

MEMORANDUM OF UNDERSTANDING

AMONG

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
ARKANSAS GAME AND FISH COMMISSION
ATLANTIC STATES MARINE FISHERIES COMMISSION
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
GEORGIA DEPARTMENT OF NATURAL RESOURCES
GULF STATES MARINE FISHERIES COMMISSION
GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
KENTUCKY DEPARTMENT OF FISH AND WILDLIFE RESOURCES
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS
MISSOURI DEPARTMENT OF CONSERVATION
NATIONAL MARINE FISHERIES SERVICE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
TENNESSEE WILDLIFE RESOURCES AGENCY
TEXAS PARKS AND WILDLIFE DEPARTMENT
U.S. FISH AND WILDLIFE SERVICE

FOR
ESTABLISHMENT OF A
SOUTHEAST AQUATIC RESOURCES PARTNERSHIP

Preamble

This Memorandum of Understanding (MOU) confirms the intent of the freshwater and marine fishery resource agencies of the States in the southeastern United States; the National Marine Fisheries Service; the Atlantic States Marine Fisheries Commission; Gulf States Marine Fisheries Commission; Gulf of Mexico Fishery Management Council; South Atlantic Fishery Management Council; and the U. S. Fish and Wildlife Service to develop and implement a

Southeast Aquatic Resources Partnership. The intent of the Southeast Aquatic Resources Partnership is to develop State and Federal partnerships that will extend beyond the traditional boundaries of resource management agencies and establish a commitment to truly work for the benefit of the resource. Work efforts will focus on the “Southeast Aquatic Resources Partnership” mission statement that is:

“With partners, protect, conserve and restore aquatic resources including habitats throughout the Southeast, for the continuing benefit, use and enjoyment of the American people. This will be accomplished through coordinated management and advocacy, building upon existing programs and making efficient use of human and fiscal resources.”

Background

A partnership refers to any voluntary collaboration among organizations working toward a common objective. Used to its full potential, a partnership builds synergistically on the time, talent, and support of all partners to mutual benefit and interest. Benefits of partnerships include 1) shared purpose, 2) increased resources, 3) shared efficiency, 4) innovative solutions, 5) better communication, 6) increased public support, and 7) increased organizational morale and image. The success of the North American Waterfowl Management Plan, agreed upon in 1986 between Canada and the United States, was based on the concept that private, State, and Federal partnerships must be created to accomplish the goals necessary to guide waterfowl conservation through the year 2000. Implementing the North American Waterfowl Management Plan was dependent on the development of joint ventures, which were operational plans targeted at high-priority regions and ultimately site-specific projects undertaken by private, State, and Federal entities. The success of those joint ventures is widely recognized for the increased private and public lands set aside for waterfowl and other migratory birds.

A plan patterned after the Joint Venture Plan for waterfowl and wetlands is needed that articulates how the Partnering agencies can work together in partnership to conserve the Nation’s aquatic resources for the benefit of the American people. A joint venture is one of the delivery mechanisms based on a biological foundation, conservation design, and conservation delivery. A Southeast Aquatic Resources Partnership would provide the framework for successful implementation of State/Federal partnerships and ultimately joint ventures.

The “**Southeast Aquatic Resources Partnership**” was formed under the realization that many of the issues that need attention fall outside the jurisdiction of a single agency, and to properly address such issues will require collaboration and cooperation with other agencies and organizations to bring to bear the kind and amount of resources needed.

The attributes under which the Partnership will operate include the realizations:

- That aquatic resources are either at or rapidly approaching a crisis point, producing a sense of urgency;

- That a consensus-driven process is most efficient;
- That close coordination, trust, and commitment to common goals are mandatory;
- That representation and involvement of informed and supportive public and other stakeholders is both desirable and necessary for support;
- And, that having a positive, measurable impact on aquatic resources will be to the ultimate benefit of the nation.

Purpose

Having determined that there is a need for developing a joint responsibility to better address the aquatic resources of the southeastern United States, the partners in this MOU confirm their intent to establish a Southeast Aquatic Resources Partnership. This partnership will require that all partners move to a higher level of coordination built upon a mutual trust that will focus on successfully making things happen on-the-ground. This will require all partners to rely on closer coordination of those aquatic resource activities that are of mutual concern and work to jointly accomplish those activities.

Thus, the Southeast Aquatic Resources Partnership is intended to provide overall coordination to conduct and complete work jointly on fishery and aquatic resource issues and projects throughout the southeastern United States. The need for a fully accepted and unified approach to aquatic resource management in the southeastern United States is recognized by all of the signatories of this MOU. Such an approach is necessary in order for this partnership to provide the greatest benefits to the freshwater, coastal, and marine aquatic resources throughout the southeast.

Proposed Program

The Partnership will focus on six key issue areas (Appendix 1) that encompass those activities that the partners can work on jointly to provide the greatest benefit to the aquatic resources

The six key issue areas: 1) public use 2) fishery mitigation, 3) imperiled fish and aquatic species recovery, 4) interjurisdictional fisheries, 5) aquatic habitat conservation, and 6) aquatic nuisance species. These issue areas do not cover everything the partners do. However, the Partnership will focus on those issues that should be joint work efforts.

Authority

Authorization of the parties to this MOU to establish and participate in a Southeast Aquatic Resources Partnership to jointly address the aquatic resource issues of the southeastern United States includes the appropriate statutes from each partnership entity (Appendix II).

Commitments of the Parties

The partners to this Memorandum of Understanding hereby affirm their mutual understanding and agree to use their best efforts to take the following steps:

1. To carry out their mutual intent to design and implement a Southeast Aquatic Resources Partnership Plan that will address on-the-ground aquatic resource needs throughout the southeast.
2. To work together to coordinate current and future mutually agreed upon joint aquatic resource activities for the betterment of the southeastern aquatic resources.
3. To use the resources of their agencies, to the extent practical, in a manner consistent with the Southeast Aquatic Resources Partnership Plan that avoids duplication and that mutually supports the efforts of other parties involved.
4. To collectively pursue funding initiatives to support the Southeast Aquatic Resources Partnership, through State and Federal Government and any other avenues that may be available.
5. To collectively pursue interagency agreements, cooperative agreements, grants, and/or contract to fund approved projects.
6. To encourage and support the participation of other appropriate agencies with fishery management or research authority by mutual agreement of the partners.

Implementation

Participants in this MOU recognize the critical need for a Southeast Aquatic Resources Partnership to truly work for the benefit of the resource. Participants acknowledge that existing resources to successfully address aquatic issues jointly are inadequate. Participants also agree on the appropriateness of cooperative agreements and grants and/or contracts to fund approved projects, subject to the availability of funds and in accordance with applicable agency administrative policies and procedures.

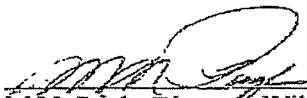
Amendments/Termination

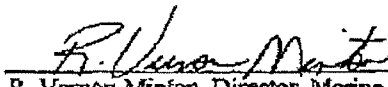
The liability of the parties to this MOU, to each other, and to third persons shall be governed by applicable laws and regulations now and hereafter in force. Any changes to this agreement must be mutually agreed upon by all parties to this MOU. An addendum, signed by all parties will be attached to the original MOU denoting any and all changes. This agreement may be terminated or otherwise canceled by mutual agreement or any individual party may end its participation by providing other parties no less than sixty (60) days written notice.

Period of Performance

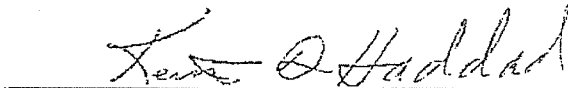
This MOU will become effective upon the date subscribed by the last signatory and shall continue in force from year to year until canceled by either signatory party on 30 days' written notice to the other parties. After such an action, the MOU will no longer be in force for that signatory. This MOU may be amended by mutual consent of the parties.

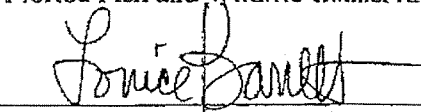
Signatory Partners

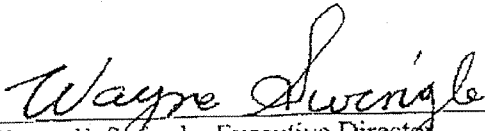

M.N. Pugh, Director, Wildlife and Freshwater Fisheries Division
Alabama Department of Conservation and Natural Resources
Date: 1/21/04


R. Vernon Minion, Director, Marine Resources Division
Alabama Department of Conservation and Natural Resources
Date: 1/9/04

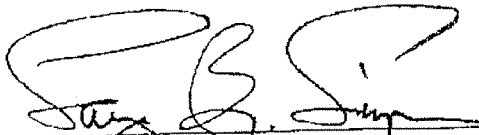

Scott Henderson, Director
Arkansas Game and Fish Commission
Date: 12-19-03


Kenneth D. Haddad, Executive Director
Florida Fish and Wildlife Conservation Commission
Date: 1/6/04

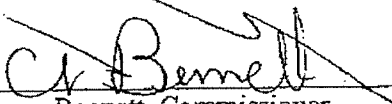

Lonice C. Barrett, Commissioner
Georgia Department of Natural Resources
Date: February 6, 2004


Wayne H. Swingle, Executive Director
Gulf of Mexico Fishery Management Council


3/25/04
Date


Larry Simpson, Executive Director
Gulf States Marine Fisheries Commission

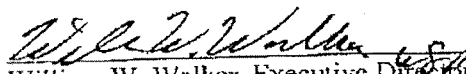
1-26-2004
Date


C. Thomas Bennett, Commissioner
Kentucky Department of Fish and Wildlife Resources

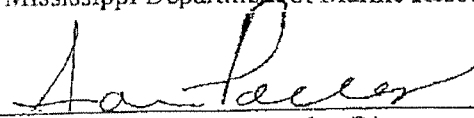
2-11-04
Date


James H. Jenkins Jr., Secretary
Louisiana Department of Wildlife and Fisheries

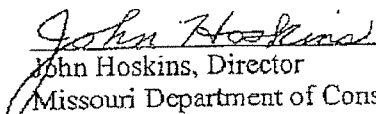
12-31-01
Date


William W. Walker, Executive Director
Mississippi Department of Marine Resources

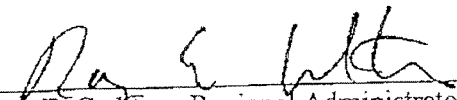
1/8/04
Date


Sam Polles, Ph. D. Executive Director
Mississippi Department of Wildlife, Fisheries, and Parks

12/24/03
Date

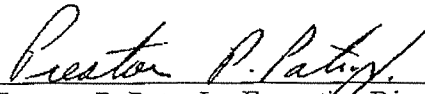

John Hoskins, Director
Missouri Department of Conservation

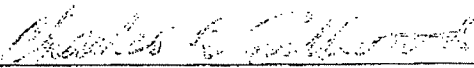
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Date

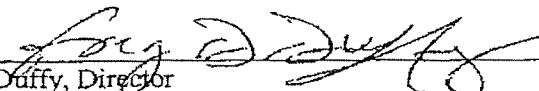

Roy E. Crabtree, Regional Administrator
National Marine Fisheries Service

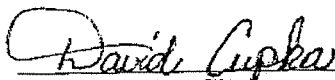
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Date


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Preston P. Pate, Jr., Executive Director, Division of Marine Fisheries
North Carolina Department of Environment, Health, and Natural Resources
6/28/04
Date



Charles Fullwood, Director
North Carolina Wildlife Resources Commission
Date

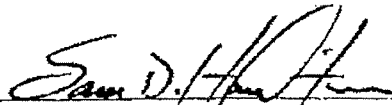

Greg Duffy, Director
Oklahoma Department of Wildlife Conservation
12-19-03
Date


David Cupka, Chairman
South Atlantic Fishery Management Council
June 23, 2004
Date


John Frampton, Director
South Carolina Department of Natural Resources
12-22-03
Date


Gary T. Myers, Executive Director
Tennessee Wildlife Resources Agency
03-02-04
Date


Robert L. Cook, Executive Director
Texas Parks and Wildlife Department
12/30/03
Date


Sam Hamilton, Regional Director
U.S. Fish and Wildlife Service
5/10/04
Date

Issue Area Goals

Public Use:

Increase recreational fishing and other sustainable uses of aquatic resources by the public.

Successful fishery conservation in the United States has always depended upon the significant contributions of recreational anglers and commercial fisherman. Aquatic conservation efforts would not have succeeded without the support of the fishing public. Anglers are the primary catalysts of aquatic resource conservation. Without the recreational anglers and commercial fisherman, State resource agencies, the Fish and Wildlife Service, the National Marine Fisheries Service and the coastal Councils and Commission would be very limited in their scope in addressing fishery resource problems. Successful fishery conservation is a three-way partnership between Federal and States agencies and the public.

Fishery Mitigation:

Provide high quality angling opportunities at water development projects.

Fishery mitigation in the Southeast is a joint Federal/State partnership involving the Fish and Wildlife Service and State resource agencies. Although clearly a Federal responsibility, the combined efforts of the Fish and Wildlife Service and the States have been successful in addressing fishery mitigation responsibilities resulting from the construction of numerous Federal water development projects throughout the Southeast.

Imperiled Fish and Aquatic Species Recovery:

Reduce the numbers of imperiled species in the Southeast.

The decline in health of aquatic ecosystems has resulted in the escalating imperilment of many aquatic species. It will take a coalition of State, Federal, Tribal, and Private partners in order to reverse this trend and maintain the country's heritage as exhibited by its diversity of native wildlife and fishes.

Interjurisdictional Fisheries:

Protect, conserve and restore interjurisdictional fisheries in the Southeast.

Interjurisdictional fisheries are those aquatic populations that are managed by two or more entities, including the States, Federal Government, nations, or Native American Tribal governments, because of geographic distribution and migratory patterns of aquatic resource

populations. Because it is difficult, if not impossible, to impose political or jurisdictional boundaries upon living resources that freely migrate or move across these boundaries during the course of their lives, successful management of interjurisdictional fisheries resources requires a collaborative and coordinated approach between the governmental entities that share them.

Aquatic Habitat Conservation:

Aquatic habitats have appropriate biological, chemical and physical integrity to support healthy functional communities:

The quality and quantity of aquatic habitats in North America and the Southeast, both inland and coastal, has essentially been in decline since European colonization. Restoration and preservation of aquatic habitats, both in quality and quantity, is the keystone issue underlying the restoration, recovery, and sustainable use of aquatic resources.

Aquatic Nuisance Species:

Prevent and control impact of invasive species on the ecological, economic, and social values of the southeast.

Aquatic nuisance species threaten the ecological stability of infested lakes, rivers and streams and the commercial and recreational activities dependent on these waters. Over 200 aquatic species, plants and animals have been introduced into the United States. Approximately half of these are found in the Southeast. Many of these aquatic nuisance species, such as the Asian carp and the Asian eel, can impact both commercial fishing and recreational fishing opportunities.

Appendix II

Authority

Authorization of the parties to this MOU to establish and participate in a Southeastern Aquatic Resources Partnership to jointly address the aquatic resource issues of the southeastern United States includes the following statutes:

Alabama Department of Conservation and Natural Resources:

- Code of Alabama – Section 9-2-1; 9-2-2, and 9-2-7. 1975

Arkansas Game and Fish Commission:

Atlantic States Marine Fisheries Commission:

Florida Fish and Wildlife Conservation Commission:

- Article IV Section 0, Florida Constitution

Georgia Department of Natural Resources:

Gulf of Mexico Fishery Management Council:

Gulf States Marine Fisheries Commission:

Kentucky Department of Fish and Wildlife Resources:

Louisiana Department of Wildlife and Fisheries:

- LSA-R.S.36:605.13.A

Mississippi Department of Marine Resources:

Mississippi Department of Wildlife, Fisheries, and Parks:

- Mississippi State Statute 49-4-8. Powers and duties of the MDWFP.

Missouri Department of Conservation:

National Marine Fisheries Service:

North Carolina Department of Environment and Natural Resources:

North Carolina Wildlife Resources Commission:

- NC G.S 113-305

Oklahoma Department of Agriculture:

South Atlantic Fishery Management Council:

South Carolina Department of Natural Resources:

- Code of Laws of South Carolina 1976, as amended. Sections 49-3-40; 50-5-20, and 50-3-90.

Tennessee Wildlife Resources Agency:

- T.C.A. 70-1-302 (a) (7) – (a) The TWRA is directed and authorized to enter into cooperative agreements with educational institutions and State, Federal, and other agencies to promote wildlife management and conservation.

Texas Parks and Wildlife Department

U. S. Fish and Wildlife Service:

- The Service is authorized to address cooperative resource issues under the Fish and Wildlife Coordination Act (16 U. S. C. 661) and the Fish and Wildlife Act of 1956 (16 U. S. C. 742 f(a)(4)).
- The Service addresses threatened and endangered species issues through the Endangered Species Act (ESA) of 1973, as amended (16 U. S. C. 1531 et seq.).
- Under the authority of Secretarial Order Number 3175, Departmental Responsibility for Indian Trust Resources and the U. S. Fish and Wildlife Service Native American Policy signed by the Director on June 28, 1994 the Service can work with Tribes on resource issues

Minor editorial corrections were made to text and approved by Southeast Aquatic Resources Partnership Steering Committee on April 5, 2005.