MEMORANDUM OF AGREEMENT
BETWEEN
MINERALS MANAGEMENT SERVICE
U.S. DEPARTMENT OF THE INTERIOR
AND
U.S. ARMY CORPS OF ENGINEERS
DEPARTMENT OF THE ARMY

I. Introduction

The Minerals Management Service (MMS) and the United States Army Corps of Engineers (USACE) agree to establish procedures to assure timely coordination and cooperation between the two agencies as each carries out its responsibilities related to the use of Outer Continental Shelf (OCS) sand, gravel, and shell resources for USACE authorized shore protection projects.

The MMS recognizes the USACE's responsibilities to oversee beach renourishment and Congressionally authorized shore protection projects implemented jointly by the USACE and State or local governments. The USACE responsibilities include regulatory and project authorities under Title 33 U.S. Code.

The USACE recognizes MMS's responsibilities under P.L. 103-426 to negotiate agreements for the use of OCS sand, gravel, and shell resources for shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency, as well as for use in a construction project that is funded in whole or part by or authorized by the Federal Government.

II. Procedures

The MMS and the USACE recognize that planning and coordination between the agencies will ensure that responsibilities under the OCS Lands Act and specific Congressionally authorized projects are carried out and accommodated in an efficient and timely manner so that USACE project schedules will not be unnecessarily delayed or compromised. In addition, the MMS and the USACE acknowledge that while the specific provisions of each shore protection/renourishment project may differ, there are procedures common to all projects. To that end, the MMS and the USACE agree to the following:

1. When a decision is made to consider the use of OCS sand, gravel, or shell for an emergency protection or renourishment project, the USACE will notify the MMS and identify the potential borrow area.

2. The appropriate USACE District Office will schedule an initial meeting with MMS's International Activities and Marine Minerals Division to discuss the project and facilitate the use of each agency's environmental and other relevant data and expertise. This cooperative interaction is to ensure that each agency fully complies with the government's responsibilities under the National Environmental Policy Act (NEPA), NEPA implementing regulations of the Council on Environmental Quality, and other appropriate laws and regulations. Among the information exchanged at that meeting will be:

a. Specific information about sand, gravel, and shell deposits in OCS waters suitable for beach nourishment as identified through MMS's cooperative efforts with coastal States.

b. The MMS's ongoing environmental studies to assist in the analysis of potential effects regarding the use of sand, gravel, and shell deposits in OCS waters suitable for beach nourishment. The MMS will make these studies available to the USACE to assist in the project specific environmental analyses. The MMS's possible participation in the environmental analysis will also be discussed.

c. The USACE will provide to the MMS relevant environmental studies that the USACE has available for its project and applicable schedules for the project.

3. After the environmental analyses for the project are complete and a decision is made to use OCS sand, the MMS and the USACE will enter into a project-specific Memorandum of Agreement (MOA) as required by the OCS Lands Act. This MOA will include provisions, terms, and stipulations specific to the project.

4. For those projects in which the sand is transferred to a State or locality, the MMS will enter into a negotiated agreement with that State or locality. In those instances where the sand is being transferred to another Federal agency, the MOA will include the other Federal entity.

III. Summary

The MMS and the USACE are committed to carrying out their respective responsibilities regarding the use of OCS sand, gravel, and shell resources for shore protection, beach restoration, and coastal wetland restoration. By facilitating the use of available resources, the coordinating procedures set forth in this MOA will benefit State and local governments as well as the MMS and the USACE.

U.S. DEPARTMENT OF THE INTERIOR

Sylvia Baca, Acting Assistant Secretary,
Land and Minerals Management

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Date

U.S. DEPARTMENT OF THE ARMY

Joe N. Ballard, Lieutenant General
Chief of Engineers

21 APR 1999

Date