

**UPPER MISSISSIPPI RIVER RESTORATION  
FEASIBILITY REPORT  
WITH INTEGRATED ENVIRONMENTAL ASSESSMENT**

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**BEAVER ISLAND  
HABITAT REHABILITATION AND ENHANCEMENT PROJECT**

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**POOL 14, UPPER MISSISSIPPI RIVER MILES 513.0-517.0  
CLINTON COUNTY, IOWA**

**APPENDIX C**

**DRAFT MEMORANDUM OF AGREEMENT**



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*Beaver Island  
Upper Mississippi River Restoration  
Feasibility Study Report*

*Appendix C  
Draft Memorandum of Agreement*

C. Maintaining aquatic diversity in the Beaver Island backwater by constructing a closure structure at the upstream end of Upper Cut, which will help reduce sediment influx into the complex; and

D. Constructing a chevron, bankline protection, and adding substrate to preserve and enhance Albany Island and Albany Slough for aquatic and mussel habitat.

#### **IV. RESPONSIBILITIES**

##### **A. The Department of the Army Responsibilities:**

**1. Construction.** Construction of the Project consists of excavating backwater channels to provide overwintering and year-round habitat for fish, utilizing excavated material to construct land berms to enhance topographic diversity, planting land berms with native floodplain forest vegetation and trees, conducting timber stand improvement actions such as tree releases, girdling, and interspersed tree plantings, constructing a rock closure at the entrance to Upper Cut to reduce overwintering water velocities and sediment deposition, and placing a rock chevron, bank protection, and substrate on Albany Island to protect and enhance an existing mussel bed.

**2. Major Rehabilitation.** The Federal share of any mutually agreed upon rehabilitation of the Project that exceeds the annual operation and maintenance requirements identified in the Definite Project Report and that is needed as a result of specific storm or flood events.

**3. Construction Management.** Subject to and using funds appropriated by the Congress of the United States, and in accordance with Section 906(e) of the WRDA of 1986, Public Law 99-662, the DOA will construct the Beaver Island, Clinton County, Iowa, Habitat Rehabilitation and Enhancement Project as described in the *Upper Mississippi River Restoration, Feasibility Report with Integrated Environmental Assessment, Beaver Island, Habitat Rehabilitation and Enhancement Project* dated \_\_\_\_\_, 2017, applying those procedures usually followed or applied in Federal projects, pursuant to Federal laws, regulations, and policies. The USFWS will be afforded the opportunity to review and comment on all modifications and change orders prior to the issuance to the contractor of a Notice to Proceed. If the DOA encounters potential delays related to construction of the Project, the DOA will promptly notify the USFWS of such delays.

**4. Maintenance of Records.** The DOA will keep books, records, documents, and other evidence pertaining to costs and expenses incurred in connection with construction of the Project to the extent and in such detail as will properly reflect total costs. The DOA shall maintain such books, records, documents, and other evidence for a minimum of three years after completion of construction of the Project and resolution of all relevant claims arising therefrom, and shall make available at its offices, at reasonable times, such books, records, documents, and other evidence for inspection and audit by authorized representatives of the USFWS.

##### **B. USFWS Responsibilities**

Upon completion of construction as determined by the District Engineer, Rock Island, the USFWS shall accept the Project as part of the General Plans lands managed by the USFWS. It is understood that in accordance with Section 107(b) of the WRDA of 1992, Public Law 102-580, 100 percent of all

costs associated with the operation, maintenance, and repair of the *Beaver Island, Clinton County, Iowa, Habitat Rehabilitation and Enhancement Project* will be borne by the USFWS.

**V. MODIFICATION AND TERMINATION**

This MOA may be modified or terminated at any time by mutual agreement of the parties. Any such modification or termination must be in writing. Unless otherwise modified or terminated, this MOA shall remain in effect for a period of 50 years after initiation of construction of the Project.

**VI. REPRESENTATIVES**

The following individuals or their designated representatives shall have authority to act under this MOA for their respective parties:

The U.S. Fish and Wildlife Service:      Midwest Regional Director  
U.S. Fish and Wildlife Service  
One Federal Drive  
Fort Snelling, Minnesota 55111-4056

The Department of the Army:      District Engineer  
U.S. Army Engineer District, Rock Island  
Clock Tower Building  
P. O. Box 2004  
Rock Island, IL 61204-2004

**VII. EFFECTIVE DATE**

This Beaver Island MOA shall become effective when signed by the appropriate representatives of both parties.

**THE DEPARTMENT OF THE ARMY**

**U.S. FISH AND WILDLIFE SERVICE**

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Craig S. Baumgartner  
Colonel, US Army  
Commander & District Engineer

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Tom O. Melius  
Regional Director, Region 3  
U.S. Fish and Wildlife Service

Dated \_\_\_\_\_

Dated \_\_\_\_\_

