

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

**Chris Rapenchuk**  
Supervisor Natural Resource Project Manager  
LRD Partnership Advisory Committee Member



US Army Corps of Engineers  
**BUILDING STRONG**<sup>®</sup>

# 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.



# 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>



US Army Corps  
of Engineers ®


## 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

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 Example Template

Purpose

Responsibilities

Mutual Understanding

Points of Contact

Effective Date

Example templates and existing MOUs are on the Gateway



# MOU Examples

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

## National Wild Turkey Federation

1/1999 [MOU between NWTF and USACE](#)  
Purpose: Cooperate to plan, manage, and protect wild turkey habitat and populations

## National Trails System

12/2006 [MOU between BLM, FWS, NPS, USDA Forest Service, USACE, and FHWA](#)  
Purpose: To coordinate trail-wide administration and site-specific management of National Trails

## Leave No Trace

5/27/09 [MOU between the Forest Service, BLM, FWS, NPS, and USACE](#)  
Purpose: Cooperate in activities regarding responsible recreational use of federal lands and implement LNT program





# 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 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.

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



# MOA Example Template

Purpose

USACE Stipulations

Partner Stipulations

Mutual Responsibilities

Point of Contact

Effective Date

Example template is on the Gateway



# MOA Examples

- **United States Geological Survey**
  - ▶ **MOA between USGS and USACE**  
Purpose: Provision of goods and services.
  
- **U.S. Department of Agriculture**
  - ▶ **MOA between USACE and USDA**  
Purpose: Forest Insect and Disease Suppression on DOD Lands
  
- **Federal Highway Administration**
  - ▶ **MOA between USACE and FHWA**  
Purpose: Collaborate to provide goods and services



# 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 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.



# 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 of Engineers](#).

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.

Local MOUs:

- LRP: Youghiogheny Dam and The Chestnut Ridge Chapter of Trout Unlimited, June 1998
- SAS: Outdoor Dream Foundation, August 2011 (for outdoor recreation)
- NWO: Gavins Point Project and National Park Service, 2011





# Questions and Answers

LRD: Chris Rapenchuk, [Christopher.t.rapenchuk@usace.army.mil](mailto:Christopher.t.rapenchuk@usace.army.mil)  
937-325-2411

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

**Natural Resources Management Gateway**  
*to the future . . .*

