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 Atwal, Brown, Griego, Nicoletti, Ritchie

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 AGENDA: Matters listed are considered to be routine and can be enacted by one motion.
   A. Approve minutes of the meeting of April 19, 2016.

IV  ACTION ITEMS
   A. Approve purchase of vernal pool habitat mitigation credits at Wildlands, Inc. Toad Hill Ranch Mitigation Bank and Daley Ranch Conservation Bank in the total amount of $100,000 to fulfill California Environmental Quality Act and Federal Endangered Species Act mitigation requirements for the Western Pacific Interceptor Canal 200-year Standard Project and delegate authority to Executive Director to finalize purchase agreement and execute upon review and approval of Counsel.

   B. Approve purchase of wetland mitigation credits at wetland mitigation credits at Westervelt Ecological Services Colusa Basin Mitigation Bank in the amount of $132,600 to fulfill California Environmental Quality Act and Clean Water Act mitigation requirements for the Western Pacific Interceptor Canal 200-year Standard Project and delegate authority to Executive Director to finalize purchase agreement and execute upon review and approval of Counsel.

   C. Ratify calendar year 2006 $394,800 purchase of 11.28 giant garter snake (GGS) mitigation credits from Wildlands Gilsizer North GGS Preserve and Gilsizer Slough South GGS Conservation Banks administered by Wildlands Inc.;
      2. Approve allocation of 22.65 GGS Excess mitigation credits currently owned by TRLIA to the Western Pacific Interceptor Canal 200-year Standard Project (Project); and
      3. Approve $820,050 purchase of GGS mitigation credits from Westervelt Ecological Services Sutter Basin Mitigation Bank to fulfill California Environmental Quality Act and Endangered Species Act mitigation requirements for Western Pacific Interceptor Canal 200-year Standard Project and delegate authority to Executive Director to finalize purchase agreement and execute upon review and approval of Counsel.

   D. Approve Amendment No. 1 to agreement with Action Fencing in the amount of $61,478 and authorize Executive Director to execute.

V  BOARD AND STAFF MEMBER REPORTS

VI  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 19, 2016

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:01 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, Mary Jane Griego, and Edward Ritchie. Director John Nicoletti was absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Secretary/Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.


II  PUBLIC COMMUNICATIONS: None.

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

MOTION: Move to approve  MOVED: Rick Brown  SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, Edward Ritchie
NOES: None  ABSTAIN: None  ABSENT: John Nicoletti

A. Approve minutes of the meeting of April 5, 2016. Approved.

IV  ACTION ITEMS

A. Approve Amendment No. 7 to agreement with CTA Engineering and Surveying in the amount of $190,000 for services and authorize Executive Director to execute upon review and approval of Counsel. Executive Director Paul Brunner recapped services required and responded to inquiries.

MOTION: Move to approve  MOVED: Rick Brown  SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, Edward Ritchie
NOES: None  ABSTAIN: None  ABSENT: John Nicoletti

B. Authorize Executive Director authority to issue final construction bid document for 200-year Western Pacific Interceptor Canal West Levee Improvement Project with a tentative bid opening date of May 27, 2016. Executive Director Paul Brunner recapped project cost and funding, timelines for construction, and responded to inquiries.

MOTION: Move to approve  MOVED: Edward Ritchie  SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Rick Brown, Mary Jane Griego, Edward Ritchie
NOES: None  ABSTAIN: None  ABSENT: John Nicoletti
C. Approve Amendment No. 19 to agreement with HDR Engineering in the amount $1,533,361 for construction management services for the Western Pacific Interceptor Canal 200-year project and authorize Executive Director to execute upon review and approval of Counsel. Executive Director Paul Brunner recapped services needed and responded inquiries.

MOTION: Move to approve       MOVED: Sardeep Atwal SECOND: Rick Brown
AYES: Sardeep Atwal, Rick Brown, Mary Jane Griego, Edward Ritchie
NOES: None                   ABSTAIN: None           ABSENT: John Nicoletti

V BOARD AND STAFF MEMBER REPORTS

Director Griego: Cap to Cap April 8-15, 2016 regarding transportation and flood control

Executive Director Paul Brunner:
- Star Bend access corridor
- Annual Financial Audit dated June 30, 2015

VI CLOSED SESSION: The Board retired into closed session at 2:40 p.m. and returned at 3:32 p.m. There was no reportable action.

A. Conference with Legal Counsel – Existing Litigation, Govt. Code 54956.9(d)(1) – A. Teichert & Son, Inc. v. TRLIA and TRLIA Board of Directors, Yuba County Superior Court No. CVPT 15-0000922

B. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Latigo Farms LLC, et al., YCSCCVD 14-0000222, APNs 014-360-011 and 014-360-013


VII  ADJOURN: 3:33 p.m.

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

______________________________

Chair

______________________________

Approved:
May 3, 2016

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Claire Marie Turner, Project Manager
       Anne King, Environmental Lead
SUBJECT: Western Pacific Interceptor Canal 200-Year Standard Project, Vernal Pool Mitigation Purchase from Wildlands Inc.

**Recommended Action:**
Approve a $100,000 purchase of vernal pool habitat mitigation credits at Wildlands, Inc. Toad Hill Ranch Mitigation Bank and Daley Ranch Conservation Bank to fulfill California Environmental Quality Act and Federal Endangered Species Act (ESA) mitigation requirements for the Western Pacific Interceptor Canal 200-Year Standard Project (“Project”) and delegate the authority to the Executive Director to finalize the purchase agreement, sign the agreement and then execute it upon review of General Counsel.

**Background:**
TRLIA is proposing to improve the Western Pacific Interceptor Canal (WPIC) West Levee through the WPIC 200-Year Standard Project (“Project”) to meet the California Department of Water Resources’ Urban Levee Design Criteria for 200-year flood protection. The proposed project would correct geotechnical deficiencies related to seepage and slope stability along approximately 2 miles of the West Levee and would construct a landslide access road along approximately 3.3 miles of the levee for future operations and maintenance activities. Levee remediation measures proposed for the West Levee include cutoff walls, drained berms, a stability berm, and landslide fill. The project area is located in southern Yuba County, south of the town of Olivehurst and immediately east of State Route 70.

On April 5, 2016, TRLIA adopted the Western Pacific Interceptor Canal 200-Year Standard Project Final Initial Study and Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, the Project, and authorized the filing of a Notice of Determination under the California Environmental Quality Act (CEQA).

**Discussion:**
The Project requires compensation for loss of habitat for vernal pool crustacean species that are listed as threatened or endangered under the Federal ESA the U.S. Fish and Wildlife Service (USFWS). The Project directly impacts 0.49 acre and indirectly impact 0.21 acre of habitat for vernal pool crustaceans for total impact of 0.7 acre. Of this amount, 0.45 acre was impacted and mitigated for as part of the previous 2005/6 WPIC project. USFWS has confirmed that TRLIA is not required to mitigate again for the 0.45 acre.
For the remaining 0.25 acre of impacted vernal pool crustacean habitat, TRLIA is required to provide both preservation and creation habitat at a 1:1 ratio for habitat that would be affected.

USFWS requires that the mitigation be purchased from a USFWS-approved bank. As the Project site is not within the service area of any existing vernal pool mitigation or conservation bank, USFWS requires that the creation credits be purchased from the Toad Hill Ranch Mitigation Bank and the preservation credits be purchased from the Daley Ranch Conservation Bank because the service areas for these banks are closest to the Project site. Both of these banks are administered by Wildlands, Inc.

**Fiscal Impact:**
Purchase of the vernal pool crustacean mitigation credit would cost $100,000 ($62,500 for creation and $37,500 for preservation). The project will be funded through the Upper Yuba Levee Improvement Project Early Implementation Project (EIP) funding agreement with the State. Per the funding agreement the state/local cost share is 70/30. TRLIA’s near term cash flow projections show that there is a need to use the levee project funds (account 813) from the Yuba Levee Finance Authority (YLFA) to cover the local share for this project. The YLFA Board approved this action on April 13, 2016.

The reason for using the YLFA funds now instead of the original planned use which was to cover the 200-yr Goldfields project local share, is that the DWR retention/closeout funding for the Feather River and UYLIP EP projects is coming later than needed in order to meet cash flow needs to commence construction on the WPIC Project. The Feather EIP and UYLIP EIP retention/closeout state payments will be used to cover the local share for the 200-yr Goldfields project.

With YLFA 813 project funds TRLIA’s levee improvement work is fully funded; including the 200-yr Goldfields project.
May 3, 2016

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
        Claire Marie Turner, Project Manager
        Anne King, Environmental Lead
SUBJECT: Western Pacific Interceptor Canal 200-Year Standard Project, Wetland Mitigation Purchase from Westervelt Ecological Services

**Recommended Action:**
Approve a $132,600 purchase of wetland mitigation credits at Westervelt Ecological Services Colusa Basin Mitigation Bank to fulfill California Environmental Quality Act (CEQA) and Clean Water Act (CWA) mitigation requirements for the Western Pacific Interceptor Canal 200-Year Standard Project (“Project”) and delegate the authority to the Executive Director to finalize the purchase agreement, sign the agreement and then execute it upon review of General Counsel.

**Background:**
TRLIA is proposing to improve the Western Pacific Interceptor Canal (WPIC) West Levee through the WPIC 200-Year Standard Project (“Project”) to meet the California Department of Water Resources’ Urban Levee Design Criteria for 200-year flood protection. The proposed project would correct geotechnical deficiencies related to seepage and slope stability along approximately 2 miles of the West Levee and would construct a landside access road along approximately 3.3 miles of the levee for future operations and maintenance activities. Levee remediation measures proposed for the West Levee include cutoff walls, drained berms, a stability berm, and landside fill. The project area is located in southern Yuba County, south of the town of Olivehurst and immediately east of State Route 70.

On April 5, 2016, TRLIA adopted the *Western Pacific Interceptor Canal 200-Year Standard Project Final Initial Study and Mitigated Negative Declaration*, the *Mitigation Monitoring and Reporting Program*, the Project, and authorized the filing of a Notice of Determination under the California Environmental Quality Act (CEQA).

**Discussion:**
The Project impacts wetlands and will require compensation for permanent fill of wetlands under the CEQA and CWA. The Project would fill 0.96 acre of seasonal wetlands and 0.06 acre of willow scrub that is subject to USACE jurisdiction. The pending USACE permit authorizing this fill requires TRLIA to compensate for this fill impact at a ratio of 1 acre of mitigation habitat for every 1 acre of fill. Therefore, a total of 1.02 acres of wetland mitigation habitat is required. This wetland mitigation credit would be purchased from Westervelt Ecological Services at the USACE-approved Colusa Basin Mitigation Bank. Colusa Basin is the only USACE-approved
mitigation site whose service area the project site is within, so USACE is requiring us to use that specific bank.

**Fiscal Impact:**
Purchase of wetland mitigation credits would cost $132,600. The project will be funded through the Upper Yuba Levee Improvement Project Early Implementation Project (EIP) funding agreement with the State. Per the funding agreement the state/local cost share is 70/30. TRLIA’s near term cash flow projections show that there is a need to use the levee project funds (account 813) from the Yuba Levee Finance Authority (YLFA) to cover the local share for this project. The YLFA Board approved this action on April 13, 2016.

The reason for using the YLFA funds now instead of the original planned use which was to cover the 200-yr Goldfields project local share, is that the DWR retention/closeout funding for the Feather River and UYLIP EP projects is coming later than needed in order to meet cash flow needs to commence construction on the WPIC Project. The Feather EIP and UYLIP EIP retention/closeout state payments will be used to cover the local share for the 200-yr Goldfields project.

With YLFA 813 project funds TRLIA’s levee improvement work is fully funded; including the 200-yr Goldfields project.
May 3, 2016

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Claire Marie Turner, Project Manager
       Anne King, Environmental Lead

SUBJECT: Western Pacific Interceptor Canal 200-Year Standard Project, Giant Garter Snake
(GGS) Mitigation Credit Allocation by Wildlands Inc. and Purchase from Westervelt Ecological Services

**Recommended Action**

(1) Ratify a calendar year 2006 $394,800 purchase of 11.28 giant garter snake (GGS) mitigation credits from Wildlands Gilsizer North GGS Preserve and Gilsizer Slough South GGS Conservation Banks, administered by Wildlands Inc.;
(2) Approve the allocation of 22.65 GGS excess mitigation credits currently owned by TRLIA to the Project; and
(3) Approve a $820,050 purchase of GGS mitigation credits from Westervelt Ecological Services Sutter Basin Mitigation Bank to fulfill California Environmental Quality Act and Endangered Species Act (ESA) mitigation requirements for the the Western Pacific Interceptor Canal 200-Year Standard Project ("Project") and delegate the authority to the Executive Director to finalize the purchase agreement, sign the agreement and then execute it upon review of General Counsel.

**Background**

TRLIA is proposing to improve the Western Pacific Interceptor Canal (WPIC) West Levee through the WPIC 200-Year Standard Project ("Project") to meet the California Department of Water Resources’ Urban Levee Design Criteria for 200-year flood protection. The proposed project would correct geotechnical deficiencies related to seepage and slope stability along approximately 2 miles of the West Levee and would construct a landslide access road along approximately 3.3 miles of the levee for future operations and maintenance activities. Levee remediation measures proposed for the West Levee include cutoff walls, drained berms, a stability berm, and landslide fill. The project area is located in southern Yuba County, south of the town of Olivehurst and immediately east of State Route 70.

On April 5, 2016, TRLIA adopted the Western Pacific Interceptor Canal 200-Year Standard Project Final Initial Study and Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, the Project, and authorized the filing of a Notice of Determination under the California Environmental Quality Act (CEQA).

On several occasions in 2005 and 2006 TRLIA purchased GGS mitigation credits from Wildlands to accomplish several projects. After the completion of these past projects, TRLIA has an excess of 22.65 GGS mitigation credits that are available to be used for the current Project. During an accounting of the past purchase agreements with Wildlands one of the prior purchases was not found to be approved by the TRLIA Board. This purchase was for 11.28 GGS
mitigation credits from Wildlands at a cost of $394,800. This prior purchase needs to be ratified by the TRLIA Board.

**Discussion**

The current Project requires compensation for habitat loss and potential take of GGS, which is listed as threatened under the Federal and State ESAs, in a manner agreeable to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). The USFWS and CDFW GGS requirements are separate and not the same.

Project construction would affect approximately 40 acres of upland habitat for giant GGS, and 8.06 acres of this habitat would be permanently lost as a result of constructing the landside toe access road.

The USFWS Incidental Take Statement requires mitigation for permanent habitat loss at the standard USFWS ratio of 3 acres of mitigation habitat for every 1 acre of loss. Therefore, a total of 24.18 acres of giant garter snake mitigation habitat is required. USFWS has approved the use of the existing 22.65 TRLIA excess mitigation credits at the Gilsizer North GGS Preserve and Gilsizer Slough South GGS Conservation Bank, both of which are administered by Wildlands, Inc., to fulfill 22.65 acres of the Project’s mitigation needs for giant garter snake. However, neither of these mitigation banks is approved by CDFW, and credits to fulfill CDFW requirements for giant garter mitigation must be purchased from a CDFW-approved mitigation bank.

The pending CDFW Incidental Take Permit will require TRLIA to purchase 14.91 acres of GGS mitigation credits. In contrast to the USFWS mitigation requirement, which is based on the amount of permanent habitat loss, the CDFW mitigation requirement is based on the amount of habitat waterside of the levee that would be disturbed during construction, because this disturbance has the greatest potential to result in direct take of giant garter snake. The CDFW mitigation requirement is 1 acre of mitigation habitat for every 1 acre of disturbance. CDFW mitigation for GGS would be fulfilled at the Sutter Basin Conservation Bank, which is administered by Westervelt Ecological Services. The 1.53 acres of USFWS mitigation requirement that would not be met by the existing excess Gilsizer mitigation credits would be fulfilled by the Sutter Basin mitigation purchase.

**Fiscal Impact**

There is no cost associated with the allocation of the Gilsizer mitigation credits. Purchase of Sutter Bank mitigation credits will cost $820,050. The Project will be funded through the Upper Yuba Levee Improvement Project Early Implementation Project (EIP) funding agreement with the State. Per the funding agreement the state/local cost share is 70/30. TRLIA’s near term cash flow projections show that there is a need to use the levee project funds (account 813) from the Yuba Levee Finance Authority (YLFA) to cover the local share for this project. The YLFA Board approved this action on April 13, 2016.

The reason for using the YLFA funds now instead of the original planned use which was to cover the 200-yr Goldfields project local share, is that the DWR retention/closeout funding for the Feather River and UYLIP EP projects is coming later than needed in order to meet cash flow needs to commence construction on the WPIC Project. The Feather EIP and UYLIP EIP retention/closeout state payments will be used to cover the local share for the 200-yr Goldfields project. With YLFA 813 project funds TRLIA’s levee improvement work is fully funded; including the 200-yr Goldfields project.
May 3, 2016

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
SUBJECT: Amendment 1 to Action Fencing Contract for fencing in the Feather River Setback Area

**Recommended Action:**
Approve a $61,478 contract amendment to the existing Action Fencing Contract, and authorize the Executive Director to sign and execute.

**Background:**
On August 3rd 2010 the TRLIA Board authorized the construction of security roads and related fencing and gates. The Board also unanimously approved the opening of the Feather River Setback Area to the public for limited use, through the Broadway gate, pending approval of a TRLIA plan to reduce liability risk. On July 19, 2011 the TRLIA Board approved a plan to reduce liability risk and approved the opening of the Feather Setback area for limited public use.

At the July 15, 2014 TRLIA Board meeting the Board approved the public access entrance into the Feather Setback Area to be moved to Star Bend from Broadway. Part of the relocation to Star Bend was the constructing of fencing along the outside of the orchards to impede access by unauthorized individuals.

**Discussion:**
Over the past couple of years additional signage has been placed. Recently the fencing has been damaged and needs repairs. Plus, after discussions with several of the Orchard lease holders, staff recommends the fencing be expanded to all sides of the orchards in the southerly part of the Feather Setback Area.

**Fiscal Impact:**
This amendment increases the current Action Fencing contract amount of $65,980.00 by $61,478 to a total contract amount of $127,458. The expenses for performing these services are cost shared 70% State/30% Local via the Feather EIP Funding Agreement. Local funds are available to cover the local share.

**Attachments:**
1. Contract Amendment 1
FIRST AMENDMENT
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
ACTION FENCING

THIS FIRST AMENDATORY AGREEMENT is made and entered into this ____ day of ______ 2016, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and Action Fencing ("CONTRACTOR").

RECITALS:

WHEREAS, TRLIA and CONTRACTOR entered into an agreement to provide Professional Services dated February 4, 2015 ("AGREEMENT");

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:

WHEREAS, TRLIA and CONTRACTOR desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and CONTRACTOR agree as follows:

1. The payment, budget, and not-to-exceed amounts (Attachment A to the Agreement) are amended to include the additional amount of $61,478 for a total contract amount of $127,458.00.

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

This AMENDED AGREEMENT is hereby executed on this _____ day of ______ 2016.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

BY: ________________________________
    Paul G. Brunner
    Executive Director

ACTION FENCING

BY: ________________________________
    Ned Brown

ATTEST:
DONNA STOTTEMEYER
CLERK OF THE BOARD OF DIRECTORS

APPROVED AS TO FORM:
ANDREA P. CLARK
GENERAL COUNSEL