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Administration and Operations
Operating Agreement between Regional Offices and Regional Science Centers

OPERATING AGREEMENT BETWEEN NWRO AND NWFSC

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

FEB 2 2004

MEMORANDUM FOR: Regional Administrators
Science Center Directors

FROM: William T. Hogarth, Ph.D.

SUBJECT: Operating Agreement Between NOAA Fisheries Science Centers and Regional Offices

The attached operating agreement is the first in a series of Agency Operating Agreements that are being updated and/or created to provide NOAA Fisheries with a foundation for achieving our longer term NOAA and Fisheries strategic plan goals as well as our annual operating plan goals. These agreements will improve agency effectiveness by building positive working relationships at all levels, and creating effective, innovative work environments in support of management, research, and service excellence to the American public. This Operating Agreement was last updated and approved by the Leadership Council in 1997. Given the passage of time and current changes in NOAA and Fisheries, the operating plan has been revised accordingly. This document was sent to you for review in August and has also been reviewed by Mike Sissenwine, Rebecca Lent, John Oliver, and other key personnel. Thank you all for your valuable input.

Operating Agreements are essentially statements of expectations between the leadership and staff of professional entities and should foster a "no surprises" policy and facilitate a high degree of consultation between one another. The primary operational tenet of an Operating Agreement is that the working relationship between professional entities is based on a high level of trust in support of a shared mission. This Operating Agreement pertains to interaction and collaboration between NOAA Fisheries' Regional Science Centers (Science Directors (SDs)) and Regional Offices (Regional Administrators (RAs)) for the development and implementation of the Agency's mission. This relationship should be one of mutual exchange of information. Fulfilling this obligation to one another is critical to the success of each Financial Management Center (FMC) and ultimately that of the Agency. Trust is the basis that enables each of us to realize expectations and to place each FMC, office, or other entity in a strong and advantageous position. To ensure that trust is honored mutual efforts at problem-solving should be built upon recognition of the Regional Offices' and Science Centers' legitimate roles. Any actions that disappoint reasonable expectations or place either person in an untenable or embarrassing position can undermine trust and should be avoided.

This Operating Agreement is to be signed and implemented immediately for use in this fiscal year. To facilitate this, everyone will sign the operating agreement when you are here the week of February 16th for our budget meeting. In the meantime, you should review and discuss with your counterpart.

The next draft Operating Agreement, that between Headquarters Offices and the Regions and Science Centers, is being modeled after this one. It will be tailored to meet a different scope and will be circulated shortly for your input.

Attachment

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

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OPERATING AGREEMENT

BETWEEN

REGIONAL OFFICES AND REGIONAL 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 Science Center Directors (SDs) by management. 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 SDs and RAs 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 signing 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 RAs and SDs 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.

Failure of an RA or a SD to adhere to the form and spirit of this Operating Agreement will be considered a performance issue by the DAA for Regulatory Programs, the DAA for Operations, or the Director of Scientific Programs in his/her rating. Input from other RAs and SDs will be solicited for their input in this regard.

Definitions of Principles and Roles

Regions/RAs

- RAs determine Agency position on non-scientific matters within the region that do not have Agency-wide implications.

- RAs have primary responsibility for policy and management issues within each region and are 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 Centers/SDs

- SDs determine the Agency position on scientific matters within the region that do not have Agency-wide implications.

- SDs have primary responsibility for management of NOAA Fisheries scientific work within each region and are 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 RAs and the SDs 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 SDs and RAs 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.

- SDs and RAs will jointly develop protocols 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.

- RAs and SDs will, on an annual basis (more often if required) meet with the appropriate regional council(s) to solicit council requirements for inclusion in agency plans and as part of a 5-year regional council/NOAA Fisheries requirements plan.

- Where appropriate, RAs and SDs will engage other elements of NOAA in the development of plans with a goal of conducting cooperative activities to serve multiple line organizations.

<u>Program Planning and Budget</u>

- 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.

- RAs and SDs will work together to develop a set of Annual Operating Plans (one set for each FMC) 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 each FMC and should be supportive of the region's 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, each FMC 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.

- Each FMC may choose, through its, Annual Operating Plan, to implement the NOAA Fisheries Strategic Plan instead of developing its 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 FMCs 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 RAs, SDs, and/or their Deputies.

- Each Regional Office and Science Center, as separate FMCs, shall have its own 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 in each region are responsible for the management of the people, facilities, funding, and execution of the budget within their respective FMCs, in accordance with overall Agency policy governing personnel and financial management, consistent with guidance from the DAA for Operations.

- RAs and SDs will consult with one another in the selection of personnel for key positions and other key hiring decisions, as appropriate. This pertains to GS-14 (Pay Band 4 and below), whereas all decisions pertaining to GS-15 (Pay Band 5) or higher will follow established policies for such hires.

- 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 Assistant RAs and each Deputy SD will provide input to the performance plan and appraisals of any personnel serving both the Regional Office and the Science Center.

- Each 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, SDs and RAs will work together to ascertain insight into what constituents value in their region.

- Each Science Center and Regional Office will have a designated communications liaison to coordinate the communication needs between the Regional Offices and Science Centers and serve as the region's 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.

- Each FMC's roles and responsibilities 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 Offices and Science Centers in each region.

- SDs and RAs or their designees will ensure that there is routine communication, including public meetings, as necessary, between Regional Offices, Science Centers, and constituents.

- SDs and RAs shall jointly attend routine planning meetings with Fisheries Management Councils, Interstate Commissions, and other constituent entities, as appropriate.

- Each Science Center shall have a designated liaison with the Regional Fisheries Management Councils, and SDs 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 FMCs in each region.

Coordination and Consultation

- RAs and SDs will communicate, share ideas, and work effectively with one another so that neither the SD nor his/her associated RA is surprised by actions taken by the other FMC.

- The RAs and SDs will provide feedback/data to one another at the level needed to create change and meet the Agency's changing needs.

- SDs and RAs 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.

- SDs and RAs 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 Annual Operating Agreements.

- Each pair of FMCs 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, RAs and SDs 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

- All RAs and SDs will make decisions that are data driven, timely, well-documented, communicated to those affected, have well-defined input boundaries (re: who, when), and are made by the appropriate people.

- RAs and SDs will work together to design problem-solving and decision-making processes and will, within six months of the signing of this agreement, jointly establish protocols as to who, what, when, how to make decisions about important issues related to the Agency.

[signature]	2/22/04	Rebecca Lent	2-20-04
Regional Administrator	Date	DAA for Regulatory Programs	Date
[signature]	2/20/04	[signature]	2-20-04
Science Director	Date	Director of Scientific Programs	Date
[signature]	2/20/04	William T. Hogarth	2/20/04
DAA for Operations	Date	AA for Fisheries	Date