

For: State Offices

**Memorandums of Understanding (MOU's)**

Approved by: Acting Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

FSA is:

- the lead USDA Agency in National Environmental Policy Act (NEPA) reviews
- responsible for the final NEPA product
- responsible for final product decisions for actions under all programs that FSA administers.

For NEPA, Endangered Species Act, Section 7, and National Historic Preservation Act, Section 106, it may be necessary to develop MOU's with other Federal or State entities such as NRCS, U.S. Fish & Wildlife Service, or State Historic Preservation Offices. MOU's:

- may be a requirement of mitigation
- can be required before FSA can move forward with program implementation
- must adhere to **all** FSA environmental requirements, policies, and directives.

**B Purpose**

This notice informs all FSA State Environmental Coordinators (SEC's) of procedures required when developing and finalizing MOU's, to ensure consistency with current FSA NEPA, historic preservation, and environmental compliance requirements.

**C Contact Information**

If there are questions about this notice, contact Matthew T. Ponish, CEPD, National Environmental Compliance Manager by either of the following:

- e-mail to **mathew.ponish@wdc.usda.gov**
- telephone at 202-720-6853.

<b>Disposal Date</b>	<b>Distribution</b>
October 1, 2007	State Offices

## Notice EQ-126

### 2 MOU Approval Process

#### A Submitting and Finalizing MOU's

All MOU's, related to the following, **must** have CEPD's written approval before finalization and signature:

- Endangered Species Act, Section 7
- National Historic Preservation Act, Section 106
- environmental compliance under any law
- historic properties and cultural resources under any law
- NEPA.

This table provides steps to be taken for MOU's.

Step	Action
1	SEC submits draft MOU to CEPD for review.
2	CEPD reviews the draft MOU to ensure that all proposed FSA actions are written according to 7 CFR Part 799, Rural Development Instruction 1940-G, 1-EQ, and other appropriate environmental and historic preservation laws.
3	CEPD forwards the draft MOU, with any recommended changes, to OGC for legal sufficiency review.
4	CEPD returns the reviewed MOU to SEC with any recommended changes or edits.
5	SEC resubmits the draft MOU to CEPD, if any party proposed additional changes after CEPD's initial review.  <b>Note:</b> If no changes were proposed, SEC can finalize MOU and obtain all appropriate signatures.
6	SEC provides a cover letter, signed by SEC, with a hard copy of the finalized and signed MOU to CEPD at the following address:  USDA-FSA-CEPD ATTN: Mathew T. Ponish 1400 Independence Ave SW STOP 0513 Washington DC 20250-0501.

### 3 Action

#### A SED Action

SED's shall ensure that the instructions in this notice are followed.

#### B SEC Action

SEC's shall ensure that all NEPA, historic preservation, or environmental-compliance related MOU's prepared, are written according to this notice.