



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

**REGIONAL MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
AND THE
UNITED STATES ARMY CORPS OF ENGINEERS
MISSISSIPPI VALLEY DIVISION**

I. INTRODUCTION. The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) and U.S. Army Corps of Engineers executed a National Partnership Agreement (NPA) with attached principles on July 7, 2005, in order to provide a foundation for collaboration related to protection, restoration, and/or management of water resources and related natural resources within the authorities, policies, and procedures of NRCS 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 (COE) through the St. Paul, Rock Island, St. Louis, Memphis, Vicksburg, and New Orleans Districts, represented by their Division Commander, and NRCS acting through its Central and East Regional Conservationists for the purpose of facilitating mutual interests and focusing objectives within each agency's area of responsibility and interest. This Regional MOU incorporates and is subject to all of the conditions and terms of the NPA. In case of a conflict between this Regional MOU and the NPA, the NPA provisions shall prevail to the extent applicable. 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 geographic boundaries.

II. PURPOSE. Each agency seeks to facilitate effective and efficient management of important natural resources within the context of the COE District's civil works mission and the mission(s) of NRCS in a manner consistent with the authorities and regulations governing Corps and NRCS policies. The following objectives are agreed upon within the geographic scope of this Regional MOU:

a. Sustain and conserve key functions and attributes of floodplain habitats and upstream or non-floodplain habitats in a manner that meets human needs and protects the natural biological communities and diversity of the ecosystem.

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

c. Promote prudent and effective protection, restoration, enhancement, and management of wetlands and connected 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 and upstream habitats as appropriate to each agency, collaborate on projects that assess, demonstrate, and measure these techniques and strategies and their potential to contribute to meeting the goals for achieving a sustainable ecosystem or watershed. Share technology, processes, and data as much as possible.

e. Identify opportunities for cooperative conservation activities (e.g. projects, programs, conferences, etc.) and overlapping interests throughout the COE and NRCS consistent with that outlined in the NPA or regional interests not in conflict with the NPA.

f. Utilize Executive Order 13352 on Facilitation of Cooperative Conservation for regional effectiveness related to comprehensive water and related natural resources management and conservation.

g. Coordinate other programs and activities to the maximum extent allowed by law, policy, and regulation including, but not limited to, Wetlands Conservation Compliance (Swamp buster) and Regulatory (Section 404 of the Clean Water Act).

h. Identified NRCS and COE regional MOU points of contact to ensure effective roll-out of the Partnership Handbook and Watershed Investment Decision Tool as actions from the NPA.

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

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

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

c. The COE Districts and NRCS shall, as appropriate, share information and expertise in exploring potential restoration and water-management projects to help assure 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. COE Districts and NRCS 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. NRCS and the COE 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 COE Districts and NRCS will work together to facilitate collaborative efforts on 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. NRCS will, as appropriate and subject to staff availability, participate in advisory groups to the COE 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, America's Inner Coast Summit efforts, their respective committees and workgroups, and other groups and teams as appropriate.

h. The parties to this Regional MOU recognize that all projects must operate in accordance with authorized project purposes and funding limitations. All actions taken 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 non-competitive award to NRCS 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. Each agency, while receptive to the provision of suggestions, concepts, and scientific and conservation planning information from other agencies 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 COE Districts and NRCS 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
Vicksburg District – Environmental Chief – 601-631-7156
(Action District)
New Orleans District – Environmental Chief – 504-862-2778

NRCS

Regional Conservationist – Central – 202-690-2198
Arkansas State Conservationist – 501-301-3100
Illinois State Conservationist – 217-353-6600
Iowa State Conservationist – 515-284-6655
Louisiana State Conservationist – 318-473-7751
Minnesota State Conservationist – 651-602-7900
Missouri State Conservationist – 573-876-0900
North Dakota State Conservationist – 701-530-2000
South Dakota State Conservationist – 605-352-1200
Wisconsin State Conservationist – 608-662-4422

Regional Conservationist – East – 202-690-2198
Kentucky State Conservationist – 859-224-7350
Mississippi State Conservationist – 601-965-5205
Tennessee State Conservationist – 615-277-2531

IV. IMPLEMENTATION.

a. This Regional MOU becomes effective when signed by all signatory parties and remains in effect until modified or terminated by either COE or NRCS. This Regional

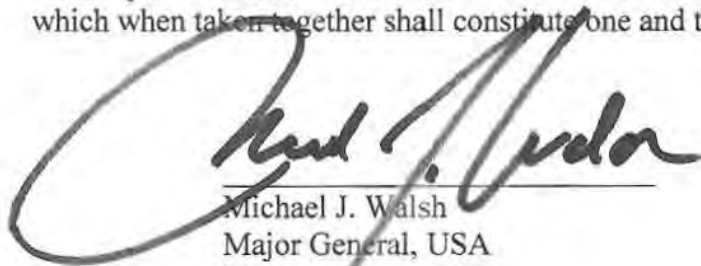
MOU may be modified or amended at any time by mutual agreement of COE and NRCS in writing, and may be terminated by either party upon sixty (60) days prior written notice. Modifications to the National MOU will also be considered to have modified this Regional MOU.

b. The parties of this regional MOU or their designated representatives shall have an annual MOU review to implementation and accountability of this MOU.

c. The NRCS and COE 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.

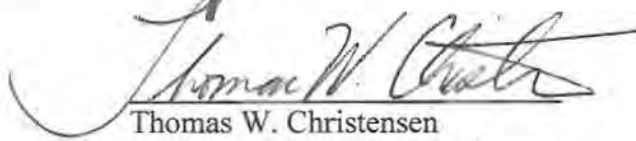
d. Lead regional organizational POCs for this agreement are the NRCS Regional Conservationists' Chief of Staff at 202-690-2198 and the COE Regional Environmental Team Leader at 601-634-5854.

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.



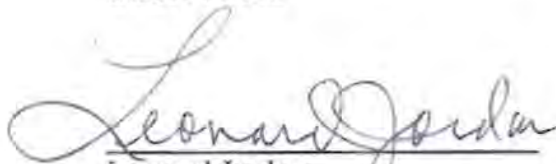
Michael J. Walsh
Major General, USA
Commanding - COE

15 Apr 2011
Date



Thomas W. Christensen
Regional Conservationist, Central
USDA-NRCS

4/15/2011
Date



Leonard Jordan
Regional Conservationist, East
USDA-NRCS

4/15/11
Date