

**MEMORANDUM OF AGREEMENT**

**PURSUANT TO THE  
NATIONAL MARINE SANCTUARIES ACT  
16 U.S.C. 1442(a)**

**and**

**MAGNUSON - STEVENS FISHERY CONSERVATION AND  
MANAGEMENT ACT  
16 U.S.C. 1801 (b)(3)**

**BETWEEN THE**

**U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL OCEAN SERVICE  
OFFICE OF NATIONAL MARINE SANCTUARIES**

**and**

**NATIONAL MARINE FISHERIES SERVICE**

**AND THE**

**The Association of Fish and Wildlife Agencies  
The American Sportfishing Association  
The National Marine Manufacturers Association  
The Recreational Boating and Fishing Foundation**

**NOS Agreement Code: MOA-2019-020/11737**

## I PARTIES AND PURPOSE

- A. This Memorandum of Agreement (Agreement) is between the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), Office of National Marine Sanctuaries (ONMS), the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) (collectively referred to as NOAA), and the Association of Fish and Wildlife Agencies (AFWA), the American Sportfishing Association (ASA), the National Marine Manufacturers Association (NMMA), and the Recreational Boating and Fishing Foundation (RBFF) (collectively referred to as the "Private Organizations").

### The *Private Organizations*

1. AFWA is an association of the National and State/Province/Commonwealth agencies of the United States and Canada who have management and protection responsibility for fish and wildlife resources in their respective jurisdictions. Its mission is conservation, protection, and management of wildlife and related natural resources.
2. ASA is a nonprofit trade association whose members include fishing tackle manufacturers, boat builders, state fish and wildlife agencies, angler organizations, sportfishing retailers, and the outdoor media. For over 85 years, ASA and its predecessor organizations have promoted the conservation of fishery resources and environmental measures that improve the aquatic environment, in order to ensure the enjoyment of healthy fisheries by America's anglers.
3. NMMA is the nation's leading trade association representing boat, marine engine and accessory manufacturers. NMMA members manufacture an estimated 80% of marine products used in North America.
4. RBFF is a nonprofit organization whose mission is to increase participation in recreational angling and boating and thereby increase public awareness and appreciation of the need for protecting, conserving and restoring this nation's aquatic natural resources. RBFF has identified a goal of reaching 60 million annual recreational fishing participants in the United States by the end of the next 60 months (60 in 60), with a target date of 12/31/2021 as measured in the Special Report on Fishing to be issued in 2022.

- B. The purpose of this MOA is to develop and expand a framework of cooperation among the participating parties (Parties) for planning and implementing mutually beneficial projects and activities to promote sustainable recreational fishing and boating conducted within federal marine waters, including national marine sanctuaries. These activities and projects will complement the respective missions of the Parties and serve the mutual interests of the Parties and the public.
- C. The objectives of this MOA include:
1. Facilitating coordinated development of programs aimed at engaging the recreational boating and fishing community and joint planning and implementation of mutually beneficial programs, projects, communication, outreach, and activities.
  2. Increasing opportunities for children, youth and families to learn about, recreate and explore the natural world in and on our public marine waters.
  3. Establishing mechanism for the parties to work together on issues of common interest and upon which they can jointly plan and carry out mutually beneficial programs, projects, communication, outreach, and activities.
  4. The outcomes of this effort may include increased angler recruitment, retention and reactivation (R3) by providing, improved quality of living marine aquatic and riparian resources, improved recreational fishing experiences, and increased educational programs for sustainable recreational fishing and fisheries.

## II. BACKGROUND

Parties to this MOA share many common goals, including, *inter alia*: ensuring broad, sustainable, and enduring public access to federally managed waters and natural resources, including the system of national marine sanctuaries; and, actively and constructively engaging the public in conservation, stewardship, resilience, and the management of fish, wildlife, plants, and other natural resources. This MOA is intended to further the goals and missions of the Parties by setting forth the general terms and conditions under which the Parties may engage in cooperative programs, projects, outreach, and other activities of mutual benefit and interest. It serves as an instrument to more effectively carry out the responsibilities and objectives associated with these identified areas. Such areas include engagement with the American public on sustainable recreational fishing and boating opportunities.

### **III. AUTHORITIES**

A. The legal authority for the ONMS to enter into this Agreement is the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1442 (a), which allows the Secretary of Commerce to enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of the NMSA.

B. The programmatic authority for the National Marine Sanctuary System to enter into this Agreement is the NMSA, 16 U.S.C. 1431 et seq, which includes among its Purposes and Policies:

1. 16 U.S.C. 1431(b)(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;
2. 16 U.S.C. 1431(b)(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;
3. 16 U.S.C. 1431(b)(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archaeological resources of the National Marine Sanctuary System;
4. 16 U.S.C. 1431(b)(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

C. The programmatic authority for the National Marine Fisheries Service to enter into this Agreement is the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 (b)(3).

#### **IV. TERMS AND CONDITIONS**

**A. NOAA will:**

1. Identify a contact in both the ONMS and the NMFS to serve as liaisons between the Private Organizations and NOAA for collection and dissemination of information regarding issues related to sustainable boating and fishing activities on federal marine waters and throughout the National Marine Sanctuary System under that Agency's jurisdiction.
2. Ensure that the NOAA Liaisons will:
  - a. Work with the Private Organizations to facilitate appropriate collaborative and compatible opportunities, including but not limited to access and safety improvement projects, habitat projects, administrative studies and educational and outreach programs.
  - b. Strive to facilitate understanding and communication among NOAA, the Private Organizations, boating and fishing enthusiasts, and the public.
  - c. Assist in addressing national issues and facilitate cooperative relationships between regional and national ONMS and NMFS staff and the Private Organizations to promote sustainable boating and fishing on federal marine waters and in ONMS managed waters.
  - d. Meet with MOA parties regularly, and at least yearly, to advance the purpose and activities of the MOA.
3. Share information about this MOA with regional and national ONMS and NMFS staff, and encourage collaboration with the Private Organizations in the development of mutually beneficial projects and educational activities.
4. Where appropriate and feasible, assist in the development of and make available to the public and the Private Organizations, and or for joint NOAA-Private Organization activities, interpretive and educational materials regarding sustainable boating and fishing including information

regarding water safety/visitor safety, responsible use of the public natural resources, and, including and preventing the spread of aquatic invasive species.

5. Assist in the identification of areas where awareness and access are perceived to be inadequate for sustainable boating and fishing opportunities, consider potential solutions to improve awareness of and access to those areas or alternative areas, and work with the Private Organizations to improve awareness of and access to those areas where appropriate.
6. Where identified, explore cooperative projects to address needed improvements to sustainable boating and fishing opportunities with the Private Organizations.

*Additionally NOAA will:*

1. Provide publicly available information to the Private Organizations on sustainable and responsible recreational boating and fishing issues pertaining to NOAA administered programs.
2. Advise the Private Organizations of opportunities to participate in outdoor recreation and education program activities and events, such as Get In Your Sanctuary Days, World Oceans Day, Coastal Cleanup Day and Great Outdoors Month.
3. Facilitate the expansion of opportunities for sustainable recreational boating and fishing educational activities and collaborate, where appropriate, with the Private Organizations to develop jointly supported programs that may improve access to NOAA managed marine waters and create meaningful outdoor experiences for diverse audiences.
4. Provide information to the Private Organizations about youth engagement, employment opportunities, and education to engage youth with the outdoors.
5. Promote the partnership through agency communications to employees and partners and recognizing successful projects.
6. Designate representatives to participate in the MOA Implementation Team that will jointly develop and oversee the implementation of this MOA.

- B. The *Private Organizations* will:

1. Identify a contact within each Private Organization to serve as liaisons between the Private Organizations and NOAA for collection and dissemination of information regarding issues related to sustainable boating and fishing opportunities on federal marine waters and in the National Marine Sanctuary System.
2. Work with the NOAA liaisons to facilitate appropriate collaborative activities regarding sustainable boating and fishing including information regarding water safety/visitor safety, responsible use of the public natural resources, and, including and preventing the spread of aquatic invasive species.
3. Strive to facilitate understanding and communication among the Private Organizations, the Agencies, boating and fishing enthusiasts, and the public.
4. Meet with MOA parties regularly, and at least yearly, to advance the purpose and activities of the MOA.
5. Make available to the Agencies interpretive and educational materials regarding boating and fishing including information regarding water safety/visitor safety, responsible use of the publicly owned marine waters, and preventing the spread of aquatic invasive species.
6. Provide leadership, services, and materials to promote responsible, sustainable boating and fishing activities within marine waters, including national marine sanctuaries.
7. Participate in Agency efforts to identify suitable areas for sustainable boating and fishing activities within marine waters, including national marine sanctuaries and areas where access for those activities is within marine waters, including national marine sanctuaries.
8. Notify boaters and anglers about volunteer opportunities for maintenance projects to improve sustainable boating and fishing access routes, sites, safety, and facilities or to improve habitat within marine waters, including national marine sanctuaries.
9. Work with NOAA to identify the need for improvement and maintenance of facilities for sustainable boating and fishing activities on federal marine waters and in the National Marine Sanctuary System. On an ongoing basis, notify NOAA of available technology and technical assistance in connection with:
  - a. Managing sustainable boating and fishing activities within marine waters, including national marine sanctuaries.
  - b. Assisting or providing Agencies with public land use statistics.
  - c. Promote compliance with outdoor ethics and programs and laws, regulations, and Agency policies related to use within marine waters, including national marine sanctuaries for sustainable boating and fishing activities by sharing information on these outdoor ethics programs and legal requirements with boaters and anglers.

- d. Assist in providing public messaging on the role and value of the Agencies' fisheries and recreation programs related to sustainable fishing and boating activities.

**V. Collaborative Efforts**

1. NOAA and the Private Organizations will jointly share social media postings supportive of NOAA's mission and mandates and related to partnership activities. All joint postings and outreach efforts will be approved by NOAA. The Private Organizations will abide by ONMS' social media best practices and any violation will be grounds for termination of this agreement.

**VI. FUNDING, PROGRAMMING, PAYMENT, AND REIMBURSEMENT ARRANGEMENTS**

This Agreement is not a fiscal or funds obligation document. Any activities involving reimbursement or transfer of funds among the Parties to this Agreement will be handled in accordance with applicable laws, regulations, and procedures. Such activities will be documented in a separate legal instrument.

**VII. CONTACTS**

- A. The points of contact for activities under this Agreement are:

ONMS  
John Armor  
Director  
Office of National Marine Sanctuaries  
1305 East West Highway, 11th Floor, Room 11504  
Silver Spring, MD 20910  
john.armor@noaa.gov



NMFS

Russell Dunn  
National Policy Advisor for Recreational Fisheries  
NOAA Fisheries  
263 13th Avenue South  
St. Petersburg, FL 33701  
Russell.Dunn@noaa.gov

AFWA

Ron Regan, Executive Director  
Association of Fish and Wildlife Agencies  
444 N. Capitol Street, NW  
Washington, DC 20001

ASA

Glenn Hughes, President  
American Sportfishing Association  
1001 N. Fairfax Street, Suite 501  
Alexandria, Virginia 22314

NMMA

Thom Dammrich, President  
National Marine Manufacturers Association  
231 5. LaSalle Street, Suite 2050  
Chicago, Illinois 60604

RBF

Frank Peterson, President & CEO  
Recreational Boating and Fishing Foundation  
500 Montgomery, Suite 300  
Alexandria, Virginia 22314

- B. The Parties agree that if there is a change regarding the information in this section, the Party making the change will notify the other Party in writing of such change. A change to this section will not require an amendment.

**VII. DURATION OF AGREEMENT, AMENDMENTS, OR TERMINATION**

- A. This Agreement will become effective after execution by both Parties and will

expire on December 31, 2024.

- B. The Agreement may be amended within its scope or renewed prior to the expiration date, through the written mutual consent of the Parties.
- C. The Agreement may be terminated by written mutual consent.
- D. The Parties will review this Agreement at least once every three years to determine whether it should be revised or terminated.

**VIII. OTHER PROVISIONS**

- A. If the Parties disagree over how to interpret this Agreement, they shall present their difference to each other in writing, and they shall discuss them. If the Parties fail to resolve their differences within 30 days, they may refer the matter to higher level of authority within their respective organizations.

**IX. APPROVALS**

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


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U.S. DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION

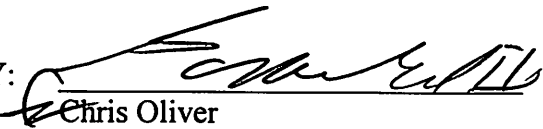
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NATIONAL OCEAN SERVICE

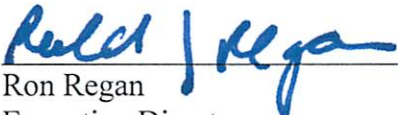
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SERVICE

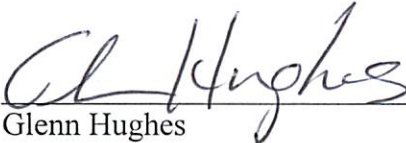
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 John Armor  
 Director  
 Office of National Marine Sanctuaries

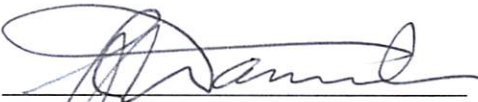
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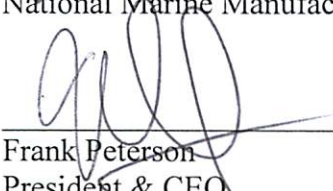
BY:   
 Chris Oliver  
 Assistant Administrator  
 National Marine Fisheries Service

DATE: 2/15/2019

BY:  DATE: 2/27/2019  
Ron Regan  
Executive Director  
Association of Fish and Wildlife Agencies (AFWA)

BY:  DATE: 2/15/19  
Glenn Hughes  
President  
American Sportfishing Association (ASA)

BY:  DATE: 2/15/2019  
Thom Dammrich  
President  
National Marine Manufacturers Association (NMMA)

BY:  DATE: 2/19/2019  
Frank Peterson  
President & CEO  
Recreational Boating and Fishing Foundation (RBFF)