



## Legislation Details (With Text)

**File #:** 2021-0330  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 3/26/2021 **In control:** Sonoma County Water Agency  
**On agenda:** 5/11/2021 **Final action:**  
**Title:** Dry Creek Habitat Enhancement Project Phase III Extension  
**Sponsors:** Sonoma County Water Agency  
**Indexes:**  
**Attachments:** 1. Summary Report, 2. Attachment 1: Prior Actions, 3. Attachment 2: Map

Date	Ver.	Action By	Action	Result
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**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Greg Guench 547-1972  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**  
Dry Creek Habitat Enhancement Project Phase III Extension

### Recommended Action:

Authorize Sonoma County Water Agency's General Manager to execute the seventh amended agreement with Environmental Science Associates for engineering and design services for Dry Creek Habitat Enhancement Project Phase III extending the agreement term by one year and adding \$21,000 to the agreement cost for a new end date of June 30, 2022, and total agreement cost of \$1,986,556.

### Executive Summary:

The Russian River Biological Opinion requires a total of six miles of habitat enhancement be created in Dry Creek to provide improved summer and winter rearing conditions for coho and steelhead by October 2023. These enhancements will be constructed in multiple phases and support federally protected salmonid species while allowing the continued flow of Lake Sonoma water down Dry Creek at levels sufficient to provide water supply for the 600,000 residents of Sonoma and Marin counties who receive water from the Sonoma County Water Agency (Sonoma Water). This item will allow work to continue under the Phase III design agreement with Environmental Science Associates to meet the objectives and timeline of the Biological Opinion.

### Discussion:

#### HISTORY OF ITEM/BACKGROUND

Sonoma Water and the US Army Corps of Engineers (Corps) undertook a Section 7 consultation with the National Marine Fisheries Service under the Federal Endangered Species Act. The purpose of the consultation was to assess the ongoing water supply, flood control, and channel maintenance operations conducted within the Russian River watershed. In September 2008, the National Marine Fisheries Service issued the resulting Biological Opinion based on the results of the Section 7 Consultation.

The Biological Opinion 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 return, the Biological Opinion contains an “incidental take statement” that allows Sonoma Water to “take” listed salmonid species (within limits specified in the Biological Opinion) while operating its water transmission system and flood control activities without violating the federal Endangered Species Act. The Biological Opinion is in effect until October 2023.

On November 9, 2009, Sonoma Water requested and received a Consistency Determination from the California Department of Fish and Wildlife. The Consistency Determination provides Sonoma Water with incidental take coverage under the California Endangered Species Act for the same Russian River activities that have coverage under the Biological Opinion related to the federal Endangered Species Act.

The Biological Opinion specifically identified the need to improve rearing habitat for coho and steelhead in Dry Creek and the Russian River at the water-supply flows proposed. To address this need, while allowing continued discharges from Lake Sonoma for water supply purposes, the Biological Opinion has required habitat enhancement of six miles of Dry Creek to provide improved summer and winter rearing conditions for coho and steelhead (see attached map). The Dry Creek Habitat Enhancement Project (Project) is currently under construction and being developed to meet these habitat enhancement requirements.

In order to differentiate between miles along Dry Creek and miles of habitat enhancement, the miles 1-6 of habitat enhancement are being referred to as Phases I-VI. Phase III is located in Reach 5A approximately five miles upstream of the confluence with the Russian River.

Phases I, II, and III of the Project are nearly complete and represent the first 3 miles of habitat enhancement required by the Biological Opinion. Construction of Phases I and II was completed in 2014 and 2019, respectively, and these Phases represent the first 2 miles of required habitat enhancement. Phase III consists of 3 parts and represents the 3<sup>rd</sup> mile of habitat enhancement. Construction of the first two parts of Phase III was completed in 2017 and 2018. Construction on the 3<sup>rd</sup> part of Phase III began in 2020 but was delayed in its commencement until approximately 8 weeks into the relatively short in-stream construction season due to the timing of permitting and right-of-way processes. As a result, a second construction season will be required to complete the last 2 habitat sites.

On January 28, 2014, the Board authorized the Chair to execute an agreement between Sonoma Water and Environmental Science Associates for engineering and design services for the Project, Phase III, in the amount of \$979,422. The agreement has subsequently been amended as follows:

- On December 22, 2014, Sonoma Water's General Manager executed the first amended agreement under amendment authority approved by the Board with the original Board item. The first amended agreement expanded the scope of work to include an additional site for an additional cost of \$55,866, resulting in a total project cost of \$1,035,288. The term end date was not changed.
- On August 14, 2015, Sonoma Water's General Manager executed the second amended agreement under the amendment authority approved by the Board with the original Board item. The second amended agreement expanded the scope of work to add tasks for supplemental geotechnical services for repair of approximately 90 lineal feet of failed creek bank along the northern side of the tributary on the Ferrari-Carano property in Reach 2, for an additional cost of \$42,068, resulting in a new total agreement cost of \$1,077,356. The term end date was not changed.

- On February 2, 2016, the Board authorized Sonoma Water's General Manager to execute the third amended agreement. The third amended agreement provided funds for preparation of Concept Design Booklets at a higher level of design than originally anticipated and on an accelerated schedule, additional model runs to cover the upper range of the base flow (200 cfs) for all sites, inclusion of design completion for the JPMB Properties property, splitting construction into two phases for an additional season and bid package, new tasks to address bank stabilization at Site 5A, seismic refraction studies to meet Corps requirements and schedule constraints, and increased the agreement amount by \$267,800 for a new Agreement total of \$1,345,156. The term end date was not changed.
- On April 11, 2017, the Board authorized Sonoma Water's General Manager to execute the fourth amended agreement. The fourth amended agreement divided Phase III Part 2 of the Project into two bid packages as follows: Site 4A and 4B will be provided to the Corps (as Phase III, Part 2, Corps), as a separate Corps project. Site 5A (as Phase III, Part 3) will be constructed by Sonoma Water. New tasks were added for: (1) division of the Phase III drawings, (2) additional format changes and submittals necessary to meet Corps requirements, (3) bidding and 2018 construction support to Sonoma Water and the Corps, (4) additional hydraulic and habitat modeling, (5) type selection, and (6) detailed habitat enhancement and bank stabilization design on the Boaz property at the downstream end of Site 5A. The agreement amount was increased by \$580,400, and the term end date was extended by one year for a new agreement total of \$1,925,556 and term end date of December 31, 2018.
- On December 11, 2018, the Board authorized Sonoma Water's General Manager to execute the fifth amended agreement. The fifth amended agreement increased the amount by \$40,000 for potential additional effort related to the JPMB Properties site (formerly Miller) and extending the agreement term by one year for a new not-to-exceed agreement total of \$1,965,556 and end date of December 31, 2020.
- The sixth amended agreement added six months to the term, for a new term end date of June 30, 2021, and was signed by Sonoma Water's General Manager. The additional time was needed to prepare the subject Board item for a longer time extension.

The proposed amended agreement will extend the term of the agreement with the design consultant through June 30, 2022, and increase the total cost to allow the design consultant to provide support for Sonoma Water construction management staff during the 2021 construction season.

#### SELECTION PROCESS

On March 7, 2013, Sonoma Water issued a Request for Qualifications to 18 firms. The following four firms submitted Statements of Qualifications: Entrix, Inc., Walnut Creek, California; Environmental Science Associates, San Francisco, California; Inter-Fluve, Hood River, Oregon; and Northwest Hydraulic Consultants, Ashland, Oregon.

The following criteria were used to evaluate each firm:

- Demonstrated ability to design and assist with construction of large woody debris structures.
- Experience with design, and assistance with the construction, of large backwaters and side channels, and restoration/habitat enhancement projects for creek or river reaches of a mile or more in length.
- One or more design projects exceeding a \$100,000 contract value within the preceding five years.
- Design and assistance with construction of one or more river restoration/habitat projects having a construction cost greater than \$1,000,000 within the preceding five years.
- Ability to perform 1- and/or 2-dimensional hydraulic and habitat modeling of existing conditions and proposed designs.

- Demonstrated ability to work with permitting agencies, public agencies, private landowners, and local stakeholders with varied and competing constraints and objectives to successfully design and implement projects.
- Experience with geomorphology, fisheries science, and water management issues in northern California river systems.

Three firms were invited to attend in-person interviews. Environmental Science Associates (Consultant) was selected because Consultant demonstrated comprehensively it met the evaluation criteria. In particular, Consultant understands the science and engineering, fisheries biology, technical and logistical challenges, and the methodologies required by the Project. Consultant also conveyed experience and understanding of the public outreach involved with this type of project in a setting such as Dry Creek Valley. Consultant's local firm status also contributed to its potential ability to assist with public outreach. Finally, Consultant offered a technical approach, design style, and scientific perspective that complements the current methods being employed, expanding the range of design options, and increasing Sonoma Water's ability to address property owner needs and concerns and satisfy habitat creation requirements in the most effective manner.

#### SERVICES TO BE PERFORMED

Under the proposed amended agreement, Consultant will continue to provide engineering, design, and construction support services for Phase III habitat enhancement projects on Dry Creek. The proposed amended agreement will extend the agreement term by one year and increase the cost by \$21,000 for a new end date of June 30, 2022, and total cost of \$1,986,556.

The amended agreement adds two options for Sonoma Water to extend this agreement for a period of one year each by providing written notice to Consultant thirty days in advance of the expiration date of the agreement and of the first extension option.

#### **Prior Board Actions:**

See Attachment 1, Prior Actions.

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses	21,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	21,000		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	21,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	21,000		

#### **Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$21,000 is available from FY 2020/2021 appropriations for the Warm Springs Dam fund. 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: Prior Actions

Attachment 2: Map

**Related Items “On File” with the Clerk of the Board:**

None