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

DECEMBER 17, 2019 – 2:00 P.M.
AGENDA

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

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

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

III CONSENT AGENDA

A. Approve meeting minutes of November 19, 2019.

IV ACTION ITEMS

A. Adopt Resolution of Necessity for acquisition of certain property interests located along Road 1034 for the Yuba Goldfields 200-Year Project. (Roll Call Vote)

B. Approve addendum to the Mitigated Negative Declaration for the Feather River Setback Conservation Bank Project and authorize Executive Director to sign and file Notice of Determination upon review and approval of General Counsel.

C. Approve Contract Amendment No. 10 with MHM Inc., to extend contract to December 31, 2020, and increase contract fee by $33,500.00; and authorize Executive Director to execute upon review and approval of General Counsel.

V BOARD AND STAFF REPORTS

Miscellaneous Reports

VI CLOSED SESSION

1. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Kelly Pope/Paul Brunner/Brenda Schimpf. Negotiation: Price and terms of payment for the following properties:

   A) APN 018-180-072 and 073/Sanders
   B) APN 018-180-074/Clift
   C) APN 018-180-070/C. Ludwick
   D) APN 018-180-079/A. Ludwick
E) APN 018-180-066 and 078/Gallier
F) APN 018-180-082 and 018-150-012/Wilbur
G) APN 018-150-063/Barker
I) APN 018-180-085/Nunes
J) APN 019-170-020/Beale AFB
K) APN Unknown/Heirs and Devisees of Beery

ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and www.triia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection 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
November 19, 2019
Minutes

Call to order 2:03 p.m. with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, and Andy Vasquez. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Clerk of the Board of Supervisors Rachel Ferris. Chair Atwal presided.

Roll Call – Directors Atwal, Brown, Ledbetter, Lofton, Vasquez

II Public Communications: None.

III Consent Agenda

Motion: Move to approve consent agenda
Moved: Andy Vasquez Second: Rick Brown
Ayes: Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
Noes/Absent/Abstain: None

A. Approve meeting minutes of October 15, 2019. Approved as Written

B. Approve Contract Amendment No. 1 with Donald Babbitt, P.E., to extend contract to December 31, 2020; and authorize Executive Director to execute upon review and approval of General Counsel. Approved

C. Approve Contract Amendment No. 3 with Gannett Fleming Inc., (formerly SAGE Engineers), to extend contract to December 31, 2020; and authorize Executive Director to execute upon review and approval of General Counsel. Approved

D. Approve Contract Amendment No. 1 with Sills Ag Consulting Inc., to extend contract to December 31, 2020; and authorize Executive Director to execute upon review and approval of General Counsel. Approved

E. Approve Contract Amendment No. 1 with Mead & Hunt, Inc., to extend contract to December 31, 2020; and authorize Executive Director to execute upon review and approval of General Counsel. Approved

IV Action Items

A. Approve Contract Amendment No. 2 with Geosyntec, to extend contract termination date to December 31, 2020, and increase budget by $30,900; and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped and responded to Board inquiries.

Motion: Move to approve consent agenda
Moved: Andy Vasquez Second: Doug Lofton
Ayes: Sarbdeep Atwal, Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
Noes/Absent/Abstain: None
B. Approve Contract Amendment No. 1 with River Partners, to extend contract termination date to December 31, 2024, and increase budget by $1,867,187; and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped costs increase based on modifications, and responded to Board inquiries.

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

V BOARD AND STAFF REPORTS

Executive Director Paul Brunner:
◦ Passage of Yuba County Board of Supervisors Urgency Ordinance No. 1585
◦ North training wall, Hallwood
◦ Yuba Water Agency approved funding grant application in the amount of $500,000
◦ Goldfields 90% design final reviews sent out for recommendation
◦ Next board meeting, Dec 17, 2019 at 2:00 p.m.

VI CLOSED SESSION the Board retired into closed session at 2:22 p.m. and returned at 3:43 p.m. with all members present as indicated above. Chair Atwal advised there was nothing to report.

Director Sarbdeep Atwal left closed session at 2:55 p.m. and returned at 3:02 p.m.
Director Vasquez left closed session at 3:05 p.m. and returned at 3:09 p.m.

1. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Kelly Pope/Paul Brunner/Brenda Schimpf. Negotiation: Price and terms of payment for the following properties:

   A) APN 018-180-072 and 073/Sanders

   B) APN 018-180-074/Clift

   C) APN 018-180-070/C. Ludwick

   D) APN 018-180-079/A. Ludwick

   E) APN 018-180-066 and 078/Gallier

   F) APN 018-180-082 and 018-150-012/Wilbur

   G) APN 018-150-063/Barker

I) APN 018-180-085/Nunes
J) APN 019-170-020/Beale AFB
K) APN Unknown/Heirs and Devisees of Beery

**ADJOURN:** 3:43 p.m.

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

Chair

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Approved:
December 17, 2019

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul Brunner, Executive Director
       Kelly Pope, Legal Counsel

SUBJECT: Consider Adopting Resolution of Necessity for Acquisition of Property Interests from Property located along Road 1034 for the Yuba Goldfields 200-Year Project

Recommendation

Staff recommends that the Board of Directors of the Three Rivers Levee Improvement Authority ("TRLIA") adopt the attached proposed Resolution of Necessity for the acquisition of certain property interests in property located North of Hammonton Smartsville Road, along Road 1034, in the unincorporated area of Marysville, the County of Yuba, State of California, for the Yuba Goldfields 200-Year Project (the "Project").

The property at issue is owned by the Heirs and Devises of Mary Beery Deceased. As described and depicted in the exhibits to the attached proposed Resolution of Necessity, the property interests proposed for acquisition are 0.942 acres in fee, a portion of which is necessary for the Project and the remainder of which is an uneconomic remnant.

Required Findings for Adoption of a Resolution of Necessity

The attached proposed Resolution of Necessity lists the findings required by California Eminent Domain Law. Importantly, the Board is recommended to find:

1. The public interest and necessity require the Project;
2. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property interests are necessary for the proposed Project;
4. The acquisition of property necessary for the Project will result in a remnant that TRLIA seeks to acquire in accordance with Code of Civil Procedure section 1240.410; and
5. The offer of just compensation required by Government Code section 7267.2 has been made to the owner or owners of record of the property.

Support for Findings

Finding 1: The Public Interest And Necessity Require The Project.

TRLIA is a joint powers authority composed of Yuba County and Reclamation District ("RD") 784 that was formed to address funding and implementation of levee repairs for the RD 784 service area. The RD 784 service area is bounded on the north by the Yuba River, on the west by the Feather River, on the south by the Bear River, and on the east by the Western Pacific Interceptor Canal. TRLIA has implemented a program of repairs to the RD 784 levee system to provide 200-year flood protection to properties within the RD 784 service area.

The public interest and necessity require the Project because TRLIA has determined that flood flows could enter the Yuba Goldfields through potential breaches in the tailings mound embankments at one or more critical erosion sites along the south bank of the Yuba River, resulting in a continued flood risk in the RD 784 service area. To reduce this flood risk, the Project primarily consists of an approximately 2.6-mile levee extension beginning at the upstream terminus of the Yuba River south (left) levee ("YRSL") and associated features constructed in Yuba County, loosely bounded by the Yuba Goldfields to the north, Hammonton-Smartville Road to the south, Apex Lane to the west, and Hammonton Road to the east. The Project will reduce flood risk by preventing Yuba River flood flows during a 200-year flood event from flowing through the Goldfields and flanking the State Plan of Flood Control.

TRLIA’s goal for the Project is to obtain a 200-year level of flood protection as defined by the California Department of Water Resources.


The Project is planned and located in the manner that meets all of the following Project objectives:

- Provide a 200-year flood risk reduction solution that will prevent flood waters from flowing through the Yuba Goldfields and flanking the State Plan of Flood Control.
- Provide a solution that is cost effective and can be implemented by 2025.
- Provide a solution that is sustainable for the long term.
- Minimize impacts on aggregate mining operations by avoiding areas of future mining operations, by being compatible with future mining operations, or by being capable of modification to be compatible with future mining operations.
- Minimize impacts on gold dredging operations by avoiding areas of future dredging operations, by being compatible with future dredging operations, or by being capable of modification to be compatible with future dredging operations.
- Minimize impacts on environmental resources.
- Provide environmental benefits, if feasible.

The proposed Project plan and location are the product of an extensive, years’ long environmental review process in compliance with CEQA.
Among other things, in order to meet TRLIA’s goals for the Project, the Project is planned and located in a manner that will comply with the Urban Levee Design Criteria (“ULDC”), released by DWR in May 2012 pursuant to Senate Bill No. 5. SB 5 calls for 200-year flood protection to be the minimum level of protection for urban and urbanizing areas in the Sacramento-San Joaquin Valley. SB 5 will ultimately limit the conditions for approval of development by local governments if adequate progress towards achieving 200-year protection is not met. That is, the land use agency will have to make a finding that an area protected by levees has made adequate progress towards 200-year protection before it can approve development plans or permits. SB 5 requires that the 200-year level of flood protection be consistent with criteria established by DWR. Thus, DWR developed the ULDC pursuant to SB 5 to set forth the minimum criteria that must be met for an area to meet a 200-year level of flood protection.

In order to provide access and control needed for construction, operation, and maintenance of the Project levee, and consistent with the ULDC, TRLIA staff recommends that TRLIA acquire the following for the Project where possible: (1) fee title to the entire levee prism, and (2) fee title to between 20 and 50 feet of property landward and waterward of the new levee toes for operation and maintenance (“O&M”) corridors. Ownership of the levee and the O&M corridors is necessary for, among other things, maintenance activities such as managing animal burrows that can damage levees, maintaining firebreaks, and maintaining healthy groundcover (i.e., grasses) in order to prevent erosion of the levee.

Staff recommends that TRLIA acquire the levee and the O&M corridors in fee, rather than easement, because fee title will give TRLIA, and any agencies that ultimately own and/or maintain the levee, the rights needed to prevent damage to the levee and interference with maintenance that could occur if TRLIA does not acquire fee. For example, holding fee title rather than easement will give TRLIA the rights it needs to prevent the following types of activities that are harmful to levees:

- Cattle grazing by property owners;
- Farming activities by property owners that damage the levee and the maintenance corridors;
- Unauthorized pedestrian, motorcycle, and motor vehicle traffic over the levee, creating erosion sites that threaten the integrity of the levee and necessitate emergency repairs;
- Installation of gates into fences abutting the levee, and cutting steps into the levee;
- Piling of garbage, tree trimmings and other debris near the levee that interfere with maintenance activities and create rodent habitats that lead to rodent damage which can threaten the integrity of the levee, and increase maintenance costs;
- Construction of unpermitted encroachments.

Acquiring fee title to the levee and the maintenance corridors is necessary to give TRLIA the control over the levee and the O&M corridors it needs in order to maintain levee stability and decrease maintenance costs. It also eliminates any potential dispute as to the rights of the public entity that is charged with operating and maintaining the levees. Fee ownership gives TRLIA exclusive property rights necessary to assure public safety.
Finding 3: The Property Interests Are Necessary For The Proposed Project.

The property at issue is located north of Hammonton Smartsville Road, along Road 1034, in the unincorporated area of Marysville. An approximately 0.149-acre portion of the property proposed to be acquired is necessary for the Project because it is within the planned Project levee footprint and the O&M corridors.

Finding 4: The Acquisition of Property Necessary for the Project Will Result in a Remnant that TRLIA Seeks to Acquire in Accordance with Code of Civil Procedure section 1240.410.

When the acquisition of part of a larger parcel of property by eminent domain will leave a remainder or portion thereof in such size, shape or condition as to be of little market value ("remnant"), a public entity may exercise the power of eminent domain to acquire the remnant.

The Project will leave two unconnected remainder parcels consisting of approximately 0.025 acres between Hammonton Smartsville Road and the Project levee and approximately 0.783 acres north of the Project levee, for a total remnant of 0.793 acres. These remainder parcels have no economically viable use after TRLIA’s acquisition of the levee and O&M corridors. Staff therefore recommends that TRLIA acquire the 0.793-acre remnant pursuant to Code of Civil Procedure Section 1240.410.

Finding 5: TRLIA Made The Offer Required By Government Code Section 7267.2.

Based on an appraised value of the proposed fee acquisition, on September 27, 2019, TRLIA made an offer pursuant to Government Code section 7267.2 to purchase the necessary property interests from the Heirs and Devisees of Mary Beery Deceased that TRLIA has been able to locate.

Fiscal Impact

The approved appraised value of the proposed acquisition is $7,100, and is within the TRLIA cash flow and is available to be deposited to the State Treasurer’s Condemnation Fund.

Documents Incorporated Into This Report

Attachment A – Draft Resolution of Necessity

Environmental documentation in compliance with CEQA is available for review on TRLIA’s website, http://www.trlia.org/EnvironmentalDocs.asp.
RESOLUTION NO. 2019-__

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR THE YUBA GOLDFIELDS 200-YEAR PROJECT
(CODE CIV. PROC. § 1245.230)

Property Owner: Heirs and Devises of Mary Beery Deceased

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") intends to construct, install, and maintain the Yuba Goldfields 200-Year Project (the "Project"). The Project will consist of constructing approximately 2.6 miles of new levee south of the Yuba Goldfields; and

WHEREAS, TRLIA has determined that it needs to acquire certain property interests in property located north of Hammonton Smartsville Road, along Road 1034, in the unincorporated area of Marysville, the County of Yuba, State of California for the Project. The property interests that TRLIA seeks to acquire for the Project are more specifically described and depicted in Exhibits "A" and "B" attached hereto (the "Property"), and consist of an approximately 0.149-acre portion of the Property that is necessary for the Project, and the remaining approximately 0.793-acre portion of the Property that is a remnant that TRLIA may exercise the power of eminent domain to acquire, as set forth in Code of Civil Procedure section 1240.410; and

WHEREAS, Following a diligent search by TRLIA, it is unable to identify or locate any person whose name and address appears on the last equalized county assessment roll for the Property, and therefore TRLIA is not required to give any party notice and a reasonable opportunity to appear and be heard this date on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235; and

WHEREAS, TRLIA is authorized to acquire Property for the Project pursuant to, among other statutes, the California Constitution and California Eminent Domain: Law, Code of Civil Procedure section 1240.410, Government Code section 25350.5, and Water Code section 50930; and

WHEREAS, the Board of Directors of TRLIA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.

2. The Project proposed is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

3. An approximately 0.149-acre portion of the Property described in Exhibit "A" and depicted in Exhibit "B" attached hereto is necessary for the proposed Project, and the remainder of the Property described in Exhibit "A" and depicted in Exhibit "B" attached hereto is a remnant that TRLIA may acquire in accordance with Code of Civil Procedure section 1240.410.
4. The offer of just compensation required by Government Code section 7267.2 has been made to the owner of record of the Property.

5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described and depicted in Exhibits “A” and “B” attached hereto have been complied with by TRLIA.

6. TRLIA possesses the statutory authority to acquire the Property by eminent domain.

The Board of Directors hereby authorizes and empowers legal counsel retained or employed by TRLIA to take the following actions:

1. To acquire in the name of TRLIA, by condemnation, the property interests described and depicted in Exhibits “A” and “B” attached hereto in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;

2. To prosecute in the name of TRLIA such proceedings in the proper court as necessary for such acquisition; and

3. To deposit the probable amount of compensation based on an appraisal, and to apply to the court for an order permitting TRLIA to take possession of the property for public uses and purposes.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 17th day of December, 2019, by a two-thirds (2/3) or greater vote as follows:

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

________________________________________
CHAIRPERSON

ATTEST: 

____________________________
Rachel Ferris, Secretary

APPROVED AS TO FORM:
ANDREA CLARK
GENERAL COUNSEL

By: __________________________
EXHIBIT A

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF YUBA, STATE OF CALIFORNIA, LYING IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 4 EAST, M.D.B.& M. AND IS DESCRIBED AS FOLLOWS:

A strip Two Rods wide all along the west side of the piece of land lying North of the Hammonton Smartsville Road; the said strip being two rods wide from East to West, and extending along the line of Mahoney's land and including the west side of the land described in Deed from George Beery to Thomas Harmon, recorded November 7, 1891, in Book 40 of Deeds, at Page 211, of Yuba County Records; from said County Road North to the Northwest corner of said Northeast Quarter of Section 13, Township 15 North, Range 4 East, M.D.B.& M.

End of Description

This description has been prepared by me or under my direct supervision.

Kevin A. Heeney, PLS-5914
EXHIBIT B

018-150-010

018-180-073

018-180-070

018-180-072

HAMMONTON-SMARTVILLE ROAD

14092.0.942 AC.

N65°50'13"E  36.21'

N88°32'08"E  33.01'

SA64.374'E  375.77

SA417.41'E  2653.35

FIND 3/4" IRON PIPE
TAGGED LS 3972 PER
MS 17-9 & MS 32-22
NW COR. NE 1/4

FIND TOPPER IN
MONUMENT WELL
PER MS 47-1

14
13
14
13

THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM, ZONE II, NAD 83 (CCS83.22). EPOCH DATE 2010.0 BASED ON OBSERVATIONS TO CONTINUALLY OPERATING REFERENCE STATIONS (CORS) SUTTER BUTTES (PID A/9711), GROSVILLE DAM (PID DNTS10) AND SACRAMENTO COOP (PID DH5723). DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY GRID DISTANCE BY 1.0000045 TO OBTAIN GROUND DISTANCES.

EXHIBIT 'B'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

200 yr. Goldfields Levee Project

RESOLUTION OF NECESSITY
Heirs & Devisees of Mary Beery
County Road 1034

CTA
Engineering & Surveying
Civil Engineering • Land Surveying • Land Planning

LICENSED LAND SURVEYOR
KEVIN A. HEEREN
NO. 5914
Ex. 12-31-2020

DATE: 12/11/2019
DRAWN BY: KAH
Sheet 1 OF 1

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

BEING A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 13, T. 15 N., R. 4 E., M.O.M.
COUNTY OF YUBA STATE OF CALIFORNIA
December 17, 2019

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul G. Brunner, Executive Director

SUBJECT: Adoption of CEQA Addendum for the Feather River Setback Conservation Bank Project

**Recommended Action:**
Adopt addendum to the July 2016 Mitigated Negative Declaration (MND) for the Feather River Setback Conservation Bank Project and direct the Executive Director to sign and file the Notice of Determination (NOD).

**Discussion:**
TRLIA has prepared an addendum to the MND for the Feather River Setback Conservation Bank Project that was adopted by the Board in July 2016. After the MND was adopted, the California Department of Water Resources requested changes to the planting plan. In response, the proportion of habitats that would be created was changed, and the vegetation planting plan was revised to maximize the amount of elderberry shrubland and riparian habitat that would be created. The total amount of habitat restoration (approximately 500 acres) did not change. In addition, vegetation planting, monitoring, and maintenance activities described in the Initial Study would remain essentially the same. TRLIA has determined that this change to the vegetation planting plan constitutes a minor technical change to the project, and none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent negative declaration have occurred. Therefore, an addendum has been prepared to evaluate the minor technical changes and resulting environmental impacts.

Following adoption, TRLIA will sign and file the NOD with the County and State Clearinghouse.

**Fiscal Impact:**
TRLIA’s work on the FESSRO project are 100% funded by the State.

**Attachments:**
1. Addendum
2. NOD
Addendum

Feather River Setback Conservation Bank

State Clearinghouse No. 2015062085

Prepared for:
Three Rivers Levee Improvement Authority

December 2019

Prepared by:
GEI Consultants
Consulting Engineers and Scientists
Addendum

Feather River Setback Conservation Bank

State Clearinghouse No. 2015062085

Prepared for:
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

Contact:
Paul Brunner, P.E.
Executive Director
530.749.7841

Prepared by:
GEI Consultants, Inc.
2868 Prospect Park Drive, Suite 400
Sacramento, CA 95670

Contact:
Phil Dunn
Project Director
916.341.9127

December 4, 2019

Project No. 050115
# Table of Contents

Abbreviations and Acronyms ................................................................................................................................. ii

1. Introduction ................................................................................................................................................. 1  
   1.1 Background ........................................................................................................................................... 1  
   1.2 Regulatory Context ............................................................................................................................... 1  

2. Project Changes ........................................................................................................................................ 3  

3. Environmental Analysis ............................................................................................................................. 5  
   3.1 Analysis ............................................................................................................................................... 5  
   3.2 Conclusions .......................................................................................................................................... 6  

4. References .................................................................................................................................................... 7  

**Figure**

Figure 1. Revised Vegetation Planting Plan ........................................................................................................ 4
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>EIR</td>
<td>environmental impact report</td>
</tr>
<tr>
<td>FRLRP</td>
<td>Feather River Levee Repair Project</td>
</tr>
<tr>
<td>IS/MND</td>
<td>Initial Study/Proposed Mitigated Negative Declaration</td>
</tr>
<tr>
<td>MMRP</td>
<td>Mitigation Monitoring and Reporting Program</td>
</tr>
<tr>
<td>RD</td>
<td>Reclamation District</td>
</tr>
<tr>
<td>TRLIA</td>
<td>Three Rivers Levee Improvement Authority</td>
</tr>
</tbody>
</table>
1. Introduction

1.1 Background

On June 26, 2015, the Three Rivers Levee Improvement Authority (TRLIA), as lead agency under the California Environmental Quality Act (CEQA), publicly distributed the Initial Study/Proposed Mitigated Negative Declaration (IS/MND) for the Feather River Setback Conservation Bank Project (proposed project) (TRLIA 2015). The proposed project was designated State Clearinghouse No. 2015062085. All comments received on the IS/MND were considered by TRLIA and addressed in the Final IS/MND. TRLIA adopted the Final MND and associated Mitigation Monitoring and Reporting Program (MMRP), and approved the proposed project, on July 19, 2016. The Final IS/MND and MMRP were prepared on behalf of TRLIA in accordance with CEQA Statutes (Public Resources Code Sections 21000 et seq.) and the CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). A copy of the Final IS/MND and MMRP are available for review on TRLIA’s Web site (under “Feather River Floodway Corridor”) at http://www.trlia.org/EnvironmentalDocs.asp. TRLIA is a joint powers authority, composed of Yuba County and Reclamation District (RD) 784, that was formed to address funding and implementation of levee repairs for the RD 784 service area.

The proposed project would create approximately 500 acres of native wildlife habitat in the Feather River floodplain and establish the area as a conservation bank to offset impacts of future Central Valley Flood Protection Plan levee and floodway improvement projects and State Plan of Flood Control routine operations and maintenance activities. Since adoption of the Final MND, the proportion of habitats that would be created has changed, and the vegetation planting plan has been revised to maximize the amount of riparian habitat that would be created.

CEQA Guidelines Section 15164 states that minor technical changes or additions may be addressed by a supplement to the negative declaration or an addendum, depending on whether such changes or additions result in new significant effects or a substantial increase in the severity of previously identified significant effects. TRLIA has determined that this change to the vegetation planting plan (described in Section 2, “Project Changes”) constitutes a minor technical change to the project, and none of the conditions described in CEQA Guidelines Section 15162 (see Section 1.2, “Regulatory Context”) requiring preparation of a subsequent environmental impact report (EIR) or negative declaration have occurred. Therefore, TRLIA has prepared this addendum to the Feather River Setback Conservation Bank Project Final MND in accordance with Section 15164 of the CEQA Guidelines.

1.2 Regulatory Context

Section 15162(a) of the CEQA Guidelines describes the conditions requiring preparation of a subsequent EIR or supplemental ND (or MND) as follows:

1) Substantial changes are proposed in the project which will require major revisions of the previous environmental impact report (EIR) or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the substantial evidence in light of the proposed project’s whole record, as supplemented with the analysis provided in Section 3, “Environmental Analysis,” none of the conditions in CEQA Guidelines Section 15162(a) have occurred. Since none of these conditions have occurred, the lead agency shall determine whether to prepare a subsequent negative declaration (or MND), an addendum, or no further documentation (CEQA Guidelines Section 15162[b]).

Section 15164(b) of the CEQA Guidelines states that a lead agency may prepare an addendum to an adopted negative declaration (or MND) if only minor technical changes or additions are necessary or none of the conditions described above in Section 15162 calling for the preparation of a subsequent negative declaration (or MND) have occurred. TRLIA, as lead agency, has prepared this addendum in accordance with CEQA Guidelines Section 15164 because this document demonstrates that the proposed vegetation planting plan revisions constitute minor technical changes to the project and would not trigger any of the conditions in CEQA Guidelines Section 15162(a), as specified above, requiring a subsequent EIR or subsequent negative declaration (or MND). The purpose of this addendum, therefore, is to provide the additional substantial evidence and CEQA analysis necessary to address this minor technical change to the proposed project and supplement the administrative record for the proposed project.
2. Project Changes

The Final IS/MND (TRLIA 2016) indicated the project would create approximately 500 acres of habitats as follows: approximately 17 acres of elderberry shrubland, 65 acres of riparian scrubland, 85 acres of valley oak woodland, 120 acres of mixed riparian forest, and 216 acres of perennial grassland. The revised planting plan, as requested by the California Department of Water Resources, includes approximately 100 acres of elderberry shrubland, 96 acres of riparian scrubland, and 306 acres of mixed riparian forest would be created. Therefore, the entire approximately 500 acres would be planted in scrub and forest communities, and no grassland habitat would be created. The revised vegetation planting plan is shown in Figure 1. Although it is included in the overall project site, the existing 83-acre floodplain drainage swale would not be disturbed by project activities.

Vegetation planting, monitoring, and maintenance activities described in the Final IS/MND would remain essentially the same, including the anticipated duration of planting activities, types and numbers of equipment, number of material delivery trips, and number of workers and associated commuter trips. The only changes are the extent of each habitat type and associated plant species that are installed on the site, but the methods of site preparation and plant installation for the relevant habitat types would be the same as described in the Final IS/MND.
Figure 1. Revised Vegetation Planting Plan

*Project Boundary (585 acres)*

**Vegetation Communities**
- Elderberry (100 acres)
- Floodplain Drainage Swale (83 acres)
- Mixed Riparian (306 acres)
- Riparian Scrub (96 acres)

*Feather River Setback Conservation Bank*

Date: Oct 3, 2018
Data: NAIP 2016
Created by: River Partners
3. Environmental Analysis

3.1 Analysis

This section provides the substantial evidence and CEQA analysis to verify that: (1) the minor technical changes to the project described in the previous section and the resulting environmental impacts described below do not meet any of the criteria in Section 15162 of the CEQA Guidelines for preparing a subsequent EIR or negative declaration (or MND) and these changes do meet CEQA Guidelines Section 15164 for preparing an addendum to the adopted Final MND and, (2) the analysis in the Final IS/MND and this addendum are sufficient to provide the substantial evidence necessary to support TRLIA’s decision to prepare this addendum.

The vegetation planting plan revisions would not materially change the analysis in the Final IS/MND, and would not change the nature, severity, or significance conclusions of impacts, on the following resource areas evaluated in the Final IS/MND:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

As indicated in the Final IS/MND, a cultural resources artifact scatter was identified in the southwest corner of the conservation bank area. Although the habitat type that would be established in this area has changed from grassland to riparian scrub, impacts to the artifact scatter area would be avoided by implementing existing Mitigation Measure CUL-1. As described in the Final IS/MND, this measure limits project activities within the boundary of the identified artifact scatter, and a 10-meter buffer area surrounding the boundary, to herbicide application and seeding (with a hand-operated broadcast planter). Therefore, the vegetation planting plan revisions would have no change to impacts on cultural resources.

Biological resources are the only resource area for which the nature and severity of impacts would change as a result of the vegetation planting plan revisions. These impact changes relate to the types of habitat that would be created and the relative value of each habitat to individual species and groups of
species. There would be no change in construction-related impacts, because the methods of site preparation and plant installation would remain the same and mitigation measures to avoid and minimize potential adverse impacts would be implemented, as described in the Final IS/MND.

For species that are dependent on elderberry shrubs and riparian scrub and forest habitats, implementing the revised planting plan would have an increased benefit, because more riparian habitat would be created. Therefore, species such as Valley elderberry longhorn beetle and special-status birds that nest and/or forage in riparian habitat would benefit from the increased creation of riparian habitat associated with the revised plan.

For several species (e.g., Swainson’s hawk and white-tailed kite) that nest in riparian forest vegetation but forage in agricultural and grassland habitats, implementing the revised planting plan would change the extent of suitable habitat types that would be created, compared to the planting plan evaluated in the Final IS/MND. Under the planting plan evaluated in the Final IS/MND, approximately 120 acres of riparian forest nesting habitat and 216 acres of grassland foraging habitat would have been created. Under the revised plan, more than twice as much riparian forest nesting habitat (306 acres) would be created, but no foraging habitat would be created. It is important to note, however, that before the Feather River Levee Repair Project (FRLRP) was implemented, the conservation bank area was comprised of orchards and did not provide suitable nesting or foraging habitat for these species. Therefore, the on-site foraging habitat has only temporarily been available, since the FRLRP was completed in 2010, and the revised planting plan would create twice as much riparian forest nesting habitat as was proposed in the Final IS/MND.

Information on Swainson’s hawk nest sites adjacent to the conservation bank area is available from several sources, including the California Natural Diversity Database (CDFW 2019), surveys conducted to support the FRLRP (EDAW 2008, AECOM 2009 and 2010), and surveys conducted to support the proposed conservation bank project (River Partners 2017). In each of the years for which data are available, one or two Swainson’s hawk pairs has typically nested in adjacent riparian habitat along the Feather River, immediately west of the conservation bank area. These data suggest that the number of nesting pairs in the immediate vicinity has been relatively consistent before and after foraging habitat became established in the conservation bank area. Based on review of aerial photography for areas within 5 miles of the conservation bank area, the amount of potential foraging habitat that is currently available appears to be similar to before the FRLRP was implemented. In fact, the amount of potential foraging habitat within 1 mile of the conservation bank area appears to have increased by approximately 200 acres, as a result of conversion of orchards to field crops and fallow land. However, the number of nesting Swainson’s hawks does not appear to have increased. Therefore, converting agricultural foraging habitat that has temporarily been available in the conservation bank area to native riparian vegetation is not anticipated to have a substantial adverse effect on Swainson’s hawk and other special-status birds that may forage onsite, and it would not result in a significant adverse impact to these species. Moreover, restoring additional riparian vegetation that provides suitable nest sites may support an increase in nesting pairs in the project vicinity, if the amount of nesting habitat is a limiting factor to the local breeding populations of Swainson’s hawks and other riparian-nesting raptors.

### 3.2 Conclusions

Based on the previous Final IS/MND and the analysis in this addendum, revising the vegetation planting plan would result in none of the conditions described in Section 15162 of the CEQA Guidelines that would trigger the need to prepare a subsequent EIR or subsequent negative declaration (or MND). Most importantly, the proposed minor technical changes evaluated in this addendum:
would not result in any new significant environmental effects,

would not substantially increase the severity of previously identified effects,

would not result in mitigation measures or alternatives previously found to be infeasible becoming feasible, and

would not result in availability/implementation of mitigation measures or alternatives which are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment.

These conclusions confirm that neither a subsequent EIR nor a subsequent MND is required, and this addendum to the Final MND is the appropriate CEQA document under CEQA Guidelines Section 15164 to evaluate the minor technical changes and resulting environmental impacts thereof.

4. References

AECOM, Inc. 2009. Figure of raptor nest locations in Segment 2 of the Feather River Levee Repair Project.

AECOM, Inc. 2010. Figure of raptor nest locations in Segment 2 of the Feather River Levee Repair Project.


EDAW, Inc. 2008. Figure of raptor nest locations, Feather River Levee Improvements.


Notice of Determination

To:  
☑ Office of Planning and Research  
U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

☑ County Clerk  
County of: Yuba  
Address: 915 8th Street, Suite 107  
Marysville, CA 95901

From:  
Public Agency: TRLIA  
Address: 1114 Yuba Street, Suite 218  
Marysville, CA 95901

Contact: Paul Brunner, Executive Director  
Phone: (530) 749-7841

Lead Agency (if different from above): 
Address: 
Contact: 
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015062085

Project Title: Feather River Setback Conservation Bank Project - Addendum to Mitigated Negative Declaration

Project Applicant: Three Rivers Levee Improvement Authority

Project Location (include county): Yuba County

Project Description: TRLIA is proposing to create approximately 500 acres of native wildlife habitat in the Feather River floodplain and establish the area as a conservation bank to offset impacts of future Central Valley Flood Protection Plan levee and floodway improvement projects and State Plan of Flood Control routine operations and maintenance activities. The vegetation planting plan includes approximately 100 acres of elderberry shrubland, 96 acres of riparian scrubland, and 306 acres of mixed riparian forest.

This is to advise that the ☑ Three Rivers Levee Improvement Authority has approved the above (☑ Lead Agency or ☑ Responsible Agency) described project on December 31, 2019, and has made the following determinations regarding the above (date) described project.

1. ☑ The project will have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. ☑ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☑ were ☑ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan ☑ was ☑ was not] adopted for this project.
5. A statement of Overriding Considerations ☑ was ☑ was not] adopted for this project.
6. Findings ☑ were ☑ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: TRLIA, 1114 Yuba Street, Suite 218, Marysville, CA 95901

Signature (Public Agency): ____________________________ Title: Executive Director, TRLIA

Date: ____________________________ Date Received for filing at OPR: ____________________________

Notice of Determination

To:
☒ Office of Planning and Research
U.S. Mail:  
Street Address:  
P.O. Box 3044  
1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044  
Sacramento, CA 95814

☒ County Clerk
County of: Yuba
Address: 915 8th Street, Suite 107  
Marysville, CA 95901

From:
Public Agency: TRLIA
Address: 1114 Yuba Street, Suite 218  
Marysville, CA 95901
Contact: Paul Brunner, Executive Director
Phone: (530) 749-7841

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2015062085

Project Title: Feather River Setback Conservation Bank Project - Addendum to Mitigated Negative Declaration

Project Applicant: Three Rivers Levee Improvement Authority

Project Location (include county): Yuba County

Project Description:
TRLIA is proposing to create approximately 500 acres of native wildlife habitat in the Feather River floodplain and establish the area as a conservation bank to offset impacts of future Central Valley Flood Protection Plan levee and floodway improvement projects and State Plan of Flood Control routine operations and maintenance activities. The vegetation planting plan includes approximately 100 acres of elderberry shrubland, 96 acres of riparian scrubland, and 306 acres of mixed riparian forest.

This is to advise that the Three Rivers Levee Improvement Authority has approved the above described project on December 22, 2019 and has made the following determinations regarding the above described project.

1. The project ☒ will ☐ will not have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan ☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations ☐ was ☒ was not] adopted for this project.
6. Findings ☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
TRLIA, 1114 Yuba Street, Suite 218, Marysville, CA 95901

Signature (Public Agency): ____________________________________ Title: Executive Director, TRLIA

Date: __________________________ Date Received for filing at OPR: __________________________

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.  Revised 2011
TO: Three Rivers Levee Improvement Authority Board

DATE: December 17, 2019

FROM: Paul G. Brunner, Executive Director

SUBJECT: MHM Inc. Contract Amendment 10 for continued civil engineering services for the Goldfields 200-Year Project

**Recommended Action:**
Approve MHM Inc. contract Amendment 10 in the amount of $33,500 and extending the contract termination date to December 31, 2020 and authorize the executive director to sign and execute the contract once contract has been reviewed by General Counsel.

**Background:**
TRLIA entered into a contract with MHM Inc. in October of 2009 for surveying and engineering services. The contract has been amended nine prior times to include a variety of engineering services and time extensions to perform work. The current (prior to Amendment 10) total contract amount for MHM Inc. is $361,354 and includes a termination date of December 31, 2019.

**Discussion:**
The proposed contract Amendment 10 provides for continued civil engineering services for the Goldfields 200-Year Project. Specifically, MHM Inc. would continue to provide expertise and services related to interior drainage. These efforts are estimated to cost $33,500. Additionally, Amendment 10 would extend the contract termination date by one year to December 31, 2020.

**Fiscal Impact:**
This is a time and materials contract and can be terminated at any time, with TRLIA only obligated to pay for the work completed at the time of termination. The estimated fee for this work is $33,500. The work being performed is part of the Goldfields 200-Year Project and therefore cost shared with the state (85% state/15% local).

**Attachment:**
1. MHM Inc., Contract Amendment 10
2. MHM Inc., Scope of Work
TENTH AMENDMENT
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
MHM, INC.

THIS TENTH AMENDATORY AGREEMENT is made and entered into this __________ day of __________ 2019, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and MHM, Inc. ("CONSULTANT").

RECITALS:

WHEREAS, TRLIA and CONSULTANT entered into an agreement to provide Engineering and Surveying Services dated October 13, 2009 ("AGREEMENT"); and

WHEREAS, TRLIA and CONSULTANT entered into the First Amendatory Agreement dated November 16, 2010; and

WHEREAS, TRLIA and CONSULTANT entered into a Second Amendatory Agreement dated January 17, 2012; and

WHEREAS, TRLIA and CONSULTANT entered into a Third Amendatory Agreement dated September 18, 2012; and

WHEREAS, TRLIA and CONSULTANT entered into a fourth Amendatory Agreement dated June 4, 2013; and

WHEREAS, TRLIA and CONSULTANT entered into a fifth Amendatory Agreement dated August 17, 2013; and

WHEREAS, TRLIA and CONSULTANT entered into a sixth Amendatory Agreement dated February 17, 2015 to extend the contract termination date to December 31, 2016; and

WHEREAS, TRLIA and CONSULTANT entered into a seventh Amendatory Agreement dated August 4, 2015 to increase the maximum contract fee by $38,000 from $260,200 to $298,200;

WHEREAS, TRLIA and CONSULTANT entered into an eighth Amendatory Agreement dated September 13, 2016 to extend the contract termination date to December 31, 2018; and

WHEREAS, TRLIA and CONSULTANT entered into a ninth Amendatory Agreement dated March 20, 2018 to increase the maximum contract fee by $63,154 to $361,354 and extend the contract termination date to December 31, 2019.
WHEREAS, Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties: and

WHEREAS, TRLIA and CONSULTANT desire to amend the AGREEMENT.

NOW, THEREFORE, TRLIA and CONSULTANT agree as follows:

1. Operative Provision 2 – TERM – shall be revised to change the Termination Date to December 31, 2020; and

2. Article B.1 of the AGREEMENT shall be revised to increase the maximum contract fee by $33,500 from $361,354 to $394,854.

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 ________________ 2019.

THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY         MHM, INC.

________________________________________  __________________________
Paul G. Brunner                   Sean Minard
Executive Director                Principal

________________________________________
ATTEST:
Rachel Ferris
Secretary

________________________________________
APPROVED AS TO FORM:
Andrea P. Clark
General Counsel
December 11, 2019

Ms. Claire Marie Turner
c/o Three Rivers Levee Improvement Agency
1114 Yuba Street, # 218
Marysville, CA 95901

Subject: Goldfield Levee Project – Drainage Study – Yuba County, California
Scope of Work & Quotation for Consultant Civil Engineering Services

Dear Ms. Turner:

MHM Incorporated is pleased to submit this scope of work proposal and quotation for the Goldfield Levee Project. Our engineering and surveying firm was established in 1892 and incorporated in the State of California in 1975. The Company has maintained its main office in Marysville for over seventy-five years and is a certified California Small Business #7781.

Our team consists of highly qualified group of professionals, including Professional Civil Engineers, Geotechnical Engineers, and Professional Land Surveyors as well as a support staff of experienced technicians. The key team members for this project have been with the company many years. The key team members are Sean Minard and Steve Klein. Our clients include numerous public agencies such as cities, counties, and special districts, as well as private entities.

Below is an estimate of our not to exceed amount based on our scope of work:

- Continued Technical Support for the Goldfields 200 Project:
  - This includes budget overage on existing budget and includes the December effort. This work will be billed on a time and materials basis with an estimate not-to-exceed amount of $15,000.00
  - This task includes another 5 months of team meeting participation and coordination of agencies. Assume 5 meetings with most meeting being 2 hrs. This work will be billed on a time and materials basis with an estimate not-to-exceed amount of $3,500.00
  - Finalization of Interior Drainage Analysis and Report per agency and SAR Comment in 2020. Expect 12 hours. This work will be billed on a time and materials basis with an estimate not-to-exceed amount of $5,000.00
• Development of Interior Drainage System Operation Criteria:
  o MHM will assist TRLIA and the design team in the development of the Supplemental O&M Manual to minimize the impact on the waterside of the levee for the 200 year event. Events smaller than a 200-year event would be directly related to the O&M Manual prepared for this section of levee and the operation of the positive closure structure allowing gravity flow from the waterside of the levee into Linda Drain. This work will be billed on a time and materials basis with an estimate not-to-exceed amount of $5,000.00

• Project Management and Coordination
  o General consulting which includes surveying, Brophy Water District Support, ROW Support, Construction feasibility, plan review, constructability review and other supplemental tasks. This work will be billed on a time and materials basis with an estimate not-to-exceed amount of $5,000.00

We would like the opportunity to meet with you to discuss our proposal to assure that it is complete and that it conforms to your needs. If approved, MHM will perform the services as described and outlined above, and will strive to meet or exceed expectations in every detail. The total not-to-exceed price to perform the work will be $33,500.00. I can be reached at (530) 742-6485 with any questions.

Sincerely,

MHM INCORPORATED

Sean Minard, P.E., P.L.S.
Project Engineer

Cc: Paul Bruner, TRLIA