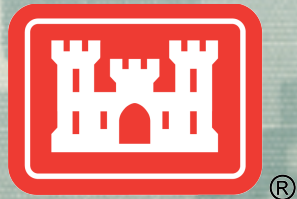


# Memoranda of Understanding (MOU) & Memoranda of Agreement (MOA)

Partnerships in NRM  
PROSPECT Course



US Army Corps of Engineers  
**BUILDING STRONG**®



# Course Objectives

- Goal: Participants will learn of 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



# MOU & MOA: What are They?

- 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.



# Authority for MOUs

- There is no explicit authority which permits USACE to collaborate through these non-binding documents.
- 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.



# 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.



# MOUs are Simply an “Agreement”

- 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.”
  - ▶ MOUs are not legally binding



# How to Get Started with a MOU

MOU Templates can be found on the NRM Gateway

<http://corpslakes.usace.army.mil/nrm.cfm>



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## Natural Resources Management Gateway


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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.

- [NWP: Portland District Sample MOU template](#) 
- [NWP: Portland District Sample MOA template](#) 

 Item is restricted to U.S. Army Corps of Engineers and will open in a new window.

# MOU Examples

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

## 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 (link to attached file)</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="#">Association of Partners for Public Lands</a>	10/2003	<a href="#">MOU between USACE and APPL</a> Purpose: Partner on training, communication products, and policy	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="#">Cooperative Agreement 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



# National MOUs

- 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

- American Chestnut Foundation: 6 locations, \$70,418 partner value
- Boy Scouts: 44 locations, \$245,197 value
- National Audubon: 6 locations, \$265,609 value
- NEEF: 6 locations, \$210,513 value
- National Park Service: 4 locations, \$116,736 value
- National Wild Turkey Federation: 8 locations, \$111,449 value
- Student Conservation Association: 25 locations, \$1.8 million value
- US Coast Guard Auxiliary: 18 locations, \$205,578 value



American Chestnut Foundation

SCA Water Safety Intern



10



CAST Take a Warrior Fishing

# 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.



# Memorandum of Agreement (MOA)

Memorandum of Agreement (MOA) is a “conditional agreement” where the transfer of funds for services are anticipated.

The MOA is prepared in advance of a “Support for Others Reimbursable Order” form.

\*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.



# How to Get Started with a MOA

MOA Templates can be found on the NRM Gateway.

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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 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.



# 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.





# Local MOU or MOA

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

However, if the potential partner requests a local MOU or MOA as a condition to partner with the Corps, you may use the National MOU/MOA 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

SWD, NWK, MVS: Regional MOU with Bass Pro Shops, August 2012

- 2013 focus on water safety - Go Outdoors Event in 54 stores and Family Summer Camp in 56 stores with 12,000 contacts
- Focus for FY 14: Continued support in Bass Pro Store events. Pilot Outdoor Academy events at Corps lakes. Fish habitat projects with matching funds from Bass Pro, NFWF, Friends of Reservoirs, National Reservoirs Fisheries Habitat Initiative. Support for cooperative joint management legislative fix.



# Local MOU Successes

LRP: Youghiogheny Dam and The Chestnut Ridge Chapter of Trout Unlimited Unlimited, June 1998

WHEREAS, the Chestnut Ridge Chapter of Trout Unlimited has contacted both the Corps of Engineers (Pittsburgh District) and the Pennsylvania Fish and Boat Commission to propose the construction and operation of a "cage culture" trout nursery in the tailrace of Youghiogheny Dam to produce brown and rainbow trout for stocking in the Youghiogheny River and other nearby suitable waters for the benefit of the angling public, and

Nice size brown trout, like this one, are being found more often in the Youghiogheny River.



# Local MOU Successes

SAS: Outdoor Dream Foundation, August 2011 (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



# Summary

- MOUs state common goals and nothing more
- National MOUs
  - List on the Gateway
  - Templates with recommended components
- National MOAs
  - List on the Gateway
  - Templates with recommended components
- Local MOUs – Can be signed at any appropriate level

