

MEMORANDUM OF UNDERSTANDING

Between the

United States Department of the Army

And

Wildlife Habitat Council

I. PURPOSE

This Memorandum of Understanding (MOU) is entered into by the U.S. Department of the Army, acting through the U.S. Army Corps of Engineers (Corps) and the Wildlife Habitat Council (WHC) for establishing a mutual framework of cooperation between the Parties where and when feasible to:

- a. Enhance and restore native plant habitat, emphasizing high-priority habitats, including habitats of threatened and endangered species.
- b. Advance awareness and appreciation of wildlife issues and needs within the public communities that Corps projects serve.
- c. Promote efforts to connect people with nature.
- d. Promote effective working relationships among agencies, non-governmental organizations, and corporations working to protect and restore wildlife and their habitats.
- e. Support the organizational goals of both parties.

II. THE PARTIES

1. The U.S. Department of the Army, acting through the Army Corps of Engineers, is the steward of nearly 12 million acres of public lands and waters. The mission of the stewardship program is to manage and conserve natural resources consistent with ecosystem management principles and project purposes, while providing quality public outdoor recreation experiences to serve the needs of present and future generations. The management of natural resources by utilizing a stewardship concept ensures the conservation, preservation, or protection of Corps land and water resources. Many of these lands are within the major migratory flyways in the United States, support habitat utilized by threatened and endangered species, or are surrounded by urban development.

2. The Wildlife Habitat Council is a non-lobbying conservation and education nonprofit organization of corporations and conservation groups. The WHC is dedicated to finding innovative efficient ways to procure lasting conservation results through community awareness and action. They promote partnerships between business, non-governmental organizations, and public agencies to enhance and manage their lands for wildlife, fish, and plant resources.

III. RESPONSIBILITIES:

A. THE WILDLIFE HABITAT COUNCIL SHALL:

1. Encourage corporate, industry, and/or industry associations, other entities and special interest groups to engage in wildlife and native habitat enhancement with an emphasis on Corps lands and those adjacent to Corps project lands.
2. Evaluate opportunities for including Corps projects in current and potential WHC sponsored projects, and identify those opportunities to Corps contacts.
3. Assist the Corps in developing public outreach and environmental education opportunities.
4. Provide assistance to the Corps concerning opportunities to enhance aquatic habitat for recreational fisheries in project waters.

B. THE ARMY CORPS OF ENGINEERS SHALL:

1. Make available, where appropriate, project land(s) and/or water(s) for the furtherance of this program, subject to applicable laws, agency mission(s), regulations, policies, and land use and activity plans for the affected areas, subject to the approval the Corps District Engineer responsible for administering the designated lands and/or waters.
2. Designate representatives from the Corps to serve as contacts and coordinators to discuss cooperative actions with Corps offices.
3. Seek to keep the WHC apprised of programs and opportunities offered through the Corps for promoting the purposes of this MOU.
4. When and where applicable, assist in the coordination of planning for the WHC program with appropriate State and Federal agencies.
5. Enter into partnership agreements with WHC, as appropriate and where authorized to accomplish specific projects.

IV. MUTUAL UNDERSTANDINGS:

1. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds or transfer of anything of value, between WHC and the Corps will be handled in accordance with applicable laws, regulations, and procedures. Any such endeavor shall be made in writing in a separate document and shall be independently authorized by appropriate statutory authority. Furthermore, this MOU does not provide such authority. Specifically, this MOU does not establish authority for noncompetitive award to WHC of any contract or other agreement. Any contract for services must fully comply with all applicable laws, regulations and requirements for competition.
2. The parties to this MOU or their designated representatives shall review the MOU annually.
3. Within six months of the MOU effective date, the Parties will jointly develop a mutually acceptable implementation plan that guides the implementation of this MOU.
4. This MOU may be modified or amended by mutual agreement of each Party in writing.
5. This MOU may be terminated at any time by mutual written agreement of the Parties, or by each party upon 30 calendar days written notice to the other Party. Otherwise, this MOU will remain in effect indefinitely.
6. Unless otherwise stated, all improvements placed on Corps lands and/or waters as a result of this agreement shall become the property of the United States and shall be subject to the same regulations and administration of those lands and/or waters as all other Corps improvements of a similar nature.
7. This MOU in no way restricts the Parties from participating with other Federal State and/or private interest or from accepting contributions for the improvement, development, administration, operation, and maintenance of WHC areas on Corps project lands and/or waters.
8. Nothing in this MOU shall be construed as affording WHC preferential treatment, exclusive rights, or privileges. Further, nothing in this MOU shall be construed as an official endorsement of WHC, its policies, or practices by the U.S. Department of the Army or by the Corps.

V. EFFECTIVE DATE

The Parties have executed this MOU as of the last date indicated below.

U.S. DEPARTMENT OF THE ARMY

John Paul Woodley, Jr. 28 April 2009
Assistant Secretary of the Army (Civil Works) Date

WILDLIFE HABITAT COUNCIL

Robert Johnson 4/28/09
President Date
Wildlife Habitat Council