



Eagles Island Coalition

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) entered into by those Participants shown in Annex 1, which is attached and becomes a part of this MOU, creates a coalition that seeks to bring federal, state, and municipal agencies, and private organizations together in coordinated actions that will protect, manage and interpret the natural and cultural resources of Eagles Island in the public interest.

BACKGROUND

Eagles Island, located in Brunswick and New Hanover Counties, North Carolina, consists of approximately 2,100 acres situated between the Brunswick and Cape Fear Rivers. The land of the island is presently owned by private and corporate individuals, the State of North Carolina (NC Division of Soil and Water Conservation, NC Department of Transportation and NC Ports Authority), the New Hanover Soil and Water Conservation District, the Town of Leland, and the United States of America.

Wildlife that will benefit from the conservation, management, and interpretation efforts of the Eagles Island Coalition include marsh birds, waterfowl, wading birds, and raptors, along with anadromous fish, reptiles, amphibians, and at least two rare butterfly species. In addition, the site supports populations of the Federal and State Endangered shortnose sturgeon (*Acipenser brevirostrum*), Federal and State Threatened American alligator (*Alligator mississippiensis*), and the only current populations in North Carolina of rare skipper (*Problema bulenta*), a Federal Species of Concern. The Dukes' skipper (*Euphyes dukesi dukesi*) also is found here in the Brunswick County portion of the island, and is currently known in only two other sites in the state. The site also supports large populations of more common waterfowl, wading birds, marsh birds, raptors, and migrant songbirds.

Important plant species will also benefit. The site contains both of the only known North Carolina occurrences for ribbed bishopweed (*Ptilimnium costatum*), and two of only four known North Carolina occurrences of Carolina bishopweed (*Ptilimnium* species a Federal Species of Concern plant otherwise known only from freshwater tidal marshes near Charleston, South Carolina, and along the Savannah River in Georgia).

The freshwater marshes, open waters, and uplands found on the island have evolved through a series of man-made and natural events. Many of the cultural values found on the island stem from these events. One is the conversion in the early 18th Century of large portions of the island to rice producing fields. Another is the development of processing and shipping facilities along the Cape Fear River bank in support of the naval stores industry. Both rice culture and processing and the naval stores industry were heavily dependent on slave labor. Remnants of these activities can be found on the island. Of course, the location of the Battleship North Carolina Memorial on the island is of tremendous cultural importance.

Eagles Island is a wedge of open space in the midst of a rapidly urbanizing area. This fact was recognized in the *Cape Fear River Corridor Plan* adopted by the City of Wilmington and the Counties of Brunswick and New Hanover in October 1997. The plan calls for the island to remain in its natural state. More recently, *The Parks, Recreation and Open Space Master Plan*, City of Wilmington, 2010 calls for the protection of Eagles Island as well as to work with other interested parties and agencies to ensure the continued preservation of and recreational access to Eagles Island. The plan states that the City of Wilmington is interested in expanding partnerships with the Town of Leland, the New Hanover County Soil and Water Conservation District, the New Hanover County Parks Department, Cape Fear River Watch, the North Carolina Coastal Federation and other involved groups to acquire Eagles Island and to develop a conservation management plan for Eagles Island.

STATEMENT OF MUTUAL BENEFIT AND INTEREST

The Participants in the Eagles Island Coalition have recognized the extraordinary biological, economic, and social values of Eagles Island and the importance of coordinating efforts to avoid duplication of effort and missed opportunities and, by endorsing this Memorandum of Understanding, have joined together in the Eagles Island Coalition. They represent a broad spectrum of land managers, conservation advocates, and private and government agencies with differing missions. Some are custodians of public land held primarily for resource conservation and utilization; some modify the resource base by their own activities; and some are conservation advocates with little or no land base of their own. All are dedicated to sustainable resource management that provides for human needs while retaining and/or enhancing our natural and cultural heritage. The participating organizations will attempt to foresee potential conservation opportunities and resource issues and, within their authority and consonant with their missions, work to achieve unified protection, management and interpretation of the natural and cultural resources of Eagles Island.

PURPOSE

This MOU is entered into for the purpose of enhancing cooperation and communication regarding regional conservation issues and ecotourism opportunities within the Eagles Island landscape in accordance with the mission statement of the Coalition.

The *Mission* of the Eagles Island Coalition is:

Lead efforts to conserve and manage the natural and cultural assets of Eagles Island and provide compatible educational and recreational opportunities.

The *Goals* of the Eagles Island Coalition are:

- Identify and map the highest priority habitats, species and cultural resources in need of conservation attention on Eagles Island;

- Promote the conservation, restoration, health and sustainable use of the landscape and the native terrestrial and aquatic communities that depend, in whole or in part, on the lands and waters of Eagles Island;
- Encourage public/private partnerships among participating governmental agencies, community and non-governmental organizations, academic institutions, corporations, and private landowners to support the Eagles Island Coalition mission;
- Create popular recognition of the beauty, significance and value of the region's unique natural and cultural resources.

Although it is not the intent to provide the Eagles Island Coalition with the authority to carry out any specific project in furtherance of its stated objective and goals, Participants will, to the extent authorized under a Participating Agency's or Participant's regulatory and statutory authority, applicable regulations, and in consonance with the Participant's primary mission:

- Assess opportunities and work cooperatively to enhance, protect, conserve, and restore the sensitive and unique plants, animals and cultural resources of Eagles Island
- Encourage projects that focus on protecting, conserving, and restoring the integrity of the landscape and waters, cultural resources and natural communities;
- Serve as an educational resource to private landowners, institutions and organizations, and the general public on land conservation, management tools, and ecotourism opportunities;
- Facilitate collaborative efforts and joint land management activities among members to achieve common conservation objectives across jurisdictional and ownership boundaries;
- Recognize and promote the vital role science must play in responsible sustainable land use; and
- Promote appreciation of the significance of Eagle Island's natural and cultural resources at the local, state and national level.

LIABILITY

The Participants hereto agree that they shall each be responsible for their own individual, direct liabilities and not for any other stakeholder actions, omissions or liabilities, unless otherwise provided by law and the specific consent of Participant(s).

AMENDMENTS AND REVIEW

This MOU is subject to revision and can be amended, modified, or terminated by the mutual written consent, signed and dated by all of the Voting Participants.

New Participants may be added to the MOU by consensus, written or otherwise, of the current Voting Participants.

OTHER PROVISIONS

Nothing herein is intended to or has the effect of extending any legal authority or responsibilities of any of the Participants herein nor is any provision herein intended or has the effect of modifying, restricting, enhancing or changing the legal authorities, obligations, restrictions, liabilities or requirements of any of its Participants. This MOU is intended only to provide the basis for a voluntary cooperative relationship among the Participants and is not intended to, nor does it create any right, entitlement, or benefit, substantive or procedural, or trust responsibility, enforceable at law or equity, by any individual, organization, private or governmental third party, participant party or any member thereof against any party to this agreement or the United States, its agencies, its officers, or any person. This MOU shall not be construed to create any right to judicial review involving the compliance or noncompliance with the terms of this MOU by any Participating Agency or Participant or the United States, its agencies, its officers, or any other person. To the extent that any provision of this MOU conflicts with current directives, or applicable regulations or laws of any of the Participants of this agreement, the provisions of this MOU will have no effect.

The Coalition in no way substitutes for the decision-making process that each Participant is required to follow by regulation, directive, or law. The Coalition helps to facilitate discussion among the Participants, without making decisions for those agencies. The Coalition is not considered a "nonfederal entity" for purposes of the Joint Ethics Regulations as its stated Mission is merely to provide a venue for communication among participants sharing similar interests; and cannot bind the action of any Participating Agency or Participant or organization.

Should disagreement arise about the interpretation of the provisions of this MOU, or amendments or revisions thereto, that cannot be resolved to the mutual satisfaction of all the members to this MOU, those provisions shall have no effect.

TERMS OF THE MOU

COMMENCEMENT AND EXPIRATION DATES. The initial term of this instrument is from 2010 through 2015. This instrument shall be renewed automatically for successive terms of five years unless terminated earlier by consensus of the Participants.

WITHDRAWAL. Any of the Participants, in writing, may withdraw from the instrument at any time before the date of expiration.

NON-FUND OBLIGATING DOCUMENT. This MOU is not a procurement instrument and does not commit any party to fund, obligate funds, request appropriations or commit a member's resources in support of the Eagles Island Coalition. Any funding activities associated with the Eagles Island Coalition shall be subject to availability of funding and carried out in accordance with applicable authorities and legal requirements, including those for government procurement and printing, of the Participants. 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. Specifically this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Participant(s) from participating in similar activities with other public or private agencies, organizations, and individuals.

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Eagles Island Coalition

MEMORANDUM OF UNDERSTANDING

ANNEX 1

PARTICIPANTS

Cape Fear River Watch
NC DENR Natural Heritage Program
Land Management Group, Inc.
Dial Cordy and Associates, Inc.
Cape Fear Resource Conservation and Development, Inc.
US Fish and Wildlife Service
Wilmington Water Tours, LLC
Town of Navassa
Moores Creek Conservation Alliance
New Hanover Soil and Water Conservation District
USS North Carolina Battleship Commission
North Carolina Public Access Foundation, Inc.
City of Wilmington
Town of Leland
New Hanover County
NC Department of Cultural Resources Underwater Archaeology Branch
NC Agriculture and Community Services Division of Soil and Water Conservation
Mahanaim Adventures
Capt. Charles Robbins' Cape Fear River Adventures
Cape Fear EDC
Town of Belville

SIGNATORIES

SIGNATORY FOR CAPE FEAR RIVER WATCH



Kemp Burdette

**Kemp Burdette,
Cape Fear Riverkeeper
Cape Fear River Watch**

4-28-11

Date

Mission:

To protect and improve the water quality of the Lower Cape Fear River Basin through education, advocacy and action.

SIGNATORY FOR NC DENR NATURAL HERITAGE PROGRAM



**Linda Pearsall, Director
NC DENR Office of Conservation,
Planning, and Community Affairs**

5-2-2011
Date

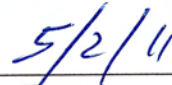
Mission:

The Natural Heritage Program inventories, catalogues, and supports conservation of the rarest and the most outstanding elements of the natural diversity of our state.

SIGNATORY FOR LAND MANAGEMENT GROUP, INC.



Rob Moul, President
Land Management Group, Inc.

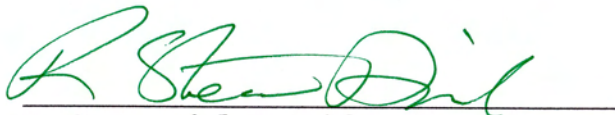


Date

Mission:

Our mission is to specialize in objective and technically sound applied science and project management to help our clients meet their goals.

SIGNATORY FOR DIAL CORDY AND ASSOCIATES INC.



**R. Steve Dial, President
Dial Cordy and Associates Inc.**

May 4, 2011
Date

Mission:

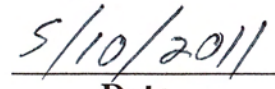
Dial Cordy and Associates Inc. is an environmental consulting services company specializing in federal planning, natural resource management, coastal and marine resources, and regulatory compliance. We focus on providing practical yet innovative solutions through a broad range of services to meet or exceed our clients' expectations. Our firm's expansive reach throughout the United States and Caribbean is met through use of talented staff with expertise in environmental sciences, geosciences, planning and regulatory affairs. We take great pride in the ability of our knowledgeable and experienced staff to successfully meet our clients' goals, often in record time and under budget.

**SIGNATORY FOR CAPE FEAR RESOURCE CONSERVATION AND
DEVELOPMENT, INC.**





Jimmy Smith, Council President
Cape Fear RC&D



Date

Mission:

Our mission is to work cooperatively with individuals and groups to improve social, economic and environmental conditions, thereby enhancing the quality of life in Bladen, Brunswick, Columbus, New Hanover and Pender counties.

SIGNATORY FOR THE U.S.FISH AND WILDLIFE SERVICE



Pete Benjamin
Raleigh Ecological Services
U.S. Fish and Wildlife Service

5/10/11

Date

Mission for the Service:

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.

Mission for Raleigh Ecological Services:

The Raleigh Field Office staff functions as a mutually supportive, professional and successful team. Members of the team are proactive, ethical, respectful of one another and our partners, and share a common resource vision. We have recognized expertise, field based knowledge, and capabilities to attain our resource vision. The office space provides a friendly, positive, safe, and enriching environment in which to work.

SIGNATORY FOR WILMINGTON WATER TOURS, LLC



Doug Springer, Partner
Wilmington Water Tours, LLC

5-11-2011

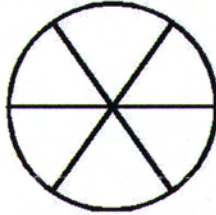
Date

Mission:

Provide a service that will connect citizens of the world with access to the Cape Fear River so that they can enjoy her and protect her.

SIGNATORY FOR THE TOWN OF NAVASSA

People Working



For People

**Mike Ballard, Mayor Pro-Tem
Town of Navassa**

5-19-11

Date

Mission:

We are a town of integrity where our citizens have a sense of ownership because we have a proud heritage that spans multiple generations.

Our goal is to promote industrial expansion that will ensure our citizens will have well paying jobs for this and future generations.

This will be accomplished by developing a well-trained workforce and instituting wise long range planning to manage growth.

SIGNATORY FOR MOORES CREEK CONSERVATION ALLIANCE



Nancy Keith, Board President
Moores Creek Conservation Alliance

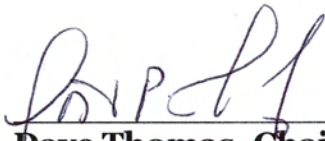
5/26/11

Date

Mission:

The mission of the Moores Creek Conservation Alliance is to preserve and protect the local ecology with the intent of providing an educational and recreational resource for the community.

SIGNATORY FOR NEW HANOVER SOIL AND WATER CONSERVATION DISTRICT



**Dave Thomas, Chairman
New Hanover Soil and Water
Conservations District**

5-26-11

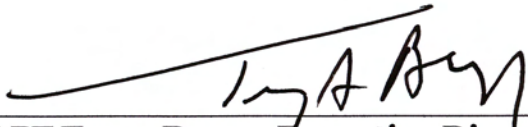
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Mission:

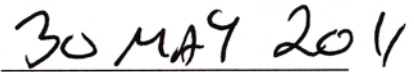
The New Hanover Soil and Water Conservation District (NHSWCD) mission is to protect and enhance water quality throughout New Hanover County through land conservation, stormwater management, technical support to citizens and organizations and conservation education and outreach activities.

SIGNATORY FOR USS NORTH CAROLINA BATTLESHIP COMMISSION





**CAPT Terry Bragg, Executive Director
USS NORTH CAROLINA Battleship Commission**



Date



**Mike Fox, Chairman
USS NORTH CAROLINA Battleship Commission**



Date

SIGNATORY FOR NC PUBLIC ACCESS FOUNDATION, INC.



Michael S. Marsh

**Michael S. Marsh, President
NC Public Access Foundation, Inc**

JUNE 3, 2011

Date

Mission:

The North Carolina Public Access Foundation, Incorporated seeks to identify, preserve, increase and enhance all forms of access to public trust resources for the general public of North Carolina

SIGNATORY FOR CITY OF WILMINGTON



A handwritten signature in blue ink, appearing to read 'S. Cheatham', written over a horizontal line.

**Sterling Cheatham, Manager
City of Wilmington**

A handwritten date '6-8-11' in blue ink, written over a horizontal line.

Date

Mission:

To provide quality services that enhance the safety, livability, and prosperity of our community.

SIGNATORY FOR TOWN OF LELAND



Bill Farris


Bill Farris, Town Manager
Town of Leland

6-23-11

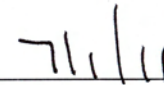
Date

SIGNATORY FOR NEW HANOVER COUNTY





Jonathan Barfield, Jr. Chairman
New Hanover County
Board of Commissioners



Date

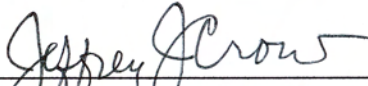
Mission:

In partnership with our citizens, the government of New Hanover County is dedicated to promoting orderly growth, while preserving the outstanding quality of life which has made our County a desirable place to live and work. The government of New Hanover County will provide the necessary services to protect the health, safety, welfare, cultural resources, and environment of citizens and business consistent with the community's values, priorities, and fiscal capacity.

Approved as to form/County Attorney


SIGNATORY FOR NCD CR UNDERWATER ARCHAEOLOGY BRANCH





**Jeffrey J. Crow, Deputy Secretary
Archives and History,
NC Department of Cultural Resources**



Date

Mission:

Founded in 1903, the Office of Archives and History preserves and maintains a record of North Carolina's rich cultural heritage through the preservation and interpretation of documents, artifacts and buildings, and by promoting history education. The North Carolina Department of Cultural Resources was formed in 1971 to serve North Carolina's citizens across the state in an outreach to broaden minds and spirits, preserve history and culture, and to recognize and promote our cultural resources as an essential element of North Carolina's economic and social well-being.

**SIGNATORY FOR NC DEPT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF SOIL AND WATER CONSERVATION**



Patricia K. Harris

**Patricia K. Harris, Director
Division of Soil and Water Conservation**

09.22.2011

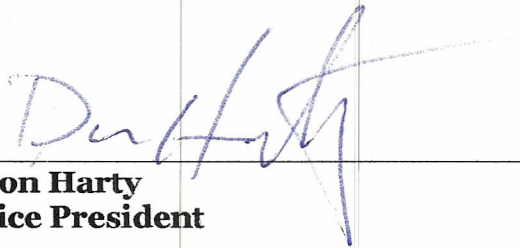
Date

Mission for the Division:

The Division of Soil and Water Conservation provides programs, technical services and educational outreach promoting voluntary natural resource management and conservation on the private lands of North Carolina through a non-regulatory, incentive-driven approach.

SIGNATORY FOR MAHANAIM ADVENTURES, LLC

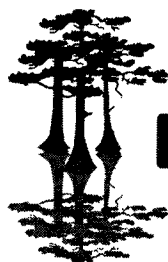
mahanaim
adventures



Don Harty
Vice President

1/26/12
Date

SIGNATORY FOR CAPE FEAR RIVER ADVENTURES



CAPT. CHARLES ROBBINS
**CAPE FEAR RIVER
ADVENTURES**

Charles Robbins
Capt. Charles Robbins
President

2-26-14 Date

SIGNATORY FOR CAPE FEAR ECONOMIC DEVELOPMENT COUNCIL



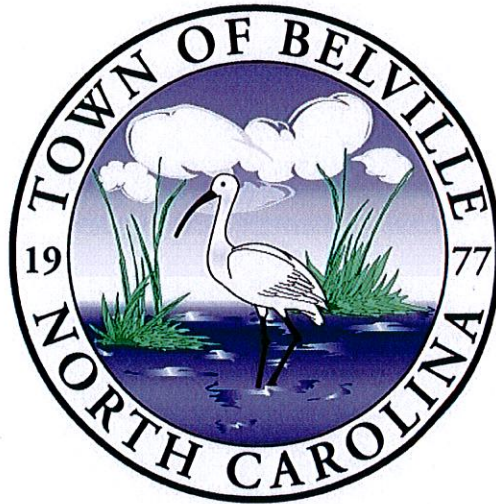
A handwritten signature in black ink, appearing to read "Lloyd Smith".

Lloyd Smith
Chairman

3/17/14

Date

SIGNATORY FOR THE TOWN OF BELVILLE



Mike Allen
Mike Allen,
Mayor

3-24-2014
Date

