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Appendix I.1. MOU between VIMS/W&M and NOAA for the Establishment of CBNERRVA.

MEMORANDUM OF UNDERSTANDING
BETWEEN
VIRGINIA INSTITUTE OF MARINE SCIENCE
COLLEGE OF WILLIAM AND MARY
THE COMMONWEALTH OF VIRGINIA
AND
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
CONCERNING THE
ESTABLISHMENT AND ADMINISTRATION OF THE
CHESAPEAKE BAY NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM IN VIRGINIA

WHEREAS, the Commonwealth of Virginia has determined that the waters and related coastal habitats of Goodwin Islands, Catlett Islands, Taskinas Creek, and Sweet Hall Marsh provide unique opportunities to study natural and human processes occurring within an estuarine ecosystem; and

WHEREAS, it is the finding of the Commonwealth of Virginia that the resources of Goodwin Islands, Catlett Islands, Taskinas Creek and Sweet Hall Marsh and the values they represent to the citizens of Virginia and the United States will benefit from the management of these sites as a multiple site National Estuarine Research Reserve; and

WHEREAS, the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce has concurred with that finding and pursuant to its authority under Section 315 of the Coastal Zone Management Act of 1972, as amended (CZMA), P.L. 92-583, 16 U.S.C. 1461, and in accordance with implementing regulations at 15 CFR 921.30, may designate Goodwin Islands, Catlett Islands, Taskinas Creek, and Sweet Hall Marsh components of a National Estuarine Research Reserve, forming a multiple site Chesapeake Bay National Estuarine Research Reserve System in Virginia; and

WHEREAS, the Virginia Institute of Marine Science, within the College of William and Mary, as the agency designated by the Governor of the Commonwealth of Virginia responsible for managing the Chesapeake Bay National Estuarine Research Reserve System in Virginia, acknowledges the need and requirement for continuing State-Federal cooperation in the long-term management of the sites in a manner consistent with the purposes sought through their designation.

NOW, THEREFORE, in consideration of the mutual covenants contained herein it is agreed by and between the Commonwealth of Virginia and NOAA, effective on the date of the designation of Goodwin Islands, Catlett Islands, Taskinas Creek, and Sweet Hall Marsh as components of the Chesapeake Bay National Estuarine Research Reserve System in Virginia as follows:

ARTICLE I: State-Federal Roles in Reserve Management

- A. The Virginia Institute of Marine Science within the College of William and Mary as the principal contact for the Commonwealth of Virginia in all matters concerning the Chesapeake Bay National Estuarine Research Reserve System in Virginia, will serve to ensure

that the Reserve is managed in a manner consistent with the goals of the National Estuarine Research Reserve System and the management objectives of the approved Management Plan. Its responsibilities for Management Plan implementation will include the following:

1. Effect and maintain a process for coordinating and facilitating the roles and responsibilities of all State and county agencies involved in the management of the Reserve, including but not limited to:
 - a. Enforcement programs regulating water quality, fish and wildlife habitat protection, sport and commercial fisheries, and non-consumptive recreational activities;
 - b. The on-site administration of facilities, programs, and tasks related to Reserve management;
 - c. Activities and programs conducted pursuant to the State's Federally-approved coastal management program authorized under Section 306 of the CZMA; and
 - d. Research and educational agenda developed and implemented in accordance with corresponding elements of the proposed Plan;
 2. As the Governor's designee under 15 CFR 921.50 and recipient State entity in matters concerning all financial assistance awards authorized under Section 315 of the CZMA, apply for, budget, and allocate such funds received for acquisition and development, operation and management, and research, monitoring and education;
 3. Serve as principal negotiator on issues involving proposed boundary changes and/or amendments to the Management Plan;
 4. Submit annual reports to NOAA on the Reserve describing, in accordance with 15 CFR 921.34, program performance in Plan implementation and a detailed work program for the following year of Reserve operations, including budget projections and research efforts;
 5. Respond to NOAA's requests for information and to evaluation findings made pursuant to Section 312 of the CZMA; and
 6. In the event that it should become necessary, based on findings of deficiency, serve as the point-of-contact for the Commonwealth of Virginia in actions involving the possible withdrawal of Reserve designation, as provided at 15 CFR 921.35.
- B. Within NOAA, the Marine and Estuarine Management Division (MEMD), Office of Ocean and Coastal Resource Management (OCRM), will serve to administer the provisions of Section 315 of the CZMA to ensure that the Chesapeake Bay National Estuarine Research Reserve in Virginia is managed in accordance with the goals of the National

Estuarine Reserve Research System and the Management Plan. In carrying out its responsibilities, the MEMD will:

1. Subject to appropriation, provide financial assistance to the State, consistent with 15 CFR 921 for acquisition, development, management and operation of the Reserve;
2. Subject to appropriation, provide financial assistance to the State and other eligible entities on a competitive basis for research and monitoring and education programs at the Reserve;
3. Serve as the point-of-contact for NOAA in discussion regarding applications for and any financial assistance received by the State under Section 315 of the CZMA, including any and all performance standards, compliance schedules, or Special Award Conditions deemed appropriate by NOAA to ensure the timely and proper execution of the proposed work program;
4. Participate in periodic evaluations scheduled by OCRM in accordance with Section 312 of the CZMA to measure the State's performance in Plan implementation and its compliance with the terms and conditions prescribed in financial assistance awards granted by NOAA for the purposes of the Reserve and advise appropriate OCRM staff of existing or emerging issues which might affect the State's coastal management program; and
5. Establish an information exchange network cataloging all available research data and educational material developed on each site included within the national system of estuarine research reserves.

ARTICLE II: Real Property Acquired for the Purposes of the Reserve

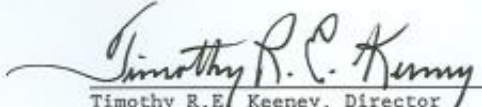
- A. The Commonwealth of Virginia agrees to the conditions set forth at 15 CFR 921.21 (e) which specify the legal documentation requirements concerning the use and disposition of real property acquired for Reserve purposes with Federal funds under Section 315 of the CZMA.
- B. The Commonwealth of Virginia agrees to take appropriate action to ensure the long-term protection, operation, and management of the reserves pursuant to Section 315 of the CZMA.

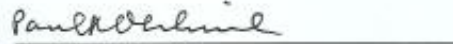
ARTICLE III: Program Evaluation

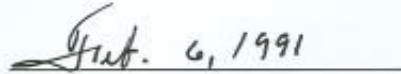
- A. During the period that Federal financial assistance is available, OCRM will schedule, pursuant to 15 CFR 921.34, periodic evaluations of the State's performance in meeting the conditions of such awards and progress in implementing the Plan and the provisions of this MOU. Where findings of deficiency occur, NOAA may initiate action in accordance with the procedures established at 15 CFR 921.35.
- B. After Federal financial assistance under Section 315 of the CZMA is no longer available for the operation and management of the Reserve,

OCRM will continue to evaluate, pursuant to Section 312 of the CZMA and the corresponding provisions of 15 CFR 921, the Virginia Institute of Marine Science performance in implementing the Plan and strategy committing the State to the long-term management of the Chesapeake Bay National Estuarine Research Reserve System in Virginia. Where findings of deficiency occur, NOAA may initiate action in accordance with the procedures established at 15 CFR 921.35.


IN WITNESS THEREOF, the parties hereto have caused this Memorandum to be executed.

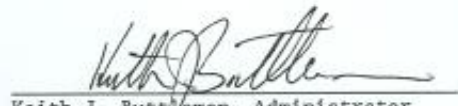

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Date


Date

Witness

Date