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MEMORANDUM OF AGREEMENT
BETWEEN THE
OHIO RIVER DIVISION CORPS OF ENGINEERS
AND THE
INDIANA DEPARTMENT OF NATURAL RESOURCES

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Oct 90

SUBJECT: Management of Corps of Engineers' Properties Granted to the State of Indiana, Department of Natural Resources

1. PURPOSE: The purpose of this Memorandum of Agreement is to provide guidance to the Ohio River Division and the Louisville District of the Corps of Engineers and to the Indiana Department of Natural Resources (IDNR) as they respond in performance of their respective obligations pursuant to the agreements outgranting properties to IDNR. This Memorandum of Agreement will also establish procedures for administration, coordination, and consultation between the Corps and IDNR involving management of outgranted lands and facilities.

2. POLICY: The fundamental principle underlying this agreement is the need to articulate, in the clearest of terms, implementing procedures founded upon the Corps of Engineers' policy of giving the states broad leeway, with the maximum latitude possible, in managing project resources consistent with existing outgrant documents and statutory requirements. This policy is designed to encourage a spirit of trust and cooperation through the establishment of a partnership philosophy between the Corps and IDNR which will emphasize minimal Federal oversight necessary to protect Federal interests.

3. ITEMS OF AGREEMENT: In support of the policy outlined above, the following procedures are agreed to by all parties:

a. The terms and conditions of the outgrant documents and the obligations set out therein provide for the legal rights and responsibilities of the Corps and IDNR. This MOA is established to facilitate a working relationship recognizing the partnership relationship between the Corps and IDNR.

b. The Five Year Wildlife Management Plan and the Annual Wildlife Management Plan currently submitted by IDNR will be expanded, over the course of time, to reflect total resource management relative to recreational development, wildlife management, timber management, and any other habitat manipulation required to improve the total natural resource. The Corps will, in cooperation with IDNR, initiate the development of a standardized format for these comprehensive management plans. The format will be based on the requirements contained in the outgrant documents and will be added as a supplement to this MOA.

c. The Corps' official point of contact for all matters involving administration of outgrants with IDNR is the Chief, Real Estate Division, Louisville District.

d. Correspondence from IDNR, Bureau of Land, Forest, and Wildlife Resources concerning outgrant administration will be directed to the Louisville District Chief of Real Estate.

e. Correspondence from the Corps concerning general outgrant administration will be from the Louisville District Chief of Real Estate to the Deputy Director, Bureau of Land, Forest, and Wildlife Resources. Where determined appropriate, correspondence concerning major policy issues will be directed from the Louisville District Engineer to the Director, IDNR.

f. Response time for the Corps' review of management plans, construction proposals, or new initiatives will be limited to a 60 day time-frame. Where additional time is required, an interim reply will be provided to IDNR within the 60 day review time frame.

g. Requests by third parties to use properties that are outgranted to IDNR will be fully coordinated by the Corps with IDNR prior to making a determination as to the use of the property by others. All such requests will be coordinated by the Louisville District, Chief of Real Estate with the Deputy Director, Bureau of Land, Forest, and Wildlife Resources. Full consideration will be given to current requirements, as well as future management initiatives of IDNR and shall include appropriate deference to IDNR in matters relating to management of recreational, fish and wildlife, and related resources pursuant to the terms and conditions of the outgrant agreements.

h. The IDNR may issue Permits for group boat docks, duck blinds, trapping, and special use activities (such as fishing tournaments, group campouts, fireworks displays, etc.). IDNR agrees to notify the Corps of the issuance of such Permits.

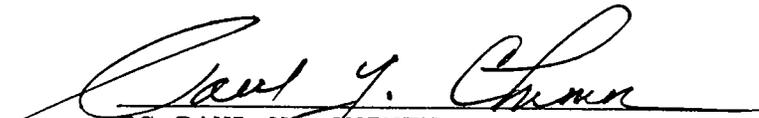
i. The IDNR will provide 60 days for the Corps to review and approve plans and specifications for any improvements to be constructed on project lands. If additional time is required, the Corps will so advise IDNR of the additional time requirements within the 60 day time-frame.

4. ENCROACHMENT RESOLUTION POLICY: Pursuant to this MOA, IDNR will assume the lead in efforts to eliminate encroachments where boundary lines have been clearly marked by the Corps. Upon request, the Corps will provide assistance to IDNR in the resolution of encroachments and will, if appropriate, pursue resolution through Federal District Court if efforts at the State level are unsuccessful. The Corps will retain responsibility for eliminating encroachments where the boundary lines are not clearly marked.

5. UNIFORMITY: This MOA is adopted by IDNR, and by the Corps of Engineers' Ohio River Division and Louisville District.

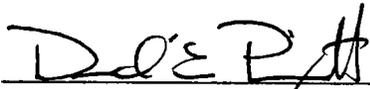
6. IMPLEMENTATION: The terms and conditions of this Memorandum become effective upon execution by all parties.

7. CANCELLATION: Subject to a 30 day notice, this Memorandum of Agreement may be canceled by either the Corps or IDNR.



EG PAUL Y. CHINEN
COMMANDER
U.S. ARMY CORPS OF ENGINEERS,
OHIO RIVER DIVISION

16 Oct 90
Date



COL. DAVID E. PEIXOTTO
COMMANDER
U.S. ARMY CORPS OF ENGINEERS,
LOUISVILLE DISTRICT

16 Oct 90
Date



PATRICK R. RALSTON
DIRECTOR
DEPARTMENT OF NATURAL RESOURCES
STATE OF INDIANA

16 Oct. 90
Date