

Overview of Management Agreements

Cooperative Agreement: A written legal instrument reflecting a relationship between the NPS and a state or local government, tribal government, or other nonfederal recipient in which the principal purpose is to transfer money, property, services, or anything of value to the state or local government or other recipient to stimulate or support a public purpose authorized by federal statute. Substantial involvement is anticipated between the NPS and the state or local government or other recipient during performance of the contemplated activity.

National Park Service General Agreement (formerly known as a Memorandum of Agreement or Understanding [MOA or MOU]): Documents mutually agreed upon policies, procedures, objectives, and/or assistance relationships that do not involve funding. The enabling park legislation or the general management authorities under 16 U.S.C. §§1-3 are the legal authorities for this type of agreement.

Relevant Appalachian Trail Agreements

1970 ATC- NPS Memorandum of Agreement: Following adoption of the National Trails System Act, this agreement officially recognized consistent Trail management and authorized ATC's traditional stewardship of the A.T. in partnership with the National Park Service.

1984 ATC-NPS Memorandum of Agreement: Also known as the "delegation" agreement, this agreement stated that ATC would *"serve as the guarantor that Appalachian National Scenic Trail and NPS acquired lands are managed satisfactorily to National Park Service policies and Appalachian Trail Conference By-laws, Constitution, and Board adopted policies and Trail standards, which are described in the Appalachian Trail Conference's Local Management Planning Guide, and Trail Design, Construction, and Maintenance. With concurrence of the National Park Service, said documents may be amended from time to time to reflect experience and changing Trail conditions."*

It also stated that ATC would redelegate day-to-day responsibility to A.T. clubs and would ensure that all delegated management responsibilities conform to statutory provisions of federal laws and regulations. While the 1970 ATC–NPS agreement acknowledges a great deal of involvement by ATC and affiliated A.T. clubs to design, construct, and steward the Trail, it did not extend the legal responsibilities to guarantee conformance with federal laws. That agreement was renewed in 2004.

Both the 1984 and 2004 MOUs were signed concurrently with cooperative agreements that served to transfer funds from NPS to ATC and included more specific statements of work. The MOUs acknowledge that the Cooperative Agreements take precedence over the MOU with respect to all work performed under that agreement. ATC-NPS Cooperative Agreements were updated in 1994, 2004, and most recently in 2014. Each update supersedes earlier versions.

The 2014 Cooperative Agreement did *not* have an accompanying MOU, instead it merged the earlier Memorandum of Understanding with the new agreement. The merged language does not "delegate" responsibilities, but highlights the historical context of the long-standing relationship between the ATC and the Park Service. This was intentional, as staff of both the NPS A.T. Office and ATC recognized the complexities of "delegating" responsibilities in what truly is a cooperative relationship. There has always been significant collaboration between ATC and NPS. The word delegation implied that there was not regular collaboration on a number of management decisions did not reflect the true nature of the day-to-day work. Most notable in the 2014 renewal is emphasis on language that reflects collaboration in program development and implementation. The 2014 Cooperative Agreement also does not indicate or imply that ATC is the "guarantor" as stated in previous MOUs.

There also are U.S. Forest Service (USFS) agreements with NPS and separately with ATC that date to the 1980s. Discussions are underway to develop a triad General Agreement among the ATC, NPS, and USFS.

State General Agreements: Lands acquired by the federal agencies do not represent the whole story of Trail protection and management. States have played an important role, and numerous agreements exist among Trail clubs, ATC, and local, state, and federal agencies to articulate management roles and responsibilities at the local or state level.

ANSTAC) signed a Trailwide MOU that committed all parties (federal agencies, states, and ATC) to supporting Trail protection and management efforts as defined in the management principles of the *A.T. Comprehensive Plan* (described below in more detail).

In particular, “the ANSTAC Agreement” called on states to “step up” their commitment to Trail management, visitor information and education, and support of the cooperative management system. The ANSTAC agreement envisioned a series of state-level agreements to further define the relationships among the principal partners for that state (Trail clubs, cooperating state agencies, ATC, and NPS), recognize the legislation, existing plans, and agreements on which the state agreement is built, commit all partners to mutual consultation on Trail issues, and provide protections to state owned corridor sections, including recognizing ATC and the clubs of management responsibilities on those state lands. These are often referred to as “State MOU’s.” Below is a table of the current status of state agreements.

ATC–Trail Club Agreements: In 1997, then-ATC Chair Dave Field developed agreements which were signed by ATC and each of the then-existing Trail clubs. The agreements specified each club’s responsibilities for maintenance and management of the Trail, its associated corridor lands, and related resources. Those agreements had no expiration date.

A new Memorandum of Understanding (MOU) template is under development. It reflects contemporary roles and responsibilities to be used for updating ATC-Club MOUs. The MOU outlines each Trail club’s basic responsibilities:

- Maintain the A.T. and A.T. related facilities in accordance with the ATC’s current published standards;
- Regularly review and revise documents and agreements that describe the relationship of all A.T. management partners, including MOUs and the club’s Local Management Plan (LMP), and participate in developing and revising ATC policies;
- Appoint one representative and at least one alternate to its Regional Partnership Committee or RPC (described in ATC section below), participate in RPC meetings, and work with other clubs to provide leadership for the RPC;
- Monitor and maintain boundaries on A.T. corridor lands acquired by the NPS (for clubs with those lands on their Trail section).

Clubs may also agree to assist with management and monitoring of natural resources and/or cultural resources; support community outreach and engagement, and assist in the development of public information and education programs to enhance the use, enjoyment, and protection of the A.T., including proactive engagement with social, cultural, and age diverse communities.

Status of State MOUs

Statewide MOUs	Start Date	Expires	Status	Planned Renewal	Agreement #
MAINE Statewide MOU	6/28/72	none	In effect, but outdated	2020	CA-0631-72-03
NEW HAMPSHIRE Statewide MOU	3/2009	3/2019	MOU signed with Gov. John Lynch March 2009	2019	MOU 2490-09-002
VERMONT Statewide MOU	11/30/82	11/30/87	None. Meetings held 4/27/12 and 3/22/13 GMNF	2019	Proposed 2013-14
MASSACHUSETTS Statewide MOU	6/16/03	6/15/13	MA-DCR and club initiate renewal Mar-2013	2016-2017	MOU 2490-01-003
CONNECTICUT Statewide MOU	6/1/12	5/31/22	New MOU signed June 1, 2012	2022	
NEW YORK Statewide MOU	6/17/14	6/16/24	Labeled "4/8/14"	2024	MOU 2490-14-002
NEW JERSEY Statewide MOU	4/29/99	4/29/09	Lapsed	2017-2018	MOU 2490-99-001
PENNSYLVANIA Statewide MOU	6/2/06	6/1/16	In effect. One of our finest and broadest State MOUs	2017	(No number apparent)
MARYLAND Statewide MOU	8/13/02	8/13/12	In effect	2017	MOU 2490-02-002
WEST VIRGINIA Statewide MOU	10/30/75	none	In effect, but outdated	2020	CA-0631-75-01
VIRGINIA Statewide MOU	Jan 14, 2010	Jan 2020	Signed Jan 2010	2020	2490-10-002
TENNESSEE Statewide MOU	7/5/72	none	In effect, but	2018	CA-0631-72-04

			outdated		
NORTH CAROLINA Statewide MOU	5/26/71	none	In effect, but outdated	2018	CA-0631-71-04
GEORGIA Statewide MOU	5/4/72	none	In effect, but outdated	2019	CA-0631-72-01

Status of National Park Unit MOUs

NPS Park Unit MOUs	Start Date	Expires	Status		Agreement #
NPS-Delaware Water Gap NRA MOU	3/31/97	3/31/07	Lapsed	2017-2018	MOU 2490-97-010
NPS-C&O Canal NHP MOU	11/16/01	11/15/06	Lapsed	2017-2018	MOU-2490-02-001
NPS-Harpers Ferry NHP MOU	9/21/98	9/21/08	Lapsed	2016 (working on renewal currently)	MOU-2490-98-002
NPS-Shenandoah NP MOU	July 2009	July 2013	Propose for 2014	2018	MOU-2490-09-001
NPS-Blue Ridge Parkway MOU	4/19/12	4/18/22	Renewed in 2012	2022	MOU 2490-12-002
NPS-Great Smoky Mountains NP MOU	4/8/96	4/8/06	New draft proposed 9/2012	2018	MOU 2490-95-001
NPS-Acadia NP MOU	4/20/99	4/20/04	Lapsed	2019	MOU-2490-99-006

Special MOUs

ATC-NPS-USFS Saw-Training MOU	8/10/14	8/9/19	Renewal negotiation begun 3/22/13. Final signatures added August 10, 2014 at ATC Volunteer Leadership Meeting	NPS: MOU-2490-14-001 USFS: 14-MU-11083150-021
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