

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

ENVIRONMENTAL PROTECTION AGENCY
NATIONAL PARK SERVICE
NATURAL RESOURCES CONSERVATION SERVICE
UNITED STATES ARMY CORPS OF ENGINEERS
UNITED STATES FISH AND WILDLIFE SERVICE
UNITED STATES FOREST SERVICE, AND
UNITED STATES GEOLOGICAL SURVEY

FOR

COOPERATION AND COORDINATION TO IMPLEMENT

***OPPORTUNITIES FOR ACTION:
AN EVOLVING PLAN FOR THE FUTURE OF THE LAKE CHAMPLAIN BASIN***

Whereas in 1990 Congress passed the Lake Champlain Special Designation Act, which authorized establishment of the Lake Champlain Management Conference to develop a comprehensive plan and provided funding, administered through the Environmental Protection Agency to support these activities, and

Whereas this plan, *Opportunities for Action*¹, was completed in 1996 and signed by the Governors of New York and Vermont and the Regional Administrators of Environmental Protection Agency Regions 1 and 2, and

Whereas *Opportunities for Action* identifies priority actions to restore and protect water quality and the diverse natural and cultural resources of the Lake Champlain Basin, and

Whereas the Lake Champlain Basin Program is a partnership of federal, state, and local agencies, organizations, businesses, academics, farmers and individuals working together to protect and restore Lake Champlain and its Basin as outlined in *Opportunities for Action*, and

Whereas *Opportunities for Action* charges the Lake Champlain Steering Committee and its

¹Lake Champlain Basin Program. 1996. *Opportunities for Action: An evolving plan for the future of Lake Champlain*. 92 pages.

subcommittees, including representatives of several of the signatory agencies on this Memorandum of Understanding, with the responsibility for overseeing activities of the Lake Champlain Basin Program and for guiding and coordinating among partners to encourage implementation of *Opportunities for Action*, and

Whereas the Lake Champlain Basin Program's Federal agencies recognize the benefits to be obtained by effective cooperation and coordination,

NOW THEREFORE, because it is in the public interest that Federal agencies work together through mutual cooperation and coordination to ensure timely, efficient use of Federal capability, this Memorandum of Understanding establishes a formal agreement to facilitate implementation of priority actions identified in *Opportunities for Action: An evolving plan for the future of the Lake Champlain Basin*. Under this Memorandum of Understanding, the agencies agree to the following:

Article 1. Lake Champlain Federal Work Group. There is hereby established a Lake Champlain Federal Work Group as a subcommittee of the Lake Champlain Steering Committee, the purpose of which is to provide a framework for cooperation and coordination between the Federal agencies.

A. Work Group Membership. The members of the Work Group shall be appointed by appropriate authorities in each agency.

B. Meetings. The Work Group shall meet periodically at the convenience of the members to review the status of their activities in the Lake Champlain Basin, to assess future work that each agency may be conducting in the Basin, to coordinate with the Lake Champlain Basin Program budget process, and to identify opportunities for cooperative and/or collaborative work to implement priority actions in *Opportunities for Action*.

C. Record of Meetings. Following the conclusion of each meeting, a memorandum shall be prepared recording the matters discussed and agreements reached. The memorandum will be provided to the Steering Committee.

D. Annual Strategy Summary. The Work Group will develop an Annual Strategy Summary consisting of a brief description of each agency's accomplishments in the previous year and projecting collaborative activities in the coming year.

Article 2. Separate Agreements

A. It is mutually agreed and understood by and between the members of the Work Group that specific work projects or activities that involve the transfer of funds, services or property among the members will require separate agreements or contracts, contingent on the availability of funds as appropriated by Congress. This Memorandum of Understanding is neither a fiscal nor funds obligating document. Any endeavor involving

reimbursement or contribution of funds between the parties to this Memorandum of Understanding will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. 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. This Memorandum of Understanding does not provide such authority. Specifically, this Memorandum of Understanding 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.

B. Nothing in this Memorandum of Understanding shall be interpreted to modify or limit the rights and authorities of the Federal agencies or restrict them from participating in similar activities or arrangements with other public and private agencies, organizations, or individuals.

Article 3. This Memorandum of Understanding shall remain in effect for five years from the date of the last signature or until modified by mutual written agreement of the parties. It may be renewed by mutual agreement of the parties at the end of five years.

Article 4. Any signatory party may terminate its participation in this Memorandum of Understanding, in whole or in part, at any time.

SIGNED,

September 21, 2000
Mamie A. Parker, Ph.D
Acting Regional Director, United States Fish and Wildlife Service

December 1, 2000
Mindy S. Lubber
Regional Administrator, United States Environmental Protection Agency
Region 1

January 19, 2001
Jeanne M. Fox
Regional Administrator, Region 2, United States Environmental Protection Agency

February 26, 2001
Paul Brewster

Supervisor, USDA Forest Service, Green Mountain National Forest

January 30, 2001

John Titchner

Vermont State Conservationist, USDA Natural Resource Conservation Service

July 10, 2001

William H. Pearce

Colonel, Corps of Engineers, NY District Engineer

June 4, 2001

Sandy Corbett

Acting Superintendent, Boston Support Office, National Park Service

June 14, 2001

Bonnie A. McGregor

Regional Director, Eastern Region, U.S. Geological Survey

September 17, 2001

Ronald Baird

Director, National SeaGrant College Program, National Oceanic and Atmospheric Administration

APPENDICES

Note that the following appendices are not a formal portion of the Memorandum of Understanding, but are being attached for informational purposes only.

APPENDIX I - Lake Champlain Steering Committee

The Lake Champlain Steering Committee is responsible for overseeing activities of the Lake Champlain Basin Program. Its members all have a keen interest in Lake Champlain and include representatives from New York and Vermont State agencies, the Province of Quebec, Federal agencies including Department of the Interior, Department of Agriculture, and Environmental Protection Agency, citizen representatives and local government representatives.

The Steering Committee created a Technical Advisory Committee composed of professionals from academia, management agencies, and others. Federal agencies represented on the TAC include the U.S. Fish and Wildlife Service, U.S. Geological Survey, and Natural Resources Conservation Service. The TAC has the following functions:

- Presents the Steering Committee with technical information to be used for decision-making.
- Advises the Steering Committee about emerging management issues and prepares research or action to address those issues.
- Oversees and facilitates the technical aspects of implementation projects.
- Interprets monitoring program results and other technical information to help determine success or redirection of projects.

The Lake Champlain Steering Committee also created an Education and Outreach Committee to help educate the public on issues facing the Lake, publicize activities occurring in the Basin and gather input from citizens of the Basin, and an Executive Committee to oversee the day to day activities of the Lake Champlain Basin Program.

The Lake Champlain Steering Committee is responsible for recommending how the Lake Champlain Basin Program's funds are spent, including funds from Federal sources. The Steering Committee also evaluates activities of all the Lake Champlain Basin Program partners to ensure the maximum practicable and effective use of member agencies' public funding for high priorities within *Opportunities for Action*.

APPENDIX II - Statement of mutual goals and responsibilities

Environmental Protection Agency

The mission of the EPA is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends.

EPA's purpose is to ensure that:

- All Americans are protected from significant risks to human health and the environment where they live, learn and work.
- National efforts to reduce environmental risk are based on the best available scientific information.
- Federal laws protecting human health and the environment are enforced fairly and effectively.
- Environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy.
- All parts of society—communities, individuals, business, state and local governments, tribal governments—have access to accurate information sufficient to effectively participate in managing human health and environmental risks.
- Environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive.
- The United States plays a leadership role in working with other nations to protect the global environment.

Both EPA New England in Boston, Massachusetts and EPA Region Two in New York, New York have been actively involved with the Lake Champlain Basin Program since its inception in 1990. These offices have worked to provide grant funds and technical expertise to help advance environmental education and preserve and enhance the basin's ecological function.

U.S. Department of the Interior

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service is authorized to provide assistance to and cooperate with Federal agencies to protect and increase fish and wildlife resources under the Fish and Wildlife Coordination Act. The Fish and Wildlife Service's mission is to conserve, protect, and enhance the Nation's fish and wildlife and their habitats for the continuing benefit of people. Its major responsibilities include conservation and management of migratory birds, threatened and endangered species, Fish and Wildlife Service lands, and interjurisdictional fisheries. In carrying out these responsibilities, the Fish and Wildlife Service operates several facilities active in the Lake Champlain Basin including the Lake

Champlain Fish and Wildlife Resources Office, Pittsford National Fish Hatchery, New England Ecological Services Field Office, New York Ecological Services Field Office and Missisquoi National Wildlife Refuge.

National Park Service

The National Park Service is responsible for managing a variety of national and international programs designed to help extend the benefits of natural and cultural resource conservation and outdoor recreation. From fiscal 1991 to 1998, the National Park Service provided over \$1.6 million to the Lake Champlain Basin Program to assist with recreation and cultural resources planning as well as projects such as Lake Champlain Bikeways, the Underwater Resources Survey, The Partnership Program, and the Technical Assistance Program.

NPS continues to provide assistance to local communities and citizen groups through the Rivers & Trails Program. Currently the Rivers & Trails Program is assisting 3 projects in the Lake Champlain Basin - Lake Champlain Walkways, the Trail Around Middlebury, and later this year, the Mt. Independence trail system. Previous NPS Rivers & Trails assistance in the Champlain Basin has been with Charlotte Community Trails, the Lake Champlain Paddlers Trail, the Canalway Trail, and Saratoga County Heritage Trails.

A Special Resource Study to assess the Champlain Valley as a potential heritage corridor has been underway since funds were first made available in the fiscal 1997 budget. The SRS is currently out for public review. The study outlines a range of ways to recognize and protect the natural and cultural resources of this distinctive region.

United States Geological Survey

The U.S. Geological Survey, a bureau of the U.S. Department of the Interior, is responsible for providing reliable information and technology to describe and understand the Nation's earth and biological resources and to minimize the impacts of natural hazards. Functions of USGS include: sponsoring and conducting research in geology, hydrology, biology, cartography, and related sciences; coordinating Federal activities in the establishment and maintenance of geologic, hydrologic, biologic and cartographic databases; developing and applying technology for evaluating natural hazards associated with flooding, drought, earth movements, and the behavior of toxic materials in the environment; developing information and technologies to support the management of the Nation's water, biological, energy and mineral resources and to enhance our quality of life; and developing technology for, and producing geographic, cartographic and remotely sensed information in graphic and digital forms.

In the Lake Champlain basin, the USGS has Water Resources Division offices in Vermont and New York that focus on hydrologic and water-quality data collection and analyses, and the Vermont Cooperative Fish and Wildlife Research Unit of the USGS Cooperative

Research Units program, which conducts ecologically-based research addressing aquatic and terrestrial components of the basin.

United States Department of Agriculture

Natural Resources Conservation Service

The vision of USDA is a healthy and productive Nation in harmony with the land. The USDA Natural Resources Conservation Service (NRCS) works hand-in-hand with the American people to conserve natural resources on private lands. Formerly the Soil Conservation Service, NRCS has 60 years of scientific and technical expertise. The mission of NRCS is to provide leadership in a partnership effort to help people conserve, improve, and sustain our natural resources and environment. NRCS works through local Conservation Districts (Districts) to deliver technical and financial assistance to land users, conduct resource inventories and offer programs to improve watersheds and wetlands.

NRCS works within a USDA Conservation Partnership including the Vermont and New York Associations of Conservation Districts, Farm Service Agency, National Association of State Departments of Agriculture, National Association of State Conservation Agencies, and the Cooperative State Research, Education, and Extension Service. The partnership has a long history of advocating resource protection in the Lake Champlain Basin. In cooperation with State agencies it has actively pursued a program of nonpoint source phosphorus and sediment reduction from agricultural sources. A variety of voluntary programs providing financial and technical assistance have been made available to basin farmers. USDA and the States of Vermont and New York provide a unique opportunity to farmers in the Lake Champlain Basin by combining state and federal funds on many projects. This has increased farmer participation by decreasing their share of project costs. Between 1995 and 1997 these efforts achieved an estimated 9.1 metric tons of phosphorous reduction.

Forest Service

The phrase “Caring for the Land and Serving People” captures the Forest Service mission. As set forth in law, the mission is to achieve quality land management under sustainable multiple-use management to meet the diverse needs of the people.

The Green Mountain National Forest manages approximately 91,330 acres (37,888 hectares) of headwater lands in the Lake Champlain basin. With its large blocks of land in remote areas, the GMNF is particularly well suited to provide opportunities for backcountry recreation and Wilderness. Forest goals include:

- The management of watersheds in order to protect municipal water supplies, provide adequate flood control, ensure high water quality, sufficient quantity and benefit important fish and wildlife habitats.

- The preservation and enhancement of the diversity of plant and animal communities on the GMNF so that it is at least as great as that which would be expected in a natural forest.
- To provide a full range of high quality recreational opportunities which are in harmony with the other resources and uses which the GMNF manages.
- The coordination of GMNF activities with goals and activities of the State of Vermont, regional planning commissions, town governments, conservation groups and neighboring landowners.

United States Army Corps of Engineers

The United States Army Corps of Engineers' civil mission, to develop and manage the Nation's water resources, provides local communities and sponsors with opportunities to meet water resource needs where there is both a local and national interest. The Corps is committed to improving navigation in rivers and harbors, reducing flood damages, restoring degraded ecosystems, reducing hurricane and storm damages and various other water resource needs.

Several Corps programs are available to the Lake Champlain Basin Program in order to meet water resource needs within Lake Champlain and its basin. The Corps is bound to observe existing laws and regulations and conduct project planning and implementation in a prescribed objective manner.

Department of Commerce – National Oceanic and Atmospheric Administration

National Sea Grant College Program

The National Sea Grant College Program is a partnership between the nation's universities and National Oceanic and Atmospheric Administration that began in 1966. Sea Grant is designed to further our understanding of coastal areas and to promote the responsible use of marine and Great Lakes resources including Lake Champlain (to the extent that such resources have hydrological, biological, physical or geological characteristics and problems similar or related to the Great Lakes). Sea Grant encourages the wise stewardship of our marine and aquatic resources through research, education, outreach and technology transfer. There are 30 Sea Grant programs extending to over 200 universities. The Lake Champlain Sea Grant Project was initiated in 1998. Current partners include the New York Sea Grant Institute, the University of Vermont, and Plattsburgh State University.