



**Request for Proposals to
Hold a Conservation Easement
on the
Magpie Creek Floodplain Property
September 18, 2020
(RFP 2020-002)**

The Sacramento Area Flood Control Agency (SAFCA) is requesting proposals from qualified land trusts or other organizations to manage open space land in Sacramento. SAFCA has recently acquired four parcels totaling 42.52 acres in the floodplain of Magpie Creek near Raley Boulevard. The purchase was funded by a California Department of Water Resources (DWR) Flood Corridor Program (FCP) grant. As a condition of the grant, DWR requires SAFCA to convey a conservation easement over the property to a third party. Through this request for proposals (RFP), SAFCA is seeking an accredited land trust to hold that easement.

SUBMITTAL INSTRUCTIONS

Please submit proposals to SAFCA by 5:00 p.m. on October 23, 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 until October 9, 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 by email only to responding parties and will be posted on the SAFCA website at least five days prior to the proposal due date. All communications concerning this RFP must be directed to the RFP 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.

The site will be open for an optional viewing by appointment on Tuesday October 6 from 9:00-11:00 only. Please RSVP to the RFP coordinator at the email address listed above. Visiting the site is not mandatory. To practice social distancing, there will be no presentation, tour, or question and answer session, but applicants with appointments will be able to park at the site entrance and walk on the site to view it. Compliance with the Order of the Health Officer of the County of Sacramento, August 31, 2020, or succeeding orders including wearing a face covering and maintaining a distance of 6 feet from any other site visitors is required. Any questions generated during the site visit should be submitted by email as described previously.



SCHEDULE OF EVENTS

	EVENT	DATE	TIME
1	SAFCA Issues RFP	September 18, 2020	
2	Optional Site Visit By Appointment	October 6, 2020	9:00 AM to 11:00 AM
3	Deadline for Questions Submitted by Email	October 9, 2020	5:00 PM
4	SAFCA Issues Responses to Questions	October 16, 2020	
5	Deadline for Applicants to Submit Proposals	October 23, 2020	5:00 PM
6	Interviews, If Required	October 28-30, 2020	
7	Preliminary Selection	November 6, 2020	
8	SAFCA Board Considers Contract Authorization	November 19, 2020	
9	Initiate Scope of Services	By January 1, 2021	

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 AND GRANT PROJECT DESCRIPTION

The US Army Corps of Engineers (USACE) prepared the American River Common Features General Reevaluation Report (ARCF GRR), which described projects that were federally authorized on December 16, 2016 in the Water Resources and Development Act and are hereinafter referred to as ARCF WRDA 2016. Among the authorized projects are improvements to the Magpie Creek Diversion Channel (MCDC). These improvements, which may include raising a portion of the MCDC levee, would reduce the risk of floodwater flowing over the top of the levee or flowing around the end of the levee toward businesses and homes in the floodplain of historic Magpie Creek downstream of the MCDC. ARCF WRDA 2016 also proposes acquiring floodplain land upstream of the improved and new levees to preclude new development.

SAFCA applied for and received grant funding for the Magpie Creek Floodplain Conservation Project to help fund the floodplain acquisition. The awarded DWR FCP grant also funded construction of fencing around the eastern portion of the site and habitat improvements. The construction and planting activities have been completed.

As a condition of the grant, SAFCA is required to convey two easements over the project site prior to the close of the grant term on December 31, 2020: the conservation easement that is the

subject of this RFP, and a floodplain preservation easement. The floodplain preservation easement for this project is more precisely described as a flood control flowage and works easement. It will have precedence over the conservation easement and will specifically allow the construction, operation, and maintenance of flood control works such as those that are part of the ARCF WRDA 2016. A form of the conservation easement is attached in Exhibit A to this RFP. A form of the flood control flowage and works easement is attached in Exhibit B to this RFP.

SAFCA’s goal in obtaining the grant and pursuing the project has been to facilitate regional flood protection. This may entail additional fee title or easement acquisitions near the site. Once the ARCF WRDA 2016 project is constructed and the easements for conservation and floodplain preservation and flood control works are conveyed, SAFCA may choose to divest itself of the fee title for the property.



PROPERTY DESCRIPTION

The site is within the Sacramento city limits adjoining both sides of Raley Boulevard in the vicinity of Magpie and Don Julio Creeks, as shown in the figure above. It consists of four parcels shown in the following table and figure.

Assessor's Parcel Number	Acreage
West of Raley Blvd.	4.54
215-0250-062	4.54
East of Raley Blvd.	37.98
215-0244-009	5.00
215-0244-021	14.32
215-0271-011	18.66
Total Acreage	42.52



Topographic mapping of the eastern portion of the site indicates that it slopes gently from elevations reaching 53 feet above mean sea level (North American Vertical Datum of 1988 [NAVD 88]) near the eastern boundary to about 45 feet at Raley Boulevard in the west. SAFCA does not have current topographic mapping of the property west of Raley Boulevard, but it has the same sloping character and slightly lower elevation than the eastern property.

The site has signs of a remnant vernal pool and swale complex, creek channels and oxbows, and high water flow paths. The easternmost portion of the site was formerly in rice production, as evidenced by remnant berms of rice checks that meander through this area.

The site is mostly covered by annual grasslands. The site also includes a segment of Magpie Creek (~0.1 mile) and a segment of Don Julio Creek (~0.3 mile). Both creeks flow onto the property from the McClellan Park West Nature Area east of the site. Magpie Creek has been straightened and channelized on the site. Prior to construction of the MCDC levee, the historic channel of Magpie Creek flowed westerly and southwesterly away from the site. The historic creek is still known as Magpie Creek, but the upper reach of Magpie Creek is captured by the levee and flows north in the MCDC rather than into lower Magpie Creek. Don Julio Creek converges with upper Magpie Creek just west of Raley Boulevard.

Most of the site is within the 100-year floodplain, and water goes over the creek bank and flows over portions of the site and even Raley Boulevard in moderate flood events (i.e. far more frequently than in the 100-year event). East of Raley Boulevard, 1.42 acres of non-wetlands waters of the United States have been mapped in association with the two creeks and a beaver pond on Don Julio Creek at the northeastern corner of the site. In addition, 4.35 acres of wetlands, mostly vernal pools, have been mapped east of Raley Boulevard. Some of these wetlands host sensitive vernal pool invertebrates. SAFCA does not have recent wetlands mapping for the portion of the site west of Raley Boulevard, but Don Julio Creek flows out of bank during moderate events, and wetlands may occur in that parcel.

Soil samples taken from the project site by the consulting firm Kleinfelder found instances of elevated levels of metals as well as dichlorodiphenyltrichloroethane (DDT), and polychlorinated biphenyls (PCBs). These may be associated with past activities on-site and upstream, including agriculture and the former McClellan Air Force Base. Kleinfelder determined that the measured levels were compatible with trespass-recreational risk-based screening thresholds. A subsequent sample taken by ICF found an instance of metals at higher levels than measured by Kleinfelder. This sample was taken from where water may have flowed over the Magpie Creek bank or where creek dredging tailings may have been deposited.

In 2019, the eastern parcels were grazed by goats. Subsequently, an 18-acre area east of Raley Boulevard was drill-seeded with a mix of native grasses, including California brome, California barley, California melic, pine bluegrass, nodding needlegrass, and purple needlegrass. On 1.75 acres of the planting area, native forbs were added to the mix. These forbs included yarrow, gumplant, common madia, phacelia, tomcat clover, and Ithuriel's spear. Acorns were seeded in 14 locations in steel hardware-cloth cages and willow plantings were installed in 17 locations in rigid poly mesh tubes.

Unpermitted camping has occurred on the portion of the site east of Raley Boulevard, and there has been a history of off-road vehicle use and illegal dumping on the site and the shoulders of Raley Boulevard. In 2019, SAFCA constructed 1,300 feet of tubular steel fencing along Raley Boulevard and 1,060 feet of chain-link fencing near the northern property boundary, connecting to existing fences to encircle the majority of the eastern site. The fences have gaps where they cross the creeks. The fence falls short of the property line in the northeastern corner of the site in order to avoid impacts to wetlands in this area, leaving approximately 2.6 acres of the site east of Raley Boulevard unfenced, as well as a strip along Raley Boulevard. "No Trespassing" and "Authorized Parking Only" signs are posted on fences and gates. In addition, there are private fences of varying styles around the remainder of the site perimeter. These include tubular steel



fence next to the industrial building north of the site, chain link fence with angled barbed tape along the eastern and part of the southern edge of the site, and slatted chain link fence along the western portion of the southern boundary. There is a 320-foot-long segment of the southern property boundary that is unfenced. However, continuous fences connect that segment to the remainder of the property's perimeter fence, so it is not a likely source of entry to the site.

Three driveways are located on the east side of Raley Boulevard. Each consists of an asphalt apron contiguous with the road pavement, and a short drive and turnaround circle surfaced in crushed rock. Double gates span each driveway.

Camping has not been observed on the fenced portion of the site since the fences were built. However, some fence panels were stolen shortly after construction. They have since been replaced. The site should be considered at risk for illegal or nuisance activities associated with high visibility in an urban/rural interface.

The portion of the site west of Raley Boulevard is unfenced. Access, whether permitted or otherwise, is deterred in this area by obstacles parallel to Raley Boulevard including Don Julio Creek, topography, a roadside ditch, and concrete and cable barriers. A fence may be constructed in the future.

The Pacific Gas and Electric Company (PG&E) has a right for access from Raley Boulevard over the eastern part of the site to operate, maintain, repair, and replace high-voltage power transmission lines. The power lines run roughly north-south in a 75-foot easement near the eastern property line.

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 a conservation easement over the conservation area, including parcels east and west of Raley Boulevard. As the easement grantee, the successful applicant will assume the right to monitor the site for compliance with the terms of the conservation easement and to enforce the easement. The easement will be in a form substantially similar to the one attached herein as Exhibit A.

Accepting the easement will entail that the applicant:

- Negotiate and enter into an agreement with SAFCA
- Review and maintain familiarity with the conservation easement and flood control flowage and works easement
- Coordinate with SAFCA to execute and record the conservation easement
- Become familiar with the site
- 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 easement should be identified in the proposal.

Task 2: Ongoing easement monitoring

The easement names DWR as a third-party beneficiary with the right to petition a court of competent jurisdiction to enforce this obligation. There is no other named third-party beneficiary. SAFCA will require at least an annual inspection and brief letter report confirming the inspection, describing site conditions observed, and indicating corrective actions. Ongoing easement monitoring may require occasional email or telephone communication 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 with DWR may also be required.

PROPOSAL CONTENTS

All interested applicants should submit proposals pursuant to the submittal instructions at the beginning 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, title, 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 grassland and wetland 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 regular observation of or response to site conditions, please describe those links. Indicate whether the terms of the conservation easement in Exhibit A, as influenced by the flood control flowage and works easement in Exhibit B, are suitable for your organization’s purposes. If there are any conflicts or challenges posed by these authorities, please discuss your organization’s recommended 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 be addressed as questions pursuant to the submittal instructions in this RFP.

Cost

Provide a cost for completing the scope of services. Show the cost in two alternative ways: first as a lump-sum cost that includes an endowment to cover ongoing expenses in perpetuity, and secondly as an estimated annual cost 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.

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 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, or supplementary information from, 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.

Criteria	Weighting	Score
Team Qualifications – the ability, capacity and skill of the applicant.	45 points	
Approach – the degree to which the proposal and interviews reflect a clear understanding of SAFCA’s needs and a product that meets those needs.	45 points	
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.	10 points	
Total	100 points	

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 a proposal 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.

AGREEMENT

The selected organization will be required to execute an agreement with SAFCA in substantially the form attached hereto as Exhibit C.



EXHIBIT A: CONSERVATION EASEMENT



EXHIBIT B: FLOODPLAIN PRESERVATION/FLOOD CONTROL WORKS EASEMENT



EXHIBIT C: SAFCA AGREEMENT