

Tools In The Partnership Toolbox



MOU & MOA: What are They?

- ▣ MOUs and MOAs are used to coordinate a partnership's activities with another entity.
- ▣ Typically used in situations where there's no legal or, in most cases, a financial, commitment (MOU's, but not necessarily MOA's).
- ▣ Outlines what each entity has to offer to the partnership, as well as what each has at stake.

These "agreements to agree" or umbrella agreements are often used interchangeably in conversation, but they can be different.



Why do an MOU or MOA?

- ☐ To provide a more formal alternative than a simple “hand shake” agreement, and to document the common interests and direction of the signatory parties.
- ☐ May be used as a planning document. Logistics may be spelled out (ie Who’s doing what and when. Why? And how are they doing it?)
- ☐ Helps to keep a partnership “on task” and may even hold someone’s feet to the fire (as a last resort).



How to Get Started with a MOU or MOA

- MOU’s and MOA’s can be as large, or as small in scope, as you’d like them to be. The sky truly is the limit!
- There are several resources available to acquire MOU & MOA templates. Just Google them...
- Start with your Mission Statement and work forward. (As the old cliché goes, *you can't know where you are going until you know where you have been...*)

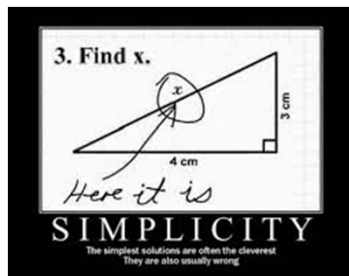


Memorandum of Understanding (MOU)

- ☐ No transfer of funds for services is anticipated.
- ☐ Nothing of value is transferred between the parties.
- ☐ MOUs often state common goals and nothing more.
- ☐ An MOU may be used to outline the operation of a program so that it functions a certain way.
 - For example, two entities that have similar goals may agree to work together to solve a problem or support each other's activities by using an MOU.
- ☐ The MOU is nothing more than a formalized handshake.

Things to consider when creating an MOU...

- ☐ Keep 'em simple
- ☐ Use positive "partnery" type language!
- ☐ They can be as big or small as you'd like, just make sure they cover what you need them cover.



MOU Examples

US Fish & Wildlife Service & US Forest Service

FS Agreement # 08-MU-1113-2400-264

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
AND THE
U.S. FISH AND WILDLIFE SERVICE
TO PROMOTE THE CONSERVATION OF MIGRATORY BIRDS

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of Agriculture Forest Service, herein referred to as Forest Service and the U.S. Fish and Wildlife Service (FWS) and collectively referred to as the Parties. (hereinafter "the Parties").

A. PURPOSE AND SCOPE

Pursuant to Executive Order 13186, 66 Fed. Reg. 3853 (2001), Responsibilities of Federal Agencies to Protect Migratory Birds, this MOU outlines a collaborative approach to promote the conservation and reduce the take of migratory birds. The Executive Order directs agencies to take certain actions to further comply with the migratory bird conventions, the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), and other pertinent statutes. The MBTA, signed in 1918, and amended in 1936, 1974 and 1989, implements the United States' commitment to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of migratory birds. This MOU does not remove the Parties' legal requirements under the MBTA, BGEPA, or other statutes and does not authorize the take of migratory birds.

Memorandum of Agreement (MOA)

Memorandum of Agreement (MOA) is a "conditional agreement" where one party agrees to perform services if the other party provides the funds.

MOAs do not obligate any funds themselves, but they establish the terms for future service and may cite appropriate authorities to do so.



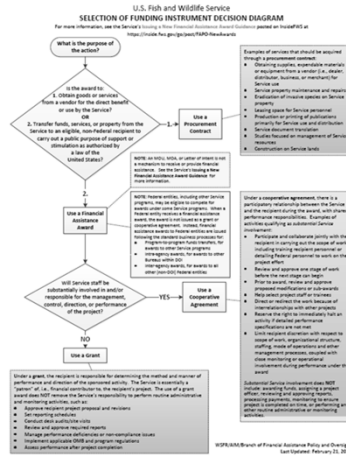
Partnering – Financial Assistance Tools

USFWS Financial Assistance (Grant/Cooperative Agreements)

- Wiki - <http://fawiki.fws.gov/category/fas>
- Uniform Grant Guidance – 2 CFR Part 200

USFWS Contracting

- Federal Acquisition Regulation (FAR)
- Acquisition Gateway - <http://www.acquisition.gov>



Partnering – Financial Assistance Tools

Contracts and Contracting

Contracting – Obtaining goods or services from a vendor for the direct benefit or use by the Service



Indefinite Delivery, Indefinite Quantity (IDIQ) – Type of contract that provides for an indefinite quantity of supplies or services during a fixed period of time. IDIQs help streamline the contract process and speed service delivery.

Partnering – Regulatory Tools

Regulatory Agreements (ESA, Section 10)

Safe Harbor Agreements:

- Covers incidental take for Federally listed species.
- Enrollee is only liable for baseline.
- Works well with habitat restoration projects.

Candidate Conservation Agreements (w/ or w/o Assurances):

- Candidates for federal listing
- Goal - Reduce/Remove threats to species to preclude listing
- Standard - Enrollee has to at least keep status quo.
- Depending on scenario, enrollee may have to demonstrate an increase.
- “Assurances” can be given to enrollees non-federal lands
- Federally owned/managed lands – NO assurances (still falls under S7)

Partnering – Regulatory Tools

(Streamlining the paperwork...)

Programmatic Biological Opinions (ESA, Section 7) – USFWS/NMFS

Categorical Exclusions (NEPA) – USFWS CatEx Checklist

Programmatic Agreements with State Historic Preservation Offices
(NHPA)

Nationwide/Regional Permit Process (ACoE)

Others

Partnering – Other Tools to Consider

Awards / Recognition – Partners in Conservation Award 2012

Media – Inreach/Outreach, Press Releases

Establish Friends Groups

Establishing Working Groups – Klamath/Siskiyou Oak Network (KSON)

Promote your restoration in non-traditional ways! Breweries, Wineries,
Distilleries, Races/Fun Runs



DRINK
A BEER
SAVE A FISH!

Now, get out there and partner!!!

QUESTIONS???