

## **Memorandum of Understanding**

### **Between all members of the U.S North American Bird Conservation Initiative Committee to adopt the goals, recommendations, and action items stated in the 2007 report of the NABCI Monitoring Sub-Committee, “Opportunities for Improving Avian Monitoring”**

**May 2007**

This Memorandum of Understanding (MOU) is entered into between the members the U.S. North American Bird Conservation Initiative Committee, herein referred to as the Committee, a public-private coalition whose mission is to improve the conservation of birds and their habitats in the United States, that have signed this MOU. Committee member organizations are listed in the Attachment to this MOU.

#### **A. Purpose**

The purpose of this MOU is to contribute to the conservation of birds and their habitats in the United States by enhancing the effectiveness and efficiency of monitoring activities. Although current and past monitoring programs have provided critical information to bird conservation and management over the years, improvements are still needed. Incorporation of quality standards into monitoring programs, use of similar protocols for data collection, and coordination of monitoring among agencies, organizations, and initiatives have the potential to greatly improve results and outcomes, which will ultimately boost support for bird conservation. Moreover, greater sharing of monitoring and evaluation information among conservation partners is needed to increase knowledge about ecological systems and enhance decision-making.

The Committee established the Monitoring Subcommittee in 2005 to provide technical expertise and recommendations for improving bird monitoring. The Subcommittee is made up of federal agencies, state agencies, non-governmental organizations, and bird initiative representatives. The Subcommittee also encouraged participation from Canada and Mexico. The Subcommittee met several times between May, 2005 and January, 2007, and developed recommendations in their report “Opportunities for Improving Avian Monitoring” that they submitted to the Committee in February 2007. The strategy for enhancing the effectiveness and efficiency of monitoring activities is to adopt the goals and actions recommended in that report.

By adopting the goals and actions recommended in the report, the Committee members agree to take a leadership role and to work collaboratively with other Committee members on the recommended action items. These actions are intended to complement and support existing collaborative partnerships, Joint Ventures, planning efforts, programs, and activities associated with the Committee.

## **B. Authorities**

Many of the Committee members are federal and state agencies with authority to manage bird populations and their habitats. This MOU is entered under the provisions of the following statutes and executive orders:

Alaska National Interest Lands Conservation Act of 1980 (16 USC 410hh-3233)  
Bald Eagle Protection Act of 1940 (16 U.S.C. 668-668d)  
Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)  
Fish and Wildlife Act of 1956 (16 U.S.C. 742 et seq.)  
Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2911)  
Fish and Wildlife Coordination Act (16 U.S.C. 661-667)  
Migratory Bird Conservation Act (16 U.S.C. 715-715d, 715e, 715f-715r)  
Migratory Bird Treaty Act (16 U.S.C. 703-711)  
Multiple-Use Sustained-Yield Act [of 1960] (16 U.S.C. 528-531)  
National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.)  
National Environmental Policy Act of 1969 (42 U.S.C. 4300 et seq.)  
Public Rangeland Improvement Act of 1978 (43 U.S.C. 1901 et. seq)  
Responsibilities of Federal Agencies to Protect Migratory Birds, Executive Order 13186, (66 FR 3853)  
Sikes Act (16 USC 670a-670o)

## **C. Statement of Mutual Interest and Benefit**

Committee members agree that birds are an important component of biological diversity, and that their conservation and management will help sustain ecological integrity, as well as meet the growing public demand for outdoor recreation, conservation education and wildlife viewing opportunities.

Committee members also agree that monitoring, and the subsequent act of evaluation, is an integral component of an iterative, science-based approach to bird conservation and management. The value of monitoring and evaluation is often judged by how well information is regularly integrated into decision-making for management or conservation. Therefore, it is essential to ensure that this integration is in place at the inception of any monitoring activity and that data collection and analysis are statistically sound and designed to provide useful information for decision-makers and managers.

Committee members agree that this MOU shall be implemented to the extent permitted by law and in harmony with missions, authorities, and goals of each respective member.

## **D. Committee Members Shall Use Their Best Efforts To:**

1. Adopt the goals stated in the February 2007 report of the Monitoring Subcommittee entitled, “Opportunities for Improving Avian Monitoring”, which are as follows:
  - a. Fully integrate monitoring into bird conservation and management practices and ensure that monitoring is aligned with management and conservation priorities.
  - b. Coordinate monitoring programs among organizations and integrate them across spatial scales to solve conservation or management problems effectively.
  - c. Increase the value of monitoring information by improving statistical design.
  - d. Maintain bird population monitoring data in modern data management systems. Recognizing legal, institutional, proprietary, and other constraints provide greater availability of raw data, associated metadata, and summary data from bird monitoring activities and programs.
  
2. Take leadership toward accomplishing these goals. For example,
  - a. Promote collaborative inventory, monitoring, management studies, research, and information exchange, at the appropriate scale, related to the conservation of migratory birds and management of their habitats.
  - b. Support and promote broad scale bird monitoring programs such as the USGS Breeding Bird Survey (BBS), Monitoring Avian Productivity and Survivorship (MAPS), the Program for Regional and International Shorebird Monitoring (PRISM), and others.
  - c. Promote and contribute migratory bird population and habitat data to interagency partnership databases: National Biological Information Infrastructure (NBII), the Breeding Bird Research and Monitoring Database (BBIRD), Avian Knowledge Network (AKN), the Waterbird Monitoring Partnership Database (WMPD), the Natural Resources Monitoring Partnership (NRMP), and other databases that meet the needs of the Committee.
  
3. Disseminate this MOU and associated report among personnel within each of the Committee members’ organizations.

## **E. Definitions**

Joint Venture - a regional self-directed partnership of federal, state and local agencies, tribes, non-government organizations, corporations and individuals that has formed to deliver the objectives of national or international bird conservation initiatives.

## **F. It is Mutually Agreed and Understood That:**

1. This instrument does not create any legal binding obligations.
2. This instrument in no way restricts any Committee member from participating in similar activities with other public or private agencies, governments, organizations, or individuals.
3. This instrument in no way diminishes or takes the place of the respective Committee members' requirements for conducting specific monitoring activities.
4. This instrument is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the Committee members 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 Committee members and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award of any contract or other agreement. Any contract or agreement for training or other service must fully comply with all applicable requirements for competition.
5. Meetings will be scheduled periodically to review progress and identify opportunities for advancing the agreements of this MOU.
6. This MOU does not require changes to current contracts, permits, or other third party agreements.
7. This MOU is intended only to improve leadership and collaboration regarding avian monitoring, and does not create any right or benefit, substantive or procedural, separately enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.
8. Modifications within the scope of the instrument shall be made by mutual consent of all the signatories, by the issuance of a written modification, signed and dated by all Committee members, prior to any changes taking effect.
9. Any Committee member may chose to no longer participate in this instrument, in whole or in part, at any time before the date of expiration by providing the other Committee members with a written statement to that effect without affecting the implementation of the agreement.
10. This MOU shall be implemented to the extent permitted by law and subject to the availability of funding, and in harmony with missions and authorities of each Committee member.

11. This instrument is executed as of the last date signed below and expires no later than 5 years, at which time it is subject to review and renewal, or expiration.


**G. Principal contacts**


The principal contacts for this instrument are the co-chairs of the NABCI Monitoring Sub-Committee:


Paul Schmidt, Assistant Director  
Division of Migratory Bird Management  
USDI Fish and Wildlife Service  
4401 N. Fairfax Drive, Ste. 634  
P.O. Box 96090  
Arlington, VA 22203

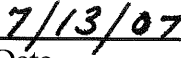
Beatrice Van Horne, Wildlife Research Program Leader  
USDA Forest Service Research and Development  
Rosslyn Plaza C, 4th Floor  
1601 N. Kent St., Arlington, VA 22209

**The Parties Hereto have executed this agreement as of the last date shown below.**

  
\_\_\_\_\_  
Bruce McCloskey  
Colorado Division of Wildlife  
Representing the Association of Fish and Wildlife Agencies

  
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Date

  
\_\_\_\_\_  
Dale Hall  
Representing the U.S. Fish and Wildlife Service

  
\_\_\_\_\_  
Date

*Greg Butcher*

5/14/07

Greg Butcher  
Representing the National Audubon Society

Date

*Steve Williams*

5/14/07

Steve Williams  
Representing the Wildlife Management Institute

Date

*Dave Pashley*

5/23/07

Dave Pashley  
Representing the American Bird Conservancy

Date

*Gary Myers*

5/25/07

Gary Myers  
Tennessee Wildlife Resources Agency  
Representing Partners in Flight

Date

*Jim Kushlan*

8 15 07

Jim Kushlan  
Representing the Waterbird Conservation for the Americas

Date

*Catherine Hickey*

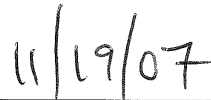
06/06/07

Catherine Hickey  
Point Reyes Bird Observatory Science  
Representing the U. S. Shorebird Conservation Plan

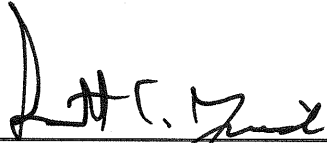
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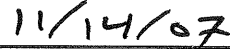
Dave Mehlman  
Representing The Nature Conservancy




Date



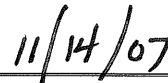
Scott Yaich  
Representing Ducks Unlimited, Inc.



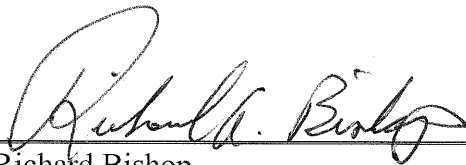
Date




Breck Carmichael  
South Carolina Department of Natural Resources  
Representing the Resident Game Bird Working Group



Date



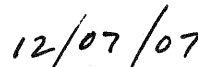
Richard Bishop  
Retired  
Representing the North American Waterfowl Management Plan



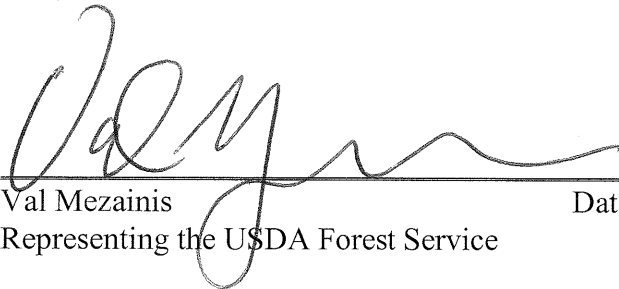
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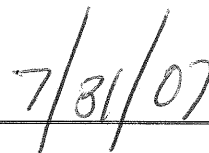
Vernon Bevill  
Texas Parks and Wildlife  
Representing the National Flyway Council



Date



Val Mezainis  
Representing the USDA Forest Service



Date

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Kirk Nelson  
Nebraska Game and Parks Commission  
Representing the Association of Joint Ventures Management Board

Date

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*Alex A. Beehler*

*6/25/07*

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Alex A. Beehler  
Representing the Department of Defense

Date

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John Johnson  
Representing the Farm Service Agency

Date

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Arlen Lancaster  
Representing the Natural Resources Conservation Service

Date

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*Duane S Shroufe*

*1-30-08*

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Duane Shroufe  
Arizona Game and Fish Department  
Representing the Migratory Shore/Upland Game Bird Working Group

Date

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*Kevin R Biscoe*  
For: James L. Caswell  
Director, Bureau of Land Management

*11/2/07*

Date

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*Susan Haseltine*

*12-17-07*

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Sue Haseltine  
Representing the U.S. Geological Survey

Date