

GENERAL AGREEMENT

Among the

**National Marine Sanctuary Program
and the
Estuarine Reserves Division
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
and the
U. S. Fish and Wildlife Service
and the
National Park Service
U.S. Department of the Interior**

I. PARTIES AND PURPOSE

- A. The U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), through the National Marine Sanctuary Program (NMSP); the DOC, NOAA, NOS, through the National Estuarine Research Reserve System (NERRS), administered, in partnership with coastal states, through the Estuarine Reserves Division (ERD) of the Office of Ocean and Coastal Resource Management (OCRM); the Department of the Interior (DOI) through the National Park Service (NPS); and the DOI, through the U.S. Fish and Wildlife Service, National Wildlife Refuge System (NWRS) share a common goal of conserving sensitive coastal and marine resources and ecosystems through the management of national marine sanctuaries, national parks and seashores, estuarine research reserves, and national wildlife refuges. In some cases, the NMSP, NPS, NERRS, NWRS (Agencies) respective jurisdictions and responsibilities either overlap or are adjacent, such as where a national marine sanctuary is near, adjacent to, or overlays a national park, wildlife refuge, or estuarine research reserve. The agencies could benefit from additional sharing of resources and expertise in carrying out their management responsibilities. These agencies are all operating with increasing responsibilities with limited funding and staffing resources.
- B. The Agencies recognize that cooperative conservation efforts will enhance their abilities to protect and conserve the marine resources subject to their jurisdictions. This General Agreement (Agreement) is intended to:
1. Articulate and establish a formal working relationship to provide the

means for cooperation that can be carried out at national, regional, and local levels;

2. Facilitate inter-agency communication and coordination of programs; and
 3. Provide a means to share knowledge, resources, and staff, consistent with the authorities and missions of the Agencies.
- C. Collaborations established and enhanced under this Agreement are consistent with Executive Order 13158 regarding Marine Protected Areas and Executive Order 13352 regarding Facilitation of Cooperative Conservation.

II. LEGISLATIVE AUTHORITY

This Agreement is entered into under the authorities of the National Park Service Organic Act (16 U.S.C. 1, *et seq.*, as amended and supplemented); the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*); the Coastal Zone Management Act (CZMA; 16 U.S.C. 1456c), and the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee). Cooperative management efforts are authorized under the authority of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 661) and Section 311(e) of the NMSA, 16 U.S.C. § 1442(e), which allows the Secretary of Commerce to, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or non-reimbursable basis, to assist in carrying out the purposes and policies of the NMSA.

III. STATEMENT OF WORK

A. Outcomes and Strategies

1. The Agencies, while recognizing individual agency mandates, will form a working partnership to achieve a higher level of coastal and marine resource protection and conservation through effective interagency coordination. To this end, in areas where the Agencies' protected areas lie near, adjacent to, or overlap each other; where areas managed by the Agencies share a particular management focus irrespective of geographical proximity; and/or whenever feasible and within the budgetary constraints of each agency, the following outcomes will be sought:
 - a. *Improved management and operational efficiencies:* The Agencies will strive to reduce management costs and improve operational

efficiencies.

- b. *Increased understanding of important natural and cultural resources within the areas managed:* The Agencies will share technical expertise and resource knowledge to improve the agencies' understanding of the extent and condition of the natural and cultural resources to be protected and conserved.
- c. *Increased effectiveness of joint planning efforts:* The Agencies will coordinate and cooperate in planning resource management actions in order to reduce duplication of effort, increase efficiency, conserve fiscal and personnel resources, and enhance conservation of coastal and marine resources.
- d. *Enhanced public awareness and education:* In order to strengthen coordination of outreach and education programs, the Agencies will work together to inform and educate visitors, interested parties, constituents, media, and the general public concerning their shared ocean and coastal stewardship responsibilities.
- e. *Improve Law Enforcement and Rescue Capabilities:* In August 2005, the NOAA's National Ocean Service and National Marine Fisheries Service and the Department of the Interior's National Park Service and Fish and Wildlife Service entered into an agreement titled "Memorandum of Agreement for General Enforcement" (NOS Agreement Code MOA-2005-021/6876). The Agencies will support the coordination of law enforcement pursuant to that agreement. In addition, the Agencies will work together to coordinate search and rescue activities where managed areas lie near, adjacent to, or overlap each other.

B. Implementation

1. The Agencies will, within sixty days of date of signature of this Agreement, each identify a point of contact (POC) at the national level for inter-agency coordination in the dissemination and implementation of this Agreement. Implementation will, at a minimum, include:
 - a. Working with the points of contact of the other Agencies to facilitate interagency cooperation and identify national, regional, and site level personnel and mechanisms to achieve the outcomes, strategies and priorities identified in this Agreement. Initial

priorities could include one or more of the following as agreed to by the Agencies:

- i. Joint review of financial and administrative processes, to facilitate the exchange of funds between the Agencies or sharing use of personnel, equipment and facilities as needed
 - ii. Joint emergency response to groundings, oil spills, disasters
 - iii. Marine mammals stranding response, research, and monitoring
 - iv. Law enforcement
 - v. Coordinated management plan review, where partner sites are undergoing management plan reviews, to the extent that there is simultaneous, parallel, or complementary added value
 - vi. Boundary mapping, marine habitat mapping, and resource characterization
 - vii. Monitoring, observation, research
 - viii. Marine and coastal habitat restoration
 - ix. Marine invasive species monitoring and control
 - x. Education, agency “in-reach,” outreach, ocean literacy, particularly focused on identifying and articulating consistent messages related to the Agencies’ ocean and coastal stewardship responsibilities
 - xi. Coordinated land acquisition, as appropriate.
2. Interagency working groups, as appropriate, should be formed based on these priorities in the first year of implementation. Their recommendations should be included in the first year evaluation as required in Sec. III.C.
 3. The POCs should, in the first year of implementing this Agreement, evaluate the need for, or potential benefits of, including additional partners into this collaboration. If appropriate, this analysis may include

recommendations for a process or additional mechanisms by which such additional partners might be incorporated. The findings of this analysis should be included in the first year evaluation as required in Sec. III.C.

4. The POCs should, as part of implementing this Agreement, undertake the following:
 - a. Work with the points of contact of the other Agencies to identify potential workshops, conferences, and other opportunities for the sharing of each Agency's methods, knowledge, and experience;
 - b. Identify, pursuant to Executive Order 13352 on Cooperative Conservation, appropriate States, territories, academic institutions, non-governmental organizations, interested parties, and local community groups to participate in cooperative conservation efforts;
 - c. Disseminate this Agreement, and associated agency guidance, to all operational offices and protected areas that are potentially affected by the activities outlined by the Agreement; and
 - d. Assist, as necessary and appropriate, the field unit level with the implementation of the Agreement.

C. Evaluation

1. The Agencies' POCs will meet annually to evaluate the progress of the implementation of this Agreement. Factors to be considered for measuring the effectiveness of this Agreement will include:
 - a. Results and outcomes of cooperative efforts to share resources and expertise among the Agencies (e.g., mechanisms identified and implemented to streamline financial and administrative collaboration, joint sessions at workshops and conferences, details of personnel, and cross-agency training);
 - b. Products or outcomes from joint projects and agreements on a site level in areas where the Agencies' protected areas lie near, adjacent to, or overlap each other; and
 - c. Progress toward mutually agreed upon national, regional, and site level priorities and projects as identified the prior year.

2. The annual evaluation meeting will result in a brief written report that: (1) summarizes the conclusions of the discussion; (2) makes recommendations for improving implementation of the Agreement as may be identified; and (3) identifies the next year's priorities for cooperation and coordination. This report will be provided to the POCs for further processing by the Departments of the Interior and Commerce, as appropriate.

IV. FINANCIAL ADMINISTRATION

1. Performance of the activities outlined in this Agreement is subject to the availability of appropriated funds.
2. This Agreement does not authorize the transfer of funds. If future activities require the transfer of funds, a Support Agreement to this Agreement will be entered into by the Agencies involved in the transfer of funds. Courtesy copies of the executed Support Agreement will be provided to the Agencies not involved in the transfer of funds. The Support Agreement must include a detailed statement of work, estimated budget, legal authorities, and all required OMB fiscal data and be executed only by the Agencies involved in the transfer of funds.

V. DURATION, MODIFICATION, AND TERMINATION

1. This Agreement will become effective upon the completion of signatures of the agency approving officials and will remain in effect for five years from the date of the last signature, unless terminated pursuant to Subsection 3 of this section.
2. This Agreement may be amended at any time within the scope of the Agreement, or extended at any time through written approval of each Party.
3. Any Agency may terminate its participation in this Agreement with 90 days written notice to the other Agencies.

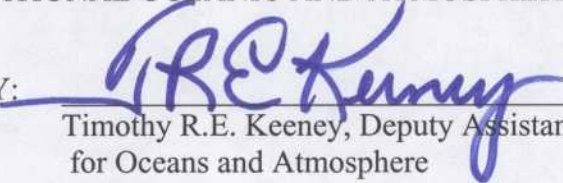
VI. OTHER PROVISIONS

1. Nothing herein is intended to conflict with current NWRS, NERRS, NMSP, NPS, DOC, or DOI regulations, directives, or policies. If the terms of this Agreement are inconsistent with existing regulations, directives, or policies of any of the Agencies, those portions of this Agreement that are determined to be inconsistent

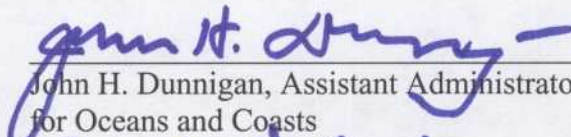
shall be invalid but the remaining terms and conditions not affected by the inconsistency shall remain in full force and effect. All necessary changes will be accomplished by either a modification to this Agreement or by execution of a new agreement.

2. Should disagreement arise as to the interpretation of the provisions of this Agreement, or modifications thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Agency and presented to the other Agencies for consideration. If agreement on interpretation is not reached within thirty days, the Agencies shall refer the matter to respective higher officials for appropriate resolution.

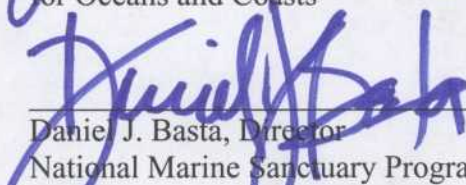
ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: 
Timothy R.E. Keeney, Deputy Assistant Secretary
for Oceans and Atmosphere

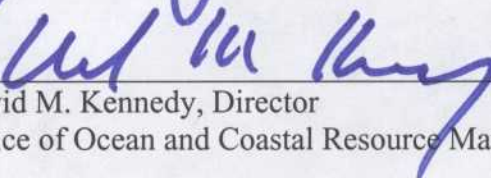
DATE: 8/21/06

BY: 
John H. Dunnigan, Assistant Administrator
for Oceans and Coasts

DATE: 8/21/06

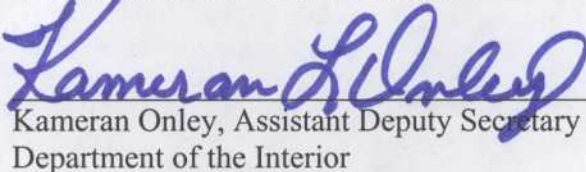
BY: 
Daniel J. Basta, Director
National Marine Sanctuary Program

DATE: 8/21/06


BY: 
David M. Kennedy, Director
Office of Ocean and Coastal Resource Management

DATE: 8/21/06

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF THE INTERIOR

BY: 
Kameron Onley, Assistant Deputy Secretary
Department of the Interior

DATE: 8/21/06

BY: 
Fran P. Mainella, Director
National Park Service

DATE: 8/21/06

BY: 
Dale Hall, Director
U.S. Fish and Wildlife Service

DATE: 8/21/06