

A GENERAL COLLABORATIVE AGREEMENT PURSUANT TO

33 U.S.C. § 1442(d)

BETWEEN THE

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE
AND
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

AND THE

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF RESEARCH AND DEVELOPMENT

AND THE

NATIONAL SCIENCE FOUNDATION
DIRECTORATE FOR GEOSCIENCES

AND THE

DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH

AND THE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
OFFICE OF EARTH SCIENCE

FOR THE

ECOLOGY AND OCEANOGRAPHY OF HARMFUL ALGAL BLOOMS PROGRAM

NOS Agreement Code: MOA-2003-17811075

I. PARTIES AND PURPOSE

- A. This Agreement is between the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), through the National Centers for Coastal Ocean Science (NCCOS), Center for Sponsored Coastal Ocean Research (CSCOR), and the Office of Oceanic and Atmospheric Research through the National Sea Grant Program (OAR/SG), and the following agencies: the Environmental Protection Agency, Office of Research and Development (EPA/ORD); the National Science Foundation, Directorate for Geosciences, Ocean Sciences (NSF/GEO/OCE); the Department of Defense, Office of Naval Research (DOD/ONR); and the National Aeronautics and Space Administration, Office of Earth Sciences (NASA/OES).
- B. This Agreement defines the working relationship between the five named agencies in supporting and administering the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) Program. ECOHAB is intended to be run cooperatively by the agencies with shared scientific goals, announcements of opportunity, proposal review processes, and oversight. Each agency may fund separate components of the program consistent with the goals, missions, and programmatic requirements of the agency.

II. BACKGROUND

- A. The ECOHAB Program is a research program for academic and governmental scientists. Its goals are to develop a fundamental understanding of the physical, biological, and geochemical processes that interact with harmful algal species to promote bloom development, maintenance, and decline; determine the sources, fates, and consequences of harmful algal blooms (HABs) in foodwebs and fisheries; and develop enhanced predictive and early warning capabilities for the occurrence and impacts of HABs in order to prevent, manage, control and mitigate effects of HABs in the coastal ocean.
- B. The Center of Sponsored Coastal Ocean Research functions as the lead office for the ECOHAB Program. Projects and investigators are selected for funding through an open competition and scientific peer review of proposals. This program has operated as a collaboration of the five named Federal agencies since 1997.

III. AUTHORITIES

- A. Legal Authority. The legal authority for NOAA/NOS and OAR to enter into this Agreement with the EPA, NSF, DOD, and NASA is the Marine Protection, Research, and Sanctuaries Act (MPRSA), 33 U.S.C. §1442(d), which authorizes the Secretary of Commerce to utilize the personnel, services, and facilities of other Federal departments, and instrumentalities, and to enter into appropriate interagency agreements in order to carry out the purposes of §1442.
- B. Programmatic Authorities
1. The programmatic authorities of _____ are:
 - a. The MPRSA, 33 U.S.C. §1442(a), which authorizes the Secretary of Commerce, in close consultation with other appropriate Federal departments, agencies, and instrumentalities to initiate a _____ comprehensive and continuing program of research with respect to the possible long-range effects of pollution, **overfishing**, and **man-induced** changes of ocean ecosystems.
 - b. The Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, Public Law 105-383, Title VI, 16 U.S.C. §1451 note, which directs the Secretary of Commerce to chair the Inter-Agency Task Force on ~~Harmful~~ Harmful Algal Blooms and Hypoxia. It also authorizes appropriations for research, education, and monitoring activities as related to the prevention, reduction, and control of harmful algal blooms and hypoxia.
 - c. The NOAA Reauthorization Act, Section 201(c) of Public Law 102-567 - Coastal Ocean Program (COP), which authorizes the COP to augment and integrate existing programs of NOAA and shall include efforts to improve predictions of fish stocks, to better conserve and manage living resources, to improve predictions of coastal ocean pollution to help correct and prevent degradation of the ocean environment, to promote development of ocean technology to support the effort of science and to improve predictions of coastal hazards to protect human life and personal property.
 2. The Programmatic authority of _____ is the Sea Grant Colleges and Marine Science Development Act, 33 U.S.C. §§1121 et seq.

as amended, which authorizes the Secretary of Commerce to increase the understanding, assessment, development, utilization, and conservation of the Nations's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multi-disciplinary approaches to environmental programs.

3. The programmatic authority for the EPA to enter into this Agreement is the Clean Water Act, 33 U.S.C. §§ 1251 et seq., 40 CFR parts 30 and 40.
4. The programmatic authority for the NSF to enter into this Agreement is the National Science Foundation Act, 42 U.S.C. §§ 1861 et seq.
5. The programmatic authority for the ONR to enter into this Agreement is the **Armed** Forces-Research and Development Projects Act, 10 U.S.C. §2358, as amended.
6. The programmatic authority for the NASA to enter into this Agreement is the National Aeronautics and Space Act, 42 U.S.C. §§ 2451 et seq., 14 CFR part 1260.

IV. RESPONSIBILITIES OF THE PARTIES

- A. All undertakings envisioned in this Agreement are contingent upon the availability of appropriated funds. Each participating agency will be responsible for its own funding decisions and administration.
 1. Agency Responsibilities. The personnel responsible for interagency program coordination are the Director of the Center for Sponsored Coastal Oceanographic Research, the Director of the National Sea Grant Program, the Program Director of the Biological Oceanography Program at NSF, the Program Officer in Environmental Optics at ONR (**DOD/ONR/322OP**), the Director of **ORD's** National Center for Environmental Research at EPA, and the Oceanography Program Scientist at NASA. These officials will have responsibility for:
 - a. Overall direction of ECOHAB via the ECOHAB Program Coordinator.
 - b. Providing policy guidance to the ECOHAB Program Coordinator.

- c. Resolving disagreements between organizational elements of ECOHAB.
 - d. Providing oversight for awards made by their agencies in support of the activities of ECOHAB.
2. ECOHAB Program Coordinator. The ECOHAB Program Coordinator will be either a permanent federal employee or an employee on an Intergovernmental Personnel Assignment
- or
- NASA/OES. The ECOHAB Program Coordinator will be responsible for:
- a. Management of ECOHAB planning, proposal review and outreach activities.
 - b. Interagency coordination, including that with non-sponsoring agencies.
 - c. Coordination with other relevant and appropriate scientific programs.
 - d. Preparation of joint NOAA/EPA/NSF/ONR/NASA solicitations for proposals for ECOHAB activities and adherence to all agencies' procurement and review regulations.
 - e. Intergovernmental coordination in international ECOHAB activities.

B. ECOHAB Program Implementation.

- 1. Funding for the ECOHAB research program (science, facilities, and ship support) will be provided by NOAA, NSF, EPA, ONR, and NASA, subject to the availability of funds and each agencies' programmatic requirements.
- 2. Other agencies, or other components of NOAA, NSF, EPA, ONR, and NASA may participate in shared Federal Register Notices and Announcements of Opportunity, joint workshops on scientific goals and objectives, **and/or** co-funding of specific elements of the program.

3. NOAA support for ECOHAB Program activities will be through the Center for Sponsored Coastal Ocean Research of NOS and the National Sea Grant College Program of OAR. Support will be in the form of grants, cooperative agreements, interagency agreements, or intra-agency transfers, with **funding** available to academic institutions, not-for-profit research institutions, state or local governments, or other Federal agencies. In addition, NOAA contributes funding indirectly through support of ongoing ECOHAB-relevant activities of NOAA scientists and laboratories.
4. The NSF Division of Ocean Sciences specifically allocates **funds** for support of academic scientists participating in ECOHAB.
5. EPA allocates **funds** through its National Center for Environmental Research.
6. DOD allocates funds and supports activities through its Office of Naval Research,
7. NASA allocates funds through the Office of Earth Sciences.
8. The costs of the ECOHAB Program Coordinator will be the responsibility of the agency employing the Program Coordinator.
9. Merit review panel administration will be held by any of the participating agencies or designated representatives. Costs associated with the review of submitted proposals by review panels will be **borne** by the agency administering the panel, unless other agencies wish to assist.
10. Support for projects selected as a result of solicitations for proposals will be provided by NOAA, NSF, EPA, ONR, and NASA, allocated via the agencies, depending on the appropriated amounts available to each agency. Support is agency-specific and based on individual agency policies and regulations.
11. Costs of ship operations will be borne by supporting agencies with costs attributable to ~~an~~ agency dependent on the relative portion of a project supported by the agency.
12. Responsibility for any additional costs of ECOHAB will be negotiated between all ECOHAB partner agencies.

V. CONTACTS

A. The agency contacts for coordinating activities under this Agreement are:

1. NOS

Dr. Quay Dortch
ECO HAB Program Coordinator
NOMCSCOR, N/SCI2
1305 East West Highway, Rm 8205
Silver Spring, MD 20910
Phone: 301-713-3338; Fax: 301-713-4044
E-mail: quay.dortch@noaa.gov

2. OAR

Dr. Leon Cammen
Program Manager
NOAA/OAR
National Sea Grant Office, R/SG
1315 East West Highway, Rm. 11729
Silver Spring, MD 20910
Phone: 301-713-2435; Fax: 301-713-0799
E-mail: leon.cammen@noaa.gov

3. EPA

Ms Gina Perovich
Program Manager
USEPA/ORD/NCER/8723R
1200 Pennsylvania Ave., N.W.
Washington, DC 20460
Phone: 202-564-2248; Fax: 202-565-2448
E-mail: perovich.gina@epa.gov

4. NSF

Dr. David Garrison
Associate Program Director
Division of Ocean Sciences

National Science Foundation
4201 Wilson Blvd, Suite 725
Arlington, VA 22230
phone: 703-292-8582; fax: 703-292-9085
E-mail: dgarriso@nsf.gov

5. ONR

Dr. Joan Cleveland
Program Officer
Environmental Optics, Code 322OP
Office of Naval Research
800 N. Quincy St.
Arlington, VA 22217-5660
Phone: 703-696-4532; Fax: 703-696-2007
E-mail: clevelj@onr.navy.mil

6. NASA

Dr. Paula Bontempi
Program Manager
NASA Ocean Biology and Biogeochemistry
Office of Earth Science, Code YS
300 E St., SW
Washington, DC 20546
Phone: 202-358-1508; Fax: 202-358-2770
E-mail: pbontemp@hq.nasa.gov

- B. The Parties agree that if there is a change regarding the information in this section, the Party making the change will **notify the** other Parties in writing of such change.

VI. OTHER TERMS AND CONDITIONS

- A. This Agreement defines in general terms the basis on which the Parties will cooperate, and as such, does not constitute a financial obligation to serve as a basis for expenditures. Expenditures of **funds**, human resources, equipment, supplies, facilities, training, public information and technical expertise will be provided by each signatory agency to the extent that their participation is required and resources are available.

- B. This Agreement is not a fiscal or funds obligation document. Any activities involving reimbursement or contribution of funds between the Parties to this Agreement will be handled in accordance with applicable laws, regulations, and procedures, including OMB Policy Memorandum, M-03-01 dated October 4, 2002. Such activities will be documented in separate Interagency Agreements. The separate Agreements will reference this General Agreement.
- C. This Agreement in no way restricts the Parties **from** participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.
- D. This Agreement does not obligate the Parties to expend appropriations or to enter into any Agreements, contracts, or other obligations.

VII. DURATION OF AGREEMENT, AMENDMENTS, OR TERMINATION

- A. This Agreement will become effective when signed by all Parties and will be in effect for three years **from** that date, subject to annual reviews.
- B. The Agreement will remain in effect through September 30, 2006 (or three years from effective date), unless either terminated by (1) mutual written consent, or (2) 60 days advance written notice by any Party. Termination of this Agreement shall not affect the validity or duration of projects negotiated and agreed to under the Agreement which were initiated prior to such termination.
- C. This Agreement may be amended at any time within the scope of this Agreement, extended, or renewed at any time through the written mutual consent of the Parties.

VIII. RESOLUTION OF DISAGREEMENTS

- A. Nothing herein is intended to conflict with current DOC, EPA, NSF, ONR, or NASA directives. If the terms of this Agreement are inconsistent with existing directives of **any** of the Parties entering into this Agreement, then those portions of this Agreement which are determined to be inconsistent shall be invalid, but the remaining terms and conditions not affected by the inconsistency shall remain in full force and effect. At the first opportunity for review of the Agreement, all necessary changes will be accomplished either by **an** amendment to this

Agreement or by entering into a new agreement, whichever is deemed expedient to the interest of all Parties.


- B. Should disagreement arise on the interpretation of the provisions of this Agreement, or amendments and/or revisions thereto that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Party and presented to the other Parties for consideration. If agreement on interpretation is not reached within 30 days, the Parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

APPROVALS:

This Agreement is entered into and made effective as of the date later in time indicated below.

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
OCEANIC AND ATMOSPHERIC
RESEARCH

BY: 
Richard W. Spinrad, Ph.D.
Assistant Administrator

BY: _____
Louisa Koch
Acting Assistant Administrator

DATE: 29 Sep 03

DATE: _____

ACCEPTED AND APPROVED FOR THE
U.S. ENVIRONMENTAL PROTECTION
AGENCY OFFICE OF RESEARCH
AND DEVELOPMENT (8101R)

ACCEPTED AND APPROVED FOR THE
NATIONAL SCIENCE FOUNDATION
DIRECTORATE FOR GEOSCIENCES

BY: _____
Paul Gilman, Ph.D.
Assistant Administrator

BY: _____
Margaret S. Leinen, Ph.D.
Assistant Director for Geosciences

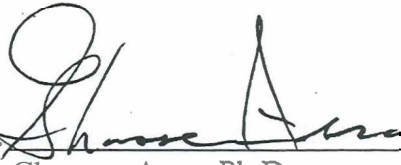
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DATE: _____

ACCEPTED AND APPROVED FOR THE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH'

ACCEPTED AND APPROVED FOR THE
NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
OFFICE OF EARTH SCIENCE

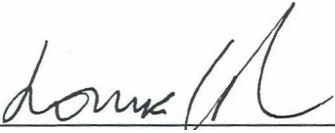
BY: _____
Frank L. Herr, Ph.D.
Department Head, OAS S&T

BY:  _____
Ghassem Asrar, Ph.D.
Associate Administrator

DATE: _____

DATE: January 15, 2004


ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OCEANIC AND ATMOSPHERIC RESEARCH

BY:  _____

for Richard D. Rosen, Ph.D.
Assistant Administrator

DATE: 11/8/05

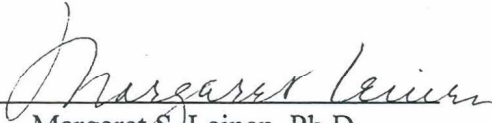
ACCEPTED AND APPROVED FOR THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF RESEARCH AND DEVELOPMENT (8101R)

BY: 
Paul Gilman, Ph.D.
Assistant Administrator

DATE: 4/25/03

ACCEPTED AND APPROVED FOR THE
NATIONAL SCIENCE FOUNDATION
DIRECTORATE FOR GEOSCIENCES


BY:


Margaret S. Leinen, Ph.D.
Assistant Director for Geosciences

DATE:

11/18/03

ACCEPTED AND APPROVED FOR THE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH

BY: 
Frank L. Herr, Ph.D.
Department Head, OAS S&T

DATE: 3/25/04