

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 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”

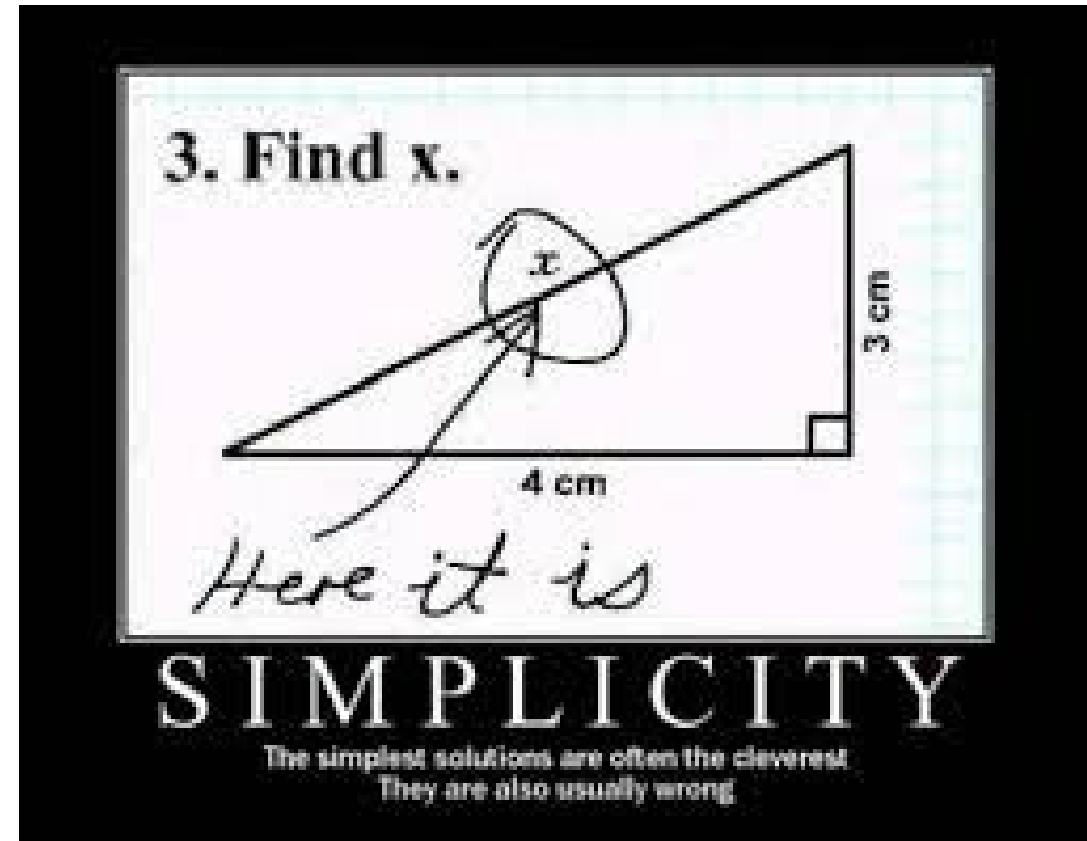


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MOUs are Simply an “Agreement”

- 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.erdcdren.mil/partners/moumoa-template.cfm>



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Natural Resources Management Gateway

to the future . . .

Home Visitors Lake Discovery Recreation Env Compliance Env Stewardship Partners
News/Events People Forums Learning GETS Tools New Postings Submit Index/Search ?

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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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



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 |
| 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 | 4/13/19 | MOU between USACE and Blue Ridge Parkway Foundation Purpose: To collaborate on development of educational TRACK Trails at USACE projects | 4/3/24 |
| 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 Ecosystem Studies Units | 7/2018 | MOU between the USACE, NASA, ARS, NRCS, USFS, NOAA, BLM, BOEM, NPS, BOR, USFWS, USGS Purpose: To provide research, studies, assessments, monitoring, technical assistance, and education to federal land and trust resource management, environmental, and research agencies, and their partners. Each CESU includes several federal agencies, a host university, partner universities and other institutions. | 7/2024 |
| Corps of Engineers Natural Resources Education Foundation | 10/2007 | MOU between the USACE and the CNREF Purpose: Develop a non-profit foundation to support the Corps NRM program | In effect until terminated |
| 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 |



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!▪ USFWS▪ Union Sportsmen's Alliance▪ US Coast Guard and Auxiliary▪ Watchable Wildlife▪ Wildlife Habitat Council▪ YMCA |
|---|---|



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National MOU: Ruffed Grouse Society and American Woodcock Society

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- 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

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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: YMCA of the USA

<https://www.youtube.com/watch?v=aYaASdfC7yA>

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National MOU: Union Sportsmen's Alliance

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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 member volunteers such as:
 - 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>





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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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USA Project at J Strom Thurmond, SAS

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- Handshake Project: Fishing access project platform construction
Laborers Local 515, Operating Engineers Local 470, Painters Local 1756, Carpenters Local 283, Ironworkers Local 846, Pipefitters Local 150, OPCMIA Local 14848, Bricklayers Local 8, Millwrights Local 1263
- 282 hours + contributed. Augusta Building Trades also covered \$1,800 shortage in funding to complete the project





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National MOU: Back Country Horsemen of America

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- 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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BCHA at Big Hill (SWT)

- Partnership started in 2015 with BCHA wanting to help out clearing trails by mowing, track hoe, mulching tool/skid loader work
- \$29k in Handshake funding received in 2017 and 2020 for trail markers, signage, horse pens, group shelters, mapping





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BCHA at J Strom Thurmond (SAS)

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Partnered with Central Savannah River Area Equestrian Club, BCHA of Middle and South Georgia and Boy Scouts for equestrian friendly upgrades to Bussey Point trail and campground

- New access trail at Bussey Point trailhead
- Potable water well for equestrian use
- Expanded campsite driveways for horse trailers
- Horse tethering high lines at campsites
- New exit road to improve traffic flow
- Expanded day use parking lot
- Interpretive kiosk at trailhead
- Solar light at restroom facilities





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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 (IMBA)

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





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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.



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

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

- 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.





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)

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- 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)



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 |