

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

GULF OF MEXICO COASTAL OCEAN OBSERVING SYSTEM

**FOR THE PURPOSE OF DESIGNATING A U.S. REGIONAL COASTAL
OBSERVING SYSTEM AS CERTIFIED FOR INCORPORATION INTO
THE NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVING
SYSTEM**

I. PARTIES AND PURPOSE

- A. The Director of the United States Integrated Ocean Observing System (IOOS[®]) 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 Gulf of Mexico Coastal Ocean Observing System (GCOOS).
- B. This Agreement integrates GCOOS 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 Coastal Observing Systems (15 CFR Part 997).

II. BACKGROUND

- A. The Integrated Coastal and Ocean Observation System Act of 2009 (Pub. L. 111-11) (ICOOS Act or Act) as amended by the Coordinated Ocean Observation and Research Act of 2020 (Pub. L. 116-271, Title I) (COORA'), 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 and modeling systems, and product development 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 requirements for each regional coastal observing system to establish eligibility for integration into the System, to ensure compliance with all applicable standards and protocols, and to ensure that regional observations are integrated into the System on a sustained basis. 33 U.S.C. 3603(c)(2)(B). The Act further directs NOAA, as the lead Federal agency for implementing the System, to promulgate program guidelines to certify and integrate regional associations into the System. 33 U.S.C. 3603(c)(3)(C)(iii)(I). The implementing regulations (15 CFR Part 997) satisfy this requirement and identify the compliance procedures and requirements for regional coastal observing systems (RCOS). The IOOS Office is responsible for implementing the provisions of the Act for certifying RCOS.
- C. On January 25, 2023, the Director of the IOOS Office issued to the Executive Director of GCOOS a decision letter approving the GCOOS Certification Application (January 23, 2023 Decision Letter). Through this decision, NOAA designated GCOOS a certified RCOS and identified individuals listed as meeting the employee of a RCOS criteria. This certification will expire five years from the date of signature of this MOA. This MOA provides final integration of GCOOS

into the ICOOS for the same term. Integration provides GCOOS with the civil liability protections that are described in 15 CFR 997.26.

III. AUTHORITY

The programmatic and legal authority for the IOOS Office and GCOOS to enter into this Agreement is the ICOOS Act and COORA, 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 Council and at the regional level by a network of regional coastal observing systems (RCOS). 33 U.S.C. 3603. The Act requires that RCOS shall be established or certified by an agreement or contract by the NOAA Administrator. 33 U.S.C. 3603(c)(4)(A)(i). The Act also authorizes the NOAA Administrator to enter into and oversee contracts, leases, grants, or cooperative agreements with non-Federal assets, including RCOS, to support the purposes of the Act. 33 U.S.C. 3603(c)(3)(C)(iv).

IV. TERMS AND CONDITIONS

A. NOAA:

1. Consistent with paragraph II.C. above, recognizes GCOOS as a certified RCOS per the ICOOS Act and COORA.
2. Recognizes the individuals listed in the January 23, 2023 Decision Letter as meeting the employee of a RCOS criteria consistent with 15 CFR § 997.26.
3. Will provide reasonable guidance to RCOS to fulfill work related to a certification requirement.
4. May audit a RCOS to ensure that it is maintaining compliance with all parts identified in 15 CFR Part 997.

B. GCOOS:

1. Will 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 engage with the NOAA National Centers for Environmental Information (NCEI) to ensure and validate that its datasets are routinely archived.

VI. FUNDING ARRANGEMENTS

This Agreement is not a fiscal or funds obligation document. Transfer of 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 of the authorized representatives of the Parties and shall remain in effect until March 8, 2028.
- B. The Agreement may be amended or terminated consistent with 15 CFR 997.14 and 997.15.

VIII. RESOLUTION OF DISAGREEMENT

If a Party disagrees over how to interpret this Agreement it shall present such disagreement 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 IOOS[®] OFFICE (NOAA):

For program/technical matters:

Dave Easter
Integrated Ocean Observing System
National Oceanic and Atmospheric Administration
1315 East West Hwy, Suite 225
Silver Spring, MD 20910
(240) 338-3861 (voice)
dave.easter@noaa.gov (e-mail)

FOR GCOOS:

For program management/technical areas:

Jorge Brenner, Executive Director
Gulf of Mexico Coastal Ocean Observing System (GCOOS)
3146 Texas A&M University
College Station, TX 77843
(361) 696-1776 (voice)
jorge.brenner@gcoos.org (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 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:

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**Carl C. Gouldman, Director
IOOS Office**

Date

ACCEPTED AND APPROVED FOR THE GULF OF MEXICO COASTAL OCEAN OBSERVING SYSTEM



**Jorge Brenner, Executive Director
Gulf of Mexico Coastal Ocean Observing System**

March 7, 2023

Date