Memorandum of Understanding

between the

_____ Soil Conservation District

and the

United States Department of Agriculture

Natural Resources Conservation Service

This Memorandum of Understanding establishes the foundation for an enduring cooperative working relationship between the _____ Soil Conservation District and the USDA Natural Resources Conservation Service (NRCS).

Whereas the _____ Soil Conservation District and the NRCS have the common objective of helping bring about the wise conservation of land, water and related resources, they have determined it mutually beneficial to enter into this cooperative working relationship on this day of _____.

A. What the _____ Soil Conservation District will do.

1. Establish District policy that District Technical Staff, while performing conservation technical assistance activities according to NRCS standards, specifications, and policies, be under the direct technical supervision of the NRCS District Conservationist for the purpose of carrying out technical work on Federal, State or District programs or activities.

2. Work with and assist District Technical Staff to complete the required training and submit required work for review as necessary to obtain engineering job approval authority in accordance with NRCS' National Engineering Manual and applicable Tennessee supplements. In the absence of engineering job approval authority being granted to the District employee, require that any engineering design or other work, covered by such authority and completed by the District employee, be reviewed and approved in writing by the NRCS District Conservationist.

B. What the NRCS will do:

1. Authorize engineering job approval authority, as earned, to _____ for carrying out technical work while under the technical supervision of the NRCS District Conservationist.

2. Provide services of qualified personnel and logistical support necessary to carry out such work.

3. Provide technical guidance in accordance with Tennessee NRCS standards and specifications as defined in the Field Office Technical Guide and other related technical standards used by NRCS.

4. Provide direct technical supervision to _____ while carrying out technical work.

C. It is further understood:

1. Either party may provide such additional services, equipment, facilities, materials, and arrangements as may be required to achieve the common objectives.

2. The relationship described herein is that of cooperating agencies, except that while carrying out technical work, _____ may be considered a person acting on behalf of a federal agency for the purposes of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq. Whether a person is considered a federal employee for this purpose is a question of fact to be determined in each case. However, at a minimum, the District employee must be specifically assigned to NRCS to carry out NRCS work under the direct technical supervision and control of employees of the Service. If he or she is determined to be a federal employee for the purposes of the Act, he or she will be protected by the Act and may be provided representation by the Federal Government.

3. Any working relationship between _____ Soil Conservation District and the NRCS will be that of cooperating agencies to achieve a common objective and not one of procurement of services.

4. This MOU must become effective when signed by both parties and must continue until terminated in accordance with item number 5 of this section.

5. This MOU may be terminated by either party giving five (5) days written notice to the other party.

6. All programs with support from this MOU must be in compliance with the non-discrimination provisions contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1989 (Public Law 100-259); and other non-discrimination statutes; namely, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. They will also be in accordance with the regulations of the Secretary of Agriculture (7 CFR-15, Subparts A and B), which provide that no person in the United States must on the grounds of race, color, national origin, age, sex, religion, marital status, or handicapped be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial and/or technical assistance from the Department of Agriculture or any agency thereof.

_____ SOIL CONSERVATION DISTRICT	USDA-NATURAL RESOURCES CONSERVATION SERVICE
By: _____ (Signature)	By: _____ (Signature)
Title: _____	Title: State Conservationist
Date: _____	Date: _____