

**Memorandum of Understanding
between
United States Department of Agriculture
Natural Resources Conservation Service
and
The Department of the Interior
Bureau of Reclamation**

I. Purpose

This Memorandum of Understanding (MOU) provides for a cooperative working relationship between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the United States Department of the Interior (USDI) Bureau of Reclamation (Reclamation). It supports common goals, interests, and statutory requirements in the delivery of water, water conservation, water quality, and related natural resources conservation programs.

This MOU is primarily designed to communicate the desire of the Commissioner of Reclamation (Commissioner) and the Chief of NRCS (Chief), to encourage their respective Regional Directors and Area Managers, and Regional Assistant Chiefs, State, and District Conservationists to use their agency's authorities in a collaborative manner to conduct water resource management activities in the 17 Western States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

II. Background

NRCS, in cooperation with appropriate state soil conservation boards, committees, commissions, and local soil, water and other conservation or resource districts, assists individuals, groups, and units of government to achieve objectives for sustained use of soil, water, air, plant, and animal resources. NRCS is the lead Federal agency for assisting agricultural producers on private land to plan, implement, and improve "on-farm" irrigation water management in all 50 States and territories, and provides technical support to conservation districts nationwide as those districts fulfill their leadership role in administering the locally-led conservation process. NRCS is also the lead Federal agency in a cooperative Federal, state, and local effort collecting high-elevation hydro-meteorological data throughout the Western States. This cooperative venture produces water supply forecasts, snow and climate information analyses, surface water supply indices, soil moisture reports, drought assessments and small reservoir operating guides for the agricultural community and other users, such as counties and municipalities.

Reclamation is the leading Federal agency in supplying water to agricultural producers

in the 17 Western States. Reclamation's overall mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner. Through the Secretary of the Interior, Reclamation is directed under existing law to encourage water conservation on Federal Reclamation projects.

In 1997, Reclamation initiated the Water Conservation Field Services Program (WCFSP) and in 2003, launched the Secretary of the Interior's initiative, *Water 2025: Preventing Crises and Conflict in the West*.

Both Reclamation programs encourage efficient use of water supplies on lands with a link to Federal Reclamation projects. These complement and support other Federal, State, and local conservation program efforts, and generally foster improved water management on a regional, statewide, and watershed basis throughout the 17 Western States. Reclamation also administers statewide water management and technical assistance programs to support cooperative efforts with States, water users, Native American tribes, and environmental groups to conduct water resource planning investigations.

Reclamation and NRCS share the common objectives of efficient use and long-term sustainability of available water supplies for agricultural production, fish and wildlife protection, recreation, and drinking water. It is hereby recognized that these objectives can be achieved more effectively through cooperative arrangements that facilitate the following:

- A. Coordination of water management programs and activities of mutual benefit;
- B. Interagency exchange of policy, program, and technical information;
- C. Utilization of staff and expertise in areas of mutual resource conservation concern;
- D. Sharing of training and technology resources;
- E. Sponsorship of joint projects; and
- F. Utilization by each agency of its respective authorities in a collaborative manner.

III. Authority

Authority exists under the Soil Conservation and Domestic Allotment Act, as amended (16 USC 590a-590f) for the Secretary of Agriculture to cooperate and/or enter into arrangements with Federal and non-Federal parties and to provide financial or other assistance for the purpose of carrying out a Soil and Water Conservation Program. The Secretary of Agriculture has delegated authority (7 CFR 2.62) to the Chief of NRCS to provide national leadership for carrying out USDA responsibilities under 16 USC 590a-590f. Regional Assistant Chiefs and State conservationists have been delegated authority by the Chief (National Instruction ADS-120-302) to enter into arrangements for cooperating with others for the purpose of carrying out soil and water conservation activities within their areas of responsibility.

Reclamation, through the Secretary of the Interior, is authorized and directed by Section 210 of the Reclamation Reform Act (43 USC 390jj), as amended, to encourage water conservation on Reclamation projects, and enter into Memoranda of Agreement with Federal agencies having capabilities to assist in implementing water conservation measures to assure coordination of ongoing programs.

Likewise, Reclamation is authorized by Section 206, P.L.108- 447 in fiscal year 2005, subject to annual renewal, to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to cost share planning, design and construction of improvements that conserve water, increase water use efficiency, or enhance water management.

Reclamation's interest in broadening partnerships with others in fostering improved water management on a regional, statewide, and watershed basis is supported through Reclamation's authorities under the Reclamation Act of 1902, as amended, to conduct water resource planning investigations.

This MOU does not alter the statutory authorities and responsibilities of either NRCS or Reclamation. Coordination of activities under the Colorado River Basin Salinity Control Act, Public Law 93-320, as amended by Public Law 98-568, is covered by separate agreement.

IV. The Commissioner of Reclamation and the Chief of NRCS mutually agree as appropriate to:

- A. designate individual agency liaisons to communicate and coordinate activities at national, regional, state, and local levels;
- B. support state and locally organized drought action teams;
- C. conduct policy, program, and technical coordination meetings, as necessary;
- D. cooperate in the exchange of information, technology, staff, and other resources at the programmatic level;
- E. initiate joint planning studies and demonstration projects;
- F. conduct joint training, conferences, seminars, and education programs;
- G. identify joint research needs and opportunities for field application of new technology;
- H. support the leadership of local conservation districts in encouraging efficient water management through the locally-led conservation process; and
- I. develop and implement specific plans of action for cooperative activities pursuant to items A through H.

V. Duration and Limitations

- A. All programs or activities conducted under this MOU will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 of the

Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. They will also be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, Subparts A & B), which provide that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any agency thereof.

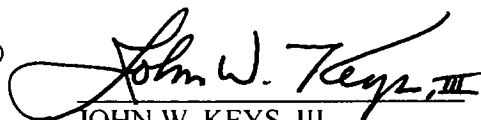
- B. This MOU defines in general terms the basis on which signatory agencies or organizations will cooperate, and as such, does not constitute a financial obligation to serve as a basis for expenditures.
- C. Human resources, equipment, supplies, facilities, training, public information, and expertise will be provided by each signatory agency or organization to the extent that their participation is required and resources are available.
- D. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors will be documented in separate agreements, contracts, or leases made in writing by the representatives of the parties and shall be independently authorized by appropriated statutory authority.
- E. This MOU may be renegotiated, amended, extended, or modified by a written amendment to this MOU through an exchange of correspondence between authorized officials of both parties.
- F. This MOU may be terminated by either signatory party with written notification to the other party at least 30 calendar days in advance of the effective date of termination.
- G. Nothing in this MOU shall obligate NRCS and Reclamation to expend funds, or to enter into any contract or other obligations. Moreover, any expenditure of funds is subject to appropriation by Congress and subject to determination of availability by each respective agency.
- H. This MOU becomes effective on the date of its signature by both parties and continues for the duration of five (5) years unless terminated or reestablished.



BRUCE I. KNIGHT
Chief,
Natural Resources Conservation Service

Date

10/13/05



JOHN W. KEYS, III
Commissioner,
Bureau of Reclamation

Date

Oct. 19, 2005