

**OPERATING AGREEMENT
BETWEEN
SOUTHWEST REGIONAL OFFICE AND SOUTHWEST FISHERIES SCIENCE
CENTERS**

This document provides guidance on the development of Annual Operating and Strategic Plans, personnel issues, constituent relations, collaboration, decision-making, obtaining feedback, and on program implementation through conducting science that supports management needs and appropriate use of scientific advice from the Southwest Fisheries Science Center (SWFSC) Director (SD) by the Southwest Regional Administrator (RA). These plans and related functions will be consistent with and facilitate achieving our goals with the NOAA and Fisheries strategic plans. It sets forth the general principles for operations between the SD and RA for all interactions except those specifically modified by the Assistant Administrator (AA), Deputy Assistant Administrator (DAA) for Regulatory Programs, DAA for Operations, or the Director of Scientific Programs for a particular activity. Changes to this Operating Agreement may only be made by mutual agreement of the RA and SD with the approval of the AA or at the direction of the AA. Notwithstanding the contents of this Agreement, NOAA Fisheries Headquarters Offices (HQ) will have the lead to establish policy, scientific, and spending priorities consistent with their role as program managers in NOAA's program structure, where applicable. The RA and SD will implement such policies: The DAA for Regulatory Programs, DAA for Operations, and the Director of Scientific Programs, along with HQ offices, will monitor program implementation for national consistency and interoffice coordination.

Definitions of Principles and Roles

Region/RA

- The Southwest Region RA determines Agency position on non-scientific matters within the SW Region that do not have Agency-wide implications.
- The RA has primary responsibility for policy and management issues within the SW region and is responsible for ensuring high standards for the policy and regulatory efforts of NOAA Fisheries in support of its mission, programs, and needs of the region and the Agency.

Science Center/SD

- The SWFSC SD determines the Agency position on scientific matters within the SW Region that does not have Agency wide implications.
- The SD has primary responsibility for management of NOAA Fisheries scientific work within the SW Region and is responsible for ensuring the integrity, quality, and impartiality of NOAA Fisheries science in support of the mission, programs, and management needs of the region and the Agency.

Both:

- The SW Region RA and the SWFSC SD share the regional implementation of NOAA's and Fisheries' strategic plans, national programs and mandated activities, as well as in the development of regional implementation of strategic planning and budgeting activities.
- The SD and RA will form management/science teams to accomplish the Agency's mission efficiently, which shall include scientific participation in management application activities, such as international meetings, council meetings, and front loading rule-making efforts through the Regulatory Streamlining Process, as well as the converse, management participation in scientific activities, as appropriate.
- Examples of coordination between management and science staff:
 - SWR PRD/Santa Cruz Lab Memorandum of Coordination, which sets for the protocol for establishing priorities and assignments.
 - Periodic SWFSC Species Research Program Plan Reviews, with input from the SWR.
 - Participation by regional and center staff on PFMC committees and subcommittees.
 - Coordination/discussions as needed among the respective program staff (i.e., Sustainable Fisheries and Protected Resources).
- The SD and RA will jointly develop protocols, and update as needed, on how they will respond to an emergency situation or crises in their region, consistent with guidance provided by the DAA for Operations. This would include any unforeseen event (i.e., not planned for through the budget, Strategic Plan, or Annual Operating Plan) that could have substantial political, economic, natural resource, or social impacts.
- The RA and SD will, on an annual basis (more often if required), together with the Northwest Region and Northwest Fisheries Science Center, meet with the Pacific Fishery Management Council to solicit council requirements for inclusion in agency plans and as part of a 5-year regional council/NOAA Fisheries requirements plan.
- Where appropriate, the RA and SD will engage other elements of NOAA in the development of plans with a goal of conducting cooperative activities to serve multiple line organizations (e.g., NOAA West).

Program Planning and Budget

- NOAA Fisheries develops long-term strategic plans outlining its steps toward achieving effective and efficient ecosystem-based conservation and management of living marine resources and populating the Annual Operating Plans.

- The RA and SD will work together to develop either a combined Annual Operating Plan, or separate plans that incorporate elements from each others plan, as well as Long-term Strategic Plans for outlining an integrated set of priorities and goals that are clearly defined, measurable, and aligned with Agency missions and goals, and consistent with the Annual Operating Plans.
- The Annual Operating Plans and the Strategic Plans will set priorities for overall program content for the SWR and SWFSC and should be reflect integrated goals and management needs, consistent with the NOAA Fisheries Strategic Plan and relevant performance measures, and must have the AA's concurrence.
- In the development and use of Strategic Plans, the SWR and SWFSC will allocate resources to priorities, based on clear linkages to objectives and key performance measures. The Strategic Plans will be implemented through the Annual Operating Plans.
- The SWR and SWFSC may choose, through the Annual Operating Plan(s), to implement the NOAA Fisheries Strategic Plan instead of developing their own Strategic Plans.
- Development of Annual Operating Plans and long-term Long-term Strategic Plans will be a formal process of negotiation that includes specific commitments of resources by the Science Center to support Regional Office needs for scientific advice.
- Objectives, as defined in the Region/Center's Strategic Plans, will be consistent with NOAA Fisheries Strategic Plan, will be obtainable, and will help define the operating strategies of the SWR and SWFSC in both the short and long-term with expected performance information.
- A process for developing and updating Annual Operating Plans to ensure and verify achievement of objectives will be clear and agreed upon in advance by key personnel at both the Science Center and the Regional Office, such as the RA, SD, and/or their Deputies.
- The SWR and SWFSC, as separate FMCs, shall each have a budget in conformance with Agency-wide policies and standards for sound financial management and share this information with one another at the level of RA and SD on a regular basis.

Personnel Issues:

- The RA and SD are responsible for the management of the people, facilities, funding, and execution of the budget within their respective FMC, in accordance

with overall Agency policy governing personnel and financial management, consistent with guidance from the DAA for Operations.

- The RA and SD will consult with one another in the selection of personnel for key positions and other key hiring decisions, as appropriate.
- Personnel allocation shall be consistent with the Table of Organization, as approved by the DAA for Operations.
- The RA and SD will seek to expand efficiencies through the exchange and/or joint use of personnel, such as administrative staff, and through the sharing of infrastructure such as facilities and technologies by the Regional Office and the Science Center, as appropriate.
- The consolidation of offices and/or facilities will be considered when major infrastructure needs are addressed.
- As an example of joint personnel use, each region will maintain the position of Regional National Environmental Policy Act (NEPA) Coordinator. This individual will ensure NEPA compliance in both the Regional Office and in any activities independently initiated by a Science Center, including actions related to the issuance of Scientific Research Permits (SRP) and Letters of Acknowledgment (LOA), and other actions subject to NEPA compliance.
- The Deputy RA and Deputy SD will provide input to the performance plan and appraisals of any personnel serving both the Regional Office and the Science Center.
- The RA and SD shall identify important performance measures and provide on-going information on current performance relative to established standards for achieving performance to its corresponding FMC on a regular basis.

Constituent Relations:

- Because each FMC has a shared interest in meeting constituents' needs, the SD and RA will work together to ascertain insight into what constituents value in their region.
- The Science Center and Regional Office will each have a designated communications liaison to coordinate the communication needs between the Regional Office and Science Center and serve as the points of contact for public relations.
- This level of coordination is necessary to avoid inconsistent and conflicting information between the two entities and to determine action accountability and keep from undermining the Agency's credibility.

- The roles and responsibilities of the SWR and SWFSC in meeting constituents' needs will be clearly defined and understood, barriers to doing so should be identified and minimized, and they will be continually reviewed and improved upon jointly by the Regional Office and Science Center.
- The SD and RA,, or their designees, will ensure that there is routine communication, including public meetings, as necessary, between the Regional Office, Science Center, and constituents.
- The SD and RA shall jointly attend routine planning meetings with Fisheries Management Councils, Interstate Commissions, and other constituent entities, as appropriate.
- The Science Center shall have a designated liaison with the Regional Fisheries Management Councils, and SD will regularly attend Council meetings so as to maintain an awareness of issues and priorities, as well as to facilitate communication with their constituents.
- Feedback channels between NOAA Fisheries and constituents should be established to lead to action that is responsive to constituent needs, and methods for addressing such feedback should be jointly developed and supported by the SWR and SWFSC.

Coordination and Consultation

- The RA and SD will communicate, share ideas, and work effectively with one another so that neither the SD nor the RA is surprised by actions taken by the other.
- The RA and SD will provide feedback/data to one another at the level needed to create change and meet the Agency's changing needs.
- The SD and RA will create more specific documents and agreements between the two, clearly articulating roles, responsibilities, and deadlines for project completion, as appropriate.
- In the development of a regional position, plan, or other document, the lead FMC will consider comments from the supporting FMC and make modifications, as appropriate, following consultation with one another.
- The SD and RA will cooperate in the authorization of Exempted Fishing Permits (EFPs) to ensure that permits are issued only for proposals that are consistent with the goals and missions of NOAA Fisheries and that, contain sufficient scientific merit.

- In the case of SRPs and LOAs, procedures for identifying how NEPA documents will be prepared and reviewed, as well as for information exchange about the approved SRP and LOA activities, will be jointly agreed to and specified in the Annual Operating Agreement(s).
- The SWR and SWFSC will work together to develop processes for streamlining the issuance of EFPs and SRPs and for the development of any required NEPA documents in the most appropriate and efficient manner, such as through the preparation of programmatic EAs or EISs, rather than individual EAs or EISs to meet NEPA requirements, where feasible.
- In all cases, the RA and SD will work across organizational lines, in addition to up down the chain of command, except for matters where higher levels of leadership need to be involved.

Decision-Making:

- The RA and SD will make decisions that are data driven, timely, well-documented, and communicated to those affected, have well-defined input boundaries (re: who, when), and are made by the appropriate people.
- The RA and SD will work together to design and implement problem-solving and decision-making processes.

<u>Rodney R. McPherson</u> 6-8-10 Regional Administrator Date	<u>Usha Varanai</u> 6/9/10 Science Center Director Date
<u>Anthony Costantino</u> 5/26/10 Deputy Regional Administrator Date	<u>Paul Newell</u> 6/16/10 DAA for Regulatory Programs Date
<u>Justin R. Ford</u> 5/26/10 Deputy Science Center Director Date	<u>Sharon A. Mah.</u> 6/16/2010 Director of Scientific Programs Date
<u>J. Allen</u> 6/16/10 DAA for Operations Date	<u>[Signature]</u> 6/17/10 AA for Fisheries Date