

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



**Partnerships in NRM
PROSPECT Course**

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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.



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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”

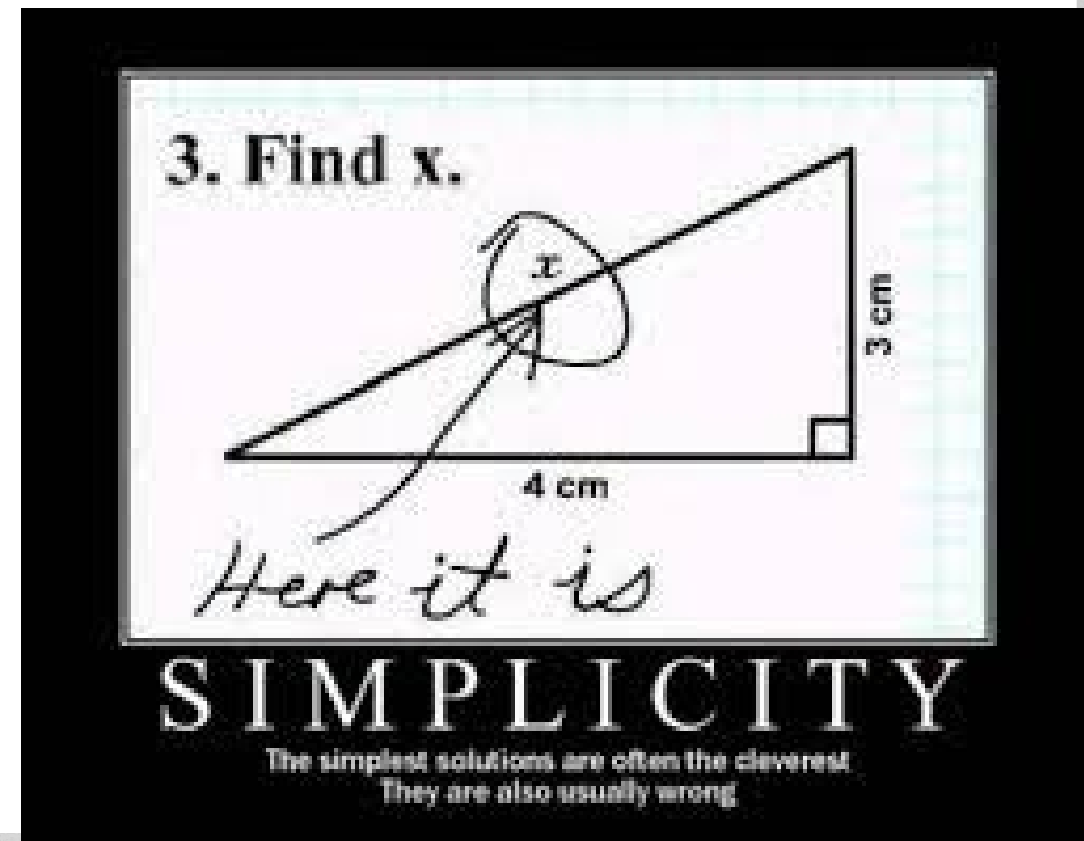


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MOUs are Simply an “Agreement”

- 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.erdcdren.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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Partnerships
MOU/MOA



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



National MOUs

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

- | | |
|---|---|
| <ul style="list-style-type: none">▪ American Chestnut Foundation▪ BASS▪ Boat US▪ Boy Scouts▪ CAST▪ CESU▪ Corps Foundation▪ Ducks Unlimited▪ FLW▪ Friends of the Wild Whooper▪ Girl Scouts▪ IMBA▪ Leave No Trace▪ National Audubon Society▪ NEEF | <ul style="list-style-type: none">▪ NFWF▪ National Wild Turkey Federation▪ NRCS▪ Paralyzed Veterans of America▪ Public Lands Alliance (APPL)▪ Reservoir Fisheries Habitat▪ Safe Kids▪ SCA▪ Nature Conservancy▪ Tread Lightly!▪ USFWS▪ US Power Squadron▪ US Coast Guard and Auxiliary▪ Watchable Wildlife▪ Wildlife Habitat Council |
|---|---|



New National MOU: Kids In Parks TRACK Trails

- MOU signed April 2019
- Purpose: Develop TRACK trails (self-guided trails) on Corps projects to get more kids outdoors
- Brochure-led discoveries
- Incentives/prizes for participation
- Trail types: biking, paddling, disc golf, hiking, citizen science



Discover Treasures on Price Lake

Paddle around the perimeter of Price Lake and visit these colored zones to discover just a few of the stories the lake has to tell.

Wild Waters

Rain and snow from the surrounding peaks flow into Boone Fork and other small creeks that drain into Price Lake. The flowing water from these streams brings valuable nutrients and oxygen to the lake, making these areas abundant with aquatic wildlife. Carefully paddle around the mouth of Boone Fork and the other creeks. Look for insects on the surface of the water and schools of fish swimming below. What was the coolest thing you found?

Boone Fork Creek

Active Beavers

Beavers here at the lake are always busy gnawing and cutting down trees. The wetland on the south end of the lake was created by beavers. They used logs and mud to block the stream to raise the water level so they could build their dome-like homes, called lodges, in the water. Can you find any signs of beavers?

Chewed Trunk

North American Beaver

Wetland

Evergreen Shrub

From a boat, you are able to see the different levels of the forest. Rhododendron is an understory (lower level) plant that stays green all year long.

Rhododendron

Rhododendrons have bright pink, purple, or white flowers in the summer. The leathery oval leaves are about the length of an adult hand.

Who's Swimming Underneath?

Fish

The lake is stocked with fish including all three forms of trout - brook, rainbow and brown. Brook trout is a large fish native to North Carolina. Brook trout only live in cool water and are powerful predators.

Fish Food

Fish in Price Lake eat algae, zooplankton (microscopic creatures), insects, and... other fish! The most common fish in the lake are golden shiners. These small fish were introduced to the lake to provide food for the larger fish.

Brook Trout

Golden Shiner

A Young Grandfather

Grandfather Mountain

While paddling along the lake's eastern shore, you get a unique view of Grandfather Mountain. Long ago, massive bodies of rock folded and compressed to form the Blue Ridge Mountains. In this area, older rock was actually pushed over younger rock. Over time, the older rocks on top eroded away, revealing the younger rocks beneath that form the distinct profile of Grandfather Mountain.

The Man behind the Park

Julian Price Dam

Julian Price was a nationally known insurance executive and civic leader. He originally bought this land (now called Julian Price Memorial Park) so that his employees would have a place to vacation. After Price's death in 1946, the estate was given to the National Park Service with an agreement that a lake would be made. Years later, the dam was built which created the 47-acre lake. From your boat you can get an excellent view of the dam as the northern end of the lake. What road goes over the dam?

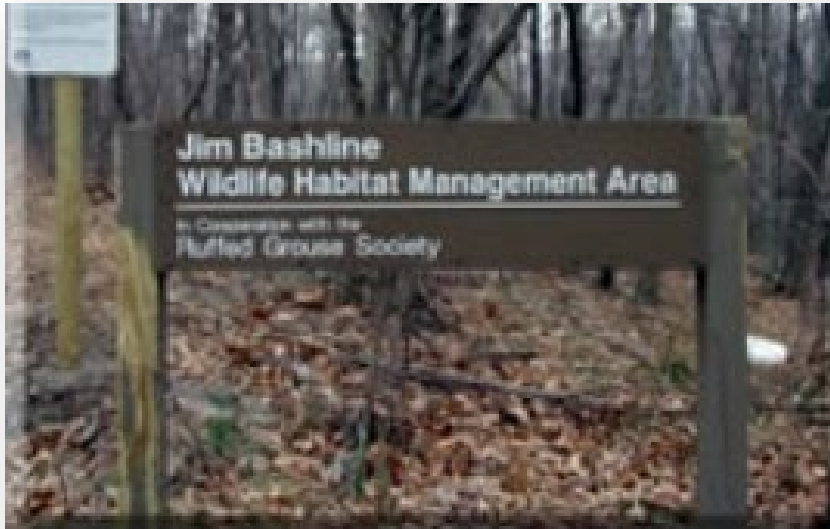


Local MOUs

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



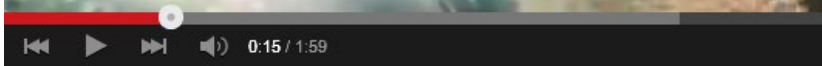
Local MOU Successes

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

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



Wilkesboro, NC



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 Committee and the LOViT Trail



Local MOU Successes

NWP: BPA, OR Department of Agriculture, Oregon Hunters Assn, USFS

- 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



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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.



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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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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



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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.
- Expiration date: All MOAs will have an expiration date not to exceed 9 years (*per DOD Instruction 4000.19, Support Agreements*)



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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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Exercise to determine which is MOU and which is MOA

A local bike group has approached you about having their group work on rebuilding and improving your trail system. They will be raising funds in the local community for their group to use to work at your lake. They will handle all of the funds to pay for equipment and supplies, there will not be any exchange of funds between the group and the Corps.

MOU or MOA?

You have approached the USDA Wildlife services group to help you remove and control nuisance Turkey Vultures that are roosting on your dam control tower. Funding will be exchanged to the USDA from the Corps.

MOU or MOA?



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EXERCISE TO DETERMINE WHICH IS MOU AND WHICH IS MOA

The local chapter of Pheasants Forever has approached your OPM to develop a relationship between PF and the Corps to improve wildlife habitat on Corps lands surrounding your lake. The two groups will work together on the projects. The Corps will be supplying equipment and materials and Pheasants Forever will provide volunteer labor. MOU or MOA?

Your state boating agency has approached you about partnering on water safety initiatives to reduce boating accidents and reduce drownings. Each agency has developed programs and have agreed to work together to meet common goals. MOU or MOA ?





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