

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
AND THE
SECRETARIAT OF THE
SOUTH PACIFIC REGIONAL FISHERIES MANAGEMENT ORGANIZATION

This Memorandum of Understanding (MoU) is between the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereafter NOAA), and the Secretariat of the South Pacific Regional Fisheries Management Organization (hereafter SPRFMO) to support conservation and management of marine resources important to the United States.

I. Purpose of the Memorandum of Understanding

The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereafter SPRFMO Convention), through the application of the precautionary approach and an ecosystem approach to fisheries management, aspires to the long-term conservation and sustainable use of fishery resources.

The main commercial resources fished in SPRFMO's area of competence (Convention Area) include jack mackerel, jumbo flying squid, and deep-sea species, such as orange roughy. SPRFMO currently has 15 members and three Cooperating non-Contracting Parties. The United States became a member of the organization in 2017.

The United States aspires to develop appropriate monitoring, control, and surveillance (MCS) measures in SPRFMO with the goal of managing the marine resources and ecosystems sustainably for fisheries in the Pacific Ocean, including fisheries managed by SPRFMO and other RFMOs in which the United States participates.

The purpose of this MoU is to describe the process for providing NOAA funds to the SPRFMO Secretariat for the implementation of MCS measures, including the vessel monitoring system, the observer program, data collection and analysis, compliance and enforcement procedures, and to assist the SPRFMO Secretariat with other measures as appropriate under the SPRFMO Convention. To support the MCS measures, NOAA intends to provide funding pursuant to section III.B of this

MoU to the SPRFMO Secretariat for the next five SPRFMO financial years (July 1, 2020 through June 30, 2025).

II. Authorities

The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific (SPRFMO Act), 16 U.S.C. 7801 *et seq.*, authorizes the Secretary of Commerce to transfer funds to the SPRFMO Secretariat to assist developing nations and international organizations in meeting their obligations under the SPRFMO Convention (16 U.S.C. 7810(b)(1) and (2)).

The SPRFMO Convention, under Article 15, Paragraph 3, authorizes SPRFMO to accept financial contributions and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of its functions. *See also* 16 U.S.C. 7810(a).

III. Responsibilities of the Participants

A. SPRFMO Secretariat's Responsibilities

The SPRFMO Secretariat is to provide the administrative support to carry out the implementation of the SPRFMO's MCS measures and/or other SPRFMO activities for the next five SPRFMO financial years (FY), including the observer program accreditation process, implementation of SPRFMO's vessel monitoring system, and other international MCS related goals for the conservation and management of SPRFMO's marine resources.

The SPRFMO Secretariat will provide a written report to NOAA at the end of each financial year, detailing the specific uses of the funds provided by NOAA.

The SPRFMO Secretariat intends to establish a separate account for the MCS measures identified herein and consistent with the funding provided under this MoU.

B. NOAA's Responsibilities

NOAA intends to provide, as available, up to

- (i) a total of US\$ 100,000 in each financial year: FY 2020-21 (July 1, 2020 to June 30, 2021), FY 2021-22 (July 1, 2021 to June 30, 2022), FY 2022-23 (July 1, 2022 to June 30, 2023), FY 2023-24 (July 1, 2023 to June 30, 2024), and FY 2024-25 (July 1, 2024 to June 30, 2025) to support the Secretariat's work. In some years the amount may be \$0 but will be no greater than \$100,000 in a given financial year.
- (ii) For FY 2020-21 (July 1, 2020 to June 30, 2021), NOAA will transfer \$100,000 to SPRFMO for the Secretariat's compliance work for the observer program accreditation process, vessel monitoring system work, and training and work of the new compliance officer.

NOAA Accounting Data for FY 2020-21 transfer:
ALC: 13140001
BETC: DISB
Treasury Account Symbol: 13 2020/2021 1450
These funds are available for obligation through September 30, 2020

- (iii) Funding for activities beyond FY 2020-21 may be provided through amendments to this MoU.

Nothing in this MoU is intended to restrict NOAA or the SPRFMO Secretariat from engaging in similar or related activities with entities that are not participants to this MoU.

VI. MoU Duration, Amendments, or Termination

The activities described in this MoU commence on the date when both participants sign the MoU, and the MoU is expected to terminate on June 30, 2025, unless mutually extended in writing by the participants.

The participants should review this MoU annually to determine whether it should be revised, renewed, or terminated.

This MoU may be amended by mutual written consent of the participants prior to its termination date. Any participant may terminate this MoU by providing 30 days' written notice to the other participants.

This MoU is not legally binding under international law.

VII. Resolution of Disagreements

Should disagreements arise on the interpretation of the provisions of this MoU, amendments and/or revisions that cannot be resolved at the operating level, the area(s) of disagreement should be stated in writing by each participant and presented to the other participant for consideration. If resolution on interpretation is not reached within 30 days, the participants should forward the written presentation of the disagreement to the respective higher officials for appropriate resolution. It is expected that higher officials should resolve the dispute within 30 calendars from receipt of the dispute by the participants.

VIII. Contacts

The points of contact for activities under this MoU are:

NOAA Technical Contact:

Michael Tosatto
Regional Administrator
NOAA Fisheries
Pacific Islands Regional Office
1845 Wasp Boulevard
Building 176
Honolulu, HI 96818
(808) 725-5000

SPRFMO Secretariat Technical Contact:

Craig Loveridge
Acting Executive Secretary
SPRFMO Secretariat
Level 26 Plimmer Towers
2-6 Gilmer Terrace, PO Box 3797
Wellington 6140
New Zealand
+64-4-499-9894

NOAA Financial Contact:

Sandra Tanaka
Budget Officer
NOAA Fisheries Pacific Islands Regional Office
1845 Wasp Boulevard
Building 176
Honolulu, HI 96818
(808) 725-5051

SPRFMO Secretariat Financial Contact:

Yanbin Liu
SPRFMO Secretariat Finance Officer
Level 26 Plimmer Towers
2-6 Gilmer Terrace, PO Box 3797
Wellington 6140
New Zealand
+64-4-499-9885

If a participant makes a change to the contact information above, the participant making the change will notify the other participant in writing of such change and append the change as an appendix to this MoU. Changes to this contact section do not require a formal amendment.

IX. Signatures

This MoU accurately reflects the understanding between the Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service and SPRFMO Secretariat for the funding described herein.

For the U.S. Department of Commerce National Oceanic and Atmospheric Administration National Marine Fisheries Service:

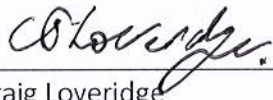
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Date:

Chris Oliver
Assistant Administrator for Fisheries

For the Secretariat of the South Pacific Regional Fisheries Management Organization:



Craig Loveridge
Acting Executive Secretary
SPRFMO Secretariat
Level 26 Plimmer Towers
2-6 Gilmer Terrace, PO Box 3797
Wellington 6140
New Zealand

Date:

