

**SOUTH FLORIDA–CARIBBEAN
COOPERATIVE ECOSYSTEM STUDIES UNIT**

**AMENDMENT TWO to
COOPERATIVE AGREEMENT**

between

**U.S. DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Bureau of Land Management
U.S. Fish and Wildlife Service
U.S. Geological Survey
National Park Service**

**U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service**

**U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

**U.S. DEPARTMENT OF DEFENSE
Office of the Assistant Secretary of Defense for Sustainment
U.S. Army Corps of Engineers–Civil Works**

and

FLORIDA INTERNATIONAL UNIVERSITY (HOST)

**Barry University
Flagler College
Florida A&M University
Florida Atlantic University
Florida Gulf Coast University Board of Trustees
Florida Institute of Technology
Nova Southeastern University
University of Florida
University of Miami
University of North Carolina–Wilmington
University of Puerto Rico
University of South Florida Board of Trustees
University of the Virgin Islands
Avian Research and Conservation Institute**

**Cetacean Logic Foundation, Inc.
Everglades Foundation
Fairchild Tropical Botanic Garden
Institute for Regional Conservation
National Audubon Society, Inc.–Audubon Florida
Ocean Research and Conservation Association
Smithsonian Institution**

**Adding:
Bureau of Ocean Energy Management**

With the exception of the changes below, all terms and conditions of the South Florida–Caribbean CESU Cooperative and Joint Venture Agreement apply to this Amendment, and this Amendment is hereby made part of the Agreement.

ARTICLE I. BACKGROUND AND OBJECTIVES

- A.1. The Bureau of Ocean Energy Management is hereby included in the South Florida–Caribbean CESU as a Federal Agency Partner.
- N. Bureau of Ocean Energy Management. The Bureau of Ocean Energy Management (hereinafter called BOEM) oversees the exploration and development of oil, natural gas and other minerals and renewable energy alternatives on the Nation's outer continental shelf. BOEM continues to look for better ways to serve the American people and to ensure that the Nation receives the best value for its resources now and into the future. The program not only supports decisions made within the Department of the Interior, but also provides other Federal regulators, and the coastal states, and local governments with the information necessary to ensure that all stages of offshore energy and mineral activities are conducted in a manner to protect both the human and natural environments. Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. §§ 1331-1356) Section 1346 mandates the conduct of environmental and socioeconomic studies needed for the assessment and management of environmental impacts on the human, marine, and coastal environments which may be affected by oil and gas, renewable energy or mineral development. OCSLA Section 1345 authorizes the use of cooperative agreements with affected States to meet the requirements of OCSLA, including sharing of information, joint utilization of available expertise, formation of joint monitoring arrangements to carry out applicable Federal and State laws, regulations, and stipulations relevant to outer continental shelf operations both onshore and offshore. With OCSLA and additional authorities as listed BOEM can enter into cooperative agreements public colleges and universities, research scientists, Federal, State and local decision-makers, Native American Organizations, not-for-profit organizations within the affected states.

Authorities list:

- (a) The Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 et seq.), which authorizes the Secretary of the Interior to enter into agreements with Federal and State agencies to assist in the protection of fish and wildlife and their habitats.
- (b) The (OCSLA) Amendments of 1978, 43 U. S. C. 1346, which established a policy for the management of oil and natural gas in the Outer Continental Shelf (OCS) and for protection of the marine and coastal environment. The amendments authorize the Secretary of the Interior to conduct studies in areas or regions of sales to ascertain the “environmental impacts on the marine and coastal environments of the OCS and the coastal areas which may be affected by oil and gas development.” Per 43 U. S. C. 1346(c.) “...For the purpose of carrying out the responsibilities under this section, the Secretary (of the Interior) may by agreement utilize, with or without reimbursement, the services, personnel or facilities of any Federal, State or local.
- (c) [Under Section 19\(e\) of the OCS Lands Act \(Public Law 95-372\)\(43 USC 1345\)](#), it states:
“The Secretary is authorized to enter into cooperative agreements with affected States for purposes which are consistent with this Act and other applicable Federal law. Such agreements may include, but need not be limited to, the sharing of information (in accordance with the provisions of section 26 of this Act), the joint utilization of available expertise, the facilitating of permitting procedures, joint planning and review, and the formation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws, regulations, and stipulations relevant to Outer Continental Shelf operations both onshore and offshore.”
[Section 201\(f\) of the Act \(43 USC 1331, 1335\)](#) contains this definition of “affected State.” “Affected State” is generally interpreted to be any coastal state and public universities are considered to be an extension of the state.
- (d) [The “Marine Mineral Resources Research Act of 1996” \(Public Law \(P.L.\) 104-325\)](#) gives the Secretary (DOI) the authority to “...award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research...”
[Section 1471\(f\) of the Act \[43 USC 1471\(f\)\]](#) lists entities eligible to receive CAs as “colleges and universities, State agencies, and nonprofit organizations.” Eligible – affected States, their agencies, and their public universities and non-profits in affected States. Not Eligible – private universities, entities in non-affected States, or their agencies and universities.
- (e) The National Environmental Policy Act (NEPA), 42 U. S. C. 4321-4347, which requires that all Federal agencies use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences in any planning and decision-making that may have an effect on the human environment.
- (f) 43 U.S.C. 1345 (e); 43 U.S.C. 1346 Section 20.

State agencies, public universities, and non-profits in affected states may apply. More than one institution may collaborate in the preparation of an application for assistance. Scientists from other institutions may participate in collaboration with a principal investigator from a State agency or public university.

- a) Under the Use of Cooperative Agreements authority (43 U.S.C. §1457b), to enter into cooperative agreements with a state or political subdivision (including any agency thereof), or any not-for-profit organization if: (1) the agreement will serve a mutual interest of the parties to the agreement in carrying out the programs administered by BOEM; and (2) all parties will contribute resources to the accomplishment of these objectives
- (g) Under the Take Pride in America Act (16 U.S.C. §§4601-4608), to establish and maintain a public awareness campaign, in cooperation with public and private organizations and individuals, to instill in the public the importance of the appropriate use of, and appreciation for, Federal, state, and local natural and cultural resources. Research scientists, Federal, State and local decision-makers, Native American Organizations, and the general public will ultimately benefit from the program.

In accordance with the aforementioned authorities, BOEM is authorized to enter into this cooperative agreement to continue the South Florida–Caribbean CESU to assist in providing research, technical assistance, and education.

ARTICLE III. TERM OF AGREEMENT

- A.1. The effective date of the South Florida–Caribbean CESU Cooperative and Joint Venture Agreement is 15 August 2020.
- A.2. The effective date of this Amendment to the South Florida–Caribbean CESU Cooperative and Joint Venture Agreement shall be determined from the date of the last signature.

ARTICLE IV. KEY OFFICIALS

- A.10. The representatives for the Bureau of Ocean Energy Management are as follows:

Technical Representative(s)

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ARTICLE XIV. AMENDMENT AUTHORIZING SIGNATURES

Per Article III.C., the following authorizing signatures are attached:

- J. Bureau of Ocean Energy Management
- K. FLORIDA INTERNATIONAL UNIVERSITY (HOST)

ARTICLE XIV. AMENDMENT AUTHORIZING SIGNATURES (cont.)

J. Bureau of Ocean Energy Management

Rodney E. Cluck	RODNEY CLUCK	<small>Digitally signed by RODNEY CLUCK Date: 2024.09.27 09:12:20 -04'00'</small>	<u>9/27/2024</u>
<hr/> Rodney Cluck Chief, Division of Environmental Sciences			<hr/> Date

ARTICLE XIV. AMENDMENT AUTHORIZING SIGNATURES (cont.)

K. FLORIDA INTERNATIONAL UNIVERSITY (HOST)



Digitally signed by Roberto M. Gutierrez,
Associate Vice President for Research
Date: 2024.09.27 17:01:58 -04'00'

Roberto M. Gutierrez
Associate Vice President for Research

Date