

# MEMORANDUM OF UNDERSTANDING

Continuation of the

## COOPERATIVE ECOSYSTEM STUDIES UNITS NETWORK

among the

**Bureau of Land Management  
Department of Defense  
Forest Service  
National Aeronautics and Space Administration  
National Marine Fisheries Service  
National Park Service  
Natural Resources Conservation Service  
U.S. Fish and Wildlife Service  
U.S. Geological Survey**

### I. INTRODUCTION

#### Background

Management and stewardship of the nation's lands and waters requires skillful public service supported by sound science. To help meet these needs, a network of Cooperative Ecosystem Studies Units (CESUs) was established. CESUs provide research, technical assistance and education to federal land management, environmental and research agencies and their partners. CESUs are organized around biogeographic areas. Their broad scope includes the biological, physical, social, and cultural sciences needed to address critical natural and cultural resource management and stewardship issues. Each CESU includes several federal agencies, a host university, partner universities and other institutions. Participating agencies have mutual benefits and interests associated with CESUs, including (but not limited to) a broadened scope of scientific services, increased technical assistance and educational opportunities for resource and environmental managers, and increased diversity of research scientists and institutional partners.

#### Mission

The mission of the Cooperative Ecosystem Studies Units (CESU) Network is to promote, conduct, and provide research, technical assistance and education services nationwide in support of the missions of participating federal agencies and their partners concerning natural and cultural resource management on federal lands and waters. To achieve this mission, each CESU project is conducted cooperatively and with substantial involvement by and benefits to federal and non-federal partners.

### II. OBJECTIVES

The objectives of the CESU Network are to:

- I. link universities (including minority institutions) and other partners with federal resource management, environmental and research agencies in new and innovative ways

that deliver high-quality research, provide usable knowledge, and support science-based decision-making,

2. create new and innovative opportunities for federal resource management, environmental and research agencies to collaborate and coordinate their research, technical assistance and education activities,
3. provide an efficient and effective mechanism to promote, conduct and provide research, technical assistance and education through collaborative projects of concern to federal resource managers, their partners, and decision-makers,
4. accomplish the above objectives through an efficient, effective and evolving organization that includes federal agencies, universities, and other partners.

### **III. AUTHORITIES**

This MOU is entered into by the following agencies consistent with the mission and any other authorities promoting science cooperation for each agency.

#### Bureau of Land Management (BLM)

The BLM administers public lands within a framework of numerous laws. The most comprehensive of these is the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq.* All Bureau policies, procedures and management actions must be consistent with FLPMA and the other laws that govern use of the public lands. It is the mission of the Bureau of Land Management to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations. Specifically, 43 U.S.C. Sec. 1737(a) (FLPMA 307 (a)) authorizes the BLM to conduct investigations, studies, and experiments, on its own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands, and 43 U.S.C. Sec. 1737(b) (FLPMA 307 (b)) authorizes the BLM to enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

#### Department of Defense (DOD)

The Department of Defense manages nearly 29.1 million acres of land, and the natural and cultural resources found there. DOD's primary mission is national defense. DOD's conservation program supports this mission by ensuring realistic training areas, and managing its resources in ways that maximize available land, air, and water training opportunities. DOD environmental stewardship activities are authorized under the Sikes Act, as amended. In accordance with 16 U.S.C. 670, as amended, the DOD is authorized to cooperate with other agencies.

#### Forest Service (FS)

The FS mission is to achieve quality land management under the sustainable, multiple-use management concept to meet the diverse needs of the people (16 U.S.C. 1641-1646). In accordance with 7 U.S.C. 3318, the FS may enter into joint venture agreements with any entity or individual, provided the objectives of the agreement serve the mutual interests of both parties in research or teaching activities, including statistical reporting. In accordance with 7 U.S.C. 3319, the FS may enter into cost-reimbursable agreements with State cooperative institutions, or other colleges and universities, for the acquisition of goods and

services, including personal services, to conduct research or teaching activities of mutual interest. Both of these authorities are available for use Service-wide.

#### National Aeronautics and Space Administration (NASA)

Among NASA's missions is the utilization of aeronautical and space activities for scientific purposes, encompassing research designed to expand knowledge of the Earth, its resources, and the effects of environmental change on the transformation of its ecological systems. In addition, NASA is responsible for the environmental stewardship of the land, water, and wildlife resources under its control. In accordance with Section 203(c) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2473(c), NASA is authorized to cooperate with other agencies.

#### National Marine Fisheries Service (NMFS)

The National Marine Fisheries Service is responsible for stewardship of living marine resources for the benefit of the nation through their science-based conservation and management and promotion of the health of their environment. Under 16 U.S.C. 661, National Marine Fisheries Service has the authority to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations.

#### National Park Service (NPS)

The NPS is responsible for the management of areas in the National Park System to conserve the scenery, the natural and historic objects, and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations (16 U.S.C. 1 et seq.). In addition, 16 U.S.C. 5933 authorizes the NPS to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other federal and state agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

#### Natural Resources Conservation Service (NRCS)

The Natural Resources Conservation Service (NRCS) provides technical assistance to farmers, ranchers, and other private landowners in managing soil, water, animal, plant, air and human resources. NRCS scientists and technical specialists identify appropriate technologies in research and development and transfer them to field staff for implementation. Under the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590a – 590f, NRCS has the authority to cooperate or enter into agreements with other Federal agencies, private entities, or individuals, or an entity regarding the conservation, development, and productive use of the Nation's natural resources.

#### U.S. Fish and Wildlife Service (USFWS)

The USFWS, working with others, is responsible for conserving, protecting, and enhancing fish, wildlife, plants and their habitats for the continuing benefit of the American people through Federal programs related to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In accordance with 16 U.S.C. 661, 16 U.S.C. 742f, and 16 U.S.C. 753a, the USFWS is authorized to cooperate with other agencies.

### U.S. Geological Survey (USGS)

The USGS's mission is to provide reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; manage water; biological, energy, and mineral resources; and enhance and protect our quality of life. The USGS is authorized to cooperate with other agencies under 43 U.S.C. 36c and 36d.

## **IV. CESU COUNCIL**

### Membership

There is hereby established the CESU Council (Council) consisting of representatives from each of the following agencies: Bureau of Land Management, Department of Defense, Forest Service, National Aeronautics and Space Administration, National Marine Fisheries Service, National Park Service, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, and U.S. Geological Survey.

Additional agencies joining the CESU Network will appoint an agency representative to become a member of the Council.

### CESU Council Roles and Responsibilities

The CESU Council has the following roles and responsibilities:

1. serve as the official liaison between the CESU Network and the Council members' individual agencies,
2. establish, maintain, and revise CESU Network policies and procedures,
3. approve the addition of new federal agencies into the CESU Network,
4. select host universities for new CESUs, evaluate existing CESUs, and approve renewal of CESU agreements,
5. develop and support CESU Network initiatives,
6. appoint and evaluate the CESU national coordinator, and
7. form Working Groups to assist the CESU Council as described below,
8. additional activities appropriate to the Council.

### Working Groups

Working Groups will be formed as needed to plan, coordinate, and facilitate the implementation of actions developed by the Council, within existing authority, policy review, and budgets. Working Groups may be formed or disbanded as needed, at the discretion of the Council. Working Groups will report regularly to the Council on their deliberations.

## **V. ADMISSION AND WITHDRAWAL FROM THE CESU NETWORK**

### Admission to the CESU Network

The CESU Council approves admission of new federal agencies to the CESU Network upon concurrence of its member agencies. Federal agencies wishing to join the CESU Network shall request admission in writing to the CESU Council. Upon approval an amendment admitting the addition of the federal agency to the Network is added to this MOU. Upon admission to the CESU Network the federal agency is then committed to join at least one CESU.

### Withdrawal from the CESU Network

Any federal agency may terminate its participation in the CESU Network under this MOU by delivery of thirty (30) days advance written notice to the CESU Council. Termination by a federal agency of its participation in the CESU Network under this MOU will not affect any ongoing project under an existing CESU agreement to which it is a party.

## **VI. THE PARTICIPATING FEDERAL AGENCIES AGREE TO DO THE FOLLOWING:**

1. Participate in at least one CESU.
2. Assign agency representative(s) to serve on the CESU Council.
3. Provide support for the CESU Network within the missions, authorities, and available resources of the participating federal agencies.
4. Review, update, and approve administrative procedures and guidelines for the CESU Network.
5. Review and revise the CESU Network strategic plan as necessary and appropriate.
6. Provide technical assistance to partners in individual CESUs, as requested, available and appropriate.
7. Facilitate interagency agreements, when necessary, to allow full access to the resources of the CESU Network for all participating agencies.

## **VII. IT IS MUTALLY AGREED AND UNDERSTOOD BY AND AMONG THE PARTICIPATING FEDERAL AGENCIES THAT:**

1. This MOU in no way restricts participants from involvement in similar activities with other public and private agencies, organizations, and individuals. This includes separate cooperative agreements with universities participating in the CESU Network.
2. Nothing in the MOU shall be construed as obligating agencies to expend funds or to provide resources or be involved in any obligation for future payment of money or provision of resources.
3. All amendments to this MOU shall be in writing and must have the consent of all member agencies.

4. This instrument is neither a fiscal nor a funds-obligation document. Any activity involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for federal procurement, assistance, and printing. Such activities 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.
5. The activities conducted under this Memorandum of Understanding will be in compliance with the nondiscrimination provisions in Title VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (P.L. 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.
6. No member of Congress shall be admitted to any share or part of this instrument, or any benefits that may arise therefrom.
7. This MOU continues the CESU Network and replaces the previous MOU that was in effect 22 June 1999 – 22 June 2005.
8. This instrument expires no later than six years from the effective date, at which time it is subject to review, renewal, or expiration.

#### **VIII. EFFECTIVE DATE**

IN WITNESS WHEREOF, the parties hereto have entered into this Memorandum of Understanding as evidenced by their signatures below. This Memorandum of Understanding is effective upon the date of the second signature.

U.S. Department of the Interior  
Bureau of Land Management



JUN 15 2005

Name:  
Title:

Date

**U.S. Department of Defense**

*Alex Beehler*

*5/26/05*

Alex Beehler

Date

Assistant Deputy Under Secretary of Defense (Environment, Safety and Occupational Health)



U.S. Department of Agriculture  
**Forest Service**

Ann M. Bartuska      6/16/05  
Deputy Chief      Date

**National Aeronautics and Space Administration**

James B. Lawton 5/16/05  
Name Date  
Chief Scientist

U.S. Department of Commerce  
National Marine Fisheries Service

*William T. Hogarth*

*6-17-05*

William T. Hogarth  
Assistant Administrator for Fisheries

Date

U.S. Department of the Interior  
**National Park Service**




Fran P. Mainella  
Director



Date

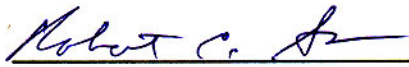
U.S. Department of Agriculture  
Natural Resources Conservation Service

 \_\_\_\_\_ 5/17/05 \_\_\_\_\_  
Name: \_\_\_\_\_ Date  
Title: Dep chief MGT

U.S. Department of the Interior  
U.S. Fish and Wildlife Service

   
Name: Marshall Jones Date  
Title: Deputy Director

U.S. Department of the Interior  
U.S. Geological Survey



Robert C. Szaro  
Chief Scientist for Biology

5-31-05

Date

**Amendment I**

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING**

continuation of the

**COOPERATIVE ECOSYSTEM STUDIES UNITS NETWORK**

**I. INTRODUCTION**

It is mutually agreed on and understood by and between the parties to the Memorandum of Understanding (MOU) that additional agencies may become members of the Council upon formal participation in at least one CESU and after their agency head or designated representative has signed this Amendment to the MOU.

**II. AUTHORITIES**

This MOU is entered into by the following agency consistent with the mission and relevant authorities described below.

Minerals Management Service (MMS)

Department of the Interior (DOI) Secretarial Order No. 3071 established the Minerals Management Service in 1982 with responsibility for managing the Nation's oil, natural gas, and other mineral resources on the Federal Outer Continental Shelf (OCS) and the mineral revenues from OCS, Federal, and Indian lands as authorized by the OCS Lands Act (OCSLA) (43 U.S.C. 1331-1356). The MMS manages the mineral resources on 1.76 billion acres of the OCS to ensure that the U.S. government receives fair market value for acreage made available for leasing and that any oil and gas activities conserve resources, operate safely, and protect the coastal and marine environment. In addition to OCSLA, numerous laws, but particularly NEPA, provides the basis for environmental assessment and study of impacts associated with OCS related activities. OCSLA Section 1346 mandates the conduct of environmental and socioeconomic studies needed for the assessment and management of environmental impacts on the human, marine, and coastal environments which may be affected by oil and gas or other mineral development. It further states that the Secretary may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal, State, or local government agency. OCSLA Section 1345 authorizes the use of cooperative agreements with affected States to meet the requirements of OCSLA, including sharing of information, joint utilization of available expertise, formation of joint monitoring arrangements to carry out applicable Federal and State laws, regulations, and stipulations relevant to outer Continental Shelf operations both onshore and offshore.

**III. CESU COUNCIL**

The joining agency is now a full member of the CESU Council. The agency is now authorized to send a voting/formal representative to Council meetings, and to participate in all actions of the Council.

**IV. EFFECTIVE DATE**

IN WITNESS WHEREOF, the party hereto has entered into the Memorandum of Understanding with this Amendment as evidenced by their signature below. The Amendment to the Memorandum of Understanding is effective upon the date of the signature.

**Minerals Management Service**

  
\_\_\_\_\_  
Johnnie Burton  
Director

6-14-05  
\_\_\_\_\_  
Date



## **AMENDMENT TO MEMORANDUM OF UNDERSTANDING**

continuation of the

## **COOPERATIVE ECOSYSTEM STUDIES UNITS NETWORK**

### **I. INTRODUCTION**

It is mutually agreed upon and understood by and between the parties to the Memorandum of Understanding (MOU) that additional agencies and other federal entities such as the US Army Corps of Engineers may become members of the Council upon formal participation in at least one CESU and after their designated representative has signed this Amendment to the MOU.

### **II. AUTHORITIES**

This MOU is entered into by the US Army Corps of Engineers consistent with the mission and relevant authorities described below.

#### US Army Corps of Engineers – Civil Works (USACE-CECW)

The US Army Corps of Engineers' Civil Works Program (USACE-CECW) provides assistance in the development and management of the nation's water resources. The main missions of USACE-CECW, i.e., the Corps, are 1) to facilitate commercial navigation, 2) to protect citizens and their property from flood and storm damages, and 3) to protect and restore environmental resources. The Corps carries out most of its work in partnership with Tribal, state and local governments and other non-federal entities. The Corps must rely upon using the best available science in the evaluation of water resources needs and in the development of recommendations for water resources management. The university and scientific institutions that comprise the CESU network have knowledge and expertise of the latest scientific advances that will assist the Corps in reaching sound, scientifically based decisions. Membership in the CESU network thus provides direct access to the sound science and technical base upon which the Corps can develop its sound, credible conclusions.

Corps field offices may avail themselves of support from the regional CESUs by entering into cooperative agreements with such CESUs, thus enabling these Corps offices to receive direct scientific support from regional CESU members. CESU provides independent and objective research and technical assistance that will directly benefit the Corps' missions and programs. In addition, by participating in CESU, scientists within the Corps will have direct access to university resources within the CESU network and be able to interact with colleagues in various scientific disciplines, and thereby further their own professional development. Furthermore, by participating in the CESU Council, USACE-CECW will broaden and strengthen its partnerships with the other agencies and entities which comprise this Council.

USACE-CW is authorized to cooperate with other agencies in accordance with Title 33 U.S.C. 2323a and 10 U.S.C. 3036(d).

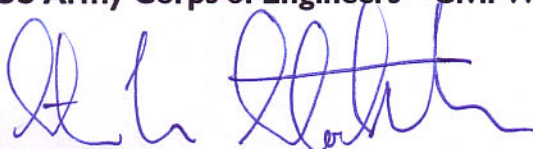
### III. CESU COUNCIL

The US Army Corps of Engineers-Civil Works is now a full member of the CESU Council. USACE-CECW is now authorized to send a voting/formal representative to Council meetings, and to participate in all actions of the Council.

### IV. EFFECTIVE DATE

IN WITNESS THEREOF, the party hereto has entered into the Memorandum of Understanding with this Amendment as evidenced by the signature below. The Amendment to the Memorandum of Understanding is effective upon the date of the signature.

**US Army Corps of Engineers – Civil Works**



21 JUN 05

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Steven L. Stockton, P.E.  
Deputy Director of Civil Works

Date

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING**  
continuation of the  
**COOPERATIVE ECOSYSTEM STUDIES UNITS NETWORK**

**I. INTRODUCTION**

It is mutually agreed on and understood by and between the parties to the Memorandum of Understanding (MOU) that additional agencies may become members of the Council upon formal participation in at least one CESU and after their agency head or designated representative has signed this Amendment to the MOU.

**II. AUTHORITIES**

This MOU is entered into by the following agency consistent with the mission and relevant authorities described below.

US Bureau of Reclamation (USBR)

The USBR mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. In accordance with the Reclamation Act of 1902, 43 U.S.C. 391, as amended and supplemented, USBR is authorized to enter into this MOU, and pursuant to P.L. 108-447, Div. C, § 206, is authorized to enter into grants and cooperative agreements with universities or non-profit research institutions in FY 2005 to fund water use efficiency research.

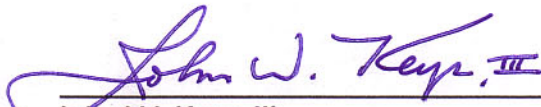
**III. CESU COUNCIL**

The joining agency is now a full member of the CESU Council. The agency is now authorized to send a voting/formal representative to Council meetings, and to participate in all actions of the Council.

**IV. EFFECTIVE DATE**

IN WITNESS WHEREOF, the party hereto has entered into the Memorandum of Understanding with this Amendment as evidenced by their signature below. The Amendment to the Memorandum of Understanding is effective upon the date of the signature.

**U.S. Bureau of Reclamation**

  
\_\_\_\_\_  
John W. Keys, III  
Commissioner

*JULY 12, 2005*  
\_\_\_\_\_  
Date