



**TRLIA**  
**33<sup>rd</sup> QUARTERLY WORK PLAN**  
**FOR**  
**FEATHER RIVER LEVEE**  
**IMPROVEMENT PROJECT**

- 1. 33<sup>rd</sup> Quarterly Work Plan for quarter: April 1 – June 30, 2016**
- 2. Date of Report: April 25, 2016**
- 3. 33<sup>rd</sup> Quarter Work Plan Summary:**

Per DWR's direction provided on December 23, 2015, because there are no outstanding construction elements and DWR is no longer releasing advances for the FRLIP, analysis of projected costs have been excluded from this Report. In addition, Section 5 of this report has been reduced to reflect fact that there is no longer a need to provide a request for advances.

**4. Project Element Information:**

- **Project Element Information:**

- On March 7, 2016 TRLIA requested DWR to make a 4<sup>th</sup> amendment to the Feather EIP funding agreement to June 30, 2017 in order to allow for property transfer actions to occur.
- All Project Elements and Features: The 3<sup>rd</sup> Funding Agreement Amendment was approved on May 28, 2014, which extended the Funding Agreement date to June 30, 2016.
- *Effective the 29<sup>th</sup> quarter the narrative text for completed Elements and Features have been deleted from the report. The deleted items will continue to be shown in the schedule and financial update portions of the report.*

- **Engineering and construction matters:**

- **Element 1 - Land Acquisition**

- **Feature 1 (Segment 2/Setback Levee)**

- **Land Transfer:** During the 33<sup>rd</sup> quarter TRLIA will continue to work on transferring property to the state. The actual land transfer to the state by the current as Feather EIP funding agreement termination date (June 30,

2016) became problematic during the 30<sup>th</sup> quarter. TRLIA and the state have made good progress on resolving FAP and cadastral issues, but the implementation of the cadastral solutions is taking a long time due to the extra work needed with the former property owners.

**This item is listed in the Issues/Concerns portion of this report.**

- **Final Accounting Packages (FAPs) and Cadastral Requirements:**  
During the 33<sup>rd</sup> quarter TRLIA will continue to finalize FAPs and resolving cadastral issues as they come up. DWR and TRLIA have agreed to a solution that will resolve the cadastral requirements for Segment 2. Cadastral has given conditional approval for the Foster, Nieschulz, and Souza properties, with requirement that the deeds be re-recorded or that corrective deeds be recorded to correct cadastral errors in the TRLIA recorded real estate description. All three properties have been re-recorded with corrective deeds.

TRLIA will continue to work with the state to finalize FAPS as indicated in Table 1.

**Table 1 – List of FAPs and Cadastral Approval Status**

Number	CVFPB #	Owner	Number of Parcels	DWR RE Approval Status	DWR Cadastral Approval Status
1	14001	J.M. Smith	2	Approved 8-20-2015	Pending
2	14002	Danna	3	Approved 11/5/15	Approved 4-8-14
3	14003	Mann	1	Approved 1-7-2015	Approved 3-27-14
4	14004	Mann	1	Approved 11-14-2014	Approved 4-8-14
5	14005	Davit	1	Approved 8-28-2015	Approved 4-8-14 8-28-2015
6	14006	Terry	1	Approved 9/22/15	Approved 2-2-2015
7	14007	Naumes	4 (2 in Sutter County)	Approved 4-14-2010	Approved 4-10-14
8	14008	T. Rice	1	Approved 6-25-2014	Approved 4-10-14
9	14009	B. Heir	1	Approved	Approved

<b>Number</b>	<b>CVFPB #</b>	<b>Owner</b>	<b>Number of Parcels</b>	<b>DWR RE Approval Status</b>	<b>DWR Cadastral Approval Status</b>
				3-6-2012	4-8-14
10	14010	Dang	1	Approved 2-22-2013	Approved 4-8-14
11	14011	Uppal	1	Approved 6-25-2014	Approved 3-27-14
12	14012	Anderson	2	Approved 6-25-2014	Approved 3-27-14
13	14013	Nordic	1	Approved 12-12-2012	Approved 3-27-14
14	14014	Johl	1	Approved 3-4-2010	Approved 3-27-14
15	14015	Webb	1	Approved 3-4-2010	Approved 3-27-14
16	14016	H&H Trenching	1	Approved 3-4-2010	Approved 3-27-14
17	14017	P.F. Rice	1	Approved 6-25-2014	Approved 3-27-14
18	14018	Hadley	1	Approved 10-16-2013	Approved 3-27-14
19	14019	T. Miller	1	Approved 1-7-2013	Approved 3-27-14
20	14020	Maxey	1	Approved 3-4-2010	Approved 3-27-14
21	14021	P. Heir	1	Approved 3-9-2012	Approved 4-8-2014
22	14022	Foster Residence	1	Approved 1-7-2015	Conditionally Approved 1-28-2015
23	14022	Foster	5	Approved 1-7-2015	Conditionally Approved 1-28-2015
24	14023	L. Nieschulz	1	Approved 10/23/15	Conditionally Approved 1-28-2015
25	14024	Souza	1	Approved 1-3-2013	Conditionally Approved 1-28-2015

Number	CVFPB #	Owner	Number of Parcels	DWR RE Approval Status	DWR Cadastral Approval Status
26	14025	Herold	1	Approved 6-25-2014	Conditionally Approved 4-8-14
27	14026	Flores	1	Approved 6-15-2011	Approved
28	14027	Foster, et al bar property	1	Approved 6-25-2014	Conditionally Approved
29	14078	S. Nieschulz	1	Approved 11/5/15	Conditionally Approved
			<b>40</b>	<b>29/29</b>	<b>28/29</b>

- Tables 2 – 4 provide the FAP status.

**Table 2** – Final Accounting Packages at DWR for Approval - None

**Table #3** – Final Accounting Packages APPROVED by DWR

CVFPB	APN	OWNER	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	STATE REMAINING BALANCE
14001	013-010-046; 013-010-026	J.M.Smith, et al.	\$289,900.00	\$235,967.29	\$125,810.29
14002	013-010-010; 013-010-035	Danna Investments	\$1,301,597.17	\$1,078,042.65	\$(140,293.78)
14003	013-010-013	Joga S. Mann, et ux	\$1,458,474.69	\$1,207,975.83	\$172,668.33
14004	013-010-016	Joga S. Mann, et ux	\$11,200.00	\$9,276.36	\$9,276.36
14005	013-010-014	Satinder N. Davit, et ux	\$2,975,063.08	\$2,464,084.10	\$(7,192.49)
14006	014-240-022	Nora Lee Terry Trust	\$128,800.00	\$106,678.08	\$1,649.03
14007	014-250-028; 014-250-027	Naumes, Inc.	\$17,548,012.12	\$14,534,070.85	\$(4762.41)
14008	014-250-029	T. Rice, et. ux.	\$211,721.00	\$175,357.07	\$38,294.09
14009	014-290-004	B. Heir, et al.	\$546,122.12	\$452,323.46	\$(1.07)
14010	014-290-033	Quinn X. Dang	\$330,000.00	\$273,321.18	\$(717.80)

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<b>CVFPB</b>	<b>APN</b>	<b>OWNER</b>	<b>SETTLEMENT AMOUNT / TOTAL CLAIMED</b>	<b>STATE SHARE OF SETTLEMENT</b>	<b>STATE REMAINING BALANCE</b>
14011	014-290-034	R.S. Uppal, et. ux.	\$731,350.00	\$605,737.71	\$302,886.02
14011	014-290-034	R. S. Uppal (excess land sale)	\$(388,321.00)	\$(321,625.31)	\$(321,625.31)
14012	014-370-039; 014-370-006	Gene R. Anderson	\$536512.24	\$444,364.12	\$173,782.11
14013	014-370-036	Nordic Industries, Inc.	\$1,125,000.00	\$931,776.75	\$(317,556.30)
14014	014-370-037	Jaspal S. Clar, et ux (Johl)	\$781,000.00	\$646,860.13	\$825.13
14015	014-370-026	R. E. Webb, et ux	\$785,000.00	\$650,173.11	\$0
14016	014-037-003	H&H Trenching, Inc.	\$293,500.00	\$243,090.20	\$4,140.08
14017	014-370-007	P.F. Rice, et ux	\$382,500.00	\$316,804.10	\$(2,164.88)
14018	014-370-033	Harold D. Hadley, Jr., Trust et al.	\$432,154.40	\$357,930.15	\$36,767.81
14019	014-370-033	T. Miller	\$1,020,000.00	\$844,810.92	\$0
14020	014-370-024	Steve Maxey, et ux	\$495,000.00	\$409,981.77	\$0
14021	014-370-017	P. Heir	\$18,500.00	\$15,322.55	\$0
14022	016-010-008	Foster Residence	\$51,404.99	\$42,575.98	\$22,830.03
14022	014-370-030; 014-370-029; 016-010-002; 016-010-007; 016-020-005	Foster Ranch	\$4,946,084.19	\$4,096,574.45	\$49,863.80
14023	016-010-006	Lloyd R. Nieschulz, et al.	\$43,771.96	\$36,253.95	\$21,495.63
14024	016-010-015; 016-010-016	F.D. Souza Trust	\$900.00	\$745.42	\$745.42
14025	016-010-009	Eleanor Herold	\$419,524.50	\$347,469.49	\$297,309.76
14026	016-010-010	Herminita Flores and Mark Aldrin Flores	\$167,000.00	\$138,317.08	\$(0.39)
14027	016-010-001	Foster et al Bar Property	\$105,000.00	\$86,965.83	\$1,113.88
14078	016-010-016	Susanna M. Nieschulz Trust	\$1,406,403.88	\$1,164,848.39	\$19,362.66

**Table #4 – Relocation Final Accounting Packages Approved by DWR**

CVFPB	OWNER	SETTLEMENT AMOUNT	STATE SHARE	F.A.P. APPROVED	STATE REMAINING BALANCE
14002	Eden (Danna)	\$126,218.86	\$94,881.06	1/17/2013	\$(14,592.82)
14014	Mincher (Johl)	\$21,238.91	\$17,591.04	3/16/2012	\$(105,086.48)
14014	Johl	\$1,882.75	\$1,559.38	3/21/2012	\$ see Mincher above
14015	Webb	\$307,767.36	\$155,296.13	10/7/2013	\$99,610.91
14016	Timmins (H & H)	\$26,331.00	\$21,808.55	3/21/2012	\$(21,674.37)
14017	Cummings (P.F.Rice)	\$900.00	\$745.42	11/8/2012	\$745.42
14019	Miller	\$149,688.50	\$123,978.90	1/17/2013	\$(31,317.23)
14025	Herold	\$195,000.00	\$161,507.97	8/15/2012	\$161,507.97

- **Feature 2 (Segment 3):**
  - **Land Transfer:** During the 33<sup>rd</sup> quarter TRLIA and the state will continue to have discussions pertaining to land transfer.
  - **FAPs and Cadastral:** During the 33<sup>rd</sup> quarter TRLIA will continue to work with the state to finalize FAPs and cadastral requirements. The information below in Tables 5 to 11 reflect the recent Real Estate actions and lists the status of the Segment 3 Final Accounting Packages:

**Table 5: Segment 3 - List of FAPs and Cadastral Approval Status**

Number	CVFPB #	OWNER	Number of Parcels	DWR RE Approval Status	DWR Cadastral Approval Status
1	14000	Steven Stewart, et ux	1	Approved 7-7-2014	Pending
2	14001	J.M. Smith	1	Approved 10/21/14	Pending
3	14028	Trumon G. Cooper Trust	3 different acquisitions. 2 resulted in Eminent Domain Action. The 3rd was a small portion of previously abandoned Virginia Avenue was granted willingly.	Approved 10/29/15	Pending

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<b>Number</b>	<b>CVFPB #</b>	<b>OWNER</b>	<b>Number of Parcels</b>	<b>DWR RE Approval Status</b>	<b>DWR Cadastral Approval Status</b>
4	14029	RB Sartori (formerly Wilbur)	2	Approved 10/30/15	Approved 10-22-2015
5	14030	Jourbee Khang, et ux	1	Approved 2-5-2013 & 4-17-2013	Pending
6	14031	State of California	1	Approved 5-24-2011	Approved 10-22-2015
7	14032	R.D. 784	1	Pending	Approved 10-22-2015
8	14033	Henry P. Smith	2	Approved 10/30/15	Approved 10-22-2015
9	14034	Linda County Water District	3	Approved 9/24/14	Approved 10-22-2015
10	14036	Richard G. Wilbur Trust	1	Approved 10/30/15	Approved 11/24/15
11	14037	E Street MX, Inc.	1	Approved 8-10-2015	Approved 11-24-2015
12	14038	John Roth	1	Approved 7-7-2014	Approved 11-24-2015
13	14039	California Capital Loans	1	Approved 7-7-2014	Approved 11-24-2015
14	14040	John Roth	1	Approved 7-7-2014	Approved 11-24-2015
15	14041	Carolyn J. & Gary D. Tindel	1	Approved 7-7-2014	Approved 11-24-2015
16	14042	Salvation Army	2	Approved 11/5/15	Pending
17	14043	Forrest Ray Miller	1	Approved 8-10-2015	Pending
18	14044	Vernon Adams	1	Approved 7-7-2014	Pending
19	14045	Ronald R. & Marcia E. Wessels	1	Pending	Pending
20	14046	Roadway	1	Pending	Pending
			<b>27</b>	<b>17/20</b>	<b>11/20</b>

**Table 6 – Segment 3 – Parcels Not Yet Acquired**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	COMMENTS
14029	020-330-007	RB Sartori (formerly Wilbur)	In Process				RON approved; ED Check requested
14032		RD 784	In Process				Will obtain at no cost
14046		Roadway	In Process				No ownership information available; still working with Title; may require legal action

**Table 7– Segment 3 – Parcel Acquisitions and Final Accounting Packages being completed by BRI**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance
14045	020-440-017	Max Hoseit (acquired by foreclosure from Ronald R. & Marcia E. Wessels)	Settled		\$7,000		Waiting on Final Policy of Title

**Table 8– Segment 3 – Parcel Acquisitions and Final Accounting Packages at Downey Brand for Review**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance	COMMENTS
None								



**Table 9 – Segment 3 – Final Accounting Packages at DWR for Approval**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance
None							

**Table 10 – Segment 3 – Final Accounting Packages Approved by DWR**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance
14000	013-010-045	Steven Stewart, et ux	Complete	Approved	\$1,650.00	\$1,155.00	\$875.00
14001	013-010-046; 013-010-026	J.M. Smith, et al.	Complete	submitted	\$22,000.00	\$15,400.00	\$15,400.00
14036	020-330-010	Richard G. Wilbur Trust	Completed	submitted	\$5,480	\$3,836	\$3,836
14028	020-360-060; 020-360-061; 020-360-062	Trumon G. Cooper Trust	Escrow Closed	submitted	\$21,500.00	\$15,050.00	\$4,550.00
14031	020-330-008	State of California	Complete	Approved	\$7,100.00	\$4,970.00	\$(7,539.00)
14030	020-360-022	Jourbee Khang, et ux	Complete	Approved	\$72,500.00	\$50,750.00	\$41,790.00
14033	020-010-023	Henry P. Smith	Escrow Closed	submitted	\$46,300.00	\$32,410.00	\$32,410.00
14034	020-360-054; 013-010-001; 013-010-002; 013-010-045	Linda County Water District	Complete	Approved	\$6,800.00	\$4,760.00	\$4,760.00
14037	020-091-026	E Street MX, Inc.	Complete	Approved	\$2,550.00	\$1,785.00	\$1,785.00
14038	020-091-028	John Roth	Complete	Approved	\$750.00	\$525.00	\$525.00
14039	020-091-027	California Capital Loans	Complete	Approved	\$1,000.00	\$700.00	\$700.00
14040	020-091-026	John Roth	Complete	Approved	See 14038		
14041	020-091-002	Carolyn J. & Gary D. Tindel	Complete	Approved	\$5,580.00	\$3,906.00	\$3,906.00

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P. (target to be submitted to DWR)	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance
14042	020-091-004; 020-091-005	Salvation Army	Complete	Approved	\$62,600.00	\$43,820.00	\$43,820.00
14043	020-091-006	Forrest Ray Miller	Complete	Approved	\$1,650.00	\$1,155.00	\$1,155.00
14044	020-091-007	Adams	Complete	Approved	\$1,000.00	\$700.00	\$700.00

**Table #11 – Segment 3 - Relocation Final Accounting Packages Approved by DWR**

CVFPB	OWNER	SETTLEMENT AMOUNT	STATE SHARE	F.A.P. APPROVED	STATE REMAINING BALANCE
14042	Salvation Army	\$1,295.00	\$906.50	1/17/2014	\$906.50

➤ **Element 2: Feather River Segment 2 setback levee w/o tie-ins and new levee construction requiring federal action (except as noted in features):**

- Feature 1.2 Permitting:
  - During the 32<sup>nd</sup> quarter TRLIA submitted the Draft of the Complete Substantial Evidence Report for the Urban Levee Design Criteria compliance to the Independent Expert Panel (IEP) for review. During the 33<sup>rd</sup> quarter TRLIA will resolve the IEP comments on the Draft Engineer’s Report and revise the Draft Engineer’s Report to reflect resolutions. The revised Substantial Evidence Engineer’s Report will be used to support an Adequate Progress towards an Urban Level of Protection Finding for the RD 784 Levee System. Yuba County is expected to adopt this finding in the 34<sup>th</sup> quarter.
  - The OMRR&R Agreement was approved and signed by CVFPB, TRLIA and RD784 in August 2011. TRLIA will continue to perform its obligations under this Agreement during the 33<sup>rd</sup> quarter.
- Feature 1.3 Right of Way Support:
  - Both legal and real estate activity will continue during the 33<sup>rd</sup> quarter to support the ongoing land acquisition activities associated with Project Element 1 Feature 1.

- During the 33<sup>rd</sup> quarter TRLIA will continue to work with DWR on developing the process to transfer property to the state. This action is also necessary for Project Element 1 Feature 2, and Project Element 8 Feature 1 property transfers. TRLIA will capture the cost of this effort for all three Project Element Features in this feature.
- Feature 4 Environmental and Cultural Mitigation:
  - The maintenance of the Vegetated Wind Wave Buffer is scheduled to transfer from TRLIA (River Partners) to RD784. The Vegetated Wave Buffer was authorized by CVFPB encroachment permit (#18556 BD). The maintenance cost once the transition to RD784 has occurred will be paid for by revenues received from the TRLIA Benefit Assessment District. Long Term Maintenance will follow the directions given in the May 2014 Version of the Combined O&M Addendums for RD 784 which incorporates guidance in Permit # 18556 which is essentially debris removal and vegetation control.
  - Elderberry Mitigation Area maintenance and monitoring will continue in the 33<sup>rd</sup> quarter. Encroachment permit #18637 for the Feather River Elderberry Transplant (FRET) Mitigation Area was approved by the CVFPB. River Partners performed O&M work under a TRLIA contract. Much of the FRET is now into long term maintenance, which generally requires only debris removal. Biological Opinions issued for the FRET by the USFWS require monitoring for at least 10 years after each area has been planted. This monitoring generally occurs in May and June. The long term care of the FRET is planned to be incorporated into the third party management plan being created for the FESSRO advanced mitigation project planned in the Feather Setback area as a separate independent element.
  - Environmental Mitigation/Restoration: Environmental monitoring of the Wetlands Mitigation, Swale Mitigation Areas will continue in the 33<sup>rd</sup> quarter. The 404 permit requires monitoring and maintenance to be performed until June 2019 and evidence that the mitigation area has been self-sustaining for three years. The long term care of the wetlands and swale is planned to be incorporated into the third party management plan being created for the FESSRO advanced mitigation project planned in the Feather Setback area as a separate independent element.
  - Cultural Mitigation: Monitoring of the planting at the Cultural Site will continue during the 33<sup>rd</sup> quarter. The long term care of the Cultural Site is planned to be incorporated into the third party management plan being created for the FESSRO advanced mitigation project planned in the Feather Setback area as a separate independent element.

- Feature 5 O&M Manual:
  - This Feature is **considered completed** – This item has very little costs allocated to the Feature, a separate retention request would not be efficient and worthwhile to process. Retention release for this item will be requested later with another separate larger milestone.

A comprehensive O&M Addendum for Segments 1, 2, and 3 was issued on December 12, 2011. RD 784 has the Segments 1, 2, and 3 manual and is using it to perform O&M. USACE requested that one combined O&M Addendum which includes all Addendums for the RD 784 Levee System be prepared. A draft Combined Addendum was submitted to the CVFPB on January 8, 2014. USACE has completed an internal review of the combined Addendum. USACE has concerns with elements that they do not consider to be part of the Federal Project being in a federal version of a combined manual. USACE is preparing their draft version of what the combined addendum should be and will submit that to CVFPB as the manual to follow for maintenance of the Federal Project. The USACE Project Manager is addressing internal review comments on the combined manual. The draft combined O&M Addendum submitted to USACE included O&M for areas for which TRLIA has committed to provide O&M. These portions of the draft Manual will need to be captured, presented in a separate supplement to the federal version of the combined O&M Manual, and followed in order to meet past commitments. RD 784 continues maintenance for the levee system following the directions contained in the Combined RD 784 O&M Manual. USACE provided TRLIA a draft version of their revised combined manual in the 31<sup>st</sup> quarter. TRLIA reviewed this draft and submitted comments to USACE in the 32<sup>nd</sup> quarter. TRLIA will work with USACE in the 33<sup>rd</sup> quarter to reach resolution on a final USACE O&M Manual version. TRLIA will also work with the CVFPB to ensure that important features that may have been left out of the USACE version continue to receive the maintenance they require.

➤ **Element 5:** Feather River Segment 3 levee improvement:

- Feature 1.2 Permitting:
  - See Element 2, Feature 1.2 for additional information
- Feature 1.3 Right of Way Support:
  - Both legal and real estate activity will continue during the 33<sup>rd</sup> quarter to support the ongoing land acquisition activities associated with Project Element 1 Feature 2.

➤ **Element 6:** Feather River Land Management:

- Feature 1 Environmental Maintenance Activities: Environmental monitoring of the Elderberry Mitigation Area, Wetlands, and Swale will continue in the 33<sup>rd</sup> quarter.
- Feature 2 Lease Back Activities (e.g. farming):
  - During the quarter funds will be received and reported to DWR within the quarterly progress reports, and the State share of these funds will be used to offset the remaining funding due to TRLIA through the EIP funding agreement. Lease revenues are held in separate funds at Yuba County and interest earned on these funds is accounted for as well.

As part of the June 11, 2014 notice of retention release, the State has deducted a total of \$286,783.13 for lease revenues received through March 31, 2014 from the retention release. March 31, 2014 is the new baseline for accumulated Ag revenues that are due to DWR.

- **Agriculture Leases:** TRLIA has 7 farming leases in the Feather Setback area. Management of farm leases will continue in the 30<sup>th</sup> quarter.

The leases are listed below. During the 18<sup>th</sup> quarter the acreages of the parcels were found to be off based on survey information. The updated acreages are shown below in red if a change was found.

1. Foster (016-020-005, 014-370-030, 014-370-029, 016-010-002, 016-010-007) - 248 (239.6) Acre Walnut Orchard. Term of lease January 1, 2009 through December 31, 2014. Rent is 10% of the Adjusted Gross Income. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.
2. T. Miller (014-370-033) – 20 Acre Walnut Orchard. Term of lease August 16, 2008 to August 15, 2013. Rent is 10% of the Gross Sales. During the 22<sup>nd</sup> quarter TRLIA- extended the lease to June 30, 2014. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.
3. Maxey (014-370-024) – 27.38 (28.8) Acres Walnut, persimmons, mandarins, chestnuts and jujube Orchards. Term of lease August 16, 2008 to August 15, 2013. Rent is 10% of the Gross Income on walnuts and 10 % of the Adjusted Gross Income for other crops. During the 22<sup>nd</sup> quarter TRLIA extended the lease to June 30, 2014. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.

4. Hadley (014-370-020) – 9 (6.3) Acre Walnut Orchard. Term of lease November 1, 2008 to November 30, 2013. Rent is 10% of the Gross Sales. During the 22<sup>nd</sup> quarter TRLIA is extended the lease to June 30, 2014. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.
5. Davit (013-010-014) – 99 (81.9) Acre Walnut & Peach Orchard. Term of lease October 21, 2009 to December 31, 2014. Rent is 10% of the Adjusted Gross Income. Davit was allowed to remove the peach orchard (found to be too old) and replace with walnuts at his own risk, since there is no guarantee the state will extend the lease. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.
6. F. Miller (014-370-003 and 014-370-037) – 66 Acres Walnut Orchard. Term of lease July 21, 2010 through December 31, 2013. Rent is 30% of the Gross Income. During the 22<sup>nd</sup> quarter TRLIA extended the lease to June 30, 2014. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017.
7. Nieschulz (016-010-016) – 35.07 (30.3) Acres of Orchard trees. Term of lease retroactively to January 1, 2009 and terminating at the end of the 2011 crop year. The lease was executed in September 2010. After the 3 year term, the lease is automatically extended each Jan 1. For the 2010 crop year and all subsequent years Tenant shall pay the amount of 15% of the Gross Income from the property over the course of the applicable prior twelve month period. During the 25<sup>th</sup> quarter the state approved a three year lease extension and the lease was extended to December 31, 2017. This latest extension terminated the automatic extension clause in the lease.

A schedule of payments is shown below for the 33<sup>rd</sup> Quarter: (Note: A Summary of Ag Lease Payments received is also included within the Financial Report of the corresponding QPR submitted during this quarter, the 31st QPR. The payments included within the 31st QPR report reflect agricultural lease revenues received since May 31, 2014.)

- ✓ Foster – A lease payment of 10% is due on June 30th.
- ✓ T. Miller – No lease payment is due.
- ✓ Maxey – No lease payment is due.
- ✓ Hadley – No lease payment is due.

- ✓ Davit – A lease payment of 10% is due on May 1.
- ✓ F. Miller – A lease payment of 30% is due on April 15th.
- ✓ Nieschulz – No lease payment is due.

On June 5, 2014 TRLIA requested DWR modify the existing funding agreement to allow the agricultural lease revenues to work for the broader state-wide flood control and environmental goals by approving the use of the rents collected under the leases to fund long term maintenance to support existing and proposed mitigation areas in the Feather River area. The revenue stream from the leases is a critical source of funding for maintenance of ecosystem restoration work in the Feather setback area. During the 32<sup>nd</sup> quarter DWR senior management has verbally indicated that TRLIA's request has been denied. TRLIA has requested to speak with DWR's senior management on this decision.

**This item is listed in the Issues/Concerns portion of this report.**

- **Revocable Easement and Profit Agreement:** TRLIA had one revocable easement and profit agreement with Thomas Rice in the landside levee toe access corridor. This easement was created as part of an eminent domain acquisition for the Feather Setback levee. This agreement has been terminated. Details of the agreement are listed here:

Rice (014-250-029) – 4.82 Acres of Peach Orchard. This agreement terminated on 1 October 2014. Mr. Rice was notified that his lease will be terminated on September 30, 2014 (end of the 26<sup>th</sup> quarter) by TRLIA letter dated July 16, 2013. This letter was coordinated with DWR and CVFPB in the 21<sup>st</sup> quarter.

- **Interim non-renewable row crop leases:** In the 19<sup>th</sup> quarter 2 interim non-renewable row crop leases (Sharma and Atwal) were approved by TRLIA – they are listed below with the other leases.
  1. Sharma (APN 014-250-027). During the 19<sup>th</sup> quarter TRLIA awarded a non-renewable 2 to 5 year lease to Mr. Sharma (Sunrise Orchards) to plant row crops on 537 acres (Naumes Property) within the Feather Setback area. Tenant shall pay to Landlord, in addition to providing a valuable service of maintenance and upkeep of the Property, including maintenance of any wells and pumps, weed abatement, controlling of trash dumping, pest control pertaining to the crop being grown, and property surveillance, an annual rent for the Premises in the amount of the lesser of five percent (5%) of the Gross Income from the Property over the course of the applicable prior twelve-

month period, or an amount equal to \$10,000 per month. Rent shall be paid in arrears, on December 1st of each year.

The term of this Lease shall commence upon August 1, 2012 and terminate on July 31, 2017. The term of this Lease shall be non-renewable. After two years from the commencement date of the Lease, either party to the Lease, and any successors and assigns to the Lease pursuant to Paragraph 33 below, may give 30 days' written notice to terminate this Lease. Notwithstanding the foregoing, Landlord may terminate this Lease at any time on 60 days' notice if Landlord finds it necessary to do so in meeting Landlord's needs, including any federal or state requirements.

2. Atwal (APN 014-290-034). During the 19<sup>th</sup> quarter TRLIA awarded a non-renewable 1 year lease to Mr. Sarbdeep Atwal (Heer/Atwal Orchards) to plant row crops on 23 acres (Uppal Property) of reclaimed borrow area east of the landside levee toe access corridor. The term of this Lease commenced upon September 1, 2012 and shall terminate on August 31, 2013. This lease expired in the 22<sup>nd</sup> quarter.

A schedule of payments is shown below for the 31<sup>st</sup> Quarter: (Note: A Summary of Ag Lease Payments received is also included within the Financial Report of the corresponding QPR submitted during this quarter, the 30<sup>th</sup> QPR. The payments included within the 30<sup>th</sup> QPR report reflect agricultural lease revenues received since May 31, 2014.)

- ✓ Sharma – None is anticipated
- ✓ Atwal – None. Lease terminated in 22<sup>th</sup> quarter.
- Feature 3 Land Maintenance of Setback area (e.g. security and land management activities) post construction and prior to transfer of property to State: TRLIA will continue to manage activities within the 1600 acres that were created by the Setback levee in the 33<sup>rd</sup> quarter. Public Access will be allowed during this quarter. Three onsite cameras will be operating (PS 3, Broadway Ramp, near Star Bend) in the 33<sup>rd</sup> quarter.
- TRLIA will continue to perform interim land operations and maintenance activities for the Feather Setback area per the Setback Area O&M Plan in the 33<sup>rd</sup> quarter. The plan included short-term and long-term operations and maintenance of the borrow sites, security/maintenance road, onsite mitigation areas (wetlands, swale, and elderberry area), farm leases, security of setback area, and trash pickup. During the 31<sup>st</sup> quarter TRLIA experienced increased vandalism and theft in the leased orchards in the setback area. The fencing along portions of the orchards and irrigation



systems were damaged. These items will be repaired in the 32<sup>nd</sup> or 33<sup>rd</sup> quarters. Additional fencing will be placed to protect the leased orchards.

- Heavy rains caused TRLIA to temporarily close public access to the Feather Setback in the 30<sup>th</sup> quarter and during the 31<sup>st</sup> quarter. TRLIA. TRLIA plans to take actions during the 33<sup>rd</sup> quarter (placement of gravel on access corridor) to make the Feather Setback Area public access to be usable during wet weather.
- The Star Bend public entrance to the Feather Setback Area is planned to remain open in the 33<sup>rd</sup> quarter.
- In the 33<sup>rd</sup> quarter TRLIA could participate in meetings and discussions pertaining to the DWR Lower Feather River Floodway Corridor Management Plan. A draft of the Feather River Corridor Plan was sent out for review during the 25<sup>th</sup> quarter (May 2014). DWR needs to finalize and approve the Feather River Corridor Plan because it will impact how TRLIA will manage and transfer the Feather Setback Area.

**This item is listed in Issues portion of this report**

- In the 33<sup>rd</sup> quarter no work is anticipated by TRLIA in preparing a Flood Corridor Program funding application. Per the DWR Flood Corridor Management program the funding for this program has slipped to mid-2016.
- **Element 7:** Project Management, legal support, community relations support, land management support, and overhead
- Activity is anticipated in all Features during the 33<sup>rd</sup> quarter.
  - As reported in the 26<sup>th</sup> QWP TRLIA will continue to use in the 33<sup>rd</sup> quarter the revised allocation of its administration and overhead expenses to reflect an apportionment of these expenses to additional work TRLIA has underway throughout the basin. The revised projections for expenses allocated to the FRLIP have been reduced to reflect a lower allocation.
- **Element 8:** Feather River EIP Land Acquisition; formally Associated Element 1
- Feature 1 Feather Segment 1: The TRLIA Segment 1 Real Estate Plan was approved in November 2011. In the 33<sup>rd</sup> quarter, TRLIA will continue negotiations with the one remaining property owner within Feather Segment 1 to acquire the 50 foot wide levee O&M toe access corridor. It anticipated that the Danna acquisition will be finalized in the 33<sup>rd</sup> quarter.

- Below are tables that reflect the estimated acquisition costs reflected in the Segment 1 Real Estate Plan:

**Table 12: Segment 1- List of FAPs and Cadastral Approval Status**

Number	CVFPB #	OWNER	Number of Parcels	DWR RE Approval Status	DWR Cadastral Approval Status
1	14047	Danna Properties, LP	2	Pending	Pending
2	14048	Danna Properties, LP	1	Pending	Pending
3	14049	Shoei Food USA, Inc.	1	Approved 10/30/15	Approved 1/20/16
4	14029	Valley View Packing Co.	0	Parcel acquisition will be Cancelled	Parcel acquisition will be Cancelled
			<b>4</b>	<b>1</b>	<b>1</b>

**Table 13: Property Not Yet Acquired**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P.	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	COMMENTS
14047	016-120-015; 016-120-016	Danna Properties, LP	NEGOTIATING				Settlement agreement is being proposed
14048	016-120-008	Danna Properties, LP	NEGOTIATING				Settlement agreement is being proposed
14076	016-090-008	Valley View Packing Co.	Cancelled				This parcel will be eliminated; TRLIA will seek an exemption for this very small area.

**Table 14: Properties Acquired & FAP Status**

CVFPB	APN	OWNER	STATUS OF ACQUISITION	STATUS OF F.A.P.	SETTLEMENT AMOUNT / TOTAL CLAIMED	STATE SHARE OF SETTLEMENT	State Remaining Balance
14049	016-060-019	Shoei Food USA, Inc.	closed	approved	\$166,543.17	\$116,580.22	\$116,580.22

- Landside and Waterside Access Toe Corridor License Agreements: During the 22<sup>nd</sup> quarter Shoei was issued a landside access corridor license. It is anticipated that Danna will be issued a landside and waterside license in the 32<sup>nd</sup> or 33<sup>rd</sup> quarter once the above acquisition has occurred.
- **Element 9:** Feather River Segment 1 Levee Improvement (formally Associated Project Element 2)
  - Feature 1.3 Right of Way Support:
    - Both legal and real estate activity will continue during the 33<sup>rd</sup> quarter to support the ongoing land acquisition activities associated with Project Element 8 Feature 1.
- **Element 10 (Added by Amendment 2): Closeout Process post June 30, 2012:**
  - 10.1 Feature 1: Closeout Process post June 30, 2012:
    - In April 2012, DWR released a portion, \$5,000,000 of the retention held on the State’s share of funding for cost incurred by TRLIA. In support of this partial retention release, on August 16, 2012 TRLIA delivered to DWR all of the requested hard copy documentation related to the partial release of retention. TRLIA will supplement the closeout documentation when the final closeout of the project occurs as noted within the closeout documentation report provided with the hard copy transmission of documentation.
    - On January 3, 2013, TRLIA provided DWR with a request for the release of additional retention of the State Cost share for the project. Specifically, TRLIA requested the release of an additional \$1,153,562 of retention based upon additional costs incurred since the April 2012 release of retention and additional progress made toward the completion of project through the 18<sup>th</sup> Quarter. DWR reviewed this request and in response to meetings with TRLIA, TRLIA refined the request and DWR made a determination to release \$2,078,412.40. TRLIA received this retention release on June 25, 2014.

- While the primary outstanding issues associated with closeout are related to Right of Way, the financial closeout of the project will also require additional coordination with DWR. TRLIA will continue to work with the State in the 33<sup>rd</sup> quarter to work toward the final project closeout. In the interim, due to cash flow concerns, TRLIA will be working with DWR to provide additional funding either through an additional partial release of retention based on the completion of outstanding items to date, or true-up payments made for work completed since the last retention release. During the 31<sup>st</sup> quarter, on November 16, 2015, TRLIA received \$462,780 representing State Share funding through the 29th Quarter. TRLIA expects that the State will continue to make similar true-up payments as additional costs are incurred. For example, TRLIA understands that the State is processing a true-up payment for expenses through the 30<sup>th</sup> Quarter (in the amount of \$109k). Continued true-up payments such as these are critical as TRLIA advances toward construction on other projects in partnership with DWR.
- **Environmental matters:**
  - Project Element 2:
    - River Partners will continue to maintain the Feather River Elderberry mitigation area, wetlands, and drainage swale.
- **Status of permits, easements, rights-of-way, and approvals as may be required by other State, federal, and/or local agencies:**
  - **Project Elements 2, 3, 4, 5, 5A, 9, & 9A:**
    - No permit changes are anticipated
    - TRLIA will continue to perform its obligations under the OMRR&R Agreement during the 33<sup>rd</sup> quarter.
  - **Major accomplishments planned for the quarter (i.e. tasks to be completed, milestones to be met, meetings to be held or attended, etc.):**
    - Project Element 8 Feature 1: Complete Danna property acquisition.
- **Issues/concerns that have, will, or could affect the schedule or budget, with a recommendation on how to correct the matter:**
  - **Issue 1:** Land Transfer: The actual land transfer to the state by the current as Feather EIP funding agreement termination date (June 30, 2016) has become

problematic during the 30th quarter.

Recommended Resolution: DWR consider extending the Funding Agreement another year to allow for the land transfer process to unfold and be accomplished. TRLIA submitted a formal request to extend the agreement to June 30, 2017 on March 7, 2016.

- **Issue 2:** During the 18<sup>th</sup> quarter TRLIA requested DWR allow TRLIA to extend orchard leases 1 to 7 for a long term (20 to 30 years) to provide farmers the ability to plan future maintenance and replacement investments for the leased orchards. Late in the 23<sup>rd</sup> quarter DWR granted the leases to be extended for an interim period (3 years - 2017) so that the farmers could continue to maintain the leased orchards. The issue of long term leases for the orchards still needs to be resolved

Recommended Resolution: DWR modify the funding agreement to allow TRLIA to retain the Ag lease property. Thus TRLIA will be the deciding organization on time length of the lease.

- **Issue 3:** TRLIA met with DWR and requested the Department of Water Resources (DWR) put the agricultural leases to work for broader state-wide flood control and environmental goals by approving the use of the rents collected under the leases to fund long term maintenance to support existing and proposed mitigation areas in the Feather River area. The revenue stream from the leases is a critical source of funding for maintenance of ecosystem restoration work in the Feather setback area. During the 32<sup>nd</sup> quarter DWR senior management verbally indicated that TRLIA's request has been denied. TRLIA has requested to speak with DWR's senior management on this decision.

Recommended Resolution: DWR modify the funding agreement to allow TRLIA to retain the Ag lease property. TRLIA would use lease revenues from the existing orchard leases in the Feather setback area to maintain state and TRLIA flood, ecological, agricultural, and recreational activities.

- **Issue 4:** During the 29<sup>th</sup> quarter TRLIA continued to ask DWR to officially approve the draft final Lower Feather River Corridor Plan. DWR needs to finalize and approve the Plan because it will impact how TRLIA and other will manage the Feather floodway corridor.

Recommended Resolution: DWR formally approved the Feather River Corridor Plan

- **Describe differences between the work to be performed and the work outlined in the Overall Work Plan, including anticipated change orders:**
  - On March 7, 2016 TRLIA requested DWR to make a 4<sup>th</sup> amendment to the Feather EIP funding agreement to June 30, 2017 in order to allow for property transfer actions to occur.
  
- **Any litigation, proceedings or claims relating to the Project:**
  - Elements 1 thru 10: None at this time

## **5. Cost Information by Project Element:**

Per DWR's direction provided on December 23, 2015, because there are no outstanding construction elements and DWR is no longer releasing advances for the FRLIP, analysis of projected costs have been excluded from this Report.

- **List of changes planned to Overall Work Plan Budget and revised Overall Work Plan Budget (if needed) :**

No changes are planned at this time. This report reflects modifications provided as part of the modified Overall Work Plan Budget submitted with the 24<sup>th</sup> QPR.
  
- **Projected costs compared to Overall Work Plan Budget:**

This analysis has been excluded per DWR's direction in this and future Quarterly Work Plans. In the future, the associated QPR's will provide an analysis of the actual costs as compared to the Overall Work Plan Budget.

**6. Schedule Information by Project Element:** Shown in the figure below are two schedules: The first is an updated & truncated Exhibit A (overall project schedule) that reflects the Funding Agreement Amendment 3 extension to June 30, 2016. The Second schedule is the proposal shown in Amendment 4.

Contract #00000040, Any-00  
 Addendum to Exhibit A, Attachment 1  
 Page 1 of 1

Project Elements and Features	Project Elements and Features																																				
	2013												2014												2015												
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	
Element 1: Land Acquisition (see real estate Acquisition Plan)																																					
Feature 1 - Feather Segment 2																																					
Feature 1 - Feather Segment 3																																					
Element 2: Feather River Segment 2 setback levee into the-line, new levee construction requiring federal action, and levee degrade (except as noted in features)																																					
Feature 2.1 - all segment 2 Design-Completed																																					
Feature 2.2 - all segment 2 Permitting																																					
Feature 2.3 - all segment 2 ROW support																																					
Feature 2 - all Construction Mang. Completed																																					
Feature 2.1 - Foundation Construction Completed																																					
Feature 2.2 - Embankment Construction Completed																																					
Feature 4 - Environmental & Cultural Mitigation																																					
Feature 3 - all O&M Manual Segment 2 Completed																																					
Element 3: Feather River Segment 2 the-line and new levee construction requiring federal action																																					
Feature 3 - Construction Completed																																					
Element 4: Feather River Segment 2 levee degradation																																					
Feature 4 - Segment 2 Existing Levee Degrade Completed																																					
Element 5: Feather River Segment 3 levee improvement																																					
Feature 5.1 - Design Completed																																					
Feature 5.2 - Permitting																																					
Feature 5.3 - ROW Support																																					
Feature 2 - Construction Mang. Completed																																					
Feature 3 - Construction																																					
Feature 4 O&M manual Completed																																					
Element 5A: Erosion Site 2																																					
Feature 5.1 - Design Completed																																					
Feature 5.2 - Permitting Completed																																					
Feature 5.3 - ROW Support Completed																																					
Feature 2 - Construction Mang. Completed																																					
Feature 3 - Construction Completed																																					
Feature 4 - O&M Manual Completed																																					
Element 6: Feather River Land Management																																					
Feature 1 - Erosion Maintenance																																					
Feature 2 - Levee back activities																																					
Feature 3 - Land Matters/Security																																					
Element 7: Project Management, legal support, community relations support, land management support, and overhead																																					
Feature 5 - TRJA Salaries/Benefits																																					
Feature 6 - TRJA Consultant Exp.																																					
Feature 3 - TRJA Legal Support																																					
Feature 4 - TRJA Travel Expenses																																					
Feature 5 - TRJA General Expenses																																					
Feature 6 - TRJA Insurance																																					
Feature 7 - TRJA Travel																																					
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Element 9: Feather River Segment 1 levee improvement																																					
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Feature 1.2 - ROW Support																																					
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Feature 3 - Construction Completed																																					
Feature 4 - O&M Manual Completed																																					
Element 9A: Feather River Segment 1 Crack Repair																																					
Feature 1.1 - Design & Permitting Completed																																					
Feature 1.2 - ROW Support Completed																																					
Feature 2 - Construction Completed																																					
Feature 3 - O&M Manual Completed																																					
Element 10: Closeout Process post June 30, 2012																																					
Feature 1 - Closeout Process post June 30, 2012																																					

Green: Amendment 2 Yellow: Proposed Amendment 3

**Green:** Schedule before Amendment 3     **Yellow:** Amendment 3 adjustments     **Red:** Proposed (none)

Year		2015												2016												2017											
		Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.
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Feature 1 - Closeout Process post June 30, 2012																																					

**Yellow:** Current Schedule (Amendment 3)

**Green:** Amendment 4 Adjustments



- **A discussion on how the projected schedule compares to original or last reported schedule:**
  - The Second schedule is the proposal shown in Amendment 4.

### **Attachments**

1. None