Request for Proposals
to
Hold Conservation Easements
on the
Beach Stone Lakes Mitigation Sites
June 8, 2020
(RFP – 2020-001)

The Sacramento Area Flood Control Agency (SAFCA) is requesting proposals from accredited land trusts to hold and enforce conservation easements on open space land in Sacramento County that provides compensatory mitigation for two flood risk reduction projects: The U.S. Army Corps of Engineers (USACE) American River Common Features (ARCF) 2016 project and USACE South Sacramento County Streams, California project. The U.S. Army Corps of Engineers (USACE) American River Common Features (ARCF) 2016 project affects riparian and other habitat values along the Sacramento River East Levee south of the American River. The USACE South Sacramento County Streams, California, Interim Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual (O&M Manual) will affect riparian habitats affecting Morrison Creek and its tributaries.

The compensatory mitigation for these projects includes the establishment of conservation areas on the Beach Stone Lakes Mitigation Site (BSLMS). The three conservation areas are close to one another but discontinuous and span three parcels located on both sides of Interstate 5 generally south of Cosumnes River Boulevard and north of Morrison Creek. Through this request for proposals (RFP) SAFCA is seeking a land trust to hold easements totaling approximately 35.2 acres over the three conservation areas.

SUBMITTAL INSTRUCTIONS

Please submit proposals electronically to SAFCA by 5:00 p.m. on July 10, 2020. Proposals shall be in a single PDF file of under 10 megabytes submitted by email to:

    Request for Proposals (RFP) Coordinator:
    KC Sorgen, Senior Natural Resources Specialist
    sorgenk@saccounty.net

    Please cc: herediaj@saccounty.net

Questions on this RFP may be submitted by email to the RFP Coordinator up to 10 business days before the proposal is due (by June 26, 2020 at 5:00 p.m.). Please contact the RFP Coordinator by email if you wish to receive responses to questions and other updates. SAFCA’s responses to all questions will be sent at least 5 days prior to the proposal due dates and posted on the SAFCA website (by July 2, 2020). All communications concerning this RFP must be directed to the RFP Coordinator.

Office 916-874-7606
Fax 916-874-8289
1007 7th Street, 7th Floor
Sacramento, CA 95814-3407
Coordinator at the provided email addresses. Unauthorized contact regarding the RFP with other SAFCA employees or contractors may result in disqualification. Any oral communications shall be considered unofficial and nonbinding on SAFCA.

**SCHEDULE OF EVENTS**

<table>
<thead>
<tr>
<th>EVENT</th>
<th>DATE</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 SAFCA Issues RFP</td>
<td>June 8, 2020</td>
<td></td>
</tr>
<tr>
<td>2 Deadline for Questions Submitted by Email</td>
<td>June 26, 2020</td>
<td>5:00 PM</td>
</tr>
<tr>
<td>3 SAFCA Issues Responses to Questions</td>
<td>July 2, 2020</td>
<td></td>
</tr>
<tr>
<td>4 Deadline for Applicants to Submit Proposals</td>
<td>July 10, 2020</td>
<td>5:00 PM</td>
</tr>
<tr>
<td>5 Interviews, if required</td>
<td>July 15-17, 2020</td>
<td></td>
</tr>
<tr>
<td>6 Preliminary Selection</td>
<td>July 22, 2020</td>
<td></td>
</tr>
<tr>
<td>7 SAFCA Board Authorizes Contract</td>
<td>August 20, 2020</td>
<td></td>
</tr>
<tr>
<td>8 Initiate scope of services</td>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>

SAFCA reserves the right, at its sole discretion, to adjust this schedule as it deems necessary. SAFCA may also amend this RFP at any time, including through response to questions received by email.

**BACKGROUND**

The BSLMS is at the junction of two levee systems. The Sacramento River East Levee parallels the Sacramento River and protects Sacramento from high flows in the Sacramento River south of the American River. The North Beach Lake levee extends from the Sacramento River East Levee on the northern edge of the BSLMS eastward along the north side of Morrison Creek to where Morrison Creek is crossed by Cosumnes River Boulevard. The North Beach Lake Levee protects unincorporated County land and the southern part of the City of Sacramento from upstream flows in the Morrison Creek watershed, which includes the streams known as the South Sacramento County Streams Group (SSCS) that has been the subject of the USACE SSCS Project. This levee also protects against high water surface elevations that could occur if the Sacramento River East Levee failed downstream of where the North Beach Lake Levee joins it.

The SSCS Project consisted of improvements to levees and channels along Morrison Creek and its tributaries in South Sacramento, which include Florin Creek, Elder Creek, and Unionhouse Creek. The O&M Manual outlines maintenance activities such as embankment stabilization, rock placement to control erosion, and removal of vegetation and debris that could harm the functioning
of the SSCS Project. The vegetation to be removed included elderberry shrubs that are potential habitat for the valley elderberry longhorn beetle (VELB). Among the conservation measures required by the U.S. Fish and Wildlife Service (USFWS) Biological Opinion (BO) for this project is the planting of elderberry shrubs and associated native plants within the BSLMS and the creation of a conservation easement over the area. This conservation area will also serve as advance mitigation for tree removal conducted under the SSCS Project O&M Manual that may be subject to the terms of a future Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW).

The ARCF 2016 project has numerous elements, including improving about six miles of the Sacramento River East Levee. It entails removing encroachments and vegetation that threaten levee integrity on the Sacramento, American River, and Beach Lake levees. SAFCA has planted riparian vegetation at the BSLMS to compensate for ARCF 2016 construction impacts to habitat for western yellow-billed cuckoo and VELB. The conservation areas within the BSLMS that parallel the North Beach Lake levee also provide a wind and wave buffer that will protect against erosion of the levee. To comply with the terms of this project, USFWS BO and Fish and Wildlife Coordination Act Report (CAR), conservation easements must be created to preserve the conservation values of the conservation areas.

**Property Description**

The BSLMS is located on portions of three separate parcels in unincorporated Sacramento County. SAFCA has negotiated separately with the landowners (Sacramento Regional County Sanitation District (SRCSD) and Sacramento Area Sewer District (SASD)) to obtain land rights to create the conservation areas and will work with them and the successful applicant to grant the conservation easements to the successful proposer. (Exhibits A and B).

Figures 1 shows the regional location of the BSLMS and the conservation areas. Figures 2 and 3 show more detail on the conservation areas. These figures are approximate and include access routes. Only the exhibits to the conservation easements should be relied upon for the true bounds of the conservation areas. Table 1 identifies some characteristics of the conservation areas.
Table 1: Characteristics of Conservation Areas

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>B-1 Beach Lake</th>
<th>B-2 Stone Lakes (Northern Woodland)</th>
<th>B-2 Stone Lakes (Southern Woodland)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Acreage</td>
<td>9.69 acres</td>
<td>18.74 acres</td>
<td>6.77 acres</td>
</tr>
<tr>
<td>Conservation Area is within this APN</td>
<td>119-0190-015-0000</td>
<td>119-0020-049-0000 (majority of conservation area)</td>
<td>119-0020-048-0000</td>
</tr>
<tr>
<td>Owner</td>
<td>Sacramento Regional County Sewer District (SRCSD)</td>
<td>Sacramento Area Sewer District (SASD)</td>
<td>SASD</td>
</tr>
<tr>
<td>Land Manager</td>
<td>SAFCA</td>
<td>SAFCA</td>
<td>SAFCA</td>
</tr>
<tr>
<td>Conservation Easement Third-Party Beneficiaries</td>
<td>USFWS and CDFW</td>
<td>USFWS and USACE</td>
<td>USFWS and USACE</td>
</tr>
<tr>
<td>Use Prior to Restoration</td>
<td>Native grassland open space with some tree and shrub plantings</td>
<td>Agriculture</td>
<td>Agriculture</td>
</tr>
<tr>
<td>Purpose</td>
<td>VELB mitigation, tree removal mitigation, and levee wind/wave barrier</td>
<td>VELB and western yellow-billed cuckoo mitigation and levee wind/wave barrier</td>
<td>VELB and western yellow-billed cuckoo mitigation</td>
</tr>
</tbody>
</table>

Beach Lake, immediately southeast of Site B-1, has been protected by SRCSD as part of its Bufferlands area. The Stone Lakes National Wildlife Area protects habitat values of land south of Site B-2. The proximity of these two habitat areas amplifies the benefits of conserving the BSLMS.
Figure 1: Site Location
Figure 2: Site B-1 Conservation Area
Figure 3: Site B-2 Conservation Areas (Northern Woodland and Southern Woodland)
Roles

SAFCA is the designated land manager for the properties, and will be responsible for implementing the Long Term Management Plans (LTMPs) for the properties. Drafts of the LTMPs are attached as Exhibits C and D. In implementing the LTMPs, SAFCA is responsible for design and installation of restoration or enhancement plantings required to provide the desired habitat and for maintaining those plantings as they become established. This includes being responsible for monitoring the success of the vegetation and implementing corrective actions as necessary.

The conservation easement holder selected through this RFP process will be responsible for ensuring that the purposes of the conservation easements are met. This will require performing annual compliance monitoring inspections of the Conservation Area and providing these reports to SAFCA and the third-party beneficiaries as set forth in the conservation easements and LTMPs. For a full description of the easement holder’s responsibilities, please refer to the draft easements in Exhibits A and B and the draft LTMPs in Exhibits C and D.

The easements name third-party beneficiaries with the same right as the easement holder to enforce this easement. These are USFWS and CDFW for Site B-1 and USFWS and USACE for Site B-2. In addition, these agencies have responsibilities associated with their regulatory authority as may be described in the conservation easements and LTMPs.

SCOPE OF SERVICES

The proposal should address the following tasks.

**Task 1: Accept and hold conservation easement**

Upon award, the successful applicant will enter into an agreement with SAFCA to perform the scope of services described herein. The successful applicant will be required to accept and execute conservation easements over the three conservation areas in sites B-1 and B-2. As the easement grantee, the successful applicant will assume the right and the responsibility to monitor the site for compliance with the terms of the conservation easements and to enforce the easements. The easements will be in a form substantially similar to the ones attached herein as Exhibits A and B.

Accepting the easement will entail that the applicant:
- Negotiate and enter into an agreement with SAFCA
- Coordinate with SAFCA and the landowners to execute and record the conservation easements
- Become familiar with the site
- Review and maintain familiarity with the conservation easements
- Monitor the easements for compliance with their terms
- Respond to violations as provided in the easements
- Annually report on easement monitoring

Other subtasks that the applicant feels are essential for accepting the conservation easements should be identified in the proposal.
**Task 2: Ongoing monitoring**

The easement terms require at least annual inspections of the conservation areas and written reports on the inspections to the third-party beneficiaries. These reports should also be sent to SAFCA as the land manager and to the landowner and should confirm the inspection, describe site conditions observed, and indicate any recommended corrective actions. Monitoring and reporting should have the goal of ensuring compliance with the conservation easements and the LTMPs. Ongoing easement enforcement may require occasional communications with SAFCA, including those initiated by the easement holder and those initiated by SAFCA related to activities that may be constrained by the easements. Periodic communications may also be required with the third-party beneficiaries.

**PROPOSAL CONTENTS**

All interested applicants should submit proposals pursuant to the submittal instructions on page 1 of this RFP. SAFCA will review the submitted proposals and evaluate them to determine which provides the best value and will optimize the achievement of land management objectives for the site. This analysis will be based on the degree to which the proposal clearly communicates superior team qualifications, approach, and cost.

Clarity is appreciated more than the length of the submittal; reviewers may not read the entirety of lengthy proposals.

**Transmittal Letter**

The proposal must include a transmittal letter signed by an official authorized by the organization to undertake projects and enter into contracts. The letter should include the name, address, email address, and phone number of the organization’s primary contact person. The primary contact person should be able to answer questions on the submittal, arrange an interview, and manage contract negotiations.

**Team Qualifications (no more than 4 pages)**

The organization must have the authority to hold conservation easements for the purposes described herein pursuant to California Civil Code Section 815 et seq. and must be accredited by the Land Trust Accreditation Commission. Include a statement in the proposal regarding compliance with these requirements. Describe whether the organization and proposal are compliant with Chapter 4.6 of Title 7 of the California Government Code (Sections 65965-65968).

Please describe the applicant organization’s experience enforcing and managing conservation easements and conservation values on riparian habitats in California’s Central Valley and the Sacramento region. Identify the project manager if different than the primary contact person. Provide a short (1 paragraph) biography of the project manager’s experience and expertise.

Identify three landowners on properties over which your organization holds conservation easements. Please provide contact information for those willing to provide a reference.
Please include a statement indicating that the organization and the identified team members have sufficient capacity to undertake the proposed tasks for the site and maintain communications with SAFCA as needed.

**Approach (no more than 4 pages)**

Please briefly describe your organization’s understanding of the project. Describe your organization’s approach to completing the identified tasks. If you hold conservation easements or manage land in the site vicinity or have other connections or organization objectives that provide special familiarity with site conditions or that will facilitate observation of or response to site conditions, please describe those links. Indicate whether the terms of the conservation easements in Exhibits A and B and the LTMPs in Exhibit C and D are suitable for your organization’s purposes. If there are any conflicts or challenges posed by these authorities, please discuss your organization’s approach to resolving them.

If there are additional tasks that your organization believes are important for project success that are not addressed in this RFP, please identify them and describe them as optional, recommended tasks. Alternatively, these may also be addressed as questions pursuant to the submittal instructions on page 1 of this RFP.

**Cost**

Provide a cost for completing the scope of services. Show the cost in two ways: first as a lump-sum endowment cost and secondly as an alternative annual estimated payments if an endowment is not available. Provide Property Analysis Record (PAR) supporting documentation for this cost, identifying component costs for initially accepting the endowment and the annual costs thereafter. Identify how the annual amount and lump-sum principal amount are calculated. Describe how endowment funds will be invested and the projected annual returns to cover the annual stewardship costs of the property in perpetuity.

Costs should be submitted in total and as individual costs for each of the three conservation areas (Site B-1, Site B-2 Northern Woodlands, and Site B-3 Southern Woodlands) in the event that not all three easements can be established at the same time. SAFCA is aware that, if sites are awarded individually, total costs may increase due to a loss of economies of scale and due to duplication of some work effort.

**Legal Issues and Potential Conflict of Interest**

No person shall be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in SAFCA’s contracted programs or activities on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or California law; nor shall they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with SAFCA or in the employment practices of SAFCA’s contractors. Accordingly, all organizations entering into contracts with SAFCA shall,
upon request, be required to show proof of such nondiscrimination and to post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Responding organizations represented by personnel with a disability may receive accommodation regarding the means of communicating this RFP and participating in this procurement process. Responding Firms represented by personnel with a disability should contact the RFP Coordinator as provided in the submittal instructions to request reasonable accommodation no later than the deadline for questions detailed in the Schedule of Events.

The proposals must list any investigations of the organization and any enforcement, settlements, or disciplinary actions taken within the past five years by any regulatory body. Any potential conflicts of interest should also be identified.

**SELECTION**

SAFCA will select the most qualified applicant that proposes to complete the requested scope of services at the best value. SAFCA may request interviews with all or a subset of the applicants if a meeting would enable a more complete evaluation of otherwise closely-ranked submittals or if an elucidation of responses would help with the selection. The proposals will be scored using the contents of the proposal as described above and other information such as might be provided during interviews if they are held.

Scoring criteria and weighting are listed below.

**Table 2: Scoring Criteria and Weighting**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team Qualifications – the ability, capacity and skill of the applicant.</td>
<td>45 points</td>
<td></td>
</tr>
<tr>
<td>Approach – the degree to which the proposal and interviews reflect a clear understanding of SAFCA’s needs and a product that meets those needs.</td>
<td>45 points</td>
<td></td>
</tr>
<tr>
<td>Cost – the degree to which the proposal represents the lowest-cost means of achieving the project objectives while fully considering the ramifications of the project’s perpetual responsibilities.</td>
<td>10 points</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100 points</td>
<td></td>
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</table>

SAFCA reserves the right to reject any proposals received for any reason, to negotiate and enter an agreement with any qualified applicant, or to cancel the process. All proposals and material
submitted to SAFCA will become the property of SAFCA and subject to public disclosure, and submittal of an RFP will be considered proof of consent to disclosure. SAFCA is not liable for any costs incurred in the preparation and submittal of a proposal.

SAFCA reserves the right to award all, part, or none of this work at its sole discretion based on the applications received.

**AGREEMENT**

The selected organization will be required to execute an agreement with SAFCA in substantially the form attached hereto as Exhibit E. The scope for Exhibit E will be as described in this RFP, including pertinent sections of the CEs and LTMPs.

**EXHIBITS**

EXHIBIT A: DRAFT CONSERVATION EASEMENT SITE B-1

EXHIBIT B: DRAFT CONSERVATION EASEMENT SITE B-2

EXHIBIT C: LONG TERM MANAGEMENT PLAN SITE B-1

EXHIBIT D: LONG TERM MANAGEMENT PLAN SITE B-2

EXHIBIT E: SAFCA AGREEMENT