

**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 A U.S. REGIONAL  
INFORMATION COORDINATION ENTITY AS CERTIFIED FOR  
INCORPORATION INTO THE NATIONAL INTEGRATED COASTAL  
AND OCEAN OBSERVING SYSTEM**

**NOS Agreement Code: MOA-2021-011/12125**

## I. PARTIES AND PURPOSE

- A. The Director of the United States Integrated Ocean Observing System (IOOS<sup>®</sup>) Office, within 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 Pacific Islands Ocean Observing System (PacIOOS).
- B. This Agreement integrates PacIOOS into the National Integrated Coastal and Ocean Observing System (ICOOS) based on satisfying the requirements as specified in the Regulations to Certify and Integrate Regional Information Coordination Entities (15 CFR 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. 3601(1) and 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 CFR 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 designated PacIOOS a certified RICE on October 15, 2020. This certification will expire five years from date of last signature of this MOA. 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 CFR 997.26.

### III. AUTHORITY

The programmatic authority for NOAA U.S. IOOS Office and PacIOOS to enter into this Agreement is the Integrated Coastal and Ocean Observation System (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 Office to the Director of PacIOOS, dated October 15, 2020, as being approved RICE employees consistent with 15 C.F.R § 997.26.
3. Will provide reasonable guidance to RICE to fulfill work related to a certification requirement.
4. May audit a RICE to ensure that it is maintaining compliance with all parts identified in 15 CFR Part 997.

#### B. PacIOOS:

1. Will continue to meet all requirements identified in 15 CFR Part 997 through the duration of the Agreement, in conformity with the documentation provided in its certification application.
2. Will continue archiving the datasets for nearshore sensors and wave quality buoys routinely with NCEI.
3. When finalized, will make available the final PacIOOS Strategic Operational Plan on the PacIOOS website. In the event that PacIOOS wishes to substantially change its Strategic Operational Plan, PacIOOS will notify the U.S. IOOS Office in accordance with 15 C.F.R § 997.13(c).

### VI. FUNDING ARRANGEMENTS

This Agreement is not a fiscal or funds obligation document, nor is funding 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 five years from date of last signature. 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 they 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:*

Oriana Villar, Regional Coordinator  
Integrated Ocean Observing System  
National Oceanic and Atmospheric Administration  
1315 East West Hwy, Suite 225  
Silver Spring, MD 20910  
(240) 676-5309 (voice)  
Oriana.Villar@noaa.gov (e-mail)

*FOR THE PacIOOS:*

*For program management/technical areas:*

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

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:*

---

**Carl Gouldman, Director**  
**U.S. IOOS® Program Office**

---

**Date**

*ACCEPTED AND APPROVED FOR THE PACIFIC ISLANDS OCEAN OBSERVING SYSTEM*



---

**Melissa Iwamoto, Director**  
**Pacific Islands Ocean Observing System**

---

10/22/2020  
**Date**