

STAFF REPORT

To: Coastside County Water District Board of Directors

From: Mary Rogren, General Manager

Agenda: May 12, 2020

Date: May 8, 2020

Subject: Approval of Amendment to Professional Services Agreement with Analytical Environmental Services (AES) for Environmental Consulting Services for the Denniston/San Vicente Water Supply Project.

Recommendation:

Authorize the General Manager to execute an amendment to the Professional Services Agreement with Analytical Environmental Services (AES) for environmental consulting services for the Denniston/San Vicente Water Supply Project for a cost not to exceed \$110,000.

Background:

The District has water rights to the Denniston and San Vicente Creeks which includes diverting water from the watershed for beneficial use. In 2015, with the assistance of Analytical Environmental Services (under a Professional Services Agreement signed in 2011), the District completed the Environmental Impact Report (EIR) which outlines the components of the Denniston/San Vicente Water Supply Project. Completion of the EIR was also a condition for the submittal of the petition for the extension of time for a permit with the State Water Resources Control Board.

The petition for the extension of time was granted in January 2020, and Staff would now like to engage Analytical Environmental Services to provide additional environmental services related to the project as outlined in the attached proposal.

Fiscal Impact:

In addition to the \$110,000 for AES, the District is also engaging Stetson Engineering for \$28,000 to provide the engineering services required by AES in their scope of services.

The District CIP (approved June 2018) includes \$3,300,000 in funding for this project.

**ANALYTICAL ENVIRONMENTAL SERVICES
1801 7TH STREET, SUITE 100
SACRAMENTO, CA 95811**

**CONSULTING SERVICES AGREEMENT
MODIFICATION 3
(AES JOB #211525)**

THE AGREEMENT, dated on the **14th day of April, 2011**, by and between **Analytical Environmental Services**, a California corporation (hereinafter referred to as "AES"), and **Coastside County Water District** (hereinafter referred to as "Client"), is hereby amended as follows on this **24th day of March, 2020**.

1. SCOPE OF SERVICES:

Additional consulting services to be provided under this Agreement are described in **Exhibit A**.

2. FEES AND PAYMENTS:

Services shall be completed on a time-and-materials basis in accordance with the budget estimate provided in **Exhibit A**. The current fee schedule is included as **Exhibit B**.

IN WITNESS WHEREOF, this Agreement has been executed by and on behalf of the parties hereto, the day, month, and year so stated above.

CLIENT:

Coastside County Water District
766 Main Street
Half Moon Bay, CA 94019

BY:

Mary Rogren

TITLE: General Manager

DATE: _____

AES:

Analytical Environmental Services
1801 7th Street, Suite 100
Sacramento, CA 95811

BY:

David Zweig

TITLE: Principal

DATE: _____

EXHIBIT A

SCOPE OF WORK

PROJECT UNDERSTANDING

CCWD was the Lead Agency for an Environmental Impact Report (EIR) approved in 2015 for the Denniston/San Vicente Water Supply Project (Proposed Project). The water right associated with the Proposed Project has now been approved, clearing the way for project implementation. A portion of the Proposed Project includes the construction of a diversion structure on San Vicente Creek. To construct the diversion structure, various agency permit approvals are needed, including the following:

- U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 permit;
- Regional Water Quality Control Board (RWQCB) CWA Section 401 Water Quality Certification;
- California Department of Fish and Wildlife (CDFW) Fish and Game Code Section 1602 Streambed Alteration Agreement (SAA);
- U.S. Fish and Wildlife Service (USFWS) Section 7 Endangered Species Act (ESA) consultation;
- National Marine Fisheries Service (NMFS) Section 7 ESA consultation; and
- San Mateo County Coastal Development Permit.

Additionally, CDFW notified CCWD in a letter and SAA dated June 27, 2017 that "... a study proposal for a site-specific instream flow study..." shall be prepared and submitted. According to CDFW, the purpose of the of flow study "... shall be to determine appropriate minimum bypass flows for maintenance of aquatic habitat, fish, and wildlife." Further, "[t]he study should also consider the impacts of the existing on-stream reservoir on passage and channel-forming flows, with a specific proposal to provide periodic channel maintenance and flushing flows that are representative of the natural hydrograph."

SCOPE OF WORK

Task 1: Biological Survey – San Vicente Diversion Structure

As specified in EIR Mitigation Measure 4.3-1, a qualified botanist will conduct a focused botanical survey within the blooming period (February through April) for fragrant fritillary prior to commencement of construction activities within the coastal scrub, California annual grassland, and coastal prairie habitats. AES will conduct the site visit as required. Photographs of the project area will be taken, and GPS coordinates will be mapped as needed. During the site visit, an updated biological survey and wetland/waters of the U.S. delineation will also be conducted. Sensitive biological resources and wetlands and waters of the U.S. boundaries will be recorded using aerial mapping and GPS equipment as needed. Results and observations will be utilized in the tasks below. A letter report will be prepared and submitted to the CCWD following the fragrant fritillary survey to document results.

Task 2: Biological Assessment – San Vicente Diversion Structure

Under Section 7 of the Federal Endangered Species Act, federal agencies, including the USFWS and NMFS, are required to ensure that actions authorized, funded, or implemented by a federal agency would not jeopardize the continued existence of a listed species or modify designated critical habitat. In accordance with the EIR and Section 7 of the Federal Endangered Species Act, a Biological Assessment (BA) will be prepared to address potential impacts to federally listed species as part of the Section 404 permit process. AES will conduct updated literature review of biological databases to identify special-status species and other sensitive biological resources with the potential to occur in the region of the project area. Results from site visits and background literature review will be incorporated into the BA for agency consultation. The BA will include mitigation measures to reduce potential impacts to federally listed species, if needed.

Task 3: Wetland Delineation – San Vicente Diversion Structure

Jurisdictional wetland/waters of the U.S. delineations are conducted to determine the presence and extent of wetlands and waters of the U.S. under the jurisdiction of Section 404 of the CWA. Per the EIR, the acreage of jurisdictional wetlands and waters of the U.S. will be determined through the Section 404 CWA process upon completion of the Proposed Project design. A preliminary jurisdictional delineation will be conducted and submitted to the USACE. Information regarding soils, hydrology, and plants will be collected using USACE-paired data analysis techniques. Survey results will be documented in a report prepared in accordance with the 1987 USACE Wetland Delineation Manual and the 2008 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual. The report will include a delineation map of potentially jurisdictional features. AES will submit the draft report to CCWD for review and will make requested revisions. The revised report and accompanying maps and data forms will be submitted to USACE and a Jurisdictional Determination by USACE will be requested. Should the USACE request a site visit, AES will attend. If necessary, AES will make one round of revisions to the wetland delineation report and map in response to USACE requests.

Task 4: Section 404 CWA Permit – San Vicente Diversion Structure

Under Section 404 of the CWA, impacts to less than 0.5 acres of non-tidal waters of the U.S. and/or 300 linear feet of streambed are authorized for coverage under the USACE Nationwide Permit (NWP). The Proposed Project is assumed to qualify for a CWA Section 404 NWP. AES will consult with the USACE to determine the appropriate NWP category for the Proposed Project and will complete a NWP permit application package to apply for coverage. AES will participate in up to 3 follow-up calls with the USACE.

Task 5: Section 401 Water Quality Certification – San Vicente Diversion Structure

A Section 401 Water Quality Certification (WQC) will be required from the State prior to construction. AES will prepare the WQC application and participate in up to 3 follow-up calls with the RWQCB to assist in obtaining this regulatory approval.

Task 6: Section 1602 SAA and RRMP – San Vicente Diversion Structure

Under Section 1602 of the Fish and Game Code, CDFW must issue a discretionary permit prior to commencement of construction activities that could impact the bed, channel, or bank of a river, stream, or lake. AES will prepare a SAA application for submittal to CDFW. Per the EIR, streambanks will be returned to their original slope after construction to the extent feasible, and riparian vegetation will be enhanced or replaced consistent with CDFW-approved methods. AES will prepare a Riparian Restoration and Monitoring Plan (RRMP) for the Proposed Project for attachment to the SAA. The RRMP will identify the agency with implementing and monitoring responsibility, compliance standards for the implementation of mitigation measures, and the necessary timing of mitigation measures. As specified in the EIR, riparian habitat impacts will be replaced or enhanced in the area of impact or, if infeasible, within reasonable proximity to the project site as identified in the RRMP. If additional measures are required in the permitting process, such measures will also be followed and included in the RRMP. The RRMP will be attached to the SAA. AES will participate in up to 3 follow-up calls with CDFW.

Task 7: Instream Flow Study Work Plan – San Vicente Creek

The CDFW SAA for the proposed diversion structure will require a supporting instream flow study. This is stated in the water right Extension of Time protest letter from CDFW dated January 14, 2010, and reiterated in the CDFW Draft EIR comment letter dated October 10, 2014. In accordance with the CDFW requests, AES will prepare a work plan for a San Vicente Creek instream flow study.

The goal of the work plan will be to develop a study methodology to determine appropriate minimum bypass flows for maintenance of aquatic habitat, fish, and wildlife. According to CDFW, the study should specifically address bypass flows needed to maintain all life history stages of SFGS, CRLF and steelhead species. The study should also consider the impacts of the existing on-stream reservoir on passage and channel-forming flows with a specific proposal to provide periodic channel maintenance and flushing flows that are representative of the natural hydrograph.

The work plan will be submitted to CDFW for review and approval prior to implementation of the instream flow study. Comments from CDFW will be addressed and incorporated into a revised plan, if necessary. AES will participate in up to 3 follow-up calls with CDFW to receive comments on the work plan.

Task 8: Instream Flow Study Work Plan – Denniston Creek

In accordance with the CDFW requests, AES will prepare a work plan for a Denniston Creek instream flow study. The goal of the work plan will be to develop a study methodology to determine appropriate minimum bypass flows for maintenance of aquatic habitat, fish, and wildlife. The work plan will specifically address bypass flows needed to maintain all life history stages of SFGS, CRLF, and steelhead species. The work plan will also consider the impacts of the existing on-stream reservoir on passage and channel-forming flows, with a specific proposal to provide periodic channel maintenance and flushing flows that are representative of the natural hydrograph.

The work plan will be submitted to CDFW for review and approval prior to implementation of the instream flow study. Comments from CDFW will be addressed and incorporated into a revised plan, if necessary. AES will participate in up to 3 follow-up calls with CDFW to receive comments on the work plan.

Task 9: Coastal Development Permit – San Vicente Diversion Structure

As specified in Section 4.3 of the EIR, CCWD must comply with the policies identified within the sensitive habitat component of the Local Coastal Program (LCP) and the General Plan by obtaining a Coastal Development Permit (CDP) from the County for impacts to riparian habitat. AES will prepare the appropriate CDP permit application. AES will participate in up to 3 follow-up calls with the County.

COST AND SCHEDULE

AES will conduct Tasks 1-9 following contract execution. Work will be conducted on a time-and-materials basis for a budget estimate of one hundred ten thousand dollars (\$110,000). A cost breakdown per task is provided in Table 1.

Assumptions

- CCWD will provide a detailed engineering design, (both plan view and cross sections) of the proposed San Vicente Diversion Structure, including cut and fill calculations. Changes in design may require permit application revisions.
- Less than 0.5 acres of impacts to wetlands and waters of the U.S. will occur, therefore, the Proposed Project qualifies under an NWP of Section 404 of the CWA.
- CCWD is responsible for the costs of implementing mitigation associated with permits.
- Additional pre-construction surveys and preconstruction mitigation implementation are not included in this cost estimate. Such services vary in scope depending on agency requirements and can be provided at additional cost.

- No trees over 38 inches are currently anticipated to be removed, however, if such trees must be removed, policies in the San Mateo County Significant Tree Ordinance, including an arborist report and specific mitigation including replacement planting, must be complied with, and can be provided at additional cost.

TABLE 1 - ESTIMATED COST PER TASK

TASK	ESTIMATED COST
Task 1: Biological Survey	\$9,000
Task 2: Biological Assessment	\$13,000
Task 3: Wetland Delineation	\$12,000
Task 4: Section 404 CWA Permit Application	\$12,000
Task 5: Section 401 Water Quality Certification	\$12,000
Task 6: Section 1602 SAA and RRMP	\$13,500
Task 7: Instream Flow Study Work Plan – San Vicente Creek	\$14,000
Task 8: Instream Flow Study Work Plan – Denniston Creek	\$14,000
Task 9: Coastal Development Permit App	\$10,500
TOTAL	\$110,000

EXHIBIT B

2020 FULLY BURDENED BILLING RATES

EMPLOYEE POSITION	HOURLY BILLING RATE
Planner I	\$150
Graphic Designer I	\$140
Graphic Designer II	\$160
Sr. Graphics Designer	\$185
Biologist I	\$160
Biologist II	\$190
Biologist III	\$210
Archeologist I	\$160
Archeologist II	\$190
Archeologist III	\$210
Analyst I	\$160
Analyst II	\$190
Analyst III	\$210
Project Manager	\$250
Sr. Project Manager	\$280
Project Director	\$300
Principal	\$325
Office Administrator	\$170
Administrative Assistant III	\$145
Administrative Assistant II	\$135
Administrative Assistant I	\$125

DIRECT COSTS

Postage / Overnight Mail	Actual cost + 15%
Courier Charges	Actual cost + 15%
Mileage	Federal Rate - currently \$0.58 per mile + 15%
GPS Unit and supporting computer equipment:	\$100/day + 15%
In-house Copying Charges:	
Black & White	\$0.10 per page + 15%
Color	\$1 per page + 15%
CD duplication w/label & case	\$2.50 each + 15%
Subconsultants	Actual cost + 15%
Other Direct Costs	Actual cost + 15%