



## Legislation Text

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**File #:** 2020-0550, **Version:** 1

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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 Guensch 547-1972  
**Vote Requirement:** Majority  
**Supervisory District(s):** All

**Title:**

Engineering and Design Agreements for Phases V and VI of Dry Creek Habitat Enhancement Project

**Recommended Action:**

- A) Authorize Sonoma County Water Agency's General Manager to execute the Second Amended Agreement for Engineering and Design Services for Dry Creek Habitat Enhancement Project, Phase V, with ESA to provide engineering and design services. The amended agreement extends the agreement term by 54 months for a new end date of December 31, 2024.
- B) Authorize Sonoma County Water Agency's General Manager to execute the Third Amended Agreement for Engineering and Design Services for Dry Creek Habitat Enhancement Project, Phase VI, with Cardno, Inc., to provide engineering and design services. The amended agreement extends the agreement term by 54 months for a new end date of December 31, 2024.

**Executive Summary:**

This item requests authority for amended agreements with ESA and Cardno, Inc., to extend their agreement terms and allow them to continue critical design work for Phases V and VI, respectively, of the Dry Creek Habitat Enhancement Project (Project). This work is part of the ongoing habitat restoration required by federal environmental agencies and is being performed in coordination with the United States Army Corps of Engineers (Corps). These phases are currently in the final design stages, and the consultants must address comments and deliver the 99 percent design submittals to Sonoma Water and the Corps in July 2020.

**Discussion:**

**HISTORY OF ITEM/BACKGROUND**

Sonoma County Water Agency (Sonoma Water) and the Corps have undertaken a Section 7 consultation under the Federal Endangered Species Act with the National Marine Fisheries Service. The purpose of the consultation was to assess the ongoing water supply, flood control, and channel maintenance operations conducted in the Russian River Watershed by the Water Agency, the Corps, and the Mendocino County Russian River Flood Control District. 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.

The Biological Opinion specifically identified the need to improve rearing habitat for coho salmon 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 salmon and steelhead. The Project is being developed to meet these habitat enhancement requirements and is an important component of the larger effort to improve conditions for salmonid species in the Dry Creek and Russian River watersheds.

The habitat enhancement projects are distributed throughout the 14 miles of Dry Creek between the confluence with the Russian River and Warm Springs Dam (Lake Sonoma). The projects generally included large backwater ponds, secondary channels, channel realignments, constructed riffles, boulder clusters and fields, log habitat structures, and bank repairs. Construction of the first mile of the habitat enhancement projects was completed in 2014 approximately 7 miles upstream of the Russian River confluence near Lambert Bridge. This first mile is referred to as the Demonstration Reach because it was intended to demonstrate the proposed habitat enhancement approach to regulatory agencies and project stakeholders.

Phase II represents the second mile of habitat enhancement and was constructed in 2019 in reaches up near Warm Springs Dam. The construction of the first two parts of Phase III are complete and the last part is scheduled for construction in summer of 2020. These sites make up the third mile of enhancement and are located between 2 and 5 miles upstream of the confluence with the Russian River.

Phases IV, V, and VI make up the 4th, 5th, and 6th miles of habitat enhancement required by the Biological Opinion and constitute the last 3 miles of the Project. These phases incorporate the same general features used in Phases I - III, although they have been refined based on the performance of prior projects. The design consultants are currently working to address the comments on the 90 percent design submittals and prepare the 99 percent design documents. Phase IV sites are distributed within 10 and 13 miles upstream of the confluence with the Russian River, while Phase V and VI sites are generally located in the lower 5 miles.

These phases of the Project will be constructed by the Corps as part of a cost-share agreement between Sonoma Water and the Corps for the Dry Creek Ecosystem Restoration Project General Investigation Feasibility Study, which was executed in May of 2015. Under this agreement, Sonoma Water manages the engineering and design agreements, and contributes a 35 percent funding match, while the Corps participates in design review and pays for and manages construction. The Corps also sets the design and construction timeline. Phases IV, V, and VI are scheduled for construction in 2021-2022, 2022-2023, and 2023-2024, respectively.

Sonoma Water has contracted with Inter-Fluve, ESA, and Cardno, Inc., for the design of Phases IV, V, and VI, respectively. The duration of the agreements for engineering and design must be extended to match the construction timeline set by the Corps. The Phase IV agreement was extended as part of an amendment approved by the Board in August of 2019. The purpose of the present Board Item is to extend duration of the Phase V and VI agreements. These amended agreements extend the end dates of the agreements and update due dates for the 99 percent and final design submittals. There is no change to scope or budget.

On April 15, 2016, Sonoma Water and ESA entered into an agreement for engineering and design services for Phase V of the Project in the amount of \$1,467,200. Subsequently, the agreement was amended once to add time for a current term end date of May 30, 2020.

On February 2, 2016, Sonoma Water and Cardno, Inc., entered into an agreement for engineering and design services for Phase VI of the Project in the amount of \$1,493,398. Subsequently, the agreement was amended twice to add time for a current term end date of May 30, 2020.

#### SELECTION PROCESS

ESA and Cardo, Inc., were selected from a list of qualified consultants developed from a competitive selection process in December 2014. Attached is a memorandum dated June 23, 2015, that explains the previous competitive selection process.

#### SERVICES TO BE PERFORMED

Under the proposed amended agreements, ESA and Cardo, Inc., will continue to provide engineering and design services for Phases V and VI of the Project.

Board approval is necessary for the extension because the revised term will exceed the maximum three-year limit on agreements signed by Department Heads.

#### Prior Board Actions:

02/02/2016 Authorize Water Agency's General Manager to execute an engineering and design agreement with ESA for Phase V (\$1,467,200); end date of November 30, 2019, and 2) Authorize Chair to execute agreement for engineering and design services for the Dry Creek Habitat Enhancement Project with Cardno, Inc., for Phase VI (\$1,493,398); end date of November 30, 2019.

#### FISCAL SUMMARY

<b>Expenditures</b>	<b>FY 20-21 Adopted</b>	<b>FY21-22 Projected</b>	<b>FY 22-23 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>0</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>0</b>		

#### Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts associated with this item.

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: Amended Agreement with ESA

Attachment 2: Amended Agreement with Cardno, Inc.

Attachment 3: June 23, 2015, Memorandum

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

None