

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
NORTH AMERICAN BUTTERFLY ASSOCIATION  
AND  
UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the NORTH AMERICAN BUTTERFLY ASSOCIATION, hereinafter referred to as “NABA”, and United States Department of Agriculture FOREST SERVICE, hereinafter referred to as “FS”.

A. PURPOSE:

The purpose of the MOU is to provide a framework for cooperation and coordination between NABA and the FS in achievement of the mutual goals. Cooperation and coordination may involve a wide range of activities, including, but not limited to, the following: conducting assessments, inventory, monitoring, data acquisition, data management, data exchange, disseminating data, conservation planning services, and other scientific and management activities necessary to conserve butterflies, plants, vegetation, watersheds, and ecological systems critical to sustaining biological diversity. A framework for cooperation and coordination is especially needed in the area of threatened, endangered and imperiled plant and butterfly species, invasive species, vegetation types and ecological systems of exceptional conservation value.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

Both NABA and the FS have responsibilities for and interests in the preservation, conservation, and management of biological diversity.

The FS is a natural resource agency dedicated to the sustained management of the Nation’s natural resources, service to people, and through Federal law and regulations of the Secretary of Agriculture. The FS is responsible for managing habitat to maintain viable populations of plants and animals on the 191 million acres of National Forests and National Grasslands in 43 states, and in acquiring, developing and disseminating up-to-date information on threatened, endangered, sensitive and candidate species’ status, distributions, population trends, ecology, conservation needs and stewardship, which is essential to the FS in order to accomplish needed management to conserve these natural resources. The FS accomplishes much of this work by initiating and developing cooperative relationships and effective partnerships through its National Forest System, Research and Development, International Programs, and State and Private Forestry.

NABA is a non-profit organization dedicated to increasing public awareness and conservation of butterflies and their habitats. To help meet these goals, NABA has more than thirty chapters and 5000 members throughout the United States. NABA publishes

educational magazines about butterflies, undertakes surveys of rare and endangered butterflies and organizes the NABA Butterfly Count Program which includes the 4<sup>th</sup> of July Butterfly Counts throughout the United States as well as spring and fall seasonal counts. The data from this large-scale monitoring program are stored in a database that is being used by scientists to study butterfly distributions, abundances and long-term trends and fluctuations in populations. NABA has also developed a large scale database of individual field trip reports (the Butterflies I've Seen database – BIS) that already holds more than 1 million entries. NABA hopes to expand this resource to include mapping tools. In addition, NABA members are involved in actively surveying habitats, including National Forests, for butterfly species. NABA has developed, and continues to develop, habitat management protocols that are optimal for butterflies.

The FS and NABA desire to work on a broad range of cooperative projects in areas of mutual interest. During this period of cooperation and collaboration the FS and NABA will accomplish many projects including but not limited to:

- Further development and implementation of best management practices for butterflies, their host plants and the ecosystems upon which they depend.
- Assist the FS in monitoring federally threatened, endangered, or proposed species and FS designated sensitive species and species of concern.
- Development of population and distribution data of butterflies.
- Reporting on the status and trends of the nation's butterflies, host plants, and ecosystems they depend upon.
- Standardized inventory techniques for monitoring butterfly populations.
- Monitoring forest and grassland status, health and productivity.
- Development of educational tools for FS personnel.
- Development of checklists of the butterflies found in various National Forests.

It is the desire of both parties to cooperate fully with each other, including exchange of personnel and other resources, in matters relating to the management of habitats and ecosystems and the conservation of biological diversity through cooperative efforts including, but not limited to:

1. Development and documentation of standard methods and protocols to support the assessment and implementation of conservation and resource management initiatives.
2. Completion of inventories, assessments, surveys, and field mapping tools to support the mapping, monitoring, management, recovery and restoration of biological resources of concern.
3. Development, management and analysis of data to strengthen the full network of potential data sources for biological diversity, including butterflies.
4. Development and analysis of information regarding the status, locations, trends and threats for butterfly species that occur or have the potential to occur on FS lands.
5. Development and analysis of information regarding the effects of natural disturbances such as fire, flood, draught, etc. on butterflies.

6. Demonstration and development of innovative data management and analysis practices, including those that facilitate conservation and sustainable management of forests, parks, watersheds and protected areas; prevention and control of invasive species, use of prescribed fire, grazing, recreation use, eco-tourism, and conservation of ecosystems of exceptional conservation value.
7. Development of technologies and tools that enhance the ability of governments, scientists, and NGOs to better understand, document, and manage biodiversity;
8. Identification of special conservation and management areas, (for example Research Natural Areas and Special Interest Areas).
9. Entering into grants and agreements.
10. Production of reports, abstracts and other materials.
11. Providing input to natural resource planning including development of National Forest Plans.
12. Assistance to and partnerships with foreign, state and tribal governments, private landowners, communities, and other non-governmental organizations.

C. FS SHALL:

1. Make National Forest System lands available for the furtherance of this partnership, subject to applicable Federal law, regulations, Forest Plans, and approval by the appropriate FS official.
2. Cooperate with NABA and its members in carrying out programs and activities of the National Forest System, Research and Development, International Programs, and State and Private Forestry, including the development and implementation of forest plans, watershed and other ecological assessments, conservation projects.
3. Enter into specific agreements with NABA to accomplish agreed upon work projects and collaborations.
4. Consistent with Forest Plans and other FS direction, provide leadership and share information across landownership boundaries for assessments and to support planning, decisions, implementation and monitoring of projects or administrative studies undertaken pursuant to this MOU.
5. Meet annually or as needed with representatives of the NABA to develop collaborative strategic plans and discuss and reach agreement on project proposals to meet the purposes of this MOU.

D. NABA SHALL:

1. Enter into specific agreements or contracts to work with the FS in carrying out projects and other collaborations and to accomplish agreed upon work projects.

2. Meet annually or as necessary with representatives of the FS to identify strategic areas for collaboration and develop project proposals to meet the purposes of this MOU.
  3. Make available biological information on butterflies, their host plants, and ecosystems they depend upon.
  4. Coordinate the acquisition, management and distribution of butterfly data and/or participate on biological assessments with the FS.
- E. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:
1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the FS under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
  2. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the FS or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.
  3. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signature of the FS and NABA and shall remain in effect for five years from the date of execution. This MOU may be extended or amended upon written request of either the FS or NABA and the subsequent written concurrence of the other(s). Either the FS or NABA may terminate this MOU with a 60-day written notice to the other(s).
  4. RESPONSIBILITIES OF PARTIES. The FS and NABA and their respective agencies and office will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
  5. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

***FS Project Contact***

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***Cooperator Project Contact***

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***FS Administrative Contact***

Altonia McGuire

***Cooperator Administrative Contact***

Jane Scott

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6. NON-FUND OBLIGATING DOCUMENT. Nothing in this MOU shall obligate either the FS or NABA to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the FS and NABA will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
7. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
8. AUTHORIZED REPRESENTATIVES. By signature below, the cooperator certifies that the individuals listed in this document as representatives of the cooperator are authorized to act in their respective areas for matters related to this agreement.

THE PARTIES HERETO have executed this instrument.

/s/ Jeffrey Glassberg  
**JEFFREY GLASSBERG**  
 President  
 NORTH AMERICAN  
 BUTTERFLY ASSOCIATION

/s/ Abigail R. Kimbell  
**ABIGAIL R. KIMBELL**  
 Chief  
 U.S. Department of Agriculture  
 FOREST SERVICE

DATE: Oct 25, 2008

DATE: 2/13/09

The authority and format of this instrument has been reviewed and approved for signature.

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 DATE  
 FS Agreements Coordinator