

MEMORANDUM OF UNDERSTANDING AMONG:

U.S. FISH AND WILDLIFE SERVICE
U.S. ARMY AT FORT BRAGG
U.S. ARMY ENVIRONMENTAL COMMAND
NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NORTH CAROLINA DIVISION OF PARKS AND RECREATION
NORTH CAROLINA DIVISION OF FOREST RESOURCES
NORTH CAROLINA CHAPTER OF THE NATURE CONSERVANCY
SANDHILLS AREA LAND TRUST
SANDHILLS ECOLOGICAL INSTITUTE

The North Carolina Sandhills is approximately one million acres in extent, covering all or parts of eight counties. It is best known for being the home of the longleaf pine, an ecosystem known for its incredible species diversity. The North Carolina Sandhills (NC Sandhills) also contain the second largest concentration of the endangered red-cockaded woodpecker in existence. However, over the years, the longleaf pine ecosystem in the NC Sandhills has been diminishing in scope due to rapid changes in land use patterns. The loss, fragmentation, and lack of management of the longleaf pine ecosystem, which includes a host of unique natural communities, caused a significant reduction in the number of red-cockaded woodpecker groups in the NC Sandhills. Habitat destruction has occurred to such an extent that this habitat type has been “awarded” a globally threatened status by The Nature Conservancy.

In order to sustain the longleaf pine ecosystem and recover the NC Sandhills population of red-cockaded woodpeckers, both public and private lands must be managed in concert. A collaborative process to integrate protection and management of private and public conservation lands management was needed to provide a vehicle to focus the efforts of a variety of stakeholder groups. As a result, in 2000 key stakeholders agreed to form the North Carolina Sandhills Conservation Partnership (NCSCP) with the specific intent to facilitate collaboration for the purpose of

conserving the vanishing longleaf pine ecosystem and recovering the endangered red-cockaded woodpecker in the North Carolina Sandhills.

Since 2000, the partners have successfully leveraged existing and secured new resources to support landscape-level conservation planning, land protection and habitat management actions directed toward the recovery of red-cockaded woodpecker populations in the North Carolina Sandhills.

However, environmental stressors continue to increase in the Sandhills due to accelerated human population growth and escalating rates of land use conversion resulting in the loss or fragmentation of natural habitats. A need still exists for continued strategic landscape conservation planning and implementation to ensure that the longleaf pine ecosystem and the species which rely on the habitats it embodies are sustainable over the long term.

PURPOSE

This Memorandum of Understanding (MOU) is entered into for the purpose of formalizing an existing multi-stakeholder partnership, hereafter referred to as the North Carolina Sandhills Conservation Partnership (NCSCP). The organizations involved are:

- U.S. Fish And Wildlife Service;
- U.S. Army At Fort Bragg;
- U.S. Army Environmental Command;
- North Carolina Department of Environment and Natural Resources
- North Carolina Division of Forest Resources;
- North Carolina Division of Parks And Recreation;
- North Carolina Wildlife Resources Commission;
- North Carolina Chapter of The Nature Conservancy;
- Sandhills Area Land Trust; and,
- Sandhills Ecological Institute.

This MOU formalizes the collaborative environment necessary to sustain the seminal mission of the NCSCP which is to *coordinate the development and implementation of conservation strategies for the red-cockaded woodpecker, other native biota, longleaf pine and other ecosystems in the Sandhills of North Carolina compatible with the land use objectives of the partners.*

This MOU provides a formal venue to continue the work of the NCSCP to achieve its goals; collaborative landscape-scale planning, protection and management of endangered species and rare natural communities, natural resource education, research, and the development of a flexible and functional North Carolina Sandhills ecosystem database for use by the NCSCP members and other Federal, State, and local organizations.

Although commonalities and differences exist among NCSCP partners, overall organizational objectives are complementary:

- 1) to identify and map the highest priority habitats and species in need of conservation attention in the region;
- 2) to promote the conservation, restoration, health and sustainable use of the landscape and the native terrestrial and aquatic communities that depend, in whole or in part, on the lands and waters of the NCSCP focus area;
- 3) to encourage public/private partnerships among participating governmental agencies, community and non-governmental organizations, academic institutions, corporations, and private landowners to enhance resources and achieve land conservation results on a landscape scale;
- 4) to enhance coordination among participants concerning current and future initiatives such that participants will be able to take better advantage of the work already being done by others, as well as identify opportunities for working together to undertake more ambitious projects than any single participant's resources would otherwise permit;
- 5) to encourage an on-going regional dialogue among the participants and other regional stakeholders about sustainable land management, working landscapes and native biodiversity;

- 6) to establish a network of conservation lands and waterways, and to promote the establishment of landscape corridors and buffers, between and adjacent to existing conservation lands to protect and enhance long-term wildlife population viability and genetic exchange and to ensure land management flexibility;
- 7) to promote the education of interested private individual and corporate landowners and local government agencies on conservation land management through demonstrations, workshops and field trips;
- 8) to provide local, county and state government entities with the information and tools necessary to help conserve the natural resources of the region;
- 9) to promote recognition of the beauty, significance and value of the region's special conservation resources.
- 10) to establish coordinated strategies and formal mechanisms to facilitate habitat management on public and private lands at a landscape scale. Coordination will include joint synthesis and integration of individual programmatic land management plans; and
- 11) to develop and implement methodologies and appropriate agreements to maximize data compatibility among the partners, promote exchange of data and to standardize quality assurance protocols to meet the mutual needs of the participants.

Cooperative efforts will build on the strengths of individual programs, resulting in better stewardship of public trust resources. It is the intent of the NCSCP, therefore, to promote cooperation to the greatest possible extent, prevent duplication of effort, and ensure that information produced by each partner is used to the maximum extent possible.

COOPERATIVE ACTIVITIES

NCSCP partners agree to cooperate in the use of data, personnel, funding, equipment and other resources in order to maximize conservation benefits. Cooperation may include, but is not limited to:

(Administrative)

1. Participation on a Steering Committee to oversee the planning and implementation of conservation strategies in the North Carolina Sandhills;
2. Participation on relevant Working Group to develop and implement appropriate conservation and communication strategies;

(Management)

3. Development of and participation in joint land management activities, including establishing formal collaborative agreements to promote longleaf pine ecosystem restoration and management and other conservation activities; and,
4. Participation in joint efforts to continue developing adaptive management methodologies and collaborative programs to sustain populations of the federally endangered red-cockaded woodpecker in the North Carolina Sandhills. This includes:
 - a) Efforts to maximize data compatibility among the partners;
 - b) Exchange of data sets, inventory and monitoring methodologies, sampling and analytical procedures and quality assurance protocols;
 - c) Participation in formal reviews of management plans and proposals, project synthesis reports, outreach materials and NEPA documentation; and,
 - d) Convening of, and attendance at, joint workshops to ensure:
 - early and continuing communication about management/monitoring plans and priorities;
 - interactive planning and review of plans; and
 - interim review of results, discussions of areas of concern, and recommendations of actions.

5. Implementation of communication strategies to raise awareness about the NCSCP and to educate the general public, local governments and other target audiences about value of the natural resources of the Sandhills and multiple public benefits realized through their conservation

AMENDMENTS AND REVIEW

This MOU is subject to revision and can be amended, extended, or modified by the mutual written consent of the participating organizations.

New participating organizations may be added to the MOU by consensus, written or otherwise, of the current participants.

LIABILITY

The participants hereto agree that they shall each be responsible for their own individual, direct liabilities and not for any other stakeholder actions, omissions or liabilities, unless otherwise provided by law and the specific consent of a member.

OTHER PROVISIONS

Nothing herein is intended to or has the effect of extending any legal authority or responsibilities of any of the members herein nor is any provision herein intended or has the effect of modifying, restricting, enhancing or changing the legal authorities, obligations, restrictions, liabilities or requirements of any of its members. This MOU is intended only to provide the basis for a voluntary cooperative relationship among the signatories and is not intended to, nor does it create any right, entitlement, or benefit, substantive or procedural, or trust responsibility, enforceable at law or equity, by any individual, organization, private or governmental third party, participant party or any member thereof against any party to this agreement or the United States, its agencies, its officers, or any person. This MOU shall not be construed to create any right to judicial review involving the compliance or noncompliance with the terms of this MOU by any signatory or the United States, its agencies, its officers, or any other person. To the extent that any provision of this MOU conflicts with current directives, or applicable regulations or laws of any of the parties of this agreement, the provisions of this MOU will have no effect.

The partnership in no way substitutes for the decision-making process that each participating agency is required to follow by regulation, directive, or law. This forum helps to facilitate discussion among the participants, without making decisions for those agencies. The partnership is not considered a “nonfederal entity” for purposes of the Joint Ethics Regulations as its stated purpose is merely to provide a venue for communication among participants sharing similar interests; is not self-sustaining as it has no internal budgetary provisions or authority; has no decision-making authority or legal status; and cannot bind the action of any agency or organization.

Should disagreement arise about the interpretation of the provisions of this MOU, or amendments or revisions thereto, that cannot be resolved to the mutual satisfaction of all the members to this MOU, those provisions shall have no effect.

TERMS OF THE MOU

COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective through 30 September, 2014 at which time it will expire unless extended.

WITHDRAWAL. Any of the parties may withdraw from the instrument at any time before the date of expiration by providing written notification to all participants.

MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

NON-FUND OBLIGATING DOCUMENT. This MOU is not a procurement instrument and does not commit any party to fund, obligate funds, request appropriations or commit a member's resources in support of the NCSCP. Any funding activities associated with the NCSCP shall be subject to availability of funding and carried out in accordance with applicable authorities and legal requirements, including those for government procurement and printing, of the participating organizations. Such endeavors 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. Specifically this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Partners from participating in similar activities with other public or private agencies, organizations, or individuals.

SIGNATORY FOR THE U.S. FISH AND WILDLIFE SERVICE:

Cynthia Dohner
Acting Regional Director, Region 4
U.S. Fish and Wildlife Service

Date

The mission of the **U.S. Fish and Wildlife Service** is working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. Central to this mission, the Fish and Wildlife Service, along with state natural resource agencies, private lands partners, and other stakeholders, is dedicated to providing and protecting a healthy environment for fish and wildlife and people.

SIGNATORY FOR THE U.S. ARMY AT FORT BRAGG:

Colonel Stephen J. Sicinski
Garrison Commander
U.S. Army at Fort Bragg

Date

The mission of the **U.S. Army at Fort Bragg** is to ensure the Army's current and future realistic training requirements are met in harmony with our environment and natural resources through the perpetuation of all natural communities that occur on Fort Bragg and Camp Mackall, with special emphasis on those communities that are composed of longleaf pine and wiregrass. Management programs are implemented for recovery and sustainment of threatened or endangered species and other species associated with each natural community.

SIGNATORY FOR THE U.S. ARMY ENVIRONMENTAL COMMAND:

Colonel Maria R Gervais
Commanding
U.S. Army Environmental Command

Date

The mission of the **U.S .Army Environmental Command** is to lead and execute environmental programs and provide environmental expertise that enables Army training, operations, acquisition, and sustainable military communities. The USAEC provides technical services and products to HQDA, major subordinate commands, and installation commanders. The Army relies on the expertise of the Conservation Branch to support and achieve conservation goals. Conservation programs promote readiness, enhance training and the quality of life, and support the Army's commitment to remain strong stewards of the environment.

SIGNATORY FOR THE NC WILDLIFE RESOURCES COMMISSION:

Gordon Myers
Executive Director
North Carolina Wildlife
Resources Commission

Date

The mission of the **NC Wildlife Resources Commission**'s Division of Wildlife Management is to monitor the health and status of wildlife populations, develop and administer programs for their management and wise use, and when necessary help resolve human-wildlife interactions in a manner which will assure a diverse wildlife resource for future generations of North Carolinians.

**SIGNATORY FOR THE NC DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES, DIVISION OF PARKS AND RECREATION AND DIVISION OF FOREST
RESOURCES:**

Dee Freeman
Secretary
North Carolina Department of Environment and Natural Resources

Date

The North Carolina Department of Environment and Natural Resources is the lead stewardship agency for the preservation and protection of North Carolina's outstanding natural resources.

Lewis Ledford
Director
North Carolina Division of Parks and Recreation

Date

The mission of the **NC Division of Parks and Recreation** is to conserve and protect representative examples of the natural beauty, ecological features, and recreational resources of statewide significance; to provide outdoor recreational opportunities in a safe and healthy environment; and to provide environmental education opportunities that promote stewardship of the state's natural heritage.

Wib Owen
State Forester
North Carolina Division of Forest Resources

Date

The primary mission of the **NC Division of Forest Resources** is to ensure adequate and quality forest resources for the state to meet present and future needs. The techniques used to accomplish this mandate involve management of existing resources, development and creation of new and better forests, and protection of these valuable resources.

SIGNATORY FOR THE NATURE CONSERVANCY- NORTH CAROLINA CHAPTER:

Katherine Skinner
Executive Director
North Carolina Chapter of
The Nature Conservancy

Date

The mission of **The Nature Conservancy** is to preserve the plants, animals and plant communities that represent the diversity of life by protecting the land and water they need to survive.

SIGNATORY FOR THE SANDHILLS ECOLOGICAL INSTITUTE:

Nick Haddad
President
Sandhills Ecological Institute

Date

The mission of the **Sandhills Ecological Institute** is to conduct research and monitoring studies for scientific and compliance purposes. Specifically, SEI's three primary goals are: to conduct research involving investigations of the longleaf pine and related ecosystems in North Carolina and South Carolina; to engage in and promote scientific study and education regarding the longleaf pine and related ecosystems; and, to engage in scientific studies and education regarding the red-cockaded woodpecker and its habitats.

SIGNATORY FOR THE SANDHILLS AREA LAND TRUST:

Dan Bell
Executive Director
Sandhills Area Land Trust

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The **Sandhills Area Land Trust** is a community-based non-profit organization whose mission is to protect, land, water, open space, farmlands and historic resources in the Sandhills region of North Carolina. SALT works with private and public landowners, government agencies and host of community groups under a variety of programs, partnerships and other efforts including assistance and education about land protection, conservation easements, and a conservation volunteer program called “Hands to Lands. SALT operates in a six county service area consisting of Moore, Cumberland, Hoke, Harnett, Scotland and Richmond Counties.