

## CHAPTER 9 - COOPERATING ASSOCIATIONS PROGRAM

9-1. Purpose. This chapter establishes guidance for the USACE Cooperating Associations Program.

9-2. Guidance - General.

a. Cooperating Associations are encouraged at Civil Works water resource projects, fee owned lands and other areas for which the Corps has administrative and management responsibilities.

b. Associations are non-profit, tax-exempt corporations whose partnership with the Corps results in the enhancement of and contributions to the Corps mission, particularly in regard to natural resource management. Agreements will be entered into as determined appropriate by the District Commander.

c. Associations are encouraged at all levels within the Corps Headquarters, Districts, MSCs and Laboratories to accomplish broad goals, natural resource management, interpretation, and visitor service activities.

d. Corps facilities are provided to the Association at no cost if such use is incidental to the normal operation of the facility. This is in recognition of the services that the Association is contributing to the public. If the Association's use of the Corps facility is over and above normal Corps operation costs for the facility, the Corps will be reimbursed at an agreed upon, but nominal cost in recognition of the services that the Association is contributing to the public. Any necessary real estate instruments will be a separate document from the cooperative agreement.

e. Associations encompass organizations which have a wide variety of objectives. Therefore, at any one location the Corps may determine that multiple Cooperative Agreements with an assortment of suitable organizations would be in the public interest.

f. A wide range of programs may be pursued under Agreements, for example; special event planning and sponsorship, habitat improvement, staff and volunteer training, scientific research, membership activities, publications, archeological activities, trail construction and maintenance, interpretive programming, support, and technical assistance. This list should be used as an indicator of possibilities, not as all inclusive.

9-3. Guidance - Administration. An Agreement is required for each Association working with a Corps Civil Works element (see Appendix P). Appendix P is a typical example; however, Agreements should be designed to reflect the specific nature of the activities and/or programs for each Association. At a minimum, the Agreement should provide for the following:

a. Associations will follow all appropriate state and federal laws and regulations to establish and maintain their nonprofit and tax-exempt status. Appendix Q is a sample of a typical Association's articles of incorporation and by-laws.

b. All Agreements will contain provisions for termination, should an Association fail to acquire or maintain its non-profit, tax-exempt status, or to fulfill its purpose as stated in the Agreement.

c. Associations will carry appropriate liability insurance which indemnifies, saves, holds harmless and defends the United States against all fines, claims, damages, losses, judgements and expenses arising out of, or from any omission, or activity of the Association in connection with their Agreement with the Corps.

d. The Association will exercise reasonable care to prevent damage to any government property used, or occupied during its operation and shall, insofar as possible, protect all such property.

e. Donations of services by Associations to the Corps may be accepted consistent with Section 203 of the reference in paragraph o. of Appendix A.

f. The Association will not sell any original artifacts, sacred items, or antiquities to which the Archeological Resources Protection Act, as amended, would apply whether or not such items were discovered on lands owned or controlled by the United States.

g. Corps personnel may not:

(1) serve as voting members of the Board of an Association.

(2) serve as the Treasurer of an Association.

(3) act as the official representative of an Association in any matter with the Corps.

h. Corps personnel may assist the board of an Association, but only in an advisory capacity. However, if an Association has a membership program, Corps personnel may join and participate in membership activities.

i. The Agreement will designate where the Associations may conduct their activities. (Cooperating Associations are encouraged at Civil Works water resource projects, fee owned land, and other areas for which the Corps has administrative and management responsibilities.

j. Associations may provide educational programs and materials that further public understanding of the Corps and/or project mission and its relationship to archeological, natural, historical, cultural, environmental and recreational resources.

k. Associations may conduct activities, special events, or programs which assist the Corps in fulfilling their responsibilities for natural resources management.

l. If any revenues are collected from the Association's activities, memberships, or sales of publications and materials as part of their Agreement with the Corps, they will be used to support the continued operation of the Association and the Corps management effort as detailed in the Agreement.

m. Associations will conduct their fiscal operations in accordance with accepted business practices. This includes the appropriate use of a funds accountability system, purchase orders, receipts, invoices and inventory records. The Corps may review and audit any and all fiscal records at any time during the term of the agreement.

n. As applicable, all activities, special events, programs, hours of operation, logistics, prices, standards of service, and merchandise to be sold are subject to prior approval by the

District Commander, or an authorized representative. Approval should be based upon maximum benefit and service to the public, and if appropriate, quality, suitability and fair-market value of the merchandise.

o. The responsibilities of the Corps and the Association will be clearly and distinctly maintained throughout the life of the Agreement. Specifically:

(1) Principal and alternate points of contact for the Corps and the Association at each location will be established, identified and maintained. The principal point of contact for the Corps should be the individual most directly related with coordinating the Association's activities. For example, at a field project, the Operations Project Manager, or Park Ranger could be the principal point of contact.

(2) Development and management of sales activities, if any, are the responsibility of the Association. However, all aspects of sales activities are subject to prior approval by the District Commander.

(3) Association employees or volunteers will not wear the Corps uniform, nor items of clothing that resemble the uniform.

(4) The Corps will provide the information, support and training necessary to ensure that all Association activities are in compliance with the Corps safety standards, EM 385-1-1. The Association is responsible for conducting all its activities and ensuring that all its personnel comply with all Corps safety requirements.

p. The Association may be granted a license, easement or lease, as appropriate in accordance with ER 405-1-12 for the use of government owned property. (See also paragraph 9-3.d. above.)