

**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**

**MID-ATLANTIC REGIONAL ASSOCIATION 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<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 Mid-Atlantic Regional Association Coastal Ocean Observing System (MARACOOS).
- B. This Agreement integrates MARACOOS 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 (Public Law 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 capabilities, technologies, data management systems, communication systems, and product development systems, and [be] designed to address regional and national needs for ocean and coastal 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).
- 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 ensure that regional observations are integrated into the System on a sustained basis. 33 U.S.C. 3603(b)(2)(B)(v). 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(b)(3)(C)(iii)(I). 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 RCOS. The IOOS Office is responsible for implementing the provisions of the Act for certifying RCOS.
- C. On November 10, 2021, the Director of the IOOS Office issued to the Executive Director of MARACOOS a decision letter approving the MARACOOS Certification Application (November 10, 2021 Decision Letter). Through this decision, NOAA designated MARACOOS 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 MARACOOS into the ICOOS for the same term. Integration provides MARACOOS 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 MARACOOS to enter into this Agreement is the ICOOS Act and COORA, which establishes 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. § 3604(a)(1). The Act requires that RCOS shall be established by a memorandum of agreement of certification by NOAA. 33 U.S.C. §§ 3604(c)(3)(C)(iii), (d). The Act also provides NOAA the authority to enter into and oversee contracts, leases, grants, or cooperative agreements with non-Federal assets, including regional coastal observing systems, to support the purposes of this Act. 33 U.S.C. § 3604(b)(3)(C)(iv).

### **IV. TERMS AND CONDITIONS**

#### **A. NOAA:**

1. Consistent with paragraph II.C. above, recognizes MARACOOS as a certified RCOS per the ICOOS Act and COORA.
2. Recognizes the individuals listed in the November 10, 2021 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. MARACOOS:**

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 archive its datasets routinely with the NOAA National Centers for Environmental Information (NCEI).

### **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 December 21, 2026.
- 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:*

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 MARACOOS:*

*For program management/technical areas:*

Gerhard Kuska, Executive Director  
Mid-Atlantic Regional Association Coastal Ocean Observing System  
(MARACOOS)  
PO BOX 4610  
Newark, DE 19715, USA  
302-519-1971 (voice)  
kuska@maracoos.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:*

\_\_\_\_\_  
**Carl C. Gouldman, Director**  
**U.S. IOOS Office**

\_\_\_\_\_  
**Date**

*ACCEPTED AND APPROVED FOR THE MID-ATLANTIC REGIONAL ASSOCIATION COASTAL OCEAN OBSERVING SYSTEM*



12/20/2021

\_\_\_\_\_  
**Gerhard Kuska, Executive Director**  
**Mid-Atlantic Regional Association Coastal Ocean Observing System**

\_\_\_\_\_  
**Date**