
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 Parks and Recreation (State Parks)
Department of Water Resources (DWR)
State Coastal Conservancy

Nonprofit organizations

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. State and federal action and recovery plans regularly identify fish passage and connectivity as primary limiting factors for migratory aquatic species 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, the Forum recognizes the significant impacts of passage barriers to other migratory aquatic species including, but not limited 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 19th and 20th 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, 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 biannually, or more as needed, 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 20 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.

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, funding 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.

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. Coordinate funding mechanisms to remove fish passage barriers.
4. Support state and federal permit coordination and efficiencies.
5. Facilitate plans to monitor and evaluate fish passage restoration effectiveness to ensure accountability.
6. Encourage existing state and national policy and actions that support fish passage improvement in California.
7. Implement education and outreach activities, targeting both the 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.

Updated and amended December 2020

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 watersheds consistent with the Forum's Strategic Framework and CDFW's initiatives and programs, 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.
11. Provide annual updates to the Passage Assessment Database for fish passage restoration projects and assessments funded by the CDFW.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (STATE PARKS)

1. Participate as a member of standing committees and working groups as needed and resources permit.
2. State Parks will periodically update Forum members of passage issues, activities and resource priorities within State Park Units, and provide updates to the Passage Assessment Database.
3. Pursue funds to remediate blockage and impediments to fish passage at priority road/stream/trail crossings within units of the State Park System that are consistent with State Parks Mission and policies, and as resources permit.
4. State Parks will inspect and inventory road/stream crossings within the State Parks' anadromous watersheds consistent with Department priorities, and as funding is available.
5. State Parks will assess, and implement fish passage projects, consistent with State Parks Mission and policies, and other stewardship priorities, as funding and other resources become available. State Parks will use an ecosystem/landscape scale approach that focuses on natural processes and benefits multiple species, allows for natural hydrologic stream processes, protects cultural resources, and considers climate change impacts and resilience opportunities.
6. State Parks will work collaboratively with State Parks' partners, neighboring landowners and road right of ways on approved fish passage projects, as appropriate.
7. State Parks will use best practices in training its staff in the proper identification, assessment, and design criteria for fish passage.

CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR)

1. Participate in the Forum Steering Committee.
2. Participate as a member of standing committees and working groups as needed and resources permit.
3. Meet and coordinate fish passage activities with other MOU signatories and agencies.
4. Carry out fish passage assessments, evaluations, and specific projects per DWR's priorities as funding becomes available.
5. Inventory the DWR's fish passage project activities and funding opportunities and report these to the California Fish Passage Forum on a regular basis.

6. Provide updates to the Passage Assessment Database (PAD) as fish passage projects are completed or additional fish passage information becomes available.
7. Provide engineering and environmental technical assistance in cooperation with DFW and NMFS pending the availability of funding.
8. Provide hydrologic and other data acquisition from DWR sources for specific projects and regional or watershed assessments when appropriate.
9. Support regional and watershed scale approaches to guide planning decisions related to its participation in the California Fish Passage Forum.
10. DWR acknowledges that climate change is having a profound impact on California's natural resources including the long-term viability of anadromous fish populations and will work with MOU signatories to assist in species recovery efforts that align with DWR priorities and available funding.

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.

PACIFIC STATES MARINE FISHERIES COMMISSION (PSFMC)

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. Provide updates to the Passage Assessment Database (PAD) as fish passage projects are completed or additional fish passage information becomes available.

Updated and amended December 2020

4. Maintain data standards and facilitate data sharing with other local, regional and national entities.
5. Promote and coordinate science-based tools and activities that support fish passage assessment and improvement.

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 Endangered Species Act Recovery Plans.

US DEPARTMENT OF AGRICULTURE – FOREST SERVICE (USDA-FS)

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

1. Participate in the Forum Steering Committee.
2. Participate as a member of standing committees and working groups as needed and resources permit.
3. Provide regional perspectives from USDA-FS regarding fish passage and related aquatic habitat science, data, information, and policy.
4. Assist in prioritizing and selecting fish passage improvement projects that are consistent with the Forum's Strategic Framework.
5. Meet and coordinate fish passage activities with other MOU signatories and agencies.

6. Carry out specific fish passage projects in cooperation with cost-sharing partners as specific funding and authorizations become available (through the Forum and or other funding sources).
7. 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 the public.

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. Promote integrity and scientific excellence within the Forum and involvement in the larger scientific community.
4. 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.
5. 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 Service National Fish Habitat Action Plan funding provided to the Forum.
8. Provide annual updates to the Passage Assessment Database for fish passage restoration projects and assessments funded by the Service.
9. 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.

CALIFORNIA TROUT (CALTROUT)

1. Participate in the Forum Steering Committee or other committees such as the Science and Data Committee as needed and resources permit.
2. Coordinate with Forum members to restore steelhead and salmon, save imperiled native trout, and protect California's blue ribbon waters.
3. Update the Passage Assessment Database as fish passage projects are completed or additional barriers are identified.
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 (TU)

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.
6. Provide updates to the Passage Assessment Database for fish passage restoration projects and assessments completed by TU.

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.

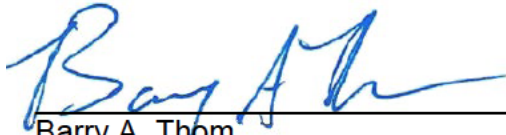
X. PRINCIPAL SIGNATORY AGENCIES

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 31st, 2030, at which time it will expire unless extended. This agreement will be reviewed annually by the Steering Committee.

PAUL SOUZA Digitally signed by PAUL SOUZA
Date: 2020.09.11 14:24:28
-07'00'

Paul Souza, Regional Director Date
U.S. Fish & Wildlife Service, California Great Basin



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

August 20, 2020
Date

Barnie T. Gyant Digitally signed by BARNIE GYANT
Date: 2020.09.22 12:28:47 -07'00'

Randy Moore, Regional Forester Date
USDA Forest Service, Pacific Southwest Region



Randy Fisher – Executive Director
Pacific States Marine Fisheries Commission

8/27/2020
Date



Charlton H Bonham – California Department of Fish and Wildlife

9/30/20
Date

DocuSigned by:

Armando Quintero

12/21/2020

Armando Quintero – California Department of Parks and Recreation

Date

Karla A. Nemeth

1/5/2021

Karla A. Nemeth – CA Department of Water Resources

Date

Sam Schuchat

11/2/2020

Sam Schuchat – Executive Officer
State Coastal Conservancy

Date



Curtis Knight, Executive Director California Trout

10/21/2020
Date



Brian Johnson – Trout Unlimited

9/22/2020

Date