



Healthy Headwaters Watershed Investment Network

**Guidelines for Forest Service & Downstream Decision Makers:
*Memoranda of Understanding – where to start, where to get help, what else you need***

Why enter into an Agreement?

Sixty percent of the water that comes out of western faucets originates on National Forest land, so the U.S. Forest Service plays a critical role in addressing headwaters needs and concerns. But they can't do it alone. Successful watershed protection and rehabilitation that supports upstream watershed health, and downstream water supply takes community priorities into account. Local support and the financial investment of land managers, utilities, businesses, and other water users is essential. Having agreements among all parties moves forward the critical work that needs to be done.



Photo: Summit County Citizen's Voice

Different Types of Agreements

There are several different types of agreements between the U.S. Forest Service and downstream communities. They include:

Memorandum of Understanding (MOU) This document is developed by two, or more, parties to establish an overall agreement to carry out specific types of projects – in this case restoration of US Forest Service watersheds to restore and maintain healthy lands that yield clean water to support downstream water needs. MOUs are not used to obligate money, and will generally describes what needs to be done, who will generally be responsible for which activities, and the overall goals of the activities. There is some specific standard information and boilerplate language that will need to be included. (See below for specifics of what to include.)

Collection Agreement This is where the money part of an agreement comes in – which entity is paying which organization to do what specific projects, for what amount of money, over what period of time. For this type of agreement, you likely do need legal help. (See list of resources below on where to start.)

Master Participating Agreement (MPA) This is a document the Forest Service uses to establish the guidelines for multi-party agreements in a watershed where a network of parties is working together (in some cases under an umbrella MOU). Having a MPA in place allows, for example, Forest Supervisors to enter more quickly into agreement with local communities because the overall guidelines have already been agreed to.

Memorandum of Understanding: The Starting Point

The key elements to include in your MOU:

- ▶ A clear purpose statement defining who is involved and what the overall goal is.
- ▶ Define the restoration goals, objectives and scope. You may want to distinguish between soil and water restoration goals, and forest health goals, including fuels reduction.
- ▶ Use available information such as the US Forest Service's [Watershed Condition Framework's](#) watershed restoration action plans and other local or regional data sources to help create your roadmap.
- ▶ Identify the financial considerations.
- ▶ Define the regions of work and location priorities.
- ▶ Map out a communications plan on how the parties will communicate and educate the public and decision makers on the goals and operations of the agreement. Emphasize the positive!
- ▶ Determine the lifespan, extension and amendment timeline (typical timeline is five years).
- ▶ Historic and collective knowledge is key to the next stages in the life and viability of your MOU. Staff and leadership come and go – keep good records!



Anne Zimmermann, USFS Director of Wildlife, Water & Rare Plants (now retired), discusses the Watershed Condition Framework at the Fall 2011 Healthy Headwaters Leadership Convening.

Resources

1. Examples of MOU's between the Forest Service & Water Utilities:
 - [Denver Water \(CO\)](#)
 - [Aurora Water \(CO\)](#)
 - [City of Santa Fe \(NM\)](#)
2. [National Partnership Office - US Forest Service](#)
3. Still stuck? [Email us!](#) The Watershed Investment Network has a great team of pro bono experts. Although we can't provide legal advice or an in-depth review of your situation, we can point you in the right direction.

The team that brought you this overview:

Mike Anderson, The Wilderness Society; Polly Hays, USFS, Rocky Mountain Region;
Dale Lyons, The Nature Conservancy NM; Chris Savage, USFS, National Office;
Anne Zimmermann, retired USFS Director of Wildlife, Water & Rare Plants.

Carpe Diem West guides a collective impact network of diverse leaders working to address the effects of climate change and create water security solutions for people and the environment of the American West.

The **Healthy Headwaters Alliance** is a coalition of water utilities, elected officials, land managers, scientists, conservationists, recreationists, and business leaders working to promote the health and resilience of headwaters that provide water security to communities across the American West.

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