

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

AND

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

THROUGH

THE NATIONAL OCEAN SERVICE
OFFICE OF NATIONAL MARINE SANCTUARIES

AND

THE NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST REGION

NOS Agreement Number: MOA-2001-664
(as amended December 2004)

I. PURPOSE

The purposes of this Memorandum of Understanding (MOU) are: (1) to provide a framework for cooperation and coordination between the South Atlantic Fishery Management Council (SAFMC), Gray's Reef National Marine Sanctuary (GRNMS), and the National Marine Fisheries Service, Southeast Region (NMFS/SER) within the SAFMC's area of geographic authority; (2) to facilitate the exchange of information, advice and technical assistance between GRNMS, SAFMC and NMFS/SER; and (3) to coordinate their efforts concerning public outreach.

II. AUTHORITIES

This MOU is entered into by and between the Office of National Marine Sanctuaries (ONMS), National Ocean Service, NOAA; the NMFS/SER, NOAA; and the SAFMC (the "Parties"), pursuant to Sections 309 and 311 of the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1440 and 1442 of 16 U.S.C. 1431, et seq. (NMSA or the Act), and the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801, et seq.

III. BACKGROUND

A. GRNMS - Gray's Reef was designated as a National Marine Sanctuary in 1981, due to its significance as a live-bottom habitat and the diversity of marine life. National

marine sanctuaries are established to protect areas of the marine environment that have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, and aesthetic qualities. In accordance with the National Marine Sanctuaries Act, each sanctuary is managed to maintain natural biological communities, enhance public awareness, support research and monitoring, and 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.

B. SAFMC - The South Atlantic Fishery Management Council is responsible for the conservation and management of fish stocks within the Federal 200-mile limit exclusive economic zone of the Atlantic Ocean off the coast of North Carolina, South Carolina, Georgia, and east Florida to Key West. In addition, the Council must describe and protect essential fish habitat (EFH) and essential fish habitat-habitat areas of particular concern (EFH-HAPC), as well as address an ecosystem management approach.

C. NMFS/SER - The National Marine Fisheries Service is dedicated to protecting and preserving our nation's living marine resources through scientific research, fisheries, management, enforcement, and habitat conservation. The NMFS/SER provides administrative and technical support to the SAFMC and works in partnership with the SAFMC to manage marine fisheries.

IV. GOALS

A. To exchange information, advice, and technical assistance, and to improve public outreach.

B. To involve the public in discussions and evaluations regarding management of specific marine areas.

C. To ensure that the public is well informed of the work and policy decisions of the SAFMC, GRNMS, and NMFS/SER.

D. To consult and cooperate fully with each other in matters regarding the conservation and management of natural resources of mutual concern and geographic authority. The consultations and cooperation shall take the form of participation in and presentations to the various committees, advisory panels, and working groups of each of the parties, and exchange of documents, viewpoints, recommendations, advice, and other pertinent information between the SAFMC, GRNMS and NMFS/SER. This consultation and cooperation should occur prior to implementation of regulatory changes affecting any of the parties.

E. To protect the ecological integrity of Gray's Reef and its biotic communities and their associated habitats for the benefit of current and future generations.

F. To contribute to the conservation and management of fish, the protection of EFH, EFH-HAPCs, and ecosystem management within the South Atlantic Region.

V. COMMITMENTS OF THE PARTIES

SAFMC, ONMS, and NMFS/SER hereby affirm their mutual understanding and agree to use their efforts to take the following steps:

A. To carry out their mutual intent to discuss and evaluate management and regulation of specific marine areas.

B. To work together to coordinate current and future discussion, evaluation, and informational activities through cooperative planning.

C. To ensure that the public and constituent groups of all three organizations participate fully in the activities of the SAFMC, GRNMS, and NMFS/SER.

D. To share research and information that contribute to the above goals.

E. To request and respond to requests for input from each other in a timely and cooperative manner as required by or consistent with applicable laws, regulations and policies.

F. Specific matters for coordination may include but are not limited to:

1. Review, revision, and implementation of Gray's Reef National Marine Sanctuary Management Plan.
2. Consideration, development, and review of Fishery Management Plans related to GRNMS.
3. Research and education initiatives that further the goals and missions of the SAFMC, GRNMS and NMFS/SER.
4. Technical assistance regarding fisheries management (including fishing techniques, presence/abundance of fish species), protected species, habitat types and conditions, and socioeconomic issues and enforcement, related to GRNMS.

G. Regarding fishing regulations for the Sanctuary, GRNMS is required to follow the provisions of section 304(a)(5) of the NMSA, (16 U.S.C. 1434(a)(5)). The process described in section 304(a)(5) is summarized, in part, here:

1. SAFMC will have the opportunity to draft Sanctuary fishing regulations for GRNMS. Regulations drafted by SAFMC, or a determination by SAFMC that regulations are not necessary, will be accepted and shall be issued as the proposed regulations for GRNMS unless the Secretary of Commerce finds that SAFMC's action does not fulfill the purposes and policies of the NMSA and the objectives of the designation of GRNMS. In that event, the Secretary will draft the fishing regulations.
2. GRNMS will also consult with the State of Georgia regarding fishing regulations proposed by GRNMS for the Sanctuary and shall consider the views and comments of the State of Georgia before issuing final fishing regulations. As part

of this process, GRNMS will meet with representatives from the State of Georgia to discuss draft fishing regulations prior to issuance of final fishing regulations. GRNMS will also coordinate with the Georgia Coastal Management Program pursuant to the Federal consistency requirement under § 307 of the Coastal Zone Management Act (16 U.S.C. 1456) and implementing NOAA regulations.

VI. TECHNICAL POINTS OF CONTACT

Reed Bohne, Manager
Gray's Reef National Marine Sanctuary
10 Ocean Science Circle
Savannah, GAS 1411
(912) 598-2345

Robert Mahood, Executive Director
South Atlantic Fishery Management Council
1 Southpark Circle, Suite 306
Charleston, SC 29407
(843) 571-4366

Dr. Roy Crabtree, Regional Administrator
National Marine Fisheries Service, Southeast Region
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5301

VII. OTHER PROVISIONS

A. Nothing herein is intended to conflict with any requirement of any Federal law or with any Federal, council, or Department of Commerce/NOAA regulation, policy, administrative order, or directive. If terms of this MOU are deemed to be inconsistent with the policies or programs of any party hereto, then those specific terms shall be deemed not binding on that party.

B. The responsibilities agreed to in this MOU are contingent upon the availability of funding and other necessary resources. The signature of agency officials on this MOU does not legally obligate their respective agencies to provide personnel or funds for planning or coordination unless specifically agreed to in subsequent obligatory documents.

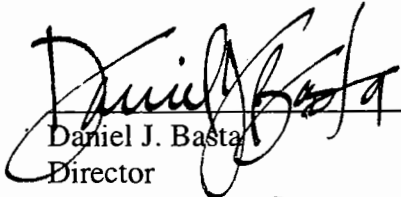
C. This MOU will become effective upon the last date of the signatures of the approving officials of the parties and will remain in effect until terminated by written notice from any party. Any party to this MOU may terminate its involvement upon 90 days written notice to the other parties.

D. The Parties will review this Agreement at least once every three years to determine whether it should be revised or canceled. Any revision or amendment to this MOU may be made upon approval of all of the parties.

E. This MOU does not affect the confidentiality provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a).

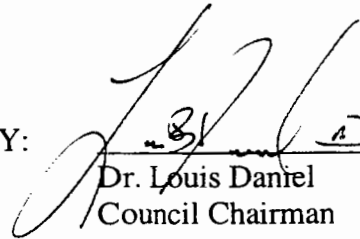
APPROVALS

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

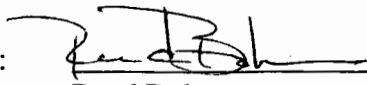
BY: 
Daniel J. Basta
Director
National Marine Sanctuary Program

DATE: 11/25/04

ACCEPTED AND APPROVED FOR THE
SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL

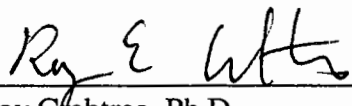
BY: 
Dr. Louis Daniel
Council Chairman

DATE: 12/9/04

BY: 
Reed Bohne
Manager
Gray's Reef National Marine Sanctuary

DATE: 11/29/04

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
SOUTHEAST REGION

BY: 
Roy Crabtree, Ph.D.
Regional Administrator

DATE: 12/9/04