

**REGIONAL MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATURE CONSERVANCY
THROUGH ITS MIDWEST/CANADA, GREAT PLAINS, SOUTHEAST, AND
SOUTH CENTRAL DIVISIONS
AND THE
UNITED STATES ARMY CORPS OF ENGINEERS
MISSISSIPPI VALLEY DIVISION
THROUGH ITS ST. PAUL, ROCK ISLAND, ST. LOUIS, MEMPHIS,
VICKSBURG, AND NEW ORLEANS DISTRICTS**

I. INTRODUCTION. The U.S. Army Corps of Engineers and The Nature Conservancy executed a national Memorandum of Understanding (National MOU) on December 14, 2000, in order to facilitate effective and efficient management of important biological resources within the context of the Corps' civil works and regulatory missions, and to meet the objectives outlined in that MOU.

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 respective District Commanders (hereinafter, MVD Districts), and The Nature Conservancy, acting through its Midwest/Canada, Great Plains, Southeast, and South Central Divisions (hereinafter the Conservancy) for the purposes of facilitating regional interests and objectives within each parties' 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, its floodplains, from its headwaters to its delta, and major tributaries and distributaries of exceptional ecological value (for example, the Illinois Waterway, the Hatchie River and Bottoms, the Lower White River and Basin, the Lower Arkansas River, the Yazoo River and Basin, and the Atchafalaya River and Basin).

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 missions, and the mission of the Conservancy; to the extent authorized by law and USACE and Conservancy policies. The following objectives are agreed upon within the geographic scope of this Regional MOU:

- A. Promote the restoration and conservation of a functional floodplain ecosystem in a manner that contributes to meeting human needs and to protecting the natural biological communities and diversity of the floodplain ecosystem.

- B. Promote the conservation, stabilization, and restoration of functional stream/river channels and river banks in a manner that contributes to meeting human needs and to protecting functional river and stream ecosystems and their native biological diversity.
- C. Promote prudent and effective management of water resources in a manner that contributes to meeting human needs and to protecting a functional large-floodplain river ecosystem and its native biological diversity.
- D. Promote new and innovative techniques and strategies for managing water resources and for restoring channels, streambanks, and floodplains; and, as appropriate, encourage and support projects that demonstrate these techniques and strategies and that measures their potential to contribute to meeting the goals for achieving a sustainable ecosystem.

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

- A. The MVD Districts will consider environmental sustainability concepts suggested by the Conservancy for incorporation into the conceptualization, evaluation, planning, construction, and operation of MVD District projects within the geographic scope of this Regional MOU.
- B. The Conservancy shall, as appropriate and subject to its internal policy regarding confidential information, contribute 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 the Conservancy shall share information and expertise in exploring potential restoration and water-management projects to help ensure that these projects, as appropriate, 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. The MVD Districts and the Conservancy 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.
- E. The MVD Districts and the Conservancy will work together to promote the broader use of restoration and water level management tools and techniques that

have proven successful. This may include identifying and pursuing policies and programs needed to implement them on a larger scale.

- F. The Conservancy 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.
- G. 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.
- H. 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 the Conservancy of any contract or other agreement.
- I. 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.
- J. The MVD Districts, while receptive to the provision of suggestions, concepts, and scientific and conservation planning information from the Conservancy and all other public entities, remain responsible for all decisions involving the planning and implementation of projects as authorized by law and for which funds are available.

IV. IMPLEMENTATION. This Regional MOU becomes effective when signed by all signatory parties and remains in effect until modified or terminated by either party. Modifications to the National MOU will also be considered to have modified this Regional MOU. For the purposes of this Regional MOU, the Midwest/Canada Division is designated as the lead division within the Conservancy, and St. Louis is designated as the lead District within the MVD Districts.

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.

Signatures redacted

Don T. Riley
Brigadier General, USA
Commanding

15 May 2004
Date

Jack V. Scherer
Colonel, U.S. Army
District Engineer
Memphis District

19 May 04
Date

Frederick L. Clapp
Colonel, U.S. Army
District Engineer
Vicksburg District

19 May 04
Date


Peter J. Rowan
Colonel, U.S. Army
District Engineer
New Orleans District

19 MAY 04
Date


Robert L. Ball
Colonel, U.S. Army
District Engineer
St. Paul District

19 MAY 2004
Date


Signatures redacted


Duane P. Gapinski
Colonel, U.S. Army
District Engineer
Rock Island District

19 May 04
Date


C. Kevin Williams
Colonel, U.S. Army
District Engineer
St. Louis District


13 MAY 04
Date


Dennis McGrath
Director, Midwest/Canada Division
The Nature Conservancy

13 May 04
Date


Rob McKim
Director, Great Plains Division
The Nature Conservancy

10 June 04
Date


Robert Bendick
Director, Southeast Division
The Nature Conservancy

May 13, 04
Date