

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES DEPARTMENT OF THE ARMY,
THE ARMY CORPS OF ENGINEERS
AND
THE NATURE CONSERVANCY**

- I. INTRODUCTION.** Through the Department of the Army Civil Works and Regulatory Programs, the U.S. Army Corps of Engineers (Corps) plays a leadership role in the development, management, protection, and restoration of the Nation's water resources. The Nature Conservancy (TNC) is a charitable, non-profit organization whose mission is to preserve plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.
 - A. The Corps and TNC share a commitment to managing water resources in a manner that meets human needs, while also protecting priority species, natural biological communities, and their habitats.
 - B. The Corps and TNC both are involved in developing and disseminating information about water resources, including their biological conditions, that supports water management activities.
 - C. The Corps and TNC both seek opportunities to develop partnerships and engage diverse stakeholder groups and local communities to identify, understand, and resolve water resource management challenges.
 - D. The Corps and TNC have worked together successfully on a limited and largely ad hoc basis.
 - E. The Corps and TNC share a commitment to participation at the local level through community-based project and field offices that serve as a local presence to advance their goals in the field.
- II. PURPOSE.** The purpose of this Memorandum of Understanding (MOU) is to facilitate effective and efficient management of important biological resources within the context of the Corps' civil works and regulatory missions; and meet the objectives outlined below.
 - A. Protect or restore freshwater and coastal habitats for native animals and plants and natural communities;
 - B. Advance our understanding of the distribution and condition of biological diversity associated with our Nation's marine, coastal and riparian waters;

- C. Promote non-structural flood protection and other measures to maintain natural ecosystem functions at sustainable levels;
- D. Encourage water management measures that benefit native animals and plants and natural communities while meeting human needs;
- E. Foster demonstration projects to test promising water management strategies while monitoring their efficacy in meeting multiple objectives;
- F. Cooperate in the monitoring and management of rare and endangered species and their habitat potentially affected by projects and programs pursuant to this MOU.
- G. Promote the gathering and sharing of scientific data and research by either entity as it may be related to projects of mutual interest and concern.

III. BENEFITS. The Army and TNC agree that the ability to achieve common and related natural resource goals can be enhanced significantly under the more coordinated approach outlined in this MOU.

- A. The U.S. Army Corps of Engineers will benefit from access to TNC's extensive and active network of conservation partnerships, biological expertise, presence and successful history of work in hundreds of local communities, and from TNC's unique position as a leading conservation organization known for its use of sound science and collaborative approaches in resolving natural resource management issues.
- B. TNC can benefit from the Army's large, geographically dispersed, multi-disciplinary staff, and extensive experience with water resources projects, including projects for environmental restoration and protection and developing or modifying decision-support models for evaluating such management options.

IV. RESPONSIBILITIES. Pursuant to the authorities listed above, the parties agree as follows:

- A. TNC will communicate the establishment of this Memorandum of Understanding to all TNC state and local chapter offices. The U.S. Army Corps of Engineers will communicate the establishment of this Memorandum of Understanding to all U.S. Army Corps of Engineers Division and District Offices as well as relevant laboratories and commissions.
- B. The U.S. Army Corps of Engineers and TNC will cooperate in an effort to seek opportunities to promote the conservation of regionally significant biological diversity in accordance with applicable law for the purposes of carrying out

projects or programs related to the conservation, understanding, management, and sustainable use of the Nation's land and water resources.

1. Through specific appropriations or specific cooperative agreements, joint projects, grants, or contract instruments, or agreements with other Federal agencies, as may be deemed appropriate. All such agreements shall reference this MOU.
 2. Through cooperative development of appropriate scientific data related to specific projects in areas of mutual interest, the sharing of these data and the application of shared science to specific mutual research and planning needs.
- C. Within one year, the U.S. Army Corps of Engineers and TNC shall establish a process for planning, implementing, and evaluating proposed projects and programs contemplated under this MOU.
- D. For the purposes of this MOU, the Executive Agents are the Assistant Secretary of the Army (Civil Works) and the TNC Executive Vice-President.
- E. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to the 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 MOU does not provide such authority. Specifically, this MOU does not establish authority for the noncompetitive award to TNC of any contract or other agreement.

V. MODIFICATION, TERMINATION, AND OTHER CONDITIONS.

- A. This MOU may be modified or amended at any time by mutual agreement of both parties in writing, and may be terminated by either party upon sixty (60) days prior written notice.
- B. This MOU in no way restricts the parties from participating with other public or private agencies, organizations, and individuals. All parties recognize the importance of continuing cooperation and participation with non-governmental organizations and institutions in programs of mutual interest.
- C. The Army and TNC intend to conduct the activities contemplated in this agreement in accordance with existing authorities. If any provisions of this MOU are determined to be inconsistent with existing laws or regulations or directives governing the signatories, then the provisions of this MOU not affected by a finding of inconsistency shall remain in full force and effect.

VI. IMPLEMENTATION. This MOU becomes effective when signed by both signatory parties and remains in effect until modified or terminated.

/s/

12/14/2000

**Dr. Joseph W. Westphal
Assistant Secretary
of the Army, Civil Works**

Date

/s/

12/07/2000

**W. William Weeks
Executive Vice-President
The Nature Conservancy**

Date