

*Regional Conservation Authority***AMENDMENT NO. 2 TO AGREEMENT NO. 08002
BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY AND U.S. DEPARTMENT
OF THE INTERIOR FISH AND WILDLIFE SERVICE FOR PARTIAL
ANNUAL FUNDING OF AN INTERIM MONITORING PROGRAM
ADMINISTRATOR/MONITORING PROGRAM COORDINATOR****Staff Contact:****Ken Graff, Director of
Land Acquisition
(951) 955-8805****Background:**

The Monitoring Program, required of the Regional Conservation Authority by the Multiple Species Habitat Conservation Plan, performs an eight year cyclical survey of all covered species listed in the Plan. The MSHCP specifies that the California Department of Fish and Game will be the Monitoring Program Administrator for the first eight years of implementation. The U. S. Fish and Wildlife Service (USFWS) had provided and funded one person from their Carlsbad office in order to assist the Monitoring Program Administrator.

Last year, the USFWS employee served as both the Interim Monitoring Program Administrator and the Monitoring Program Coordinator. The USFWS advised the Authority they were no longer able to fund the Monitoring Program Administrator position without reimbursement.

On March 31, 2008 the RCA Board of Directors entered into an Agreement with the United States Fish and Wildlife Service to provide annual funding of an Interim Monitoring Program Administrator or Monitoring Program Coordinator.

The California Department of Fish and Game filled the Monitoring Program Administrator position on September 1, 2008. Therefore, the USFWS employee resumed the duties of the Monitoring Program Coordinator. In order to maintain continuity in the Monitoring Program, RCA staff desires to retain the USFWS employee as the Monitoring Program Coordinator again this year.

Staff has negotiated with the Service, and they have agreed to continue to provide 50% of the funding for the position this fiscal year. Funding for this position has been allocated in the proposed Fiscal Year 2009-10 budget.

Executive Committee and Staff Recommendation:

That the RCA Board of Directors approve Amendment No. 2 to Agreement No. 08002 between the RCA and USFWS to provide partial annual funding for an Interim Monitoring Program Administrator or Monitoring Program Coordinator

FINANCIAL INFORMATION	
In Fiscal Year 2009-10 Budget: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Current Year Cost: \$ 87,637.00 Annual Cost: N/A
Source of Funds: Tipping Fees	Budget Adjustment: No From To
Approved by: <i>Honey Bernas</i>	Date: May 4, 2009

Attachment:

Amendment No. 2 to Agreement No. 08002 between the RCA and USFWS for Partial Funding of an Interim Monitoring Program Administrator or Biological Monitoring Program Coordinator

AGENDA ITEM NO. 7.2

**Attachment No. 1
Amendment No. 2 to
Agreement No. 08002 with
USFWS for Partial Funding
of an Interim Monitoring
Program Administrator or
Biological Monitoring Program
Coordinator**

AMENDMENT NO. 2 TO AGREEMENT BETWEEN Western Riverside County Regional Conservation Authority AND U.S. DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE		1. WRCRCA Agreement #:	08002-2
		2. U.S.F.W.S. Agreement #:	CRA-2008-1902-1217 Amendment 2
		3. Total Agreement Amount:	\$ 87,637.00
		4. Effective Date:	July 1, 2009 through June 30, 2010
5a. [ADDRESS, OFFICE] Western Riverside County Regional Conservation Authority (WRCRCA) 3403 10 th Street, Suite 320 Riverside, CA 92501 (951) 955-9700 fax (951) 955-8873		6a. FISH & WILDLIFE SERVICE DATA [ADDRESS, OFFICE] U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road Carlsbad, CA 92009 760-431-9440 fax 760-431-5902	
5b. Select One: <input checked="" type="checkbox"/> Buyer <input type="checkbox"/> Seller		6b. Select One: <input type="checkbox"/> Buyer <input checked="" type="checkbox"/> Seller	
5c. DUNS#:	808554336	6c. DUNS#:	949149801
7. PROJECT TITLE: Western Riverside MSHCP Monitoring Program Coordinator			
8. SCOPE OF WORK [DETAIL THE BACKGROUND, PURPOSE, SPECIFIC OBLIGATIONS OF EACH PARTY - USE ADDITIONAL PAGE(S) IF NECESSARY] WRCRCA will provide annual funding for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Interim Monitoring Program Administrator or Monitoring Program Coordinator position. The incumbent serves as the Biological Monitoring Program Coordinator. The MSHCP is a nationally significant, highly complex, regional habitat conservation plan for highly urbanized and quickly developing western Riverside County in southern California. The purpose of the Biological Monitoring Program is to collect data on the 146 covered species and associated vegetation communities for the purpose of assessing the MSHCP's effectiveness at meeting its conservation objectives and to provide information to the Adaptive Management Program. The Monitoring Program Coordinator is responsible for assisting the Monitoring Program Administrator with the implementation of the MSCHP Biological Monitoring Program. The MSHCP specifies that the California Department of Fish and Game (Department) will be the Monitoring Program Administrator. The Department has hired a staff person to fill the role of the Monitoring Program Administrator. Therefore, the incumbent has resumed the duties of the Monitoring Program Coordinator. Monitoring Program Administrator duties include: <ul style="list-style-type: none"> • Management of 1.5 million dollar Monitoring Program Budget • Hiring and Management of Monitoring Program Staff • Management of Contracts for Services and Training • Production of the Annual Work Plan • Production of the Annual Report • Coordination with the Wildlife Agencies and Regional Conservation Authority Monitoring Program Coordinator duties include: <ul style="list-style-type: none"> • Supervision of Monitoring Program Staff • Direction of Monitoring Program Field Effort • Coordination with Reserve Managers • Supervision of Staff Training • Production of Survey Reports • Coordination with the Wildlife Agencies and Regional Conservation Authority The incumbent is an employee of the Service and specifically not an employee of the WRCRCA and shall at all times be under the Service's exclusive direction and control. The WRCRCA is not responsible for any benefits or any other compensation not specifically set forth in this agreement. The incumbent is a Federal Government employee and the U.S. Government is self-insured in the area of liability of Government employees. Either party may terminate this agreement with 30 days written notice.			
9. SPECIAL PROVISIONS: (1) THIS AGREEMENT MAY BE MODIFIED BY MUTUAL CONSENT OF BOTH PARTIES. (2) IT MAY BE TERMINATED BY 30-DAY PRIOR WRITTEN NOTICE BY EITHER PARTY. ALLOWABLE COSTS INCURRED THROUGH DATE OF TERMINATION SHALL BE REIMBURSED UNDER THIS AGREEMENT AND UNEXPENDED AMOUNTS WILL BE REFUNDED. Should disagreement arise on the interpretation of the provisions of this agreement or amendments and/or revisions thereto, that cannot be resolved at the operational 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 thirty (30) days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.			

10. Project Officer <small>[NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]</small> Charles V. Landry, Executive Director Western Riverside County Regional Conservation Authority 3403 10 th Street, Suite 320 Riverside, CA 92501 (951) 955-9700 fax (951) 955-8873	11. FWS PROJECT OFFICER <small>[NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]</small> Jim Bartel U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road Carlsbad, CA 92009 760-431-9440 fax 760-431-5902
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12. PERIOD OF PERFORMANCE:
This Agreement shall become effective on July 1, 2009 and remain in effect until June 30, 2010, unless terminated earlier.

13. ESTIMATED PRICE/COSTS: SEE BLOCK 3
Funds in the amount of \$87,637.00 are available to complete the work as identified in the Scope of Work (see Block 8) and for the period specified in Blocks 4 and 12 above. WRCRCA will provide an advance payment of \$43,818.50 payable to the FWS. WRCRCA will make one additional payment of \$43,818.50 to the FWS when remaining funds drop below \$10,000.00. Expenditures in excess of this amount will not be reimbursed without a fully signed modification to this agreement.

14a. METHOD OF PAYMENT AND BILLING INSTRUCTIONS:

- A. Upon signature of this agreement, WRCRCA shall provide the FWS advance payment of \$43,818.50.
- B. FWS (CFWO) will invoice WRCRCA in the amount of \$43,818.50 whenever the amount left in the Agreement account drops below \$10,000
- C. Payment will be made directly to the FWS, and will note the project number of this Agreement. Payments will be directed to:
U.S. Fish and Wildlife Service
Division of Budget and Finance
Attn: Darla Smith
911 NE 11th Ave.
Portland, OR 97232-4181
503-231-2242
- D. Upon completion or termination of this Agreement, the Service shall refund any remaining funds in excess of prorated expenditures.

14b. BILLING SCHEDULE: [SELECT ONE] MONTHLY, QUARTERLY, SEMI-ANNUALLY, OTHER [SPECIFY]
Advance payments per No. 14a. above.

14c. [NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]
Honey Bernas
Director of Administrative Services
Western Riverside County Regional Conservation Authority
3403 10th Street, Suite 320
Riverside, CA 92501
Phone: (951) 955-2842
Fax: (951) 955-8873
E-mail: hbernas@wrcrca.org

14d. FWS BILLING CONTACT [IF DIFFERENT THAN BOX 19A, PROVIDE: NAME, OFFICE, ADDRESS, PHONE, FAX, E-MAIL]
Sue Fahey
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
Carlsbad, CA 92009
Phone: (760) 431-9440
Fax : (760) 431-5901

15. AUTHORITY: [CITE APPLICABLE AUTHORITY TO ENTER INTO THIS AGREEMENT; I.E. ECONOMY ACT OF 1932 (31 USC 1535)]
Intergovernmental Cooperation Act of 1968; Fish and Wildlife Act of 1956; Endangered Species Act of 1973, as amended.

<p>16a. <small>[NAME, TITLE, ADDRESS, PHONE, FAX, E-MAIL]</small> Bob Buster, Chairman Western Riverside County Regional Conservation Authority Board of Directors 3403 10th Street, Riverside, CA 92501</p>	<p>16b. AUTHORIZING OFFICIAL SIGNATURE</p> <hr/> <p>Bob Buster, Chairman</p> <p>Attest:</p> <hr/> <p>Honey Bernas, Clerk of the Board</p> <p>Approved:</p> <hr/> <p>Best Best & Krieger, LLP RCA General Counsel</p>	<p>16c. DATE</p>
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16d. AUTHORIZING OFFICIAL FOR FWS <i>[NAME, TITLE, ADDRESS, PHONE, FAX, E-MAIL]</i> Michael Fris Assistant Regional Director, Ecological Services U.S. Fish and Wildlife Service, Region 8 2800 Cottage Way, Suite W2606 Sacramento, CA 95825-1846	16e. AUTHORIZING OFFICIAL SIGNATURE	16f. DATE
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