

**FEDERAL NATIVE PLANT CONSERVATION  
MEMORANDUM OF UNDERSTANDING**  
among the  
**BUREAU OF LAND MANAGEMENT**  
and the  
**DEPARTMENT OF DEFENSE**  
and the  
**FEDERAL HIGHWAY ADMINISTRATION**  
and the  
**U.S. GEOLOGICAL SURVEY**  
and the  
**NATIONAL PARK SERVICE**  
and the  
**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**  
and the  
**USDA AGRICULTURAL RESEARCH SERVICE**  
and the  
**USDA FOREST SERVICE**  
and the  
**USDA NATURAL RESOURCES CONSERVATION SERVICE**  
and the  
**U.S. FISH AND WILDLIFE SERVICE**

This Memorandum of Understanding is made and entered into by and between the Bureau of Land Management, Department of Defense, Federal Highway Administration, U.S. Geological Survey, National Park Service, Office of Surface Mining Reclamation and Enforcement, United States Department of Agriculture (USDA) Agricultural Research Service, USDA Forest Service, USDA Natural Resources Conservation Service, and the U.S. Fish and Wildlife Service, hereinafter referred to as the Committee or as Members.

**I. PURPOSE**

The purpose of this MOU is to establish and describe a Federal Native Plant Conservation Committee. The Committee will identify and recommend, as appropriate, priority conservation needs for native plants and their habitats and coordinate implementation of programs for addressing those needs. A native plant species is one that occurs naturally in a particular habitat, ecosystem, or region of the United States and its Territories or Possessions, without direct or indirect human actions. Recognizing that native plant species are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people, the Committee's priorities will be driven by the following vision:

**For the enduring benefit of the Nation, its ecosystems, and its people, the signatories to this Memorandum of Understanding will strive to conserve and protect our native plant heritage by ensuring that, to the greatest extent feasible, native plant species and communities are maintained, enhanced, restored, or established on public lands, and that such activities are promoted on private lands.**

## **II. STATEMENT OF MUTUAL BENEFITS AND INTERESTS**

Native plants are a key component of national and global biodiversity conservation efforts. Native plants and their communities support ecosystem functions vital to a healthy, productive, and beautiful environment. Native plants also provide innumerable direct and indirect benefits to the Nation's wildlife, its people, and its economy.

The native flora of the United States includes about 15,300 species of flowering plants, or about 7 percent of the world's total, the world's oldest and largest conifers, and a wealth of other vascular and non-vascular plants. All these groups face challenges in the form of habitat loss and alteration, competition and predation by invasive species, and in some cases over-exploitation for human use.

Opportunities exist for native plant preservation and conservation at Federal, State, Tribal, and local government levels, among public and private land managers, conservation organizations, and the interests of individual citizens. Protection and conservation of areas of highly diverse or rare native plants is key to conserving the Nation's biodiversity and may convey additional benefits to species of both plants and animals that otherwise could become imperiled.

Numerous opportunities exist to employ native plants in a variety of federally implemented, funded, authorized, or permitted activities. For example, native plants can be used to revegetate road and other construction sites, or to assist the stabilization and recovery of wildfire burn sites. Native plants are an essential element of habitat restoration efforts at scales ranging from isolated wetlands to large regional efforts such as the *BayScapes* program which encompasses the entire 64,000 square mile Chesapeake Bay watershed.

Plants represent over half of all species federally listed as endangered and threatened species in the United States. As of August 2006, 1,310 native plant and animal species were federally listed as endangered or threatened in the United States. Of these, 566 were animals, and 744, or 57 percent, were plants. Federal lands provide habitat for more than 200 listed plant species and one-fourth of the known occurrences of listed plants. Careful management of these lands can help maintain our Nation's plant heritage. Federal agencies also have the expertise to assist non-Federal land managers in plant conservation and protection efforts. Innovative partnerships are needed among public and private sectors, nationally and internationally, to conserve native plants and their habitats before they become critically endangered.

### **III. AUTHORITIES**

This Memorandum of Understanding is made and entered into pursuant to the provisions of the following statutes:

1. Bureau of Land Management: Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737(b), section 307(b) (1988), as amended by P.L. 98-540 (98 Stat. 2718) Oct. 24, 1984.
2. National Biological Survey: Secretarial Order No. 3173, September 29, 1993.
3. National Park Service: National Park Service Organic Act of 1916, 16 U.S.C. 1 (1988); Economy Act of 1932, 31 U.S.C. 1535 (1988); Fish and Wildlife Coordination Act, 72 Stat. 563, 16 U.S.C. 661 (1988).
4. USDA Forest Service: Economy Act of 1932, 31 U.S.C. 1535 (1988); Multiple Use-Sustained Yield Act of 1960, 16 U.S.C. 528-531.
5. USDA Soil Conservation Service: Soil Conservation and Domestic Allotment Act of 1935, P.L. 74-46 (49 Stat. 163, 16 U.S.C. 590a-f).
6. U.S. Fish and Wildlife Service: Endangered Species Act of 1973, 16 U.S.C. 1531-1548 (1988); Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2912 (1988); Fish and Wildlife Act of 1956, 16 U.S.C. 742f (1988); Fish and Wildlife Coordination Act, 16 U.S.C. 661 (1988).
7. Federal Highway Administration: Surface Transportation and Uniform Relocation Assistance Act of 1987, Section 130, Wildflowers, 23 U.S.C. 319(B) (P.L. 100-17).
8. U.S. Department of Defense: Sikes Act (16 USC 670a-670o, as amended)

### **IV. COMMITTEE MEMBERSHIP, STRUCTURE, AND OPERATIONS**

The Committee members mutually agree that:

1. Membership on the Committee is open at any time to any Federal body interested in taking an active role in a native plant conservation program. Membership becomes official at such time as the Memorandum of Understanding is signed by the head of the Federal body or a designee thereof.
2. A member agency may designate one official (with one alternate) to serve as its representative to the Committee, who will attend scheduled meetings at his or her agency's expense. Each member agency will inform the Committee, in writing, of the name and position of its representative and alternate, or of any changes in same.

3. The Committee shall establish its own working rules, including a procedure for designating the Chair. The position of Committee Chair shall rotate every two years to a different member agency.

4. The Committee shall meet a minimum of once per year. Additional meetings may be scheduled as agreed to by the Committee, and may include meetings at field locations.

## **V. COMMITTEE RESPONSIBILITIES**

The Committee members mutually agree that the Committee will:

1. Develop and serve as a forum for coordination and implementation of a national native plant conservation program, consisting of public education and outreach, research, conservation actions, native plant materials development coordination, databases and information exchange, and international programs. The Committee shall continue to further its goals and objectives for a national native plant conservation program.

2. Encourage Committee members to take appropriate action within the limits of their respective authorities, policies, and budgets.

3. Encourage Committee members to coordinate program implementation with State natural resource agencies and natural heritage programs where appropriate, and promote cooperative efforts with States, Tribal land managers, and local, national, and international conservation organizations through existing agreements or through establishment of new agreements.

4. Evaluate implementation of the Memorandum of Understanding on a regular basis to determine how effectively objectives are being met.

## **VI. WORKING GROUPS**

1. Working Groups may be formed or disbanded as needed, at the discretion of the Committee, consistent with the applicable requirements of the Federal Advisory Committee Act. Membership will consist of experts from both public and private sectors.

2. Working Groups will be formed to determine needs for public education/outreach, research, conservation actions, databases/information exchange, international programs, and to address other issues as agreed to by the Committee.

3. Working Groups will report regularly to the Committee on their deliberations including planning, coordination, facilitation, and implementation of actions recommended or developed by the Working Groups or by the Committee.

4. Working Groups representing geographic regions will be established to identify regional management needs for native plants and activities of Federal, State, and private interests within the regions. The geographic regions will be determined by the Committee.

## **VII. COOPERATORS**

1. Any Federal body not desiring formal representation on the Committee, and any State agency, private organization or individual, or foreign government agency interested in native plant conservation, may become a Cooperator upon acceptance of a written request to the Committee Chair. Cooperators may attend meetings of the Committee as observers, participate in informal open forums with the Committee, and participate in Working Groups. Cooperator agencies and organizations may designate one individual as a contact person, informing the Committee Chair in writing of the selection and of any changes in same. A Cooperator may withdraw upon 30-day written notice.

2. As of July 2006, 263 governmental and non-governmental organizations have Cooperator status. The complete list is at Attachment 1.

## **VIII. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SIGNATORIES TO THIS MEMORANDUM OF UNDERSTANDING AND COOPERATORS THAT:**

1. This Memorandum of Understanding in no way restricts participants from involvement in similar activities with other public and private agencies, organizations, and individuals.

2. Nothing in this Memorandum of Understanding shall be construed as obligating Committee members or Cooperators to expend funds or to provide resources or be involved in any obligation for future payment of money or provision of resources.

3. Modifications within the scope of this Memorandum of Understanding shall be made by formal consent of the parties, by the issuance of a written modification, signed and dated by the parties, prior to any changes becoming effective.

4. Any Committee member may terminate or withdraw membership in whole or in part at any time before the date of expiration, by providing 30-day written notice to the Committee Chair.

5. This Memorandum of Understanding is neither a fiscal nor a funds-obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this instrument 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 parties 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 to any Committee member of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

6. This instrument expires no later than September 30, 2008, at which time it is subject to renewal through review and amendment, by extension, or by reauthorization by the participating Federal agencies (Committee).

## **IX. GENERAL REQUIREMENTS**

1. The program or activities conducted under this Memorandum of Understanding will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (P.L. 100-259); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.

2. No member of, or Delegate to, Congress shall be admitted to any share or part of this instrument, or any benefits that may arise therefrom.

## **X. EFFECTIVE DATE**

IN WITNESS WHEREOF, the parties hereto have entered into this reauthorization of the Federal Native Plant Conservation Memorandum of Understanding originally signed May 25, 1994, as evidenced by their signatures below. The Federal Native Plant Conservation Memorandum of Understanding remains viable as long as at least two Federal bodies remain Committee members. The renewal of the Federal Native Plant Conservation Memorandum of Understanding is effective upon the date of the second agency signature and will remain in effect for a period of five years, or until such time prior to this date that it is subject to review and amendment.

Alex A. Beehler

Alex A. Beehler  
Assistant Deputy Under Secretary of Defense  
(Environment, Safety and Occupational Health)

9/1/06

Date

For the:  
**Federal Native Plant Conservation Memorandum of Understanding**

ATTACHMENT 1: PLANT CONSERVATION ALLIANCE - FEDERAL NATIVE PLANT CONSERVATION COMMITTEE  
**MEMBERS AND COOPERATORS**

*The Federal Committee is currently comprised of ten agencies and representatives:*

Bureau of Land Management: Peggy Olwell, Endangered Species Senior Specialist, Fish, Wildlife & Botany Group, Washington, DC. (Chair)

Department of Defense: Peter Boice, Director of Conservation, Office of the Under Secretary of Defense, Washington, DC.

Federal Highway Administration: Bonnie Harper-Lore, Restoration Ecologist, St. Paul, MN.

National Park Service: Greg Eckert, Terrestrial Restoration Ecologist, Biological Resource Management Division, Fort Collins, CO.

Office of Surface Mining Reclamation and Enforcement: Inhi Hong, Washington, DC.

USDA Agricultural Research Service: Evert Byington, Rangeland, Pasture and Forages, Natural Resources and Sustainable Agricultural Systems, Washington, DC.

USDA Forest Service: Larry Stritch, National Botanist, Range Staff, Washington, DC.

USDA Natural Resources Conservation Service: Bob Escherman, Plant Materials Program Leader, Ecological Sciences Division, Washington, DC.

US Fish and Wildlife Service: John Fay, Biologist, Division of Endangered Species, Washington, DC.

US Geological Survey: Rachel Muir, Imperiled Species Program Coordinator, Biological Resources Discipline, Washington, DC.

*The following 253 organizations have formal Cooperator status with the Committee:*

• Adkins Arboretum (MD) • Albany Pine Bush Preserve Commission (NY) • Alpharetta-Georgia Environmental Education Center & Trillium Trails Botanical Garden (GA) • American Bear Association • American Botanical Council • American Forests • American Herbal Products Association • American Horticultural Society • American Littoral Society • American Public Gardens Association • American Seed Trade Association • American Society of Landscape Architects • American Society of Plant Taxonomists • Anacostia Watershed Society (DC) • Annie E. Blackwell Native Plant Foundation, Inc. (AL) • Applied Ecology, Inc. (MN) • The Arboretum at Flagstaff • Arizona Native Plant Society • Arizona-Sonora Desert Museum • Arnold Arboretum (MA) • Audubon International • Audubon Society of Rhode Island • Audubon Society of Western Pennsylvania • Balcones Canyonlands Preserve (TX) • Berry Botanic Garden (OR) • BG-BASE, Inc. • Biota of North America Program • Birmingham Botanical Gardens (AL) • Bison Land Resource Center (SD) • Bloom, Inc. (MO) • Blue Ridge Parkway Foundation (NC) • Bolsa Chica Land Trust (CA) • Bonestroo Natural Resources (MN) • Botanic Gardens Conservation International (US) • Botanical Liaisons, LLC • Botanical Research Institute of Texas • Botanical Society of America • Botresearch USA (TX) • Boulder County Parks and Open Space Department (CO) • Bowman's Hill Wildflower Preserve (PA) • Brooklyn Botanic Garden (NY) • Butterfly Pavilion and Insect Center (CO) • California Department of Fish and Game • California Invasive Plant Council • California Native Plant Society • Camp Bayou Outdoor Learning Center (FL) • Catalina Island Conservancy (CA) • Center for Invasive Plant Management (MT) • Center for Plant Conservation • The Center for Water-Efficient Landscaping (UT) • Chicago Botanic Garden • Cincinnati Zoo & Botanical Garden (OH) • City of Ballwin (MO) • The Cobb Land Trust, Inc. (GA) • Coevolution Institute • Colorado Native Plant Society • Conway School of Landscape Design (MA) • Cornell Cooperative Extension (NY) • Cornell Plantations (NY) • The Crosby Arboretum (MS) • Dallas Historic Tree Coalition (TX) • Daniel Stowe Botanical Garden (NC) • Denver Botanic Gardens • Desert Botanical Garden (AZ) • Earth Visions Company (PA) • Eastern Panhandle Native Plant Society (WV) • Ecological Society of America • Ernst Conservation Seeds (PA) • Fairchild Tropical Garden (FL) • Fairfax ReLeaf (VA) • Fauna & Flora International • Fern Valley Farms (NC) • FFF Associates, Inc. (CT) • Flora Delaterre Productions • Flora of North America • Florida Native Plant Society • Fountainhead, Inc. (WA) • Four Corners Wildflowers (CO) • Friends of Hemlock Gorge (MA) • Garden Club of America • Garden of Inner Peace (NC) • Gates Rogers Foundation Inc. (AR) • George Safford Torrey Herbarium (CT) • Georgia Native Plant Society • Georgia Plant Conservation Alliance • Go Wild! Consulting (CA) • Good Scents Herb & Flower Co. (NC) • Grand Prairie Friends of Illinois • Granite Seed Company (UT) • Great Plains Herb Growers Association (KS) • Greening the Great River Park (MN) • Growild, Inc. (TN) • Hatcher Garden & Woodland Preserve (SC) • Hawaii ReLeaf • Hawaiian Ecosystems at Risk Project • Healing Planet Herbs, Inc. (CO) • Herb & Botanical



Alliance (NJ) • The Herb Society of America, Inc. • The Holden Arboretum (OH) • Ho'olawa Farms (HI) • Hortus West Publications, LLC • Howard County Recreation & Parks Natural Resource Division (MD) • Idaho Department of Fish and Game • Idaho Native Plant Society • Illinois Native Plant Society • Indiana Native Plant and Wildflower Society • Institute for Applied Ecology & Native Seed Network (OR) • Institute for Culture and Ecology (OR) • The Institute for Regional Conservation (FL) • The International Carnivorous Plant Society • Invasive Plant Control, Inc. • Iowa Ecotype Project • Iowa Prairie Network • Irvine Natural Science Center (MD) • Izaak Walton League of America • J.F. New and Associates, Inc. • Janssen Biological (TX) • Ka'ala Farm, Inc. (HI) • Kansas Wildflower Society • Kentucky State Nature Preserves Commission • Kern River Research Center (CA) • Lady Bird Johnson Wildflower Center • Laurel Hill Press (NC) • Laurel Lake (SC) • Learning by the Yard (MA) • Leech Lake Tribal Council (MN) • L.E.M. Natural Diversity (DC) • Lewis Ginter Botanical Garden (VA) • Magee Landscape Consultation & Design (VA) • Manitoga/The Russel Wright Design Center (NY) • Marin Conservation Corps (CA) • Maryland Native Plant Society • Maryland-National Capital Park and Planning Commission • Matthaei Botanical Gardens (MI) • Meadowview Biological Research Station (VA) • Medicinal Plant Specialist Group IUCN/SSC • The Mercer Society (TX) • Mercy Ecology Institute (CT) • Metairie Cemetery Association (LA) • Michigan Botanical Club • Michigan United Conservation Clubs • Mid-Atlantic Exotic Pest Plant Council • Mill Creek Farm (TN) • Mississippi Native Plant Society • Missouri Botanical Garden • Missouri Native Plant Society • Mitchell County Board of Economic Development (TX) • Monarch Watch • Montana Native Plant Society • Montana Natural Heritage Program • The Morton Arboretum (IL) • Mt. Cuba Center for the Study of Piedmont Flora (DE) • Mount Pisgah Arboretum (OR) • Mountain States Wholesale Nursery (AZ) • National Association of Conservation Districts • National Association of Exotic Pest Plant Councils • National Fish and Wildlife Foundation • National Museum of Natural History, Smithsonian Institution • National Wildlife Federation • National Wildlife Refuge Association • Native Botanicals, Inc. (NC) • Native Plant Society of New Mexico • Native Plant Society of Northeastern Ohio • Native Plant Society of Oregon • Native Plant Society of Texas • Native Plants Journal and Native Plant Network • Native Prairies Association of Texas • Native Roadside Vegetation Center (IA) • Native Seed Network • Native Seed Trade Association • Natural Areas Association • The Nature Conservancy • NatureServe • Nebraska Statewide Arboretum • Nevada Native Plant Society • New England Wild Flower Society • New York Botanical Garden • New York Sea Grant • The North Carolina Arboretum • North Carolina Botanical Garden • North Carolina Division of Parks and Recreation • North Carolina Wild Flower Preservation Society • Northside Greenspace, Inc. (OH) • Oakland Terrace Elementary School (MD) • Oklahoma Native Plant Society • Organic Gardening Magazine • The Orion Society • Pacific Biodiversity Institute (WA) • Palouse Prairie Foundation (ID) • Partners for Environmental Justice (NC) • Partners in Parks • Partnerships for New Jersey Plant Conservation • Planta Europa (United Kingdom) • Prescribed Fire Consulting, Inc. (IL) • Rancho Santa Ana Botanic Garden (CA) • Red Butte Garden (UT) • Regional Parks Botanic Garden (CA) • Rhode Island Wild Plant Society • Richters Herbs (Ontario, Canada) • Rodale Institute (PA) • Royal Botanic Gardens, Kew (United Kingdom) • Rural Action • Salato Native Plant Program (KY) • San Antonio Botanical Gardens (TX) • Santa Barbara Botanic Garden (CA) • Sawtooth Community Garden (ID) • Shady Grove Gardens (NC) • Sister Mary Grace Burns Arboretum (NJ) • Slip Up Creek Prairie Science Center (SD) • Society for Conservation Biology • Society for Ecological Restoration International • Society for Parthenium Management (India) • Soil and Water Conservation Society • South Carolina Native Plant Society • Southeast Exotic Pest Plant Council • Southern Appalachian Man and the Biosphere Cooperative • Southern Greenery, Inc. • Southwest Riverside County Multi-Species Reserve (CA) • Strategic Sourcing Inc. (NC) • Sun City Georgetown Nature Club (TX) • Sunny Land Seeds (CO) • Susquehanna Piedmont Preservation Council (PA) • Sweet Grass Gardens (Ontario, Canada) • Tennessee Wildflower Society • Texas Research Institute for Environmental Studies • ThorpeWood (MD) • Ticonderoga Arboretum & Botanical Gardens (VA) • The Town of Long Beach (NC) • TRAFFIC North America • United Plant Savers • United States Botanic Garden • University of Idaho Research Nursery • The Upper Colorado Environmental Plant Center • Utah Native Plant Society • Vail Alpine Garden Foundation (CO) • Virginia Division of Natural Heritage • Virginia Native Plant Society • Washington Native Plant Society • Western North Carolina Tomorrow • Wild Ones Natural Landscapers, Ltd. • A Wild Crafter's Growers Group (MO) • Wildflower Association of Michigan • Wildflower Farm (Ontario, Canada) • Wildflower Magazine • WindStar Wildlife Institute • Winkler Botanical Preserve (VA) • The Wintergreen Nature Foundation (VA) • Wood River Land Trust (ID) • World Environmental Organization • Wyoming Native Plant Society • Wyoming Natural Diversity Database • The Xerces Society • Yellow Creek Botanical Institute (NC) •

10 July 2006