



**US Army Corps
of Engineers®**
Mississippi Valley Division

**REGIONAL MEMORANDUM OF UNDERSTANDING
BETWEEN
DUCKS UNLIMITED, INC.
THROUGH ITS GREAT LAKES ATLANTIC, SOUTHERN, AND GREAT
PLAINS REGIONAL OFFICES
AND THE
UNITED STATES ARMY CORPS OF ENGINEERS,
MISSISSIPPI VALLEY DIVISION
November 24, 2008**

I. INTRODUCTION. Ducks Unlimited, Inc. (DU) and U.S. Army Corps of Engineers (Corps) executed a national Memorandum of Understanding (National MOU) on July 22, 2002, in order to provide a foundation for collaboration related to protection, restoration, and/or management of wetlands and associated habitats within the authorities, policies, and laws of DU and the Corps.

This Regional Memorandum of Understanding (Regional MOU) is entered between the Mississippi Valley Division of the U. S. Army Corps of Engineers (MVD) through the St. Paul, Rock Island, St. Louis, Memphis, Vicksburg, and New Orleans Districts, represented by their Division Commander (hereinafter, MVD Districts), and Ducks Unlimited, acting through its Great Lakes Atlantic, Southern, and Great Plains Regions for the purpose of facilitating regional interests and objectives within each party's area of responsibility and interest. This Regional MOU incorporates and is subject to all of the conditions and terms of the National MOU. In case of a conflict between this Regional MOU and the National MOU, the National MOU provisions shall prevail. The geographic scope of this Regional MOU shall be the Mississippi River and its floodplains, from its headwaters to its delta, including tributaries and distributaries that are located within MVD.

II. PURPOSE. The parties seek to facilitate effective and efficient management of important natural resources within the context of each MVD District's civil works mission and the mission of DU in a manner consistent with the laws and regulations governing the Corps and DU policies. The following objectives are agreed upon within the geographic scope of this Regional MOU:

a. Restore and conserve key functions and attributes of floodplain habitats in a manner that meets human needs and protects the natural biological communities and diversity of the ecosystem.

b. Conserve, stabilize, and restore key functions and attributes of stream/river channels, river banks, lakes, and ponds in a manner that meets human needs and protects associated ecosystems and their native biological diversity.

c. Seek prudent and effective protection, restoration, enhancement, and management of wetlands and other water resources in a manner that meets human needs and protects key functions and attributes of said ecosystems and their native biological diversity.

d. Explore new and innovative techniques and strategies for conserving and managing water resources and for enhancing and restoring channels, streambanks, ponds, and floodplains as appropriate, encourage and support projects that assess, demonstrate, and measure these techniques and strategies and their potential to contribute to meeting the goals for achieving a sustainable ecosystem.

e. Identify opportunities for cooperative conservation activities (e.g. projects, programs, conferences, etc.) throughout the MVD consistent with that outlined in the National MOU signed July 22, 2002.

f. Facilitate cooperative conservation activities in accordance with Title II, Section 2003 and Section 2015, of Public Law 110-114, Water Resources Development Act of 2007 (WRDA 07) entitled Written Agreement for Water Resources Projects and Cooperative Agreements as related to the expanded definition and terms of a non-federal interest to include non-government organizations.

g. Seek as appropriate and applicable, innovative application of Title II, Section 2036, of Public law 110-114 (WRDA 07) entitled Mitigation for Fish and Wildlife and Wetlands Losses with attention to monitoring, in lieu fee and compensatory mitigation requirements.

III. RESPONSIBILITIES. The parties, to the extent authorized by law and Corps policies and within existing legal authorities, agree as follows:

a. The MVD Districts will consider environmental sustainability concepts suggested by DU for incorporation into the conceptualization, evaluation, planning, construction, and operation of MVD District projects within the geographic scope of this Regional MOU.

b. DU may, as appropriate and subject to its internal policy regarding confidential information, contribute upon request pertinent scientific and conservation planning information to MVD Districts for their projects within the geographic scope of this Regional MOU.

c. The MVD Districts and DU shall, as appropriate, share information and expertise in exploring potential restoration and water management projects to help ensure that these projects are designed using the best and most current knowledge and technology, take advantage of innovative and new approaches, include well-designed adaptive management plans, and advance the state-of-the-art for engineering projects that are ecologically sustainable in a multi-use arena. This may include, where authority and funding are available, jointly undertaking demonstration projects and identifying and pursuing policies and programs needed to implement any such projects.

d. MVD Districts and DU will seek opportunities to ensure appropriate mitigation of project impacts to include concepts such as mitigation banking, in lieu fee and other compensatory mitigation concepts consistent with law and project requirements.

e. DU and the MVD Districts will work together to monitor and assess the success of any joint projects and to disseminate lessons learned to interested parties to benefit restoration and water management projects throughout the region.

f. The MVD Districts and DU will work together to encourage and facilitate the broader use of restoration and water-level management tools and techniques that have proven successful. This may include identifying and recommending policies and programs needed to implement them on a broader scale.

g. DU will, as appropriate and subject to staff availability, participate in advisory groups to the MVD Districts, including such groups as the Navigation Environmental Coordinating Committee, River Resources Forum, River Resources Coordinating Team, River Resources Advisory Team, Lower Mississippi River Resource Assessment, and their respective committees and workgroups.

h. The parties to this Regional MOU recognize that the MVD District projects must operate in accordance with authorized project purposes and funding limitations. All actions taken by the MVD Districts in accordance with this Regional MOU are subject to the availability of funds, and nothing in this Regional MOU shall be interpreted as constituting a violation of the Anti-Deficiency Act.

i. This Regional MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to the Regional MOU will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors, if any, will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This Regional MOU does not provide such authority. Specifically, this MOU does not establish authority for the noncompetitive award to DU of any contract or other agreement.

j. Nothing in this Regional MOU prohibits the parties from soliciting or receiving advice and assistance in the objectives set forth above from other governmental entities and private groups or individuals.

k. The MVD Districts, while receptive to the provision of suggestions, concepts, and scientific and conservation planning information from DU and all other public entities, shall remain responsible for all decisions involving the planning and implementation of projects as authorized by law and for which funds are available.

l. The following are Points of Contact (POC's) within each of the MVD Districts and DU Regional Offices for specific project planning and development purposes.

Corps

St. Paul District - Environmental Chief - 651-290-5264
Rock Island District - Environmental Chief - 309-794-5349
St. Louis District - Environmental Chief - 314-331-8462
Memphis District - Environmental Chief - 901-544-0707 (Action District)
Vicksburg District - Environmental Chief - 601-631-7156
New Orleans District - Environmental Chief - 504-862-2778

Ducks Unlimited

Southern Region - Director of Conservation Programs - 318-340-1020
Great Lakes Atlantic Region - Manager of Conservation Programs -
734-623-2000
Great Plains Region - Director of Conservation Programs - 952-469-0956

IV. IMPLEMENTATION.

a. This Regional MOU becomes effective when signed by all signatory parties and remains in effect until modified or terminated by either MVD or DU. This Regional MOU may be modified or amended at any time by mutual agreement of MVD and DU in writing and may be terminated by either party upon sixty (60) days prior written notice. Modifications to the National MOU will also be considered to have modified this Regional MOU.

b. The parties of this regional MOU or their designated representatives shall communicate annually to review the implementation of this MOU.

c. DU and MVD intend to conduct the activities contemplated in this agreement in accordance with existing authorities. If any provisions of this Regional MOU are determined to be inconsistent with existing laws or regulations or directives

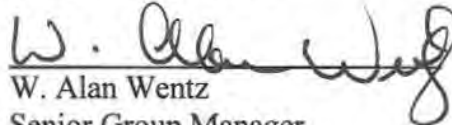
governing the signatories, then the provisions of this Regional MOU not affected by a finding of inconsistency shall remain in full force and effect.

D. Lead organizational POCs for this agreement are the DU Director of Public Policy at 601-956-1936 and the MVD Environmental Team Leader at 601-634-5854.

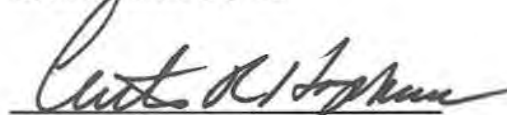
V. **COUNTERPARTS.** This Regional MOU may be executed in any number of counterparts, each of which when executed shall be deemed to be an original and all of which when taken together shall constitute one and the same agreement.


Michael Walsh
Brigadier General, USA
Commanding - MVD


20 Nov 2008
Date


W. Alan Wentz
Senior Group Manager
Ducks Unlimited, Inc.


10 Nov 08
Date


Curtis R. Hopkins
Director, Southern Regional Office
Ducks Unlimited, Inc.

16-10-08
Date


Robert D. Hoffman
Director, Great Lakes Atlantic Regional Office
Ducks Unlimited, Inc.

11-10-08
Date


Stephen E. Adair
Director, Great Plains Regional Office
Ducks Unlimited, Inc.

11/10/08
Date