

INTERAGENCY AGREEMENT

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL MARINE FISHERIES SERVICE
AND THE
UNITED STATES DEPARTMENT OF INTERIOR
UNITED STATES GEOLOGICAL SURVEY

FOR ANALYSIS RELATED TO THE SIX-YEAR ACOUSTIC TAG EXPERIMENT
Agreement No. WCR-1818

I. PARTIES AND PURPOSE

This Interagency Agreement (IA) is made and entered into by and between the U.S. Department of Commerce (DOC), National Marine Fisheries Service, herein referred to as NMFS, and the U.S. Department of Interior (DOI), United States Geological Survey (USGS), herein referred to as the USGS. Through this agreement NMFS will provide USGS funding for analysis related to the six-year acoustic tag experiment.

II. BACKGROUND/OBJECTIVES

Background:

On June 9, 2009, NMFS issued the biological and conference opinion for the long-term operations of the Central Valley Project (CVP) and State Water Project (SWP, CVP/SWP Opinion) pursuant to section 7 of the Endangered Species Act. The CVP/SWP Opinion includes a reasonable and prudent alternative (RPA) that prescribes a six-year acoustic tag experiment (CVP/SWP Opinion, Section 1V.2.2 starting on page 645). The objective of the six-year study is to confirm proportional causes of mortality due to flows, exports and other project and non-project adverse effects on steelhead smolts out-migrating from the San Joaquin basin and through the southern Delta.

The U.S. Bureau of Reclamation issued a contract for this work in 2010. A total of six years of studies were completed between 2010 and 2016, and the results summarized in draft or final format for four of the six years. Reports have been delayed due to scientist workloads. In addition, the reports do not provide analysis of travel time and survival as a function of the Inflow to Export ratio (I:E) or Old and Middle River (OMR) flow, as separating the effects of various covariates due to correlation.

This agreement acquires the services of U.S. Geological Survey to perform a complete data analysis of the acoustic tag experiment and to present the results to NMFS management in order to inform future operations. Such analysis is needed to inform the current CVP/SWP Opinion as well as the future reinitiation of consultation for the CVP/SWP Opinion.

Objectives:

Goal: Understand potential effects of a full set of environmental variates, including old and middle river route selection, head of old river barrier status, Vernalis flow, I:E ratios, and OMR flows on outmigrating juvenile steelhead smolt travel time and survival.

Objective 1: Analyze the six-year acoustic data with special emphasis on the relationship of survival to the full set of environmental variates, including, but not limited to old and middle river route selection, head of old river barrier status, Vernalis flow, I:E ratios, and OMR flows.

Deliverables: Provide complete data analysis in the form of preliminary findings to NMFS management.

Due Date: Data analysis and draft findings completed by September 30, 2019.

III. AUTHORITY

- 1) The Economy Act, 31 U.S.C. § 1535, which provides that an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if:
 - a. amounts are available;
 - b. the ordering agency decides the order is in the best interest of the United States Government;
 - c. the agency to fill the order is able to provide or get by contract the ordered goods or services; and
 - d. the agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise (payments must be made on the basis of the actual cost of goods or services provided).

- 2) Furthermore, NMFS has the further authority, under 15 U.S.C. § 713c-3(d), which requires the Secretary of Commerce to carry out a national program of research and development addressing U.S. Fisheries infrastructure.

IV. TERMS AND CONDITIONS

NMFS will fund USGS for the full cost recovery for the goods and services it is providing under this agreement, outlined in the attached budget, for the period upon last signature to September 30, 2019 and resulting in a total cost reimbursement to the USGS, not-to-exceed \$50,000. This amount will be de-obligated to the extent that the servicing agency has not incurred obligations, before the end of the period of performance. Under no circumstances will the amount paid be more than the actual costs of the goods or services.

USGS and NMFS agree to the following:

NMFS will:

Reimburse USGS for costs incurred in implementing this Agreement as estimated on the Attachment A budget.

USGS will:

Provide complete data analysis of the six-year acoustic data and provide a final report of potential management decisions related to environmental variates.

V. CONTACTS

The contacts of each party to this agreement are:

USGS Contact Information:

ADDRESS: Western Fisheries Research Center
6505 NE 65th St.
Seattle, WA 98115

Project Officer: Russ Perry, rperry@usgs.gov; Phone 509-538-2942

Administrative Contact: Chris Cox, cacox@usgs.gov; Phone 206-526-6287

Financial Contact: Jennifer Harlan, jharlan@usgs.gov; Phone 509-538-2983

NMFS Contact Information:

National Marine Fisheries Service, West Coast Region

ADDRESS: California Central Valley Office
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814

Project Officer: Jeff McLain (jeff.mclain@noaa.gov; 619-930-5647)

Admin/Finance Contact: Kathryn Schuck (Kathryn.Schuck@noaa.gov; 562-980-4022)

VI. PERIOD OF PERFORMANCE

October 1, 2018 through September 30, 2019.

VII. BILLING TERMS AND INFORMATION

The USGS will bill NMFS for services, via the Intra-governmental Payment and Collection System (IPAC), on a quarterly basis. USGS will reference WCR-1818 on all IPAC billings.

NOAA NMFS Appropriation Information

TAS: 138/91450
EIN: 52-0821608
BPN/DUNS: 156140209
OMB Max Code: 006-48
BETC: DISB
ALC: 13-14-0001

Trading Partner: 1300

USGS Appropriation Information

TAS: 1418/90804
EIN: 53-0196958
DUNS: 093685584
OMB Max Code: None
BETC: COLL
ALC: 14 08 0001

Trading Partner: 1408

The NOAA funds expire September 30, 2019.

IX. OTHER PROVISIONS

Modification: The contents of this agreement may be amended at any time by mutual written consent of the parties. Any party may terminate this agreement by providing 15 days written notice to the other party. This agreement is subject to the availability of funds.

Termination: If NMFS cancels the order, USGS is authorized to collect costs incurred prior to cancellation of the order plus any termination costs, up to the total payment amount provided for under this agreement.

Dispute Resolution: Should disagreements 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 party 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.

If a dispute related to funding remains unresolved for more than 30 calendar days after the parties have engaged in an escalation of the dispute, the dispute will be resolved in accordance with instructions provided in the Treasury Financial Manual (TFM) Volume I, Part 2, Chapter 4700, Appendix 10, available at <http://www.fms.treas.gov/tfm/index.html>.

JONATHAN
SLEEMAN

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Date: 2018.09.07 08:58:51 -05'00'

Jonathan Sleeman
Center Director, Acting
USGS Western Fisheries Research Center

09/07/2018

Date



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for Barry A. Thom
Regional Administrator
National Marine Fisheries Service, West Coast Region

09/05/2018

Date