

**Amendment No. 1**  
**Intergovernmental Agreement**  
**for**  
**Monitoring of Native Fish in Tryon Creek**

Pursuant to City Ordinance No. \_\_\_\_\_

This intergovernmental agreement (IGA) was made and entered into by and between the City of Portland acting by and through its Bureau of Environmental Services (BES) and the U.S. Fish and Wildlife Service (USFWS). The IGA is hereby amended as follows:

1. General Provisions, Section 1. Effective Date and Duration. The term of the agreement is extended through October 31, 2017.
2. General Provisions, Section 3. Consideration. The IGA amount is increased by \$53,709 for a new not-to-exceed total amount of \$106,709.
3. General Provisions, Section 4. Project Representatives. The BES project representative is changed to:

Project Manager: Jennifer Devlin  
Project Co-manager: Marc Peters  
Organization: City of Portland, BES  
Address: 1120 SW 5<sup>th</sup> Ave, Room 1000  
Portland, OR 97204  
Phone: (503) 823-6182  
marc.peters@portlandoregon.gov  
jennifer.devlin@portlandoregon.gov

4. The Statement of Work is revised as follows:

The objectives of this amendment are:

- To determine the fish species community throughout the year;
- Estimate abundance of fish species present each month of the year;
- Document temporal use of this area by the fish species present during the spring/summer.

These objectives are relative to Tryon Creek between the Highway 43 culvert and the Willamette River confluence. Fish species community and abundance estimates would be conducted a total of 12 times per year via electro-fishing and/or netting. Temporal use of Tryon Creek by juvenile salmon and steelhead will be conducted once a week for 3 months in the spring/summer via electro-fishing and/or netting and subsequent PIT tagging.

- 4.1 The Objectives and Tasks section is revised as follows:

**Objective 1: Select, install, and conduct routine maintenance on the Pit-tag detection system in Tryon Creek.**

USFWS will install mutually agreed upon PIT tag detection systems at mutually agreed upon locations. Any equipment that BES purchases directly will be available to USFWS for their use for a

period of 5 years and will be returned to BES upon termination of this agreement. This agreement may be extended beyond 5 years if agreed to by both parties. Extension of this IGA will allow USFWS's continued use of BES-purchased equipment but may or may not include continued funding of the project by the City.

**Deliverables:**

- Include in the reports as described in Objective 2, an assessment of pit-tag detection equipment performance.

**Budget: \$30,000**

**Objective 2: Monitor fish use within Tryon Creek**

USFWS will monitor fish use in Tryon Creek, including fish entering from the Willamette River, as well as native fish within Tryon Creek, with a prioritization on salmonids (*Oncorhynchus spp.*) and lamprey usage. Data collected will include, but not be limited to, distribution, fish densities, migration patterns and collection of genetic material.

USFWS will provide annual fish species community & abundance reports to BES. The report shall include answers to the following questions:

1. What is the species composition of fish found in the Tryon Creek confluence habitat, and how does this change through the year and over time?
2. What is the ratio of native to non-native fish species?
3. What sensitive fish species are present?
4. What is the origin (if known) of the fish using the Tryon Creek confluence area?
5. Does the time and location of where fish were previously tagged tell us about how the fish are moving through the system (e.g., travel time, residence time in Willamette River, etc.)?

**Deliverables:**

- Monitor fish system-wide 1 time per year through June 30<sup>th</sup>, 2015.
- Monitor confluence additional 11 times per year in 2012, 2014 and 2016. Monitor confluence for temporal use once per week over 3 spring and/or summer months.
- Provide annual fish species community, abundance and temporal use reports – September 2013, September 2015, and September 2017.

**Budget: \$71,709**

**Objective 3: Assessment and Monitoring of habitat**

USFWS will assess and monitor fish population response to restoration projects in Tryon Creek to collect empirical information that would allow others to evaluate Ecosystem Diagnosis & Treatment (EDT) predictions. This assessment will aid the City of Portland in its Tryon Creek improvement strategy as well as its application of EDT throughout the City.

**Deliverables:**

- Include in the reports as described in Objective 2, fish abundance information on coho salmon and steelhead that can be used to evaluate EDT predictions in Tryon Creek.

**Budget: \$5,000**

The allocation of the budget between objectives may be changed as needed by mutual verbal or written agreement of the parties but in no case shall the total exceed \$106,709, nor shall the annual expenditures exceed the budget detail below.

4.2 The **Budget Detail** section is revised as follows:

	Cost
<b>July 2010-June 2011</b>	
Personnel	5,209
Equipment	10,000
	<hr/> 15,209
Overhead	4,791
Subtotal	<hr/> \$20,000 ✓
<b>July 2011-June 2012</b>	
Personnel	5,274
Equipment	1,000
	<hr/> 6,274
Overhead	1,976
Subtotal	<hr/> \$8,250 ✓
<b>July 2012-June 2013</b>	
Personnel	18,888
Equipment	1,000
	<hr/> 19,888
Overhead	6,265
Subtotal	<hr/> \$26,153
<b>July 2013-June 2014</b>	
Personnel	5,274
Equipment	1,000
	<hr/> 6,274
Overhead	1,976
Subtotal	<hr/> \$8,250
<b>July 2014-June 2015</b>	
Personnel	18,888
Equipment	1,000
	<hr/> 19,888
Overhead	6,265
Subtotal	<hr/> \$26,153
<b>July 2015-June 2016</b>	
Subtotal	\$0
<b>July 2016-June 2017</b>	
Personnel	12,614
Equipment	1,000
	<hr/> 13,614
Overhead	4,289
Subtotal	<hr/> \$17,903
<b>Total Budget</b>	<hr/> <hr/> \$106,709

4.3 The **Funding and Payment Schedule** section is revised as follows:

The project will be funded in part by City of Portland, Bureau of Environmental Services, and will allow for the purchase of and payment for:

- PIT-tag array and construction materials for installation and maintenance
- Data Management
- DNA Collection
- Spawning Surveys
- Fish collection and tagging
- Other monitoring pursuant to this agreement

BES shall provide project funding to USFWS as follows:

Year 1	2010/2011	\$20,000
Year 2	2011/2012	\$8,250
Year 3	2012/2013	\$26,153
Year 4	2013/2014	\$8,250
Year 5	2014/2015	\$26,153
Year 6	2015/2016	\$0
Year 7	2016/2017	\$17,903

Upon execution of the IGA by both parties, USFWS shall submit an invoice to BES for 1<sup>st</sup> year funding of **\$20,000**. Thereafter, USFWS shall submit annual invoices to BES at the end of each year 2 thru 7, on a reimbursement basis, in the amount indicated in the above table.

Total payments shall not exceed **\$106,709** for the duration of the IGA.

All other terms and conditions remain the same.

This contract amendment may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same contract amendment.

The parties agree BES and USFWS may conduct this transaction by electronic means, including the use of electronic signatures.

#### U.S. FISH AND WILDLIFE SERVICE

By: Mike A. Carrier, Deputy ARD - FR Date: 4-24-2012

For Name: Michael Carrier

Title: ARD, Fishery Resources

Contract No. 30001822 Amendment/Change Order No. 1Contract Title: Monitoring of Native Fish in Tryon Creek**CITY OF PORTLAND SIGNATURES:**By: Bureau Director *jd* *hw* *pk* *ml* *gmb* Date: \_\_\_\_\_By: n/a Date: \_\_\_\_\_  
Chief Procurement OfficerBy: n/a Date: \_\_\_\_\_  
Elected Official

Approved:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Office of City Auditor

Approved as to Form:

By: *Frederic R. Staff* Date: 4/11/12  
Office of City Attorney