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|---|---|
| <p>1. Award No.
693JJ32440625</p> <p>4. Award To
County of Napa
1195 Third Street
Napa, CA 94559
Unique Entity Id.: YLX2B1GBX891
TIN No.: 071688188</p> <p>6. Period of Performance
Effective Date of Award –
04/15/2027</p> <p>8. Type of Agreement
Grant</p> <p>10. Procurement Request No.
HIF240120PR</p> <p>12. Submit Payment Requests To
See Article 18 of the General Terms and Conditions.</p> <p>14. Accounting and Appropriations Data
15X0733B50.0000.050V733500.5201000000.41010.61006600.0000000000.0000000000.0000000000.0000000000</p> <p>15. Description of Project
The Campbell Creek Culvert Replacement is a proposal by Napa County to replace the existing Dry Creek Road Culvert with a bottomless arch bridge precast concrete culvert (bottomless arch culvert); re-grade the stream channel through and upstream of the culvert so that the channel profile is continuous; and lay back and restore the stream banks along approximately 160 linear feet of the creek above the culvert's inlet to resolve channel incision and reduce sediment deposition along the reach.</p> | <p>2. Effective Date
See No. 17 Below</p> <p>5. Sponsoring Office
U.S. Department of Transportation
Federal Highway Administration
Office of Bridges & Structures
1200 New Jersey Avenue, SE
Washington, DC 20590</p> <p>7. Total Amount
Federal Share: \$1,315,490
Recipient Share: \$ 423,020
Total: \$1,738,510</p> <p>9. Authority
49 U.S.C. § 6703</p> <p>11. Federal Funds Obligated:
Preliminary Engineering and Right of Way:
\$35,000.00</p> <p>13. Payment Office
See Article 18 of the General Terms and Conditions.</p> |
| <p>3. Assistance Listings No.
20.933</p> | |

RECIPIENT

16. Signature of Person Authorized to Sign

FEDERAL HIGHWAY ADMINISTRATION

17. Signature of Agreement Officer

Signature Date
Name: Steve Lederer
Title: Napa County Director of Public Works

Signature Date
Name:
Title: Agreement Officer

**FEDERAL HIGHWAY ADMINISTRATION
GRANT AGREEMENT UNDER THE
FISCAL YEAR 2022 CULVERT AOP PROGRAM**

This agreement is between the Federal Highway Administration (the “**FHWA**”) and the County of Napa (the “**Recipient**”).

This agreement reflects the selection of the Recipient to receive a Culvert AOP Grant for the Campbell Creek Culvert Replacement Project.

If schedule A to this agreement identifies a Designated Subrecipient, that Designated Subrecipient is also a party to this agreement, and the parties want the Designated Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS.**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 Culvert AOP Program: FHWA Projects,” dated 12/11/2023, which is available at the [Culvert AOP Program Website](#) under [General Terms and Conditions](#). The General Terms and Conditions reference the information contained in the schedules to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the Culvert AOP Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the Culvert AOP Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**ARTICLE 2
SPECIAL TERMS AND CONDITIONS.**

There are no special terms for this award.

**SCHEDULE A
ADMINISTRATIVE INFORMATION**

1. Application.

Application Title: Campbell Creek Culvert Replacement Project

Application Date: February 1, 2023

2. Recipient's Unique Entity Identifier.

See section 28.3 of the General Terms and Conditions.

3. Recipient Contact(s).

Name: Steve Lederer

Title: Public Works Director

Agency: County of napa

Mailing Address: 1195 Third Street, Napa, CA, 94559, Suite 101

Phone Number: 707-259-8228

Email Address: steven.lederer@countyofnapa.org

Name: Juan Arias

Title: Deputy Director of Public Works

Agency: County of napa

Mailing Address: 1195 Third Street, Napa, CA, 94559, Suite 101

Phone Number: 707-259-8374

Email Address: juan.arias@countyofnapa.org

Name: Frank Lucido

Title: Engineering Manager

Agency: County of napa

Mailing Address: 1195 Third Street, Napa, CA, 94559, Suite 101

Phone Number: 707-259-8377

Email Address: frank.lucido@countyofnapa.org

4. Recipient Key Personnel.

Name	Title or Position
Frank Lucido	Engineering Manager

5. FHWA Project Contact(s).

Ryan Buck

Agreement Officer (AO)

Federal Highway Administration

Office of Acquisition and Grants Management
HCFA-32, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-4229
Ryan.Buck@dot.gov

and

Peter Pangilinan
Agreement Officer Representative (AOR)
Project Delivery Team
FHWA – California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
Phone: (916) 498 - 5886
Peter.pangilinan@dot.gov

6. Payment System.

FHWA Payment System: DELPHI eInvoicing

7. Office for Subaward and Contract Authorization.

FHWA Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

NOTE: This clause is only applicable to grants that do not include construction.

In accordance with 2 CFR 200.308(c)(6), unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval of each subaward or contract is contingent upon the Recipient's submittal of a written fair and reasonable price determination, and approval by the AO for each proposed contractor/sub-recipient. Consent to enter into subawards or contracts will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

(Fill in at award or by amendment)

8. Federal Award Identification Number.

See section 28.2 of the General Terms and Conditions.

9. Designated Subrecipient.

Designated Subrecipient: None

SCHEDULE B PROJECT ACTIVITIES

1. General Project Description.

The culvert at the mouth of Campbell Creek conveys the water in Campbell Creek beneath Dry Creek Road into Dry Creek along the south edge of the paved roadway. The culvert is significantly undersized for flood stage flows, resulting in sediment deposition upstream of the culvert and the threat of catastrophic road and bank failure during large storm events. The culvert also presents a complete barrier to fish migration into Campbell Creek as it is perched approximately 3-feet above the water of Dry Creek, an excessive jump height for fish given the general low flow of water and inadequate jump pool depth. The Project is a proposal by Napa County to replace the existing corrugated metal pipe culvert with a bottomless arch bridge precast culvert composed of concrete. In addition to replacement of the culvert, the Project proposes to address channel incision and improve aquatic habitat approximately 160 linear feet of creek upstream of the culvert's inlet.

2. Statement of Work.

The Project is proposed by and will be managed by Napa County (County). The County expects to initiate Project construction in the summer of 2024 or 2025 and complete the Project in approximately three months, by mid-October. The Project will be constructed in three phases beginning downstream, south of Dry Creek Road (Phase I), and moving upstream to the area around Dry Creek Road (Phase II) and then farther upstream along the Campbell Creek channel (Phase III). Following construction, the creek bed will be restored and revegetated. Each phase of the Project is expected to take between 2 to 4 weeks.

Napa County will oversee pre-project planning, landowner coordination, permitting, construction work, and revegetation activities. The County and design team have described the project to key regulatory agencies and will initiate permitting applications prior to moving to 95 % designs to ensure agency concerns and requirements identified during the application process are able to be efficiently incorporated into the design plans. The County will use Microsoft Project to track permit applications and review timelines, and to track critical Project deadlines including the CEQA and NEPA processes, permitting timelines and bid schedules. The County will track the contractor's implementation schedule through weekly construction meetings and will have a County inspector on site to oversee the day-to-day operations. The County will either oversee construction in-house or contract with a qualified firm that provides construction management support to ensure that all aspects of the Project, including grading specifications, biotechnical elements, and erosion control and revegetation are implemented according to design specifications and conform to site conditions.

Following Project construction Napa County will irrigate and maintain plantings for three years and monitor the site for an additional two years to ensure proper creek function and vegetation establishment. The County is targeting revegetation success at a 75% success rate and will manage the site adaptively to replant or irrigate, as needed, to ensure the success rate is achieved.

**SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE**

1. Award Dates.

Base Phase Budget Period End Date: 02/16/2026

Option Phase 1 Budget Period End Date: 04/15/2027

Period of Performance End Date: See section 28.5 of the General Terms and Conditions

2. Estimated Project Schedule.

Milestone	Schedule Date
Planned Construction Substantial Completion and Open to Traffic Date	12/15/2026

3. Special Milestone Deadlines.

Milestone	Deadline Date
PE, ROW & NEPA	02/16/2026
Construction	12/15/2026

**SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION**

1. Award Amount.

Culvert AOP Grant Amount: \$1,315,490

2. Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Portion and Scope of the Project	Portion of the Culvert AOP Grant	Obligation Condition
Base Phase: Preliminary Engineering and Right of Way	\$35,000	
Option Phase 1: Construction	\$1,280,490	<p>The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the final design and construction of an Implementation Project unless and until:</p> <p>(1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (“NHPA”), and any other applicable environmental laws and regulations have been met; and</p> <p>(2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and</p> <p>(3) FHWA has obligated additional funds for this phase and notified the Recipient</p>

		<p>in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA’s notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement.</p> <p>Extent of activities that are permissible before NEPA is complete are those activities constituting “preliminary design” as specified in FHWA Order 6640.1A.</p>
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3. Approved Project Budget.

Eligible Project Costs			
	PE & ROW	Construction	Total
Culvert AOP Funds:	\$35,000	\$1,249,490	\$1,315,490
Other Federal Funds:	\$0	\$0	\$0
Non-Federal Funds:	\$279,000	\$144,020	\$423,020
Total:	\$314,000	\$1,393,510	\$1,738,510

4. Cost Classification Table

Cost Classification	Total Costs	Non-Culvert AOP Previously Incurred Costs	Eligible Costs
Administrative and legal expenses	69,000	25,000	44,000
Land, structures, rights-of-way, appraisals, etc.	50,000	0	50,000
Architectural and engineering fees	336,000	275,000	61,000
Other architectural and engineering fees (NEPA)	224,000	100,000	124,000
Project Inspection Fees	108,985	0	108,985
Site work	223,020	0	223,020
Demo	16,900		16,900
Construction	1,000,000	0	1,000,000
Miscellaneous	20,935	0	20,935
Contingency	89,670	0	89,670
Project Total	2,138,510	400,000	1,738,510

**SCHEDULE E
CHANGES FROM APPLICATION**

Scope:

There are no changes.

Schedule:

At the time that the county submitted an application for this grant in February of 2023, NEPA was not required for the project because there wasn't a federal funding component. The application did indicate that there was a potential for the completion date to slip to 10/15/2025 if NEPA review started after summer of 2023. The county received notification in December of 2023 that the Campbell Creek Culvert Replacement Project is eligible for federal funding and immediately after this agreement is executed will start NEPA review. As of June of 2024 NEPA review has not started yet so there is a possibility that construction could get pushed to 2026 but the County will make every attempt to construct in the summer of 2025. The project has already cleared CEQA, United States Fish and Wildlife Service and United States Army Corp of Engineers review. It is anticipated that NEPA review will not present any unknown challenges however the project will be delayed a construction season.

The table below compares the Project milestone dates.

Milestone	Application	Agreement
Planned Construction Substantial Completion and Open to Traffic Date:	10/15/2024	10/15/2026

Budget:

There are no changes.

The table below provides a summary comparison of the Project budget.

Other:

There are no other notable changes from the application.

**SCHEDULE F
CULVERT AOP PROGRAM DESIGNATIONS**

1. Urban or Rural Designation.

Urban-Rural Designation: Rural

2. Capital or Planning Designation.

Capital-Planning Designation: Capital

3. Security Risk Designation.

Security Risk Designation: Low

**SCHEDULE G
CULVERT AOP PERFORMANCE MEASUREMENT INFORMATION**

Study Area: Campbell Creek and vicinity to .67 Miles upstream

Baseline Measurement Date: March 15, 2025

Baseline Report Date: March 31, 2025

Table 1: Performance Measure Table

Measure	Description	Measurement Frequency
Available Upstream Habitat	<p>Restore 0.67 miles (1,078 meters) of anadromous spawning habitat in Campbell Creek, by enabling fish passage into the creek, including for spawning Central California Coast steelhead (<i>Oncorhynchus mykiss</i>), a federally threatened species under the Endangered Species Act (ESA).</p> <p>There will be a maximum of 12 inches of water surface differential between step-pools</p>	At Completion of Grant Activities and following the first wet season after construction
Vegetation Monitoring	<p>Performance Criteria— Survival: During post-construction monitoring, container tree stock shall attain a 75 percent survival rate and willow stakes shall attain a 70 percent survival rate. Percent survival must be evaluated individually for each planted species as per the HRMP. If these success criteria are not achieved, dead plants shall be replaced in kind. Replacement plants are subject to the same performance criteria as the initial plantings;</p> <p>Performance Criteria—Cover: The absolute cover of native trees in riparian plant communities shall be as follows:</p> <ul style="list-style-type: none"> • Year 1: 5 percent cover • Year 3: 15 percent cover 	<p>Monitoring: plantings in mitigation areas shall be monitored as follows:</p> <ul style="list-style-type: none"> • Minimum of five years for wetland species, grasses, forbs, and shrubs (willow stakes are classified as shrubs), with monitoring occurring in years 1, 2, 3, and 5; • Minimum of 5 years for tree species, with monitoring

Measure	Description	Measurement Frequency
	<ul style="list-style-type: none">• Year 5: 25 percent cover	occurring in years 1, 2, 3, 5

SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient has described actions to consider climate change and environmental justice impacts of the Project in their application that were identified as part of the application review. *(Identify the relevant actions from the application below.)*

2. Supporting Narrative.

This Project contributes to the Climate Change, Sustainability, and Resilience criterion by accommodating flood flows via the increased capacity of the proposed bottomless arch culvert. Climate models indicate that large episodic floods will likely occur at a greater frequency due to climate change, and this Project resolves the existing threat posed by the undersized culvert, which, if not addressed, is expected to lead to substantive (or catastrophic) bed and bank failure, and associated sediment loading to the watershed. Following successful installation of the bottomless arch culvert, surface water elevation is expected to remain below the Dry Creek Road during a 100-year flood event, a major improvement over existing condition where during a 100-year flood event surface water modelled 3 feet above the Dry Creek Road. Additionally, the 95 percent design plans will include a wingwall adjustment to constrain potential overtopping modelled during the 100-year flood event.

The Project also improves the resilience of the Campbell Creek watershed by stabilizing the streambanks, resolving channel incision, and expanding the area expected to be wetted during heavy winter and spring runoff. Streambank stabilization decreases the quantity of sediment runoff in the immediate Project area (a water quality improvement), while increasing the residence time of water inundation to the floodplain is beneficial for riparian species and may increase the habitat complexity for aquatic species if the residence time is long enough (length of additional inundation to be determined moving into the 95% design phase).

**SCHEDULE I
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY**

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient has described actions to consider racial equity and barriers to opportunity impacts of the Project in their application that were identified as part of the application review. (*Identify the relevant actions from the application below.*)

2. Supporting Narrative.

This Project contributes to the Equity and Barriers of Opportunity criterion because this type of upstream improvement benefits the water quality downstream, including downstream waterbodies where there are significant environmental justice concerns. Water bodies like stream and rivers are used for a variety of uses, including recreation and/or the quality of life of nearby residents. Certain disadvantaged groups, such as tribal or low-income communities, that rely on public water bodies for recreation and/or subsistence fishing, may be more impacted by water quality issues than the general public. Steelhead also have cultural significance, as steelhead were an important food source for the Wappo tribe (Driver 1936; Heizer 1953). CalEnvironScreen 4 identifies percentile ranks for a variety of parameters by that can be used to identify impacts for California communities by census tract. One of the parameters is Pollution Burden (the Impaired Waters parameter). Within and immediately downstream of the Project area, the overall census tract percentile rank for the Impaired Waters parameter is low, indicating a lower level of pollution burden. In addition, the creek is in a rural area, where the population is sparse. Parcels within the watershed are large and consist primarily of rural residential developments. Public access to the creek is limited due to the topography and surrounding private properties. As such, the relationship of the Project to environmental justice issues of the immediate area is limited. However, along the Napa River and near the San Pablo Bay the census track percentile rank for the Impaired Waters parameter is high, 93% near the City of Vallejo, indicating an extremely high level of pollution burden to those communities. Therefore, while the pollution burden borne by disadvantaged communities at the Project site is low, this type of upstream improvement improves the water quality downstream, including downstream waterbodies where there are significant environmental justice concerns.

**SCHEDULE J
LABOR AND WORK**

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table are accurate:

X	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. <i>(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner implements targeted hiring preferences that will promote the entry and retention of underrepresented populations into those jobs including women, people of color, and people with convictions. <i>(Describe the use of targeted hiring preferences that will promote the entry and retention of underrepresented populations in jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment. <i>(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)</i>
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. <i>(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies. <i>(Describe the partnership and workforce strategies in the supporting narrative below.)</i>

	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
X	The Recipient has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

The County of Napa does frequently utilize both Union and non-Union contractors across a wide spectrum of projects that are awarded based on low bid requirements. Because Napa County is in California, all public works projects are subject to California’s prevailing wage requirement which helps ensure good paying jobs and has apprenticeship requirements. The contractor for this project will be required to be registered with the California Department of Industrial Relations and submit certified payroll indicating that workers are receiving fair wages and benefits. The County will require that copies of this information be submitted and so that it could be compared to the construction inspector’s records for the number and classifications of workers on the project. Any discrepancy will need to be resolved before the last 5% of the projects contract will be released to the contractor. Enforcing these requirements helps ensure good paying jobs and strong labor standards.

**SCHEDULE K
CIVIL RIGHTS AND TITLE VI**

1. Recipient Type Designation.

Recipient Type Designation: Existing

Existing Award Program: BRLS-5921(074)

2. Title VI Assessment Information.

This section is not applicable because the Recipient Type Designation is “Existing.”