



**US Army Corps
of Engineers**



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
AND THE ASSOCIATION OF STATE WETLAND MANAGERS, INC.
FOR THE PURPOSE OF COORDINATING WETLAND PERMITTING**

I. INTRODUCTION

The purpose of this Memorandum of Understanding (MOU) between the U.S. Army Corps of Engineers (Corps) and The Association of State Wetland Managers, Inc (ASWM) is to provide a framework for coordinating communication, education, and research activities related to Section 404 of the Clean Water Act (CWA) and/or Section 10 of the Rivers and Harbors Act. The Corps is a leader in developing, managing, protecting and restoring Nation's water resources. The ASWM is a charitable, non-profit organization whose mission is to promote and enhance protection, conservation and management of the nation's wetlands and other aquatic resources. This agreement will promote a long-term working relationship between the Corps and ASWM to achieve the shared goals of the two organizations.

- The Corps and ASWM share a commitment to managing wetland and other water resources to protect human health and safety and to maintain the chemical, physical, and biological integrity of the Nation's waters;
- The Corps and ASWM are both are involved in developing and disseminating information about water resources, with a shared interest in the application of sound science in wetland and water management activities;
- The Corps and ASWM both seek opportunities to develop partnerships and engage diverse stakeholder groups to identify, understand, and resolve water resource management challenges;
- The Corps and ASWM share a commitment to ensuring that federal, state and local programs are integrated to maximize public benefits and support sustainable water-based ecological communities; and

- The Corps and ASWM have worked together successfully in the past and the cooperation should be continued and increased.

II. SCOPE AND APPLICABILITY

This MOU will facilitate effective and efficient management of important aquatic resources within the context of the Corps regulatory mission; and the commitment of the ASWM to providing education and outreach with the best available science. The Corps and ASWM have a common interest in the following objectives:

- Helping the Corps and States coordinate development and implementation of wetland/water regulatory programs;
- Providing support for training and capacity building;
- Developing GIS systems and data bases to support permitting decisions and management;
- Building conservation and restoration partnerships among federal agencies, states, tribes, local governments, non profits and other interested parties;
- Protecting, conserving and restoring freshwater and coastal habitats for native animals and plants and natural communities;
- Supporting watershed-based decision-making in regulatory permitting activities undertaken by state and federal agencies;
- Completing science based regional supplements to the Corps 1987 Wetland Delineation Manual;
- Promoting non-structural flood protection, conservation, restoration and management of wetlands to reduce threats to human health and safety from natural hazards and other measures to maintain natural ecosystem functions at sustainable levels; and
- Promoting the gathering and sharing of scientific data and research by either entity as it may be related to projects of mutual interest and concern.

III. BENEFITS

The Corps and ASWM agree that the ability to achieve common and related natural resource goals can be enhanced significantly under the coordinated approach outlined in this MOU.

- The Corps will benefit from access to ASWM's active state network and extensive partnerships, and from ASWM's unique position as a leader in articulating how to apply sound science in public policy on wetland and aquatic resource issues.
- ASWM can benefit from the Corps large, geographically dispersed, multidisciplinary staff with extensive experience with the Section 404 program.

IV. RESPONSIBILITIES

Pursuant to the authorities listed above, the parties agree as follows:

- ASWM will communicate the establishment of this Memorandum of Understanding to all ASWM members. The Corps will communicate the establishment of this Memorandum of Understanding to all U.S. Army Corps of Engineers Division and District Offices as well as relevant laboratories.
- The Corps and ASWM will cooperate in an effort to seek opportunities to promote the application of sound science in wetlands and other aquatic resources management in accordance with applicable law for the purposes of carrying out projects or programs related to the conservation, understanding, management, and sustainable use of the Nation's wetlands and other aquatic resources:
 - Through specific appropriations or specific cooperative agreements, joint projects, grants, or contract instruments, or agreements with other Federal agencies, as may be deemed appropriate. All such agreements shall reference this MOU.
 - Through cooperative development of appropriate scientific data related to specific projects in areas of mutual interest, the sharing of these data and the application of shared science to specific mutual research and planning needs.
- Within one year, the U.S. Army Corps of Engineers and ASWM aim to have established a process to implement the areas of cooperation identified under this MOU.
- For the purposes of this MOU, the Executive Agents are the Corps Director of Civil Works and the ASWM Executive Director.
- This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to the MOU will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors, if any, will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Specifically, this MOU does not establish authority for the noncompetitive award to ASWM of any contract or other agreement.

V. MODIFICATION, TERMINATION, AND OTHER CONDITIONS

This MOU may be modified or amended at any time by mutual agreement of both parties

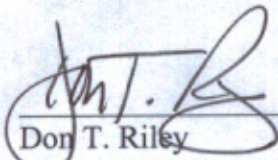
in writing, and may be terminated by either party upon sixty (60) days prior written notice.

- This MOU in no way restricts the parties from participating with other public or private agencies, organizations, and individuals. All parties recognize the importance of continuing cooperation and participation with governmental and non-governmental organizations and institutions in programs of mutual interest.
- The Army and ASWM intend to conduct the activities contemplated in this agreement in accordance with existing authorities and subject to availability of funds. If any provisions of this MOU are determined to be inconsistent with existing laws or regulations or directives governing the signatories, then the provisions of this MOU not affected by a finding of inconsistency shall remain in full force and effect.

VI. IMPLEMENTATION

This MOU becomes effective when signed by both signatory parties and remains in effect until modified or terminated.

SIGNATORS:



Don T. Riley
Major General, U.S. Army
Director of Civil Works

11 Aug 07
(Date)



Jeanne Christie
Executive Director
Association of State Wetland Managers