



Sutter Butte Flood Control Agency

Board of Directors Agenda Summary 1 p.m. – September 16, 2015 – Regular Meeting

Meeting Location:

City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA

The agenda is posted in the building of the Sutter Butte Flood Control Agency at 1441 Garden Highway, Yuba City, and at the Sutter County Library, 750 Forbes Avenue, Yuba City. The agenda summary, backup materials, and approved minutes are also posted on the Sutter Butte Flood Control Agency website at sutterbutteflood.org. Materials related to an item on this agenda and submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the office of the Board Clerk at 1441 Garden Highway, Yuba City, during normal business hours. In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability related modifications or accommodations to participate in this meeting, please contact Sarah Modeste at 530-755-9859 or s.modeste@sutterbutteflood.org. Requests must be made one full business day before the start of the meeting.

County of Sutter

Barbara LeVake
Larry Munger
Alt. Jim Whiteaker
Alt. Dan Flores

City of Live Oak

Gary Baland
Alt. Jason Banks

Levee District 1

Francis Silva
Charlie Hoppin
Alt. Sally Serger

County of Butte

Bill Connolly
Steve Lambert

City of Gridley

Frank Hall
Alt. Jeff Draper

Levee District 9

David Lamon
Chris Schmidl
Alt. Bob Sohal

City of Yuba City

John Dukes
Kash Gill
Alt. John Buckland

City of Biggs

Bo Sheppard
Alt. John Busch

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Sutter Butte Flood Control Agency office at 530-755-9859. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

REGULAR MEETING/CALL TO ORDER

Roll Call
Pledge of Allegiance

CLOSED SESSION

1. Conference with legal counsel – anticipated litigation – Govt. Code section 54956.9(d)(2)
2. Conference with real property negotiators pursuant to Govt. Code section 54956.8
Agency negotiator(s): McElhern/O'Regan
Properties and negotiating parties:
 - a) 09-295-008 (Gushi)

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chair will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

1. Approval of the Minutes for the August 12, 2015 Board Meetings

2. Approval of Amendment 3 to Task Order 14 with ICF International for Maintenance of the Star Bend Phase 2 Habitat Enhancement Area

PRESENTATION, DISCUSSION & ACTION ITEMS

3. Receive and File Monthly Financial Report

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

4. Program/Project Update
5. Memorandum of Understanding between Sutter Butte Flood Control Agency, American Rivers, and River Partners for the Implementation of the Oroville Wildlife Area Flood Stage Reduction Project
6. Other Reports from Agency Staff and Consultants
7. Report by the Citizens' Assessment District Advisory Committee (CADAC)
8. Report by Member and Partner Agencies

CORRESPONDENCE

9. Report on Correspondence Sent by and Received by the Board

PUBLIC COMMENT

Members of the public will be allowed to address the Sutter Butte Flood Control Agency's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been placed on the agenda may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

CLOSED SESSION

1. Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2)

ADJOURNMENT



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of the Minutes for the August 12, 2015 Board Meeting

The proposed minutes for the Board of Director's regular meeting on August 12, 2015 are attached for your review, modification and/or approval.

Recommendation

We recommend that the Board approve and authorize the Chair to sign the minutes.

Thank you.

**DRAFT MINUTES OF THE BOARD OF DIRECTORS OF THE
SUTTER BUTTE FLOOD CONTROL AGENCY
REGULAR MEETING OF
AUGUST 12, 2015**

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. at the City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

MEMBERS PRESENT

County of Sutter:	Barbara LeVake, Larry Munger
County of Butte:	Bill Connelly, Steve Lambert
City of Yuba City:	John Dukes
City of Gridley:	Frank Hall
City of Live Oak:	Gary Baland
City of Biggs:	Bo Sheppard
Levee District 9:	David Lamon, Chris Schmidl
Levee District 1:	Francis Silva, Charlie Hoppin

MEMBERS ABSENT: Kash Gill

STAFF PRESENT: Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro, Agency Counsel; Seth Wurzel, Budget Manager; Sarah Modeste, Administrative Manager

MEETING/CALL TO ORDER

Vice Chair Larry Munger opened the regular meeting and led the group in the pledge.

CLOSED SESSION

- 1) **Conference with real property negotiators pursuant to Govt. Code section 54956.8**
Agency negotiator(s): McElhern/O'Regan
Properties and negotiating parties:
 - a. **024-130-051, -052, -053, -055 (Waller)**
 - b. **025-180-007 & 025-250-067 (Cilker)**
- 2) **Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2) – 2 cases**
- 3) **Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(4) – 1 case**

Nothing to report.

RESOLUTION OF NECESSITY

1. **Adopt resolutions of necessity to acquire certain property interests for the Feather River West Levee Project as follows:**
 - a) **024-130-051, -052, -053, & -055 (Waller)**

This item was not heard during the August 12, 2015 Board meeting.

CONSENT CALENDAR

- 1) **Approval of the minutes for the July 8, 2015 Board Meeting**

Administrative Manager Sarah Modeste noted that the July 8, 2015 Board meeting reflected Scott Shapiro as Agency Counsel while it was actually Andrea Clark. She stated that the minutes had been corrected.

- 2) **Receive and file June 29, 2015 Finance Committee Meeting Minutes**
- 3) **Approval of Amendment 3 to the Contract with Donald Babbitt; Amendment 4 to the Contract with George Sills; and Amendment 5 with RiverSmith Engineering for Independent Panel of Experts Services**

On motion of Director John Dukes, and seconded by Director Bo Sheppard, the consent calendar was approved, with the change to the minutes from listing Andrea Clark instead of Scott Shapiro as Agency Counsel, as follows:

- Bo Sheppard – Yes
- John Dukes – Yes
- Frank Hall – Yes
- Steve Lambert – Yes
- Bill Connelly – Yes
- Dave Lamon – Yes
- Chris Schmidl – Yes
- Francis Silva – Yes
- Charlie Hoppin – Yes
- Gary Baland – Yes
- Barbara LeVake - Yes
- Larry Munger – Yes

PRESENTATION, DISCUSSION & ACTION ITEMS

- 4) **Receive and file monthly financial report**

Budget Manager Seth Wurzel presented the monthly financial report and answered related questions. The presentation can be viewed in its entirety on the SBFCA website:

<http://sutterbutteflood.org/board/meetings-agendas/>.

No public comment.

No action taken.

- 5) **Feather River West Levee & Oroville Wildlife Area Flood Stage Reduction Project Budget Update**

Budget Manager Seth Wurzel presented a summary of the information provided in the staff report. The presentation can be viewed in its entirety on the SBFCA website:

<http://sutterbutteflood.org/board/meetings-agendas/>. Mr. Inamine clarified that the Gridley Bridge Project is actually called the Gridley Bridge Erosion Repair Project, and that SBFCA is not building a bridge.

Director Charlie Hoppin asked why recreation and restoration were required in a flood control project. Mr. Inamine responded that the UFFR requirements state that projects must be multi-benefit, and this project satisfies that requirement.

Director Barbara LeVake asked how much flood risk reduction the project provides. Mr. Inamine responded that the flood stage could be dropped one-half of one foot during large flood events by providing conveyance in a larger floodplain.

Director Bo Sheppard asked if there was a plan to tour the Area D construction area. Mr. Bessette stated that it is a very tight construction area, so no tours were planned for this year.

No public comment.

No action taken.

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

5) Program/Project Update

Director of Engineering Michael Bessette highlighted several items in the Program/Project Update staff report, which can be viewed [here](#). Mr. Inamine provided an update on floodplain mapping.

No action required.

6) Other reports from Agency staff and consultants

Nothing to report.

7) Report by the Citizens' Assessment District Advisory Committee (CADAC)

CADAC Chair Sandi Fredrickson gave an update on the most recent CADAC meeting and activities. The presentation can be viewed in its entirety on the SBFCA website: <http://sutterbutteflood.org/board/meetings-agendas/>.

No action required.

8) Report by member and partner agencies

Nothing to report.

CORRESPONDENCE

9) Report on correspondence sent by and received by the Board

Nothing to report.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 1:56 p.m.

ATTEST BY: _____

SARAH MODESTE, BOARD CLERK

KASH GILL, CHAIR



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of Amendment 3 to Task Order 14 with ICF International for Maintenance of the Star Bend Phase 2 Habitat Enhancement Area and correction of the April 8, 2015 staff report "Approval of Amendment 2 to Task Order 14 with ICF International for Maintenance of the Star Bend Phase 2 Habitat Enhancement Area"

Recommendation

Authorize the Executive Director to execute Task Order 14 Amendment 3 with ICF International for services associated with required mitigation plantings, and correct the task order amount cited in the April 8, 2015 staff report "Approval of Amendment 3 to Task Order 14 with ICF International for Maintenance of the Star Bend Phase 2 Habitat Enhancement Area."

Background

In fall 2008, SBFCA completed a competitive process to select a consulting firm to undertake environmental planning and compliance work associated with the Sutter Basin Feasibility Study (Feasibility Study) and the Feather River West Levee Project (FRWLP). From that process, ICF (formerly Jones & Stokes) was selected as the most qualified consultant, and in January 2009, the SBFCA Board approved a master agreement with ICF. The master agreement provides general contractual "boiler plate" language, and refers to task orders which will be executed as needed to complete work. Each task order includes a scope of work, fee, schedule, and special provisions related to the task order that are not included in the master agreement.

The Board previously approved Task Order 14 and two associated amendments with ICF for transplanting elderberry shrubs. On April 8 2015, the Board approved Amendment 2 to Task Order 14 with ICF International for maintenance of the Star Bend Phase 2 Habitat Enhancement Area for an amount not to exceed \$435,439; however the staff report incorrectly stated that the amended Task Order authorization was \$424,725. The higher amount was previously budgeted by SBFCA and as such there is no fiscal impact.

For more than 30 years, the valley elderberry longhorn beetle (VELB) has been listed as a threatened species under the Federal Endangered Species Act. The VELB is completely dependent on its host plant, the elderberry shrub, therefore the U.S. Fish and Wildlife Service (USFWS) has designated the elderberry shrub as critical habitat for the VELB. In 2010, the Pacific Legal Foundation filed a legal petition with USFWS requesting that it remove the

VELB from the list of threatened species. In response, on September 16, 2014, the USFWS issued a decision that the scientific information and analysis relied upon was not strong enough to support a decision to delist the species and that the beetle will remain protected as a threatened species under the Endangered Species Act.

SBFCA has transplanted elderberry shrubs to the Star Bend Phase 2 Habitat Enhancement Area. In addition to elderberry shrub transplanting, SBFCA also must plant associated vegetation to facilitate the recolonization of VELB in accordance with USFWS regulatory guidelines, and also to fulfill the USACE 404 Clean Water Act mitigation requirements for impacts to Waters of the U.S. In February 2015, 519 riparian seedlings were planted and the remaining required 3,067 riparian seedlings will be planted later this winter. Once all plantings have been installed, SBFCA will transfer maintenance to a third party agency as required by our permits. SBFCA and Levee District 1 are currently working together with the Sutter Butte Land Trust to set up mechanisms for the long-term maintenance and monitoring of the Star Bend Habitat Enhancement Area. Until all planting are installed and the long-term maintenance and monitoring are transferred to the Sutter Butte Land Trust, SBFCA must maintain and irrigate the transplanted elderberry shrubs. ICF has subcontracted with LD1's contractor, Restoration Resources, to perform the needed maintenance. Amendment 3 to Task Order 14, increasing the task order amount by an additional \$7,165, will allow Restoration Resources to conduct irrigation maintenance and operation, and weed control. Restoration Resources will visit the site a minimum of once per month to test and repair the irrigation system as needed, complete weeding between plants, and mow one time in late fall when weather has cooled, or the first rain has occurred

Fiscal Impact

This action will obligate SBFCA to pay for the associated services delivered up to an amended task order budget limitation of \$442,604. The approved 5-Year Budget includes a budget of \$6,145,000 for environmental mitigation efforts (731 – 67400, 68400 & 68900) of which approximately \$1.28 million has been obligated to date for related expenses. This authorization is within the appropriated expenditure limits of the approved Final 5-Year Budget. The action described above is within the current estimates for the FRWLP1 planned costs. There is no net budgetary impact from Board's approval of the recommended action.

ICF Jones & Stokes, Inc.

Task Order 14 Amendment 3

**SCOPE OF WORK
Feather River West Levee Project
Elderberry Shrub Transplant Support**

September 16, 2015

This task order is associated with the Master Agreement between the Sutter-Butte Flood Control Agency (SBFCA) and ICF Jones & Stokes, Inc. ("THE CONSULTANT Jones & Stokes" in the original agreement), dated February 11, 2009.

1.0 Introduction

SBFCA is undertaking a 41-mile levee upgrade along the west levee of the Feather River that begins at the Thermalito Afterbay and ends approximately 4 miles north of the Sutter Bypass. As part of the project, elderberry (*Sambucus* sp.) shrubs were impacted and required by the U.S. Fish and Wildlife Service (USFWS), acting under the Endangered Species Act for the protection of valley elderberry longhorn beetle (VELB), to be relocated to a suitable mitigation site. In addition to relocating elderberry shrubs, native associate riparian seedlings are also required to be planted at the mitigation site. In February 2014, 160 individual shrubs, totaling 396 stems, were relocated to the SBCA mitigation site, which was purchased by SBFCA. 519 riparian seedlings were planted in February 2015 and a temporary on-grade drip irrigation system for these 519 seedlings was installed in March 2015. This proposal is to subcontract with Restoration Resources to continue maintenance of the elderberry transplanted shrubs and the 519 associated plants through the end of 2015.

2.0 Assumptions and Uncertainties

The Consultant has made the following assumptions in developing the scope of work.

- Restoration Resources (Contractor) will complete the work within the scope and cost estimate that was submitted to ICF on August 13, 2015 (Bid document attached).

3.0 Tasks and Deliverables

TASK 3 – Irrigation and Pruning

The Contractor will conduct irrigation maintenance and operation, and weed control. The Contractor will visit the site a minimum of once per month with two habitat technicians to test and repair the irrigation system as needed, complete weeding between plants, and mow one time in late fall when weather has cooled or the first rain has occurred.

4.0 Budget

The budget for this Task Order Amendment is not-to-exceed \$7,164.42 based on the provisions of the Master Agreement. The total value of this Task Order is increased to a total of \$442,603.60. A breakdown of work effort is provided in Table 1.

5.0 Contacts

All deliverables discussed in this SOW shall be provided to SBFCA.

SBFCA

Michael Bessette, Director of Engineering

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

SUTTER BUTTE FLOOD CONTROL AGENCY

CONSULTANT

By: _____

By: _____

KASH GILL
Board Chair, SBFCA

CHRISTOPHER C. ELLIOTT
ICF Jones & Stokes, Inc.

**Cost Estimate for Task Order 14 Amendment 3: Elderberry Shrub Transplant Support for Star Bend
Planting and Irrigation**

Task	Employee Name	Labor Classification	Sr	Subcontractor		Labor Total	Direct Expenses	Total Price
				Subtotal	Restoration Resources			
Task 3 - Irrigation and Pruning	Briard Mon							
Total hours			2	\$303.72	\$6,237	\$6,540.72		
ICF E&P 2013 Billing Rates			2					
			\$151.86					
Subtotals			\$303.72	\$303.72	\$6,237	\$6,540.72		
Direct Expenses							\$623.70	
Mark up on all non-labor costs and subcontractors:			10%				\$623.70	
Direct expense subtotal							\$623.70	
Total price								\$7,164.42



RESTORATION
R E S O U R C E S

HABITAT PLANNING & RESTORATION SERVICES SINCE 1989
CA Lic. # 429252

August 13, 2015

Monique Briard
Star Bend Phase II VELB
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

RE: Maintenance of Transplanted Elderberry shrubs and 519 associate plants

Dear Monique,

Restoration Resources is pleased to provide a change order cost estimate to continue maintenance of the elderberry transplanted shrubs and the 519 associate plants. Restoration Resources will visit the site a minimum of once per month with two habitat technicians to test and repair the irrigation system as needed, complete weeding between plants, and mow one time in late fall when weather has cooled or first rain has occurred.

Restoration Resources has actively monitored the irrigation season without a contract during the summer months. As a result, we have included the July 2015 work in this estimate.

Sincerely,

Ralph D. Vigil
Operations Manager

Proposal 14041, Maintenance of Transplanted Elderberry shrubs and 519 associate plants,
CCO#003

Page 1 of 4

Restoration Resources CA Lic No. 429252

Client Initials _____

Contractor Initials _____

**Contract 14041, Change Order #003
Scope of Work and Cost Proposal**

Submitted To Client: ICF International
630 K Street, Suite 400
Sacramento, CA 95814
Contact: Monique Briard
Phone: (916) 737-3000
Email: Monique.briard@icfi.com

Submitted By Contractor: Restoration Resources
3888 Cincinnati Avenue
Rocklin, CA 95765
CA Contractor's License 429252
Contact: Ralph D. Vigil
Phone: (916) 408-2990 Fax: (916) 408-2999
r.vigil@restoration-resources.net

Project Name: Star Bend Phase II VELB

Project Location:

The Feather River Setback Levee and Habitat Enhancement Project at Star Bend is located on the West levee of the Feather River, approximately six miles South of Yuba City, Sutter County, California.

Scope of Services:

Sierra View Landscape, Inc., dba **Restoration Resources** ("Restoration Resources"), proposes to provide to **ICF International** ("Client") all labor, materials, and equipment necessary to complete the following tasks:

Task 1: Maintenance of Elderberry Transplanted shrubs and 519 associate plants: July 1, 2015 – December 31, 2015

Task 1 Deliverables:

1. Irrigation Maintenance and Operation
2. Weed Control

Task 1 Cost Estimate: \$6,237.00

Total Cost: Restoration Resources shall provide all labor, equipment, and materials required to complete the proposed work for the total cost not to exceed: **Six thousand two hundred thirty-seven dollars and no cents (\$6,237.00).**

***Proposal 14041, Maintenance of Transplanted Elderberry shrubs and 519 associate plants,
CCO#003***

Page 2 of 4

Restoration Resources CA Lic No. 429252

Client Initials _____

Contractor Initials _____

Original Project Sum	\$ 12,950.00
Net Change by Previous Change Orders	\$ 112,538.79
Contract Sum Prior to this Contract Change Order	\$ 125,488.79
The Contract Sum will be changed by this Change Order	\$ 6,237.00
The Contract Sum including this Change Order will be.....	\$ 131,725.79
The Contract Time shall be changed by	184 days

Assumptions: Restoration Resources Assumes

- 1) Both Parties understand and agree the terms and conditions set forth in the original agreement shall remain in effect for the duration of the contract change order.

Exclusions: Restoration Resources Excludes

- 1) Monitoring will be completed by others.
- 2) Mowing will only be conducted on “NO” Fire Danger Days.

Schedule of Work:

Restoration Resources will schedule the work for immediate completion of the tasks, upon written acceptance of this proposal by the Client.

Proposal 14041, Maintenance of Transplanted Elderberry shrubs and 519 associate plants,

CCO#003

Page 3 of 4

Restoration Resources CA Lic No. 429252

Client Initials _____

Contractor Initials _____

This proposal is valid for 30 days unless renewed in writing. Prices are subject to change if not accepted within 30 days.

This proposal shall become the agreement or be incorporated as a part of any agreement, work order, or notice to proceed for the same work, and the following persons are authorized to legally bind their respective companies or organizations in agreements of this nature and with their signatures agree to the terms and conditions of this proposal

Client: Insert Client's Name Here

Contractor: Restoration Resources

Signature

Signature

Print Name

Print Name

Title

Title

Date

Date



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director
Seth Wurzel, Budget Manager

SUBJECT: Receive and File Monthly Financial Report (July 2015)

Recommendation

We recommend the Board receive and file the July 2015 Financial Report and receive staff's monthly financial report update.

Background

Staff will provide a brief presentation of SBFCA's current financial position and financial activities at the Board meeting and will be prepared to answer any questions.

The monthly financial reports will include the following information:

- **Current Working Capital Position:** Provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial report prepared in coordination with Yuba City finance staff. The financial report reflects the financial information as of July 2015. The information presented is compared to the Final Amended Final 5-Year Budget.

Fiscal Impact

This is an informational item only with no fiscal impact to the Agency.

Attachment *(To be provided at the Board meeting)*

- Yuba City Finance Department Memorandum, September 16, 2015 re: Monthly Financial Report: July 2015



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

TO: Board of Directors

FROM: Mike Inamine - Executive Director
Michael Bessette - Director of Engineering

SUBJECT: Receive and File Program/Project Update Report

Recommendation

Receive and file the September 2015 Program/Project update report.

Background

The purpose of this report is to provide a regular, monthly update on SBFCA program and project activities:

Engineering Design

The design team is working to address the latest comments from the Independent Panel of Experts (IPE) on the final designs for the gap closures at the 5th Street Bridge in Yuba City, UPRR crossing in Yuba City, and the Yuba City Raw Water pipes. The comments and resulting design modifications may lead to a decrease in the number of wells needed at the UPRR crossing, and potentially eliminate the need for wells entirely at the Yuba City Raw Water pipes location. This potential design change is a result of refined analysis of the geotechnical conditions at both those locations. The permit process with UPRR and the CVFPB for the gap projects is ongoing. The design and construction management teams are coordinating the scope of work with our contractor to determine if a suitable price can be negotiated and the work completed under a contract change order. In addition, staff met with members of United Auburn Indian Community (UAIC) to consult on the projects and a pedestrian site survey for cultural resources will be conducted later this month.

The design team continues to provide construction support and project closeout services for Project Area C and Project Areas B and D contractor operations. Efforts for the past month have focused on: submittal reviews, change order reviews, deep-mix-method (DMM) slurry wall mix design, a design modification for the Reach 7 relief wells, and PG&E and AT&T utility relocation coordination. The design team also continues to support right-of-way acquisition efforts, providing appraisal exhibits, plats and legal descriptions, and coordinating with landowners on utility crossings, relocations and access during construction.

Construction Management (Project Areas B, C & D)

Over the past month, the construction management (CM) and engineering design teams held weekly meetings with the contractor to coordinate the contractor's submittals and coordinate completion of 2014 construction work, project closeout and punch-list work, and 2015 levee construction work in Butte County (Project Area D). Weekly coordination calls with the Enterprise Rancheria are held to coordinate the construction activities in Butte County. The CM team continues to assist affected property owners and member agencies to coordinate ongoing 2015 construction activities. The CM team continued construction management and administrative duties related to schedule evaluation, pay estimates, requests for pricing, and

reviewed and negotiated costs submitted for changed work. The CM team has successfully concluded negotiations with the contractor on the cost impacts resulting from the numerous cultural resource sites that were found during the 2014 construction season in Project Area C.

As of the end of August, the contractor has four slurry wall installation headings working 24 hours per day, six days per week in Project Area D. Also, work on the tailings material berm construction was initiated this month and will continue through the fall. In Project Area B, the contractor has completed punch-list work and project closeout activities except for the final paving of Boyd's Landing ramp and finish grading of portions of the landside access road. This work will start in early September and take approximately two weeks to complete. In Project Area C, the contractor completed punch-list and project closeout activities including gate and fence installation, ramp re-sloping, pipe slide gate reinstallation, and final clean up. Project Area C is in the final closeout stages.

Environmental Documentation/Permitting/Cultural Resources

Construction is now in its third month of the 2015 season, and biological monitoring work continues as dictated by permit conditions. The majority of this effort is focused on identifying nesting birds, closely monitoring work within Giant Garter Snake habitat, and making sure construction activities comply with permit requirements. The environmental permitting processes for the Gridley Bridge erosion site, Oroville Wildlife Area, and Laurel Avenue Critical Repair Project are all ongoing.

SBFCA is coordinating closely with the Corps, SHPO, and UAIC on settlement agreement documents to guide future collaboration on levee improvements in Sutter County including the gaps projects, Reach 7 relief wells, and levee improvements at Laurel Avenue. Construction in Sutter County will not proceed until the Section 106 documents for Sutter County are amended by the Corps, which is now anticipated to be in the spring of 2016.

Right of Way

Right-of-way acquisition for acquiring the remaining property rights needed for 2015 construction have successfully concluded. At this time there is only one outstanding property in Project Area D yet to be acquired, however, that property is located within the 2016 work area. Right-of-way acquisition for the UPRR and 5th Street gaps work is also underway.

State & Local Funding and Coordination

On December 22, 2014, SBFCA received notice from DWR that \$43.8 million has been committed to continue construction on the currently approved scope of work (for that agreement in force at that time) of SBFCA's EIP Construction Funding Agreement (Project Areas C, B & D2A). The funding agreement amendment has been executed by SBFCA and is being processed by the State.

With respect to funding for the balance of the FRWLP1 project, DWR is currently reviewing the SBFCA resubmitted full application for funding under the Urban Flood Risk Reduction (UFRR) Program. Through coordination with DWR, SBFCA expects that DWR's review and approval will be complete in November or December of this year.

The following table summarizes SBFCA's EIP/UFRR grant funding committed, in process and received to date.

FRWLP DWR EIP Funding

	<u>Agreement</u>		
	<u>Design</u>	<u>Construction</u>	<u>Total</u>
Agreement No.	#4600009480	#4600010296	
Capital Outlay Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendment 1	\$0	\$0	[1] \$0
Amendment 2	\$14,869,280	\$57,803,791	\$72,673,071
Amendment 3		\$43,861,587	\$43,861,587
Amendment 4 (<i>in process</i>)		\$40,828,931	[2] \$40,828,931
TOTAL FUNDING	\$23,869,280	\$199,274,309	\$223,143,589
Receipts			
PMT 1	\$2,328,141	\$14,103,457	\$16,431,597
PMT 2	\$1,160,580	\$18,447,722	\$19,608,302
PMT 3	\$4,842,366	\$19,469,632	\$24,311,998
PMT 4	\$8,704,665	\$15,358,844	\$24,063,509
PMT 5	\$2,709,411	\$13,846,991	\$16,556,402
PMT 6	\$0	\$14,479,664	\$14,479,664
TOTAL PAYMENTS	\$19,745,163	\$95,706,310	\$115,451,472
GRANT BALANCE	\$4,124,117	\$103,567,999	\$107,692,117

[1] First Amendments amended scope only.

[2] UFRR Funding Committed, DWR is currently reviewing the final full application.

Remaining Design Grant funding is tied to the retention held on the State share as well as excess capacity within the funding agreement. SBFCA expects that the balance of any remaining funding after the release of retention will be transferred to SBFCA's construction funding agreement. SBFCA is working with DWR to navigate the closeout process for the Design Funding Agreement.

On July 27, 2015, DWR provided a notice of a pending payment of \$14,479,664. This payment was received by SBFCA on August 12, 2015. SBFCA is currently working to prepare and submit an additional payment request to the State for the projected work to be completed by SBFCA between October and December 2015.

DWR Emergency Response Planning Grant

All deliverables for Task 1 (five flood safety plans and a report comparing local jurisdictions' compliance with Water Code Section 8650) are 100% complete and have been delivered to and approved by each agency, as well as DWR. For Task 2, Live Oak's generator is installed at City Hall (no change from last month). Gridley public works officials have decided to proceed with purchase and installation of its backup generator. For Task 3, Gridley officials have determined that the original scale of the project was too big, and are working with a vendor, Cal Electro, to produce new designs and a cost estimate for the downsized work. Ford Engineers is assisting with administrative tasks required to close out the project such as preparing invoice packages for DWR (no change from last month).

DWR Flood System Repair Program Grant

DWR informed SBFCA in August that the Laurel Avenue project will be funded by the Flood System Repair Program and a grant application will be processed shortly. The project delivery

team held a kickoff meeting shortly after receiving this news so that the design, environmental documentation and permitting, and right of way acquisition processes could be reinitiated. As a reminder these activities were put on hold earlier this year until funding assurances were received from DWR.

Oroville Wildlife Area (OWA) Flood Stage Reduction Project

The project team continues to work on design, environmental documentation, and permitting efforts. A meeting was held with DWR to discuss the permitting strategy for Federal Energy Regulatory Commission (FERC) review and approval. FERC coordination and approval can at times take up to a year to complete. Geotechnical explorations and analysis are underway, as well as the identification of a sewer line that runs directly through the project site. The project team has also begun work on a draft invasive species removal plan and the team continues to work on developing the funding approach for the restoration and recreation components of the project. The team is preparing two grant applications (one to the Wildlife Conservation Board and one to CDFW) for submittal in September.

Gridley Bridge Erosion Repair Project

The 90% designs were completed and submitted for Agency and IPE review. Comments were due on August 28. Some comments have been received from the IPE and the team is currently reviewing them. The team also prepared mitigation cost estimates and is again looking at the potential for a self-mitigating site.

DWR Basin-Wide Studies

SBFCA staff continues to meet and coordinate with DWR staff, consultants, and Sutter Butte stakeholders, including the Yuba Sutter Farm Bureau, on the preparation of the 2017 CVFPP to ensure SBFCA and regional interests are represented.

Federal Appropriations for Sutter Basin Project

The U.S. Army Corps of Engineers Sacramento District office received unallocated federal funds to initiate the preconstruction engineering and design (PED) of the Sutter Basin Project. This is a significant and positive development given issues associated with the President's Office of Management and Budget calculation and use of benefit-cost ratio. SBFCA staff, DWR and the Corps are finalizing a formal agreement prior to initiating work.

Floodplain Management Association Annual Meeting

SBFCA's Executive Director, Director of Engineering and consultants will be attending the annual FMA meeting in early September and will provide several presentations. The topics to be presented will include the Oroville Wildlife Area Flood Stage Reduction Project, encroachment compliance strategy, cultural resources legal considerations and the Feather River Regional Flood Management Planning program. A summary will be provided at the Board meeting.

Fiscal Impact

This is an informational item only with no fiscal impact to SBFCA.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Memorandum of Understanding between Sutter Butte Flood Control Agency, American Rivers, and River Partners for the Implementation of the Oroville Wildlife Area Flood Stage Reduction Project

Recommendation

This is an informational only item and no action is recommended at this time. The final Memorandum of Understanding will be brought to the Board for approval at the October 14, 2015 meeting after it has been approved by River Partners and American Rivers.

Background

In August 2013, the SBFCA Board authorized the Executive Director of SBFCA to submit a grant application to DWR for Proposition 13 Funds under the Yuba Feather Flood Protection Program (YFFPP) for the design and permitting of the Oroville Wildlife Area (OWA) Flood Stage Reduction (FSR) Project. When constructed, this project will reduce flood stage within the Feather River adjacent to the Oroville Wildlife Area and will also enhance riparian habitat.

After notification on June 10, 2014 that the design and permitting for the project had been approved by DWR and awarded up to \$1,658,800, the Board adopted Resolution 2014-17 at the June 2014 meeting, authorizing the Executive Director to enter into an agreement with DWR for the project.

DWR provided notification to SBFCA on June 18, 2014 that SBFCA could begin incurring eligible costs for reimbursement under the forthcoming grant. In July 2014, the Board approved an addendum to SBFCA's 5-Year Capital Budget to incorporate the planning, design and permitting of the OWA FSR Project.

Since July 2014, SBFCA has worked closely with both American Rivers and River Partners on defining the preferred alternative for the project. The early planning and coordination activities culminated with a series of workshops held in the early-mid part of 2015 with California Department of Water Resources, California Department of Fish and Wildlife, the Central Valley Flood Protection Board, NOAA Fisheries and the U.S. Fish and Wildlife Service. Design and permitting efforts are now currently in-progress.

The purpose of this Memorandum of Understanding (MOU) between American Rivers, River Partners, and SBFCA ("the Parties") is to identify the roles and responsibilities in regard to managing and the seeking of funds from State, Federal, and other sources. The Parties desire to take advantage of upcoming grant opportunities to seek funding for the implementation of the project and, due to the complex multi-benefit nature of the project and the multitude of funding opportunities, the parties will need to continue their cooperation and

collaboration efforts into the future. For example, there may be competitive advantages to one or all parties applying for a grant(s) as well as project management efficiencies once work is awarded. The Parties desire to execute this MOU to establish their respective commitments to work together to locate funding for, and advance, the Project.

Fiscal Impact

This is an informational only item with no fiscal impact to SBFCA.

Attachments:

Attachment A - Draft Memorandum of Understanding for Implementation of the Oroville Wildlife Area Flood Stage Reduction Project

DRAFT MEMORANDUM OF UNDERSTANDING
FOR IMPLEMENTATION OF THE
OROVILLE WILDLIFE AREA FLOOD STAGE REDUCTION PROJECT

This Memorandum of Understanding (“MOU”) is made this ____ day of _____, 2015 by and between the Sutter Butte Flood Control Agency (“SBFCA”), American Rivers, and River Partners, for the purpose of identifying roles and responsibilities in regard to managing and the seeking of funds for the Oroville Wildlife Area Flood Stage Reduction and Habitat Restoration Project (“Project”) from State, Federal, and other sources. The parties to this MOU will be referred to herein, collectively, as the “Parties”.

RECITALS

WHEREAS, the Parties recognize the need for coordinated flood management planning and implementation activities; and

WHEREAS, the Parties have recently cooperated and collaborated in the development of the Project; and

WHEREAS, the Project is considered a multi-benefit project comprised of flood control, ecosystem restoration, and recreation elements; and

WHEREAS, the California Department of Water Resources (DWR) is the property owner and has voiced support for the Project; and

WHEREAS, the California Department of Fish and Wildlife (CDFW) is the property maintainer and has voiced support for the Project; and

WHEREAS, interrelated funding requirements, project elements and permit requirements link the management, task sequence and responsibilities between the Parties; and

WHEREAS, the Parties desire to take advantage of upcoming grant opportunities to seek funding for the implementation of the Project; and

WHEREAS, the Parties recognize that, due to the complex nature of the Project and the multitude of funding opportunities, securing funding will need to be an adaptive process and the Parties will need to continue their cooperation and collaboration efforts into the future; and

WHEREAS, the Parties desire to execute this MOU to establish their respective commitments to work together to locate funding for, and advance, the Project.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions in this MOU, and the mutual benefits to be derived therefrom, the parties agree as follows:

1. Term:

- a. This MOU shall remain in full force and effect for five (5) years, unless terminated by mutual consent of the parties, or upon completion or termination of the Project.

2. Mutual Agreement to seek funding from State, Federal, and other Agencies:

- a. It is agreed that the Parties will coordinate for the best positioned Party to be the lead to seek funding from local, State, or Federal sources for the Project. In each such case, the Parties will work collaboratively in the preparation of any grant applications.
- b. SBFCA shall designate a Project Manager to coordinate communication between the Parties.

3. Collaborative Participation:

Each party agrees to actively engage and participate in activities related to seeking funding for the Project. Activities may include but are not be limited to:

- a. Attendance at regular project meetings and conference calls;
- b. Attendance at meetings with DWR, CDFW, and other agencies as needed;
- c. Attendance at meetings with public stakeholders;
- d. Preparation of grant applications;
- e. Review and provide comment on documents, technical studies, and other materials developed as part of the Project;
- f. Writing letters of support for projects;
- g. Prior to the initiation of any element of the project the relevant Parties will agree in writing to a division of responsibilities for funding and permitting requirements.

4. MOU Not To Replace Necessary Bidding or Proposal Processes:

- a. The Parties understand that as a public agency SBFCA is required to follow certain procedures in selecting contractors to work on different aspects of projects and that this MOU is not intended to negate that requirement;
- b. Public funding may require additional limits or procedures that the Parties may be required to follow and that this MOU is not intended to negate that requirement;

5. Local Cost Share:

- a. SBFCA is proposing to allocate up to \$4,195,000 for the design and construction of the flood control related improvements, subject to obtaining such funding through an Urban Flood Risk Reduction Program funding agreement with DWR.
 - b. The funding in 5a may be utilized by any party to provide a cost share required by grants or other funding vehicles.
6. Notices: Any notice, which may be required under this Agreement, shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO: American Rivers:

Insert Name
Insert Title
Insert Address

TO: River Partners:

Gerald Dion
Vice-president
580 Vallombrosa Ave,
Chico, CA 95926

TO: Sutter Butte Flood Control Agency:

Attn: Mike Inamine
Executive Director
Post Office Box M
Yuba City, CA 95991

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section. All notices and other communications shall be deemed communicated as of actual receipt or after the third business day after deposit in the United States mail.

7. Amendment. This MOU may not be changed, modified or rescinded except by mutual written agreement and any attempt at oral modification of this Agreement shall be void and of no effect.
8. Applicable Law. This MOU shall be governed by, and construed and enforced in accordance with the laws of the State of California.
9. Signatories' Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this MOU in the capacity indicated by his or her signature and agrees to be bound by this MOU as of the day and year first mentioned above upon the execution of this MOU by each other party.

IN WITNESS WHEREOF, the undersigned parties have executed this MOU on the day and year first written above.

SUTTER BUTTE FLOOD
CONTROL AGENCY

AMERICAN RIVERS

By: _____
Name:
Title:

By: _____
Name:
Title:

RIVER PARTNERS

By: _____
Name: John Carlon
Title: President

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Name:
Title:

By: _____
Name:
Title:

APPROVED AS TO FORM:

By: _____
Name:
Title:



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

September 16, 2015

Item 6

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Other reports from Agency staff and consultants

This time has been set aside on the agenda for other reports from Agency staff and consultants.

Item 7

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report by the Citizens' Assessment District Advisory Committee

This time has been set aside on the agenda for a report from the CADAC.

Item 8

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report by member and partner agencies

This time has been set aside on the agenda for a report and discussion (if necessary) by member and partner agency representatives.

Item 9

TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report on correspondence sent by and received by the Board

This time has been set aside on the agenda for Board discussion and staff response regarding correspondence received by the Agency.

Fiscal Impact

The above items are informational only with no fiscal impact to the Agency.