THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
Yuba County Government Center, Board Chambers  
915 Eighth Street, Suite 109A  
Marysville, California  

MAY 7, 2013 – 3:300 P.M.

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Greigo, John Nicoletti

II PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today’s agenda. The total amount of time allotted for receiving such public communication 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 Clerk of the Board of Supervisors.

III CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

A. Approve minutes of the meeting of April 9, 2013.

IV ACTION ITEMS

A. Approve Amendment No. 15 to agreement with HDR in the amount of $625,084 for geotechnical and design services for the Western Pacific Interceptor Canal and authorize the Executive Director to execute upon review and approval of Counsel.

B. Approve Amendment No. 4 to agreement with AECOM Technical Services Inc. in the amount of $29,705 for raptor surveys for Feather Segment 3 Toes Access Corridor project and authorize the Executive Director to execute same upon review and approval of Counsel.

C. Authorize issuance of bid document for the Feather River Levee Repair Project Segment 3 Landside Toe Access Corridor Project and Segment 1 Erosion Protection Berm Project.

V CORRESPONDENCE

A. Letter from Yuba Sutter Farm Bureau regarding access to Feather River.

VI BOARD AND STAFF MEMBERS’ REPORTS

A. Flood Safe Environmental Stewardship and Statewide Resources Office (FESSRO) grant application and Flood Corridor Projects (No background material)

B. Other reports

VII ADJOURN

The complete agenda is available at the Yuba County Government Center, 915 8th Street, Suite 109 Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available at Suite 109 during normal business 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 09, 2013 - SPECIAL MEETING

MINUTES

A special meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Mary Jane Griego, and John Nicoletti. Director Jerry Crippen and Don Graham were absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

I  ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti – Directors Jerry Crippen and Don Graham absent

II  CONSENT AGENDA

A. Approve minutes from regular meeting of April 2, 2012.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Rick Brown
AYES: John Nicoletti, Rick Brown, Mary Jane Griego
NOES: None  ABSTAIN: None  ABSENT: Jerry Crippen, Don Graham

III  ACTION ITEMS

A. Approve Memorandum of Understanding with the Central Valley Flood Protection Board for work on state land Feather River Levee Segment 3 and authorize the Executive Director to execute same pending approval from the State and further necessary negotiations by Counsel. Executive Director Paul Brunner recapped Memorandum of Understanding, changes in property lines and easements and responded to Board inquiries.

MOTION: Move to approve  MOVED: John Nicoletti  SECOND: Rick Brown
AYES: John Nicoletti, Rick Brown, Mary Jane Griego
NOES: None  ABSTAIN: None  ABSENT: Jerry Crippen, Don Graham

B. Approve Amendment No. 15 to contract with HDR in the amount of $625,084 for geotechnical and design services for the Western Pacific Interceptor Canal (WPIC), and authorize the Executive Director to execute upon review and approval of Counsel. Executive Director Paul Brunner recapped the scope of work, provided map of additional exploration reaches on the WPIC to achieve 200 year compliance determination on levees, and responded to Board inquiries.

The following individual spoke: Ms. Frances Hofman, Olivehurst

Following Board discussion, the matter was postponed to allow the Board to hear report including the discrepancies/differences between 2009 and 2012 criteria, selection of HDR and Senate Bill 5 Flood Protection Plan.
C. Approve Amendment No. 3 to contract with AECOM Technical Services Inc. in the amount of $74,000 for additional CEQA documentation for 100-year flood protection project in the Goldfields, and authorize the Executive Director to execute same upon review and approval of Counsel. Executive Director Paul Brunner recapped amendment and responded to Board inquires.

MOTION: Move to approve
MOVED: John Nicoletti
SECOND: Rick Brown
AYES: John Nicoletti, Rick Brown, Mary Jane Griego
NOES: None
ABSTAIN: None
ABSENT: Jerry Crippen, Don L. Graham

Director Nicoletti left the meeting at 3:30 p.m. and did not return.

V ADJOURN: 3:30 p.m. by Chair Griego.

________________________________________
Chair

ATTEST: DONNA STOTTLMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

________________________________________
By Rachel Ferris, Deputy Clerk

Approved: ____________________________
May 7, 2013

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
SUBJECT: Approve Amendment 15 to Contract with HDR Engineering, Inc. for Geotechnical Services for the Western Pacific Interceptor Canal – 200 Year Urban Levee Design Criteria

**Recommended Action:**
Approve a $625,084 contract amendment #15 (attached) to the HDR Engineering services contract for geotechnical and design services for the WPIC, and authorize Executive Director to sign and execute upon review of General Counsel.

**Background:**
Since 2004, TRLIA has continued to make steady progress in achieving 200-year protection for RD 784. In May 2012, DWR issued Urban Levee Design Criteria (ULDC) which serves as the standard for demonstrating 200-year protection. DWR, as part of its Urban Levee Evaluation Program (ULE), is performing levee evaluations in urban areas to identify deficiencies preventing the levees from meeting the ULDC. DWR has identified deficiencies in meeting the State’s ULDC and is preparing reports to present these findings. Specifically, DWR identified seepage and stability issues in 1.9 of 5.9 miles of the WPIC. DWR has identified remediation alternatives for the deficient reaches and is preparing cost estimates for these alternatives. This information will also be included in the reports that DWR is preparing. TRLIA Staff continues to coordinate with DWR and will review the reports before they are finalized.

HDR was tasked by TRLIA to review DWR’s evaluation and to provide the information necessary to pursue a 200-year compliance determination for the WPIC in accordance with the ULDC. HDR has concurred with the ULE findings that certain portions of the WPIC levee do not meet the ULDC. In November 2013, HDR issued a technical memorandum documenting their review of DWR’s reach and cross-section development and characteristics assigned to each soil layer. Based upon this review, it is recommended that additional geotechnical investigations and analyses be performed to better define controlling features and limits of deficient areas. Doing so could reduce the physical extent and scope of the remedial measures.

After the USACE’s periodic inspection of the WPIC, USACE commented negatively on the standing water that occurs after heavy rain storms along the toe of the WPIC levee. This ponding, impacts wet weather access along the toe of the levee. A drainage evaluation and landside levee access corridor design is needed to determine how to correct the ponding.

**Discussion:**
Amendment 15 proposes that HDR perform the following tasks:
• Review the DWR/URS ULE analyses of the WPIC and compare those to HDR’s seepage and stability analyses and document in a technical memorandum;
• Conduct additional, targeted geotechnical explorations, laboratory testing, and analyses to define extent of the deficiencies. This will be documented in a technical memorandum and Geotechnical Data report;
• Conduct and document a remedial measures alternative analysis, including cost comparison;
• Prepare a Geotechnical Basis of Design Report; and
• Conduct a local drainage evaluation and develop access road designs.

The attached proposal provides additional detail as to the scope of services for this effort.

While Amendment 15 will provide a draft basis of design, it will not provide construction documents. Additional work will be required to prepare final plans and specifications. Plans and specifications will be heavily dependent on the additional data proposed in Amendment 15 and will reflect appropriately scaled and scoped solutions to the levee problem. The cost for plans and specifications is estimated at $150,000 and would require a future amendment to the HDR contract.

When plans and specifications are complete and the proposed construction project is ready for bid, an additional amendment will be needed to cover construction management of the project. The current estimate for construction management is $800,000. This amendment will likely be needed at the beginning of the summer of 2014 in order to cover construction that is expected to begin in late summer of 2014 and extend into 2015.

**Fiscal Impact:**
The amendment amount is $625,084 for services on a time-and-expenses basis, not to exceed the maximum amount $10,382,409 of the contract for Professional Services without prior authorization by TRLIA. The future amendments to prepare plans, specifications and for post-design activities are estimated at $950,000.

Funding for Amendment 15 and future HDR amendments and construction work could come through several avenues. The work is currently being proposed as part of the State/TRLIA Upper Yuba River Levee Improvement EIP. If DWR accepts the proposal, the cost sharing would be 30 percent local, 70 percent State.

If DWR does not accept the proposal, TRLIA could pursue a separate funding agreement with the state that is anticipated to available in the fall of this year. Securing a new agreement has a significant drawback of delaying the needed levee work, due to the timeframe of 9-12 months, required to apply for and execute a new funding agreement.

TRLIA has sufficient local funds to pay for Amendment 15 in total should the current UYLIP funding agreement, or future funding agreement not happen. TRLIA does not have sufficient local funding to solely complete the remaining WPIC design and construction work without the state funding agreements being in place.

Attachments:
• Amendment 15 Agreement
• HDR Scope and Fee Estimate for Amendment 15
FIFTEENTH AMENDMENT
TO
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
HDR ENGINEERING, INC.

THIS FIFTEENTH AMENDATORY AGREEMENT is made and entered into this ___ day of __________ 2013, by and between the Three Rivers Levee Improvement Authority, ("TRLIA"), a California Joint Powers Authority, and HDR Engineering, Inc. ("CONSULTANT").

WHEREAS, TRLIA and CONSULTANT entered into an agreement on December 13, 2005 to provide professional services for Engineering Design and Environmental Studies for Phase 4 Levee Repairs - Upper Yuba River, Continuation of Phase 2 Construction Management (2006), and FEMA Certification of Contract Work ("Agreement");

WHEREAS, a FIRST AMENDATORY AGREEMENT, executed February 14, 2006, increased the maximum not to exceed contract fee from $2,580,038 by $118,955 to $2,698,993; and

WHEREAS, a SECOND AMENDATORY AGREEMENT, executed March 7, 2006, increased the maximum not to exceed contract fee from $2,698,993 by $117,649 to $2,816,642; and

WHEREAS, a THIRD AMENDATORY AGREEMENT, executed August 8, 2006, increased the maximum not to exceed contract fee from $2,816,642 by $661,193 to $3,537,835; and

WHEREAS, a FOURTH AMENDATORY AGREEMENT, executed October 16, 2007, increased the maximum not to exceed contract fee from $3,537,835 by $280,000 to $3,817,835; and

WHEREAS, a FIFTH AMENDATORY AGREEMENT, executed August 5, 2008, increased the maximum not to exceed contract fee from $3,817,835 by $954,524 to $4,772,359; and

WHEREAS, a SIXTH AMENDATORY AGREEMENT, executed September 9, 2008, extended the time of services rendered to December 31, 2009; and

WHEREAS, a SEVENTH AMENDATORY AGREEMENT, executed May 12, 2009, increased the maximum not to exceed contract fee from $4,772,359 by $2,416,874 to $7,189,233 and extended the time of services rendered to December 31, 2010; and

WHEREAS, an EIGHTH AMENDATORY AGREEMENT, executed September 15, 2009 increased the maximum not to exceed contract fee from $7,189,233 by $155,846 to $7,345,079; and

WHEREAS, a NINTH AMENDATORY AGREEMENT, executed July 20, 2010 increased the maximum not to exceed contract fee from $7,345,079 by $1,473,064 to $8,818,143; and

WHEREAS, a TENTH AMENDATORY AGREEMENT, executed August 12, 2011 increased the maximum not to exceed contract fee from $8,818,143 by $162,879 to $8,981,022; and
WHEREAS, an ELEVENTH AMENDATORY AGREEMENT, executed October 18, 2011 increased the maximum not to exceed contract fee from $8,981,022 by $636,668 to $9,617,690; and

WHEREAS, a TWELFTH AMENDATORY AGREEMENT, executed February 21, 2012 increased the maximum not to exceed contract fee from $9,617,690 by $50,000 to $9,667,690 and extended the contract date to December 31, 2013; and

WHEREAS, a THIRTEENTH AMENDATORY AGREEMENT, executed September 18, 2012 increased the maximum not to exceed contract fee from $9,667,690 by $59,762 to $9,727,452; and

WHEREAS, a FOURTEENTH AMENDATORY AGREEMENT, executed October 24, 2012 increased the maximum not to exceed contract fee from $9,727,452 by $29,873 to $9,757,325; and

WHEREAS, 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; and

WHEREAS, TRLIA and CONSULTANT desire to amend Agreement;

NOW, THEREFORE, TRLIA and CONSULTANT agree as follows:

1. Exhibit A of AGREEMENT shall be amended to perform those additional services as described in Exhibit A to this FIFTEENTH AMENDMENT.

2. Attachment B, Provision B.1 of the Agreement shall be revised to increase the maximum not to exceed contract fee by $625,084 from $9,757,325 to $10,382,409.

All other terms and conditions contained in AGREEMENT shall remain in full force and effect.

This Amended agreement is hereby executed on this ____ day of ________________, 2013.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Paul G. Brunner
Executive Director

ATTEST:
DONNA STOTTLEMEYER
CLERK OF THE BOARD

HDR ENGINEERING, INC.

for Robert M. Boling
Senior Vice President

APPROVED AS TO FORM:

SCOTT L. SHAPIRO
GENERAL COUNSEL

04/2013
SCOPE AND FEE ESTIMATE FOR
ENGINEERING DESIGN SERVICES

(Amendment No. 15)

Three Rivers Levee Improvement Authority

Yuba County, California

Geotechnical Services for the Western Pacific Interceptor Canal – 200 Year Urban Levee Design Criteria

March 18, 2013

HDR
2365 Iron Point Road, Suite 300
Folsom, CA 95630
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Introduction

HDR Engineering, Inc. (HDR) is currently under contract with the Three Rivers Levee Improvement Authority (TRLIA) in Yuba County, CA to provide the information necessary to pursue a State of California Department of Water Resources (DWR) compliance determination in accordance with the Draft May 2012 Urban Levee Design Criteria (ULDC) for the Western Pacific Interceptor Canal (WPIC) West levee and the eastern portion of the Bear River North levee.

Review of new data and subsequent analysis conducted as part of the initial stages of ULDC analyses, HDR has found that portions of the levees do not meet ULDC levee design criteria. HDR has determined that additional geotechnical data and analyses are required to better define controlling features and the limits of potentially deficient areas. As part of the initial analyses HDR was requested to review the DWR/URS Urban Levee Geotechnical Evaluation (ULE) analyses of the WPIC West Levee and summarize comments in a technical memorandum (TM). In addition, engineering support to evaluate remedial measures for drainage concerns along the WPIC has been requested.

The scope of services is outlined below.

Scope of Work

The tasks outlined in this scope have been prepared based on discussions with MBK Engineers (MBK) and includes the following effort:

- Review the DWR/URS ULE analyses of the WPIC and include HDR’s opinions in a TM.
- Perform additional targeted geotechnical exploration, laboratory testing, and analyses. Prepare a TM summarizing current analyses, a Geotechnical Data Report, an Alternatives Analysis and a draft Geotechnical Basis of Design Report.
- Local drainage evaluation and access road design.

Task 1 Project Management

The project management task includes time necessary for coordination with TRLIA and other members of the project team, as well as time needed for preparing progress reports and other management tasks.

Task 2 Geotechnical Services

2.1 Review of DWR/URS ULE Analyses

At the request of MBK, HDR has reviewed the DWR/URS ULE analyses on existing conditions on the WPIC West Levee. HDR reviewed the details of model input including
topography, stratigraphy, WSE, and the results of their seepage and stability analyses. A draft TM was produced summarizing HDR’s findings and opinions on applicability and refinements.

2.2 Technical Memorandum - Current Analyses

HDR will prepare a TM to summarize the result of HDR’s current seepage and stability analyses of the WPIC and Bear River North levees studied. The TM will be based on the currently-available subsurface data, topography, and WSEs and would include results related to criteria, and initial estimate of limits of potentially deficient reaches, and remedial concepts.

2.3 Exploration and Testing

In order to support the findings pertaining to ULDC criteria and move the project to final design, additional exploration and testing is necessary. The exploration and testing would provide data to:

- Confirm blanket layer thicknesses and material classifications along the landside of the levees where modeling has indicated that underseepage is of concern.

- Verify embankment material properties where through seepage and slope stability has been identified as a concern.

- Collection of additional data to confirm embankment and foundation conditions where no remediation is anticipated.

- Aid in defining lateral limits of remediation.

- Evaluate backfill soils properties at the three identified penetrations.

HDR’s proposed exploration program consists of permitting and completing up to 26 borings and 7 CPTs to depths of 20 to 65 feet deep along the levee crown and near the landside toe. Samples in boring would be collected at about 2½-foot intervals to about 20 feet below the toe and 5 feet thereafter. Eight to twelve shallow test pits along the landside slope or toe will be excavated by hand. In addition, three borings and six shallow test pits (one at each end) will be performed over the three identified levee penetrations using a backhoe.

Laboratory testing will be performed on select materials from the borings and hand excavations and could consist of, as appropriate: sieve analyses, Atterberg limits, moisture content/dry density, triaxial shear, direct shear, unconfined compression, consolidation, permeability, compaction, corrosion, and R-value.

2.4 Geotechnical Data Report

A Geotechnical Data Report will be prepared to compile both the subsurface data used as the basis of HDR’s recent evaluations evaluation and the explorations proposed herein into a single document that can be incorporated into final design documents.
2.5 Geotechnical Alternative Analysis

Additional geotechnical evaluations, including seepage, stability, and settlement analyses will be performed in accordance with the project Technical Approach document, the ULDC guidance, and as explained in HDR's previous scope. Three additional cross-sectional models (with sensitivity variations) based on the current data will be evaluated. In addition, once the additional geotechnical data is collected, six cross-sectional models (with sensitivity variations) will be evaluated to verify recent model results, evaluation of penetrations, and to assist in determining limits of potential remediation need. Select remedial alternative measures will be evaluated to demonstrate that they will meet the project (and ULDC) design criteria. Up to 2 remedial measures will be evaluated at each reach found not meeting project criteria. The results of these analyses will be summarized in an Alternative Analysis report.

2.6 Draft Geotechnical Basis of Design Report

A draft Geotechnical Basis of Design Report will be prepared once remedial alternatives are selected. The Report will include design-level recommendations and preliminary design details.

2.7 Meetings

Ten meetings at MBK's office will be necessary through this scope.

2.8 Deliverables

- Exploration Map
- Technical Memorandum – Results of Analyses based on current data (draft and final)
- Geotechnical Data Report (draft and final)
- Alternative Analysis Report (draft and final)
- Draft Geotechnical Basis of Design Report

Assumptions

- MBK will provide all rights of entry for exploration program and other site visits.
- The 500-year WSE and 200-year hydrograph for the WPIC and Bear River are provided or will be provided by MBK.
- A meeting(s) will be held to discuss feasibility of potential alternatives. TRLIA will choose a preferred alternative for each deficient area.
- Final Geotechnical Basis of Design will be completed as part of the final design of the WPIC.
- RD 784 will provide a backhoe for the shallow test pit exploration and will backfill each excavation.
Task 3 Drainage Evaluation and Access Road

3.1 Drainage Study
The existing local drainage will be studied along the landside of the WPIC west levee. Current capacities and gravity discharge locations will be identified. Considering the potential geotechnical remediations, drainage of the chosen remediated conditions will be evaluated. Any impacts will be mitigated through design.

3.2 Access Road
TRLIA and USACE have noted that ponding during wet weather prevents passage along the landside toe of the WPIC and also hinders inspections during high water. HDR will prepare a preliminary design to provide a toe access road that will be drivable during wet weather. This road will extend from the WPIC juncture with the Bear North Levee upstream to Highway 70. This will most likely include fill to provide an elevated roadway along the levee toe. Local drainage will need to be evaluated to ensure that any impacts on local drainage are mitigated.

3.3 Deliverables
- Draft and final Drainage Study
- Preliminary design and location of 3 access road locations.

Assumptions
- Due to the changes in topography (Hwy 70 relocation, new housing development), TRLIA surveyors will provide updated topography along the WPIC.

Task 4 Engineer’s Estimate
Based on the geotechnical analysis, a preliminary cost estimate of each alternative will be presented. Civil, geotechnical, real estate and environmental will be considered in each estimate.

4.1 Deliverables
- Engineer’s Estimate for each alternative (draft and final).

4.2 Assumptions
It is assumed that TRLIA’s real estate and environmental teams will provide unit costs for the necessary lands and mitigation needed for the alternatives.
**Scope of Work**

**Task 5 Schedule**

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<th>Task Description</th>
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<td><strong>Task 2 - Geotechnical Services</strong></td>
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<td>2.2 - Technical Memorandum - Current Analysis</td>
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<td>2.4 - Geotechnical Data Report</td>
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**Notes:**

- A 10 working day review of significant design deliverables will be conducted by TRLIA and other agencies. At the end of the review period, a review meeting may need to be held with the reviewers to discuss comments.
- Right of Entry and Permitting could delay schedule.
- *Will need revised water surface elevation along the Bear River prior to completing task.
- Drainage Study and Access Road tasks can be accomplished earlier if TRLIA desires. Additional survey or conversion of datum will be required.
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**Total Effort**: 69 135 451 1,084 26 116 250 156 12 2,369 430,620 228,050 7,893 581,400 625,008
May 7, 2013

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
Larry Dacus, Design Manager
SUBJECT: Approve 4th Contract Amendment with AECOM Technical Services, Inc. for Environmental Services

**Recommended Action:**
Approve a 4th contract amendment in the amount of $29,705 with AECOM Technical Services, Inc. for additional effort to provide raptor surveys for the Feather Segment 3 Toe Access Corridor project and authorize Executive Director to sign and execute upon review of General Counsel.

**Background:**
In January 2012, the TRLIA Board approved a contract award to AECOM Technical Services, Inc. for environmental services in the Yuba Goldfields and along the Bear and Feather Rivers. This approval was for a maximum initial contract price of $100,000 without additional Board approval. TRLIA developed a project to improve the landside toe access corridor along the Feather River East Levee north of Island Avenue. Implementation of this toe access corridor required the transplanting of elderberry shrubs. In August 2012, the TRLIA Board approved a first amendment to the AECOM contract for AECOM to prepare an EIR Addendum and a Biological Assessment (BA) for the elderberry shrub transplanting. In December 2012, the TRLIA Board approved a second amendment to the AECOM contract for AECOM to prepare an Environmental Assessment (EA) for the U.S. Army Corps of Engineers (USACE) so that they could approve implementation of the Segment 3 toe access corridor. On April 7, 2013, the TRLIA Board approved a third amendment to the AECOM contract for AECOM to prepare an Initial Study to provide CEQA coverage for the 100-year flood project in the Goldfields.

**Discussion:**
The EA for the toe access corridor project includes a group of mitigation measures required for the project to be found to not cause a significant impact. One of these mitigation measures is to conduct field surveys for nesting Swainson’s hawks prior to construction. The objective of the surveys are to identify any nesting Swainson’s hawks within a half-mile of the project site. The Team proposes to perform surveys in two required periods prior to construction. If any nests are established, the Team will evaluate the need for monitoring during construction based on the nest location and the reasonable probability that corridor construction will disturb them. Construction of the corridor will not begin until August 1. Most Swainson’s hawks will have left the nest by then and it is probable that construction surveys will not be necessary. Sometimes the chicks take longer to leave the nest and some time is included for initial construction monitoring surveys if needed.
**Fiscal Impact:**
This amendment would increase the AECOM contract by $29,705 for services on a time and expenses basis, to a maximum amount not exceeding $273,660 ($243,955 previous contract amount + $29,705). This effort is part of the Feather Segment 3 EIP and would be 70% cost shared by the State.

Attachments:
1. AECOM Technical Services, Inc. Amendment 4
2. Exhibit 1, AECOM Technical Services, Inc. Amended Scope of Work for Amendment 4
AMENDMENT NO. 4

AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ENVIRONMENTAL SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
AECOM TECHNICAL SERVICES, INC.

THIS FOURTH AMENDATORY AGREEMENT is made effective ____________, 2013, by and between Three Rivers Levee Improvement Authority ("TRLIA") and AECOM Technical Services, Inc. ("the Consultant"), who agree as follows:

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

   1.1. Effective February 2, 2012 the parties entered into an Agreement for Professional Services relating to Environmental Services for TRLIA’s Construction Program.

   1.2. Effective August 7, 2012 the parties entered into the first Amendatory Agreement to increase the budget by $25,000 to a total of $125,000.

   1.3. Effective December 18, 2012 the parties entered into a second Amendatory Agreement to increase the budget by $44,955 to a total of $169,955.

   1.4. Effective April 9, 2013 the parties entered into a third Amendatory Agreement to increase the budget by $74,000 to a total of $243,955.

   1.5. Article C.23 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;

   1.6. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

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

   2.1. The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc.) is amended by the addition of effort to the original tasks described in Exhibit 1 attached to this amendment agreement.
2.2. The payment, budget, and not-to-exceed amounts, Condition B.1 in Attachment B to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc. are amended to include the additional amount of $29,705 for a total contract amount of $273,660.

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

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on ________________, 2013.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

AECOM TECHNICAL SERVICES, INC.

Paul G. Brunner
Executive Director

Phil Dunn
Vice President

ATTEST:
DONNA STOTTERMeyer
CLERK OF THE BOARD OF DIRECTORS

APPROVED AS TO FORM:
SCOTT L. SHAPEIRO
GENERAL COUNSEL

[Signature]
EXHIBIT 1

Environmental Scope of Work
Amendment 4

TASK 3: ENVIRONMENTAL COMPLIANCE FOR FEATHER RIVER LEVEE SEGMENT 3 TOE ACCESS CORRIDOR

Add the following Subtasks:

Subtask 3F.1. Swainson’s Hawk Surveys

Based on mitigation measures in the CEQA and NEPA environmental documents for the toe access corridor project, surveys for nesting Swainson’s hawks are required prior to the start of construction of the project. The objective of the surveys are to identify any nesting Swainson’s hawks within a half-mile buffer of the project site. The mitigation measures in the CEQA and NEPA documents require that nesting hawks be identified and buffers around the nest be established and maintained during construction to avoid impacts to the hawks that could result in nest abandonment or forced fledging of young, which constitutes “take” under the state Endangered Species Act. TRLIA has not pursued securing an incidental take permit from the California Department of Fish and Wildlife (CDFW) for the project; therefore, TRLIA must make every attempt to avoid impacts to nesting hawks that could resulting in take.

AECOM biologists will conduct surveys for nesting Swainson’s hawks within ½-mile of the project site. The surveys will be conducted according to the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Guidelines), published by the Swainson’s Hawk Technical Advisory Committee (May 2000). The Guidelines state that surveys should be conducted in the two periods prior to the start of construction. AECOM understands that project construction is scheduled to commence August 1, 2013. According to the Guidelines, surveys should be conducted in Period 3 and Period 5. Surveys are not to be started in Period 4, hence the need to start surveys in Period 3. Period 3 starts April 5 and goes until April 20, and Period 5 goes from June 11 to July 30.

AECOM proposes to conduct 4 surveys during Period 3 to establish the baseline and map observed and potential nest locations. It is assumed that the effort for the Swainson’s hawk surveys will also map locations of nests of other raptors, migratory birds, and other sensitive bird species. AECOM proposes to also conduct 4 surveys during Period 5 to check on nests observed and mapped in Period 3 to determine the status of nesting at those nests. The 4 surveys in Period 5 are assumed to be spaced out equally over the time frame such that there would be one survey every other week until the start of construction (presumed August 1).

Upon completion of surveys, AECOM will prepare a report summarizing the results of the surveys and recommendations for avoidance and minimization of adverse effects on nesting birds during construction. AECOM will provide a draft of the survey report to TRLIA electronically for review, incorporate comments sent to AECOM, and submit final copies to the TRLIA and the resources agencies (CDFW and USACE). It is assumed that the agencies will
receive one hard copy for each agency and TRLIA will receive one hard copy and an electronic copy of the final report.

Subtask 3F.2. Construction Monitoring

If nesting birds are determined to be within the vicinity of the project, and because TRLIA has not secured take permits from the resources agencies for take of sensitive bird species, it is recommended that monitoring of nests observed during surveys be conducted during the construction period. Per the Guidelines and mitigation measures in the CEQA and NEPA documents, monitoring should be done within ½-mile of the project area for Swainson’s hawks and within 500 feet of the project area for other raptors and migratory bird species. Monitoring is recommended to be conducted during all construction-related activities for the duration of construction and on a daily basis. While most bird species young will have fledged by July 30, some young and Swainson’s hawks in particular, may still be nesting past August 1 if they started nesting later in the spring.

Because TRLIA does not have permits for take of bird species, AECOM recommends monitoring during construction activities if nesting birds are observed to still be within the appropriate buffers of the project footprint when construction commences. For this scope of work and cost estimate, AECOM is proposing to monitor nesting birds only from August 1 to August 16. It is assumed that all nesting birds will have fledged by August 16 and monitoring will not be required after August 16. AECOM assumes that the construction schedule would be a 10-hour work day and a 6-day week. This scope and cost estimate reflects monitoring for a total of 13 days based on the above construction schedule. However, if AECOM biologists determine and document, during surveys before August 1, that all nesting birds within the project buffers have fledged, the funds for this subtask will not be expended.

Subtask 3F.3. Post-construction Report

Per the mitigation measures in the CEQA and NEPA documents, a post-construction report is required to be prepared and submitted to the resources agencies. The report will include discussion of construction methods, construction monitoring, and any impacts to nesting raptors and migratory birds during construction. AECOM will prepare a report summarizing the results of the surveys and recommendations for avoidance and minimization of adverse effects on nesting birds during construction. AECOM will provide a draft of the post-construction report to TRLIA electronically for review, incorporate comments sent to AECOM, and submit final copies to the TRLIA and the resources agencies (CDFW and USACE). It is assumed that the agencies will receive one hard copy for each agency and TRLIA will receive one hard copy and an electronic copy of the final report.

Labor Cost for Amendment 4: $28,705

Other Direct Costs: $1,000

TOTAL COST for Amendment 4: $29,705
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901
Office (530) 749-7841 Fax (530) 749-6990

May 7, 2013

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
        Doug Handen, Construction Manager
        Larry Dacus, Design Manager
SUBJECT: Contract No. PH4 2013-01 Feather River Levee Repair Project, Segment 3 Landside Toe Corridor Project and Erosion Protection Berm Project

Approval for Issuance of Bid Documents

Recommended Action
Approve issuance of the construction documents for bid of the Feather River Levee Repair Project, Segment 3 Landside Toe Access Corridor (TAC) Project (Station 659+00 to 724+00) and Segment 1 Erosion Protection Berm Project (EPB) (Station 128+00 to 135+00).

Discussion
Construction and proposed draft bid documents for the Feather River Levee Repair Project TAC and EPB are under preparation and almost complete to the 90% design level and will include plans and specifications that will be issued for bid. The TAC will improve the landside toe access corridor along Segment 3 north of Island Avenue to Urban Levee Design Criteria (ULDC) and the EPB will provide remediation of an ULDC exceedance along a 700 foot reach of Segment 1. This work is necessary to ensure that a finding of 200-year flood protection can be made in the future.

✓ Project Cost and Funding/EIP Program

The Program Estimate for the cost of this project is $1,100,000 (TAC - $1,000,000, and EPB $100,000). The TAC is part of the EIP Feather River Levee Repair Project and the State will share in the construction cost. The Funding Agreement cost sharing is Local 30% and State 70%. The EPB construction is not part of the EIP project since the Feather Segment 1 construction feature of the Feather EIP project has been closed out; thus the work will be accomplished with local dollars. The “Instructions to Bidders” to be included in the bid documents will describe that an award of the project will be subject to the confirmation of funding and permitting.

✓ Permits

Environmental permits for this work are complete. A CVFPB encroachment permit for the TAC has been approved and will be issued upon receipt of a U.S. Army Corps of Engineers comment letter. The encroachment permit for the EPB will be submitted in
May 2013 and is expected to be issued by the CVFPB by bid opening. The encroachment permits must be obtained prior to commencing construction.

✓ **Award**

The bid documents will state that TRLIA reserves the right to award a contract based on the availability of funding and the permits. Bid results will be presented to the TRLIA Board for approval of award.

✓ **Anticipated schedule**

The following are projected milestone dates and schedule for the construction of the TAC and EPB:

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<td>Advertise for Bid</td>
<td>May 28, 2013</td>
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<tr>
<td>Open Bids</td>
<td>June 25, 2013</td>
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<tr>
<td>Request Award Approval from Board</td>
<td>July 2, 2013</td>
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<tr>
<td>Award of Bid</td>
<td>July 10, 2013</td>
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<td>Issue Notice to Proceed</td>
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<td>Construction Period</td>
<td>August 5, 2013 to October 18, 2013</td>
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**Fiscal Impact:**

Funding for the TAC portion of the project is from the State/TRLIA Feather River Levee Repair Project EIP Funding Agreement (70% state share, 30% local share). Funding for the EPB will be 100% local share. Local funds are available to do this work.

Attachments:
1. Map of TAC Project Area
2. Map of EPB Area
PHASE 4 FEATHER RIVER LEVEE REPAIR - SEGMENT 1
April 22, 2013

Chairperson Mary Jane Griego
Three Rivers Levee Improvement Authority
1114 Yuba St., Suite 218
Marysville, CA 95901

RE: Agricultural Theft & Recreational Access to the Feather River levee and river bottoms

Dear Chairperson Griego and TRLIA Board Directors,

The Yuba-Sutter Farm Bureau (YSFB) is a non-governmental, non-profit, voluntary membership California Corporation whose purpose is to protect and promote agricultural interests throughout Yuba and Sutter counties, by representing over 1,250 local YSFB members.

There are several family farming operations, packaging and processing facilities currently impacted by the amount of ATV, pedestrian and vehicle traffic occurring in the Feather River bottoms from the E Street Bridge south to Star Bend Boat Ramp, herein referred to as the “setback area”. Impacts include stolen and/or damaged equipment, food safety risks, constant trespassing, dust, damaged farm infrastructure, deep ruts, and interference with day-to-day farming practices.

Theft and vandalism of agricultural equipment is an increasing and costly problem for farmers in the setback area. The Yuba County Sheriff’s Department has been tenacious in its attempts to curtail the criminal activity, however tens if not hundreds of thousands of dollars in property continue to be stolen or damaged. Irrigation pumps, tractors, tools, vehicles and fuel are constant targets for thieves. In addition, many family farmers live adjacent to the setback area, and the mixed presence of recreationalists, criminals, and transients near these family homes is a continual threat to individual and property safety.

Food safety continues to be a priority for farmers, the United States Department of Agriculture and the Food and Drug Administration. With the release of the FDA’s Food Safety Modernization Act proposal this spring, it is clear that stringent and comprehensive new safety parameters will be placed on growers for the production of their crops. Mere human presence in fields where food is produced will be strictly limited. Any contamination of a commodity could mean the loss of marketability for harvests of entire fields. Recreational activity and the waste left behind as a result are incompatible with crop production.

Traffic from ATVs and other vehicles in the setback area has caused significant damage to soil, levees and irrigation systems. Recreational motorists continue to trespass onto farmland, tear ‘donuts’ into
orchards and break irrigation lines. Motorists traverse the sides of the levee, wearing new roads and ruts into its face. These activities also produce a great deal of dust, promoting dust mites and in turn serious damage and eventual loss of tree crops. The presence of ATVs and other recreational motor activity in the setback area must not be allowed to continue.

In 2007, the TRLIA Board of Directors voted unanimously to adopt Resolution 2007-27, with the following language:

“The Board hereby adopts as a policy to seek to maintain as much of the setback area in agriculture as is economically feasible, subject to ensuring public safety, and the Board instructs the Authority staff to take all actions reasonably available to implement this policy.”

To uphold TRLIA’s resolution to maintain and protect the agricultural area within and adjacent to the Feather River setback area, the Yuba-Sutter Farm Bureau respectfully requests that TRLIA:

- Permanently lock the Broadway Road access gate
- Limit recreational activity solely to the Star Bend Boat Ramp, beginning an hour before sunrise and ending an hour after sunset, directing Reclamation District 784 to manage the locking and unlocking of gates
- Eliminate public access to the agricultural zone between the Feather River and its eastern levee, from just south of the E Street Bridge recreational area to Star Bend Boat Ramp

The increasing traffic in the Feather River setback area is subjecting farmers, property owners, food safety and the structural integrity of our flood control systems to unreasonable risks. There are many nearby public areas for river recreation, including the area immediately beneath the E Street and 10th Street bridges, and the newly opened Willow Island Recreation Area.

Thank you for your consideration of Yuba-Sutter Farm Bureau’s request. If you have any questions please do not hesitate to contact me directly.

Sincerely,

[Signature]
Jon Munger
President

Cc:
Yuba County Board of Supervisors
Yuba County Fish and Game Advisory Committee
Yuba County Sheriff’s Department
Reclamation District 784
Joan Lewis, Yuba County Farmer