

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AND THE
ENVIRONMENTAL PROTECTION AGENCY

I. Purpose

This memorandum of understanding establishes the participation of National Oceanic and Atmospheric Administration (NOAA) in the Chesapeake Program (CBP). It reflects a mutual desire that the capabilities of NOAA in the area of environmental studies contribute to the cleanup of the Chesapeake Bay, further, that State/Federal resource management functions, in such areas as coastal zone and fishery management, benefit from and are coordinated with cleanup activities.

II. Background

The CBP operates under an agreement among the Governors of the States of Maryland, Virginia and Pennsylvania; the Mayor of the District of Columbia and the Administrator of the Environmental Protection Agency (EPA). The agreement provides for executive direction exercised through an Executive Council composed of cabinet officials of the States and the District of Columbia, and the Director of EPA's Region III. Management of the CBP is exercised by an Implementation Committee composed of State, Federal, and District officials acting on the recommendations of functional subcommittees. Overall CBP staff support is provided by the Chesapeake Bay Liaison Office in EPA.

The National Oceanic and Atmospheric Administration operates under the following principal authorities: Marine Protection Research and Sanctuaries Act, National Ocean Pollution Planning Act, National Sea Grant College Act, Coastal Zone Management Act, Magnuson Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, Anadromous Act Conservation Act, and Commercial Fisheries Research and Development Act. These laws and others authorize NOAA to conduct and coordinate both scientific and management functions relevant to the cleanup of the Chesapeake Bay.

In addition to these authorities, the Congress has given further guidance in the appropriation process as to problems of particular concern and interagency coordination. This memorandum responds to that guidance.

III. Understandings

A. NOAA Participation in CBP Institutional Structure

NOAA will participate actively in the institutional structure of the CBP, in particular, NOAA will be represented on the Implementation Committee (the Committee) by the Director, NOAA Estuarine Programs Office (NOAA Office); and on each subcommittee of the Committee by appropriate

NOAA line organization representative in the NOAA Office or other appropriate NOAA personnel. NOAA personnel will participate in activities of the Chesapeake Bay Liaison Office as needed, with up to one man-year dedicated to coordinating activities.

B. NOAA Participation in the CBP

NOAA annually will propose and distribute a plan of activities (or changes thereto) to be presented to the Committee for its review and advice when the CBP budget is reviewed. The plan will be developed and maintained by the NOAA Office. Decisions on the availability of NOAA funds or personnel, the deployment of data acquisition systems, field research, and the structure of data bases necessarily remain with the NOAA line organization responsible for a given activity. However, every effort will be made to blend the requirements of the CBP and NOAA's mission-related programs, specifically:

1. EPA and NOAA will work together in creating and managing the Chesapeake Bay data Base.

- o EPA agrees to provide training on the YAX 11/780 for the NOAA Office staff, and to provide appropriate user access to the CBP data base.

- o Relevant data will be exchanged.

- o NOAA agrees to assign personnel to work with and support the above effort, as well as facilitate the transfer of appropriate NOAA Bay related data into the CBP data base.

2. EPA and NOAA will cooperate in monitoring the Bay and its living resources.

- o Through the YAX 11/780 system, EPA will provide NOAA with access to the water quality monitoring data now being assembled.

- o EPA will coordinate its sampling of organics and metals in sediments and tissues with NOAA's interest in living marine resources. This would include coordinating decisions on station selection, sampling and quality assurance (QA) protocols, and related sampling of living marine resources.

- o NOAA will coordinate the Chesapeake Bay environmental quality monitoring activities of its National Status and Trends Program with EPA, particularly with reference to station selection, sampling and quality assurance protocols and analytical techniques.

- o NOAA agrees to reestablish long term hydrographic monitoring buoys in Chesapeake Bay at sites chosen through mutual consultation. The data will be shared by EPA and NOAA modeling and monitoring staffs and their representatives.

- o NOAA agrees to work with the states in fishery related matters including catch statistics, sampling protocols and resource assessment of key finfish and shellfish species in the Chesapeake Bay and to encourage special studies in areas such as histopathology, hypoxia and sublethal effects of pollution on living marine resources (LMRs).

3. EPA and NOAA will cooperate in bringing special resources to bear on Chesapeake Bay problems.

- o Such resources include NOAA's Sea Grant College, Coastal Zone, Management and Estuarine Sanctuaries Programs, and NOAA's and EPA's laboratories and remote sensing capabilities.

- o EPA and NOAA agree to coordinate their hydrographic and water quality modeling capabilities to maximize understanding of the estuary.

- o EPA and NOAA will encourage other creative, cooperative efforts relating to the Bay.

C. Public Participation and Information

The CBP is an undertaking to restore the resources of the Chesapeake Bay and its tributaries to full productivity for the benefit of regional residents, the coast-wide economy, and the National welfare. To assure representation of interstate constituencies, NOAA will participate in identifying appointments to the Citizens Advisory Committee authorized by the CBP Executive Council and the dissemination of reports and data.

An annual report on the state of the Bay required by the Chesapeake Bay Agreement of 1983, will be developed by NOAA in conjunction with EPA.

D. Federal Administration

NOAA recognizes the role of EPA as the lead agency for Federal participation in the CBP. CBP recognizes NOAA's expertise in LMR (including anadromous) management and the need to define the relationship between environmental quality and health of the resource. NOAA and EPA will share equipment, detail personnel, and provide access to laboratory facilities to the extent that such actions do not hinder their mission-related programs. Such actions will be governed by specific agreements for the use, liability, duration or other stipulation of stewardship.


IV. Authorities

Nothing in this memorandum of understanding alters the statutory authorities and responsibilities of NOAA or EPA. It is intended to facilitate those authorities and responsibilities through the cooperative mechanism of the CBP.

V. Duration

This memorandum of understanding becomes effective on the date of signature by both parties and continues for the duration of the CBP or until modified by mutual consent or unless terminated with 30 days written notice by either party.


U.S. Environmental Protection Agency


National Oceanic and Atmospheric
Administration

Date Nov 21, 1984

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