

STANDARD AGREEMENT - APPROVED BY THE ATTORNEY GENERAL

CONTRACT # CTA-06035	AM. NO. 1
TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION # 94-6000511	

STD. 2 (REV. 5-91)

THIS AGREEMENT, made and entered into this 14th day of December, 2009, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting,

TITLE OF OFFICER ACTING FOR STATE Executive Director	AGENCY California Tahoe Conservancy	, hereafter called the State, and
---	---	-----------------------------------

CONTRACTOR'S NAME County of El Dorado	, hereafter called the Contractor.
---	------------------------------------

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: *(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)*

The Agreement numbered CTA-06035 dated March 16, 2007 (hereafter "the Agreement") between the California Tahoe Conservancy (hereafter "the Conservancy") and the County of El Dorado (hereafter "Grantee") is hereby amended as follows:

CONTINUED ON 1 SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.
IN WITNESS WHEREOF, the parties have executed this agreement hereto, upon the date first above written.

STATE OF CALIFORNIA	CONTRACTOR
AGENCY California Tahoe Conservancy	CONTRACTOR <i>(If other than an individual, state whether a corporation, partnership, etc.)</i> County of El Dorado
BY: Patrick Wright Executive Director	BY: 330 Fair Ln., Placerville, CA 95667

Amount ENCUMBERED BY THIS DOCUMENT \$0	PROGRAM/CATEGORY (CODE AND TITLE)		FUND TITLE	
	(OPTIONAL USE)			
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 1,563,500	ITEM	CHAPTER	STATUTE	FISCAL YEAR
TOTAL AMOUNT ENCUMBERED TO DATE \$ 1,563,500	OBJECT OF EXPENDITURE (CODE AND TITLE)			
<i>I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.</i>		T.B.A. NO.	B.R. NO.	
SIGNATURE OF ACCOUNTING OFFICER X			DATE	

*Department of General Services
Use Only*

- CONTRACTOR
 STATE AGENCY
 DEPT. OF GEN. SER.
 CONTROLLER

1. Paragraph 24, entitled Project Coordinators is amended to read as follows:
“Mark Sedlock (or such other person(s) as the Executive Director may designate from time to time) is designated the Conservancy's Project Coordinator for this grant.”

2. Exhibit A, Conservancy Staff Recommendation containing the Conservancy board resolution of March 16, 2007 is amended through the addition of Exhibit A-1, the revised Conservancy Staff Recommendation.
3. Exhibit B, the estimated Project Schedule and Budget is amended through the addition of Exhibit B-1, the Revised Estimated Project Schedule and Budget.
4. All other terms and conditions of the original Agreement numbered CTA-06035 shall remain unchanged and in full force and effect.

Exhibit A-1

Amended October 20th 2009

Christmas Valley Erosion Control Project

This amendment expands the project boundaries of the existing contract for Christmas Valley 1 for the purpose of using remaining site improvement and acquisition funds, CTA 06 035 and CTA 06 036, in an adjoining area. The adjoining area is Christmas Valley ECP Phase 2, as shown in Attachment 1a. The expansion of the boundaries is consistent with and authorized under the original Christmas Valley 1 staff recommendation which states "Any remaining funds in site improvement projects will be used, if necessary, to extend improvements to adjoining areas". The Board authorized the Christmas Valley Project on March 16, 2007, resolution number 07-03-05. The Board also authorized license agreements on CTC parcels and the MND CEQA for Christmas Valley Phase 2 on May 29, 2009, resolution number 09-05-04.

Project Location Expanded to Include Adjoining Area Phase 2

The Christmas Valley Phase 2 ECP is located on the South Shore of Lake Tahoe, in El Dorado County, south of U.S. Highway 50 in Meyers. The borders of the project area occur at the intersection of Portal Drive and State Route 89 to the south; U.S. Highway 50 to the north; the Upper Truckee River, Minal Street, Blitzen Road, and Wasabe Drive to the west; and Pinewood Drive, Shakori Drive, and Santa Claus Drive to the east (Attachment 1a). The Christmas Valley 2 southern border exactly parallels the Christmas Valley 1 northern border. The borders of the two projects adjoin at the intersection of Portal Drive and State Route 89.

Background

During the initial planning phases, Christmas Valley ECP was one large project. The project split into two phases, 1 and 2, for construction and funding purposes. The construction of Christmas Valley Phase 1 is complete. Phase 2 split into three areas (Areas A, B, C) due to its large size and sub-watershed connectivity, with area A scheduled for construction in fall of 2009. Areas B and C are scheduled for construction in the summer of 2010.

A large erosion control funding balance remains in both the site improvement and acquisition grants budgets from Christmas Valley Phase 1 due to a favorable bid environment and an overestimation of the easement' sizes and values. The remaining erosion control funds from Christmas Valley Phase 1 can help fund erosion control construction and acquisitions activities in the adjoining project, Christmas Valley Phase 2, per the broad authorization given in the initial staff recommendation.

Budget and Schedule

The remaining funds, totaling \$135,762.09 in the erosion control portion of site improvement grant CTA 06035 are allowable for utilization in expanding the project improvements into the adjoining area, Christmas Valley Project Phase 2. Also, the remaining funds in the erosion control portion of the acquisition grant, CTA 06036, totaling \$32,627.80, are also available for use to acquire easements needed for the erosion control improvements in the adjoining area, Christmas Valley Phase 2 ECP. Expanding the project area does not affect the detailed budget breakdown, exhibit B. The schedule for Christmas Valley Phase 2, Areas A-C, is on exhibit B-1.

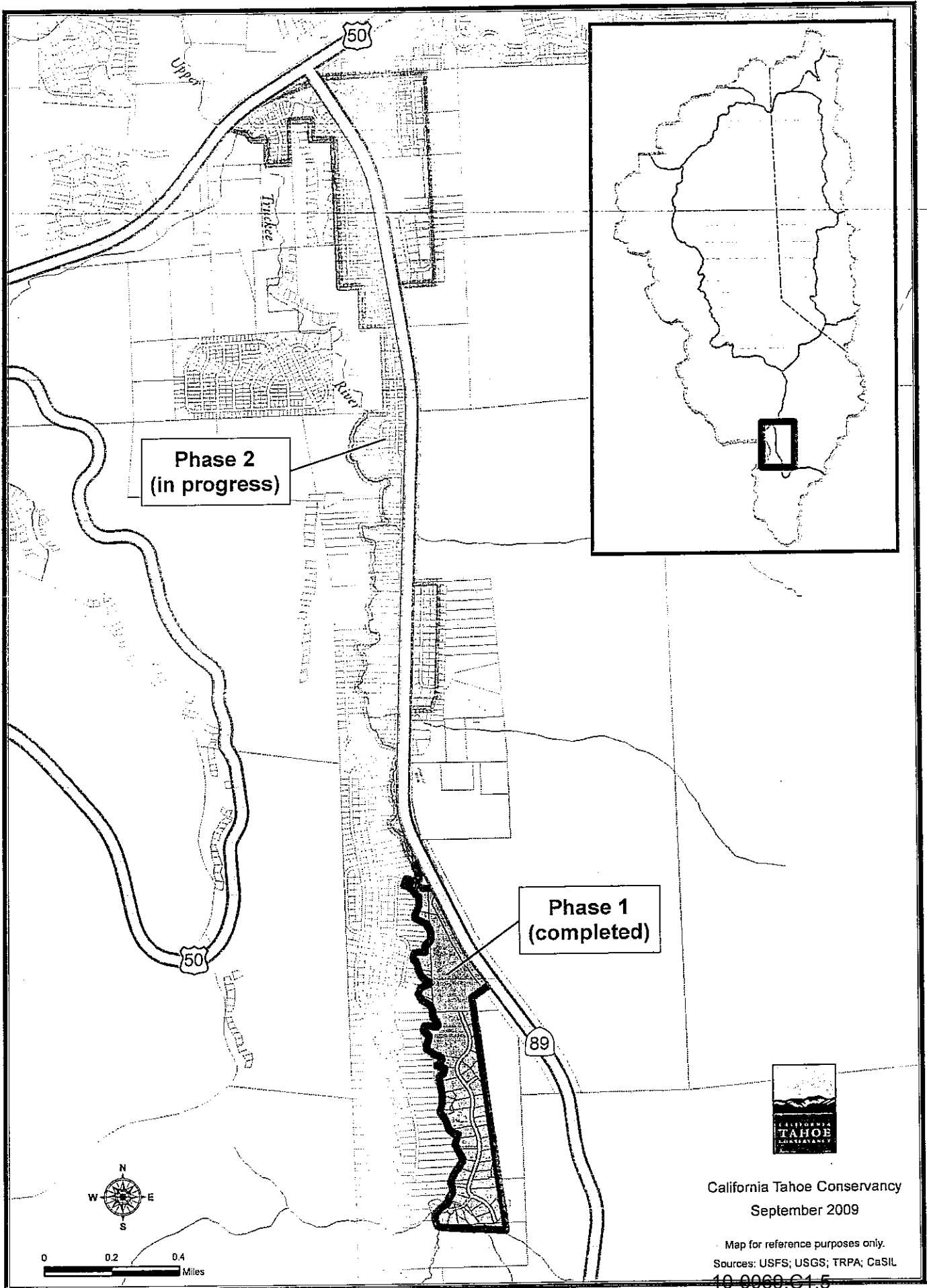
California Environmental Quality Act (CEQA) Compliance

El Dorado County, acting as the Lead Agency, prepared an Initial Study (IS) and a Mitigated Negative Declaration (MND) for this project to comply with CEQA. El Dorado County's Board adopted the MND on February 24, 2009 and a Notice of Determination (NOD) filed on February 24, 2009. The Conservancy Board adopted the CEQA document for the Christmas Valley Phase 2 ECP during the May 29, 2009 Board meeting.

Summary of Authorization for Use of Remaining Funds into Adjoining Areas

- The Board authorization of March 16, 2007 for Christmas Valley 1 allowed for "Any remaining funds in site improvement projects will be used, if necessary, to extend improvements to adjoining areas."
- The Christmas Valley 1 northern border is identical to the Christmas Valley 2 southern border, which is the intersection of Portal Drive and State Route 89, therefore the project areas are adjoining, see attachment 1a for a map of the adjoining project areas.
- This action is consistent with CEQA compliance because the Board already took discretionary actions of adopting the Staff Recommendations, which included certifying the CEQA documents for Christmas Valley 1 and 2. The Board's adoption of the Staff Recommendation for Christmas Valley 1 gives us the authority to use the remaining funds for Christmas Valley Phase 2 site improvement. Therefore we do not need to take this action to the Board and no new CEQA adoption is required. Also new dollars will not change the project as analyzed under CEQA. Therefore no new CEQA analysis is required.
- The Resolution for the initial Staff Recommendation does not need an amendment since the resolution provides for broad authorization of "a total of \$1.21 million for planning, site improvements, and acquisitions of various interests in real property for the Christmas Valley 1, Christmas Valley 2, and Rubicon 5 ECPs."

Attachment 1a
Christmas Valley Projects



California Tahoe Conservancy
September 2009

Map for reference purposes only.
Sources: USFS; USGS; TRPA; CaSIL

10-0060-C1.5

Exhibit B-1

Project Schedule Christmas Valley Phase 2

Site Improvement Grant Schedule

<u>Activity</u>	<u>Phase 2A</u>	<u>Phase 2B/C</u>
Plans, Specifications, Engineers Estimate, and Permits	April 2009	March-June 2010
Bid Advertisement	May 2009	May-August 2010
Bid Award	June 2009	May-August 2010
Begin Construction	June 2009	September 2010
End Construction	October 2009	October 2010
Final Report/Record Drawings	December 2009	December 2010
Annual Monitoring Report	October 2010	October 2011
End Irrigation and Plant Establishment	November 2011	November 2013
Final Monitoring Report	December 2011	December 2013

Acquisition Grant Schedule

<u>Activity</u>	<u>Phase 2A</u>	<u>Phase 2B/C</u>
Finalize Acquisition Needs	November 2008	January 2010
Request Preliminary Titles and Appraisal	December 2008	October 2009
CTC Appraisal of Preliminary Title and Appraisals	January 2008	January 2010
Negotiations and Agreements of Sales	February 2009	February 2010
CTC Approval of Instruments of Conveyance, Escrow Instructions and Purchase Agreements	March 2009	March 2010