

Appendix I.3 MOU between VIMS/W&M and VaDCR for the Administration of the Taskinas Creek Component of CBNERRVA.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE VIRGINIA INSTITUTE OF MARINE SCIENCE
AND
THE DEPARTMENT OF CONSERVATION AND RECREATION
CONCERNING THE MANAGEMENT
OF THE
TASKINAS CREEK COMPONENT
OF THE
CHESAPEAKE BAY NATIONAL ESTUARINE RESEARCH RESERVE IN VIRGINIA

WHEREAS, the Commonwealth of Virginia, acting through the Virginia Institute of Marine Science (VIMS), has determined that the designation of Taskinas Creek within the York River State Park as a component of the Chesapeake Bay National Estuarine Research Reserve (CBNERR) in Virginia under the National Estuarine Research Reserve System (NERRS) program as provided for the Coastal Zone Management Act of 1972, as amended, would provide for beneficial long-term research and public education to improve coastal management capabilities of the Commonwealth; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) owns and manages the property known as Taskinas Creek within York River State Park; and

WHEREAS, the DCR is willing to make a long-term commitment to the CBNERR program by making a substantial portion of the Taskinas Creek watershed within York River State Park, along with adjacent state waters, designated as a National Estuarine Research Reserve for the purposes and in the manner set forth below and in DCRs Resource Management Plan for York River State Park and CBNERRs Management Plan; and

WHEREAS, VIMS and DCR recognize that the designation of Taskinas Creek within York River State Park as a Research Reserve is an acknowledgement that the area within the reserve is a natural field laboratory to be used, in consonance with current uses, to study and gather data on natural and human processes occurring within the watershed of this York River tributary to the lower Chesapeake Bay, and further to provide a basis for increased public awareness and understanding of the complex nature of estuarine systems, their values and benefits to man and nature, and the problems that confront them, all of which are reflective of the goals of Virginia's CBNERR program which are preservation, research and education; and

WHEREAS, the establishment of the Taskinas Creek Research Reserve will augment the present management, educational, and research functions of the DCR within York River State Park, but shall not be used as a substitute for the present management, education, or research functions of DCR; and

NOW, THEREFORE, for and in consideration of mutual covenants herein contained, it is agreed by and between the parties the following:

ARTICLE I. Research Reserve Boundary

The Taskinas Creek Research Reserve will include land owned by the DCR within York River State Park, as delineated in the Management Plan for CBNERR in Virginia (Appendix A).

ARTICLE II. Ownership and Management of Taskinas Creek Area

The real property within the boundaries of the Taskinas Creek Research Reserve shall continue to be owned and managed by the DCR. Personal property within the boundaries of the Taskinas Creek Research Reserve shall additionally continue to be owned and managed by the DCR except as specifically provided below or by a separate MOU. The use of the York River State Park property within the boundaries of the Taskinas Creek Research Reserve shall be in accordance with the purposed for which the research reserve is established.

The Taskinas Creek Research Reserve will be cooperatively managed and operated by the DCR and VIMS in accordance with DCRs Resource Management Plan for York River State Park and CBNERRs Management Plan.

The parties agree to coordinate fully their programs and activities conducted in the Taskinas Creek Research Reserve. Disputes concerning such activities and programs shall be resolved at the appropriate level of management.

ARTICLE III. Uses of the Taskinas Creek Research Reserve

That portion of the York River State Park designated as the Taskinas Creek Research Reserve will be used primarily for ecological research and public education. Natural resource management activities carried out in the Research Reserve under the York River State Park Resource Management Plan will be compatible with the site's designation as an open/sensitive undeveloped zone. Manipulative research and management within the Research Reserve will be permitted only with the concurrence of the parties to this agreement on a case-by-case basis.

Research will be directed towards but not limited to: (1) a better understanding of the ecological relationships within the estuarine environment; (2) baseline ecological measurements; (3) monitoring significant changes in the estuarine environment; and (4) assessment and prediction of the effects of man's activities on the estuarine environment.

Educational programs will be designed to increase public knowledge and awareness of estuarine systems and their uses to man, and may serve as a model for similar programs elsewhere in the Bay area and in other estuarine systems.

Designation of the Research Reserve will not restrict passive recreational activities within the core area nor fishing and water-oriented recreational and other wildlife oriented activities which have been traditionally conducted in York River State Park, nor to contravene the manner in which these activities are regulated by appropriate law. The designation of the Research Reserve is in no way meant to obstruct the achievement of the goals and objectives of the DCR as they pertain to the York River State Park. Resource conditions within the Research Reserve will be monitored to insure that resource degradation does not occur as a result of excessive visitor use. Appropriate measures will be taken to minimize any damages observed as a result of monitoring.

York River State Park and the CBNERR in Virginia shall work out arrangements for the use of existing nature trails and facilities for Research Reserve programs. DCR and VIMS will jointly plan and pursue, if necessary, the creation of any new trails, boardwalks, exhibits, docks, parking areas, facilities, equipment, etc., that enhance the management, research and education goals of the Park and the Research Reserve. It is understood that these additional facilities will be developed to protect the environment in the area by locating administrative facilities and public

access in appropriate sites. Either VIMS or DCR financial assistance award monies may be used for these purposes.

Ownership of scientific and education instruments and equipment purchased by VIMS and located at York River State Park will remain with VIMS. Siting and placement of such equipment will be jointly agreed upon by the CBNERR and York River State Park staff.

Personnel engaged in Research Reserve sponsored research, stewardship and education projects will be afforded access to York River State Park on the same basis with regard to the payment of parking and other fees as personnel engaged in York River State Park or DCR sponsored activities. Such individuals will be identified by presentation of the approved Research Reserve permit or by a permit issued by York River State Park.

ARTICLE IV. Administration of the Taskinas Creek Research Reserve

The DCR will have primary management responsibilities for day to day administration, operations, and maintenance of the Taskinas Creek Research Reserve in cooperation and consultation with VIMS. Other cooperative projects between the DCR and VIMS and other academic institutions or other organizations which are designed specifically to address Research Reserve goals of education, research and preservation shall also require cooperation and consultation.

DCR and VIMS further agree to cooperate on the following Research Reserve management functions:

- a. DCR and VIMS will conduct an annual meeting prior to March 1, to review activities of the previous year and identify upcoming research, education, resource protection, and restoration needs for the Taskinas Creek Research Reserve; VIMS and DCR will help seek funding to fulfill these identified needs;
- b. DCR will enforce Park rules and regulations and CBNERR management policies within the Taskinas Creek Research Reserve; VIMS will insure compliance among participants in VIMS sponsored activities within the Research Reserve; DCR will notify VIMS on non-compliance of personnel engaged in Research Reserve sponsored activities;
- c. DCR and VIMS will review proposed research, education and resource protection/restoration projects to be conducted in the Taskinas Creek Research Reserve. Initial review will be based on the DCR Research and Collection Permit and CBNERR Research Permit applications. Following the review process, DCR and VIMS will issue permits and track approved research, education and resource protection/restoration projects as required;
- d. Acceptance of a Taskinas Creek Research Reserve project permit requires responsible parties to submit final project reports to DCR and VIMS. Upon receipt, DCR and VIMS will discuss findings as related to the management of York River State Park and the Research Reserve. Final reports and/or associated information products will be archived by DCR and/or VIMS.
- e. DCR and VIMS will be involved in the review and update of York River State Park's Resource Management Plan and Master Plan and CBNERRs Management Plan and Natural Resource Management Plan for the Taskinas Creek Research Reserve; and

f. DCR and VIMS will monitor the impact of visitor use and reserve activities and take steps to mitigate impacts.

ARTICLE V. Advisory Service and Research Reserve Management Plans

In addition to the annual meeting, DCR and VIMS personnel may elect to meet as needed to address issues of interests with respect to the Taskinas Creek Research Reserve.

Both DCR and VIMS personnel will be appointed to service committees that oversee activities and address strategic planning initiatives that may impact the Research Reserve.

The MOU's between DCR and VIMS will be updated based on mutually determined needs. Review and updates of the MOU's should, at a minimum, occur when DCR's York River State Park Master Plan, Resource Management Plan or CBNERRs Management Plan are updated.

MOUs between DCR and VIMS regarding the Research Reserve shall be incorporated into York Rive State Park's Resource Management Plan and Master Plan, and CBNERRs Management Plan.


ARTICLE VI. Termination of the MOU

This MOU shall be in effect until superceded.

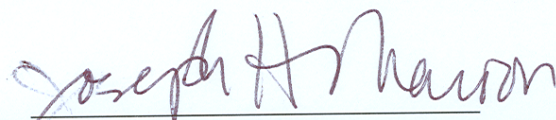
If VIMS ceases to operate the Taskinas Creek Research Reserve as a designated National Estuarine Research Reserve, or Research Reserve designation is withdrawn or otherwise terminated, this MOU shall be terminated.

For purposes of the Article, the parties agree that a decision to terminate this Agreement shall be made jointly by the parties, with two years advance notice given.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understand to be executed on this date August 19, 2008.



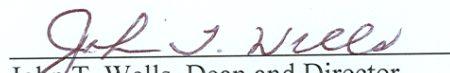
Witness



Joseph H. Maroon, Director
Department of Conservation and Recreation



Witness



John T. Wells, Dean and Director
Virginia Institute of Marine Science
College of William and Mary

Appendix A. Map of property highlighting core and buffer boundaries of agreement.

