



AGENDA ITEM NO.

C-10

COUNTY OF HUMBOLDT

For the meeting of: February 10, 2015

Date: February 3, 2015

To: Board of Supervisors

From: *TM* Thomas K. Mattson, Director of Public Works

Subject: **Federal Lands Access Program Project Memorandum of Agreement (MOA)**

RECOMMENDATION(S):

That the Board of Supervisors authorizes the Chair of the Board to sign the attached MOA.

SOURCE OF FUNDING:

Federal Lands Access Program (Federal Highways Administration) and Yurok Tribe

DISCUSSION:

The County of Humboldt and the Yurok Tribe have been cooperating for a number of years in seeking funding for improvements to Bald Hills Road. Bald Hills Road connects the upper and lower portions of the Yurok Reservation, serves as an access road to Redwood National and State Parks, and to Six Rivers National Forest.

Bald Hills Road also serves as an alternate route connecting coastal Humboldt County to the eastern portion of the County providing for access across the County when State Highway 299 between Arcata and Willow Creek is closed.

The signing of this MOA will allow for a project to pave 2.7 miles of a currently gravel section of Bald Hills Road situated within Redwood National and State Parks (RNSP). The project includes incorporation of super-elevation for horizontal curve reduction and road striping between milepost 13.4 and 16.1. The purpose of the

Prepared by Thomas K. Mattson

CAO Approval

Cheyl Dillingham

REVIEW:

Auditor *MBM*

County Counsel

SM

Human Resources

Other

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*

- Ayes *Sundberg, Lovelace, Fennell, Bohn, Bass*
- Nays
- Abstain
- Absent

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Feb. 10, 2015*

By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

proposed project is to stabilize and protect the roadway, create safer road conditions, reduce road maintenance needs and reduce dust generation, erosion and sediment runoff.

FINANCIAL IMPACT:

The total estimated cost for this project is \$1,830,000. Of this total \$1,620,000 is provided by the Federal Land Access Program grant and the \$210,000 grant matching funds will be provided by the Yurok Tribe. Construction costs will be included in the FY 2015-16 Road Fund Budget.

This project conforms to the Board of Supervisors' Core Role of providing for and maintaining infrastructure as identified in the Board's Strategic Framework.

OTHER AGENCY INVOLVEMENT:

Federal Highway Administration (FHWA)
Yurok Tribe

ALTERNATIVES TO STAFF RECOMMENDATIONS:

None recommended. The project has been granted funding for completion.

ATTACHMENTS:

MOA

Federal Lands Access Program Project Memorandum of Agreement

Project / Facility Name: Bald Hills Road

Project Route: CA FLAP TR10099 (1)

State: California

County: Humboldt

Owner of Federal Lands to which the Project Provides Access:

Six Rivers National Forest
Redwood National and State Parks

Entity with Title or Maintenance Responsibility for Facility:

Humboldt County

Type of Work: This project will pave a 2.7 mile section of gravel surfaced road along Bald Hills Road situated within Redwood National and State Parks (RNSP) in Humboldt County, California. The project includes incorporation of super-elevation for horizontal curve correction, and road striping between milepost 13.4 and 16.1. The purpose of the proposed project is to stabilize and protect the roadway; create safer road conditions; reduce road maintenance needs; and reduce dust generation, erosion, and sediment runoff. No right of way or utility relocation is required within the project limits. NEPA will be an Environmental Assessment completed by the Yurok Tribe. The preliminary engineering is nearing completion. Construction engineering will be undertaken during the construction period.

This Agreement does not obligate (commit to) the expenditure of Federal funds nor does it commit the parties to complete the project. Rather, this Agreement sets forth the respective responsibilities as the project proceeds through the project development process.

Parties to this Agreement: Humboldt County

Yurok Tribe

Central Federal Lands Highway Division

The Program Decision Committee approved this project on October 3, 2013.

AGREED:

Estelle Jernell

Humboldt County,

2/10/14

Date

Y. P. O. R.

Yurok Tribe

12/19/14

Date

Division Director, Central Federal Lands Highway Division

Date

A. PURPOSE OF THIS AGREEMENT

This Agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and future maintenance of the subject project. The purpose of the Agreement is to identify and assign responsibilities for the environmental analysis, design, right-of-way, utilities, acquisition and construction as appropriate for this programmed project, and to ensure maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

If Federal Lands Access Program funds are used for the development or construction of this project, the Yurok Tribe agrees to provide a matching share equal to 11.47% of the total cost of the project, as detailed more fully in Section J below.

Before the expenditure of any funds for which reimbursement will be sought from FHWA, the parties agree to execute a separate obligating document. No reimbursement will be made for expenditures made prior to having an obligating document in place.

B. AUTHORITY

This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204 and Humboldt County, California.

C. JURISDICTION AND MAINTENANCE COMMITMENT

Humboldt County has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION

The Yurok Tribe and Humboldt County have coordinated project development with the Redwood National and State Parks with Six Rivers National Forest. The Redwood National and State Parks support of the project is documented within the Letter of Support dated April 26, 2013. The Six Rivers National Forest support of the project is documented within the Letter of Support dated April 26, 2013. Each party to this agreement who has a primary role in NEPA, design, or construction shall coordinate their activities with the Redwood National and State Parks.

E. PROJECT BACKGROUND/SCOPE

CA FLAP TR10099 (1) - Bald Hills Road, MP 13.4 to MP 16.1, project length is 2.7 miles. The purpose of the proposed project is to stabilize and protect the roadway; create safer road conditions; reduce road maintenance needs; and reduce dust generation, erosion, and sediment runoff. Bald Hills Road provides access to Six Rivers National Forest (SRNF); Lyons Ranch Historic Site trailhead and School House Peak in Redwood National and State Parks (RNSP), and the Yurok Indian Reservation. It has been designated a Yurok scenic byway by the Yurok Tribe. Humboldt County owns and maintains the road. Both the County and the Yurok Tribe have identified this as a high priority project. Bald Hills Road begins at US Highway 101 (US101), post mile 122.31, just north of the town of Orick and terminates where the Martins Ferry Bridge crosses the Klamath River on the Yurok Indian Reservation. The entire length of Bald Hills Road is approximately 32 miles. RNSP borders Bald Hills Road to the south between MP 13.4 and 16.1, as well as other areas of the road. Bald Hills Road has been improved since 2007 through various funding sources in an effort to pave the entire route. Design and construction for the previous work has been completed by the Yurok Tribe and Humboldt County.

A summary of the route is below:

- MP 0.0 to MP 10.0 – Roadway is paved. Areas of the roadway are in poor condition.
- MP 10.0 to MP 13.4 – Completed in 2012 – Aggregate base course placed, paved.
- MP 13.4 to MP 16.1 – Included in this scope of work, currently a gravel roadway.
- MP 16.1 to MP 19.0 – Currently gravel, last project required to pave entire route.
 - o Overall Scope: 3R/4R
 - o CFLHD scoping estimate: \$3.7 million
- MP 19.0 to MP 22.1 – Under construction in 2013.
- MP 22.1 to MP 26.7 – Completed in 2010 – Aggregate base course placed, paved.
- MP 26.7 to MP 32.0 – Completed in 2007 – Paved and chip sealed.

F. PROJECT BUDGET

Item	Estimate (\$)	Comments
Construction	\$1,500,000	Preliminary Estimate
Construction Eng.	\$ 105,000	
Contingency	\$ 225,000	15%
Total	\$1,830,000	

G. ROLES AND RESPONSIBILITIES

Responsible Party	Product/Service/Role	Comments
Central Federal Lands Highway Division	<ul style="list-style-type: none"> • Develop and sign the Project Memorandum of Agreement. • Review and approve match contribution plan. • Attend the final inspection with Humboldt County, and the Yurok Tribe on completion of construction. 	
Yurok Tribe	<ul style="list-style-type: none"> • Review and sign the Project Memorandum of Agreement. • Attend meeting and reviews. • Provide available data on material sources, construction costs and any other relevant information. • Develop plans and specifications. • Provide matching funds in cash per match contribution plan. • Incorporate a fire plan and seeding mix for the contract in consultation with Redwoods National and State Forest and Six Rivers National Forest. • Attend the final inspection with Humboldt County, and CFLHD on completion of construction. 	

Responsible Party	Product/Service/Role	Comments
Humboldt County	<ul style="list-style-type: none"> • Review and sign the Project Memorandum of Agreement. • Attend meeting and reviews. • Provide available data on material sources, construction costs and any other relevant information. • Review plans and specifications. • Responsible for Right of Way coordination and acquisition. • Responsible for utility coordination and relocation as necessary. • Obtain permits and right of entry for construction. • Agree to fire plan and seeding mix for incorporation with the contract in consultation with Redwoods National and State Forest and Six Rivers National Forest. • Arrange for and attend the final inspection with the Yurok Tribe and CFLHD on completion of construction. 	

H. ROLES AND RESPONSIBILITIES – SCHEDULE

Responsible Lead	Product/Service/Role	Schedule Start-Finish	Comments
Yurok Tribe	<ul style="list-style-type: none"> • Project Development Planning, Preliminary Design • Environmental Compliance • Final Design 	TBD	
Humboldt County	<ul style="list-style-type: none"> • Advertisement / Award NTP • Contract administration • Construction Engineering 	April 7, 2015 – Advertise May 5, 2015 – Open bids May 19, 2015 – Award contract June 8, 2015 – Begin work August 28, 2015 – End work	

I. PROPOSED DESIGN STANDARDS

Final design standards will be determined through the NEPA process.

Criteria		Comments
Standard	AASHTO - Very Low Volume	
Functional Classification	Rolling Major Collector	
Surface Type	Asphaltic Pavement	Match surface treatment
Design Volume	361 vehicles/day	2033 seasonal ADT projected

J. FUNDING

Fund Source	Amount	Comments
CA Access Program funds	\$1,620,000	
Local Matching Share – Yurok Tribe	\$ 210,000	Cash-transfer to Humboldt County
Other funds	None	
TOTAL	\$1,830,000	

K. MATCHING SHARE REQUIREMENTS

Matching or cost sharing requirements may be satisfied following the obligation of funds to the project by: allowable costs incurred by the State or local government, cash donations, the fair and reasonable value of third party in-kind contributions (but only to the extent that the value of the costs would be allowable if paid for by the party responsible for meeting the matching share), including materials or services; however no costs or value of third party contributions may count towards satisfying the matching share requirements under this agreement if they have or will be counted towards meeting the matching share requirements under another federal award.

Costs and third party contributions counting toward satisfying a cost sharing or matching requirement must be verifiable from the records of the party responsible for meeting the matching requirements. The records must demonstrate how the value of third party in kind contributions was derived. Voluntary services sought to be applied to the matching share will be supported by the same methods that the party to this agreement uses to support allocability of personnel costs. Any donated services provided by a third party will be valued at rates consistent with those ordinarily paid by employers for similar work in the same labor market. Supplies furnished will be valued at their market value at the time of donation. Donated equipment or space will be valued at fair rental rate of the equipment or space. All records associated with valuations or costs under section K shall be accessible and be maintained for three years following project close-out.

L. PROJECT TEAM MEMBERS - POINTS OF CONTACT

The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each party's role and responsibility for this agreement.

Name/Title	Organization	Address/Phone Number/Email
Joe James Transportation Manager	Yurok Tribe	190 Klamath Blvd., PO Box 1027 Klamath, CA 95548 707-482-1350, ext. 355

		james@yuroktribe.nsn.us
Tom Mattson Director of Public Works	Humboldt County	1106 2nd Street Eureka, CA 95501 707-445-7491 tmattson@co.humboldt.ca.us
Allen Grasmick Access Program Coordinator	Central Federal Lands Highway Division	12300 West Dakota Avenue, Suite 380 Lakewood, CO 80228 720-963-3664 allen.grasmick@dot.gov
Barney Riley Chief of Maintenance	Redwood National and State Parks	1111 Second Street Crescent City, CA 95531 707-464-9150 barneyriley@nps.gov

M. CHANGES/AMENDMENTS/ADDENDUMS

The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; changes that alter the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in the composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notification to their management in order to avoid project delivery delays.

N. ISSUE RESOLUTION PROCEDURES MATRIX

Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by any party. When an issue is resolved, the decision will be communicated to all levels below.

FHWA	Yurok Tribe	Humboldt County	Time
Access Program Coordinator: Allen Grasmick	Transportation Manager: Joe James	Director of Public Works: Tom Mattson	14 days
Planning and Programming Branch Chief: Ryan Tyler	Executive Director: Troy Fletcher	County Administrative Officer: Phillip Smith-Hanes	30 days
Division Director: Ricardo Suarez	Tribal Chairperson: Thomas P. O'Rourke, Sr.	Board of Supervisors: Rex Bohn	90 days

O. TERMINATION

This agreement may be terminated by mutual written consent of all parties. This agreement may also be terminated if either the NEPA process or funding availability requires a change and the parties are not able to agree to the change. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. If Federal Access funds have been expended prior to termination, the party responsible for the match agrees to provide a match in the applicable percentage of the total amount expended on the project prior to the termination.

P. STEWARDSHIP & OVERSIGHT ACTIVITIES

Item	Responsible Party	FLH Role
Project agreement	CFLHD	Sign & approve
Lead Federal Agency for environmental compliance	Yurok Tribe	Concur
NEPA document	BIA/Yurok Tribe	Concur
Necessary permits	Yurok Tribe/Humboldt County	File
Design exceptions	Yurok Tribe	Approve
Right of Way certifications	Humboldt County	Approve
Utility agreements	Humboldt County	Review
Contract package (100% PS&E, contract)	Yurok Tribe	Approve
Contract award	Humboldt County	Concur
Copy of executed award package	Humboldt County	File
Contract modifications	Humboldt County	Concur
Notification of preconstruction meeting	Humboldt County	Concur/attend
Progress payments	Humboldt County	File
Final inspection	Yurok Tribe/Humboldt County	Attend
Final payment voucher/release of claims	Humboldt County	File