

MEMORANDUM OF AGREEMENT

between the

**UNITED STATES DEPARTMENT OF AGRICULTURE
UNITED STATES FOREST SERVICE**

and the

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**

REGARDING RECIPROCITY OF THEIR SAWYER TRAINING, EVALUATION, AND CERTIFICATION PROGRAMS

I. PARTIES

Agriculture (USDA), United States Forest Service (FS) and the United States Department of the Interior (DOI), National Park Service (NPS), collectively referred to as “the Agencies.”

II. PURPOSE

The purpose of this MOA is to document agreement between the FS and NPS to grant reciprocity to each other’s chainsaw and cross cut saw program (“saw program”) and to accept sawyer training, evaluation, and certification conducted by the other agency.

III. STATEMENT OF MUTUAL BENEFIT AND INTERESTS

National Scenic and National Historic Trails traverse thousands of miles and multiple states throughout the United States across lands managed by NPS, the FS, or other federal or state agencies. The National Trail System is constructed and maintained by federal employees, volunteers, and volunteer and cooperator organizations. Both the FS and NPS require sawyers to be trained, evaluated, and certified in accordance with specific requirements. After reviewing their saw programs as reflected in Attachment A and Attachment B, the FS and NPS have determined they are similar enough to accept sawyer training, evaluation, and certification conducted by the other Agency. Granting reciprocity to each other’s saw program will improve efficiency in program administration, particularly in use of chain saws and crosscut saws to construct and maintain segments of national trails, while continuing to ensure competency of sawyers operating chain saws and crosscut saws on lands managed by the Agencies.

IV. AUTHORITY

This MOA is executed under the following authorities:

A. Organic Administration Act, 16 U.S.C. § 551.

- B. Organic Act of 1916, 54 U.S.C. §100101 et seq.
- C. Occupational Safety and Health Act of 1970, Sections 6 and 19, 29 U.S.C. §§ 655 and 668.
- D. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.

V. RECIPROCITY OF THE AGENCIES’ SAW PROGRAMS

The Agencies have reviewed each other’s sawyer training, evaluation, and certification programs as reflected in Attachments A and B and agree that:

- A. While the programs have different processes, the programs are similar, and both ensure the competency of sawyers.
- B. Each Agency will accept the sawyer training, evaluation, and certification conducted under the other Agency’s saw program for federal employees, volunteers, and individuals working for a volunteer or cooperator organization in connection with use of chain saws and crosscut saws on lands managed by each Agency.
- C. Individuals operating a chain saw or crosscut saw on lands managed by either Agency:
 - 1. Must carry a valid FS National Sawyer Qualification Card or NPS National Chainsaw Safety Program Qualification Card; and
 - 2. Must be either a federal employee or affiliated with a volunteer or cooperator organization authorized to perform the work involving use of a chain saw or crosscut saw under an agreement with the Agency that has jurisdiction over the underlying federal lands.

VI. GENERAL PROVISIONS

A. Principal Contacts. The principal contacts for this MOA are:

FS Contact	NPS Contact
Pete Duncan National Saw Program Manager Recreation, Heritage, and Volunteer Resources USDA-Forest Service o: 530-394-8100 c: 530-394-8100 pete.duncan@usda.gov	Daryl Avery Branch Chief, Occupational Safety and Health DOI-National Park Service c: 202-768-1490 daryl_avery@nps.gov

Any communications by the FS or NPS related to the matters covered by this MOA will be delivered in person, mailed, or transmitted electronically by e-mail or facsimile to the contacts identified above.

B. Conduct of Activities. The FS and NPS and their respective divisions and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing the objectives of this MOA. Each Agency will carry out its separate activities in a coordinated and mutually beneficial manner.

C. Non-Fund-Obligating Document. Nothing in this MOA shall obligate either the FS or NPS to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various divisions and offices of the FS or NPS will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOA does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

D. Lack of Benefit to Members of Congress. Pursuant to 41 U.S.C. § 22, no member of or delegate to Congress may benefit from this MOA, either directly or indirectly.

E. Enforceability. This MOA is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

F. Existing Authority. Nothing in this MOA is intended to alter, limit, or expand the Agencies' statutory and regulatory authority.

G. Participation in Similar Activities. This MOA in no way restricts either of the Agencies from participating in similar activities with other public or private agencies, organizations, and individuals.

H. Effective Date, Extension, Amendment, and Termination. This MOA takes effect upon the signature of the FS and NPS and shall remain in effect for five years from the date of execution. This MOA may be extended or amended upon written request of either the FS or NPS and the subsequent written concurrence of the other Agency. Either the FS or NPS may terminate this MOA with a 60-day written notice to the other Agency.

VII. SIGNATORIES

By signing below, the respective Agencies certify that the individuals listed in this MOA are their representatives and are authorized to act in their respective areas for matters related to this MOA.

Michiko Martin
Director
Recreation Heritage, and Volunteer Resources
United States Department of Agriculture
United States Forest Service

Date

Jennifer Flynn
Associate Director
Visitor and Resource Protection
United States Department of the Interior
National Park Service

Date

ATTACHMENT A
NPS NATIONAL CHAIN SAW SAFETY POLICY

ATTACHMENT B
FS NATIONAL SAW DIRECTIVES