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Administration and Operations
Agreements with the National Ocean Service

IMPROVING WORKING RELATIONS B/W THE NATIONAL MARINE SANCTUARY PROGRAM AND NMFS

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UNITED STATES DEPARTMENT OF COMMERCE
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Silver Spring, Maryland 20910

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MEMORANDUM FOR: Regional Administrators, Science Directors, and Office Directors
National Marine Sanctuary Program

FROM: Rebecca Lent
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for Regulatory Programs
National Marine Fisheries Service

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SUBJECT: Improving Working Relations Between the National Marine Sanctuary Program and the National Marine Fisheries Service

In January 2001, NOS and NMFS leadership met to discuss ways to improve our working relationship recognizing that the success of both programs is interdependent. Several assignments were made to continue developing specific ways to implement these improvements. Recently, NOS and NMFS distributed the attached NOS/NMFS Principles and Operating Guidelines (Attachment A). Simultaneously with the development of those Principles, we have been meeting to develop a joint strategy to improve the working relationships between the National Marine Sanctuary Program (NMSP) and NMFS. Recognizing that other NOS programs such as the National Estuarine Research Reserves, and the MPA Centers may also require improved coordination and cooperation, this plan focuses on building a working-relations model between NMSP and NMFS that can eventually be applied to other NMFS and NOS interactions.

The effort described in this plan builds on earlier efforts, including the 1992 NOS/NMFS MOU, as amended, concerning how the two programs will work together. We recognize that, especially at the field level, NMFS/NMSP interactions often work well, but better implementation of existing agreements for program cooperation and a full understanding of respective responsibilities is needed. We see several obstacles to full cooperation, that can be overcome by better understanding of our respective missions, and commitment to communicate a single NOAA message to the public. We will move forward on several fronts: education, procedures for improved coordination, collaboration regarding Sanctuary management plan reviews, and communication.

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EDUCATION/INFORMATION SHARING

NMFS and NOS recognize that we have many areas of mutual concern in the marine environment (e.g., ecosystem diversity, sustainable living marine resources, pollution, habitat loss, enforcement, etc.), the responsibility to coordinate and consult under various laws including the National Marine Sanctuaries Act, Endangered Species Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, etc., and, more importantly, the responsibility as NOAA agencies to work together to fulfill our mutual missions. Similarly, both agencies also recognize that they are public trustees, but interact with sometimes very opposing constituent bases. Understanding more about our respective missions, mandates, authorities, programs, and responsibilities is imperative. Protection of and information about protected marine resources must be coordinated whether they are solely under NMSP or NMFS jurisdiction or shared. Our disparate statutory mandates and constituencies and lack of coordination and knowledge often lead to disjointed or disorganized NOAA policy by default. What may appear to be opportunities to showcase NOAA resulting from high profile events can in fact, without early coordination, compromise NOAA's ability to manage and protect the very resources being protected by NOAA and its partners.

The NMSP has assigned two Sanctuary Managers, one for the east coast and Gulf of Mexico and one for the west coast, to develop plans for educating the regional NMFS offices about the various Sanctuaries, their regulations and future plans. We anticipate periodic meetings between NMSP and NMFS staff to facilitate the exchange of information and to lay the ground work to reduce potential conflicts.

Another information/education tool is the exchange of pertinent information between NMSP and NMFS. NMSP will develop for NMFS a one to two page summary for each sanctuary that briefly describes each sanctuary, lists sanctuary specific regulations which affect fishing and indicate the proposed date of the next five year review of the sanctuary management plan, and protected resources habitat regulations, the status of that process, if begun, and the name of the Sanctuary's primary liaison to NMFS. For each sanctuary, NMFS will provide a one to two page summary identifying the regional fishery management council and NMFS Regional Office having jurisdiction in the geographic region of the Sanctuary, relevant state and Federal fishery management plans and amendments, research and recovery plans, the name and contact number of the NMFS liaison for marine mammal and endangered species issues (harassment concerns and protective regulations, etc.) EFH and critical habitat designations, the Interstate Marine Fisheries Commission, state cooperative agreements, the name of the state artificial reef coordinator, and the name and contact number of the primary NMFS liaison to the Sanctuary, among others (See Table 1).

Both NMFS and NMSP recognize that there is no better substitute for improving working relations than establishing contacts and lines of communication at the staff level. Both organizations will continue to explore mechanisms for facilitating staff contacts between regional offices, science centers and sanctuary offices such as establishing rotational assignments,

organizing workshops/joint training sessions or conducting joint projects in noncontroversial areas (e.g., collective education/outreach such as with Coastal America Learning Centers, joint research, etc.).

TABLE 1. Potential topics and issues to be reviewed by NMFS and NMSP liaisons.

NMFS	NOS
Permit applications (research, commercial fishing, etc.) Fishery management plans and amendments, implementing regulations ESA consultations EFH and HAPC designations and consultations ESA critical habitat designations ESA recovery plans ESA list amendments and consultations (including candidate species) MMPA conservation plans MMPA issues (strandings, harrassment, small take, fishery interactions, etc.) Marine reserves Major projects or policies Activities at regional or local levels Authorities and priorities of other Federal agencies Research plans State cooperative agreements Work with state marine fisheries commissions "One-stop shopping" Artificial reefs Enforcement agreements Biological, economic, and social analyses Coast Guard Area Response Plans Outreach activities (e.g. Watchable Wildlife, information/education initiatives, regulations, etc.) Enforcement	Permit applications (entry, activity) Sanctuary management plan reviews NMSA consultations Designation activities Contingency plans Coast Guard Area Response Plans Enforcement plans MPA projects/coordination Major projects or policies Activities at regional or local levels Authorities and priorities of other Federal agencies "One-stop shopping" Biological, economic, and social analyses Outreach activities (e.g. Watchable Wildlife, information/education initiatives, regulations, etc.) Enforcement

IMPROVED COORDINATION

We have decided on several measures to improve coordination. NMSP/NMFS liaisons will be identified in each Sanctuary and in each NMFS Regional Office. These individuals will be familiar with the NOS/NMFS MOU and the NOS/NMFS Principles and Operating Guidelines and

minimize the likelihood of miscommunication by assigning one person in each program the specific responsibility to facilitate communication, thoroughly understand areas of program overlap and concerns, and to seek opportunities for both offices to work cooperatively together.

NMSP recognizes that without a regional NOS structure, the agency does not have the functional equivalency to NMFS' regional administrators (RA) and science directors (SD). Consequently, there may be occasions when particular issues will require the respective sanctuary manager to directly coordinate with the respective RA and/or SD. Further, in recognition of the programs site specific/regional structure, and the occasional inadequate communication between the sites/regions and headquarters, both NMSP and NMFS have identified headquarters liaisons. For NMFS the liaison is the Deputy Assistant Administrator for Regulatory Programs. For NMSP the liaison is the Senior Policy Advisor to the NMSP. They should be kept informed of major interactions between NMFS and Sanctuaries at the field level to help minimize miscommunication and so that program-wide concerns might be appropriately included in regional decisions.

The headquarters NMSP/NMFS liaisons should meet at least annually to discuss recurring issues and to ensure that all outstanding issues are being addressed. However, if concerns or questions arise, the liaisons need to promptly contact one another and resolve impending issues. The first meeting will be in California and will include the headquarters liaisons, Sanctuary Managers and other appropriate personnel from the California, Olympic Coast and Pacific Sanctuaries, and the Southwest and Northwest Regional Offices of NMFS. Future meetings could be held in conjunction with either a Sanctuary Leadership Team meeting or an existing NMFS national meeting to minimize travel costs and disruption. Issues for discussion will include, but not be limited to topics listed in Table 1.

The decisions which the NMSP and NMFS make in pursuit of their individual responsibilities are often based on the same biological, economic, and social information. Efforts should be made to collaborate on information sharing, identification of science needs and the planning/decision process to address issues. It is to the advantage of both programs to collaborate in the design, collection, synthesis and interpretation of that information to the maximum extent feasible but with the understanding that NMFS' and NMSP have pre-existing responsibilities and commitments. NMFS will provide information to NMSP staff on ESA and EFH consultation requirements. Early discussion of any funding initiatives planned by each program will assure that consultations are initiated early under respective authorities. NMFS will also provide relevant scientific information upon request as well as identify scientific research occurring within and outside the respective sanctuary that may be relevant to Sanctuary decision-making. Similarly, NMSP will provide information to NMFS upon request and identify research that may affect NMFS' decision-making. NMSP staff are encouraged to participate in NMFS' annual laboratory program reviews. Consideration should be given to periodically conducting a multi-line office conference/symposium at which scientists and managers at the working levels can present their work, facilitate dialogue between one another and determine the efficacy of this working-relations model.

MANAGEMENT PLAN REVIEWS

The NMSA calls for comprehensive review and updating of each Sanctuary management plan every five years. The NMSP has begun that process at several Sanctuaries and has a timetable for performing the management plan review for all Sanctuaries (See Attachment B). These reviews including revisiting as appropriate, all the major issues surrounding the designation of these Sanctuaries, including the appropriateness of the boundary size and existing regulations, authorities of other agencies, and the possibility of designating marine reserves. NMSP and NMFS will work with the regional Fishery Management Councils and adjacent States and/or Commissions, in developing any necessary fishing regulations within Sanctuaries. The NMSP and NMFS will ensure that the process is inclusive of all partners, and based on scientific analysis, and public input. NMSP and NMFS will also need to determine efficient mechanisms for addressing other Federal regulatory requirements such as the National Environmental Policy Act, Executive Order 12866, and other Federal laws that include requirements for the analysis of Federal management actions and policies. NMSP can benefit from NMFS advice and expertise in this regard. NMSP and NMFS, therefore, recognize these reviews as important interactive processes in which communication and partnership are absolutely necessary.

In February 2001, the NMSP began reviewing the Central/Northern California Sanctuaries (Monterey Bay, Gulf of the Farrallones and Cordell Bank National Marine Sanctuaries). These Sanctuaries are being reviewed together because they are contiguous and an ecosystem approach makes the most sense. This process will take approximately two years. Sanctuaries and NMFS will work closely during this process to make certain the responsibilities and concerns of both programs are considered throughout the process.

COMMUNICATION

Despite overlapping constituents and occasionally opposing interests, the public views NMFS and NOS, including the NMSP as a single entity under NOAA. Consequently, actions taken by one are reflected upon the other. Both NMFS and NMSP, and to a broader extent NOS, need to explore opportunities for communicating to the different constituencies a consistent NOAA message. For example, the 2-page summaries exchanged between NMSP and NMFS should be posted and cross-referenced on their respective websites.

Attachments

cc:
N/ORM6 - Margo Jackson

ATTACHMENT A

NOS/NMFS Principles and Operating Guidelines

Our goal is to increase the efficiency and effectiveness of NOAA operations by improving coordination between NOS and NMFS. This should reduce duplication and conflicts, increase credibility, strengthen capabilities, and save money.

Fundamental Principles

1. Trust is essential to an effective relationship and is achieved through continuing communication and coordination, and by meeting commitments.

2. A detailed understanding of and respect for each agency's mission, mandates, authorities, programs, and responsibilities is essential. Mutual education will be a key element in building a trusting and productive relationship.

3. Maintaining a commitment to one NOAA--a single external voice and face--is essential.

4. Effective cross-program efforts demand ongoing joint involvement from the start.

5. NOS and NMFS Assistant Administrators and Office Directors are the role models for all employees. They must demonstrate trust, integrity and commitment when interacting with each other.

Joint Operating Agreements

Mutual Understanding of and Respect for Mandates and Programs

1. Counterparts need to educate each other about the missions, programs, mandates, capabilities, and constraints for their respective agencies.

2. At the start of any joint effort, representatives of both agencies should gather and brief each other on these issues.

3. Managers should look for opportunities at conferences, off-sites, workshops, and staff meetings to learn about one another's work.

4. Whenever possible, co-location is desirable.

5. Rotational assignments of personnel from each organization to the other can create good learning opportunities and are highly desirable, even if they are brief in duration.

Program Planning and Coordination

1. NOS and NMFS will engage in early and ongoing involvement in joint planning and execution which is crucial to maintaining coordination.

2. For each initiative and issue, a determination must be made whether both agencies should be involved.

3. For each initiative or issue, in which there is or should be a joint effort, the responsible manager will contact his/her counterpart to begin the coordination process.

4. Leads from each organization will be designated. Leads will be accountable for ongoing communication and coordination as well as results.

5. Counterparts will schedule periodic joint staff meetings to ensure a smooth overall effort and to assess commitments. Out-of-the-office venues for these meetings are preferred, whenever possible.

6. Off-site meetings among the AAs, DAAs, and Office Directors will be held twice a year to discuss overall joint efforts, coordinate budgets, and resolve high-level disputes. Similar meetings should be held at lower levels, as appropriate.

7. Agreements will include clear objectives and outcomes.

Issue Resolution

1. Issues should be addressed proactively as they surface, rather than after they develop into problems.

2. Issues should always be addressed and resolved *at the lowest possible level.* Counterparts should address issues as a normal part of business.

3. When issues cannot be satisfactorily resolved at the lower level, counterparts should go together to the next organizational level for discussion and resolution. All concerned parties should be present.

4. Once the decision is made, the counterparts must support the decision and communicate it to all affected employees.

Communications

1. Communications among all interested parties in both organizations should be on a biweekly to monthly basis.

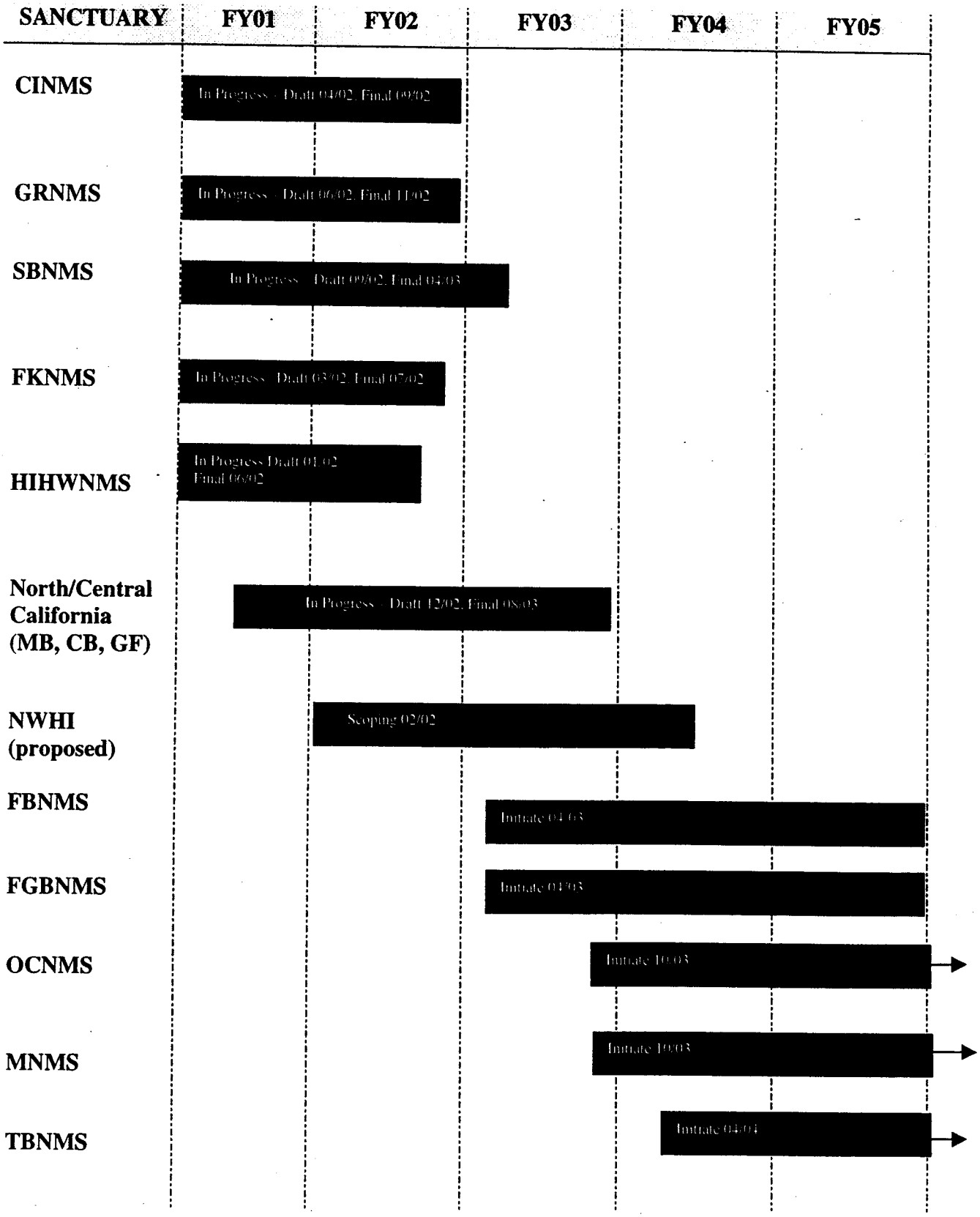
2. Whenever possible, real-time communication between counterparts as events develop is desirable. When real-time communication is not possible, every effort must be made to communicate shortly after important events.

3. The status of high priority joint efforts will be reported to the DAAs on a biweekly basis.

4. A joint NOS/NMFS bulletin board or web site will be established. Summaries of the status of joint efforts will be posted, as will key program decisions. This will ensure total

system awareness of all aspects of ongoing joint efforts.

5. Gloria Thompson and Brenda Jans are the respective counterparts responsible for the joint program communications until further notice.

ATTACHMENT B

National Marine Sanctuary Program - Management Plan Review Schedule