



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/10/2015

Agenda Placement: 6F

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: MALLIKA RAMACHANDRAN, ENGINEERING SUPERVISOR - 259-8194

SUBJECT: Greenwood Culvert Replacement Project, RDS 14-21 - Approval of Plans and Specifications and Authorization to Post Performance Security for the Incidental Take Permit

RECOMMENDATION

Director of Public Works requests the following:

1. Approval of plans and specifications for the "Greenwood Avenue Culvert Replacement Project," RDS 14-21, authorization to advertise for sealed bids and opening of the bids at a time, date and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code; and
2. Adoption of a resolution authorizing the posting of performance security not to exceed \$150,000 for the Incidental Take Permit and authorization for the Board chair or her designee to execute in the name of Napa County a Letter of Credit Agreement for the posting of security for the Incidental Take Permit for the "Greenwood Culvert Replacement Project," RDS 14-21.

EXECUTIVE SUMMARY

The Greenwood Avenue Culvert Replacement Project will replace the existing 15' diameter corrugated metal culvert with a 70 feet long and 22 feet wide prefabricated clear span concrete vehicular modular bridge. Although this culvert failed in the storm of December 2014, a project was already under way to replace it due to its deteriorating condition. In addition to the bridge portion of the project, the channel will be re-graded with a new channel bottom to accommodate fish passage during low flows. The channel bed will be constructed using a series of rock weirs and pools that join a 50 foot long rocky riffle. Planted rock slope protection (RSP) will be placed on both channel banks to protect the bridge abutments from scour and erosion.

Plans and specifications for this project are complete and ready for Board approval, and will be advertised

contingent upon receiving permits from permitting agencies and execution of Temporary Construction Easement Agreements. The permits were submitted to permitting agencies in October, 2014. The project cannot commence until the permitting agencies issue the permits which are anticipated at the end of March 2015.

The California Department of Fish and Wildlife, pursuant to the California Endangered Species Act (CESA), will have to issue an Incidental Take Permit for the "Greenwood Culvert Replacement Project," RDS 14-21. The Incidental Take Permit covers potential impacts to California Freshwater Shrimp, which is listed as endangered under CESA. The California Department of Fish and Wildlife has determined that habitat creation, restoration and ten year management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts. The Incidental Take Permit will require the County to post performance security in an amount not to exceed \$150,000 for habitat creation, restoration and ten year management. The option chosen to post this security requires executing a Letter of Credit Agreement with Wells Fargo Bank, which is currently the County's depository institution.

The following permits are required for the project:

- § Regional Water Quality Control Board - Section 401, Water Quality Certification
- § U.S. Army Corps of Engineers - Nationwide Permit Section 404 of the Clean Water Act
- § California Department of Fish and Wildlife - Streambed Alteration Agreement
- § California Department of Fish and Wildlife - Endangered Species Act Incidental Take Permit

Time is of the essence on this project and several critical path items must be implemented by April 2015 for construction to commence in June/July 2015. Staff is working with property owners on Temporary Construction Easement agreements. Construction will only commence after all permits are issued and Temporary Construction Easement Agreements executed.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement budget - Fund 1000, Subdivision 12205-00, Program 11013, Napa River TMDL Implementation.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	If not approved, the proposed culvert replacement project will not be completed, Greenwood Avenue will remain closed, and potentially the County will lose the EPA and Coastal Conservancy funding and it will impact future funding from these agencies.
Is the general fund affected?	No
Future fiscal impact:	The project is affected by various permitting conditions, primarily regarding habitat preservation of indigenous sensitive species. Construction is expected to commence in June/July 2015 and anticipated to be completed in December 2015. Future expenditures will be limited to routine maintenance as is currently performed and monitoring of the

habitat structure for ten years. There is an upfront fee of \$750 and a 2% annum charge for the Letter of Credit.

Consequences if not approved: If not approved, the proposed culvert replacement project will not be completed, Greenwood Avenue will remain closed, and potentially the County will lose the EPA and Coastal Conservancy funding and it will impact future funding from these agencies.

Additional Information: The estimated project cost including design, construction, project management, construction management, geotechnical testing, survey verification, environmental monitoring and construction of the temporary access roads in December of 2014 is approximately \$1,850,000. \$783,088 was budgeted in Fiscal Year 2014/15; consisting of \$244,725 from the EPA, \$113,363 from Measure A and \$425,000 from local roads funding.

Out of the total estimated project cost of \$1,850,000, it is estimated that \$420,000 will be expended in Fiscal Year 2014/15 on the project and \$1,430,000 will be requested in the Fiscal Year 2015/16 budget with \$400,000 coming from a Coastal Conservancy Grant, \$200,000 from an EPA Grant and \$830,000 from local roads funding.

The project must be substantially completed by October 2015 to comply with the EPA funding deadline. The contract is anticipated to be awarded in FY 14/15 provided that we have successfully secured all permits and the temporary construction easements. If the acceleration of the project is successful such that we can award this fiscal year, staff will request a budget adjustment at award of contract to move funds into this fiscal year. .

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration has been prepared and the Notice of Determination filed for the construction of this project. Implementation of mitigation measures will reduce potential impact to less than significant in the following areas: Air Quality, Biological Resources, Cultural Resources, Noise, Transportation/Traffic, and Mandatory Findings of Significance. This project is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

BACKGROUND AND DISCUSSION

The culvert is located at Greenwood Avenue and Kimball Creek (headwater to Napa River), approximately 1,200 feet west of Myrtledale Road. The existing culvert is approximately 60' long and 15' in diameter. The stream that passes through the culvert is identified as "Kimball Creek" on the USGS Quad Maps. The road is paved at the culvert crossing. The existing culvert was perched and degraded, posing as a fish passage barrier as well as a potential access barrier for the approximately nine properties that rely on the creek crossing as their only means of access to and from their homes. The culvert failed in the storms of December 2014 and the road is closed. Under the emergency authority granted to the Road Commissioner, a temporary access road was provided.

The objective of the project is to replace the failed culvert and reduce sediment erosion and deposition as

required by the Sediment Total Maximum Daily Load (TMDL) program and to improve fish passage while not adversely impacting habitat for aquatic species.

The Greenwood Avenue Culvert Replacement Project will replace the existing failed 15' diameter corrugated metal culvert with a 70 feet long and 22 feet wide prefabricated clear span concrete vehicular modular bridge. The new bridge will require the construction of two abutments that will be supported by set concrete piles on either side. Combined with the bridge portion of the project, the channel will be re-graded with a new channel bottom to accommodate fish passage during low flows. The channel bed will be constructed using a series of rock weirs and pools that join a 50 foot long rocky riffle. Planted rock slope protection (RSP) will be placed on both channel banks to protect the bridge abutments from scour and erosion.

The new structure is designed to carry two lanes of traffic on approximately the same horizontal roadway alignment. The bridge will pass over the Napa River and is designed to meet current hydraulic design standards. The road approaches to the new bridge will be maintained in the same alignment. The roadway alignment and vertical height will be maintained in its current state so that transition will be level with the existing roadway.

The project's hydraulic design is consistent with California Department of Fish and Wildlife and National Marine Fisheries Service fish passage guidelines as well as being sensitive to the special status species in the immediate area and considerable channel/grade control which will require dewatering the channel.

A Mitigated Negative Declaration has been prepared and the Notice of Determination filed on November 21, 2014 for the construction of this project.

A survey for California Fresh Water Shrimp (FWS) confirmed presence of this endangered species in the project area and required processing of an Incidental Take permit with California Department of Fish and Wildlife and it will require posting of security for the construction of the habitat structures and 10 year monitoring of the habitat structures. The California Department of Fish and Wildlife, pursuant to the California Endangered Species Act (CESA), will have to issue an Incidental Take Permit for the "Greenwood Culvert Replacement Project," RDS 14-21. The Incidental Take Permit covers potential impacts to California Freshwater Shrimp, which is listed as endangered under CESA. The California Department of Fish and Wildlife has determined that habitat creation, restoration and ten year management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts. The Incidental Take Permit will require the County to post performance security in an amount not to exceed \$150,000 for habitat creation, restoration and ten year management. The option chosen to post this security requires executing a Letter of Credit Agreement with Wells Fargo Bank, which is currently the County's depository institution.

The project requires the following approvals, clearances and permits:

- § Regional Water Quality Control Board - Section 401, Water Quality Certification
- § U.S. Army Corps of Engineers – Nationwide Permit Section 404 of the Clean Water Act
- § California Department of Fish and Wildlife - Streambed Alteration 1600 Agreement
- § California Department of Fish and Wildlife – Endangered Species Act Incidental Take Permit
- § Consultation with National Marine Fisheries Service (NMFS)
- § Consultation with U.S. Fish and Wildlife Service (USFWS)
- § Floodplain No Rise certification in conformance with FEMA's "Guidelines and Specifications for Flood Hazard Mapping Partners [April 2003]" requirements and result in a "No rise of base flood elevation" as defined by FEMA Specific required survey areas and limits.

The estimated project cost including design, construction, project management, construction management, geotechnical testing, survey verification, environmental monitoring and construction of the temporary access roads in December of 2014 is approximately \$1,850,000.

The project must be substantially completed by October 2015 to comply with the EPA funding deadline. The contract is anticipated to be awarded in FY 14/15 provided that we have successfully secured all permits and the temporary construction easements. If the acceleration of the project is successful such that we can award this fiscal year, staff will need to come back to the Board this year at award of contract for a budget adjustment.

Plans and specifications for this project are complete and ready for Board approval and will be advertised contingent upon receiving permits from permitting agencies. The permits were submitted to permitting agencies in October, 2014 and anticipated to be issued by end of March 2015.

Staff is working with property owners on Temporary Construction Easement agreements. Construction will only commence after all permits are issued and Temporary Construction Easement Agreements executed.

Time is of the essence on this project and several critical path items must be implemented by April 2015 for construction to commence in June/July 2015.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Molly Rattigan