

ORL

B
90
May

MEMORANDUM OF AGREEMENT
BETWEEN THE
OHIO RIVER DIVISION CORPS OF ENGINEERS
AND THE
OHIO DEPARTMENT OF NATURAL RESOURCES

SUBJECT: Management of Corps of Engineers' Properties Granted to the State of Ohio, Department of Natural Resources

1. PURPOSE: The purpose of this Memorandum of Agreement is to provide guidance to the Corps of Engineers, Ohio River Division, and its districts, and to the Ohio Department of Natural Resources (ODNR) as they respond in performance of their respective obligations pursuant to the agreements outgranting properties to ODNR. This Memorandum of Agreement will also establish procedures for administration, coordination, and consultation between the Corps and ODNR involving management of outgranted lands and facilities.

2. POLICY: The fundamental principle underlying this agreement is the need to articulate in the clearest of terms implementing procedures founded upon the Corps of Engineers' policy of giving the states broad leeway with the maximum latitude possible in managing project resources consistent with existing outgrant documents and statutory requirements. This policy is designed to encourage a spirit of trust and cooperation through the establishment of a partnership philosophy between the Corps and ODNR which will emphasize minimal federal oversight necessary to protect federal interest.

3. ITEMS OF AGREEMENT: In support of the policy outlined above, the following procedures are agreed to by all parties:

a. The terms and conditions of the outgrant documents and the obligations set out therein provide for the legal rights and responsibilities of the Corps and ODNR. Where required, the outgrants will be updated to reflect the appropriate responsibilities of the Corps and ODNR. This MOA is established to facilitate a working relationship recognizing the partnership relationship between the Corps and ODNR.

b. Within 60 days of the execution of this agreement, the Corps of Engineers will seek authority to change the annual management plan to a biennial plan and to eliminate the Corps' requirements for the state to prepare specific long-term wildlife management plans. ODNR agrees to provide copies of their existing fish and wildlife management plans to be used in the Corps of Engineers' preparation of Operational Management Plans.

c. The Corps will initiate development of a standardized format for the new biennial plan in cooperation with ODNR. This format will be based on the requirements contained in the outgrant documents and will be added as a supplement to this MOA.

d. The Corps' official point of contact for all matters involving administration of outgrants with ODNR is the Chief, Real Estate Division, in the respective Corps districts.

e. Correspondence from ODNR (Parks and Recreation or Wildlife) concerning outgrant administration will be directed to the appropriate Corps District Chief of Real Estate.

f. Correspondence from the Corps concerning general outgrant administration will be from the Chief of Real Estate at the respective districts to either the Chief, Division of Parks, or to the Chief, Division of Wildlife. Where determined appropriate, correspondence concerning major policy issues should be directed from the respective District Engineers to the Director, ODNR.

g. Review and response time for management plans, construction proposals, or new initiatives will be limited to a 60 day time-frame. Where additional time is required, an interim reply will be provided within the 60 day review time frame.

h. Requests by third parties to use properties that are outgranted to ODNR will be fully coordinated by the Corps with ODNR prior to making a determination of use of the property by others. All such requests will be coordinated by the District Chief of Real Estate with either the state Chief of Parks or Wildlife. Full consideration will be given to current requirements, as well as future management initiatives of ODNR and shall include appropriate deference to ODNR in matters relating to management of recreational, fish and wildlife, and related resources pursuant to the terms and conditions of the outgrant agreements.

i. Permits for special use events on lands or facilities outgranted to the Department of Natural Resources may be issued by ODNR. ODNR agrees to notify the Corps when such requests are made and will be approved by the state. The outgrant documents will be amended to address this authority, if required.

j. The ODNR will provide 60 days for the Corps to review and approve plans and specifications for any improvements to be constructed on project lands. If additional time is required, the Corps will so advise ODNR of the additional time requirements within the 60 day time-frame.

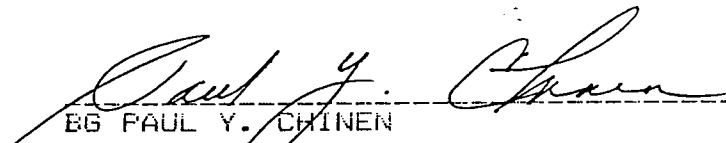
4. OHIO REVISED CODE REQUIREMENTS: This agreement is subject to the requirements of Section 126.07 of the Ohio Revised Code (Copy Attached).

5. ENCROACHMENT RESOLUTION POLICY: Pursuant to this MOA, ODNR is responsible for eliminating encroachments where boundary lines are marked by the Corps. The Corps is responsible for eliminating encroachments where the boundary lines are not marked.

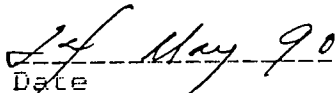
6. UNIFORMITY: This MOA is adopted by ODNR, the Ohio River Division Corps of Engineers, and its districts having projects in the State of Ohio.

7. IMPLEMENTATION: The terms and conditions of this Memorandum become effective upon execution by all parties.


8. CANCELLATION: Subject to a 30 day notice, this Memorandum of Agreement may be canceled by either the Corps or ODNR.



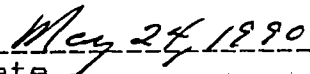
BG PAUL Y. CHINEN
COMMANDER
U. S. CORPS OF ENGINEERS, OHIO RIVER



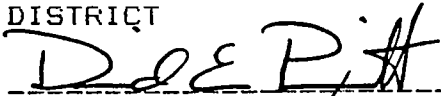
Date



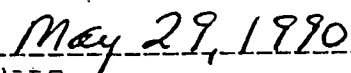
COL. THOMAS E. FAREWELL
COMMANDER
U.S. CORPS OF ENGINEERS, HUNTINGTON
DISTRICT



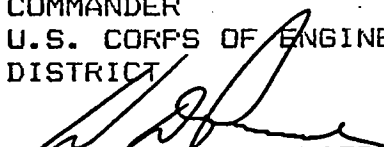
Date



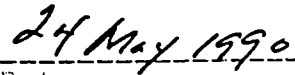
COL. DAVID E. FEIXOTTO
COMMANDER
U.S. CORPS OF ENGINEERS, LOUISVILLE
DISTRICT



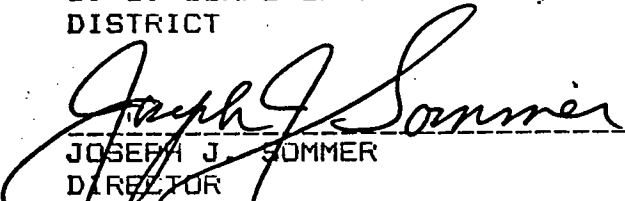
Date



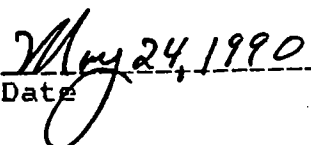
LTC. WILLIAM ROUDABUSH
COMMANDER
U. S. CORPS OF ENGINEERS, PITTSBURGH
DISTRICT



Date



JOSEPH J. SOMMER
DIRECTOR
DEPARTMENT OF NATURAL RESOURCES
STATE OF OHIO



Date