

Memorandum of Understanding
between the
Office of Community Planning and Development
U. S. Department of Housing and Urban Development
and the
U. S. Army Corps of Engineers

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish a general working agreement between the United States Army Corps of Engineers (USACE) and the Office of Community Planning and Development (CPD) of the United States Department of Housing and Urban Development (HUD) to coordinate their policies and activities in support of Brownfields redevelopment.

II. Background

Brownfields are abandoned, idled, or under-used real properties where expansion or redevelopment is complicated by real or perceived contamination. Once thriving areas of economic activity, these sites lie deteriorated and abandoned, often contaminated from past uses. The stigma of contamination and socio-economic barriers to redevelopment cause Brownfields to remain unproductive resources and blighting influences in communities.

In July 1996, the "Federal Interagency Working Group on Brownfields" (the Working Group) was established as a forum for Federal agencies to exchange information on Brownfields activities and to develop a coordinated national agenda for addressing issues related to Brownfields. The Working Group has provided the opportunity for Federal agencies to work together in a more integrated and effective manner through the coordination of agency efforts and resources. HUD and USACE are active participants in the Working Group and are working closely with other Federal agencies to provide communities with the financial and technical assistance necessary to revitalize Brownfields.

III. Scope

The Brownfields National Partnership is providing models for States and municipalities to cleanup and redevelop Brownfield properties in a sustainable manner. It is also helping communities leverage public and private resources for community revitalization.

A coordinated effort between HUD and USACE will provide an important link between environmental engineering professionals and economic development officials and specialists. It can also serve as a model for intergovernmental and public-private cooperation for Brownfields cleanup and redevelopment.

A. HUD

HUD is committed to building partnerships with local and State officials, businesses, non-profit organizations, neighborhoods and other Federal agencies to encourage and leverage private sector

investment in America's communities. HUD's Office of Community Planning and Development works actively to remove impediments to economic and business development. Brownfields are significant impediments to community revitalization. The cleanup and redevelopment of Brownfields provides the unique opportunity to create jobs, promote community revitalization, improve environmental quality, and protect public health.

HUD is working with community organizations, the private sector, State and local governments, and other federal agencies to stimulate reinvestment in communities by restoring brownfields to productive use. HUD's Community Development Block Grant Program, Brownfields Economic Development Initiative (BEDI), Economic Development Initiative (EDI), Section 108 Loan Guarantee Program, and Empowerment Zone/Enterprise Community (EZ/EC) Initiative (collectively, "HUD Economic Development Programs") are providing communities with resources to revitalize distressed and blighted communities. Subject to applicable program requirements, communities can use these resources to cleanup Brownfields and return them to productive use for economic development, housing, and recreation. HUD strongly encourages communities to leverage these funds with private and other public sector investments.

B. USACE

USACE is working in partnership with Federal agencies, State and local governments, cities, and communities to utilize its water resources authorities and expertise to help cities revitalize Brownfields. USACE encourages opportunities to address Brownfields issues in the course of its water resources planning and management efforts. This USACE objective helps to redevelop abandoned, economically depressed areas, to foster jobs, to yield economic benefits, and to restore these areas for public use and enjoyment.

USACE conducts congressionally authorized improvements and environmental restoration in densely populated and often economically depressed parts of cities. Through its expertise in areas such as river navigation, flood control, dredging, and environmental restoration, USACE is able to enhance the revitalization of adjacent industrial areas that are currently underutilized and abandoned. USACE accomplishes these objectives by coordination with other Federal, state and local governments, and community and civic organizations.

USACE provides specific technical support to communities by developing:

- comprehensive management plans;
- preliminary Brownfields assessments;
- eco-system restoration studies and recommended collaboration and development of expanded projects to enhance revitalization initiatives of urban-impacted eco-systems;
- flood control and water supply;
- protection of and redevelopment of degraded wetlands;
- site assessment and cleanup of toxic waste;
- related real estate services, including appraisal, management, and disposal; and
- technical transfer of new technologies that concern eco-system restoration and construction.

IV. Agreement

A. HUD and USACE agree to work together to help communities redevelop Brownfields. This may include:

1. Jointly developing a Brownfields strategy that will define ways for coordinating the activities of HUD and USACE in order to help communities access technical assistance and resources for economic development and neighborhood revitalization.
2. Jointly identifying and implementing actions that will link environmental restoration and Brownfields activities with economic development and neighborhood revitalization. Subject to applicable program requirements and available funding, these actions may include:
 - supporting State, tribal, and local governments in developing proposals for integrating Brownfields assessment and cleanup with economic development planning and implementation;
 - providing technical and financial support to communities to leverage resources for the assessment, cleanup, and redevelopment of Brownfields;
 - providing encouragement and technical assistance to field staff to coordinate implementation efforts at the local level; and,
 - coordinating efforts to provide technical support to communities to facilitate Brownfields cleanup and redevelopment.
3. HUD and USACE Headquarters and field staff will consult on issues concerning the economic redevelopment and reuse of contaminated industrial sites to ensure that sound environmental and economic development principles are utilized in project development.
4. Jointly developing and supporting research addressing Brownfields redevelopment.
5. Jointly identifying and implementing projects in collaboration with local communities to link environmental restoration and Brownfields redevelopment with economic development.
6. Jointly developing new legislation to obtain authority with respect to both agencies' common interests to support viable and sustainable Brownfields cleanup and redevelopment projects.

B. USACE's technical expertise will be utilized as follows:

1. To further the partnership between USACE and HUD, USACE will provide project-specific support to Brownfields projects supported by HUD funds. Where the Civil Works mission of USACE encompasses Brownfields issues that concern both USACE and HUD, it is anticipated that USACE will engage in reimbursable work that is undertaken on a community's behalf. As permitted by program requirements, grants and/or funds from HUD Economic Development Programs are a potential source of funds that communities may choose to use (1) as the non-Federal portion for cost-sharing programs with USACE, or (2) to reimburse USACE for work undertaken on a community's behalf under the authority of 31 U.S.C. §6505 or 10 U.S.C. §3036(d).
2. USACE support will be through its district offices that possess community involvement expertise and that have community-based relationships and can complement HUD's urban mission. This support will include inherently governmental functions related to the planning, to the development of sustainable designs, and to the construction of Brownfields sites.
3. In the contract execution and management of these technical services, USACE may rely upon its in-house expertise, as well as its network of private sector support organizations. USACE, along with its teamwork with the private sector, will be able to contribute to the successful, sustainable

economic and environmental revitalization of communities.

V. Programming, Budgeting, Funding and Reimbursement Arrangement

- A.** This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate, subsidiary agreements that shall be concluded in writing by representatives of both Parties.
- B.** This MOU in no way restricts either HUD or USACE from participating in similar activities or arrangements with other entities or Federal agencies.
- C.** Nothing in this MOU shall obligate HUD or USACE to expend appropriations or to enter into any contract or other obligations. It is expressly understood that the ability of HUD and USACE to carry out their obligations under this MOU is subject to the availability of appropriated funds.
- D.** Nothing in this MOU is intended to affect any other agreements or arrangements of HUD or USACE in existence on the effective date of this MOU.
- E.** Collaboration under this MOU will be in accordance with the applicable statutes and regulations governing HUD and USACE, respectively.

VI. Authorities

The authorities governing this MOU are as follows:

- A.** The National Environmental Policy Act of 1969, as amended (NEPA); and Executive Order 12898 on Environmental Justice.
- B.** Title I of the Housing and Community Development Act of 1974; and Title V of the Housing and Urban Development Act of 1970; and any other authorities appropriate to implement this agreement.
- C.** USACE possesses the authority to support Brownfields pilot sites by virtue of Sections 205-206, 212, and 221 of the Water Resources Development Act (WRDA) of 1996; Section 216 of the Flood Control Act of 1970, Sections 306-307 of WRDA 1990; Sections 906, 907-908, and 1135 of WRDA 1986.
- D.** USACE may engage in reimbursable work under the Economy in Government Act (31 U.S.C. §1535); the Intergovernmental Cooperation Act (31 U.S.C. § 6505); and the Chief's Economy Act (10 U.S.C. §3036(d)).

E. VII. Effective Date

This MOU will become effective upon signature by the Parties hereto and shall remain in effect until termination by either party. Either party may terminate this MOU upon 30 days written notice to the other Party. Its provisions will be reviewed annually and amended or supplemented, as may be agreed upon mutually.

Dept. of Housing and Urban Development

U.S. Army Corps of Engineers



CARDELL COOPER
Assistant Secretary,
Community Planning and Development



JOE N. BALLARD
Lieutenant General, U.S. Army
Commanding

21 JUNE 1999
Date

19 May 1999
Date