



MEMO

To: NCRA Board of Directors

From: Legal Counsel Chris Neary

Date: March 14, 2018

Subject: **Agenda Item E.2 – Discussion and Possible Action Regarding Design Revisions to Woodman Creek Fish Restoration Project**

Shortly after the last meeting I spoke with Darren Mierau, the Cal Trout representative at some length. I explained that the Board was interested in information as to how much might be saved by the proposed action to substitute a footbridge footing for the rail bridge footing to enable the spanning of Woodman Creek; and I asked for the environmental clearance documents to evaluate the consequences of deviating from any existing environmental clearance.

Darren told me that they had one bid where the rail footings were a separate bid item and the bid came in at \$60,000. Therefore, the savings would potentially be less than \$60,000 if the bid item was in good faith. However, Darren had not focused upon the legitimacy of the bid item recognizing the fact that contractors sometimes under bid certain bid categories and overbid other bid categories.

As to the environmental clearance, he indicated that the entire project was environmentally cleared in a bulk annual Department of Fish and Wildlife Notice of Exemption and that the scope of the project is defined by the plans. Therefore, there is environmental clearance for the rail footings to the extent they are depicted on the plans in sufficient detail. He was going to have those plans forwarded to Mitch and myself.

However, we have heard nothing further and it is suggested that this matter be continued to an agenda after the time that the information is provided. Darren indicated that the approvals received at the February meeting were the time sensitive matters and that the substitution of the foot bridge for the rail bridge is not particularly time sensitive.