



Legislation Text

File #: 2021-1139, **Version:** 1

To: Board of Supervisors, Board of Directors, Sonoma County Water Agency

Department or Agency Name(s): Sonoma County Water Agency, Department of Transportation and Public Works

Staff Name and Phone Number: Amanda Bouillercer 707-565-1833; Greg Guensch 707-547-1972; Misha Bailey 707-528-8136

Vote Requirement: Majority

Supervisorial District(s): Fifth

Title:

Green Valley Creek Restoration and Flood Mitigation Project

Recommended Action:

Authorize the Director of Transportation and Public Works (TPW) to withdraw the Green Valley Creek Flood Resiliency Project (DR04308 PJ0091-007) from the HMGP program and close out the current grant. (Fifth District)

Executive Summary:

The Project site is located on Green Valley Creek upstream of the confluence with Atascadero Creek, approximately one mile northwest of Graton, California. It is in a reach that is subject to frequent and extensive sediment deposition and flooding. TPW was awarded a FEMA grant in 2019 and have collaborated with Sonoma Water to find a solution to address these problems.

Factors uncovered during the early design phase have shown that the Project as currently defined would result in higher than projected environmental, construction, and regulatory mitigation costs. Due to grant program constraints on project approvals, award amounts, and completion timeframes, the grant limits TPW's and Sonoma Water's ability to revise the design to reduce costs or to pursue better design approaches.

This item requests authority for the Director of TPW to withdraw the Green Valley Creek project from the current FEMA Hazard Mitigation Grant Program. Contingent on TPW securing funding for the design and environmental portions of the project, TPW and Sonoma Water will return to your Boards to seek authority for entering into a cooperative funding agreement between Sonoma Water and TPW (at a current estimated amount for \$1,500,000) for Sonoma Water to oversee design and environmental activities, and for Sonoma Water to execute other associated agreements for engineering design and environmental compliance services for the Green Valley Creek Project. Contingent on execution of that cooperative funding agreement between Sonoma Water and TPW, Sonoma Water will produce a shovel-ready project well-positioned for construction grant funding. Sonoma Water does not have sufficient funds to self-fund this Project.

Discussion:

HISTORY OF ITEM/BACKGROUND

FEMA Grant

A Hazard Mitigation Grant Program (HMGP) phased grant in the amount of \$376,672.50 for flood mitigation and creek restoration at Green Valley Creek was awarded by FEMA to TPW on December 18, 2019 as a phased project. The Phase 1 scope of work is for final project design of an alternative identified in the grant proposal, along with for associated environmental compliance and right-of-way pre-acquisition costs. The deadline for Phase 1 is December 18, 2021. Phase 2, which includes right-of-way acquisitions and construction, would be considered for award following completion of Phase 1. TPW is the subrecipient of the grant, and Sonoma Water is the implementing agency for the project.

During the design RFP process, all proposals received were significantly higher than the grant's budget for design and environmental compliance (environmental permitting and CEQA) services. Despite negotiations, the final design and permitting budget for the selected consultant is still significantly higher than the grant budget for this item by \$596,322.

Due to these higher costs, financial concerns stopped project progress as Sonoma Water evaluated Flood Zone 5A's financial capacity, and explored options with TPW to fund the local match and maintenance. To this end, TPW and Sonoma Water identified internal sources of funding for the additional Phase 1 match and maintenance costs, and as a result Sonoma Water resumed the consultant contracting process. However, subsequently the consultant determined that an Environmental Impact Report (EIR) would potentially be necessary for the selected alternative. This added \$200,000 to the consultant costs, and would further extend the project schedule.

TPW and Sonoma Water staff analyzed schedule and budgetary issues, and design limitations inherent in the regulations governing federal funding. This analysis is included as Attachment 1 to this summary, in which staff recommended withdrawing the project from the FEMA grant program, and intended to share costs to fund the design and environmental compliance portions of the Project, in order to pursue grant funds for construction once design is complete and actual costs are better defined. This would likely result in grant funds covering significantly more construction costs than the current FEMA grant allows. At the time of the analysis summarized in Attachment 1, TPW had pursued a potential source of funding intended for the proposed cooperative agreement between Sonoma Water and TPW for \$1,500,000 for Sonoma Water to oversee design and environmental activities. However, this funding has yet to be secured. Nevertheless, TPW is required to withdraw the HMGP grant before the December 18, 2021 deadline for Phase 1. As a result, this item requests your Board to approve withdrawal of the Green Valley Creek Project from the HMGP program.

Contingent on TPW identifying funding for the design and environmental portions of the Project, TPW and Sonoma Water intend to bring two agreements to your Boards for approval at a future date. One agreement will be a cooperative agreement between TPW and Sonoma Water, for an estimated \$1,500,000 for Sonoma Water to oversee the environmental compliance and design engineering services for the Green Valley Creek Project. The second will be for Sonoma Water to enter into an engineering design and environmental compliance services agreement for the Green Valley Creek Project.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with Goal 5 and Objective 2 of the Resilient Infrastructure Pillar.

The Green Valley Creek Restoration and Flood Mitigation Project intends to address significant flooding issues where Green Valley Creek crosses Green Valley Road, west of the City of Graton. The flooding, which occurs during most medium to large storm events, results in water flowing 1 to 3 feet deep over a section of Green Valley Road, onto and across a vineyard, and into Atascadero Creek. This creates a significant safety hazard for residents who try to drive on the flooded road, first responders performing swift water rescues, isolates residents from services and other destinations, strands hundreds of endangered fish and other aquatic species along the road and in the vineyard, and damages the roadway and bridge. These impacts create substantial public risk as well as cost to Sonoma Water, the County Transportation and Public Works Department, and Fire personnel for rescue of stranded vehicles, wildlife, environmental fines, mitigation costs, sediment removal, and repair of damaged infrastructure. TPW and Sonoma Water’s efforts to date have been undertaken with the intention to fully design a project that reduces this flooding by 1) removing accumulated sediment and reshaping over 2000 feet of creek channel, 2) creating floodplains and overbank storage, 3) pursuing opportunities with adjacent landowners (with support from the Sonoma Land Trust) to add river setbacks, and 4) possibly modifying infrastructure.

Pillar: Resilient Infrastructure

Goal: Goal 5: Support, fund, and expand flood protection.

Objective: Objective 2: Implement land use planning and assessments to address flood protection, including river setbacks and riparian corridors, and make resources available for residents.

Prior Board Actions:

- 4/21/20: Authorized the acceptance of grant awards and the execution of grant agreements with FEMA’s Hazard Mitigation Grant Program (HMGP) for the TPW Green Valley Creek Restoration and Flood Resiliency Project - Phase 1.
- 4/21/20: Authorized the Director of Transportation and Public Works and the General Manager of the Sonoma County Water Agency to execute a cooperative agreement for work related to the FEMA-funded Green Valley Creek Restoration and Flood Resiliency Project.

FISCAL SUMMARY

| Expenditures | FY 21-22 Adopted | FY22-23 Projected | FY 23-24 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

N/A

| Staffing Impacts: | | | |
|--|--|---------------------------|---------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: 5/19/21 Staff Memo regarding Suggested Actions for Green Valley Creek HMGP Grant

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

None