



## Legislation Text

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**File #:** 2022-1087, **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):** Fourth

**Title:**

Engineering and Design Agreement for Phase V of Dry Creek Habitat Enhancement Project

**Recommended Action:**

Authorize Sonoma County Water Agency's General Manager to execute the Third Amended and Restated Agreement for Engineering and Design Services for Dry Creek Habitat Enhancement Project with ESA, in a form approved by County Counsel. The amended agreement increases the amount by \$197,000, expands the scope of work to include additional design services, and extends the agreement term by three years for a new not-to-exceed agreement total of \$1,664,200 and end date of December 31, 2027. (Fourth District)

**Executive Summary:**

This item requests authority for an amended agreement with ESA to continue critical design work for Phase V of the Dry Creek Habitat Enhancement Project (Project). This work is part of ongoing habitat restoration required by federal environmental agencies and is being performed in coordination with the United States Army Corps of Engineers (Corps). The Phase V design package must be divided in order to separate Reach 5B from the main portion of Phase V because the right-of-way agreements for Reach 5B did not meet Corps requirements. Therefore, Sonoma County Water Agency (Sonoma Water) will conduct construction of Reach 5B. The duration of the agreement for engineering and design must also be extended to match the construction timeline set by the Corps for their portion of Phase V.

**Discussion:**

HISTORY OF ITEM/BACKGROUND

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 Sonoma Water, 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 proposed water supply flows. 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 and constructed 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.

Construction of the first mile of the habitat enhancement projects (Demonstration Reach) was completed in 2014. 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. The Demonstration Reach included 3 large backwater habitats, 2 constructed riffles, boulder clusters and fields, numerous log habitat structures, and 2 large bank repairs.

The design and construction of Phase II was completed in 2019, and Phase III was completed in 2021. The Phase II sites are located between Warm Springs Dam (Lake Sonoma) and Lambert Bridge. The Phase III sites are located between Lambert Bridge and Dry Creek's confluence with the Russian River.

Phases IV, V, and VI make up the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> miles of habitat enhancement and constitute the last 3 miles of the Project. Phase IV sites will be located between Warm Springs Dam and Lambert Bridge, and the Phase V and VI sites will be located between Lambert Bridge and the Russian River.

These phases of the Project will be constructed primarily 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 of its portions of the Project. The Corps also sets the design and construction timeline. Phases IV, V, and VI are scheduled for construction in FY 2022/2023, FY 2023/2024, and FY 2024/2025, respectively.

Sonoma Water has contracted with ESA for the design of Phase V. The duration of the agreement for engineering and design must be extended to match the construction timeline set by the Corps for their portions of Phase V and Sonoma Water's construction of Reach 5B. This amended agreement extends the term end date of the agreement by three years and updates due dates for the 99 percent and final design submittals.

For Dry Creek Phase V, ESA has submitted 99 percent plans, specifications and cost estimates, which have been reviewed by the Corps' Project Design Team. The current Phase V design package must be separated into two design packages: a modified Phase V package for the Corps and an extracted Reach 5B package that will now be a separate Sonoma Water construction project. This is necessary because it was not possible to obtain a right-of-way agreement with one of the Reach 5B property owners that met Corps criteria. The design revision requires changes to the plans, cost estimates, and hydraulic modeling. The Phase V design package must then undergo a 2nd Buildability Constructability Operability, Environmental and Sustainability (BCOES) review by the Corps.

For the Reach 5B portion of Phase V, ESA has submitted the 30 percent design package including plans, preliminary cost estimates, and hydraulic modeling. ESA is nearly finished with advancing the design to 60 percent and is waiting for plans for the access crossing being provided by Adobe Associates. Sonoma Water received preliminary plans August 3, 2022, and Adobe Associates is currently addressing Sonoma Water comments. Sonoma Water will fund the construction of Reach 5B.

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.

A first amended agreement, approved by the General Manager of Sonoma Water on January 28, 2020, extended the agreement by six months to May 30, 2020.

A second amended agreement, approved by the Board on July 7, 2020, extended the agreement by four years to December 31, 2024.

#### SELECTION PROCESS

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

ESA was selected for the subject work because its team offers a technical approach, design style, and scientific perspective that complements the current project, addresses property owner needs, and satisfies habitat creation requirements in the most cost-effective manner.

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 for the Project.

#### SERVICES TO BE PERFORMED

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

Amending this Agreement is necessary due to significant changes in design to adapt to right-of-way constraints, changes to adjacent projects not designed by ESA, updates to the hydraulic modeling and cost estimates, the need for a 2<sup>nd</sup> BCOES review as part of the Corps' process for finalizing bid documents, and to reflect ESAs current billing rates.

The additional cost is \$197,000, for a new not-to-exceed agreement total of \$1,664,200. The new end date is December 31, 2027.

The amended agreement includes authorization for the General Manager to make changes to lengthen time schedules or make minor modifications to the scope of work, which do not increase the amount paid under the agreement, in a form approved by County Counsel.

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

**County Strategic Plan:** N/A

**Sonoma Water Strategic Plan Alignment:** Water Supply and Transmission System, Goal 1: Protect drinking water supply and promote water-use efficiency.

Under Sonoma Water's Strategic Plan, Water Supply and Transmission System Goal 1, Strategy 1, Action 5: Continue to implement the Reasonable and Prudent Alternatives for the Russian River Biological Opinion. Engineering and design of Dry Creek habitat enhancement projects advances Sonoma Water's ability to complete projects required by the Biological Opinion.

**Prior Board Actions:**

07/07/2020: Approved second amended agreement between Sonoma Water and ESA for engineering and design services for Phase V. New term end of December 31, 2024. No change to agreement total.

02/02/2016: Approved agreement between Sonoma Water and ESA for engineering and design services for Phase V. Cost \$1,467,200; term end November 30, 2019.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$197,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$197,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			

Fees/Other	\$197,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$197,000</b>		

**Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$197,000 is available from FY 2022/2023 appropriations for the Warm Springs Dam Fund (\$116,300) and the Watershed Planning and Restoration Fund (\$80,700). No additional appropriation is required.

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

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment 1: Selection Memo

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

None