



# Santa Clara Valley Water District

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**File No.:** 20-0465

**Agenda Date:** 6/23/2020

**Item No.:** 6.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Approve Amendment No. 1 to Agreement A4150A with Stillwater Ecosystem, Watershed and Riverine Sciences, Inc., for Water Year 2018 and 2019 Guadalupe River Mitigation Monitoring Project, Project No. 30151026, CAS File No. 4860, Increasing the Fee by \$552,920 for a Total Revised Fee of \$1,291,570 (San Jose) (Districts 2, 3, 4, and 6).

### **RECOMMENDATION:**

Approve Amendment No. 1 to Agreement A4150A with Stillwater Ecosystem, Watershed and Riverine Sciences, Inc. for Water Years 2018 and 2019 Guadalupe River Mitigation Monitoring Project to: provide two additional years of mitigation monitoring and reporting services; increase the Agreement not-to-exceed amount by \$552,920, resulting in a total Agreement not-to-exceed fee of \$1,291,570; and extend the Agreement expiration date from June 30, 2020 to June 30, 2022.

### **SUMMARY:**

The permit-required annual monitoring of the mitigation for the Guadalupe River projects (the Downtown Project and Upper Guadalupe River Project) includes numerous monitoring indicators/methods and locations, as well as an annual Adaptive Management Team (AMT) meeting with the permitting agencies and regional environmental organizations. The amount of monitoring required each year exceeds Valley Water staff capacity and, as a result, has been contracted out since monitoring began in the early 2000s. The most recently selected consultant, Stillwater Ecosystem, Watershed and Riverine Sciences, Inc. (Stillwater) was selected through a competitive Request For Proposals (RFP) process in 2018, and has performed the two years of contracted monitoring, reporting, and AMT meeting work on schedule and within budget. Stillwater's involvement has improved Valley Water relations with permitting agencies and resulted in reduced monitoring requirements and costs. The Water Years 2018 and 2019 Guadalupe River Mitigation Monitoring Project (Agreement) allows for an amendment of up to two additional years of work, subject to Valley Water Board approval. Due to the excellent performance of Stillwater, lack of internal Valley Water staff to conduct the monitoring work, and the fact that Stillwater was recently and competitively selected, an amendment to the Agreement is requested that will enable Stillwater to provide two additional years of mitigation monitoring and reporting services for the Guadalupe River projects.

### ***Project Background and Previous Board Actions***

Valley Water and the U. S. Army Corps of Engineers (Corps) constructed the downtown and upper

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Guadalupe River flood projects to provide flood protection in the City of San Jose (not all reaches for the upper project have been constructed). In addition, mitigation for the downtown project was constructed on Guadalupe Creek from Almaden Expressway to Masson Dam. The mitigation monitoring program, required by the projects' regulatory permits, was developed to assess success of Valley Water's mitigation efforts and requires performing monitoring and data analysis for fisheries, vegetation, geomorphology, and water temperature. Mitigation monitoring and reporting is based on water year (WY): WY 2018 began October 1, 2017 and ends September 30, 2018.

A mitigation monitoring report (MMR) is prepared annually and submitted to the projects' AMT by March 30 of each year for review. The AMT comprises Valley Water and resource agencies including the Corps (Valley Water's project partner and co-permittee), U. S. Fish and Wildlife Service, National Marine Fisheries Service, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, City of San Jose, and environmental organizations represented by the Water and Power Law Group. The AMT reviews and comments on the MMR and discusses and votes on recommendations and remedial actions at an annual meeting. Since the projects are adaptively managed by the AMT, decisions are made based on each year's monitoring results then changes to the permit-specified monitoring protocols can occur.

On June 12, 2018, the Board approved the Agreement, following a competitive selection process. The Agreement expires on June 30, 2020 but allows for an amendment of up to two additional years of work, subject to Board approval. Approval of the Amendment will extend the term of the Agreement for two additional years through June 30, 2022.

### ***Consultant Work Performed to Date***

Under Agreement, Stillwater has conducted the mitigation monitoring and reporting for the downtown and upper Guadalupe River flood projects (two projects), and conducted associated support tasks, for WY 2018 and 2019. They performed fisheries, vegetation, and channel morphology monitoring field work; analyzed fisheries, vegetation, channel morphology, and water temperature monitoring results; prepared the annual draft and final MMRs for WY 2018 and 2019; attended and facilitated the annual AMT meetings; quantitatively assessed fish passage at a weir that has been hypothesized to limit steelhead and Chinook salmon migration; and supported optional MMR and AMT related tasks. These tasks involved conducting field monitoring, data analysis, reporting, facilitating and presenting results at an annual meeting. To-date Stillwater has completed all required WY 2018 work and is on schedule to complete all required WY 2019 work on time and within budget. Their involvement and technical expertise has improved Valley Water's working relationships with the AMT members and has resulted in AMT approval of reduced monitoring requirements and costs.

### ***Amendment No. 1 to Agreement No. A4150A***

The requested Amendment would expand the scope of services in which Stillwater will provide two additional years (i.e. WY 2020 and 2021) of mitigation monitoring and reporting services. Due to the monitoring schedule, not all task scopes and budgets are identical to the WY 2018 and 2018 tasks and, due to Stillwater's performance to-date, not all tasks performed in WY 2018 and WY 2019 will be necessary in WY 2020 and 2021. The Amendment will require the Consultant to perform the following additional tasks for 1A, 2A, 3A, 6A, 7A, 8A, and 14A for WYs 2020 and 2021. Table 1

summarizes the status and allocated not-to-exceed fees assigned to each of those tasks. Table 2 summarizes the task schedule for WYs 2020 and 2021.

**Table 1. Original Agreement, Amendment No. 1, and Total Task Costs Request Summary**

Task	Description	NTE Fees Water Years 2018 and 2019	NTE Additional Fees Water Years 2020 and 2021	Total NTE Fees Water Years 2018, 2019, 2020, and 2021
<b>1 and 1A</b>	Project Management	\$24,588.00	\$32,000.00	\$56,588.00
<b>2 and 2A</b>	Long-Term Vegetation Monitoring	\$84,956.00	\$183,800.00	\$268,756.00
<b>3 and 3A</b>	Channel Morphology Undercut Bank Monitoring	\$26,394.00	\$41,550.00	\$67,944.00
4	Water Temperature	\$13,314.00	-	\$13,314.00
5	Anadromous Fish Monitoring	\$65,228.00	-	\$65,228.00
<b>6 and 6A</b>	Mitigation Monitoring (MMR)	\$73,502.00	\$93,800.00	\$167,302.00
<b>7 and 7A</b>	Adaptive Management (AMT) Meeting	\$38,980.00	\$49,600.00	\$88,580.00
<b>8 and 8A</b>	Additional Vegetation Monitoring (Optional)	\$35,894.00	\$59,550.00	\$95,444.00
9	Riffle Crest Survey Monitoring (Optional)	\$33,180.00	-	\$33,180.00
10	Gravel Quality Monitoring (Optional)	\$29,408.00	-	\$29,408.00
11	Suitable Fish Habitat Mapping (Optional)	\$25,458.00	-	\$25,458.00
12	Fish Migration Monitoring (Optional)	\$65,760.00	-	\$65,760.00
13	Weir Passage Assessment (Optional)	\$58,832.00	-	\$58,832.00
<b>14 and 14A</b>	Adaptive Management (AMT) Specific Activities and other Services	\$56,212.00	\$48,200.00	\$104,412.00
	Expenses	\$106,944.00	\$44,420.00	\$151,364.00
<b>Total Not-to-Exceed Fees</b>		<b>\$738,648.00</b>	<b>\$552,920.00</b>	<b>\$1,291,570.00</b>

Table 2. TASK SCHEDULE FOR WYs 2020 AND 2021

Task	Description	Schedule of Completion for Water Years 2020 and 2021Tasks
1a	Project Management	June 30, 2022
2a	Long-term Vegetation Monitoring	February 1, 2022
3a	Channel Morphology - Undercut Bank Monitoring	February 1, 2022
6a	Mitigation Monitoring Report (MMR)	June 30, 2022
7a	Adaptive Management Team (AMT) Meeting	June 30, 2022
8a	Additional Vegetation Monitoring	February 1, 2022
14a	AMT Specific Action Items and Other Services (Optional)	June 30, 2022

**FINANCIAL IMPACT:**

Funding for the Consultant Agreement with Stillwater is included in the Fiscal Years 2020 and 2021 budgets for the Guadalupe River Mitigation Monitoring Program, Project Number 30151026, as well as the Upper Guadalupe River projects, Project Numbers 26154002 and 26154003.

The current not-to-exceed amount of Agreement is \$738,648. If authorized by the Board, the not-to-exceed amount of this Agreement will be increased by \$552,920 from \$738,648 to \$1,291,570. There are adequate funds in the budgets of the three Guadalupe River projects listed above to pay for the increased costs.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential to result in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Agreement

Attachment 2: Amendment No. 1

**UNCLASSIFIED MANAGER:**

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