MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with California Executive Orders N-25-20 and N-29-20 members of the Board of Directors and members of the public will participate in this meeting by teleconference. The call in information for the Board of Directors and the public is as follows:

Call in No.: 1-877-304-9269
Passcode: 309794

Any member of the public on the telephone may speak during Public Communications. During this period of modified Brown Act Requirements, Three Rivers Levee Improvement Authority will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

I ROLL CALL – Directors Atwal, Brown, Ledbetter, Lofton, Vasquez

II PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern within the jurisdiction of TRLIA which is not on today’s agenda. The total amount of time allotted shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time, speakers are requested to fill out a “Request to Speak” card and submit it to the secretary.

III CONSENT ITEMS

A. Approve meeting minutes of April 7, 2020.

IV ACTION ITEMS

A. Approve Regional Flood Management Program Memorandum of Understanding with Yuba Water Agency, Sutter Butte Flood Control Agency, Marysville Levee Commission, and Reclamation District 1001, and authorize Executive Director to execute upon review and approval of General Counsel.

B. Approve contract Amendment No.: #10 with CTA Engineering and Surveying extending contract to December 31, 2021, and provide additional budget for continued right of way support and surveying services; and authorize Executive Director to execute.

V BOARD /STAFF REPORTS

Miscellaneous Reports

IV ADJOURN
hours. In compliance with the Americans 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 the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

APRIL 7, 2020

MINUTES

Teleconference call was called to order 3:30 p.m. with a quorum being present as follows: Directors Sardeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton and Andy Vasquez. Also present were Executive Director Paul Brunner, General Counsel Andrea Clark, and Clerk of the Board Rachel Ferris. Chair Vasquez presided.

I  ROLL CALL – Directors Atwal, Brown, Ledbetter, Lofton, Vasquez – all present

II  PUBLIC COMMUNICATIONS: None

III  CONSENT AGENDA:

   MOTION: Move to approve Consent Agenda
   MOTION: Doug Lofton SECOND: Gary Ledbetter
   AYES: Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
   NOES/ABSENT/ABSTAIN: None

   A. Approve special meeting minutes of March 31, 2020. Approved as written

   B. Approve contract Amendment No. 7 with Kim Floyd Communications, to extend contract termination date to December 31, 2021, for continued public outreach services, and authorize Executive Director to execute upon review and approval of General Counsel. Approved

IV  ACTION ITEMS

   A. Approve award of Goldfields 200-Year Levee Improvement Project to Teichert Construction; and authorize Executive Director to sign and execute contract and subsequent Notice(s) to Proceed (NTPS) upon approval of General Counsel. Executive Director Paul Brunner provided a brief recap. Construction Manager Doug Handen recapped bids, review process and potential impacts from COVID-19.

      Mr. Brunner provided additional recap on Resolution No. 2011-3 which authorized the Executive Director to approve Change Orders for construction work on awarded projects, up to the statutory maximum of $210,000, and to provide monthly reports thereafter.

      MOTION: Move to approve
      MOTION: Sarbdeep Atwal SECOND: Rick Brown
      AYES: Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
      NOES/ABSENT/ABSTAIN: None

      Via Roll Call Vote
B. Approve contract Change Order No. 8, with River Partners for maintenance at Feather River Elderberry Transplant area; and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped elderberry mitigation sites, maintenance, and funding mechanism for costs going forward.

MOTION: Move to approve
MOTION: Doug Lofton SECONd: Gary Ledbetter
AYES: Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
NOES/ABSENT/ABSTAIN: None

Via Roll Call Vote

C. Approve contract with Jacobs not to exceed $200,000 for general services to TRLIA, including, but not limited to Regional Flood Management Planning and authorize Executive Director execute contract upon review and approval of General Counsel.

Following disclosure of employment with Jacobs, Director Ledbetter recused himself.

Executive Director Paul Brunner recapped project history and selection of Jacobs.

MOTION: Move to approve
MOTION: Rick Brown SECONd: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Rick Brown, Doug Lofton, Andy Vasquez
NOES: None ABSENT: Gary Ledbetter ABSTAIN: None

Via Roll Call Vote

V BOARD /STAFF REPORTS

Executive Director: Paul Burner
• Goldfield Project is the final major construction project for the RD784 system
• Encroachment Permit approved for Goldfield project
• COVID-19 impacts on staff and nonessential projects placed on hold
• Closure of access gates and signage posted to enforce social distancing at Greys Beach

General Counsel Andrea Clark: Will continue to assess projects to ensure they fall into the essential category

IV ADJOURN: 4:11 p.m.

__________________________________________
Chair

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

__________________________________________
Approved: __________________________________
May 19, 2020

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul G. Brunner, Executive Director
       Andrea Clark, General Counsel

SUBJECT TRLIA approval of Regional Flood Management Program (RFMP) Memorandum of Understanding (MOU)

Recommendation Action
Approve the attached MOU and TRLIA chair sign once General Counsel has reviewed and approved.

Background
TRLIA has remained engaged as a Partner Agency in the Feather River RFMP since its inception. This RFMP is one of six in the Central Valley. The current round of funding will also include provisions for both direct and competitive funding to implement projects described in the Regional Flood Management Plan. This effort will also be utilized in conjunction with DWR to update the Central Valley Flood Protection Plan in 2022. Partner Agencies include Sutter Butte Flood Control Agency (SBFCA), Yuba Water Agency (YWA), and Marysville Levee Commission (MLC). An additional Partner Agency, Reclamation District 1001 (RD 1001), was included for this round of funding.

On August 20, 2019, the TRLIA Board of Directors took the following actions.
   1) Approved Resolution authorizing TRLIA’s intent to participate in the Regional Flood Management Program (RFMP).
   2) Authorized the Executive Director to apply for and execute a funding agreement with the Department of Water Resources (DWR) and to accept State funding under the RFMP.
   3) Authorized the Executive Director to modify and execute the MOU with RFMP Partner Agencies to establish a Steering Committee comprised of Partner Agency leadership.

Discussion
In lieu of signing the MOU as delegated by the Board at the August 20, 2019 meeting, I am recommending the TRLIA Chair sign the MOU since other agency Board Chairs are signing.

Since August 20, 2019 Board Meeting, DWR stalled on their funding mechanisms for this program and all six regions awaited further information. DWR informed each region in April 2020 that full funding is not available. As such, DWR implemented the following actions.

- Each region will receive an identical amount of funding - $850,000.
  - This is approximately 50% of our requested budget.
  - DWR will allow shifting funds between tasks upon their review and approval.

- Each region received a revised Scope of Work created by DWR.
  - New tasks were added by DWR.
  - Some of our tasks were modified by DWR.
  - DWR will allow us to modify the tasks upon their review and approval.
• DWR expects contracting and funding to occur by June 1, 2020.
  o This date is contingent upon final approval by CA Department of General Services and DWR.

Our region initiated RFMP preliminary planning activities upon receiving this update from DWR. In April 2020, the following coordination efforts took place.

• The MOU between Partner Agencies was revised.
  o The revised draft was finalized and accepted by all five Partner Agencies.
  o Agencies will execute the MOU no later than June 2020.

• The revised scope and budget provided by DWR was discussed by the Partner Agencies and we are currently modifying this scope and budget to reflect the priorities of the Feather River Region.

**Fiscal Impact**
Funding for this work is 100% funded by DWR.

Attachment: Proposed MOU
MEMORANDUM OF UNDERSTANDING REGARDING FEATHER RIVER REGIONAL PLAN FOR FLOOD PROTECTION

This Memorandum of Understanding (MOU) is executed this _______ day of _______, 2020 between Three Rivers Levee Improvement Authority (TRLIA), Sutter Butte Flood Control Agency (SBFCA), Yuba Water Agency (YWA), Marysville Levee Commission (MLC), and Reclamation District No. 1001 (RD1001). The parties to this MOU will be referred to herein, collectively, as the “Parties.”

RECITALS

WHEREAS, in 2008 the California Legislature enacted and the Governor signed the Central Valley Flood Protection Act, which directed the Department of Water Resources (DWR) to prepare and the Central Valley Flood Protection Board (CVFPB) to adopt a Central Valley Flood Protection Plan (CVFPP) by July 1, 2012; and

WHEREAS, on June 29, 2012 the CVFPB did adopt a CVFPP which establishes a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the CVFPP calls for the creation of a regional working group representing the Feather River Region to collaborate and update flood management priorities for the region in the form of a Regional Flood Management Plan (RFMP); and

WHEREAS, DWR and CVFPB are preparing a recurring 5-year update to the CVFPP, which is scheduled for completion by July 1, 2022 and the Feather River Region RFMP is a required element of this update; and

WHEREAS, TRLIA, SBFCA, YWA, MLC, and RD1001 wish to enter into this MOU to establish a Coordinating Committee to collaborate in the update of the RFMP, to set forth a governance structure for the Coordinating Committee, and to appoint TRLIA as a representative of the Coordinating Committee for purposes of administration of a directed funding agreement with DWR; and

WHEREAS, TRLIA, SBFCA, YWA, MLC, and RD1001 acknowledge that this MOU replaces all previous MOUs and Agreements related to the RFMP.

AGREEMENT

1. The Parties hereby establish a Coordinating Committee comprised of the following five representatives. Each Party may delegate no more than one representative. It is the intent that the representative will be active participant and ideally is a senior leader in their organization (i.e., General Manager or Assistant General Manager):

2. The purposes of the Coordinating Committee include, but are not limited to: (a) provide regional insights and options for the RFMP to consider; (b) help TRLIA and RFMP
consultants develop insights, options, and recommendations; (c) guide staff members and consultants of the Parties in the update to the RFMP for the Feather River Region; (d) help implement recommendations within the region; (e) assist TRLIA in the management of the funding agreement with DWR pursuant to Paragraph 5, below; (f) direct staff members and consultants of the Parties in scheduling and carrying out workshops or other informational briefings to other stakeholders and to the public.

3. The Coordinating Committee representatives shall keep their constituents informed in written and oral reports, which will be developed by staff members and consultants of TRLIA, SBFCA, YWA, MLC, and/or RD1001.

4. It is expected that the Coordinating Committee will act by consensus; however, to the extent that a vote is required, no vote shall be effective unless supported by three of the five representatives of the Coordinating Committee.

5. The management of the directed funding agreement with DWR and the selected consultants for regional planning will be performed by TRLIA. This role will not give TRLIA any special rights or control over the regional planning effort not also shared with the other Parties. TRLIA agrees to provide regular reporting to the Coordinating Committee and staff of the Parties on the status of the expenses related to the regional planning effort and funding through the agreement with DWR.

6. The staff and consultants of SBFCA, TRLIA, YWA, MLC, and RD1001 will provide periodic written reports to the Coordinating Committee and other interested agencies throughout the region related to the RFMP.

7. For costs that are the responsibility of the Parties and not covered by the anticipated funding agreement with DWR, the Parties intend to split the costs equally among all Parties.

8. The Parties agree to meet and agree upon all cost expenditures not covered by the DWR grant.

9. For costs incurred in completing the regional planning efforts after a DWR grant is place that are not covered by the DWR grant, TRLIA agrees to front these costs and will request reimbursement from SBFCA, YWA, MLC, and RD1001. The Parties agree to split these costs as described in Section 7.
Agreed to this day by authorized representatives of the Parties:

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

By: _______________________________
    _______________________________
Date: ____________________________

SUTTER BUTTE FLOOD CONTROL AGENCY

By: _______________________________
    _______________________________
Date: ____________________________

APPROVED AS TO FORM BY:

By: _______________________________
    _______________________________
Date: ____________________________

YUBA WATER AGENCY

By: _______________________________
    _______________________________
Date: ____________________________

MARYSVILLE LEVEE COMMISSION

By: _______________________________
    _______________________________
Date: ____________________________

APPROVED AS TO FORM BY:

By: _______________________________
    _______________________________
Date: ____________________________
RECLAMATION DISTRICT NO. 1001

By: _______________________________
______________
Date: _____________________________

APPROVED AS TO FORM BY:

By: _______________________________
______________
Date: _____________________________
May 19, 2020

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul Brunner, Executive Director

SUBJECT: Approve Contract Amendment 10 with CTA Engineering & Surveying

Recommended Action
Approve Amendment 10 with CTA Engineering & Surveying to extend the contract to December 31, 2021 and provide additional budget for continued right-of-way support and surveying services for TRLIA’s levee improvement program, and authorize the Executive Director to execute the amendment upon review and approval of General Counsel.

Discussion
CTA Engineering & Surveying has been providing right-of-way support and surveying services for all of TRLIA’s projects for nearly a decade. The proposed contract Amendment 10 would extend the contract to 2021 and increase the budget approximately $150,000. This additional budget provides for CTA’s continued services in support of transferring TRLIA lands to the State of California for the Feather River, Bear River, Yuba River, and WPIC projects; surveying for the Goldfields 200 project, and development of new maps in support of the O&M Manual.

Fiscal Impact
CTA’s services are necessary across several projects and would be cost-shared in accordance with individual project cost-shares. The contract is a time and material contract and can be terminated at any time, with TRLIA only obligated to pay for the work completed at the time of termination.

Attachments:
CTA Contract Amendment 10
AMENDMENT NO. 10

AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ENGINEERING SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
CTA ENGINEERING AND SURVEYING

THIS TENTH AMENDATORY AGREEMENT is made effective ____________, 2020,
by and between Three Rivers Levee Improvement Authority (“TRLIA”) and CTA Engineering
and Surveying (“Consultant”), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background recitals:

   1.1. Effective March 2, 2010 the parties entered into an Agreement for Professional Services relating to
       Surveying Services for TRLIA’s Construction Program for an amount of $47,500 and a contract
       termination date of December 31, 2011.

   1.2. Effective August 3, 2010 the parties entered into the first Amendatory Agreement that increased the
       budget by $14,500 for a total contract amount of $62,000.

   1.3. Effective February 15, 2011 the parties entered into the second Amendatory Agreement that
       increased the budget by $75,000 for a total contract amount of $137,000.

   1.4. Effective January 17, 2012 the parties entered into the third Amendatory Agreement that extended
       the contract termination date to December 31, 2012.

   1.5. Effective August 28, 2012 the parties entered into the fourth Amendatory Agreement that increased
       the budget by $28,000 for a total contract amount of $165,000 and extended the contract
       termination date to December 31, 2013.

   1.6. Effective January 21, 2014 the parties entered into a fifth Amendatory Agreement that added an
       additional Task 11 (Upper Yuba River RE Support), reallocated tasks budgets, and extended the
       contract termination date to December 31, 2015.

   1.7. Effective February 17, 2015 the parties entered into a sixth Amendatory Agreement that increased
       the budget by $52,415 to a total contract amount of $217,415 and extended the contract
       termination date to December 31, 2016.

   1.8. Effective April 19, 2016 the parties entered into a seventh Amendatory Agreement that increased
       the budget by $190,700 to a total contract amount of $408,115 and extended the contract
       termination date to December 31, 2018.

   1.9. Effective September 19, 2017, the parties entered into an eighth Amendatory Agreement that
       increased the budget by $82,500 to a total contract amount of $490,615.

   1.10. Effective February 5, 2019, the parties entered into a ninth Amendatory Agreement that extended
       the termination date to December 31, 2020.

   1.11. Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the
       AGREEMENT shall be in writing and executed by both parties;

   1.12. TRLIA and the CONSULTANT desire to amend the AGREEMENT;
NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

2. **Tenth Amendment to Agreement.** The Professional Services Agreement is hereby amended as follows:

2.1. The payment, budget, and not-to-exceed amounts, Condition B.1. in Attachment B to the Agreement for Professional Services between TRLIA and CTA Engineering and Surveying, will be modified to increase the total contract amount by $150,000 for a total contract budget of $640,615.

2.2. The Termination Date in Clause 2 and A.2 is amended to extend to December 31, 2021.

3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement as amended shall be unaffected and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on ______________________, 2020.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

CTA ENGINEERING AND SURVEYING

_________________________________________  _____________________________
Paul G. Brunner  Kevin A. Heeney
Executive Director  Vice-President

ATTEST:  APPROVED AS TO FORM:

_________________________________________
Rachel Ferris  Andrea Clark
Clerk of the Board, TRLIA  General Counsel, TRLIA
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<th>Estimated Hours</th>
<th>Estimated Hourly Rate</th>
<th>Estimated Cost</th>
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<td>a. Process transfer documents and exhibits</td>
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<td>c. Set Additional Monuments along property boundaries</td>
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<td>d. Coordination with DWR, TRLIA and Yuba County</td>
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<td>c. Misc. Field Surveys</td>
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<td>c. Set Monuments along acquisition property boundaries</td>
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<td>d. Coordination with DWR, TRLIA and Yuba County</td>
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<td><strong>6. Lower Yuba River (No anticipated services at this time)</strong></td>
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<td>b. Bear River</td>
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