



## Memorandum

Date: July 5, 2000

To: Ecosystem Roundtable Project Amendment Subcommittee

From: Wendy Halverson Martin

Subject: Requests for Project Amendments

### SUMMARY

Six projects have requested a Level 1 amendment and three projects have requested a Level 2 amendment.

The following 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	
Benicia Waterfront Marsh Restoration - Phase I (98-F17) City of Benicia	None	None	9 months (to March 2001)	Unanticipated delays.
Cottonwood Creek Watershed Group Formation (98-E05) Cottonwood Creek Watershed Group	None	None	8 months (to Dec 2000)	Unanticipated delays in hiring coordinator and establishing office.
Fern-Headreach Tidal Perennial Aquatic and Shaded River Aquatic Conservation Project (98-F16) Thomas Luckey (L & L Farms, LLC)	None	None	6 months (to June 2000)	Unanticipated delays in environmental documentation and reimbursement verification.
RD 2035 Fish Screen (98-N01) RD 2035	None	None	7 months (to Sept 2000)	Unanticipated delays in preparation of subcontracts.

**CALFED Agencies**

**California**  
The Resources Agency  
Department of Fish and Game  
Department of Water Resources  
California Environmental Protection Agency  
State Water Resources Control Board  
Department of Food and Agriculture

**Federal**  
Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Geological Survey  
Bureau of Land Management  
U.S. Army Corps of Engineers

Department of Agriculture  
Natural Resources Conservation Service  
U.S. Forest Service  
Department of Commerce  
National Marine Fisheries Service  
Western Area Power Administration

**Level 1 Project Amendments**

Project and Proponent	Change Requested			Reason for Amendment
	Budget	Scope	Time	
Butte Creek Riparian Restoration Demonstration (98-F24) CSU, Chico	None	None	9 months	Unanticipated delays in preparation of subcontracts.
Introduced Spartina Eradication Project (99-F09) California Conservation Conservancy	\$25,000 (3.7 percent)	Complete EIR/EIS for overall eradication effort.	9 months	Provide cost share for completion of EIR/EIS for overall eradication effort.

The following projects have requested a Level 2 project amendment. These amendments require Ecosystem Roundtable and Agency Liaison action.

**Level 2 Project Amendments**

Project and Proponent	Change Requested			Reason for Amendment
	Budget	Scope	Time	
Butte Creek Watershed (98-F01) CSU, Chico	None	None	15 months (to Dec 2000)	Unanticipated delays in contracting resulted in missing a sampling season.
Anadromous Fish Passage at Clough Dam on Mill Creek (98-B21) DWR	None	Eliminate screen design and construction (tasks 1 and 2) and apply funds to contingency fund.	12 months (to Dec 2001)	Screen constructed by DFG. Unanticipated delays in reaching agreement with landowners.
Grayson River Ranch Perpetual Easement and Restoration (98-F07) East Stanislaus RCD and Friends of the Tuolumne	None	Redirect unspent conservation easement funds to adjacent floodplain property.	None	AFRP acquired easement on parcel named in proposal to accommodate landowner's wishes for expedience.

**ACTION**

Ecosystem Roundtable Subcommittee members and Agency Liaisons are requested to consider the Level 2 amendments consistent with the contract amendment process (attached).

**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**

The following projects have requested a project amendment requiring Ecosystem Roundtable subcommittee action, as follows:

### **1. Butte Creek Watershed (98-F01)**

**Issue:** In February 1998, CALFED approved \$294,000 for the California State University, Chico to develop a Butte Creek watershed education project; complete the Butte Creek watershed road survey in the upper Butte Creek watershed; and conduct a geomorphology analysis of lower Butte Creek. Because the CALFED grant was not signed until September, two of the weather-dependent projects (upper watershed road survey and fluvial geomorphological survey) were delayed by a sampling season. The proponent requests a time extension of 15 months.

**Staff Recommendation:** The time extension is reasonable and should be granted.

### **2. Anadromous Fish Passage at Clough Dam on Mill Creek (98-B21)**

**Issue:** In September 1998, CALFED approved \$1,280,000 for the Department of Water Resources to provide final design and construction of fish passage facilities for Clough Dam. The dam has been partially damaged by a winter washout, and DWR, DFG, and USBR are working together to remove the dam permanently. DWR has recently reached agreement with the landowners, who wish to proceed with the project. The delay in reaching consensus has delayed the project, and DWR requests a 12-month time extension. In addition, tasks 1 and 2 of the project (screen design and construction) have been completed by DFG, and DWR requests that the money budget for these purposes (\$65,000) be kept for construction contingencies.

**Staff Recommendation:** The time extension is reasonable and should be granted. The change in budget is unreasonable. If the project needs additional funds to meet additional construction at some future date, the project should then seek an amendment. The contract should be amended to eliminate tasks 1 and 2 and reduce the budget by \$65,000.

### **3. Grayson River Ranch Perpetual Easement and Restoration (98-F07)**

**Issue:** In September 1998, CALFED approved \$732,000 for the East Stanislaus Resource Conservation District and Friends of the Tuolumne to acquire a conservation easement and restore approximately 140 acres of historic flood plain. The lower Tuolumne is cultivated down to the bank and has extensive dikes that prevent natural river hydrology and fluvial processes. Much of the floodplain has been converted to agricultural uses and their riparian woodlands removed. The cooling effect of shade, and cover and protection to salmon and steelhead trout has been greatly reduced. Roosting and nesting habitat for birds has disappeared.

The landowner of the property identified in the proposal sought to expedite the acquisition of the easement, and \$377,200 of USFWS AFRP funds were used for most of the easement expense, with only \$26,250 of CALFED easement acquisition funds needed, leaving \$386,950 unspent. The proponent requests that the unspent funds be redirected to acquire another conservation easement on property adjacent to the Grayson River Ranch.

**Staff Recommendation:** The change in scope is consistent with the goals of CALFED and the NRCS Wetland Reserve Program, and should be granted.

## **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.