



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/20/2018

Agenda Placement: 60

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Phillip Miller for Steven Lederer - Director of Public Works
Public Works

REPORT BY: Christopher Silke, Engineering Manager - 707-299-1755

SUBJECT: Memorandum of Understanding between Napa County and Tuleyome

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign a Measure A Memorandum of Understanding (MOU) with Tuleyome for a maximum of \$230,500 for the term February 6, 2018 through June 30, 2020 to plan and implement erosion and sediment control improvements along a 3-mile segment of Oat Hill Mine Road.

EXECUTIVE SUMMARY

On August 31, 1999, the County and Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) entered into a funding agreement whereby the NCFPWIA provided funding from the proceeds of the Napa County Flood Protection Sales Tax (also referred to as "Measure A") for eligible county projects. Within unincorporated Napa County Measure A sales tax revenue can be obligated towards projects whose core objective is to reduce the risk of flood damage or benefit the watershed of Lake Berryessa in eastern Napa County.

A Lake Berryessa Watershed Improvement Program Grant Application Guide was released into public circulation encouraging Project Sponsors to submit an application if the proposed goals and objectives satisfied the types of projects listed in the advertisement guidelines. Four (4) proponents filed watershed project applications and supplemental documents presenting more details on the work plan, proposed task activity, history of the project, similar environment project experience and professional qualifications of individuals with key roles in the project.

All of the watershed project applications were evaluated by an Advisory Committee. Interviews were subsequently conducted to learn more about the scope of each project and have an opportunity to meet with the team members. The Committee voted in favor of appropriating Measure A Lake Berryessa Watershed Program funds to support three of the four projects.

Legal Counsel has recommended that the County enter into a Memorandum of Understanding (MOU) with Tuleyome, Inc. a non-profit organization acting as sponsor for Oat Hill Mine Road Flood and Erosion Control Improvements Project. The MOU will fund project planning and drainage rehabilitation of a 3-mile gravel road segment that perennially discharges heavy sediment loads into Kidd and Batemen Creeks, tributaries to James Creek.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works Projects Budget 1220500, Program 11012, funded through Measure A. There is currently \$609,394 of appropriations remaining in the Berryessa Projects budget. This amount covers Napa County unincorporated area Measure A activities including Lake Berryessa watershed improvement projects. Funds not spent this year will be rolled over for use in the next fiscal year.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The project will attenuate winter storm related erosion and sediment transport within the Lake Berryessa watershed by upgrading drainage systems and protecting vulnerable gravel road earth soils prone to washouts. An encumbrance of \$230,500 for the project MOU can be accommodated by the adjusted budget for FY 17/18.
Is the general fund affected?	No
Future fiscal impact:	This expenditure (along with all future approved projects) will decrease the remaining Measure A funds available to Lake Berryessa watershed and unincorporated area flood damage prevention projects.
Consequences if not approved:	Oat Hill Mine Road will be susceptible to further rain storm degradation and release sediments into waterways impairing water quality.
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. The proposed watershed activities will be subject to CEQA and California Fish and Wildlife regulatory compliance. Permit applications to be filed by Project Sponsor, where applicable. A copy of completed and signed environmental permit forms and Primacy Agent determinations are required deliverables from the Project Sponsor.

BACKGROUND AND DISCUSSION

On August 31, 1999, the County and Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) entered into a funding agreement (Agreement No. 4202) whereby the NCFPWIA provided funding from

the proceeds of the Napa County Flood Protection Sales Tax (also referred to as "Measure A") for eligible county projects. Ordinance No. 1 (NCFPWIA) authorizes the use of Measure A funds in unincorporated areas of Napa County whose purpose(s) is(are) to: 1) implement flood damage reduction projects including elevating / relocating structures, including bridges, in the floodway and floodplain; and 2) agricultural watershed and stormwater runoff management improvements planned jointly by the agricultural industry, the County, the Napa County Resource Conservation District and California Fish and Wildlife.

Staff composed a Lake Berryessa Watershed Improvement Program Grant Guidelines and Project Application packet that was put into circulation in late 2016 to the general public and environmental stakeholders engaged in water resources type projects. Four (4) project applications were filed by proponents. Each project task order and goals were distinct in the betterments proposed within Lake Berryessa watershed. The project titles, sponsors and requested Measure A budgets were as follows:

1. Oat Hill Mine Road Flood and Erosion Control Improvements (Tuleyome, Inc.) - \$309,098;
2. Upper Hunting Creek Watershed Restoration (UC Davis) - \$235,389;
3. Pope Creek Weed Management (Napa County RCD) - \$121,000; and
4. Restoring the Lake Berryessa Wildlife Area (Blue Ridge - Berryessa Partnership) - \$180,328.

An informal Grant Program Advisory Committee was established in early 2017 to review the project applications and complete an evaluation form on behalf of each submittal. Participating in the Advisory Committee were two (2) Napa County management staff, a representative from Measure A Technical Advisory Panel, a volunteer from the Measure A Financial Oversight Committee and a member at large residing near Lake Berryessa. Proposed watershed project evaluation forms were pre-disbursed to the Committee. Criteria included Measure A eligibility, hydrologic benefits, work plan, team experience and references and lastly the overall rating. After roundtable discussions and deliberations the Advisory Committee decided interviews should be conducted before a final vote on Measure A award endorsement. Interviews were held with all four (4) project applicants. Ultimately, the Advisory Committee voted in favor of Measure A funding agreements for Projects 1 through 3 listed above. Projects 1 and 2 had their respective administrative costs negotiated lower to conform with program guidelines.

Legal Counsel has recommended that the County enter into a Memorandum of Understanding (MOU) with unincorporated area project sponsors on an individual basis to define the specific terms and conditions by which it is funded by Measure A Lake Berryessa Watershed Improvement Program.

The MOU outlays responsibilities, liabilities, deliverables and expectations of the sponsor and their project.

The proposed project will plan improvements for up to 25 drainage crossings and critical road surfaces along a 3-mile section of Oat Hill Mine Road. The area is remote, rugged, erosive and passes by legacy mercury mines. Upland culverts are under capacity, poorly constructed and frequently failing during heavy rains. Culverts plug with debris and sediments forcing storm water diversions that scour new channels washing away soils within and adjacent to the gravel road. Construction activity will encompass properly designed culvert installations, bank armoring, vegetated inlets, pre-settling basins and trash racks. Drought tolerant native plants will be selected based on their compatibility with existing soils and slow release fertile amendments. Eligible project expenses will be reimbursed to the project sponsor, Tuleyome, Inc., up to the appropriation amount of \$230,500. No more than three (3) percent of the project budget can be charged to administrative overhead costs.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Bret Prebula