

MEMORANDUM OF UNDERSTANDING
between the
UNITED STATES FISH AND WILDLIFE SERVICE
and
NATURAL RESOURCES CONSERVATION SERVICE

This Memorandum of Understanding (MOU) is between the United States Fish and Wildlife Service (FWS) of the Department of the Interior and the Natural Resources Conservation Service (NRCS) of the Department of Agriculture. The FWS and NRCS are collectively referred to as the "Agencies."

A. Purpose: The purpose of this MOU is to promote effective coordination and utilization of the Agencies's respective land acquisition authorities. Specifically, to coordinate the implementation of the Wetlands Reserve Program (WRP) on eligible lands which are within or adjacent to components of the National Wildlife Refuge System. This MOU promotes the cooperative combination of agency resources to achieve ecologically sound, cost-effective conservation of environmentally sensitive lands while offering landowners additional voluntary conservation options.

B. Authorities: Acquisitions by the NRCS shall be subject to the laws and regulations governing the WRP (16 U.S.C. § 3837; 7C.F.R. § 1467). Acquisitions by the FWS shall be in accordance with the National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd-668ee; the Migratory Bird Conservation Act, 16 U.S.C. 715-715d; the Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718d(c); the Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j; the Emergency Wetland Resources Act of 1986, 16 U.S.C. 3901; the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; and the Land and Water Conservation Fund Act, 16 U.S.C. 4601-9(a)(1).

C. Cooperative Acquisition: Where lands are deemed by the respective Agencies as eligible for acquisition under their respective authorities, the Agencies may agree to combine acquisition resources. In such cases, the following procedures may be employed:

1. Estate to be acquired. From an eligible landowner, the NRCS will acquire an easement utilizing the standard reserved interest deed for the WRP. The WRP easement may be perpetual or for a term of 30 years. Subject to the WRP easement, the FWS may acquire the rest, residue and remainder of the fee title to the land.

2. Management of the WRP easement. The NRCS will delegate to the FWS the administrative jurisdiction of the easement, comprising all management, monitoring and enforcement responsibilities, and the easement shall be managed as part of the National Wildlife Refuge System (16 U.S.C. § 3837f). Management will be consistent with WRP objectives.

3. **Consideration Paid.** In cases of cooperative acquisition by the Agencies where FWS will be acquiring fee title to the property, the landowner/vendor shall be offered the appraised fair market value of the fee title to the property as determined prior to the placement of any WRP easement on the property. The consideration package paid the landowner/vendor by the Agencies shall consist of an easement payment made by NRCS, with any remaining difference between the easement payment and the fair market value of the property to be paid by FWS. In cases of cooperative acquisition by the Agencies where FWS will overlay a WRP 30-year easement with a FWS permanent easement, the landowner/vendor shall be offered the fair market value of the FWS permanent easement as determined prior to the placement of the WRP 30-year easement on the property. The consideration package paid the landowner/vendor by the Agencies shall consist of a 30-year easement payment made by NRCS, with any remaining difference between the 30-year easement payment and the fair market value of the FWS permanent easement to be paid by FWS.

D. Acquisition processing: To the maximum extent practicable, the Agencies will cooperate on minimizing expenses and personnel by utilizing single appraisals, coordinating survey and land description work, sharing title evidence, and utilizing consolidated title reviews as may be agreed upon by the respective lawyers for the Agencies.

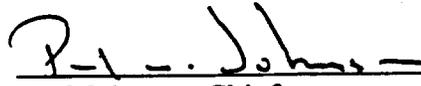
E. Third party cooperation: The Agencies may also engage in cooperative acquisitions in partnership with state and local governments, and nonprofit organizations. Insofar as project level managers may agree, and landowner/vendors are compensated in accordance with applicable law, the Agencies may individually or collectively contribute all or portions of the costs of acquiring WRP easements. In cases where FWS contributes funds, it is agreed that NRCS will delegate to FWS administrative jurisdiction of the easement per C.2. above.

F. Other laws unaffected: Nothing in this MOU shall affect the applicability of Federal appraisal and title standards. (It is understood that the Secretary of Agriculture has deemed acquisitions under the WRP not to be subject to the provisions of Public Law 91-646).

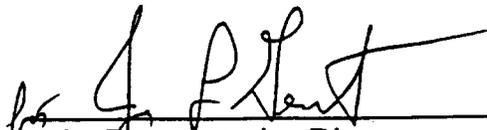
G. No fiscal obligations: Nothing in this MOU shall obligate the expenditure of any funds. Acquisition funding shall be within the terms of Agency appropriations.

H. Delegation: Implementation and interpretation of this MOU is hereby delegated to the Project Manager, Wetlands Reserve Program for the NRCS, and the Division Chiefs of Realty and Habitat Conservation for FWS.

Executed this 22 day of October, 1996.



Paul Johnson, Chief
Natural Resources Conservation Service



John Rogers, Acting Director
U.S. Fish and Wildlife Service