



Santa Clara Valley Water District

File No.: 17-0919

Agenda Date: 9/25/2018

Item No.: 6.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Amendment No. 4 to Consultant Agreement No. A3716G, with HDR Engineering, Inc., to add \$1,844,986 for Environmental Services to Support the Fish and Aquatic Habitat Collaborative Effort.

RECOMMENDATION:

Authorize the Chief Executive Officer to execute Amendment No. 4 to Consultant Agreement No. A3716G with HDR Engineering, Inc., to add \$1,844,986, resulting in a total not-to-exceed fee of \$4,016,157, and to extend the term of the Agreement to June 30, 2020.

SUMMARY:

The Santa Clara Valley Water District retained HDR Engineering, Inc. to prepare an Environmental Impact Report (EIR) and a fish habitat restoration plan for Coyote Creek, Guadalupe River and Stevens Creek watersheds (Three Creeks). This work supports implementation of the settlement agreement for the Fish and Aquatic Habitat Collaborative Effort.

As part of the work required to support CEQA documentation and the EIR, the District has been developing a new analytical approach to assess the potential benefits and impacts to aquatic habitat. The new approach combines three modeling elements: water supply distribution, flow characteristics (hydraulics), and aquatic habitat availability; and simulates daily flow release from 21 years of historical data for the Guadalupe River, Coyote Creek, and Stevens Creek, and tributaries. With 37 million results per model run, error-checking and validating the complicated model has required more time and resources than expected, and additional funds are requested to support the EIR and fish habitat restoration plan development.

Specifically, Amendment No. 4 (Amendment) will enable the evaluation of two CEQA baselines (pre- and post-seismic retrofit), multiple alternatives, and an assessment of cumulative impacts; refine the biological model and enable analysis of additional scenarios; provide for technical analysis and documentation in support of the water right change petitions; allow additional project management; and Technical Working Group, Initialing Parties, and stakeholders' coordination and support. The recommended Amendment No. 4 to Agreement A3716G (Agreement) with HDR Engineering, Inc. will extend the term of the Agreement to June 30, 2020, and increase the Agreement amount by \$1,844,986 for a new not-to-exceed total amount of \$4,016,157.

Background

In 1996, the Guadalupe-Coyote Resource Conservation District filed a complaint with the State Water Resources Control Board alleging the District's use of its water rights licenses on the Coyote Creek, Guadalupe River and Stevens Creek degraded fish, wildlife, water quality and other beneficial uses. The ensuing negotiations resulted in a settlement agreement that stipulated actions to resolve the complaint.

The settlement agreement focuses on habitat improvements specifically for Steelhead and Chinook salmon and is intended to comprehensively address and resolve all issues in the water rights complaint and any related issues arising under State and Federal laws that concern the impacts of the District's facilities and operation on beneficial uses.

The District retained HDR Engineering, Inc. to develop the fish habitat restoration plan specified in the settlement agreement and to prepare the associated environmental review document.

Previous Board Actions

On December 10, 2013, the Board Approved Agreement No. A3716G with HDR Engineering, Inc. for environmental consulting services to prepare an Environmental Impact Report and Environmental Impact Statement to assess environmental impacts of Three Creeks Habitat Conservation Plan and the settlement agreement for \$599,334.

On June 14, 2016, the Board Approved an Amendment to Contract No. A3716G in the amount of \$459,563 to complete a modeling study workplan and revise the Program Environmental Impact Report.

On December 13, 2016, the Board Approved an increase in Contract No. A3716G by \$1,112,274 to accommodate a more detailed analysis of the biological resources in the Environmental Impact Report, specifically the fisheries impacts associated with implementing the reservoir operations rule curves.

Consultant Work Performed to Date

To date, the Consultant has performed the following work:

- A. Organized and facilitated over 30 Technical Working Group, Initialing Parties, and stakeholder meetings to define a wide range of biological and flow modeling criteria necessary to develop the analytical models for the EIR.
- B. Assisted in the development and performance analysis of the modeling tools.
- C. Completed scoping and initial studies reports for the EIR and conducted a public scoping meeting.
- D. Began development of the fish habitat restoration plan as specified in the settlement agreement.
- E. Began complex analysis required to support two CEQA baselines required due to the interim

seismic restrictions.

Staff has been monitoring and managing the Consultant's performance to meet the goals and terms of the Agreement. Regular progress check-in calls are scheduled and additional meetings are conducted if necessary. District staff also performs QA/QC reviews of all deliverables received from the Consultant for compliance with Project scope, budget, and schedule.

Recommended Amendment to Agreement No. A3716G

Staff recommends approval of the Amendment, which will extend the term of the Agreement and increase the contract amount enabling sufficient time and funding for the following additional scope and services:

1. Additional CEQA scope to evaluate two CEQA baselines (pre-and post-seismic retrofit), multiple alternatives, and an assessment of cumulative impacts;
2. Refine the biological model and enable analysis of additional scenarios;
3. Provide for technical analysis and documentation in support of the water right change petitions;
4. Allow additional project management, and Technical Working Group, Initialing Parties, and stakeholder's coordination and support; and
5. Allow for additional supplemental services, if deemed necessary.

Approval of this proposed Amendment would increase the overall contract by \$1,844,986 to a total not-to-exceed fee of \$4,016,157. A summary of the tasks and prior budget and the recommended Amendment is presented in Table 1.

Table 1. Summary of Consultant Agreement and Amendment No. 4

Task	Description	Total Contract amount through Amendment 3	Proposed Amendment 4 Additions	Total Fixed Contract Amount
1	Project Management	\$408,417	\$182,545	\$590,962
2	Biological and Technical Analysis	\$960,948	\$366,343	\$1,327,291
3	Environmental Impact Report (Draft and Final EIR)	\$693,355	\$789,971	\$1,483,326
4	Supplemental Services	\$108,451	\$506,127	\$614,578
Total NTE Amount		\$2,171,171	\$1,844,986	\$4,016,157

FINANCIAL IMPACT:

Amendment to Agreement A3716G with HDR Engineering, Inc. for environmental consulting services will increase the contract amount by \$1,844,986 resulting in a total not-to-exceed fee of \$4,016,157. The approved FY2018-19 FAHCE/Three Creeks HCP Project (Project No. 92041014) budget has adequate funds at this time. Staff will monitor this project and will request a budget adjustment later in the fiscal year if necessary.

CEQA:

The recommended action does not constitute a project under the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment. Once project development is complete, a CEQA environmental analysis will be provided for the Board to consider as part of its Project approval process.

ATTACHMENTS:

Attachment 1: Amendment No. 4

UNCLASSIFIED MANAGER:

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