



Terrence D. Moore
Executive Director
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

March 16, 1998

Dear Dr. Moore:

I am pleased to present you with the final Memoranda of Understanding (MOUs) for the newly established Jacques Cousteau National Estuarine Research Reserve at Mullica River-Great Bay. Thank you for your assistance and please feel free to call me with any questions at (732) 932-6555 extension 521.

Sincerely,

A handwritten signature in cursive script that reads "Janice McDonnell".

Janice McDonnell
Outreach Specialist

P. O. Box 231, New Brunswick, New Jersey 08903-0231
908/932-6555, FAX: 908/932-8578

MEMORANDUM OF UNDERSTANDING

among

U.S. Fish And Wildlife Service

Richard Stockton College of New Jersey

Rutgers University Institute of Marine & Coastal Sciences

New Jersey Department of Environmental Protection

New Jersey Pinelands Commission

Detailing the State-Federal (non-NOAA) Roles
in the

Jacques Cousteau National Estuarine Research Reserve
at Mullica River-Great Bay

I. PURPOSE

This Memorandum of Understanding (MOU) serves to establish the framework for coordination, cooperation and communication between the U.S. Fish and Wildlife Service (USFWS), Rutgers University Institute of Marine and Coastal Sciences (IMCS), Richard Stockton College (RSC) of New Jersey, the New Jersey Pinelands Commission (PC) and the New Jersey Department of Environmental Protection (DEP) regarding managing the Jacques Cousteau National Estuarine Research Reserve at Mullica River-Great Bay. These complimentary program, through cooperation and coordination, will protect and help manage the Reserve.

Recitals

WHEREAS, DEP, USFWS, IMCS, and RSC own and administer the properties known collectively as the Jacques Cousteau NERR, located in Ocean, Burlington, and Atlantic Counties, New Jersey; and

WHEREAS, the Mullica River-Great Bay has been recognized as a natural area of mutual interest to all parties;

WHEREAS, DEP, USFWS, IMCS, and RSC are willing to have Mullica River-Great Bay included in the core area of the Jacques Cousteau National Estuarine Research Reserve for the purposes and in the manner set forth below and in the Management Plan for the Reserve; and

WHEREAS, DEP, USFWS, IMCS, New Jersey PC, and RCS recognize that inclusion of the MRGB in the NERRS is an acknowledgment that the region is a natural field laboratory to be used, in agreement with current uses, to study and gather data on natural processes and human impacts occurring within the MRGB, and to provide a basis for increased public awareness and understanding of the complex nature of estuarine

systems, their values, benefits, and the problems that confront them, all of which are reflective of the goals of the National Estuarine Research Reserve System, i.e., preservation, research, education, and interpretation; and

WHEREAS, the Reserve will be jointly managed and operated by IMCS and the New Jersey DEP in accordance with the Management Plan; and

WHEREAS, the majority of the Reserve is located in the Pinelands National Reserve; and

WHEREAS, IMCS and the New Jersey DEP agree that the long range plans for the MRGB are compatible with the goals and objectives of the NERRS and all parties including USFWS, RSC, IMCS, the New Jersey PC, and New Jersey DEP, can benefit from its inclusion into the system and desire to enter into this MOU to govern the incorporation of the MRGB region into the Reserve;

THEREFORE, for and in consideration of mutual agreements contained herein, all parties including USFWS, IMCS, the New Jersey PC, New Jersey DEP, and RSC do hereby agree as follows:

II. REFERENCES AND AUTHORITY

A. U.S. Fish and Wildlife Service

The Service has trust responsibility for fish, wildlife and plants, many of which are endangered species, migratory birds, and anadromous and inter jurisdictional fish species which are concentrated in, or heavily dependent on coastal land and marine habitats. The Service is responsible for managing about 500 National Wildlife Refuges including the Edwin B. Forsythe National Wildlife Refuge covering portions of the coastal plain, barrier islands and estuaries in Atlantic, Burlington, and Ocean Counties. The Service's authorities for this responsibility include, but are not limited to: Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884) as amended; Fish and Wildlife Coordination Act of 1934 ((16 U.S.C. 661-666C; 48 Stat. 927)), as amended; Refuge Recreation Act of 1962 (14 U.S.C. 460k-460k-4; 76 Stat. 653), as amended.

B. Richard Stockton College of New Jersey

Richard Stockton College of New Jersey includes degree granting programs in Environmental Studies, Marine Science, and Biology. Faculty have been active in teaching and conducting research in the Great Bay area since the founding of the College in 1971. They have considerable data on a variety of parameters in the area. The College owns and operates a field station on Nacote Creek, within the reserve boundary. Teaching facilities, research facilities and a fleet of research vessels are currently at the site, and it is the headquarters of the Coastal Research Center (CRC) at Stockton. The CRC undertakes coastal studies for communities, private enterprises and governmental

agencies, accumulating and processing information on shoreline changes, inlet morphology and coastal zone management issues. RSC has upgraded its Internet access to a T1 connection to allow transmission of data from the LEO-15 site described below, as detailed in a memorandum of understanding between Stockton and the Institute. National Science Foundation funds have helped modernize one of the buildings, install geothermal heating/cooling system, renovate the greenhouse, and add a seawater treatment system. Long term plans include construction of a new building with teaching, research, and public access areas that could be important in the educational activities of the proposed NERR.

C. Rutgers University-Institute of Marine and Coastal Sciences

IMCS is composed of interdisciplinary teams of broadly trained scientists dedicated to estuarine and ocean research and education. IMCS has been conducting research and data collection in the Great Bay area since 1957. IMCS maintains its Marine Field Station and fleet of research boats at the northern mouth of Great Bay and has recently expanded its wet labs, enlarged the running seawater system, created special purpose laboratory rooms and constructed a large dormitory facility on the upland adjacent to the wetlands on Great Bay. In addition the Institute maintains an offshore research site known as the Long-term Ecosystem Observatory at 15 meters depth, LEO-15, in the ocean off the inlet to Great Bay. In addition to providing long-term data and research, the site is being instrumented to enable the Institute to collect and transmit real time data to its main campus in New Brunswick, and from there into elementary and secondary classrooms in New Jersey.

D. New Jersey Department of Environmental Protection

DEP administers comprehensive environmental protection and management programs and large tracts of public lands dedicated for recreational and resource management purposes. DEP has authority to regulate development within tidal flowed waters, coastal and freshwater wetlands and uplands areas within and surrounding the reserve. DEP manages several large tracts of land within and surrounding the reserve. These tracts include the Wharton State Forest, Bass River State Forest, Kislow Nature Preserve, Clarks Landing Preserve, Mystic Island Preserve, Great Bay Natural Area, North Brigantine Natural Area, Port Republic Wildlife Management Area, Swan Bay Wildlife Management Area, Great Bay Boulevard Wildlife Management Area, and Absecon Wildlife Management Area. The Nacote Creek Research Station is the center for DEP's coastal and estuarine research activities housing agencies responsible for wildlife management, marine fisheries, shell fisheries, land management and marine law enforcement.

E. New Jersey Pinelands Commission

The New Jersey PC is responsible for implementing a comprehensive management plan for the Pinelands National Reserve pursuant to Section 502 of the National Parks and Recreation Act of 1978., P.L. 95-625, 16 U.S.C. (Sec. 471 (I) and the Pinelands

Protection Act of 1979, P.L.1979 c.111 (C:13:18A-1 et seq). The comprehensive management plan sets forth the policies adopted by the Pinelands Commission to protect, preserve and enhance the significant values of the land and water resources of the Pinelands National Reserve. The PC has initiated a long-term environmental monitoring program to evaluate the long-term consequences of the policies and programs of the Pinelands Comprehensive Management Plan. The main focus of this monitoring program is the Mullica River Basin.

III Roles in Reserve Management

A. Landholders Coordinating Committee

The parties commit to long-term management and compliance with regulations of the National Estuarine Research Reserve program of the lands and waters of the Reserve consistent with the regulations on habitat manipulation and the other regulations at 15 CFR Part 921. The goals and objectives of the Reserve Management Plan will be shared by a landholders coordinating committee to be composed of the various institutional landholders within the Reserve. Through a cooperative effort, the landholders will guide programs within the Reserve to assist in the educational and research objectives of the members. Obligations described for each Reserve landholder are subject to available funding.

Overall responsibility for the landholders coordinating committee will be with IMCS in cooperation with the New Jersey Department of Environmental Protection with the advice of a Research Reserve Advisory Committee and Research, Management, and Education Subcommittees. The Advisory Committee membership, to be appointed by the Commissioner of DEP, will include one representative each from:

1. IMCS, Rutgers University,
ex officio
2. NJ Division of Parks and Forestry
3. NJ Division of Fish, Game & Wildlife
4. NJ Office of Environmental Planning DEP (ex officio)
5. Richard Stockton College of New Jersey
6. U.S. Fish & Wildlife Service, Edwin B. Forsythe Refuge
7. Atlantic County government
8. Burlington County government
9. Ocean County Government
10. NJ Sportsmen Association
11. Alliance for a Living Ocean
12. NOAA, Sanctuaries and Reserve Program (ex officio)
13. NJ Natural Lands Trust
14. Ducks Unlimited, Inc.
15. Pinelands Commission
16. Shellfishing Association
17. Barnegat Bay Decoy and Baymens' Museum

18. National Marine Fisheries Service
19. local elected officials
20. Atlantic Audubon Society
21. Pinelands Preservation Alliance
22. American Littoral Society

Representation on the Advisory committee can be revised dependent upon the recommendation and consent of the Advisory Committee. The research & monitoring, local government, and education & interpretation subcommittees will be made up of representatives of the Advisory Committee.

B. Estuarine Research Reserve Mission Statement

The landholders coordinating committee composed of all public landholders in the Jacques Cousteau NERR (including USFWS, NJ DEP, Rutgers-IMCS, and RSC of NJ) will be responsible for carrying out the goals of the management plan. Rutgers-IMCS will be the primary financial agent of the Reserve, and will be responsible for raising the matching funding required for the Reserve program. NJ DEP, under Section 315 of the Federal Coastal Zone Management Act will be responsible for ensuring compliance with the rules and regulations of such law in New Jersey as authorized in the New Jersey Coastal Zone Management Program.

The following section describes the roles and responsibilities of the Reserve partners. The obligations described for the Reserve are subject to available funding. The goals include:

1. Active research and monitoring programs that draw scientists from various institutions to work together on understanding coastal issues.
2. On-going programs that provide materials, activities, workshops and conferences that translate the research results to the resource users and regulators.
3. Staff and volunteers to manage, monitor, protect, educate and translate research results.
4. Facilities that include research laboratory, classroom, library, administrative, maintenance, office, meeting, field equipment storage and interpretive display space.
5. Equipment to facilitate research and outreach activities including boats, laboratory and field equipment, audiovisual, curriculum, reference materials and data bases.
6. A constituency of local, regional, state and national policy makers, regulators and the general public.
7. A link in a network of coastal sites that represent an array of land use types including residential, commercial and industrial uses dedicated to resource management and conservation.

IV. Other Provisions

Nothing in this MOU diminishes the independent authority or coordination responsibility of each agency in administering its statutory obligations. Nothing herein is intended to conflict with current agency directives. If the terms of this agreement are inconsistent with existing directives of any agency entering into this agreement, then those portions of this agreement which are determined to be inconsistent shall be invalid; but the remaining terms and conditions not affected by the inconsistency shall remain in full force and effect. At the first opportunity for review of the agreement, all necessary changes will be made by either an amendment to this agreement or by entering into a new agreement, whichever is deemed expedient to the interest of all parties. Should disagreement arise on the interpretation of the provisions of this agreement, or amendments and /or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each party and presented to the other parties for consideration.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed this 28th day of January, 1998.

Steve Atzert Date: 2-18-98
Steven Atzert
Refuge Manager
Edwin B. Forsythe National Wildlife Refuge
U.S. Fish & Wildlife Service

C Tantillo Date: 2/13/98
Charles Tantillo
Vice President for Administration and Finance
The Richard Stockton College of New Jersey

J. Frederick Grassle Date: 1/28/98
J. Frederick Grassle Ph.D
Institute of Marine and Coastal Sciences
Rutgers - The State University of NJ

[Signature] Date: 2/4/98
New Jersey Department of Environmental Protection

Terrence D. Moore Date: 2/23/98
Terrence D. Moore
Executive Director
Pinelands Commission

Andrew B. Rudeczynski Date: 3/5/98
Andrew B. Rudeczynski, Vice President
Research & Sponsored Programs,
Rutgers University