



Santa Clara Valley Water District

File No.: 16-0197

Agenda Date: 6/14/2016

Item No.: 5.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Amendment No.1 to Agreement No. A3716G, with HDR, Inc. to Complete the Modeling Study Workplan and Revise the Program Environmental Impact Report for the Fisheries Aquatic Habitat Collaborative Effort Project, Project No. 92041014, for an amount not to exceed \$459,563.

RECOMMENDATION:

Authorize the Interim Chief Executive Officer to negotiate and execute an amendment to the existing HDR, Inc. Agreement (A3716G) to include the tasks and scope necessary to complete the Modeling Study Workplan and revise the Program Environmental Impact Report.

SUMMARY:

At its **June 22, 2015**, meeting, the Board directed staff to address the request of Guadalupe Resources Conservation District (GCRCD) and other parties to the FAHCE Settlement Agreement to resolve its technical concerns regarding the modeling and alternatives analysis for the Program Environmental Impact Report (PEIR). To this end, a Technical Workgroup (TWG), comprising of experts from each party to the Fisheries Aquatic Habitat Collaborative Effort (FAHCE) Settlement Agreement, was also convened to address the CEQA alternatives analysis, and proposed monitoring and adaptive management programs.

On **November 10, 2015**, the Board approved a one-year extension to the project schedule to implement the Modeling Study Plan that will evaluate the range of alternatives for the PEIR.

Funding HDR's services required to implement the Modeling Study Plan and prepare the PEIR would best be accomplished through amending the District's existing HDR standard consultant agreement for environmental review services. Under the existing standard consultant agreement, HDR is required to prepare an Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) in compliance with National Environmental Policy Act (NEPA) and CEQA. The proposed amendment would remove the tasks associated with preparing an EIS under NEPA and reallocate funds associated with those eliminated tasks to fund the completion of the Modeling Study Plan and alternatives analyses for the PEIR under CEQA. The amendment will also allocate funds for additional project management to support the TWG's activities.

Staff proposes to allocate \$100,000 from a supplemental services task in the existing HDR

agreement to fund project management of the Modeling Study Plan and to reprogram \$460,000 currently budgeted in the FAHCE project to fund an amendment to the HDR agreement to complete the additional CEQA alternatives analyses and produce one additional administrative draft, a Draft PEIR for public review and a Final PEIR. A task-by-task breakdown of the proposed funding in the amended contract is shown in Attachment 1.

PROGRESS MADE:

The TWG reviewed all available data and agreed to revise the time step deployed in the District's surface water operations model from monthly to daily. The TWG also reached agreement on representative "reaches of interest" and "points of interest" for analysis. District staff undertook additional field survey work to establish high-definition channel cross sections at the abovementioned points of interest. These refinements will improve the analysis of the reservoir reoperation rule curves on flow, water depth and temperature to understand the effect on fish habitat. Further, the TWG made progress in defining the existing conditions baseline and evaluation criteria to be used in the CEQA alternatives analysis.

The Model Study Plan work continues to be performed on schedule, although near term milestones will require concerted effort by all parties in the TWG to avoid slippage. The schedule of work to complete the PEIR milestones is under review by HDR, and an update on the schedule will be provided to the Board at the next FAHCE Quarterly Update.

Next Steps:

Further TWG meetings are scheduled and several milestones in the Model Study Plan will be accomplished by the date of the next quarterly update to the Board, including:

- Validation of the surface water operations model in terms of daily flows, water depth and temperature.
- Development of the CEQA alternatives to be evaluated under the model.
- Initial evaluation of the CEQA alternatives using the validated model.

FINANCIAL IMPACT:

The amendment to the HDR standard consultant agreement to fund tasks required to resolve the complainants' technical concerns regarding the alternatives analysis for the Program Environmental Impact Report (PEIR) will commit the District to fund work not to exceed \$459,563. Staff intends to utilize the unencumbered, unexpended budget in Project No. 92041014 for tasks in the existing contract specific to the NEPA process to fund other specified tasks in the proposed amendment to the HDR standard consultant agreement as specified in Attachment 1.

Staff intends to utilize \$460,000 in unencumbered funds earmarked for a monitoring contract as well as funds earmarked to support positions with CDFW and NMFS be reallocated into the CEQA analysis and document preparation..

CEQA:

The recommended actions do not constitute a project under CEQA because there is no potential for the action to result in direct or reasonably foreseeable indirect physical change in the environment. A Program Environmental Impact Report (PEIR) evaluating the environmental aspects of the Fish Habitat Restoration Plan and actions associated with the water rights petition approvals will be provided for Board action as part of its project approval process.

ATTACHMENTS:

Attachment 1: Proposed Work Breakdown

UNCLASSIFIED MANAGER:

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