



TRLIA
6th QUARTERLY
PROGRESS REPORT
FOR
UPPER YUBA RIVER LEVEE
IMPROVEMENT PROJECT

- 1. Quarterly Progress Report (QPR) for 6th Quarter: January 1 – March 31, 2011**
- 2. Date of Report: May 16, 2011**
- 3. Purpose of Quarterly Report:** This report summarizes the work completed in the 6th Quarter.
- 4. Specific Project Element Information:**
 - Major accomplishments this quarter (i.e. tasks completed, milestones met, meetings held or attended, press releases, etc.)
 - The Corps District Office sent their UYLIP Construction 408 Authorization letter of permission to the CVFPB on March 24, 2011 – see attachment 1.
 - CVFPB issued the UYLIP Construction Encroachment Permit (# 18577 BD) on April 11, 2011 – see attachment 2.
 - CVFPB issued the Anderson Elderberry Mitigation Site encroachment permit on February 7, 2011.
 - 31 of 34 Elderberry shrubs were moved to the Anderson Elderberry Mitigation Site in February 2011. The remaining 3 Elderberry shrubs will be moved in June 2011 after the B.O. construction blackout period has expired. See Attachment 6 for photos.
 - Significant Events, media releases, and media coverage during the Quarter:
None

- **Project Element Information:**

- At the request of DWR, restructuring of Project Elements and Features occurred during the preparation of the 4th Quarterly Work Plan (QWP) submitted on May 28, 2010. The following changes were made and a revised Overall Work Plan Budget was submitted with the 4th QWP that reflected the following changes.
 - A new Element 7: Right of Way Capital was added. This was previously Element 3: Feature 3.3. The purpose of this change was to separate Right of Way acquisition costs into a separate and distinct Element.
 - Element 2 Features 2.3, 2.4 and 2.5 (Preliminary Design, Preliminary Permitting and Preliminary Right of Way Support) have been moved to Element 3. The purpose of this change was to remove all features that were able to be funded at the full 70% cost share from Element 2 so that as a whole, all costs in Element 2 are funded at 50% and all costs in Element 3 are funded at 70% by the State.

All subsequent discussion in this QPR is reflective of these modifications.

- **Engineering and Construction matters:**

- **Project Element 1: Flatten Waterside Levee Slope – Sta 3+00 to 33+50**
 - Feature 1 Design: Complete. The design was reviewed and approved by the Corps, DWR and CVFPB.
 - Feature 2 Permitting: Complete. All permits were obtained. See Attachment 3.
 - Feature 3 Right of Way: Complete.
 - Feature 4 Construction Management: Complete. On March 26, 2010 the As-built drawing were submitted to DWR & CVFPB as part of the Construction Documentation Report
 - Feature 5 Construction: Complete.
 - Feature 6: O&M Manual: Complete. On March 26, 2010 the O&M Manual Addendum was submitted to DWR & CVFPB. The O&M Addendum is not a stand-alone document. It is an addendum to the existing Corps of Engineers' Operation and Maintenance manuals for the levee system (Standard Operation and Maintenance Manual for the Sacramento River Flood Control Project, dated May 1955, and Supplement to Standard Operation and Maintenance Manual, Sacramento

River Flood Control Project, Unit No. 145-Part No. 1, dated August 1955). The addendum was prepared following the guidelines contained in the Corps' Engineering Regulation ER 1110-2-401, Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual for Projects and Separable Elements.

➤ **Project Element 2: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Pre-CEQA Determination Support Efforts**

- Feature 1 Alternatives Analysis: Completed in the 1st Quarter.
- Feature 2 CEQA/NEPA: CEQA and NEPA have been completed
 - During this Quarter TRLIA worked with property owners in close proximity to the project to monitor existing wells to assist identification of any impacts to their water wells caused by the building of the cut-off wall. See attachment 5 for well locations. Any impacts identified will be mitigated.
- Features 2.3, 2.4 and 2.5 (Preliminary Design, Preliminary Permitting and Preliminary Right of Way Support) have been moved to Element 3 at request of DWR. These changes were made in the 4th Quarterly Work Plan. The purpose of this change was to remove all features that were able to be funded at the full 70% cost share from Element 2 so that as a whole, all costs in Element 2 are funded at 50% and all costs in Element 3 are funded at 70% by the State.

➤ **Project Element 3: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Support Work**

- Feature 2.3 Preliminary Design: Completed in the 2nd Quarter
- Feature 2.4 Preliminary Permit Preparation:
 - No work was done this quarter.
 - The TRLIA Board adopted the Mitigated Negative Declaration at their April 20th meeting and Notice of Determination was signed and filed on April 23, 2010.
- Feature 2.5 Right of Way Support:
 - DWR Approved the UYLIP Real Estate Plan on June 28, 2010. A discussion of the Real Estate Support work is included as part of the Real Estate Capital discussion under Element 7. Appraisal and acquisition of the property necessary for the project continued this quarter. At the September 28, 2010 TRLIA board meeting, the TRLIA

board passed resolutions of necessity to acquire portions of properties required for the project. The Resolutions of Necessity were necessary for properties that TRLIA had not yet been able to acquire by agreement. The eminent domain process was begun so that TRLIA could have the properties by spring of 2011 when construction is scheduled to begin.

- Feature 1 Design:
 - The design team continued to prepare for the UYLIP contract award. Examples are clarifying utility details and working with adjacent property owners to resolve potential construction issues.
- Feature 2 Permitting: Worked on Federal, State, and local permits continued this quarter. See Attachment 4 for list of permits.
 - CVFPB Encroachment Permit:
 - ✓ At the July 2010 CVFPB meeting the UYLIP Encroachment Permit was approved pending receipt of the Corps 408 authorization letter.
 - ✓ Corps HQs approved the 408 authorization on December 22, 2010.
 - ✓ The Corps District Office sent their letter of permission to the CVFPB on March 24, 2011 – see attachment 1.
 - ✓ CVFPB issued the Encroachment Permit (# 18577 BD) on April 11, 2011 – see attachment 2.
 - 408 Authorization:
 - ✓ Corps HQ provided Section 408 approval on December 22, 2010. The 408 approval letter stated that the Safety Assurance Review (SAR) Plan previously approved by the South Pacific Division included a requirement to have the Board of Senior Consultants (BOSC) specifically address redundancy, resiliency and robustness. TRLIA's BOSC met on January 20, 2011 to accomplish this task. The BOSC Report on the results of their evaluation regarding redundancy, resiliency and robustness has been submitted to the Corps of Engineers. The BOSC found that no changes were needed for the project.
 - ✓ The Corps District Office sent their letter of permission to the CVFPB on March 24, 2011 – see attachment 1.
 - 104 Credit Determination: **This item is highlighted in the Issues and Concerns portion of this report.**

- ✓ Yuba County Water Agency (YCWA) submitted a Section 104 request to the CVFPB on February 23, 2010. The CVFPB approved a request letter to the Corps of Engineers for the Section 104 Credit at the April CVFPB Meeting.
- ✓ During the 6th quarter TRLIA continued to work with the Corps of Engineers to finalize the 104 Credit determination. The Corps District Office submitted the 104 Credit documents to HQs on September 22, 2010. The 408 Authorization approval was given on December 22, 2010, which should have cleared the way for the 104 Credit to be processed. HQs USACE forwarded the 104 Credit request to the Assistant Secretary of the Army – Civil Works (ASA) on February 23, 2011. At the time this report was being finalized (late April 2011) the 104 Credit Request determination was still being processed by the ASA. The only explanation HQs USACE and ASA office have to date for the delay in processing the 104 Credit Request is that the ASA (Ms. Darcy) is reviewing 104 Credit Policy and Requirements in general. Congressman Herger has been requested to contact the ASA directly to expedite the 104 request determination.
- ✓ Length of time taken to obtain ASA 104 Credit Determination is impacting TRLIA's ability to complete:
 - ❖ South Yuba County Flood Protection
 - ❖ FEMA Accreditation (inclusion of Provisionally Accredited Levee into the current Certification/Accreditation)
- ✓ DWR/TRLIA Prop 1E Funding Agreement requires ASA 104 Credit Determination before Construction Award.
- ✓ DWR reluctant to waive requirement since they already waived \$70 mil in 2008 for Feather Setback. DWR pursuing legislation that would allow 104 credits to be used for other Projects outside the Federal Yuba Basin Plan.
- A Memorandum of Understanding (MOU) between the USACE and the CVFPB was signed on June 30, 2010 providing for credit under Section 2003 of the Water Resources Development Act of 2007 for the Upper Yuba Levee Improvement Project. The MOU was reviewed and revised to include recently developed standard language for Section 203 Credit Agreements. The Corps opted to keep the same approval date.
- On May 5, 2010 TRLIA submitted the 100-year FEMA certification documentation to FEMA for EIP Project Area 1. The May 5th

documentation identified Project Elements 2, 3, and 4 as part of a FEMA Provisionally Accredited Levee (PAL), which would be TRLIA certified and then FEMA accredited in 2011 once the construction work is done. On May 27, 2010 FEMA indicated that the TRLIA levee system will be accredited.

On January 28, 2011 FEMA sent the Yuba County a letter pertaining to the portion of the Yuba River levee that the County previously applied to FEMA for a PAL several years ago. This FEMA letter lets the County know that the PAL on the Yuba River levee has expired and that they (FEMA) will initiate a map revision to de-accredit this levee. The remap process will take no less than 18 months. Until the remapping identified in this letter is done the new FEMA maps that go into effect on February 18th will stay in place.

Once TRLIA has finished the UYLIP EIP project this year and submitted the UYLIP certification documentation; FEMA will be able to review certification documentation and accredit this levee. The FEMA remapping process will stop and the levees system for RD784 will remain accredited.

It is critical that TRLIA stays on schedule and complete the UYLIP project and the following certification process this year.

- As part of the FEMA certification process, TRLIA is performing additional hydraulic analysis in the Goldfields area to ensure storm flows (100 year storm event) do not out flank the UYLIP levee.

The additional hydraulic analysis being performed for FEMA certification also provides another benefit to DWR and TRLIA. On March 26, 2010 the Corps of Engineers presented to the CVFPB a new hydraulic analysis of the flood risk in the Goldfields as part of its Yuba Basin Feasibility Study. According to the Corps, the Goldfields do not present a risk of flooding to South Yuba County from a 100-year flood event. Therefore, FEMA certification of TRLIA's levee system, which is predicated on 100-year flood protection, is proceeding without delay (see permitting feature below). While the Corps did conclude that there is a risk of isolated, shallow flooding from the Goldfields into South Yuba County for events larger than the 100-year flood event, it could not identify an improvement (solution) that would justify the investment of federal funds in a project.

Yuba County, YCWA, TRLIA, and RD784 remain committed to achieving 200-year flood protection for South Yuba County, and are working together to accomplish that goal. Per state law, local agencies have until 2015 to develop a plan for 200-year flood protection. In the

interim, TRLIA's Upper Yuba River Levee Improvement Project must be completed to achieve 100-year flood protection. Additionally, more detailed hydraulic analysis is needed to identify improvements in the Goldfields necessary to achieve 200-year flood protection.

During the 6th quarter TRLIA (MBK Engineers) continued to work on creating the hydraulic model for the Goldfields area in order to determine if and extent of a 200-year overflow, and to verify that 100-year flow from the Goldfields area do not affect FEMA certification. Due to the complexity of the Goldfields area the TRLIA's hydraulic analysis is now scheduled to be completed in the summer/fall of 2011.

- Feature 3 Right of Way Capital: This feature was moved to Project Element 7 as requested by DWR. See May 28, 2010 4th Quarterly Work Plan.
- Feature 4 Construction Management: In late March the Construction Management team was directed to update and re-issue the UYLIP construction bid package. This direction was given because the 104 Credit Request determination had not been given by the ASA (see discussion in Feature 2 above). DWR/TRLIA Prop 1E Funding Agreement requires ASA 104 Credit Determination before Construction Award. The original construction bid documents had set March 31, 2011 as the date for the expiration of bids. Award of the construction contract prior to the 104 Credit determination would cause the State and Locals to forfeit the Credit per current USACE policy.
- Feature 5 Environmental Mitigation:
 - During this Quarter TRLIA continued to work with property owners in close proximity to the project to identify and mitigate any impacts to their water wells that may be caused by the building of the cut-off wall. See attachment 5 for well locations.
 - One property owner was provided a new well during the 4th quarter because of the high probability of damage during construction to his existing well. The property owner was Casa Mia Mobile Home Park. The existing well for this Mobile Home Park serves several hundred residents and is at the levee toe. It is highly probable that construction of the cutoff wall will impact this well. A pump and storage tank is planned for installation in the 7th Quarter. An RFP was issued in the 6th Quarter to obtain a contractor to install the pump and storage tank.
 - Elderberry Mitigation - Use of Anderson Mitigation Site:

- ✓ On January 28, 2011 the CVFPB approved the encroachment permit for use of the Anderson Elderberry Mitigation pending the Corps providing a 208.10 letter. The Corps issued the 208.10 letter on February 7, 2011 and the CVFPB issued the encroachment permit on February 7, 2011.
- ✓ 31 of 34 Elderberry shrubs were moved to the Anderson Elderberry Mitigation Site in February 2011. The remaining 3 Elderberry shrubs will be moved in June 2011 after the B.O. construction blackout period has expired. See Attachment 6 for photos.
- ✓ During the 7th quarter TRLIA anticipates F&WS via the Corps will finalize the amendment to the Biological Opinion to describe the transplanting of the 34 Elderberries during the Dormant Season. The Corps and FWS were agreeable to elderberries shrubs being moved in February 2011 prior to the actual amendment being issued. As part of the amended Biological Opinion F&WS and the Corps are placing a no construction (blackout period) requirement within 100 feet of an elderberry shrub from March 15 to June 15 in order to avoid interference with elderberry beetle movement. This blackout period includes elderberry shrub transplanting.
- ✓ The TRLIA Board and RD 784 have signed an agreement for RD784 to provide long term maintenance for the transplant mitigation area.
- ✓ TRLIA has also executed a license with the Sacramento San Joaquin Drainage District for use of State land for the transplants. TRLIA staff worked with DWR legal/real estate on a draft Joint Use agreement that is intended to replace the license in the near future.
- Air Quality requirements from the FRAQMD were incorporated in the Upper Yuba Levee Improvement Project construction specifications during the 4th quarter.
- Feature 6 O&M Manual Addendum:
 - No work was performed this quarter.
- **Project Element 4: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Construction – Sta 102+50 to 303+59**
 - Feature 1 Construction:
 - No construction work was done in the 6th quarter.

- In late March the Construction Management team was directed to update and re-issue the UYLIP construction bid package. This direction was given because the 104 Credit Request determination had not been given by the ASA (see discussion in Project Element 3 Feature 2 above). DWR/TRLIA Prop 1E Funding Agreement requires ASA 104 Credit Determination before Construction Award. The original construction bid documents had set March 31, 2011 as the date for the expiration of bids. Award of the construction contract prior to the 104 Credit determination would cause the State and Locals to forfeit the Credit per current USACE policy.
- Length of time taken to obtain ASA 104 Credit Determination has the following impacts:
 - ✓ Complete South Yuba County Flood Protection is potentially delayed beyond 2011
 - ✓ FEMA Accreditation (inclusion of Provisionally Accredited Levee into the current Certification/Accreditation) is delayed, which could result in FEMA remapping the area.
 - ✓ The loss of a very favorable original bid. Plans and specifications went for bid on June 21, 2010. The bids were opened on August 26, 2010. The low bid was Magnus Pacific Construction (Teichert sub contractor) at \$7,541,469.80. The Engineers estimate was \$13,944,125.84. Three bids were received and all were below the Engineers Estimate. The bids reflect the hard economic times that our Country is under.
- The construction work being moved to 2011 has caused the project completion to go beyond the EIP funding agreement completion date (September 30, 2011). The Agreement date needs to be extended. **This item is mentioned in the issues portion of this report.**
- To help define work that is under construction the levee construction has been broken into 4 segments. The Segments are described and shown below:

✓ **Construction Segments**

Segment 1	Station 104+00 to 136+50	Levee Geometry Correction and No Work Sections
Segment 2	Station 136+50 to 163+50	Cutoff Wall to Dantoni Road
Segment 3	Station 163+50 to 220+00	Cutoff Wall Dantoni to Past Dan Luis Parcel

✓ **Map**



➤ **Project Element 5: Prior Completed Work**

- Feature 1 Prior Completed Work: On November 18, 2009 TRLIA submitted invoices for \$7,853,673 of credit. During the 3rd quarter TRLIA and DWR worked together to verify the appropriate credit to be approved. On July 19, 2010 DWR approved \$6,619,616. \$1,068,200 of the original request pertained to prior Bear River Real Estate actions that may still be eligible for credit. \$165,857 of the original request was deemed to be ineligible. During the quarter TRLIA continued to work on providing documentation to support the approval of Bear River Real Estate action costs for credit.

➤ **Project Element 6: Project Management, legal support, community relations support, land management support, and overhead**

- Activity occurred in all Features during this quarter except Travel, Insurance and Memberships.

➤ **Element 7: Right of Way Capital**

○ Feature 7-3.3 Right of Way:

- DWR approved the Upper Yuba River Real Estate Plan on June 28, 2010.
- TRLIA real estate and legal consultants were very active this quarter obtaining right of way needs for the project. 40 parcels are impacted – See attachment 7 for parcels and ownership. The parcels are mostly agricultural in nature.
- Note - Right of Way support expenses will be under Element 3 Feature 2.5.
- The following Real Estate actions were accomplished in the 6th quarter (January to March 2011):
 - ✓ TRLIA real estate and legal consultants continued working with multiple property owners and TRLIA's Project design team to identify and mitigate potential Project impacts on farm operations, a mobile home park adjacent to the levee, several residential properties, and one property owner's long-term plans to re-establish a private rail spur to export aggregate materials from the Goldfields area.
 - ✓ TRLIA's real estate and legal consultants engaged in post-offer and pre-condemnation negotiations with numerous property owners to whom first written offers had been made in the 4th quarter.
 - ✓ On September 28, 2010 the TRLIA Board approved eminent domain Resolutions of Necessity on seven properties (listed below), and eminent domain actions were filed against those property owners in the 5th quarter. Settlement negotiations with these owners continued in the 6th quarter and a settlement/acquisition agreement that had been reached regarding the Wood property in the 5th quarter closed escrow early in the 6th. Settlements in the larger Sohal matters moved closer to consummation in the 6th quarter. A settlement in principle was reached with property owner COF Quail Hollow Land 148T LLC. Due to nonmonetary considerations, that settlement will be documented and consummated in the 7th or 8th quarter.
 - ✓ During the 6th quarter, TRLIA's legal consultants obtained stipulated Orders for Possession of Property Before Judgment in the Wilbur, Luis, and COF Quail Hollow Land 148T LLC, granting TRLIA possession of those properties no later than April

15, 2011. (TRLIA obtained possession of the Wood property in the 5th quarter upon execution of purchase documents shortly after the eminent domain case was filed.)

- ✓ The single resident displaced by the Project was relocated in the 6th quarter from the Dan Luis property. The displaced tenant received relocation benefits covering her moving costs and two months property storage expenses in this quarter.

<u>Eminent Domain Case</u>	<u>Deposit of Probable Compensation</u>	<u>Settlement</u>	<u>Relocation Expense</u>
YCSCCVED 10-0000951 (Wilbur)	\$23,000		
YCSCCVED 10-0000903 (Luis, D. & Luis, A.J. Trust)	\$24,100		\$3864.43
YCSCCVED 10-0000977 (Bains)	\$21,500		
YCSCCVED 10-0000934 (Wood)	\$3,200	\$3,200.00	
YCSCCVED 10-0000935 (COF Quail)	\$23,000		
YCSCCVED 10-0001029 (Walbinder S. Sohal Living Trust)	\$560,000	\$590,000	
YCSCCVED 10-0001029 (Bhajan S. & Rajwant K. Sohal)	\$560,000	\$590,000	

- ✓ Possession and Use Agreements – The four property owners below have now executed Possession and Use Agreements granting TRLIA possession of the required portions of their property for construction effective April 1, 2011.

<u>Owner</u>	<u>Deposit of Probable Compensation – Escrow</u>	<u>Escrow No.& Date Opened</u>	<u>Escrow Close Date</u>
Barker, et al	\$185,000	5008324-PA (7/20/10)	
H. Smith	\$64,000	5008326-PA (8/2/10)	
Awtar Sohal Trust	\$21,500	5008311-PA (9/28/10)	

Miller	\$1,400	5008567-PA (9/20/10)	
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- ✓ Grant Deed or Temporary Access Easements (TAE's) Signed – The ten property owners below have now executed Grant Deeds for acquisition of property and/or TAE's giving TRLIA possession of the required portions of their property for construction effective April 1, 2011.

<u>Owner</u>	<u>Deposit into Escrow</u>	<u>Escrow No. & Date Opened</u>	<u>Escrow Close Date</u>
Shintaffer Farms	\$5,500	5008325-PA (10/11/10)	
Naumes	\$3,000	Paid Direct (11/8/10) Temporary Easement not recorded	N/A
Rahul	\$500	Paid Direct (8/15/10) Temporary Easement not recorded	N/A
Wilkey	\$6,600	5008315-PA (9/20/10)	
Wesely	\$33,000	5008319-PA (8/25/10)	11/10/10
Wood	\$3,200	5008327-PA (9/28/10)	1/5/11
Gilbert	\$20,450	5008329-PA (3/14/11)	
Hust/Valdez	\$5,200	5008330-PA (3/8/11)	
Klug	\$2,800	5008331-PA (1/19/11)	2/1/11
Perez	\$10,350	5008321-PA (12/29/10)	

- **Environmental matters**

- **Project Element 2 & 3:**

- During this Quarter TRLIA continued to work with property owners in close proximity to the project to identify and mitigate any impacts to their water wells that may be caused by the building of the cut-off wall. See attachment 5 for well locations.
- One property owner was provided a new well during the 4th quarter because of the high probability of damage during construction to his existing well. The property owner was Wesely (Casa Mia Mobile Home Park). The existing well for this Mobile Home Park serves several hundred residents and is at the levee toe. It is highly probable that construction of the cutoff wall will impact this well. A pump and storage

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 - TRLIA has also executed a license with the Sacramento San Joaquin Drainage District for use of State land for the transplants. TRLIA staff worked with DWR legal/real estate on a draft Joint Use agreement that is intended to replace the license in the near future.
- Air Quality requirements from the FRAQMD were incorporated in the Upper Yuba Levee Improvement Project construction specifications during the 4th quarter.

- **Status of permits, easements, rights-of-way, and approvals as may be required by other State, federal, and/or local agencies:**

- **Project Element 1:** All Permits and approvals have been acquired - see attachment 4
- **Element 2, 3, & 4:** Key items are listed below. See attachment 3 for list.

- CVFPB Encroachment Permit:
 - At the July 2010 CVFPB meeting the UYLIP Encroachment Permit was approved pending receipt of the Corps 408 authorization letter.
 - Corps HQs approved the 408 authorization on December 22, 2010.
 - The Corps District Office sent their letter of permission to the CVFPB on March 24, 2011 – see attachment 1.
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- 104 Credit Determination: **This item is highlighted in the Issues and Concerns portion of this report.**
 - Yuba County Water Agency (YCWA) submitted a Section 104 request to the CVFPB on February 23, 2010. The CVFPB approved a request letter to the Corps of Engineers for the Section 104 Credit at the April CVFPB Meeting.
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for the delay in processing the 104 Credit Request is that the ASA (Ms. Darcy) is reviewing 104 Credit Policy and Requirements in general. Congressman Herger has been requested to contact the ASA directly to expedite the 104 request determination.

- Length of time taken to obtain ASA 104 Credit Determination is impacting TRLIA's ability to complete:
 - ✓ South Yuba County Flood Protection
 - ✓ FEMA Accreditation (inclusion of Provisionally Accredited Levee into the current Certification/Accreditation)
- DWR/TRLIA Prop 1E Funding Agreement requires ASA 104 Credit Determination before Construction Award.
- DWR reluctant to waive requirement since they already waived \$70 mil in 2008 for Feather Setback. DWR is pursuing legislation that would allow 104 credits to be used for other Projects outside the Federal Yuba Basin Plan.
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- **Issues/concerns that have, will, or could affect the schedule or budget, with a recommendation on how to correct the matter:**
 - **Issue 1** – pertains to Project Elements 2, 3, & 4: The construction of the UYLIP project must be completed and then certified by TRLIA to FEMA this calendar year so that Yuba County does not lose FEMA Accreditation of the RD784 levee system. The one remaining hurdle to awarding the UYLIP construction project is Corps processing the 104 Credit request.

Unfortunately, the Corps processing of the 104 Credit request has not moved quickly and will soon cause dire impacts on TRLIA, Yuba County, RD784, and residents of South Yuba County.

The problem is that if TRLIA awards the construction contract prior to 104 Credit being processed then the State will forfeit the Credit. TRLIA needs to be able to make the construction contract award in early May and begin construction in early June in order to complete the project during the 2011 construction season. Beginning construction later than early June places severe strain on the construction schedule and later TRLIA certification process that must occur this calendar year to avoid FEMA Accreditation breakage.

It is critical that TRLIA stays on schedule and complete the UYLIP project and the following certification process this year.

Recommended Solution: TRLIA has asked with Congressman Herger to work directly with Assistant Secretary of the Army – Civil Works (Ms Darcy) on the 104 Credit request determination. If the ASA does not process the 104 request in May then the State needs to consider waiving the need for the 104 Credit for this project, so that TRLIA can award the UYLIP contract and begin construction by early June. **On May 5, 2011 the Corps ASA-CW denied the request for Section 104 Credit for the UYLIP. On May 13, 2011 DWR notified TRLIA to proceed with the construction of the UYLIP project. See more details in the 8th Quarterly Work Plan.**

- **Issue 2:** With the majority (if not all) the construction work (Element 4) has been moved to 2011; the work will go beyond the EIP funding agreement completion date (September 30, 2011).

Recommended Solution: DWR extend the EIP agreement final date to June 30, 2012 or later.

- **Describe differences between the work to be performed and the work outlined in the Overall Work Plan, including anticipated change orders:**
 - None
- **Demonstrate financial ability to pay local cost share of Eligible Project Costs required to complete the Project:**
 - Local funding for the remaining costs of the project is to come from three sources (listed in order of priority of use by TRLIA):

- Credits accrued from State funding of prior completed work (Element 5 Work as well as other costs incurred prior to the funding agreement execution).
- State Funding of Segment 1 of the Feather River EIP Project.
- Local funding from the proceeds of bond sales completed by the Yuba Levee Finance Authority.

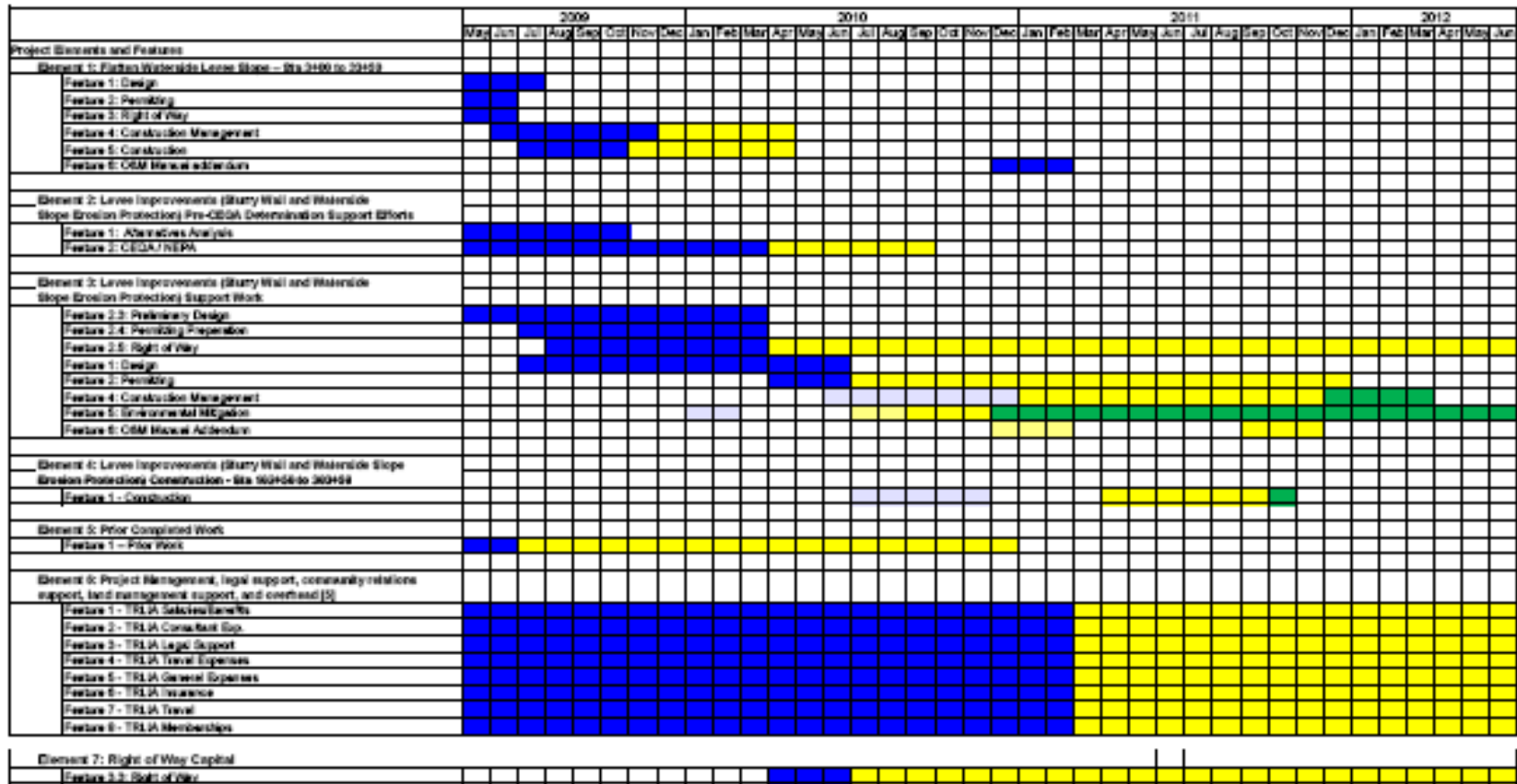
The Local Share of the Project based upon the revised overall work plan budget submitted as part of the 6th Quarterly Work Plan is approximately \$11.0 million. Within this budget, Element 5 work has already been completed and the local share of this work had been previously paid for by TRLIA, (approximately \$2.3 million) therefore the local share of these costs can be deducted to determine the remaining local share of costs of the project, approximately \$8.74 million.

The local funding sources available to cover the remaining project costs are detailed as follows;

- On July 19, 2010, DWR informed TRLIA that it had approved the majority of TRLIA's credit request in the amount of \$6,619,616. Additional Real Estate expenses may generate additional credit and still being reviewed by DWR. To date, the State has funded \$5,063,992 of the approved Credit to cover local share costs.
- DWR provided reimbursement for Segment 1 and Erosion Site 2 of TRLIA's Feather River project and a payment of \$8,089,379 was received on June 29, 2010. These funds will be used to fund a portion of the local share of Upper Yuba River Costs.
- The above two items total \$ 13,153,371 of local funding received by TRLIA to date. This covers the local share of the entire costs of the project. Additionally, there is still remaining credit to be received by TRLIA as well as the likely additional credit to come from the approval of prior real estate costs for the Bear River Setback Levee Project. TRLIA also has local funds available from the Yuba Levee Finance Authority to assist in cash flowing the project should the need arise. At this point in time, TRLIA has a well capitalized fully funded project ready to be implemented.

- **Legal Matters:** No issues for all Project Elements
- **Cost Information by Project Element:** This information is provided in an attached Appendix I at end of this Quarterly Progress Report.

5. **Schedule Information by Project Element:** Shown in the figure below is an updated Exhibit A (overall project schedule). This project schedule is an updated version from the 7th Quarterly Work Plan.



Blue: Original **Pattern:** Not Viable **Yellow:** Prior Quarter Adjustments **Green:** Changes this quarter

- **A discussion on how the projected schedule compares to the original or last reported schedule:**
 - **Element 3 Feature 4 Construction Management:** Schedule extended to support construction and monitoring of site through following winter.
 - **Element 3 Feature 5 Environmental Mitigation:** Schedule extended to support extended time for elderberry transplanting and private well monitoring
 - **Element 6 Feature 1 Construction:** Schedule extended to end of allowed 2011 construction season.

6. Attachments

1. Corps District Office 408 Authorization Permission letter: March 24, 2011.
2. CVFPB Encroachment Permit (# 18577 BD): April 11, 2011.
3. Permit Status Update - Upper Yuba River Levee: Slope Flattening
4. Permit Status Update – Upper Yuba Remaining Work
5. Well Locations
6. Elderberry Transplant Photos UYLIP to Anderson Mitigation Site – February 2011
7. Map of UYLIP Parcels

7. Appendices

Appendix I: TRLIA Upper Yuba River Levee Improvement Project 6th Quarterly Progress Report Budget Information, dated May 16, 2011

Attachment 1

Corps District Office 408 Authorization Permission letter: March 24, 2011.



DEPARTMENT OF THE ARMY
 U.S. Army Engineer District, Sacramento
 Corps of Engineers
 1325 J Street
 Sacramento, California 95814-2922

Executive Office

Mr. Jay Punia
 Executive Officer
 Central Valley Flood Protection Board
 3310 El Camino Avenue, Room 151
 Sacramento, California 95821

March 24, 2011

Dear Mr. Punia,

The Director of Civil Works for the U.S. Army Corps of Engineers has approved your request to alter the Federal flood damage reduction project, Sacramento River Flood Control Project, Yuba River south levee from Simpson Lane to the Goldfields, Project Levee Miles 2.3 to 6.1 included in encroachment permit number 18577 BD as part of the Upper Yuba Levee Improvement Project, (Encl 1), pursuant to U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408. Permission has been granted for you to alter the aforementioned project works as it has been determined that such alteration will not be injurious to the public interest and will not impair the usefulness of the project works.

This letter of permission approves your proposed work as summarized below and described in detail in the December 10, 2010 Conformed Contract documents for the Upper Yuba Levee Improvement Project, Yuba River South Levee STA 102+00 to 303+59 referred to herein as the Final Plans, the June 10, 2010 100% Design Submittal Final Design Documentation Report, and the June 11, 2010 Revised Geotechnical Basis Of Design Report Upper Yuba Levee Improvement Project Yuba River South Levee Evaluation Yuba County, California.

Design Station Interval	Alteration
Sta. 102+00 to Sta. 105+00	No work proposed
Sta. 105+00 to Sta. 109+00	Provide 20 foot crown width, 3H:1V waterside (WS) slope and 2H:1V landside (LS) slope
Sta. 109+00 to Sta. 120+00	Provide 20 foot crown width and 2H:1V LS slope
Sta. 120+00 to Sta. 125+00	Provide 20 foot crown width and 3H:1V WS slope
Sta. 125+00 to Sta. 136+50	No work proposed

Design Station Interval	Alteration
Sta. 136+50 to Sta. 143+50	Cutoff Wall WS of Existing Wall Approximately 65-foot-deep 3 foot wide soil bentonite cutoff wall through levee embankment Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 143+50 to Sta. 189+50	Approximately 65-foot-deep 3 foot wide soil bentonite cutoff wall through levee embankment Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 189+50 to Sta. 221+00	Approximately 70-foot-deep 3 foot wide soil bentonite cutoff wall through levee embankment Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 221+00 to Sta. 244+00	Approximately 55-foot-deep 3 foot wide soil bentonite cutoff wall through levee embankment Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 244+00 to Sta. 288+00	Approximately 45-foot-deep 3 foot wide soil bentonite cutoff wall through levee embankment Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 286+00 to Sta. 301+00	Landside Stability/Seepage Berm: Thickness of 5 feet, Width of 80 feet from levee toe Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 301+00 to Sta. 303+59	Transition at End of Berm into Goldfields. Thickness varies from 5 feet to height of levee, Width varies from 80 feet to 150 feet from levee toe Provide 20 foot crown width, 3H:1V WS slope and 2H:1V LS slope
Sta. 272+00 to Sta. 303+59	2 Foot Thick Rock Riprap on WS slope approximately 42 feet wide

The term “you” and its derivatives, as used in this approval letter, means the Central Valley Flood Protection Board or any future transferee. The term “this office” refers to the Sacramento District of the U.S. Army Corps of Engineers. Alteration of this project must be in accordance with the following conditions:

Special Conditions:

- a. This letter of permission does not authorize you to take any threatened or endangered species or designated critical habitat. In order to legally take a listed species, you must have a separate authorization under an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with incidental take provisions with which you must comply. The U.S. Fish and Wildlife Service (USFWS) Biological Opinion Number 81420-2010-F-0814-1, dated August 16, 2010 contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with incidental take that is also specified in the Biological Opinion. Your authorization under this Corps permission is conditional upon your compliance with all of the mandatory terms and conditions associated with the Biological Opinion, which terms and conditions are incorporated herein by reference (Encl 2). Failure to comply with the terms and conditions associated with the incidental take statement in the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with

your Corps permission. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its Biological Opinion, and with the Endangered Species Act. The Central Valley Flood Protection Board must comply with all conditions of this Biological Opinion, including those ascribed to the Corps. The Sacramento District has reinitiated consultation with the USFWS per your request to reflect a revised transplant plan for elderberry. You are required to comply with the terms and conditions included in the above mentioned BO until an amended BO is received from UFWS. Once the amended BO is received, you are required to comply with the terms and conditions of the amended BO.

b. You are required to submit a revision to the Operation and Maintenance (O&M) (33 CFR Section 208.10) Manual for this office's review within 180 days of project completion. This revision shall include all improvements to the Western Pacific Interceptor Canal, Bear River, Feather River, and Yuba River levee, or flood control feature, improvements. As-Built drawings and permanent maintenance easement boundaries shall be submitted in conjunction with the draft O&M manual. Upon receipt of the draft O&M manual, this office will schedule a transfer inspection with you to verify all construction has been completed in accordance with this permission. Any features found to be deficient during that inspection will require your correction prior to the Corps acknowledging that the work was completed in accordance with this letter of permission. Construction data is required to be provided to this office for review by our Engineering Division during construction. Within 180 days of project completion, you must furnish a certification report that the work has been completed in accordance with the conditions of this permission.

c. No work may result in a discharge, including a temporary discharge, of any material into any waters of the United States, including wetlands.

d. If any cultural artifact or an unusual amount of bone, shell, or nonnative stone is uncovered during construction, work should be halted in that area so that a professionally qualified archaeologist approved by the Corps can determine the significance of the find. If human bone is uncovered, the Yuba County Coroner and the California Native American Heritage Commission (NAHC) should be contacted immediately. If human remains are discovered in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until (a) the county coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin, (b) the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work regarding the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or (c) the NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).

e. You will follow and abide by your approved Safety Assurance Review plan dated October 14, 2009, prior to and during construction.

General Conditions:

f. You must accept the operation and maintenance responsibility of the completed work including all vegetation management requirements specified in your O&M manual.

g. You are responsible for continued operations and maintenance for this project during construction.

h. Construction should be coordinated with this office. Additionally, the proposed work shall not be performed or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.

i. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this approval.

j. You are required to submit to this office on a weekly basis construction records documenting field conditions.

k. You are required to submit to this office cross-sections and a survey of the levee centerline with your as-builts. Cross-sections shall be taken every 2.5 miles or at a change in cross-section, whichever is less. Surveys shall extend from the water line to 100 feet landward of the levee toe, or seepage berm toe if present. All data shall be in GIS format (ESRI Version 9.3 or latest version) in correct projection for seamless geographic location, referenced in NAVD88 using Geoid03 and NAD83, using the relevant California State Plane Zone. Data shall also be provided in GIS ready georeferenced CADD data format as well as pdf format.

l. To ensure there is mitigation for any increased residual flood risk, you are required to develop and submit a Floodplain Management Plan within one year of issuance of this permission that includes elements for flood information dissemination, public awareness training, flood warning and evacuation plans, emergency flood operations plan with annual exercise, dedicated evacuation resources, post-flood recovery plans. You are required to participate in and comply with applicable Federal floodplain management and flood insurance programs.

Further Information:

a. Limits of this permission.

1. This permission does not obviate the need to obtain other Federal, state or local authorizations, approvals or permissions required by law.
2. This permission does not grant any property rights or exclusive privileges.
3. This permission does not authorize any injury to the property or rights of others.

b. The determination of this office to approve this action as not injurious to the public interest, nor will it impair the usefulness of the project works, was made in reliance on the information you provided.

c. The Corps may reevaluate its decision on this approval at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:

1. You fail to comply with the terms and conditions of this approval.
2. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate. Should field conditions or future investigations require a deviation from the Final Plans, this deviation must be approved by this office through a request from the Board.
3. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

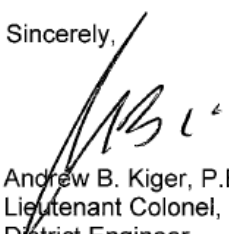
d. This approval should not be construed as an endorsement of certification for the FEMA base flood event.

e. The Corps acknowledges your commitment to accept the altered project for operation and maintenance and hold and save the United States free from damage due to the construction works.

My point of contact for this action is Ms. Meegan Nagy, Chief, Flood Protection and Navigation Section. She may be reached at 916-557-7257 or by emailing Meegan.G.Nagy@usace.army.mil.

A copy of this letter is being furnished to Mr. Paul Brunner, Executive Director, Three Rivers Levee Improvement Authority, 1114 Yuba Street, Suite 218, Marysville, California 95901.

Sincerely,



Andrew B. Kiger, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Enclosures
Encl 1 408 Approval Letter
Encl 2 USFWS Biological Opinion

Attachment 2
CVFPB Encroachment Permit (# 18577 BD): April 11, 2011.

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



Permit No. 18577 BD

Three Rivers Levee Improvement Authority
114 Yuba Street, Suite 218
Marysville, California 95901

Enclosed is your approved Central Valley Flood Protection Board Encroachment Permit Conditions.

Under the Standard General Condition Four (4) of the permit, you are required to accomplish the work under direction and supervision of the Department of Water Resources; therefore, you must advise the Department at 3310 El Camino Avenue, Sacramento, California 95821, attention Lorraine Pendlebury, telephone (916) 574-0609, at least ten days prior to starting your project. An addressed postcard is enclosed for your convenience.

Please note that the permit grants the work proposed in your application. This permit, in addition to the twelve (12) standard conditions, includes special conditions, which may place limitations on or require modifications to your project. You are advised to read all conditions prior to starting the project. Commencing any work under this permit shall constitute an acceptance of the provisions of the permit and an agreement to perform accordingly. This permit does not relieve you from the responsibility for obtaining authorization from any State, local, or federal agencies for your proposed project.

Please refer to your permit number when communicating with this office. For further information, contact Jon Tice at (916) 574-2380.

Sincerely,

A handwritten signature in blue ink that reads "Mitra Emami".

Mitra Emami, Senior Engineer, WR
Floodway Protection Section
Central Valley Flood Protection Board

Enclosure

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18577 BD

This Permit is issued to:

Three Rivers Levee Improvement Authority
114 Yuba Street, Suite 218
Marysville, California 95901

To alter approximately 3.9 miles of federal flood control project levee on the left (south) bank of the Yuba River from approximately Simpson Lane (Project Levee Mile (PLM) 2.2; STA 102+00) to Yuba Goldfields (PLM 6.1; STA 303+59) with the installation of a cutoff wall, landside seepage/stability berm, levee geometry correction, and the waterside erosion protection.

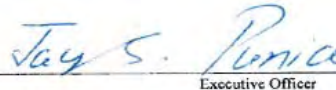
The project is located at the southeast of the City of Marysville. (Section 10,11,15,16,20&21, T15N, R4E, MDB&M, Reclamation District 784, Yuba River, Yuba County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

APR 11 2011

Dated: _____


Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

Page 1 of 10

DWR 3784 (Rev. 9/85)

See TRLIA Web Site for Remaining Portion of Permit
www.trlia.org

Attachment 3

Tab D: Project Element and Features Permits & Environmental Documents

Upper Yuba River Levee: Slope Flattening

PERMITTING AGENCY	PERMIT	PERMIT NEEDED (Y/N)	STATUS/COMMENTS
Central Valley Flood Protection Board	Encroachment Permits	Yes	Encroachment Permit 18095-R1 GM CVFPB was signed on Sept 25, 2009
U.S. Army Corps of Engineers (Corps)	Section 10 Permit	No	Navigable waterways not affected
Corps	Section 404 Permit	No	No jurisdictional features affected. Pg 3-26 IS/MND
Corps	Wetlands Delineation	No	No jurisdictional features affected. Pg 3-26 IS/MND
Corps	408 approval of project levee alteration	No	Corps did not require Section 408 Approval and approved work proposed in their Aug 7, 2006 Letter to the Reclamation Board. Work approved under Section 208
Regional Water Quality Control Board (RWQCB); Central Valley Region (Region 5)	Section 401 Water Quality Certification	No	No 404 permit triggering 401 compliance.
RWQCB, Region 5	National Pollution Discharge Elimination System (NPDES) Permit per Section 402 of the Clean Water Act	Yes	Notice of Intent (NOI) and Storm water Pollution prevention Plan (SWPPP) was submitted and acceptance letter received Sept 2009
Feather River Air Quality Management District (FRAQMD)	Authority to Construct	Yes	Contractor submitted required documentation prior to construction.
U.S. Fish and Wildlife Service	Endangered Species Act Compliance (Biological Opinion)	No	Project design and mitigation measures prevent take of threatened and endangered species.
National Marine Fisheries Service (NMFS)	Endangered Species Act Compliance	No	Project will have no affect on fishery resources and habitats.
California Department of Fish and Game (DFG)	California Endangered Species Act Compliance (2081)	No	Project design and mitigation measures prevent take of threatened and endangered species.
DFG	Streambed Alteration Agreement	Yes	TRLIA did obtain Streambed Alteration Agreement 2006-0311-

			R2 effective Aug 2006 and is valid until Nov. 1, 2011.
California State Lands Commission (SLC)	Encroachment Permit	No	All ground disturbances are above the Yuba River ordinary high water mark and outside SLC jurisdiction.
California Department of Forestry	Conversion of timberland to other uses.	No	No timberland conversion is required for the project.
The Resources Agency	Cancellation of Williamson Act Contract	No	No Williamson Act contract cancellations are required to implement the project.
California Department of Transportation (Caltrans)	Encroachment on or across a State highway	No	Project facilities do not encroach onto a State highway. However, construction equipment will likely use State Route 70 (SR 70).
Native American Heritage Commission (NAHC)	Evaluation of effects on Native American burials or artifacts	No	Coordination with the NAHC has occurred and no known Native American sites or sensitive areas would be affected by the project
State Office of Historic Preservation (SHPO)	Evaluation of effects on historic and cultural resources	No	No known sensitive historic or cultural resources would be affected by the project.
Reclamation District 784 (RD 784)	Encroachment Permit	Yes	RD 784 is one of the project sponsors and coordination with RD 784 regarding levee encroachments is ongoing.
Yuba County	Grading Permit	Yes	Issued Sept 25, 2009
State Mining and Geology Board (SMGB)	SMARA Permit	Yes	Will use current TRLIA SMARA permit (CA Mine #91-58-0026) that was issued Sept 22, 2009 for the Ella and Platter sites
CEQA	IS/EIR	Yes	IS/MND prepared and Record of Decision was filed on July 18, 2006.
NEPA	EA/EIS	No	No 404 permit triggering NEPA compliance
Section 104 Credit	Future federal projects cost sharing	Yes	Section 104 Credit for strengthening this reach of levee was approved by the Corps on July 5, 2005.

Attachment 4
Tab D: Project Element and Features Permits & Environmental Documents

Upper Yuba River Levee: Remaining Work

PERMITTING AGENCY	PERMIT	PERMIT NEEDED (Y/N)	PROJECTED START and COMPLETION DATES
Central Valley Flood Protection Board	UYLIP Construction Encroachment Permit	Yes	<ul style="list-style-type: none"> • <i>CVFPB issued permit April 11, 2011 (# 18577 BD)</i>
Central Valley Flood Protection Board	Anderson Elderberry Site Encroachment Permit	Yes	<ul style="list-style-type: none"> • CVFPB Approved January 28, 2011; issued February 7, 2010
U.S. Army Corps of Engineers (Corps)	Section 10 Permit	No	<ul style="list-style-type: none"> • Navigable waterways not affected
Corps	Section 404 Permit	No	<ul style="list-style-type: none"> • Project is above the OHWM • No permit required letter received from Corps on June 7, 2010.
Corps	Wetlands Delineation	Yes	<ul style="list-style-type: none"> • Wetland Delineation Report submitted to Corps February 2010
Corps	408 approval of project levee alteration	Yes	<ul style="list-style-type: none"> • Request to CVFCB to Initiate 408 Environmental Process June 2009 • HQs Approval December 22, 2010 • <i>District Permission letter issued March 24, 2011</i>
Regional Water Quality Control Board (RWQCB); Central Valley Region (Region 5)	Section 401 Water Quality Certification	No	<ul style="list-style-type: none"> • Project is above the OHWM and no sediment will discharge to waters of California • No 404 permit triggering 401 compliance.
RWQCB, Region 5	National Pollution Discharge Elimination System (NPDES) Permit per Section 402 of the Clean Water Act	Yes	<ul style="list-style-type: none"> • Application June 2010 • Permit Received July 26, 2010
Feather River Air Quality Management District (FRAQMD)	Authority to Construct	Pending	<ul style="list-style-type: none"> • Carl Moyer Mitigation Letter received December 2009 • Submission of BMP's March/April 2010 • Authority Anticipated May 2011
U.S. Fish and Wildlife Service	Endangered Species Act Compliance (Biological Opinion)	Yes	<ul style="list-style-type: none"> • Draft Biological Assessment prepared and submitted to the Corps for review and initiation of Consultation April 2010 • BO issued August 16, 2010

U.S. Fish and Wildlife Service	Endangered Species Act Compliance (Biological Opinion)	Pending	<ul style="list-style-type: none"> F&WS is amending B.O. to include dormant season elderberry shrub transplant Amendment anticipated in May 2011
National Marine Fisheries Service (NMFS)	Endangered Species Act Compliance	No	<ul style="list-style-type: none"> The project will avoid take of listed fish species
California Department of Fish and Game (DFG)	California Endangered Species Act Compliance (2081)	No	<ul style="list-style-type: none"> Project design and mitigation measures prevent take of threatened and endangered species
DFG	Streambed Alteration Agreement	No	<ul style="list-style-type: none"> All ground disturbances are above the Yuba River ordinary high water mark and no alterations to the streambed will occur.
California State Lands Commission (SLC)	Encroachment Permit	No	<ul style="list-style-type: none"> All ground disturbances are above the Yuba River ordinary high water mark and outside SLC jurisdiction.
California Department of Forestry	Conversion of timberland to other uses.	No	<ul style="list-style-type: none"> No timberland conversion is required for the project.
The Resources Agency	Cancellation of Williamson Act Contract	No	<ul style="list-style-type: none"> No Williamson Act contract cancellations are required to implement the project.
California Department of Transportation (Caltrans)	Encroachment on or across a State highway	No	<ul style="list-style-type: none"> Project facilities do not encroach onto a State highway. However, construction equipment will likely use State Route 70 (SR 70).
Native American Heritage Commission (NAHC)	Evaluation of effects on Native American burials or artifacts	Yes	<ul style="list-style-type: none"> HDR on behalf of TRLIA contacted NAHC on November 25, 2009 NAHC responded on December 3, 2009 with negative results for its search of the Sacred Lands File; no further action necessary
State Office of Historic Preservation (SHPO)	Evaluation of effects on historic and cultural resources	Yes	<ul style="list-style-type: none"> SHPO issued no adverse impact determination on Sep 10, 2010
Reclamation District 784 (RD 784)	Encroachment Permit	Yes	<ul style="list-style-type: none"> Encroachment Permit Application anticipated to be signed March/April 2010
Yuba County	Grading Permit	Yes	<ul style="list-style-type: none"> Permit issued November 2010

State Mining and Geology Board (SMGB)	SMARA Permit	No	<ul style="list-style-type: none"> • Received SMGB exemption letter on May 18, 2010 • Current approach is to use on site borrow site (exempt from SMARA) and also make the contractor provide additional soil from commercial site.
CEQA	IS/MND	Yes	<ul style="list-style-type: none"> • Initiation June 2009 • CEQA IS/MND Approved April 20, 2010
NEPA	EA/FONSI	Yes	<ul style="list-style-type: none"> • First Admin Draft EA submitted to Corps February 2010 • EA/FONSI signed December 29, 2010
Section 104 Credit	Future federal projects cost sharing	Pending	<ul style="list-style-type: none"> • Application March/April 2010 • <i>Anticipate Approval May 2011</i>
Section 103 Credit	Credit under Section 2003	Yes	<ul style="list-style-type: none"> • MOU signed between USACE and CVFPB on June 30, 2010

Attachment 5 – Well Locations



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Three Rivers Levee Improvement Authority
Well Reconnaissance as of June 2010
Upper Yuba Levee Improvement Project

Attachment 6
Elderberry Transplant Photos UYLIP to Anderson Mitigation Site -
February 2011

Elderberry Transplant Photos at Anderson Site



Plant trimmed prior to excavation



Beginning Excavation



Excavating Plant



Preparing Plant for Transport # 1



Preparing Plant for Transport # 2



Backfill of Plant Excavation

Elderberry Transplant Photos at Anderson Site



Watering Shrub at Anderson Site



Replanted Shrubs at Anderson Site



Water Replanted Shrub at Anderson Site

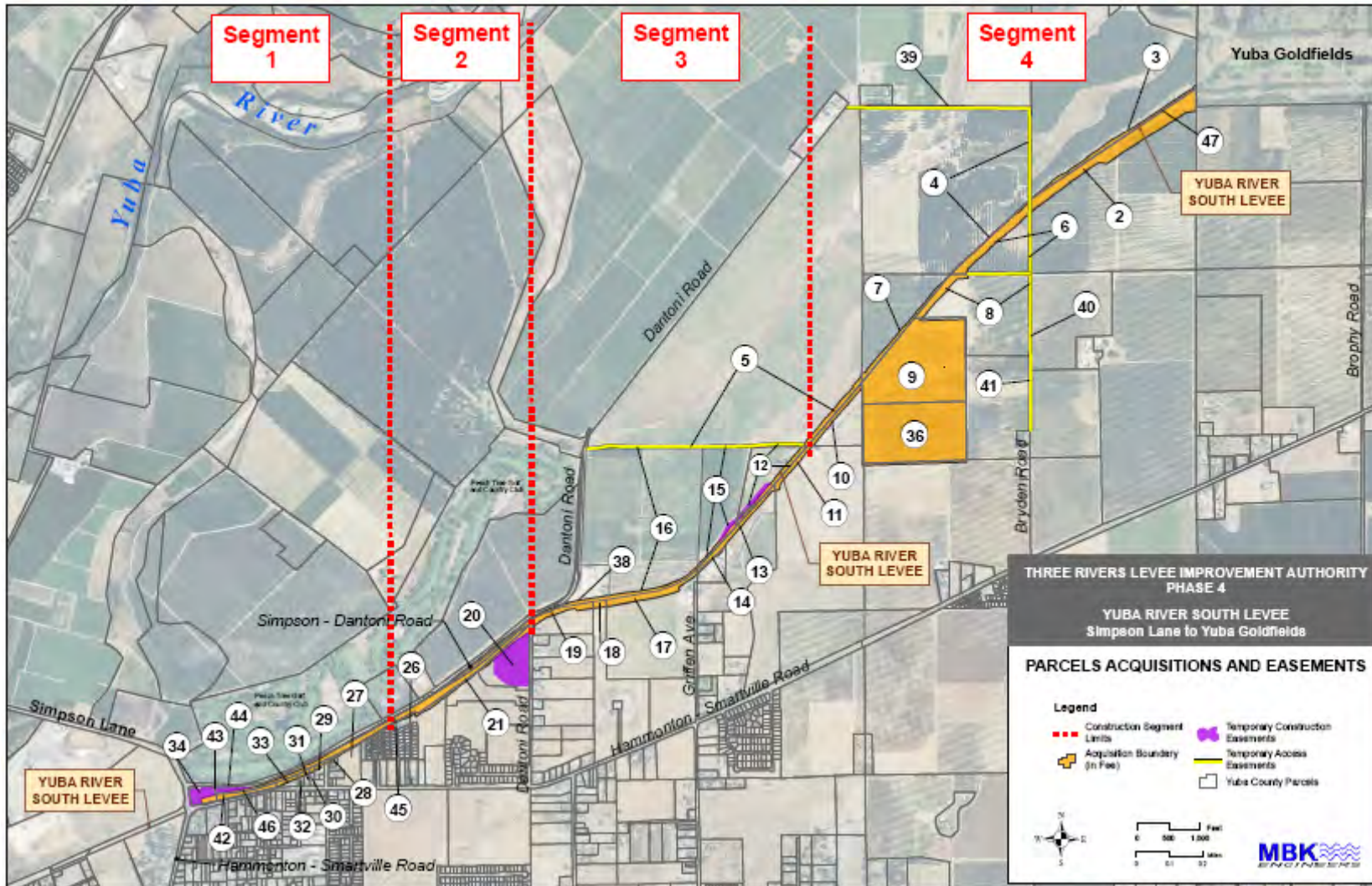


Replanted Shrubs at Anderson Site



Watered Replanted Shrub at Anderson Site

Attachment 7 Map of UYLIP Parcels



TRUW/SLIP - Acreage of Fee Taxes and Temporary Assessments

PROJECT PARCEL #	SEGMENT #	CORP PARCEL NO.	OWNER/ SITE ADDRESS	APN	Total Fee Acreage	Temporary Construction Assessment Acreage	Temporary Access Assessment Acreage
1	4	14010	Michael R. Beitel	019-190-009	10.131		0.268
2	4	14011	Scholarly Farms, Inc.	019-190-027	3.021		
4	4	14017	Henry P. Smith	019-190-016	1.007		1.013
5	4	14018	Richard G. Miller Trust	019-140-040	1.004		1.001
6	4	14019	Michael R. Beitel, et al	019-190-104	3.003		0.027
7	4	14017	Henry P. Smith	019-190-011	3.333		
8	4	14019	Jerre D. Beitel, E. Judith K. Beitel, Co-Trustees of the Beitel Family Trust	019-190-107	3.000		0.100
9	4	14018	Madeline S. Sotol Living Trust	019-190-110	33.176		
10	4	14018	Richard G. Miller Trust	019-190-082	3.308		
11	3	14018	Richard G. Miller Trust	019-200-008	1.014		
12	3	14018	Daniel J. Lutz	019-200-003	1.004	0.171	0.013
13	3	14018	Anthony J. S. Zarba R. Lutz	019-200-007	3.117		
14	3	14018	Anthony J. S. Zarba R. Lutz	019-200-005			
15	3	14012	Arl S. Bates, Patricia Del Carmen Bates	019-200-011	0.192	0.438	0.121
16	3	14012	Arl S. Bates, Patricia Del Carmen Bates	019-200-009	4.405		0.113
17	3	14018	Anthony J. S. Zarba R. Lutz	019-210-008	3.457		
18	3	14018	Robert Smith Wood	019-210-020	0.303		
19	3	14018	Donald Wiley	019-210-014	1.228		
20	3	14018	COF Good Hollow Land "MKT, LLC	019-230-049	1.354	3.158	
21	3	14018	COF Good Hollow Land "MKT, LLC	019-230-048	0.020		
22	3	14017	Orin and Irene Pinsky	021-500-001	3.000		
27	1	14018	Helen B. Shatt	021-042-021	0.023		
28	1	14018	Stee and Denise Shatt	021-042-014	0.007		
29	1	14018	Stee and Denise Shatt	021-041-012	0.258		
30	1	14018	Hud Bio, Inc. Patrick Max Ray B. Lange	021-041-009	0.111		
31	1	14018	Luther S. & Brigitte M. Kug	021-041-010	0.100		
32	1	14012	Richard J. Patis	021-041-007	0.000		
33	1	14018	Ronnie C. Patis	021-041-008	0.400		
34	1	14018	Western Aggregates, LLC	020-000-000	0.105	1.128	
35	4	14012	Ernie S. & Margaret K. Beitel	019-190-106	33.176		
38	3	14018	Howard R Miller	019-230-007	0.065		0.012
39	4		Nautilus, Inc.	019-140-041			1.007
40	4		Patel, Suraj S. & Parag	019-190-005			0.154
41	4	14018	Jerre D. Beitel, E. Judith K. Beitel, Co-Trustees of the Beitel Family Trust	019-190-103			0.008
42	1	14018	Danning Properties LLC	021-021-001	0.000		
43	1		Richard G. Miller Trust			0.204	
44	1		Richard G. Miller Trust			0.178	
45	1		Richard G. Miller Trust		3.075		
46	1		Western Aggregates, LLC Green Food Investments, LLC	019-230-000 019-230-009	7.404		
47	4		Leucosoma Construction Group LLC		3.000		
TOTAL					143.636	11.957	3.478

Appendix I

Appendix I: TRLIA Upper Yuba River Levee Improvement Project 6th Quarterly Progress
Report Budget Information, dated May 16, 2011



Capitol | PFG

Crafting Optimal Financial Solutions

MEMORANDUM

TO: PAUL BRUNNER, EXECUTIVE DIRECTOR, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

FROM: SETH WURZEL

SUBJECT: TRLIA UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT, SIXTH QUARTERLY PROGRESS REPORT BUDGET INFORMATION

DATE: MAY 16, 2011

This memorandum has been prepared by Capitol Public Finance Group (CPFG) at the request of Three Rivers Levee Improvement Authority (TRLIA) to supplement the Sixth Quarterly Progress Report (6th QPR) submitted to the Department of Water Resources (DWR) and dated February 24, 2011 for the Upper Yuba River Levee Improvement Project (Project). As indicated in TRLIA's 6th QPR, the cost and budget information is being provided within this memorandum to DWR as Appendix I to the 6th QPR.

This memorandum includes two sets of tables that present the following analyses:

1. **Quarterly Work Plan Reconciliation** — A reconciliation of the Sixth Quarterly Work Plan's forecasted expenditures to the actual expenses incurred for the quarter's work and, the associated funding of the State Share received pursuant to Section 14.C of TRLIA's funding agreement with DWR (Funding Agreement).
2. **Cost and Funding Status through the Sixth Quarter** — A summary of the cumulative costs incurred since November 6, 2006 through March 31, 2011¹ and a comparison of those costs incurred to the current Overall Work Plan Budget (based on the revisions made by TRLIA in its 6th Quarterly Work Plan submitted December 6, 2010²) included as Exhibit A to the Funding Agreement.

1. Quarterly Work Plan Reconciliation

The following tables provide detailed information regarding the costs incurred for each Element and Feature during the 6th Quarter (January 1, 2011 through March 31, 2011) and compare these amounts to the forecasted expenditures for the Quarter presented within the

¹ Inclusive of the expenses incurred through March 31, 2011 and paid by TRLIA through the month of April 2011. Reference the May 12, 2011 TRLIA Final Statement of Costs for the 6th Quarter (subject to review and approval by DWR).

² On December 6, 2010 TRLIA submitted a Revised Exhibit A that adjusted the Overall Work Plan Budget as part of the 6th Quarterly Work Plan.

6th Quarterly Work Plan. The tables show the State Share of eligible expenses net of the required 10% withholding of the State Share and compares this amount to the funding received by TRLIA from the State for the 6th Quarter (Advances and True-Ups).

(Note: Real Estate Capital Expenditures, as per the 6th Quarterly Work Plan have been separated into their own Element, Element 7. No funding has been received or advanced by the State for Real Estate. TRLIA has incurred Real Estate Capital Expenditures and will be seeking State funding through the separate Real Estate Funding process.)

The following presents a summary of the conclusions drawn from the tables:

6th Quarter Reconciliation Summary (Elements 1 through 4 and 6)

	<u>Total</u>	<u>State Share</u>
Total Non-Real Estate Expenses Incurred During 5th Quarter [1]	\$858,553	\$590,603
10% Required Retention		-\$59,060
State Share Net of Retention		\$531,542
less State Share of Funding Received for Quarter (Carryover from Prior Quarter)		\$2,658,909
State Share Overpaid		-\$2,127,367
Local Share to be Paid from Credit		\$267,950
Less Funding Received for Local Share (Carryover from Prior Quarter)		\$2,204,884
Local Credit Overpaid		-\$1,936,934
Total Excess funding Received for Quarter		-\$4,064,301

[1] Estimated amount, subject to review and approval by DWR.

This information concludes that, for the 6th Quarter, the has State still over-funded its share of the expenses net of the 10% hold-back provision in the Funding Agreement. This is directly as a result of the fact that construction has been delayed due Corps approval of Section 104 Credits and 408 Authorization. The State had previously processed payment for advance funding of construction that was assumed to commence during the 3rd quarter and continue into the 5th Quarter. Due to the Corps approval issues, construction did not commence and will not commence until the 2011 Construction Season. The excess State Share of funding has been placed in a separate fund with the Yuba County Treasury dedicated for the State Share of TRLIA expenses for this project and will remain in that fund solely to pay the State of expenses for this project. It is expected by TRLIA that the State will deduct this overpayment from any future advance requests that TRLIA makes for this project until TRLIA demonstrates State Share of expenses for this project. Additionally, any interest earned on funds placed in the fund will go toward the State Share of eligible expenses. The following presents an analysis of the interest earned on State Share Advance Funding through the 6th Quarter for the Upper Yuba Project.

Interest Earned on State Advance Funds

Interest earned by TRLIA on State Advance funding before the funding is expended on eligible expenses will be used by TRLIA on the State's share of eligible expenses. For the Upper Yuba Project, all funds advanced for the State Share of eligible expenses are deposited into a separate fund held by the Yuba County Treasurer. The Yuba County Treasurer apportions interest earned on all pooled funds on a quarterly basis. The following is a detailed statement of the interest earned and apportioned to the fund (Fund 817) that is dedicated for the State Share of eligible expenses for the Upper Yuba Project.

Interest Earned on State Advanced Funding for the UYRLIP Funding by Quarter

Quarter of Transaction	Transaction Description	State Share Feather River
Q4 - 09/10	3rd Quarter Interest Earned FY 09/10	\$348.32
Q1 - 10/11	4th Quarter Interest Earned FY 09/10	\$535.37
Q2 - 10/11	1st Quarter Interest Earned FY 10/11	\$21,704.87
Q3 - 10/11	2nd Quarter Interest Earned FY 10/11	\$21,995.55
Q4 - 10/11	3rd Qtr Interest Earned FY 10/11	\$20,375.65
TOTAL		\$64,959.76

TRLIA has determined that the most efficient way to account for and provide the interest funding is to deduct this amount from future funding to be disbursed from to State to TRLIA. As shown above, the State has earned \$64,949.76 on the advance funding for the Upper Yuba Project through the 6th Quarter.

TRLIA will await further instruction on how the above funding will affect future funding disbursements by the State to TRLIA for this project.

TRLIA Quarterly Progress Report Budget Reconciliation

Upper Yuba (Real Estate)

For Period January/February/March 2011 (6th Qtr)

ELEMENT 7

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			5th QWP Qtr Funding		
			Total	State Share	Local Share	DWR Direct Pay	Local Credit Invoiced	Total
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f	g	h = f+g
Element 7: Right of Way Capital								
7-3.3 - Right of Way Capital [3]	70.0000%	\$140,000	\$103,095	\$72,166	\$30,928	\$0	\$0	\$0
Subtotal Element 7		\$140,000	\$103,095	\$72,166	\$30,928	\$0	\$0	\$0
			Difference Between QWP & Actuals	\$36,905				

"Yub6QPRElem7"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

[3] All Real Estate capital has been advanced by TRLIA and will be invoiced through the Real Estate acquisition process.

Summary of TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

SUMMARY ALL NON-REAL ESTATE ELEMENTS

Elements and Features	Total 6th QWP Quarter Work Plan [1]	Total Expenses for 6th QWP Quarter [2]	State Share			Local Share		Remaining Local Share Funded by TRLIA
			To be Funded Net of 10% Holdback a	State Funding Rec'd for 5th Quarter b	State Funding Remaining to be Received for Quarter c = a - b	Local Share of Actual Costs for Quarter d	Local Funding Rec'd from Credit for Quarter e	
<i>Formula</i>								f = e - d
<i>Non-Real Estate Eligible Elements</i>								
Element 1: Flatten Waterside Levee Slope	\$0	\$208	\$131	\$0	\$131	\$63	\$0	\$63
Element 2: Pre-CEQA Determination Support	\$50,000	\$51,921	\$23,365	\$0	\$23,365	\$25,961	\$0	\$25,961
Element 3: Levee Improvements Support Work	\$785,000	\$392,433	\$247,233	\$0	\$247,233	\$117,730	\$0	\$117,730
Element 4: Levee Improvements Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Element 6: Admin & Overhead	\$184,577	\$413,990	\$260,814	\$0	\$260,814	\$124,197	\$0	\$124,197
Subtotal Above Elements	\$1,019,577	\$858,553	\$531,542	\$0	\$531,542	\$267,950	\$0	\$267,950
		<u>\$161,024</u>						
Difference Between QWP & Actuals								
<i>Element 5 Credit [Includes only Expenses Incurred Prior to October 20, 2009 not Shown Here]</i>								

"Yub6QPRSumm"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 1

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			State Share
			Total	State Share	Local Share	To be Funded Net of 10% Holdback
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f = d*90%
Element 1: Flatten Waterside Levee Slope – Sta 3+00 to 33+50						
1.1: Design	70.0000%	\$0	\$0	\$0	\$0	\$0
1.2: Permitting	70.0000%	\$0	\$0	\$0	\$0	\$0
1.3: Right of Way	70.0000%	\$0	\$0	\$0	\$0	\$0
1.4: Construction Management	70.0000%	\$0	\$208	\$146	\$63	\$131
1.5: Construction [1]	70.0000%	\$0	\$0	\$0	\$0	\$0
1.6: O&M Manual addendum	70.0000%	\$0	\$0	\$0	\$0	\$0
Subtotal Element 1		\$0	\$208	\$146	\$63	\$131
Difference Between QWP & Actuals			-\$208			

"Yub6QPRElem1"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 2

Elements and Features	State Share %	6th QWP Forecast	6th Quarter Expenses [2]			State Share To be Funded Net of 10% Holdback
			Total	State Share	Local Share	
<i>Formula</i>	[1]	[2]	c	d=c*a	e=c-d	f = d*90%
Element 2: Levee Improvements (Slurry Wall & Waterside Slope Erosion Protection) Pre-CEQA Determination Support Efforts						
2.1: Alternatives Analysis	50.0000%	\$0	\$0	\$0	\$0	\$0
2.2: CEQA / NEPA	50.0000%	\$50,000	\$51,921	\$25,961	\$25,961	\$23,365
Subtotal Element 2		\$50,000	\$51,921	\$25,961	\$25,961	\$23,365
Difference Between QWP & Actuals			-\$1,921			

"Yub6QPRElem2"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 3

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			State Share
			Total	State Share	Local Share	To be Funded Net of 10% Holdback
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f = d*90%
Element 3: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Support Work						
3-2.3: Preliminary Design	70.0000%	\$0	\$0	\$0	\$0	\$0
3-2.4: Permitting Preparation	70.0000%	\$0	\$0	\$0	\$0	\$0
3-2.5: Right of Way Support	70.0000%	\$280,000	\$251,229	\$175,860	\$75,369	\$158,274
3.1: Final Design	70.0000%	\$0	\$71,464	\$50,025	\$21,439	\$45,023
3.2: Permitting	70.0000%	\$180,000	\$22,813	\$15,969	\$6,844	\$14,372
3.4: Construction Management	70.0000%	\$125,000	\$4,125	\$2,888	\$1,238	\$2,599
3.5: Environmental Mitigation	70.0000%	\$200,000	\$42,802	\$29,961	\$12,841	\$26,965
3.6: O&M Manual addendum	70.0000%	\$0	\$0	\$0	\$0	\$0
Subtotal Element 3		\$785,000	\$392,433	\$274,703	\$117,730	\$247,233
Difference Between QWP & Actuals			\$392,567			

"Yub6QPPElem3"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation

Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 4

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			State Share
			Total	State Share	Local Share	To be Funded Net of 10% Holdback
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f = d*90%
Element 4: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Construction - Sta 102+50 to 303+59						
4.1 - Construction	70.0000%	\$0	\$0	\$0	\$0	\$0
Subtotal Element 4		\$0	\$0	\$0	\$0	\$0
			Difference Between QWP & Actuals	\$0		

"Yub6QPRElem4"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 5

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			State Share
			Total	State Share	Local Share	To be Funded Net of 10% Holdback
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f = d*90%
Element 5: Prior Completed Work						
5.1 - Prior Completed Work	70.0000%	\$0	\$0	\$0	\$0	\$0
Subtotal Element 5		\$0	\$0	\$0	\$0	\$0
		Difference Between QWP & Actuals		\$0		

"Yub6QPRElem5"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

TRLIA Quarterly Progress Report Budget Reconciliation Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 6

Elements and Features	State Share %	6th QWP Forecast [1]	6th Quarter Expenses [2]			State Share
			Total	State Share	Local Share	To be Funded Net of 10% Holdback
<i>Formula</i>	a	b	c	d=c*a	e=c-d	f = d*90%
Element 6: Project Management, legal support, community relations support, land management support, and overhead						
6.1 - TRLIA Salaries/Benefits	70.0000%	\$68,731	\$73,119	\$51,183	\$21,936	\$46,065
6.2 - TRLIA Consultant Exp.	70.0000%	\$76,367	\$215,476	\$150,833	\$64,643	\$135,750
6.3 - TRLIA Legal Support	70.0000%	\$22,910	\$114,304	\$80,013	\$34,291	\$72,012
6.4 - TRLIA Travel Expenses	70.0000%	\$382	\$0	\$0	\$0	\$0
6.5 - TRLIA General Expenses	70.0000%	\$15,273	\$10,082	\$7,057	\$3,024	\$6,351
6.6 - TRLIA Insurance	70.0000%	\$0	\$0	\$0	\$0	\$0
6.7 - TRLIA Travel - Vehicle Lease	70.0000%	\$913	\$1,009	\$706	\$303	\$636
6.8 - TRLIA Memberships	70.0000%	\$0	\$0	\$0	\$0	\$0
Subtotal Element 6		\$184,577	\$413,990	\$289,793	\$124,197	\$260,814
Difference Between QWP & Actuals			-\$229,413			

"Yub6QPRElem6"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Reflects costs from January 1, 2011 to March 31, 2011

2. Cost and Funding Status through the 6th Quarter

The following set of tables present the status of the project on cumulative expenditure basis as it relates to the current Overall Work Plan Budget (based on the revisions made by TRLIA submitted with the 6th QWP on December 6, 2010).

In summary, through March 31, 2011, TRLIA has incurred expenses for the project which represent approximately 53% of the total amended budget for Elements 1 through 7. When excluding Element 5 (which represents only prior completed work eligible for Credit), only 33% of the total budget for remaining work has been expended. TRLIA has received a total of \$14,032,121 of State Funding through the 6th Quarter, approximately 55% of its share of current amended State Budget of \$25.3 million. It is important to note that the total Funding Agreement limit on State Funds is \$47.43 Million and the current funding received represents 29.6% of this amount. Ultimately, due to the delay in construction, TRLIA has received excess advance funding from the State. The summary below quantifies how much.

Cumulative Funding Reconciliation - State Share

Total Non-Real Estate and Non-Element 5 Creditable Expenses Incurred from October 20 to Date	<u>\$5,694,130</u>
State Share of above Expenses	\$3,853,236
Retention on State Share (10%)	-\$385,324
State Share Net of Retention	<u>\$3,467,912</u>
State Advance Funding Received through 5 th Quarter	\$8,968,129
Excess Funding Received (True-Up Reduction from Future Payments)	-\$5,500,217

Cumulative Funding Reconciliation - Local Credit

Total Non-Real Estate and Non-Element 5 Creditable Expenses Incurred from October 20 to Date	<u>\$5,694,130</u>
Local Share of above Expenses	\$1,840,894
Local Credit Received	\$5,063,992
Excess Funding Received (True-Up Reduction from Future Payments)	-\$3,223,098

In total, TRLIA has been over funded \$8,723,314 in combined State Share Advance funding and Local Credit.

No individual feature budgets within the elements have exceeded the revised total Overall Work Plan Budgets by greater than 5% other than Element 5. Element 5 has exceeded the original forecasted budget for Credit, however, the State is aware of this fact and additional creditable expenses are currently being reviewed.

Summary of TRLIA Progress Report Overall Funding Status Upper Yuba

For Period January/February/March 2011 (6th Qtr)

SUMMARY ALL ELEMENTS

Elements and Features	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
	Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c = a - b	d	e	f = d - e	g = a - d	h = b - e	i = c - f	j = d/a
Quarterly Progress Report Reconciliation										
Element 1: Flatten Waterside Levee Slope	\$1,004,007	\$702,805	\$301,202	\$723,160	\$506,212	\$216,948	\$280,847	\$196,593	\$84,254	72.0%
Element 2: Pre-CEQA Determination Support	\$1,044,913	\$522,456	\$522,456	\$1,029,057	\$514,528	\$514,528	\$15,856	\$7,928	\$7,928	98.5%
Element 3: Support Work	\$9,749,345	\$6,834,541	\$2,914,803	\$4,742,722	\$3,319,906	\$1,422,817	\$5,006,622	\$3,514,636	\$1,491,987	48.6%
Element 4: Construction	\$9,800,000	\$6,924,000	\$2,876,000	\$17,678	\$12,375	\$5,303	\$9,782,322	\$6,911,625	\$2,870,697	0.2%
Element 5: Prior Completed Work	\$7,682,162	\$5,377,514	\$2,304,649	\$9,760,791	\$6,832,554	\$2,928,237	-\$2,078,629	-\$1,455,040	-\$623,589	127.1%
Element 6: Admin & Overhead	\$4,456,913	\$3,119,839	\$1,337,074	\$1,162,442	\$813,709	\$348,733	\$3,294,471	\$2,306,130	\$988,341	26.1%
Element 7: Real Estate Capital	\$2,624,759	\$1,837,331	\$787,428	\$1,798,653	\$1,259,057	\$539,596	\$826,106	\$578,274	\$247,832	68.5%
Subtotal	\$36,362,098	\$25,318,486	\$11,043,612	\$19,234,503	\$13,258,341	\$5,976,162	\$17,127,595	\$12,060,145	\$5,067,450	52.9%
Subtotal Excluding Element 5	\$28,679,936	\$19,940,973	\$8,738,963	\$9,473,711	\$6,425,787	\$3,047,925	\$19,206,224	\$13,515,186	\$5,691,039	33.0%
Subtotal Excluding Elements 5 and 7	\$26,055,177	\$18,103,641	\$7,951,536	\$7,675,059	\$5,166,730	\$2,508,329	\$18,380,118	\$12,936,912	\$5,443,207	29.5%
State Funding Received Through 5th Quarter										
State Share of Real Estate Advances	\$0									
Construction Funding	\$8,968,129									
Credit Funding Received	\$5,063,992									
Total Funding Received	\$14,032,121									
Percentage of State Budget Funded	55.4% (Received Through March 2011)									

*Yub6QPRTotSumm"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

TRLIA Progress Report Overall Funding Status

Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 1

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 1: Flatten Waterside Levee Slope – Sta 3+00 to 33+50											
1.1: Design	70.0000%	\$204,279	\$142,995	\$61,284	\$198,854	\$139,198	\$59,656	\$5,424	\$3,797	\$1,627	97.3%
1.2: Permitting	70.0000%	\$167,134	\$116,994	\$50,140	\$869	\$608	\$261	\$166,265	\$116,386	\$49,880	0.5%
1.3: Right of Way	70.0000%	\$22,285	\$15,599	\$6,685	\$18,731	\$13,112	\$5,619	\$3,553	\$2,487	\$1,066	84.1%
1.4: Construction Management	70.0000%	\$176,492	\$123,545	\$52,948	\$179,455	\$125,618	\$53,836	-\$2,963	-\$2,074	-\$889	101.7%
1.5: Construction [1]	70.0000%	\$350,250	\$245,175	\$105,075	\$325,250	\$227,675	\$97,575	\$25,000	\$17,500	\$7,500	92.9%
1.6: O&M Manual addendum	70.0000%	\$83,567	\$58,497	\$25,070	\$0	\$0	\$0	\$83,567	\$58,497	\$25,070	0.0%
Subtotal Element 1		\$1,004,007	\$702,805	\$301,202	\$723,160	\$506,212	\$216,948	\$280,847	\$196,593	\$84,254	72.0%

"Yub6QPRTotElem1"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

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Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 2

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Waterside Slope											
Erosion Protection) Pre-CEQA Determination											
2.1: Alternatives Analysis	50.0000%	\$419,771	\$209,885	\$209,885	\$415,488	\$207,744	\$207,744	\$4,283	\$2,141	\$2,141	99.0%
2.2: CEQA / NEPA	50.0000%	\$625,142	\$312,571	\$312,571	\$613,569	\$306,784	\$306,784	\$11,573	\$5,787	\$5,787	98.1%
Subtotal Element 2		\$1,044,913	\$522,456	\$522,456	\$1,029,057	\$514,528	\$514,528	\$15,856	\$7,928	\$7,928	98.5%

"Yub6QPRTotElem2"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

TRLIA Progress Report Overall Funding Status

Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 3

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 3: Levee Improvements (Slurry Wall and Waterside)											
3-2.3: Preliminary Design	70.0000%	\$1,378,778	\$965,145	\$413,633	\$1,368,300	\$957,810	\$410,490	\$10,478	\$7,335	\$3,144	99.2%
3-2.4: Permitting Preparation	70.0000%	\$225,344	\$157,741	\$67,603	\$33,937	\$23,756	\$10,181	\$191,407	\$133,985	\$57,422	15.1%
3-2.5: Right of Way Support	70.0000%	\$2,142,954	\$1,500,068	\$642,886	\$1,259,022	\$881,315	\$377,707	\$883,932	\$618,753	\$265,180	58.8%
3.1: Final Design	70.0000%	\$2,279,307	\$1,605,515	\$673,792	\$1,897,833	\$1,328,483	\$569,350	\$381,475	\$277,032	\$104,442	83.3%
3.2: Permitting	70.0000%	\$702,461	\$491,723	\$210,738	\$48,850	\$34,195	\$14,655	\$653,611	\$457,528	\$196,083	7.0%
3.4: Construction Management	70.0000%	\$2,265,990	\$1,586,193	\$679,797	\$4,125	\$2,888	\$1,238	\$2,261,865	\$1,583,306	\$678,560	0.2%
3.5: Environmental Mitigation	70.0000%	\$565,091	\$395,564	\$169,527	\$130,282	\$91,197	\$39,084	\$434,809	\$304,367	\$130,443	23.1%
3.6: O&M Manual addendum	70.0000%	\$189,419	\$132,593	\$56,826	\$374	\$262	\$112	\$189,045	\$132,331	\$56,713	0.2%
Subtotal Element 3		\$9,749,345	\$6,834,541	\$2,914,803	\$4,742,722	\$3,319,906	\$1,422,817	\$5,006,622	\$3,514,636	\$1,491,987	48.6%

"Yub6QPRTotElem3"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

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Upper Yuba

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ELEMENT 4

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 4: Levee Improvements (Slurry Wall and Waterside Slope Erosion Protection) Construction - Sta 102+50 to											
4.1 - Construction	70.0000%	\$9,800,000	\$6,924,000	\$2,876,000	\$17,678	\$12,375	\$5,303	\$9,782,322	\$6,911,625	\$2,870,697	0.2%
Subtotal Element 4		\$9,800,000	\$6,924,000	\$2,876,000	\$17,678	\$12,375	\$5,303	\$9,782,322	\$6,911,625	\$2,870,697	0.2%

"Yub6QPRTotElem4"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

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For Period January/February/March 2011 (6th Qtr)

ELEMENT 5

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 5: Prior Completed Work											
5.1 - Prior Completed Work	70.0000%	\$7,682,162	\$5,377,514	\$2,304,649	\$9,760,791	\$6,832,554	\$2,928,237	-\$2,078,629	-\$1,455,040	-\$623,589	127.1%
Subtotal Element 6		\$7,682,162	\$5,377,514	\$2,304,649	\$9,760,791	\$6,832,554	\$2,928,237	-\$2,078,629	-\$1,455,040	-\$623,589	127.1%

"Yub6QPRTotElem5"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

TRLIA Progress Report Overall Funding Status

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For Period January/February/March 2011 (6th Qtr)

ELEMENT 6

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 6: Project Management, legal support, community relations support, land management support, and overhead											
6.1 - TRLIA Salaries/Benefits	70.0000%	\$1,270,714	\$889,500	\$381,214	\$284,449	\$199,114	\$85,335	\$986,265	\$690,385	\$295,879	22.4%
6.2 - TRLIA Consultant Exp.	70.0000%	\$1,260,377	\$882,264	\$378,113	\$483,075	\$338,152	\$144,922	\$777,302	\$544,111	\$233,191	38.3%
6.3 - TRLIA Legal Support	70.0000%	\$1,044,235	\$730,964	\$313,270	\$219,961	\$153,973	\$65,988	\$824,274	\$576,992	\$247,282	21.1%
6.4 - TRLIA Travel Expenses	70.0000%	\$9,992	\$6,995	\$2,998	\$94	\$66	\$28	\$9,898	\$6,929	\$2,970	0.9%
6.5 - TRLIA General Expenses	70.0000%	\$356,643	\$249,650	\$106,993	\$47,952	\$33,567	\$14,386	\$308,691	\$216,084	\$92,607	13.4%
6.6 - TRLIA Insurance	70.0000%	\$469,119	\$328,383	\$140,736	\$121,213	\$84,849	\$36,364	\$347,906	\$243,534	\$104,372	25.8%
6.7 - TRLIA Travel - Vehicle Lease	70.0000%	\$26,714	\$18,700	\$8,014	\$5,698	\$3,988	\$1,709	\$21,016	\$14,711	\$6,305	21.3%
6.8 - TRLIA Memberships	70.0000%	\$19,119	\$13,383	\$5,736	\$0	\$0	\$0	\$19,119	\$13,383	\$5,736	0.0%
Subtotal Element 6		\$4,456,913	\$3,119,839	\$1,337,074	\$1,162,442	\$813,709	\$348,733	\$3,294,471	\$2,306,130	\$988,341	26.1%

"Yub6QPRTotElem6"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).

TRLIA Progress Report Overall Funding Status

Upper Yuba

For Period January/February/March 2011 (6th Qtr)

ELEMENT 7

Elements and Features	State Share %	Overall Budget [1]			Actual Expenses to Date [2]			Remaining Budget			Percentage of Total Budget Expended
		Total	State	Local	Total	State Share	Local Share	Total	State Share	Local Share	
<i>Formula</i>	a	b	c	d = b-c	e	f = e*a	g = e-f	h=b-e	i=c-f	j=d-g	k = e/b
Element 7: Right of Way Capital											
7-3.3 - Right of Way Capital	70.0000%	\$2,624,759	\$1,837,331	\$787,428	\$1,798,653	\$1,259,057	\$539,596	\$826,106	\$578,274	\$247,832	68.5%
Subtotal Element 7		\$2,624,759	\$1,837,331	\$787,428	\$1,798,653	\$1,259,057	\$539,596	\$826,106	\$578,274	\$247,832	68.5%

"Yub6QPRTotElem7"

[1] As reflected in the 6th QWP dated December 6, 2010.

[2] Includes expenses incurred through March 31, 2011 (and paid through April 2011).