



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 8/13/2024

To: Board of Directors, Sonoma County Water Agency
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: David Manning 547-1988
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Biological Assessment for Second Russian River Biological Opinion

Recommended Action:

Authorize Sonoma County Water Agency's General Manager to execute the Second Amended and Restated Agreement for Biological Assessment for Second Russian River Biological Opinion with Environmental Science Associates, in substantially the form as the draft presented to this Board. The amended agreement increases the amount by \$200,000 and extends the agreement term by one year for a new not-to-exceed agreement total of \$1,199,360 and end date of December 31, 2025.

Executive Summary:

In anticipation of the expiration of the 15-year 2008 Biological Opinion (BO), Sonoma County Water Agency (Sonoma Water) began working with National Marine Fisheries Service (NMFS), the United State Army Corps of Engineers (Corps), and California Department of Fish and Wildlife (CDFW) in 2021 to reinstate consultation and develop a biological assessment (BA) for continuation of the Corps and Sonoma Water operations in the Russian River watershed (Action). This second amended agreement will allow Environmental Science Associates (Consultant) to continue working with Sonoma Water in ongoing consultation with NMFS and Corps to develop a new BO and support Sonoma Water in obtaining incidental take coverage under the Federal and California Endangered Species Acts (CESA) for Chinook salmon, coho salmon, and steelhead related to management of water supply, flood control operations, and channel maintenance.

Discussion:

HISTORY OF ITEM/BACKGROUND

Three species of salmon and steelhead in the Russian River are listed as threatened or endangered under the Endangered Species Act of 1973, as amended: Central California Coast (CCC) coho salmon, CCC steelhead, and California Coastal Chinook salmon. CCC coho salmon are also listed as endangered under CESA.

On September 24, 2008, NMFS issued a BO for water supply, flood control operations, and channel maintenance conducted by the Corps, Sonoma Water, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River watershed. NMFS found that the continued water supply, flood control operations, and channel maintenance operations of the Corps and Sonoma Water are likely to jeopardize the continued existence of threatened CCC steelhead and endangered CCC coho salmon and adversely modify their critical habitats.

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The BO requires Sonoma Water and the Corps to implement a series of actions to minimize impacts to listed salmon species and enhance their habitats within the Russian River and its tributaries.

In anticipation of the expiration of the 15-year BO, Sonoma Water has been working with NMFS, the Corps, and CDFW to reinitiate consultation and develop a BA for continuation of the Action.

Sonoma Water and Consultant entered into an agreement to complete a BA that can be used by both the Corps and NMFS for a new BO, work with Sonoma Water in ongoing consultation with NMFS and the Corps to develop BO, and support Sonoma Water in obtaining incidental take coverage from NMFS and CDFW dated January 1, 2021, in the amount of \$999,360.

A first amended agreement, approved by the General Manager of Sonoma Water on December 29, 2023, extended the agreement by one year to December 31, 2024.

Under the current agreement, Consultant prepared a BA that was submitted to NMFS on September 5, 2023. The Consultant also submitted additional technical memoranda requested by NMFS on May 12, 2024. Consultant has continued to provide support to Sonoma Water in ongoing consultation with NMFS, Corps, and CDFW to develop the BO.

SELECTION PROCESS

Consultant was selected from a list of qualified consultants developed from a competitive selection process. Attached is a memo that explains the competitive selection process.

Consultant was selected for the subject work based on its expertise with Endangered Species Act consultations, experience with and understanding of Corps and Sonoma Water operations within the Russian River watershed, and experience with similar consultation efforts in California.

Sonoma Water may seek to amend or enter into subsequent agreement(s) with Board approval if required, relying upon this competitive selection process, after the preliminary or initial work is completed.

SERVICES TO BE PERFORMED

Under the amended agreement, Consultant will continue to support consultation with NMFS, Corps, and CDFW to develop the BO, obtain incidental take coverage under CESA, and provide coordination and project management services.

The additional cost is \$200,000, for a new not-to-exceed agreement total of \$1,199,360. The new end date is December 31, 2025.

County of Sonoma Strategic Plan Alignment:

N/A

Sonoma Water Strategic Plan Alignment:

Goal: Environmental Stewardship

Strategy: Ensure current and future water supply reliability by complying with the Federal and State Endangered Species Acts

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Action: Complete and submit to resource agencies the biological assessment for the next Russian River Biological Opinion

The work completed under this amended agreement will directly support the submission of information requested by resource agencies for development of the next Russian River BO and to obtain incidental take coverage under CESA.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

03/02/2021: Authorize Sonoma County Water Agency’s General Manager to execute an agreement with Environmental Science Associates for biological assessment services from January 1, 2021, through December 31, 2023, in the not-to-exceed amount of \$999,360.

04/16/2019: Authorize a Design Agreement with Corps in a cost-share partnership for the development of project designs for habitat enhancement work in Dry Creek to design and construct 2.6 miles of habitat restoration in partnership with Corps.

10/03/2017: Authorize an agreement with Environmental Science Associates to provide technical support services related to the management of the Russian River Estuary in accordance with the Biological Opinion.

09/22/2009: Authorize Determination of Consistency with the California Endangered Species Act for listed coho salmon.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$200,000		
Additional Appropriation Requested			
Total Expenditures	\$200,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$200,000		
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$200,000		

Narrative Explanation of Fiscal Impacts:

FY 2024/2025 appropriations in the amount of \$85,000 are available from for the Watershed Planning and Restoration Fund, \$50,000 from the Warm Springs Dam Fund, \$30,000 from the Water Transmission O&M

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Fund, and \$35,000 from the Russian River Projects Fund for a total of \$200,000. No additional appropriation is required.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: Draft Amended Agreement with Environmental Science Associates

Attachment 2: Competitive Selection Process Memo

Related Items "On File" with the Clerk of the Board:

None