

# M e m o r a n d u m

Date: September 13, 1999

To: Ecosystem Roundtable Project Amendment Subcommittee

From: Wendy Halverson Martin

Subject: Requests for Project Amendments (Revised)

## SUMMARY

Four projects have requested a Level 1 amendment, two projects have requested Level 2 amendments, and one project has requested a Level 3 amendment. Level 1 amendments do not require Ecosystem Roundtable action, and are included for information.

### Level 1 Project Amendments.

Project and Proponent	Change Requested			Reason for Amendment
	Budget	Scope	Time	
Evaluation of Increasing Tagging Levels for Chinook Salmon and Steelhead and a Demonstration Project on Mass Marketing (98-B15) Northwest Marine Technology Inc.	\$9500	None	None	Unexpected difficulties in coordinating tagging databases of various agencies.
San Joaquin River Drainage Genetic Baseline and Discrimination (97-C09) CA Dept. of Fish and Game	None	None	9 months (to June 30, 2002)	Delays in contracting and in developing inter-agency agreement for genetic work.
Hamilton Wetlands Restoration Project (98-C03) CA State Coastal Conservancy	\$25,000 (2.5%)	None	9 months (to March 31, 2001)	Inclusion of Bel Marin Keys study, supplemental environmental compliance, and additional investigations.

Rhode Island Floodplain Management and Habitat Restoration (98-F09) CA Dept. of Fish and Game	None	None	9 months (to June 30, 2000)	
--	------	------	--------------------------------	--

Two projects have requested Level 2 project amendments. These amendments require Ecosystem Roundtable action.

#### Level 2 Project Amendments

Project and Proponent	Change Requested			Reason for Amendment
	Budget	Scope	Time	
Evaluation of Increasing Tagging Levels for Chinook Salmon and Steelhead and a Demonstration Project on Mass Marketing (98-B15) Northwest Marine Technology Inc.	\$38,100	Evaluate a wider spectrum of values for the model's parameters.	None	To include fishing mortality rates, salmon ocean survival rates, hooking mortality rates, impacts in freshwater, etc.
Stone Lakes NWR Land Acquisitions (98-F12) US Fish and Wildlife Service	None	Allow the Service the flexibility to acquire either of two parcels in proposal.	To March 2000	Landowner of selected parcel subsequently entered into agreement to sell parcel as a mitigation bank.

One project has requested a Level 3 project amendment. This amendment requires Ecosystem Roundtable action.

#### Level 3 Project Amendments

Project and Proponent	Change Requested			Reason for Amendment
	Budget	Scope	Time	
Tuolumne River Setback Levees and Channel Restoration (711 Segment) (97-M09 & 98-F06) Turlock Irrigation District	\$707,000	Minor configuration changes in response to regulatory requirements and use sole-source, negotiated contract.	None	To accommodate requirements for environmental documentation and monitoring, conservation easements, regulatory design changes, and deletion of emergency dike repairs.

### ACTION

Roundtable Subcommittee members and Agency Liaisons are requested to consider the Level 2 and 3 amendments consistent with the contract amendment process (attached). The Level 1 amendments do not require Ecosystem Roundtable nor Agency Liaison action, and are included for information.

## DISCUSSION

The contract amendment process provides for three levels of amendment depending on the nature and extent of the proposed change (budget, time, or scope). The process for these amendments is discussed on the attached page.

### ***Project Amendments***

Three projects have requested project amendments requiring Ecosystem Roundtable subcommittee action, as follows:

1. **Evaluation of Increasing Tagging Levels for Chinook Salmon and Steelhead and a Demonstration Project on Mass Marketing (Project 98-B15)**

**Issue:** In December 1997, CALFED approved \$625,000 for this study by Northwest Marine Technology Inc. This project has already been granted a Level I amendment, adding \$9500 and extending the scheduled completion by 6 months to August 1999. They have requested an additional \$38,100 to evaluate a wider spectrum of values for the model's parameters (fishing mortality rates, salmon ocean survival rates, hooking mortality rates, impacts in freshwater, etc.) which will necessitate additional work.

**Staff Recommendation:** This cost amendment should be granted since the additional work is needed and can be accomplished efficiently as an extension of on-going work.

2. **Stone Lakes NWR Land Acquisitions (98-F12)**

**Issue:** In August 1998, CALFED approved \$1,900,000 for the acquisition of land at the Stone Lakes NWR. This acquisition would permanently protect and restore important Delta smelt habitat, vernal pool species, and help improve the health of the Bay-Delta ecosystem and the Cosumnes and Mokelumne rivers flood plains. The proposal identified two parcels for a total of \$3,346,700, however the actual award was for one only parcel. The Fish and Wildlife Service offered to purchase that parcel but the seller subsequently entered into an agreement to sell their parcel for a mitigation bank. The purchaser has indicated that they may wish to sell the parcel to the Service for long-term management. The Service is also close to finalizing negotiations to acquire the other parcel included in the proposal. The Service is requesting that the agreement be amended to allow the Service the flexibility to acquire either parcel with no change in the approved award of \$1,900,000 and the completion date for the project be amended to March 31, 2000.

**Staff Recommendation:** The amendment is justified due to the changing conditions during the property acquisition process. Staff recommends granting the amendment.

3. **Tuolumne River Setback Levees and Channel Restoration -- 7\11 Segment (Project 97-M09 & 98-F06)**

**Issue:** In December 1997, CALFED approved \$2,801,000 for restoration of a portion of the Mining Reach along the Tuolumne River. In addition, CALFED approved \$655,000 for the Fish and Wildlife Service to relieve a shortfall in the Restoration Fund under the CVPIA. Turlock Irrigation District is requesting a change in scope to delete an emergency dike repair, and accommodate environmental compliance requirements,

monitoring requirements, conservation easements, and design changes in response to regulatory requirements. These changes in scope have increased the cost. In addition, the cost of materials have increased. Turlock Irrigation District, in response to direction from the Contracting Agencies, has successfully reviewed their design to reduce cost increase by nearly 1.2 million dollars. However, the net increase is \$707,000.

Turlock Irrigation District is also requesting authority to negotiate a sole source contract with the gravel operator currently operating on the property (7\11 Materials).

**Staff Recommendation:** The amendment is justified due to the changed conditions from the proposal to the construction phase. Sole-source, negotiated contracting will require careful attention from Turlock Irrigation District. Staff recommends granting the amendment.

## Contract Amendment Process

### Level 1 Amendments

Level 1 amendments would be defined as (a) cumulative time extensions up to nine months, (b) changes in scope of services which will not alter the final outcome of the project, and (c) budget increases not to exceed a total of \$25,000 for each contract. Decisions on amendments at this level would be made by contracting agency staff after consulting with CALFED staff. Contracting agencies may delegate decision-making to the Executive Director of the CALFED Bay-Delta Program, as appropriate.

### Level 2 Amendments

Level 2 amendments consist of requests for (a) cumulative time extensions over 9 months, or (b) cumulative budget increases up to 30% of the contract amount, but not greater than \$500,000 or (c) changes in scope of services which alter the final outcome of the project.

These amendment requests would be considered by an Ecosystem Roundtable subcommittee which would meet in a publicly noticed meeting and consider each amendment in detail. The Ecosystem Roundtable members would provide review and comment on the proposed amendments. A group of Management Team members would participate in reviewing the contract amendments at the same meeting with members of the Roundtable subcommittee. The Management Team subgroup would then make their recommendation with the input from the Ecosystem Roundtable members. The Management Team subgroup could decide whether an individual item merits full Management Team review and discussion, and/or Policy Group review. If an item is identified as not meriting additional discussion, then the Management Team subgroup's recommendation would be transmitted directly to the appropriate contracting agency. Interior, Resources Agency, and the Environmental Protection Agency would have the final approval over their respective funding sources.

### Level 3 Amendments

Level 3 amendments consist of amendment requests of cumulative budget increases of 30% or more of the contract amount or over \$500,000. Level 3 amendments will be reviewed through the same process as Level 2 amendments, but will need to be presented to the Policy Team who will transmit their recommendation to the respective funding source.

### Reporting

The Management Team, Policy Group, Ecosystem Roundtable and BDAC would have all amendments reported to them as information items.