

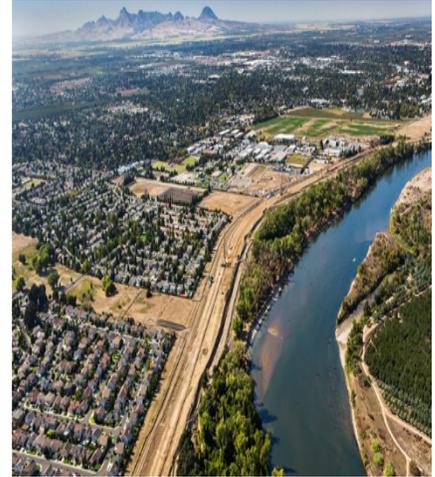
## Sutter-Butte Flood Control Agency

Downey Brand has served as General Counsel to the Sutter Butte Flood Control Agency (SBFCA) since 2008, successfully functioning as counsel, confidant, and strategist in SBFCA's implementation of over \$300 million of levee improvements.

When the Firm was hired, SBFCA was a fledgling agency struggling with a languishing 10-year Federal study process, borrowed financial resources, and no on-the-ground levee improvements. For more than a decade, Downey Brand has been honored to be a partner in the agency's considerable successes.

Downey Brand attorneys Scott Shapiro and Andrea Clark have been present each step of the way as SBFCA advanced through the Federal flood control process. First, it was a key member of the Project Delivery Team advocating for SBFCA to participate in a pilot process to reduce the study's time to three years. Next, Downey was part of the team that developed the study, including shaping the plan to conform to evolving Federal and State policies. Downey attorneys made multiple visits to Washington D.C. to move the study through the Federal approval process, including successfully representing SBFCA at the Civil Works Review Board to achieve an approved Chief's Report. The Downey team worked both in front of and behind the scenes to ensure SBFCA obtained Federal authorization in 2014, and again to achieve modification of that authorization in 2016 in order to advance the project's chances at Federal funding. Finally, Firm attorneys were key players in ensuring that SBFCA was approved for \$50 million in Federal funds in the 2017/18 Workplan.

Downey Brand was equally involved in advancing nearly \$300 million of locally-led and locally- and State-funded construction. The Firm was essential in developing the methodology that led to a successful Proposition 218 election, providing over \$80 million of local funding. Downey Brand attorneys negotiated the key contracts for over \$200 million of funding from the State and represented SBFCA in obtaining all needed project permits, including encroachment permits from the Central Valley Flood Protection Board; 408 permissions from the U.S. Army Corps of Engineers; environmental permits from fish and wildlife agencies; and documentation under the National Environmental Policy Act and the California Environmental Quality Act. When ancient Native American burials were repeatedly discovered in the path of the project, Downey Brand forged the path to ensure that compliance with the National Historic Preservation Act and California AB 52 (cultural



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resources) did not halt progress. The Firm was also an essential part of the team that handled real estate issues for both the Federal and State projects. Downey Brand attorney Scott McElhern co-developed the real estate plan and partnered on all real property acquisition including leading eminent domain proceedings along nearly 35 miles of levee.

Downey has become a trusted friend to the Sutter Butte community by demonstrating competence, caring, strategic insight, and the ability to always move the project forward no matter what the obstacle.