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# MEMORANDUM OF UNDERSTANDING



## A COLLABORATIVE APPROACH TO RESTORING FISH PASSAGE BY THE CALIFORNIA FISH PASSAGE FORUM

### ENTERED INTO BETWEEN:

#### Federal agencies

Fish and Wildlife Service (USFWS)  
NOAA National Marine Fisheries Service (NMFS)  
Forest Service (USFS)

#### State agencies

Department of Fish and Wildlife (CDFW)  
Department of Water Resources (DWR)  
Department of Transportation (Caltrans)  
State Coastal Conservancy

#### Nonprofit organizations

American Rivers  
California Trout  
Trout Unlimited

#### An interstate marine fisheries commission

Pacific States Marine Fisheries Commission (PSMFC)

### HEREAFTER REFERRED TO AS THE FORUM

## **I. PROBLEM STATEMENT**

Anadromous fish habitats in California have been detrimentally impacted by human-caused and natural disturbances. Man-made barriers to anadromous fish migration include road-stream crossings, irrigation diversions, dams, and many other in-stream structures. Passage impediments affect adult and juvenile fish by delaying or preventing upstream and downstream migration, preventing the use of available habitat, and possibly inflicting injury or death.

Addressing connectivity has been consistently identified as a high priority, cost-effective approach to protecting and restoring anadromous fish populations. Restoring unimpeded passage for aquatic organisms in anadromous systems is imperative for the success of all other habitat restoration activities. Both state and federal action and recovery plans identify fish passage and connectivity as major limiting factors for listed salmonids in California.

A coordinated and comprehensive fish passage improvement program is fundamental to addressing fish passage barriers. The Forum, a consortium of federal, state, nonprofit and private sector organizations, was established in response to significant declines in coho salmon, Chinook salmon, and steelhead. At least one population of all of these species are federally listed as either threatened or endangered within California, and efforts are underway to recover their populations. In addition to the salmonid species listed above, the Forum recognizes the significant impacts of passage barriers to Pacific lamprey, green sturgeon, Klamath Basin Lost River Sucker, and Shortnose sucker.

## **II. BACKGROUND**

California's historically bountiful anadromous fishery depends on the ecological integrity of dozens of streams and rivers that flow into the Pacific Ocean along the state's 1,100-mile coastline. These streams provide the habitat that salmonids and other anadromous fish require during the spawning and juvenile phases of their life.

During the 19<sup>th</sup> and 20<sup>th</sup> centuries, as roads, bridges, and dams were built on public and private lands along waterways, and as water was diverted by various means, thousands of barriers were erected, blocking the passage of anadromous fish. These barriers impact both adult and juvenile fish by preventing full use of available habitat or altering habitat and hydraulic conditions. Consequently, many salmon, steelhead, cutthroat trout, lamprey, and sturgeon populations have experienced significant declines, and the sport and commercial fisheries that depended on some of these populations have, in many cases, vanished.

Man-made barriers to fish passage include road/stream intersections, pipeline or other infrastructure crossings, erosion control/flood control structures (rip-rap, concrete channels, e.g.), and dams that block or delay migration. In some cases, previously installed fish passage structures, such as fish ladders, act as barriers because of poor design or construction as well as lack of maintenance.

In October 1999, the Resources Agency established the eight-point California Coastal Salmon and Watersheds Program, which called for the coordination of State, federal, and local partners working toward the goal of restoring salmon and steelhead populations to naturally sustainable levels. At the time, fish passage barriers were recognized as a major threat to anadromous fish species in California and their removal or modification could potentially yield the greatest cost-efficiency for short-term restoration activities. Based on this recognition, the program included an objective to coordinate fish passage activities in California.

To accomplish this objective, the Natural Resources Agency (CNRA) convened a group of interested state, local and federal agencies, fisheries conservation groups, researchers, restoration contractors and others to discuss ways to improve fish passage at man-made barriers. The success of this coordination led to the establishment of the Forum, of which many agencies and organizations are members.

The Forum identified the need for improved efforts to identify barriers, evaluate and prioritize restoration opportunities, and implement projects in a timely fashion. It also targeted administrative, financial and technical impediments to addressing these issues, including information gaps, lack of watershed-level assessment and planning, and poorly coordinated project review and permitting processes. Forum participants worked together to develop short-term solutions for these types of problems for several known high priority fish passage projects. They also established subcommittees for coordinating activities related to fish passage inventory and assessment protocols, data format and access protocols, information and literature collection, research, policy, design criteria permitting, training, and public education and outreach.

The Forum's highest initial priority for restoring passage for California anadromous fish was to determine the quantity, location and severity of existing migration barriers. Through a FY'01/'02 legislative appropriation from Proposition 12 sponsored by Assemblyman Byron Sher, the Coastal Conservancy was directed to conduct an "inventory of fish passage barriers located on coastal streams that impede access to freshwater spawning habitats for anadromous fish species." Subsequently, the Conservancy retained the Pacific States Marine Fisheries Commission to develop the Passage Assessment Database (PAD), a map-based inventory of known and potential barriers to anadromous fish in California, now maintained through a cooperative interagency agreement.

The Forum seeks to understand watershed fragmentation throughout California. Current focal areas, each with their own anadromous fish population characteristics, challenges, and issues, include: the North Coast, Central Coast, South Coast, and Central Valley regions. These regions also contain other species of interest that are considered in Forum activities. Although the state and federal MOU signatory members have jurisdictions across all of these regions, the additional Forum members and partners vary in each region based on their specific jurisdictions and levels of involvement.

Although Forum members develop unique prioritization lists and treatment prescriptions throughout California regions, the Forum attempts to develop standardized data management

systems, assessment protocols, design manuals and outreach programs that cover the full geographic extent of the Forum and address the Forum's strategic planning process.

The Forum meets quarterly in different locations in California. During the meetings, issues are resolved, decisions made and strategic topics discussed. Members also form smaller, focused working groups and committees in which specific goals and tasks are addressed. The Forum developed bylaws, which govern the membership and decision-making processes.

In 2012, the Forum became one of 19 nationally recognized Fish Habitat Partnerships (FHPs). The FHPs "protect, restore and enhance the nation's fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the American people." Recognition as an FHP creates opportunities to expand partnerships and funding sources to advance Forum objectives. The mission, vision, goals, and objectives of the Forum are detailed in the Forum's strategic framework and in other documents posted on its website, [www.cafishpassageforum.org](http://www.cafishpassageforum.org).

### **III. PURPOSE**

This MOU is intended to contribute to the protection and recovery of aquatic life, with a particular focus on anadromous fish species in California, by promoting collaboration among public and private sectors on fish passage restoration programs and activities.

### **IV. MISSION, GOALS, AND OBJECTIVES OF THE FORUM**

#### **MISSION**

The mission of the Forum is to protect and revitalize anadromous fish populations in California by restoring connectivity of freshwater habitats throughout their historic range.

#### **GOAL**

Restore the connectivity of freshwater habitats throughout the state.

To achieve the mission and goal, the Forum will:

- Improve coordination of existing agency programs, rule and guideline efforts, and private sector activities across jurisdictions to improve the timeliness and cost-effectiveness of fish passage restoration efforts.
- Facilitate collaboration, coordination, and communication among state, federal and local agencies, researchers, restoration contractors, landowners and other interested stakeholders on fish passage improvement programs and projects.
- Expedite implementation of on-the-ground projects by identifying and addressing institutional barriers.
- Educate and increase the public and agency awareness of fish passage issues to develop support for solving problems and preventing new ones.

- As permitted by law, seek additional funding sources for fish passage projects within the geographic scope of the Forum and administer a strategic funding program to further the Forum's mission once funding is secured.

## OBJECTIVES

1. Remediate barriers to effective fish migration.
2. Facilitate coordination and communication among agencies, agency staff, and other entities that may propose, review, or promulgate fish passage criteria within California.
3. Identify, assess and prioritize the removal of fish passage barriers.
4. Disseminate guidelines and design criteria for replacement of barriers.
5. Coordinate funding mechanisms to remove fish passage barriers.
6. Promote state and federal permit coordination and efficiencies.
7. Facilitate plans to monitor and evaluate fish passage restoration effectiveness to ensure accountability.
8. Promote existing state and national policy and actions that support fish passage improvement in California.
9. Implement education and outreach activities, targeting both the general public and fish passage practitioners.

## V. MANAGEMENT

The Forum adopted bylaws (Appendix A) that define its name, purpose, geographic scope, voting membership, governance, committees and working groups, documentation of decisions and work products, and the process to amend the bylaws.

## VI. SUPPORT OF PRINCIPAL SIGNATORY AGENCIES

For the purposes of this MOU, principal signatory agencies are defined as those participating state or federal agencies which have direct responsibilities for the protection or management of anadromous fisheries or fish habitat, or who have established fish passage restoration program elements. Other organizations, including nonprofit entities as well as county and local governments,

are also recognized signatories to the MOU. All signatory agencies will participate in the Forum to implement the actions described above and will undertake projects consistent with the above objectives. They will participate in the Forum to prepare and implement annual work plans. As part of the ongoing cooperative effort to coordinate fish passage restoration that began before the development of this MOU, the signatory agencies and entities will undertake the following activities that are consistent with MOU goals and objectives and are within their statutory mandates and authorities, budgets, funding, and staffing constraints.

Any federal funding or personnel needed to carry out any federal agency responsibilities under this MOU shall be subject to the availability of appropriated funds, pursuant to the Anti-Deficiency Act (31 U.S.C. Section 1341).

**THE FOLLOWING ARE KEY RESPONSIBILITIES OF THE SIGNATORY AGENCIES:**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)**

1. Participate in Steering Committee.
2. Participate as a member of standing committees and working groups as needed and resources permit.
3. Work with Forum partners to improve permit processes to better facilitate fish passage improvement projects.
4. Utilize the PAD in the prioritization and development of their projects, and to report their activities back to the Forum.
5. Fund the design and implementation of fish passage improvement projects and other resource enhancement efforts in high priority coastal watersheds consistent with its Strategic Framework and as funding allows.
6. Periodically update Forum members on CDFW activities and resource enhancement priorities.
7. Meet and coordinate fish passage activities with other MOU signatories and agencies.
8. Provide regional perspectives from CDFW's Regional offices regarding fish passage and related aquatic habitat science, data, information, and policy.
9. Participate in data collection, management, and analysis related to fish passage and aquatic habitats.

10. Promote science-based activities that support fish passage improvement programs.

### **CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR)**

DWR activities will be carried out by the Fish Passage Improvement Program staff within the FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO):

1. DWR will meet and coordinate fish passage activities with other MOU signatories and agencies.
2. DWR will carry out fish passage projects as specific funding and authorization become available.
3. DWR will work toward obtaining funding for assessments, evaluations, and specific projects.
4. In cooperation with DFW, DWR will help to provide engineering and environmental documentation technical advice and support as appropriate and coordinate participation with other DWR resources.
5. DWR will coordinate hydrologic and other data acquisition from DWR sources for specific projects and regional or watershed assessments.
6. DWR will support a total resource management approach to Environmental Stewardship in guiding planning and implementation decisions related to its participation in the California Fish Passage Forum. This includes, but is not limited to, the following principles: sustainability objectives, early and integrated environmental planning, multiple ecological benefits, multiple geographic scales and time frames, inclusive cost-benefit analyses, science-based solutions, ecological monitoring, and adaptive management.
7. DWR acknowledges that climate change is having a profound impact on California water resources and how it will affect other resources, such as anadromous fish.
8. DWR will inform the California Fish Passage Forum of its own large-scale fish passage project work related to biological opinions and planning, when possible.
9. DWR will participate as a member of the Science and Data Committee and Engineering Working Group.

## **CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**

1. Ensure state highway stream crossing designs provide fish passage in compliance with state and federal natural resource statutes, highway design standards and best engineering practice.
2. Identify assessment and remediation needs for state and federal transportation projects early in the delivery process and incorporate funding needs in allocation requests.
3. Seek grant funding or partnerships to conduct additional identification, assessment and remediation of blockages at state highway crossings where transportation work is not planned.
4. Use “Fish Passage Design for Road Crossings- An Engineering Document Providing Fish Passage Design Guidance for Caltrans Projects, 2007 or latest edition” to guide crossing designs in conformance with California Department of Fish and Game and NOAA Fisheries Service Southwest Region criteria.
5. Facilitate encroachment permits to allow other signatories and agencies to locate, assess or remediate barriers within the state highway right-of-way provided that any actions meet applicable environmental laws and/or design standards.
6. Train its staff or retain expert services for proper identification and assessment of fish passage barriers and effective design of road crossings that provide fish passage.
7. Make secondary observations (e.g., slope of the invert, height of perched outlets, identification of existing fish passage facilities, and existence of trash racks) of culverts during engineering inspections that may be useful for subsequent fish passage assessments.
8. Work with State and Federal natural resource agencies to streamline the consultation and permit process thereby facilitating an accelerated replacement/rehabilitation schedule for fish passage improvement projects.

## **CALIFORNIA STATE COASTAL CONSERVANCY**

1. Continue to encourage its grantees to utilize the PAD in the prioritization and development of their projects, and to report their activities back to the Forum.
2. Continue to fund the design and implementation of fish passage improvement projects and other resource enhancement efforts in high priority coastal watersheds consistent with its Strategic Plan and as funding allows.



3. Continue to meet with the Forum and periodically update Forum members on Conservancy activities and resource enhancement priorities.

### **UNITED STATES ARMY CORPS OF ENGINEERS (USACE)**

The San Francisco, Sacramento and Los Angeles Districts of the U.S. Army Corps of Engineers will:

1. Participate in the Forum Steering Committee.
2. Assist in prioritizing and selecting projects for funding.
3. Meet and coordinate fish passage activities with other MOU signatories and agencies.
4. Carry out specific fish passage projects in cooperation with a cost-sharing partner as specific funding and authorization become available.

### **PACIFIC STATES MARINE FISHERIES COMMISSION**

1. Provide regional perspectives from the five Pacific States (California, Oregon, Washington, Idaho, and Alaska) regarding fish passage and related aquatic habitat science, data, information, and policy.
2. Coordinate and facilitate access to and collection, management, and analysis of data related to fish passage and aquatic habitats.
3. Maintain data standards and facilitate data sharing with other local, regional and national entities.
4. Promote and coordinate science-based research activities that support fish passage improvement programs.

### **NATIONAL MARINE FISHERIES SERVICE (NMFS)**

1. Participate in the Forum Steering Committee.
2. Provide guidelines for the design and installation of fish passage facilities at stream crossings.
3. Provide technical assistance on hydraulic engineering issues to the extent that staff resources are available on a case-by-case basis.

4. Provide annual updates to the Passage Assessment Database for fish passage restoration projects funded by NMFS.
5. Assist in prioritizing and selecting fish passage improvement projects that are consistent with the Forum's Strategic Framework.
6. Participate as a member of standing committees and working groups as needed and resources permit.
7. Continue to provide information to members of the Forum regarding fish passage recommendations outlined in Federal Recovery Plans.

## **US DEPARTMENT OF AGRICULTURE – FOREST SERVICE**

The Pacific Southwest Region of the USDA Forest Service (Region 5) will:

1. Conduct an inventory of all road/stream crossings within the anadromous watersheds of the Klamath, Six Rivers, Shasta-Trinity, Mendocino, Lassen, Los Padres and Cleveland National Forests to determine if fish passage at any life stage is blocked or impeded. The inventory results will be entered into a standardized agency database. The road/stream crossings will be prioritized based on impacts and extent of impacts on salmonid species.
2. Coordinate with local, State and Federal agencies, as well as private organizations, to identify critical watersheds in which to collectively focus activities to reduce fish blockage.
3. Pursue funds to remediate blockage and impediment of fish passage at road/stream crossings.
4. Coordinate internally with other Forest Service Regions and participate with local, State, and Federal agencies as well as private organizations to develop consistent criteria for analyzing sites, collecting data, and storing information that is accessible to the participating organizations and to the public.
5. Design stream crossings on new roads to provide adequate passage for all life stages of fish.
6. Use the most recent research in training its staff in the proper identification, assessment, and design criteria for fish passage.

## **U.S. FISH AND WILDLIFE SERVICE, PACIFIC SOUTHWEST REGION (SERVICE)**

1. Coordinate the National Fish Passage Program, other Service Programs and Service Field Office activities involving fish passage within the State of California and with the Forum.
2. Continue to support cooperative fish passage activities through the National Fish Passage Program and other Service programs as resources permit.
3. Disseminate Forum goals, objectives, and activities to other federal, tribal, state, and local agencies; watershed workgroups and other non-profit organizations; landowners; and the public.
4. Integrate Forum barrier data into GeoFIN (the Service's National fish barrier database).
5. Meet and coordinate fish passage activities with other MOU signatories and agencies.
6. Participate as a member of standing committees as needed and resources permit.
7. Manage and coordinate grants and cooperative agreements on behalf of the Forum for all Service National Fish Habitat Action Plan funding provided to the Forum.
8. Work with the Forum Coordinator and chair to provide coordination with Regional and National Service Fish and Aquatic Conservation Staff and the National Fish Habitat Board.

## **CALTROUT**

1. Participate in the Forum Steering Committee.
2. Coordinate with Forum members to restore steelhead and salmon, save imperiled native trout, and protect California's blue ribbon waters.
3. Participate as a member of standing committees as needed and resources permit.
4. Advocate for fish and water policy that advances protection, restoration and enhancement of steelhead, salmon, and trout habitat.
5. Support projects that restore anadromous fish habitat using science, partners, and a collaborative approach.

## **TROUT UNLIMITED**

1. Support the Mission, Vision, Values and Goals of the Forum.
2. Will offer our expertise to help ensure the health and success of the organization.
3. Will work with the rest of the team to communicate the organization's role to our most important audiences.
4. Will attend in person or by phone, at least 2-3 meetings held each year and, will continually communicate with the Forum Coordinator, Chair, Co-Chair and other members to ensure we understand all current affairs.
5. Will actively participate in all requests for our assistance and response.

## **VIII. CONTRIBUTING AND SUPPORTING SIGNATORIES**

Contributing signatories are members of the Forum Steering Committee and will participate in and contribute, as resources permit, to the implementation of goals, objectives, and work plans. Supporting signatories support the concept, goals, and objectives of this MOU.

## **IX. OTHER PROVISIONS AND AGREEMENTS**

This agreement is intended to be in furtherance of mutual goals for protecting watershed resources. This MOU is intended to embody general principles, and does not create contractual relationships, rights, obligations, duties or remedies between or among signatories.

Agency actions are subject to statutory authority and regulatory requirements. Nothing in this MOU is intended to expand or limit the legal authority or responsibilities of any signatory agency, entity or organization.

Nothing in this MOU shall limit the participating agencies in carrying out their individual statutory responsibilities.

This MOU does not modify or supersede other existing agreements, programs, MOUs, plans, regulations or executive orders.

Nothing herein alters the existing authorities or responsibilities of any party nor shall be considered as obligating any party in the expenditure of funds or the future payment of money or providing services. The expressions of support by state and federal agencies under this MOU are subject to the requirements of the federal Anti-Deficiency Act and to the availability of appropriated funds. The parties acknowledge that this MOU does not require any agency to expend its appropriated funds unless and until an authorized officer of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

Consistent with federal law, nothing in this document constrains the discretion of the President or his or her successor from making whatever budgetary or legislative proposals he or his successors deem appropriate or desirable.

This MOU is not intended to, and does not, create any other right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, the State of California, any agencies thereof, any officers or employees thereof, or any other person.

#### **X. PRINCIPAL SIGNATORY AGENCIES**

Any party may withdraw from this MOU upon 30-days notice to the other parties. This MOU may be amended only upon the written prior approval of each signatory. Other entities may execute this MOU and thereby become a Party.

This agreement is executed as of the date of the last signature and is effective through December 31<sup>st</sup>, 2020, at which time it will expire unless extended. This agreement will be reviewed annually by the Steering Committee.



MALCOLM DOUGHERTY  
Director  
California Department of Transportation

10/2/2015  
Date



CHARLTON H. BONHAM  
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

5/6/2015

DATE



Ren Lohofener, Regional Director  
U.S. Fish and Wildlife Service, Pacific Southwest Region

3.19.15

Date

BY: 

Samuel Schuchat

Executive Officer

State Coastal Conservancy

 2/7/2015

Mark W. Cowin, Director, California Department of Water Resources, Date



February 4, 2015

Curtis Knight

Executive Director

California Trout



December 8, 2014

William W. Stelle, Jr.  
West Coast Regional Administrator  
National Marine Fisheries Service

Date

 Sept 26 2014

Randy Fisher, Director  
Pacific States Marine Fisheries Commission

## Trout Unlimited

A handwritten signature in blue ink, appearing to be 'BJ', is written over a faint, light blue circular background.

August 6, 2018

BY: \_\_\_\_\_

Brian Johnson, California Director of Trout Unlimited

FS Agreement No. **15-MU-11052007-022-**

Cooperator Agreement No. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING A Collaborative Approach to Restoring Fish Passage by the California Fish Passage Forum Supplemental Provisions**

**21. NOTICES**

Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or California Fish Passage Forum is/are sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the grant/agreement.

To California Fish Passage Forum, at the Cooperator address shown in Section 22. Principal Contacts or such other address designated within the grant/agreement.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice

**22. PRINCIPAL CONTACTS**

Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

**Principal Cooperator Contacts:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Name: Michael Bowen, Chair California Fish Passage Forum Address: State Coastal Conservancy 1330 Broadway, Suite 1300 City, State, Zip: Oakland, CA 94612 Telephone: (510) 286-0720 FAX: (510) 286-0470 Email: <a href="mailto:mbowen@scc.ca.gov">mbowen@scc.ca.gov</a>	Name: Lisa A. DeBruyckere, Coordinator California Fish Passage Forum Address: 6159 Rosemeadow Lane NE City, State, Zip: Salem, OR 97317-3375 Telephone: (503) 371-5939 FAX: (503) 704-2884 Email: <a href="mailto:lisad@createstrat.com">lisad@createstrat.com</a>

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Name: Joseph Furnish, Regional Aquatic Ecologist Address: 1323 Club Drive City, State, Zip: Vallejo, CA 94592 Telephone: 707-562-8952 Email: <a href="mailto:jfurnish01@fs.fed.us">jfurnish01@fs.fed.us</a>	Name: Constance Zipperer, Grants Management Specialist Address: 1323 Club Drive City, State, Zip: Vallejo, CA 94592 Telephone: 707-562-9120 Email: <a href="mailto:czipperer@fs.fed.us">czipperer@fs.fed.us</a>



### **23. PARTICIPATION IN SIMILAR ACTIVITIES**

This agreement in no way restricts the Forest Service or the Cooperators from participating in similar activities with other public or private agencies, organizations, and individuals.

### **24. TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperatives, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government, whichever is later.

### **25. MEMBERS OF CONGRESS**

Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.

### **26. TERMINATION BY MUTUAL AGREEMENT**

Any of the parties, in writing, may terminate this instrument in whole, or in part, at any time before the date of expiration.

### **27. INFORMATION SECURITY**

By accepting this agreement, the servicing agency agrees to comply with all Federal information laws, regulations and requirements; and shall be responsible for properly protecting all information used, gathered, or developed as a result of work under this agreement.

If information is stored, developed, or transmitted electronically, the servicing agency shall, upon request, provide to the U.S. Forest Service Information Security staff for review and examination documentation which supports the servicing agency's assertion that adequate information technology (IT) security controls are in place to protect U.S. Forest Service information and data which it holds. Documentation may include, but is not limited to, certification and accreditation documentation, security testing results, audit and assessment results, and risk documentation.

The servicing agency shall notify the U.S. Forest Service Computer Incident Response Team (CIRT), by e-mail, at [CIRT@fs.fed.us](mailto:CIRT@fs.fed.us), within 1 business day of any security incidents which affected or may affect the confidentiality, integrity, or availability of the U.S. Forest Service information and data which it holds, and include an analysis of the extend of the incident and summary of preliminary corrective actions.

### **28. PUBLIC NOTICES**


It is U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. Cooperators are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:

The Cooperators may call on U.S. Forest Service's Office of Communication for advice regarding public notices. The Cooperators are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to U.S. Forest Service's Office Communications as far in advance of release as possible.

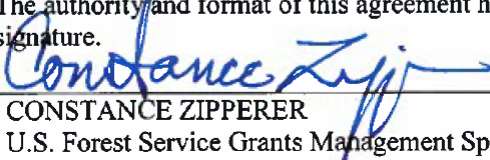
**29. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA**

The Cooperators shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this agreement.

These terms and conditions are incorporated and made a part of the referenced agreement.

  
\_\_\_\_\_  
Date 1/9/15  
DEBORAH WHITMAN, Director  
Ecosystem Management  
U.S. Forest Service, Pacific Southwest Region

The authority and format of this agreement have been reviewed and approved for signature.

  
\_\_\_\_\_  
Date January 2015  
CONSTANCE ZIPPERER  
U.S. Forest Service Grants Management Specialist