

**CHESAPEAKE WATERSHED
COOPERATIVE ECOSYSTEM STUDIES UNIT**

**AMENDMENT THREE TO
COOPERATIVE and JOINT VENTURE AGREEMENT**

between

**DEPARTMENT OF THE INTERIOR
Bureau of Land Management
U.S. Geological Survey
National Park Service**

**DEPARTMENT OF DEFENSE
Office of the Deputy Under Secretary of Defense
(Installations and Environment)
U.S. Army Corps of Engineers – Civil Works**

**DEPARTMENT OF AGRICULTURE
U.S. Forest Service
Natural Resources Conservation Service**

and

**THE UNIVERSITY SYSTEM OF MARYLAND (HOST)
(University of Maryland Center for Environmental Science
University of Maryland, College Park
Frostburg State University
University of Maryland, Baltimore County)**

**College of William and Mary
George Mason University
Pennsylvania State University
University of the District of Columbia
National Aquarium in Baltimore
American Bird Conservancy
James Madison University
Delaware State University
University of Delaware
The Academy of Natural Sciences**

Adding:

**National Oceanic and Atmospheric Administration
Western Pennsylvania Conservancy**

With the exception of the changes below, all terms and conditions of the Chesapeake Watershed CESU Cooperative Agreement apply to this Amendment, and this Amendment is hereby made part of the agreement.

ARTICLE I. BACKGROUND AND OBJECTIVES

A.2. The National Oceanic and Atmospheric Administration is hereby included in the Chesapeake Watershed CESU as a Federal Agency Partner.

H.1. The following revisions are hereby included in the Agreement as background information for the Natural Resources Conservation Service: Under 16 USC 590a-f, the Natural Resources Conservation Service is authorized to enter into this cooperative agreement continuing the Chesapeake Watershed CESU to assist in providing research, technical assistance and education.

J.2. The Western Pennsylvania Conservancy is hereby included in the Chesapeake Watershed CESU as a Partner Institution.

L. The mission of the National Oceanic and Atmospheric Administration (hereinafter NOAA) is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs. Authorities to participate in and conduct activities through the Cooperative Ecosystem Studies Units Network include 33 USC 883e, which gives NOAA the authority to enter into cooperative agreements with States, Federal Agencies, public or private organizations or individuals for authorized surveys or investigations and other specified purposes. In addition, under 16 USC 661, NOAA has the authority to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, among other things. NOAA also has the authority under 15 USC 2901 et seq., to enter into contracts, grants, or cooperative agreements for climate-related activities. Finally, the Coastal Zone Management Act at 16 USC 1451 et seq., grants NOAA the authority to coordinate with Federal Agencies and provide financial and technical assistance to states and territories to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, among other things. In accordance with the authorities listed above, NOAA is authorized to enter into this cooperative agreement continuing the Chesapeake Watershed CESU to assist in providing research, technical assistance and educational services.

ARTICLE III. TERM OF THE AGREEMENT

A.1. The effective date of the Chesapeake Watershed CESU Cooperative and Joint Venture Agreement is 06 August 2006.

A.2. The effective date of this amendment to the Chesapeake Watershed CESU Cooperative and Joint Venture Agreement shall be determined from the date of the last signature.

ARTICLE IV. KEY OFFICIALS

A.8. The technical representative for the National Oceanic and Atmospheric Administration is:

Dr. Nancy B. Thompson
Science and Research Director
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026
Phone: (508) 495-2000
Fax: (508) 495-2258
Nancy.Thompson@noaa.gov

C.11. The technical representative for the Western Pennsylvania Conservancy is:

Ephraim Zimmerman
Ecologist/Ecological Services Coordinator
Pennsylvania Natural Heritage Program
Western Pennsylvania Conservancy
800 Waterfront Drive
Pittsburgh, PA 15222
Phone: (412) 586-2319
Fax: (412) 231-1414
ezimmerman@paconserve.org

ARTICLE V. AWARD

A.2. Upon signature of all parties to this amendment, the National Oceanic and Atmospheric Administration will commit \$10,000 in funds to the Chesapeake Watershed CESU Host University in furtherance of the Agreement, to be authorized by a modification issued against the Agreement.

ARTICLE X. REQUIRED/SPECIAL PROVISIONS

All award recipients must comply with the following term and condition of award. This term of award is hereby made part of the Agreement pursuant to paragraph (g) of section 106 of the Trafficking Victims Protections Act of 2000, as amended (22 USC 7104) and 2 CFR Part 175.

A. REQUIRED PROVISIONS:

7. TRAFFICKING IN PERSONS:

(a) Provisions applicable to a recipient that is a private entity.

(1) You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or subawards under the award.

(2) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity --

- i. Is determined to have violated a prohibition in paragraph (a)(1) of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph (a)(1) of this award term through conduct that is either—
 - a. Associated with performance under this award; or
 - b. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by each respective federal agency partner at: 2 CFR Part 1125 (Department of Defense), 2 CFR Part 1326 (Department of Commerce), 2 CFR 1400 (Department of the Interior), 2 CFR Part 1880 (NASA), 7 CFR Part 3017 (Department of Agriculture).

(b) Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

(1) Is determined to have violated an applicable prohibition in paragraph (a)(1) of this award term; or

- (2) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph (a)(1) of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 1125 (Department of Defense), 2 CFR Part 1326 (Department of Commerce), 2 CFR 1400 (Department of the Interior), 2 CFR Part 1880 (NASA), 7 CFR Part 3017 (Department of Agriculture).

(c) Provisions applicable to any recipient.

- (1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a)(1) of this award term.
- (2) Our right to terminate unilaterally that is described in paragraph (a)(2) or (b) of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 USC 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
- (3) You must include the requirements of paragraph (a)(1) of this award term in any subaward you make to a private entity.

(d) Definitions. For purposes of this award term:

- (1) “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
- (2) “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- (3) "Private entity":
- i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - a. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - b. A for-profit organization.
- (4) "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 USC 7102).

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES

The following authorizing signatures are attached to this amendment:

U.S. DEPARTMENT OF THE INTERIOR

- A. Bureau of Land Management
- B. U.S. Geological Survey
- C. National Park Service

U.S. DEPARTMENT OF DEFENSE

- D. Office of the Deputy Under Secretary of Defense (Installations and Environment)
- E. U.S. Army Corps of Engineers – Civil Works

U.S. DEPARTMENT OF AGRICULTURE

- F. U.S. Forest Service
- G. Natural Resources Conservation Service

U.S. DEPARTMENT OF COMMERCE

H. National Oceanic and Atmospheric Administration

I. THE UNIVERSITY SYSTEM OF MARYLAND (HOST)

- University of Maryland Center for Environmental Science
- University of Maryland, College Park
- Frostburg State University
- University of Maryland, Baltimore County

J. College of William and Mary

K. George Mason University

L. Pennsylvania State University

M. University of the District of Columbia

N. National Aquarium in Baltimore

O. American Bird Conservancy

- P. James Madison University
- Q. Delaware State University
- R. University of Delaware
- S. The Academy of Natural Sciences
- T. Western Pennsylvania Conservancy**

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

A. Bureau of Land Management

[Print Name]:
[Print Title]:

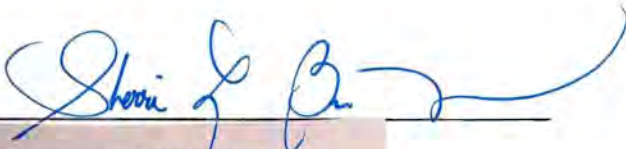
Date

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

B. U.S. Geological Survey



Sherril Ly Bredesen
Contracting Officer

10/22/09
Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

C. National Park Service

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

- D. Department of Defense
Office of the Deputy Under Secretary of Defense (Installations and Environment)

Charles Wilson
[Print Name]: Charles Wilson
[Print Title]: DoD/Navy Chesapeake Bay Program mgr.

10-20-09
Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

E. U.S. Army Corps of Engineers – Civil Works

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

F. USDA Forest Service, Northern Research Station

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

G. Natural Resources Conservation Service


Eloris D. Speight
Acting Deputy Chief for Management

11-10-09
Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

H. National Oceanic and Atmospheric Administration



[Print Name]: Gary Reisner
[Print Title]: Director, NOAA Fisheries Service
Office of Management and Budget

Date 10/31/09

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

I. The University System of Maryland

Erica Kropp

10/26/09

[Print Name]: Erica Kropp

Date

[Print Title]: Director, Office of Research Administration and Advancement

I.1. University of Maryland Center for Environmental Science

[Print Name]:

Date

[Print Title]:

I.2. University of Maryland, College Park

[Print Name]:

Date

[Print Title]:

I.3. Frostburg State University

[Print Name]:

Date

[Print Title]:

I.4. University of Maryland, Baltimore County

[Print Name]:

Date

[Print Title]:

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

I. The University System of Maryland

[Print Name]:
[Print Title]:

Date

H.1. University of Maryland Center for Environmental Science

[Print Name]:
[Print Title]:

Date

H.2. University of Maryland, College Park

[Print Name]:
[Print Title]:

Date

H.3. Frostburg State University

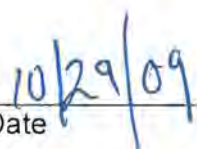
[Print Name]:
[Print Title]:

Date

H.4. University of Maryland, Baltimore County



[Print Name]: Jocelyn L. Chasis, CRA
[Print Title]: Director



Date

UMBC Office of Sponsored Programs

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

J. College of William and Mary

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

K. George Mason University

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

L. Pennsylvania State University

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

M. University of the District of Columbia

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

N. National Aquarium in Baltimore

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

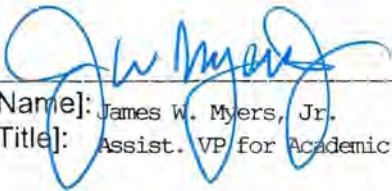
O. American Bird Conservancy

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

P. James Madison University



[Print Name]: James W. Myers, Jr.
[Print Title]: Assist. VP for Academic Resources

10/24/09

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

Q. Delaware State University



[Print Name]:
[Print Title]:

10/26/09
Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

R. University of Delaware

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

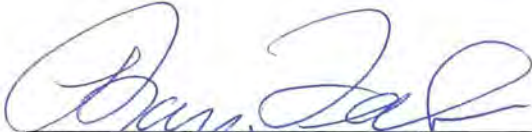
S. The Academy of Natural Sciences

[Print Name]:
[Print Title]:

Date

ARTICLE XII. AMENDMENT AUTHORIZING SIGNATURES (cont.)

T. Western Pennsylvania Conservancy


[Print Name]: Shaun Fenton
[Print Title]: Vice President, Conservation Programs

10/20/09
Date