

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**UNITED STATES OF AMERICA  
U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL OCEAN SERVICE  
OFFICE OF NATIONAL MARINE SANCTUARIES**

**AND THE  
REPUBLIC OF PALAU  
PALAU INTERNATIONAL CORAL REEF CENTER**

**TO COLLABORATE ON CONSERVATION, MANAGEMENT AND ENGAGEMENT  
OF MARINE PROTECTED AREAS**

**NOS Agreement Code: MOA-2020-162/12103**

## I. PARTICIPANTS AND PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to provide a collaborative framework and focus for new and existing efforts to strengthen the effective management of marine protected areas (MPAs) in the Indo-Pacific region.

The Palau International Coral Reef Center (PICRC) of the Republic of Palau, and the National Oceanic and Atmospheric Administration (NOAA) of the United States of America, through the Office of National Marine Sanctuaries (ONMS), hereafter referred to as “Participants”,

**Recognizing** shared commitments to conserving and protecting coastal and marine ecosystems, marine resources, and cultural heritage through the implementation of large-scale MPAs;

**Considering** the potential for strengthening effective MPA management to support thriving social-ecological communities and to build coastal resilience;

**Have reached** the following understanding:

A. This MOU establishes:

1) a **Sister Sanctuary arrangement between the *Puipuiga lautele o le Gataifale o Amerika Samoa* (National Marine Sanctuary of American Samoa; NMSAS) and the *Euotelele a Klingil a Debel Belau* (Palau National Marine Sanctuary; PNMS)** to enhance MPA stewardship through information exchanges and mutually beneficial activities and to build capacity for ecosystem-based management, planning, research, conservation, education, outreach, and sustainable community engagement, and

2) a **cooperation framework between the ONMS Pacific Islands Region and PNMS** to carry out joint activities to understand, enhance, and protect similar resources and address shared conservation challenges and opportunities on a regional scale.

B. NOAA’s National Marine Fisheries Service (NMFS) and Office of Oceanic and Atmospheric Research (OAR), the Republic of Palau Protected Areas Network (PAN), other local and national government agencies, and local indigenous peoples may be consulted as appropriate and requested by the Participants.

The intent of this MOU is solely to foster cooperation on activities of mutual interest. To the extent that any provisions in this MOU are considered to be obligations, the Participants do not intend them to be subject to international law. Participants do not intend for this MOU to be a legally binding “international agreement” as defined in the Case-Zablocki Act (1 U.S.C 112b).

## II. BACKGROUND

- A. The U.S. is a Pacific nation, and has had the privilege of developing a strong relationship with Palau since World War II. For twenty-six years, the U.S. and Republic of Palau have shared a unique bilateral Compact agreement that is a valued part of our shared history.
- B. Indo-Pacific MPAs can be located thousands of miles apart, but share similar challenges, opportunities, and commitments to protecting ocean resources and indigenous culture as human and climate-driven changes to marine communities occur on regional and global scales. This MOU will serve as a framework for collaborative research, planning, and capacity building to strengthen MPA management on multiple scales, and to provide support for bold actions towards conservation and protection of natural resources across the Indo-Pacific region.
- C. The primary mandate of the NOAA's ONMS is the protection of the resources of each marine sanctuary. The system of marine sanctuaries represents many of the diverse and productive marine habitats in the U.S. ocean waters and Great Lakes waters. ONMS also administers Papahānaumokuākea Marine National Monument (PMNM) for NOAA, together with the U.S. Fish and Wildlife Service, State of Hawaii and NOAA's NMFS.
- D. The NMSAS covers six protected areas, including 13,581 square miles of nearshore coral reef and offshore open ocean waters across the Samoan Archipelago. The first site, designated in 1986 as the Fagatele Bay National Marine Sanctuary, expanded to form the NMSAS in 2012, and includes Fagatele Bay, Fagalua/Fogama'a, Aunu'u, Ta'u, Muliava, and Swains Island. Each site has its own unique features and characteristics. Additionally, the Rose Atoll Marine National Monument is cooperatively managed by the U.S. Fish and Wildlife Service, NOAA's NMFS and ONMS, and the American Samoa Government.
- E. The NMSAS protects coral reefs, including some of the oldest and largest Porites coral heads in the world, mesophotic deep-water reefs, hydrothermal vent communities, a deep-sea volcano, rare marine archaeological resources, and diverse marine life.
- F. Fully implemented in January 2020, the PNMS fully protects 193,143 square miles, or 80% of the country's exclusive economic zone (EEZ) as a no-take marine sanctuary, and has implemented visitor use policies to encourage sustainable tourism and recreation. The remaining 20% of the Palau EEZ is designated as a Domestic Fishing Zone, allowing commercial and artisanal fishing with strict limitations.
- G. The PMNM and the Rock Islands Southern Lagoon MPA of Palau are both designated World Heritage Sites under the World Heritage Convention. The NMSAS is included in the U.S. Tentative List for possible future nomination for World Heritage status.

### III. AUTHORITIES

- A. The legal and programmatic authority for the ONMS to enter into this MOU is the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq*, which permits the ONMS to, among other things, develop and implement coordinated plans for the protection and management of national marine sanctuaries with authorities at the local and state levels, international organizations, and other public and private entities addressing the health and resilience of marine protected areas, and cooperate with global programs and other governments working to promote conservation of marine resources.
- B. In Palau, The Palau National Marine Sanctuary (PNMS) Act, established in Republic of Palau Public Law (RPPL) 9-49, and RPPL 10-35 serve as an equivalent authority. While the Ministry of National Resources, Environment and Tourism (MNRET) of Palau is responsible for overall management authority of the PNMS, RPPL 10-35 mandates PICRC with the administration of the PNMS and coordination of PNMS research, outreach, and education activities.
- C. The legal and programmatic authority for NOAA to engage in capacity building for ocean acidification research is the Federal Ocean Acidification Research and Monitoring (FOARAM) Act, 33 U.S.C. 3701-3708, which gives NOAA a broad mandate to coordinate with other bodies to deepen understanding of ocean acidification and its consequences.

### IV. AREAS OF COLLABORATION

Acknowledging the shared values of the Participants in Palau and in American Samoa, as well as those across the Indo-Pacific region, this MOU is designed to identify opportunities for collaboration and articulate actions to achieve common goals. Collaboration between the Participants of the Sister Sanctuary arrangement may include, but is not limited to:

- **MPA management:** design and implementation of sustainable, adaptive management plans that incorporate climate vulnerability assessments and socioeconomic data; education and outreach to support awareness, engagement, and compliance with the mission and limitations of the MPA; and integration of scientific research and monitoring with cultural traditions and practices to engage community members in planning and operations.
- **Science and research:** implementation of management driven science and research programs to inform adaptive management, including the integration of biophysical and socioeconomic data for integrated ecosystem monitoring and assessment; exploration of mesophotic and deep sea resources; biogeochemical monitoring and ocean acidification research; and science communications.

- **Best practices and capacity enhancement:** ecosystem-based resource management, monitoring and restoration, strategic communications, social marketing, emergency response and sustainable tourism.
- **Conservation, partnership development, and community engagement:** ecosystem monitoring and socioeconomic assessment of MPA resources, exploration, reef restoration and resource protection, threat assessment, data collection and analysis, science communication, and education regarding sustainable practice and conservation.
- **Youth enrichment** and Science, Technology, Engineering and Math (STEM) education.

While the Sister Sanctuary arrangement will address PNMS and NMSAS priorities, the regional MPA framework will, by promoting the joint exchange of mutually beneficial information, best practices, personnel, and partnership opportunities, benefit partner countries and organizations, and build momentum and institutional support for activities in the following areas within Palau and the U.S. Pacific:

- Coral reef ecosystem conservation
- Marine World Heritage Sites
- Sustainable tourism
- Integration of traditional knowledge, exploration, and science
- Data collection, scientific study, and applications of emerging science and technology
- Community and youth engagement, including citizen science projects
- STEM education and outreach
- Women's empowerment in MPA management, conservation, and science
- Development of sustainable fisheries management
- MPA surveillance and enforcement (compliance management)
- MPA-fisheries interactions
- Marine mammal conservation

## V. METHODS OF COOPERATION

Collaborative activities may be carried out via one or more of the following methods, as determined by the Participants:

- A. Facilitate exchange and dissemination of scientific, technical and socio-economic information, partnership opportunities and practical experiences.
- B. Exchange personnel and/or technical experts for activities, such as training and consultation.
- C. Develop a workplan for the Sister Sanctuary arrangement and determine/share best practices to lay groundwork for regional cooperative efforts.

- D. Communicate regularly to implement cooperative activities and identify knowledge gaps and priorities for enhancing MPA management.
- E. Identify opportunities to support research, community, and youth engagement goals through citizen science projects.
- F. Provide mutual support and expanded management capacity by implementing similar practices or processes (e.g. World Heritage Site nomination process).
- G. Seek external support through regional and international MPA management programs and networks to build the capacity of coastal and marine natural resource managers on adaptive, ecosystem-based management, compliance management, biological monitoring, climate change adaptation, environmental law, and socioeconomic monitoring through training, technical assistance and learning exchanges.
- H. Participate in international MPA agency networks that support MPA agency government officials in exploring opportunities for cooperation, sharing accomplishments and best practices relevant to MPA management, and developing consistent messaging regarding importance and socio-ecological benefits of effective management.
- I. Participate in relevant regional and international initiatives that contribute to the transboundary protection of marine mammals and ecosystems and the understanding of threats such as climate change, coral diseases and invasive species; cooperate with appropriate national institutions and organizations furthering those initiatives.
- J. Develop, coordinate, and/or evaluate: MPA management planning, research, and monitoring programs; visitor use programs; STEM education and outreach programs; media campaigns; performance assessments; methodologies for enforcement, surveillance, and sustainable fisheries management; and mechanisms for community engagement in resource management and protection.
- K. Support relevant workshops, conferences, training sessions and other events or engagements sponsored by the Participants.
- L. Identify and engage external partners.
- M. Identify and leverage external funding sources for capacity building, research, education, and other programs.
- N. Organize conferences, symposia, seminars, virtual meetings or webinars, workshops, and/or site visits.

## VI. POINTS OF CONTACT

- A. The points of contact for the MOU are:

### **ONMS**

Atuatasi-Lelei Peau  
Acting Superintendent  
National Marine Sanctuary of American Samoa  
PO Box 4318  
Pago Pago, American Samoa 96799  
USA  
Telephone: 1-684-633-6500  
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Kristina Kekuewa  
Regional Director - Pacific Islands Region  
NOAA Office of National Marine Sanctuaries  
1845 Wasp Blvd  
Honolulu, HI 96818  
USA  
Telephone: 808-725-5252  
Email: [kristina.kekuewa@noaa.gov](mailto:kristina.kekuewa@noaa.gov)

### **PNMS**

Yimnang Golbuu, Ph.D.  
Chief Executive Officer  
Palau International Coral Reef Center  
P.O. Box 7086  
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- B. If there is a modification to the points of contact, the Participant making the change will notify the other Participants in writing of such a change. Modifications to this section will not require an Amendment.

## **VII. DURATION OF MOU, MODIFICATION, EXPIRATION, & DISCONTINUATION**

- A. The MOU will become effective after signature by all Participants. The MOU will expire after a period of five (5) years from the date of the last signature, unless discontinued by mutual written consent, or with written communication addressed to the other Participants, sixty (60) days in advance.
- B. The discontinuation of the MOU would not affect the conclusion of ongoing collaborative activities, actions to regional MPA initiatives, and/or implementation plans formalized during its term of validity, unless otherwise agreed upon in writing by the Participants, sixty (60) days in advance.
- C. The arrangement between Participants may be modified at any time within the scope of this MOU, specifying dates in which modifications will become applicable, or extended at any time through the written mutual consent of Participants prior to its expiration.
- D. The MOU can be extended for a new five (5)-year period prior to its expiration through the written mutual MOU Amendment signed by the Participants.
- E. Activities for the MOU will be conducted subject to the availability of funds. The Sister Sanctuary arrangement defines the basis on which to collaborate, and does not constitute a fiscal or funds obligation document.
- F. Participants may invite other public and/or private institutions and organizations, experts, and stakeholders to collaborate on areas of interest listed in Section IV of this MOU if deemed appropriate by all Participants and decided upon in writing.
- G. Participants may meet, at any time, to address any aspect related to the interpretation or modification of this MOU. If Participants disagree over how to interpret the MOU, they will present their differences to each other in writing, and then discuss them. If the Participants fail to resolve their differences within thirty (30) days, they may refer the matter to the Director of NOAA's ONMS or to the Chief Executive Officer of PICRC. Nothing herein is intended to conflict with current U.S. or Palau policies. If the terms of this MOU are inconsistent with existing directives of either of the Parties entering into this MOU, then those portions of this MOU which are determined to be inconsistent will be invalid, but the remaining terms and conditions not affected by the inconsistency will remain in full force and effect. At the first opportunity for review of the MOU, all necessary changes will be accomplished by either an Amendment to this MOU or by entering into a new MOU, whichever is deemed expedient to the interests of the Participants.
- H. This MOU does not restrict the Participants from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

**APPROVALS**

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

BY:   
John Armor, Director  
Office of National Marine Sanctuaries

DATE: 9/17/2020

PALAU INTERNATIONAL CORAL REEF  
CENTER

BY:   
Dr. Yimnang Golbuu  
Chief Executive Officer

DATE: 9/22/2020