**SECOND AMENDMENT TO**

**MEMORANDUM OF UNDERSTANDING BETWEEN SISKIYOU COUNTY, CALIFORNIA AND THE KLAMATH RIVER RENEWAL CORPORATION**

THIS SECOND AMENDMENT is made to the Memorandum of Understanding (“MOU”) executed on May 19, 2021, between the County of Siskiyou (“County”) and Klamath River Renewal Corporation (“KRRC”) (collectively, “Parties”) to address the impacts on County roads and bridges and associated rights of ways, including impacts related to wear-and-tear and traffic, from KRRC’s implementation of the **Definite Plan** (as that term is defined in the MOU) to remove four hydroelectric developments on the Klamath River.

**RECITALS**

WHEREAS, the Parties entered into a First Amendment to the MOU on or about May 9, 2023;

WHEREAS, the First Amendment provides for **Preemptive Roadway Work** as set forth in Table 1 of Exhibit A and Section 6 (second paragraph) therein;

WHEREAS, a section of Copco Road (Road Mile 13) slumped on or about January 19, 2024;

WHEREAS, KRRC and the County Public Works Director conferred on a plan of repair, including quantities, cut depth, and other details as described in Attachment 1;

WHEREAS, KRRC and the County consulted by email exchange and agreed to the plan and schedule for such repair, and further agreed that the cost of such repair may be debited against the total obligation of the KRRC Contractor as shown in Table 2, which exchange is Attachment 2;

WHEREAS, KRRC engaged a contractor to perform the repair, and the repair was completed, on or about February 1, 2024, as documented in Attachment 3; and

WHEREAS, the cost of the repair, $277,788.48, is documented in Attachment 4;

WHEREAS, KRRC is providing to the County a Notice of Dispute that the Project was the sole cause for the slumping of Copco Road (RM 13) on or about January 19, 2024, pursuant to Section 6 (fourth paragraph) a

NOW THEREFORE, the Parties mutually agree as follows:

**AGREEMENTS**

1. The cost of repair of Copco Road (Road Mile 13), totaling $277,788.48, is debited from the amount shown in Table 1, Row 3 for Siskiyou County (Post-Dam Removal) and added to the amount shown in the same row for KRRC Contractor (Maintenance). Table 1 as updated by this Second Amendment to the MOU is as follows:

**Table 1. Roadway Work**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Roadway** | **Roadway Work Description** | **Timing** | **Costs** |
| **Siskiyou County** | **KRRC Contractor** |
| 1 | **Copco Road** | **Single Chip Seal**: (~$30,000 per mile x 3 miles) | Post Dam Removal | $100,000 |  |
| 2 | **Copco Road** | **Prep Road/Digout/ Hand Patch:** Crew/Equipment/Material over multiple weeks to repair damaged sections of road. | Maintenance |  | $200,000 |
| **125' Asphalt Overlay:** 22' wide x .125' thick, mileage based on available budget.  | Post Dam Removal |  | $1,575,000 |
| 3 | **Copco Road** | **Prep Road/Digout/Hand Patch:** Crew/Equipment/ Materials for several weeks to repair damaged sections of road. | Maintenance |  | $702,788 |
| **Single Chip Seal:** (~$40,000 per mile x 9 miles) | Post-Dam Removal | $82,212 |  |
| 4 | **Ager Road** | **Grader Blankets:** (200 Tons, ~ 2 weeks) | Maintenance | $50,000 |  |
| 5 | **Ager Beswick Road** | **Crack Seal / Prep** | Post-Dam Removal | $60,000 |  |
|  |  | **Single Chip Seal:** (~$30,000 per mile x 8 miles) | Post-Dam Removal | $240,000 |  |
| **Subtotals:** | $532,212 | $2,477,788 |
| **Total Cost of Roadway Work:** | $3,010,000 |

1. The Parties will undertake to resolve the First Notice of Dispute as provided in MOU Section 6.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment on the day of 2024.

**KLAMATH RIVER RENEWAL CORPORATION:**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Date)

Its: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNTY OF SISKIYOU**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Angela Davis, (Date)

County Administrator

County of Siskiyou

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County Counsel (Date)

APPROVED AS TO ACCOUNTING

FORM:

Fund Org Account

2103 301010 551610

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Auditor-Controller (Date)

**APPROVED AS TO INSURANCE**

**REQUIREMENTS:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Melissa Cummins, Risk Man. (Date)