

MEMORANDUM OF AGREEMENT

BETWEEN THE

**U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE
U.S. INTEGRATED OCEAN OBSERVING SYSTEM OFFICE**

AND THE

PACIFIC ISLANDS OCEAN OBSERVING SYSTEM

**FOR THE PURPOSE OF DESIGNATING THE PACIFIC ISLANDS
OCEAN OBSERVING SYSTEM AS CERTIFIED FOR INCORPORATION
INTO THE NATIONAL INTEGRATED COASTAL AND OCEAN
OBSERVING SYSTEM**

NOS Agreement Code: MOA-2015-068/9189

I. PARTIES AND PURPOSE

- A. The Program Director of the United States Integrated Ocean Observing System (IOOS[®]) Office, a component of the National Ocean Service (NOS) of the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce (DOC) enters into this Memorandum of Agreement (“MOA” or “Agreement”) with the Director of the Pacific Islands Ocean Observing System (PacIOOS).
- B. This Agreement integrates PacIOOS into the National Integrated Coastal and Ocean Observing System (ICOOS) based on satisfying NOAA’s requirements as specified in the Regulations to Certify and Integrate Regional Information Coordination Entities (RICES) (15 C.F.R. Part 997).

II. BACKGROUND

- A. The Integrated Coastal and Ocean Observation System (ICOOS) Act of 2009 (Pub. L. 111-11) (ICOOS Act or Act, codified at 33 U.S.C. §§ 3601-3610) directs the President, acting through the National Ocean Research Leadership Council (Council), to establish a National Integrated Coastal and Ocean Observation System (System). The System must “include in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and [be] designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data.” 33 U.S.C. § 3601(1). Another purpose of the System is “to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.” 33 U.S.C. § 3603(a).
- B. The ICOOS Act directs the Interagency Ocean Observation Committee (IOOC) to “develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System.” 33 U.S.C. § 3603(c)(2)(E). The Act further directs NOAA, as the lead Federal agency for implementing the System, to “promulgate program guidelines to certify and integrate non-federal assets, including regional information coordination entities, into the System.” 33 U.S.C. § 3603(c)(3)(C). The Regulations to Certify and Integrate Regional Information Coordination Entities (15 C.F.R. Part 997) satisfy this requirement and identify the compliance procedures and requirements for certifying RICES. The U.S. Integrated Ocean Observing System Office, within NOAA, is responsible for implementing the provisions of the Act for certifying RICES.

- C. NOAA designates PacIOOS a certified RICE on DATE XX, 2015. Certification expires on [DATE, 2020] (*5 years from date the MOA is finalized*). This MOA provides final integration of PacIOOS into the ICOOS for the same term. Integration provides PacIOOS with the civil liability protections that are described in 15 C.F.R. § 997.26.

III. AUTHORITY

The programmatic authority for the NOAA U.S. IOOS Office and PacIOOS to enter into this Agreement is the ICOOS Act (33 U.S.C. 3601-3610), which authorizes the President to establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities. The system is to include in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data.

IV. TERMS AND CONDITIONS

- A. NOAA:
1. Consistent with paragraph II.C. above, recognizes PacIOOS as a certified RICE per the ICOOS Act (33 U.S.C. 3601-3610).
 2. Recognizes the individuals listed as meeting the employee of a RICE criteria in the Decision to Approve PacIOOS Certification Application letter from the Director of the U.S. IOOS Program Office to the Director of PacIOOS, dated August 18, 2015, as being approved RICE employees consistent with 15 C.F.R. § 997.26.
 3. Will provide reasonable guidance to PacIOOS for fulfilling all work related to existing certification requirements.
 4. May audit a RICE to ensure that it is maintaining compliance with all parts identified in 15 C.F.R. Part 997.
- B. PacIOOS:
1. Will continue to meet all requirements identified in 15 C.F.R. Part 997 through the duration of the Agreement, in conformity with the documentation provided in its certification application.
 2. Will begin archiving the data collected from its near-shore buoys and water quality sensors with NOAA's National Centers for Environmental Information by the end of March 2017.
 3. Will send all profiling glider data to the U.S. IOOS Glider Data Assembly Center (DAC) for archiving when it receives notification

- from the U.S. IOOS Program Office that the DAC is ready to accept archival data.
4. Send all animal telemetry data to the U.S. IOOS Animal Telemetry Network Data Assembly Center for archiving when it receives notification from the U.S. IOOS Program Office that the DAC is ready to accept archival data.
 5. Will ensure that for variables with approved QARTOD manuals, QARTOD QC tests will be in place no later than December 2015.
 6. Will ensure that for variables with QARTOD manuals in development, QARTOD QC tests will be in place within 6 months of publication of the manual.
 7. Will remove all Liquid Robotics wave glider data from PacIOOS data servers and data portals until the data are quality-controlled by Liquid Robotics.
 8. Will notify the U.S. IOOS Program Office to discuss the submission of an intent to substantively change its Strategic Operational Plan, in accordance with 15 C.F.R. § 997.13(c), if it fails to meet any of conditions 2 through 6 of this section.

VI. FUNDING ARRANGEMENTS

- A. This Agreement is not a fiscal or funds obligation document, and funding is neither anticipated nor required for activities identified herein.

VII. DURATION OF THE AGREEMENT, MODIFICATION OR TERMINATION

- A. This Agreement will become effective upon the date of the last signature and shall remain in effect until **[5 years from date certification MOA is finalized]**.
- B. The Agreement may be amended or terminated consistent with 15 C.F.R §§ 997.14 and 997.15.

VIII. RESOLUTION OF DISAGREEMENT

If the Parties disagree over how to interpret this Agreement, such disagreement(s) shall be presented to the other Party for consideration. If agreement or interpretation is not reached within 30 days, the parties may refer the matter to a higher level of authority within their respective organizations for appropriate resolution.

IX. CONTACTS:

A. POINTS OF CONTACT:

FOR THE INTEGRATED OCEAN OBSERVING SYSTEM (NOAA):

For program/technical matters:

Mr. Dave Easter, Regional Coordinator
Integrated Ocean Observing System
National Oceanic and Atmospheric Administration
1315 East-West Highway, 2nd Floor
Silver Spring, MD 20910
(301) 713-3290 ext. 109 (voice)
Dave.Easter@noaa.gov (e-mail)

FOR THE Pacific Islands Ocean Observing System:

For program management/technical areas:


Melissa Iwamoto, Deputy Director
Pacific Islands Ocean Observing System (PacIOOS)
University of Hawai'i at Mānoa
1680 East West Road, POST 815
Honolulu, HI 96822
phone: (808) 956-6556 (voice)
mmiwamot@hawaii.edu (e-mail)

- B. Either Party may elect to change its point(s) of contact by providing 14-day written notice thereof to the other Party. This change will not require an amendment.

X. SIGNATURES:

This Agreement shall be effective as of the date of last signature of the authorized representatives of the Parties (the "Effective Date"). This Agreement may be signed in duplicate originals, or in separate counterparts, which are as effective as if the Parties signed a single original. A facsimile of an original signature transmitted to the other Party is effective as if the original was sent to the other Party.”).


ACCEPTED AND APPROVED FOR THE DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL OCEAN SERVICE, U.S. INTEGRATED OCEAN OBSERVING SYSTEM:



Ms. Zdenka Willis, Director
U.S. IOOS® Program

3 Nov 2015
Date

ACCEPTED AND APPROVED FOR THE Pacific Islands Ocean Observing System



Mr. Chris Ostrander, Director
Pacific Islands Ocean Observing System

3 Nov 2015
Date