

MEMORANDA OF UNDERSTANDING (MOU) & MEMORANDA OF AGREEMENT (MOA)



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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



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, such as from Water Resources Development Acts (WRDAs), Flood Control Act of 1944, Federal Water Project Recreation Act of 1965, etc.
- 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 required.
- 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”

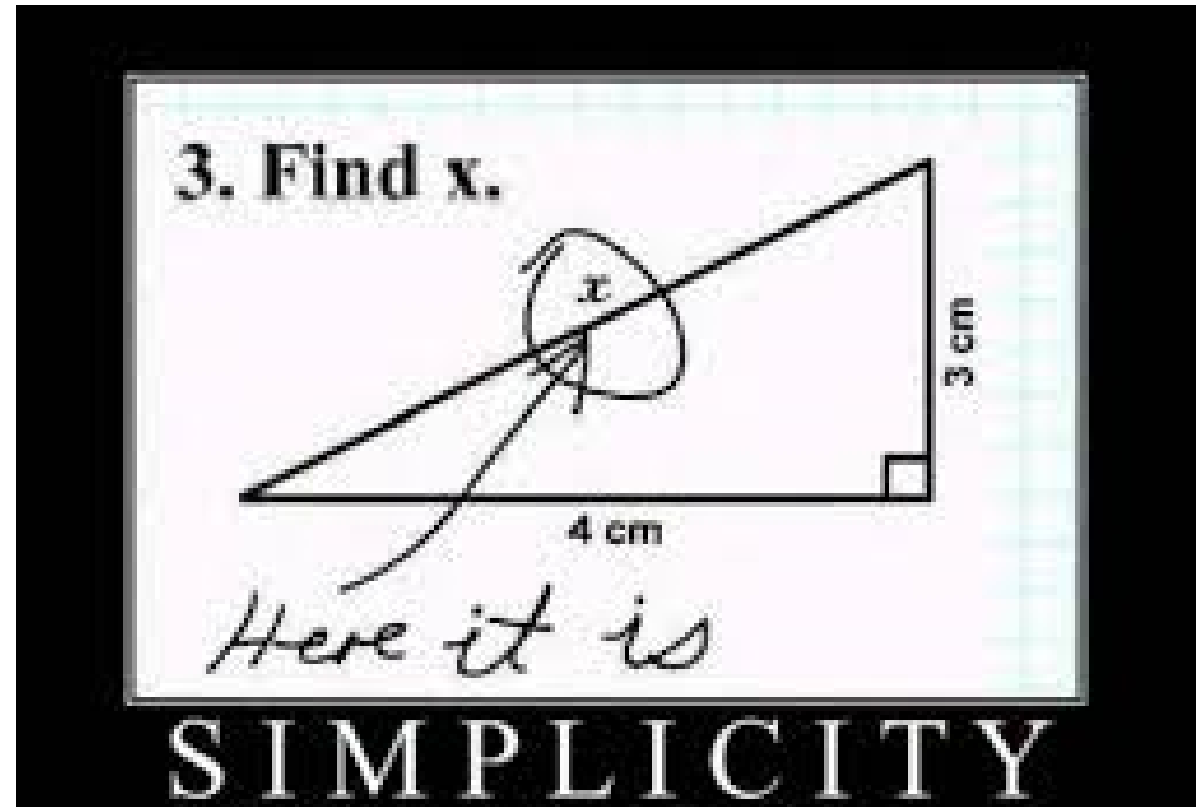


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MOUs are Simply an “Agreement”

- 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!





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How to Get Started with a MOU

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



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MOUs/MOAs Sample Templates

- [AR 25-50 Preparing and Managing Correspondence](#) - MOU and MOA format
- [Boat Operator Training Agreement MOU with Outside Entities - Template](#)
- [DOD Instruction 400019: Support Agreements, Dec 2020](#) - MOU and MOA templates with required content and clauses
- [MOU/MOA Table of Required Elements, Dec 2020](#)
- [DODI 4000.19 Example MOU template, Dec 2020](#)
- [DODI 4000.19 Example MOA template, Dec 2020](#)
- [CECC-G Bulletin 14-01, Revised Department of Defense Instruction \(DODI\) 4000.19 for "Support Agreements" memo](#)
- [Interagency and International Service Model Agreements Sharepoint Site](#) 
- [DOD MOA template for Support to State and Local Governments, 2016](#)
- [Model Economy Act MOA Template- USACE as servicing agency with non-DOD agencies, 05 Aug 2020](#)
- [Model Economy Act MOA Template- USACE as servicing agency with DOD activities, 30 Sep 2020](#)

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Partnerships
MOU/MOA



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Common Elements of a MOU

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- 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

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

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

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
Back Country Horsemen of America	3/2/2020	MOU between USACE and Back Country Horsemen of America To assist each other in programs, projects, training, trails, and other equestrian related opportunities	3/2/2029
Backcountry Hunters and Anglers	8/22/23	MOU between USACE and Backcountry Hunters and Anglers To assist each other in sustaining and enhancing the health and vitality of natural resources and promoting shared stewardship through volunteerism and service on the lands and waters.	8/22/32
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
Blue Ridge Parkway Foundation- Kids in Parks TRACK Trails Program	5/22/24	MOU between USACE and Blue Ridge Parkway Foundation Purpose: To collaborate on development of educational TRACK Trails at USACE projects	5/22/33
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
Corps of Engineers Natural Resources Education Foundation	6/22/2023	MOU between the USACE and the CNREF Provide a framework for continued collaboration related to outreach and education, technical and financial assistance, support of cooperating associations and volunteers, and advocacy for the enhancement of the recreation and environmental stewardship programs at USACE Civil Works projects.	6/22/2033
Council for Environmental Education	3/2006	MOU between USACE and the Council for Environmental Education Purpose: To cooperate in activities to advance environmental education and training	In effect until terminated
Ducks Unlimited	7/1/02	MOU between USACE and DU Purpose: To collaborate on protection, restoration, and management of wetlands and associated uplands for waterfowl and other wildlife populations.	In effect until terminated
Federal Aviation Administration (FAA)	2003	MOA between the FAA, the U.S. Air Force, the U.S. Army, EPA, FWS, and the U.S. Department of Agriculture Purpose: To address aircraft-wildlife strikes	In effect until terminated



National MOUs

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

- | | |
|---|---|
| <ul style="list-style-type: none">▪ American Chestnut Foundation▪ Back Country Horsemen of America▪ Boat US▪ Boy Scouts▪ CAST▪ CESU▪ Corps Foundation▪ Ducks Unlimited▪ FLW (now MLF)▪ 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▪ Public Lands Alliance (APPL)▪ Reservoir Fisheries Habitat▪ Ruffed Grouse Society▪ Safe Kids▪ SCA▪ Southeast Tourism Society▪ The Nature Conservancy▪ Tread Lightly!▪ Union Sportsmen's Alliance▪ US Coast Guard and Auxiliary▪ Watchable Wildlife▪ Wildlife Habitat Council▪ YMCA |
|---|---|



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National MOU: Backcountry Hunters & Anglers (BHA)

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- Purpose: Cooperate with BHA to develop and expand engagement on the broad and diverse communities of interest in wildlife-dependent outdoor recreation, and sustainable wildlife habitat.
- BHA is a 501(c)(3) with chapters in 48 states and 30k members.
- Programs include an Armed Forces Initiative, Collegiate program, Hunting for sustainability
- Connect with other partners and organizations. They need us to reach out to them!
- Volunteer projects can come with FUNDING for signage, materials, supplies, etc.
- Can also help with getting grant funds.
- USACE and BHA have worked together on projects such as fish habitat improvements, cleanup days, and development/ management of a 3-D archery trail
- <https://www.backcountryhunters.org/>





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National MOU: Ruffed Grouse Society and American Woodcock Society (RGS/AWS)

- Purpose: Collaborate on projects related to protection, restoration, and enhancement of ruffed grouse and American woodcock habitat on lands managed by USACE.
- RGS/AWS is a 501(c)(3) conservation organization dedicated to healthy forest habitat for ruffed grouse, American woodcock, and all forest wildlife.
- USACE and RGS/AWS have worked together on numerous environmental stewardship and recreation related projects to benefit ruffed grouse and American woodcock and wish to maintain and expand these efforts.
- <https://ruffedgrousesociety.org/>





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National MOU: YMCA of the USA (Y-USA)

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- Purpose: Seek opportunities to cooperate in activities to advance awareness of educational and recreational opportunities for youth that relate to outdoor based activities.
- Y-USA is a 501(c)(3) nonprofit organization that is committed to strengthening community through youth development, healthy living, and social responsibility.
- The Y-USA engages 9 million youth and 13 million adults each year in 10,000 communities across the country, enabling youth, adults, families, and communities to be healthy, confident, connected, and secure.
- <https://www.ymca.org/>
- Find out more at:
<https://corpslakes.erdc.dren.mil/partners/national.cfm?Partner=ymca>





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National MOU: Union Sportsmen's Alliance (USA)



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- Purpose: Utilize USA's flagship conservation program "Work Boots on the Ground" to facilitate opportunities for their members to volunteer their time and unique trade skills towards construction, repair and restoration projects on USACE public lands and waters
- USA contributes private sector resources and highly trained Union member volunteers:
 - Electrical workers
 - Plumbers, welders and service techs
 - Machinists
 - Sheet metal workers
 - Painters
 - Roofers
 - Bricklayers
 - Iron workers
 - Carpenters
- <http://unionsportsmen.org/>
- Find out more at <https://corpslakes.erdc.dren.mil/partners/national.cfm?Partner=usa>

UNION SPORTSMEN'S ALLIANCE **WBG WORK BOOTS ON THE GROUND**

AN ORGANIZED APPROACH TO CONSERVATION

The Union Sportsmen's Alliance (USA) is uniting the union community through conservation to preserve North America's outdoor heritage.

This public pavilion was restored on April 27, 2024, by the Berks County Labor Council in memory of its former president Ryan C. Helms. More than 30 union volunteers representing Electrical Workers Local 743, Roofers Local 30, Sheet Metal Workers Local 19, Bricklayers Local 5, Plumbers Local 690, Operating Engineers Local 542, and Carpenters Locals 164, 167 and 431 donated 200 hours of labor to improve the shelter for visitors. The U.S. Army Corps of Engineers at Blue Marsh Lake provided the materials for the project.

This project was proudly made possible by:

LOCAL 19 **ROOFERS LOCAL 30** **LOCAL 542** **LOCAL 690** **LOCAL 164, LOCAL 167, LOCAL 431**

IREW LOCAL 743 **LOCAL 690** **LOCAL 164, LOCAL 167, LOCAL 431**





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National MOU: USA

<https://www.youtube.com/watch?v=ASYBdEQegwE>

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USA Project at Pine Flat Lake, SPK

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- Constructed large pavilion in Kings River Wildlife Area with Local Union 701, 1109, 9082, and 155
- 120 union members participated, contributing 200 volunteer hours, saving USACE \$30k





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National MOU: Back Country Horsemen of America (BCHA)



- Purpose: Increase cooperation between USACE and BCHA to assist one another in developing equestrian related programs, projects, training, and trails.



Goals

- Work closely with equestrian groups to set up common objectives
 - Identify opportunities in land use, planning, and education related to trails/trail usage
 - Develop/maintain equestrian trails on USACE lands
 - Seek opportunities to promote trail use
 - Establish contacts and communication avenues between organizations
 - <https://www.bcha.org/>
- Find out more at <https://corpslakes.erdc.dren.mil/partners/national.cfm?Partner=back>



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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





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Local MOU Successes

SAW: W. Kerr Scott and Brushy Mountain Cyclists Club
(International Mountain Bicycling Association- IMBA)

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





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Local MOU Successes

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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.



John Day Project, Columbia River, Oregon

Origin: Families that had used the park for generations formed the OPAL Foundation and approached the Corps about keeping it open through volunteer O&M.





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Local MOU Successes

Deer Creek and Alum Creek Lakes - LRH - Ohio

Lending Tackle Box Program



Origin: This organization was created to honor a local outdoorsmen who passed away unexpectedly. They got the idea from community food boxes and book lending shelves in the community and approached the Corps with a partnership proposal.



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Local MOU Successes

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NWP: Bonneville Power Administration, Oregon Department of Agriculture, Oregon Hunters Association, US Forest Service

- Cooperative project to improve habitat while meeting Bonneville Power Administration'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

Lookout Point Project - Oregon

Origin: Spun off from another elk mgmt. partnership in Detroit Lake, plant biodiversity was expanded beyond grasses and forbs to attract pollinators and neo-tropical migrant birds.





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Local MOU Successes

NAE: Cape Abilities – Cape Cod Canal Massachusetts

Cape Abilities supports Environmental Stewardship and Interpretive Services missions at the Cape Cod Canal. This partnership develops and maintains pollinator gardens at the Visitor Center, removes litter from the banks of the Canal, and engages in public outreach to promote stewardship of our resources, all while providing enriching opportunities for mentally and physically disabled adults.

- Partnership established in 2017
- Partnership developed and maintains 853 square feet (and growing) of pollinator gardens
- Incorporates another partnership with Take Care of the Cape & Islands and outreach opportunities to achieve additional ES missions
- Over 1400 volunteer hours provided between 2017-2019

Origin: The Cape Abilities organization regularly used facilities at Cape Cod Canal for their routine programming, they wanted to be able to “give back” and reached out about volunteer opportunities. Project staff already had a list of volunteer projects and the pollinator garden was a great fit.





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Local MOU Successes

Water Safety Incentive Partnership

WALLA WALLA DISTRICT, NORTHWESTERN DIVISION

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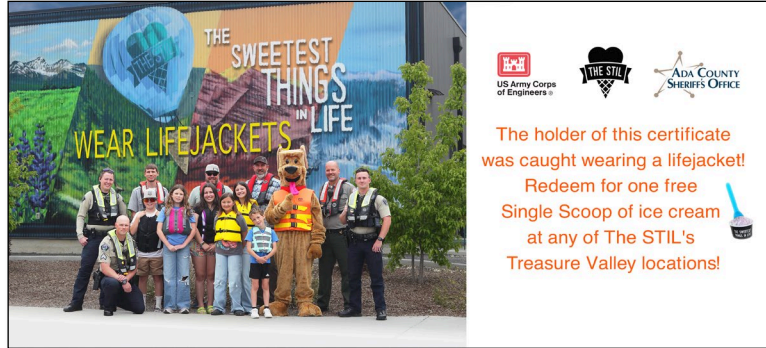
WHO: Lucky Peak Dam & Lake, Ada County Sheriff's Office, The STIL

WHAT: Water Safety Incentives

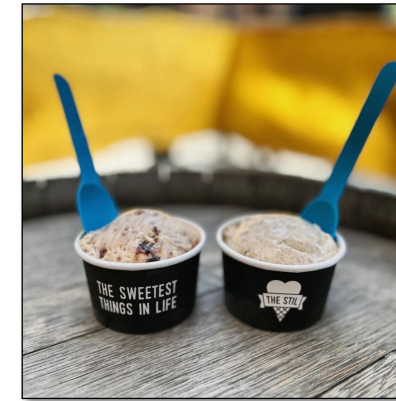
WHEN: Summer 2024

WHERE: Lucky Peak, Boise Idaho

WHY: Positive water safety contacts land better with kids, parents, and enforcement officials.



Left: Front and reverse sides of coupons distributed by park rangers, marine deputies, and volunteers to kids caught wearing lifejackets.



Above: Social media post to announce the incentive program coinciding with National Safe Boating Week,

Summary:

- Partnered with Ada County Sheriff's Office and a local ice cream vendor, The STIL, to provide free ice cream to kids caught wearing lifejackets.
- Multi-year MOU to share costs of the product and the production of coupon books.
- USACE purchased 2,000 single scoop ice cream servings for \$0.50 each on an item consumer-priced at \$4.25
- Ada County Sheriff's Office produced the corresponding number of coupons.
- USACE provides photography and water safety themed artwork for the coupon.

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



Corps Foundation MOU signing



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Memorandum Of Agreement (MOA)

- A binding “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.



MOA Examples



Economy Act Examples:

- United States Geological Survey and USACE
 - Purpose: Provision planning, design, construction, restoration, R&D, engineering, training
- 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
- National Park Service and USACE
 - Purpose: Natural and cultural resource management
- USDA APHIS and USACE
 - Purpose: Wildlife management services

Note: Economy Act Agreements no longer require a MOA as the support agreement. 7600b forms are now required, but a MOA can still be added as an attachment

Non Economy Act Example:

- Susquehanna River Basin Commission and USACE
 - Purpose: Preliminary assessment of optimizing use of water storage
(Authorized by 31 USC 6505 Authority to provide specialized or technical services to state or local governments)



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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*)



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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On the Gateway

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



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Memoranda of Understanding/Agreement (MOU/MOA)

MOUs and MOAs are used to coordinate the Corps' authorized activities with another entity. These "agreements to agree" or umbrella agreements are often used interchangeably, although they are distinctly different. MOUs tend to be used for simple common-cause agreements which are not legally binding. MOAs, on the other hand, establish common legal terms that establish a "conditional agreement" where the transfer of funds for services are anticipated.

The Difference between MOUs and MOAs

Memorandum of Understanding (MOU) defines a "general area of understanding" within both parties' authorities and no transfer of funds for services is anticipated. MOUs often state common goals and nothing more. Thus, MOUs do not contemplate funds transfers and 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." 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.

Memorandum of Agreement (MOA) is a "conditional agreement" between two or more parties where the transfer of funds for services are 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. 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.

Note that neither MOUs nor MOAs can to 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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