[INSERT AGREEMENT NUMBER]

## ARTICLE I- PURPOSE

This Memorandum of Understanding ("MOU") is entered into by and between the U.S. Department of the Army ("DA") and the [Second Party] (collectively "the Parties") for the purpose of ... **[Proponents must succinctly state the purpose and objectives of the MOU]**

## ARTICLE II- BACKGROUND

**[If there is a need to discuss background, do so here]**

## ARTICLE III- AUTHORITY

**[Since a MOU is non-binding, there is generally no need to include authorities]**

## ARTICLE IV- UNDERSTANDING OF THE PARTIES



# Common Elements of a MOU

- Purpose (Why?)
- Authority (What allows us to partner)
- Responsibilities (What each party will do)
- Mutual Understandings/Conditions
  - Subject to appropriations
  - Not a fiscal or fund-obligating document
  - Does not restrict the agency from working with others
  - Does not imply endorsement of partner
  - No discrimination
  - No preferential treatment
  - May be amended or terminated at any time
  - Expiration date (can be 'until terminated')
- Principal Contacts
- Effective Date
- Signatures



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# MOU Examples

USACE has over 40 national MOUs that can be found on the Gateway.

<https://corpslakes.erdcdren.mil/employees/cecwon/mou.cfm>

## National MOUs/MOAs

All MOUs and MOAs listed are Natural Resources proponent unless otherwise noted.

- [Archive of MOUs/MOAs](#)

Agency/Organization	Start Date	Description	End Date
<a href="#">21st Century Conservation Service Corps</a>	1/1/13	<a href="#">MOU between Department of the Army, DOI, DOA, DOC, DOL, EPA, CEQ, and CNCS</a> Purpose: To establish the interagency National Council for the 21 CSC and form an interagency working group.	In effect until terminated
<a href="#">American Chestnut Foundation</a>	12/2009	<a href="#">MOU between USACE and the American Chestnut Foundation</a> Purpose: To restore the American Chestnut on USACE lands	In effect until terminated
<a href="#">BASS</a>	6/1996	<a href="#">MOU between Bass Anglers Sportsman Society and USACE</a> Purpose: Maintain and enhance sportfishery resources, public fishing opportunities, and increase public understanding	In effect until terminated
<a href="#">BoatU.S.</a>	2006	<a href="#">MOU between BoatU.S. and USACE</a> Purpose: Cooperate on boating and water safety education outreach, materials, and education	In effect until terminated
<a href="#">Boy Scouts of America</a>	3/1987	<a href="#">MOU between USACE and BSA</a> Purpose: Work together to protect, develop, and conserve water resources	In effect until terminated
<a href="#">CAST (Catch a Special Thrill)</a>	6/2012	<a href="#">Interagency MOU</a> Purpose: Interagency MOU with CAST to develop and implement recreation programs, projects, and activities that serve children and military service members with disabilities and/or disadvantages.	6/2022
<a href="#">Cooperative Conservation</a>	1/2009	<a href="#">MOU between the USACE and Cooperative Conservation (Department of Agriculture, DOC, DOD, DOI, and CEQ)</a> Purpose: Identify issues, develop solutions, and share best practices in collaborative natural resource and environmental management	In effect until terminated
<a href="#">Cooperative Ecosystem Studies Units</a>	5/2011	<a href="#">MOU between the USACE, NASA, ARS, NRCS, USFS, NOAA, BLM, BOEM, NPS, BOR, USFWS, USGS</a>	2017

# National MOUs

(Partial list of more frequently used. See NRM gateway for full list.)

- American Chestnut Foundation
- BASS
- Boat US
- Boy Scouts
- CAST
- Ducks Unlimited
- Federal Highway Administration
- FLW
- Girl Scouts
- IMBA
- Leave No Trace
- National Audubon Society
- NEEF
- NFWF
- National Park Service
- National Wild Turkey Federation
- NRCS
- Outdoor Alliance
- Paralyzed Veterans of America
- Recreation Fisheries Habitat
- Safe Kids
- SE Tourism Policy Council
- SCA
- Nature Conservancy
- Tread Lightly!
- USDA
- USFWS
- USGS
- US Power Squadron
- US Coast Guard and Auxiliary
- Watchable Wildlife
- Wildlife Habitat Council

# MOU Successes in FY 16

- Boy Scouts: 67 locations, \$457,921 value
- National Audubon Society: 12 locations, \$161,827 value
- National Environmental Ed Foundation: 79 locations, \$827,389
- National Wild Turkey Federation: 12 locations, \$57,654 value
- Bonneville Power Administration: 24 locations, \$32.8 million value
- US Coast Guard/Auxiliary: 20 locations, \$284,697 value
- Safe Kids: 10 locations, \$16,866 value



American Chestnut Foundation

SCA Water Safety Intern



CAST Take a Warrior Fishing

# Local MOUs

Local MOUs are not required if the proposed partner's parent organization or primary organization has an existing National MOU with the Corps.

However, if the potential partner requests a local MOU as a condition to partner with the Corps, you may use the National MOU as a model example to create a local version.

Raystown/Ruffed Grouse Society WMA



Tioga-Hammond/PA Fish & Boat Commission Fish Habitat Improvements



John Martin/CO State Parks Eagle trees



# Local MOU Successes

SAW: W. Kerr Scott and Brushy Mountain Cyclists Club (IMBA)

YouTube  - <https://www.youtube.com/watch?v=nvwA5Lm9Myc&index=2&list=PL012086E7B4EFAD1B>



# Local MOU Successes

NWP: Portland District MOU with OPAL Foundation, March 2016

- Park closed in 2013 due to budget reductions
- Local non-profit organization approached the Corps and offered to fundraise and make investments to reopen and operate Phillipi Park
- Costs the Corps less in O&M now that there is a full time volunteer, versus what it cost under 'caretaker' closed status.



# Local MOU Successes

MVK: W. Friends of Lake Ouachita/Citizens Focus Commetee and the LOViT Trail



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# Local MOU Successes

## SAS: Outdoor Dream Foundation (For Outdoor Recreation)

- Seek opportunity to partner with ODF to provide unique outdoor recreation and educational opportunities.
- Foster communication and understanding to make appropriate land and waters available for specific projects.
- Recognize the contribution of ODF and their public partners
- Cooperate in area of facility planning, education outreach, program development
- Collaborate in the development of annual action plans.

Some fun after catching a catfish at the 24th Annual Kid's Fishing Derby at Richard B. Russell Lake



# Local MOU Successes

**NWP: Bonneville Power Administration, OR Department of Agriculture, Oregon Hunters Assn, USDA Forest Service**

- Cooperative project to improve habitat while meeting BPA's vegetative maintenance objectives
- Establish self-sustaining low-growing plant communities that provide diverse habitat for wildlife
- Reduce invasive exotics and replace with native plants
- Studies conducted for pollinators
- Obliterate and restore unnecessary road segments



# Local MOU Successes

## SWT: Oklahoma Department Of Wildlife Conservation And Southwest Power Administration



- Partnership to create an improved fishery and aquatic resource downstream of Tenkiller Dam
- SWPA provides funding for diversion pipe and other capital improvements, works with Corps to modify power generation schedules to meet fishery needs
- ODWC monitors DO levels and temperatures and provides input for power generation schedules



# Local MOU Successes

MVK: Arkansas Game and Fish and FOLO/LOCFC



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# Who can sign a MOU?

- A draft of the MOU should be forwarded for review by the District Office Partnership Coordinator and the other agency before finalizing the draft.
- Signature of the MOU should be made in accordance with USACE District policies and authorizations.



Corps Foundation MOU signing

- MOUs can be signed by the OPM, District Operations Chiefs, District Engineers, Division Commanders, or HQ representatives depending on the scope of the activity and the authority referenced.

# Memorandum Of Agreement (MOA)

- A “conditional agreement” between two or more parties where the transfer of funds for services is anticipated.
- The MOA is prepared in advance of a support agreement/ reimbursable order form that defines the support, basis for reimbursement, the billing and payment process, and other terms and conditions of the agreement. \*Note: Each District has different processes and procedures; contact your District Office Partnership Coordinator.
- MOAs often establish common legal terms that will be read into every reimbursable order that follows.
- MOAs do not obligate any funds themselves, but they establish the terms for future service and cite one of the appropriate authorities to do so.



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**SUPPORT AGREEMENT**

<b>1. AGREEMENT NUMBER</b> <i>(Provided by Supplier)</i>		<b>2. SUPERSEDED AGREEMENT NO.</b> <i>(If this replaces another agreement)</i>		<b>3. EFFECTIVE DATE (YYYYMMDD)</b>		<b>4. EXPIRATION DATE</b> <i>(May be "indefinite")</i>	
<b>5. SUPPLYING ACTIVITY</b>				<b>6. RECEIVING ACTIVITY</b>			
<b>a. NAME AND ADDRESS</b>				<b>a. NAME AND ADDRESS</b>			
<b>b. MAJOR COMMAND</b>				<b>b. MAJOR COMMAND</b>			
<b>7. SUPPORT PROVIDED BY SUPPLIER</b>							
<b>a. SUPPORT</b> <i>(Specify what, when, where, and how much)</i>		<b>b. BASIS FOR REIMBURSEMENT</b>		<b>c. ESTIMATED REIMBURSEMENT</b>			
ADDITIONAL SUPPORT REQUIREMENTS ATTACHED: <input type="checkbox"/> YES <input type="checkbox"/> NO							
<b>8. SUPPLYING COMPONENT</b>				<b>9. RECEIVING COMPONENT</b>			
<b>a. COMPTROLLER SIGNATURE</b>		<b>b. DATE SIGNED</b>		<b>a. COMPTROLLER SIGNATURE</b>		<b>b. DATE SIGNED</b>	
<b>c. APPROVING AUTHORITY</b>				<b>c. APPROVING AUTHORITY</b>			
<b>(1) TYPED NAME</b>				<b>(1) TYPED NAME</b>			
<b>(2) ORGANIZATION</b>		<b>(3) TELEPHONE NUMBER</b>		<b>(2) ORGANIZATION</b>		<b>(3) TELEPHONE NUMBER</b>	
<b>(4) SIGNATURE</b>		<b>(5) DATE SIGNED</b>		<b>(4) SIGNATURE</b>		<b>(5) DATE SIGNED</b>	
<b>10. TERMINATION</b> <i>(Complete only when agreement is terminated prior to scheduled expiration date.)</i>							
<b>a. APPROVING AUTHORITY SIGNATURE</b>		<b>b. DATE SIGNED</b>		<b>c. APPROVING AUTHORITY SIGNATURE</b>		<b>d. DATE SIGNED</b>	

**ENG Form 4914-R-  
Used with non- DOD agencies**

<b>U.S. ARMY CORPS OF ENGINEERS INTERAGENCY/SUPPORT AGREEMENT</b> <i>(ER 1140-1-211)</i>		<b>1. AGREEMENT NO.</b>	
		2. <input type="checkbox"/> INITIAL AGREEMENT <input type="checkbox"/> AMENDMENT NO.	
<b>3. PROJECT TITLE</b>		<b>4. EFFECTIVE DATE</b>	
		<b>5. COMPLETION DATE</b>	
<b>6. NAME AND ADDRESS OF USACE ORGANIZATION</b>		<b>7. NAME AND ADDRESS OF OTHER AGENCY</b>	
<b>8. SCOPE OF WORK</b> <i>(Additional pages may be used as needed)</i>			
<b>9. SPECIAL PROVISIONS</b> <i>(Additional pages may be used as needed)</i>			
a. All rates expressing the unit cost of services provided in this agreement are based on current rates which may be subject to change for uncontrollable reasons, such as legislation, DoD directives, and commercial utility rate increases. The receiver will be notified immediately of such rate changes that must be passed through to the support receivers.			
b. This agreement may be cancelled at any time by mutual consent of the parties concerned. This agreement may also be cancelled by either party upon giving at least 180 days written notice to the other party.			
c. In case of mobilization or other emergency, this agreement will remain in force only within supplier's capabilities.			
<b>10. USACE PROJECT OFFICER</b>		<b>TELEPHONE</b>	
<b>11. OTHER AGENCY PROJECT OFFICER</b>		<b>TELEPHONE</b>	
<b>ADDRESS</b>		<b>ADDRESS</b>	

**DD Form 1144 – Used with other DOD agencies**

# How to Get Started with a MOA

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# Common Elements of an MOA

- Purpose and Authority (Why)
- Scope
- Interagency Communications (Who is involved)
- Taskers
- Responsibilities (What each party will do)
- Funding/Financial details (Who is paying)
- Acceptance of funds/billing
- Applicable Laws and Regulations
- Records and reports
- Safety
- Amendment, Modification, Termination
- Mutual Understandings/Conditions
- Effective Date
- Signatures



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# MOA Examples

- United States Geological Survey and USACE
  - Purpose: Provision of goods and services (planning, design, construction, restoration, R&D, engineering, training, etc.)
- U.S. Department of Agriculture and USACE
  - Purpose: Forest Insect and Disease Suppression on DOD Lands
- Federal Highway Administration and USACE
  - Purpose: Collaborate to provide goods and services
- General Services Administration (GSA) and USACE
  - Purpose: Customer surveys
- National Park Service and USACE
  - Purpose: Natural and cultural resource management

# Who Can Sign a MOA?

- A draft of the MOA should be forwarded for review by the District Office Partnership Coordinator and the other agency before finalizing the draft.
  - Signature of the MOA should be made in accordance with USACE District policies and authorizations.
  - Typically the MOA is signed at the District level by the District Engineer or their authorized representative.



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# USACE District Policies And Authorizations

Note that neither MOUs nor MOAs can be used independently to receive services or obligate funds beyond those separately authorized, and that any MOU or MOA with outside entities should be made in accordance with USACE District policies and authorizations.



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# Summary

	MOU	MOA
Anticipate transfer of funds?	No	Yes
Required Review	Ops (OC recommended also)	Ops, OC, RM, CT
Signature Level	Can be at any level depending on the complexity of the MOU and the authority referenced	Typically signed by the DE, funds transfer through RM and CT



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