

STAFF REPORT

Meeting Type: Board of Directors

Title: Nicasio Spillway Environmental Compliance Contract

From: Shaun Horne, Director of Watershed Resources

Through: Ben Horenstein, General Manager

Meeting Date: November 6, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Authorize the General Manager to execute a professional services agreement with Environmental Science Associates (ESA) for the Nicasio Spillway Modification Project Environmental Review, Permitting, and Fisheries Services Contract in the amount of \$1,738,360 with a staff requested contingency of \$260,754, for a total not to exceed amount of \$1,999,114

SUMMARY: The District is in the early stages of the Nicasio Spillway Modification Project, which is one of the near-term projects identified in the Local Storage Enlargement Assessment to improve the resilience of Marin Water's system. In order for the District to execute this Project, it is necessary to hire an environmental consultant team that will assist the District in conducting a fisheries study, developing all environmental documentation, and filing for all required environmental permits. To support these efforts the District prepared and circulated two Request for Proposals (RFP); one for the Nicasio Creek Fisheries Study and one for Environmental Compliance and Permitting. Staff reviewed the Nicasio Creek Fisheries Study RFP with the Watershed Committee at the October 17, 2024 meeting. Staff also reviewed the Environmental Compliance and Permitting RFP with the Operations Committee at the October 18, 2024 meeting. After reviewing the proposals and interviewing consultant teams, staff is recommending one combined contract, to cover both scopes of work, with Environmental Science Associates (ESA) in the amount of \$1,738,360 with a staff requested contingency of \$260,754, for a total not to exceed amount of \$1,999,114.

DISCUSSION: As part of the District's ongoing Water Supply Roadmap actions, raising Nicasio Reservoir's spillway was identified as a near term project to increase local water storage. Nicasio Creek flows from Nicasio Reservoir approximately one-mile through District-owned and private land before joining Lagunitas Creek. Currently, there are limited biological and hydrologic data available for this reach of Nicasio Creek. Therefore, additional studies are needed to support ongoing water supply planning, permitting, and environmental compliance. In order to advance the project to construction, the District will need to conduct environmental review and analysis of the project and prepare any needed documentation of environmental compliance with the California Environmental Quality Act and potentially also the National Environmental Policy Act, as well as prepare and submit needed

permit applications. To support these efforts the District prepared and circulated two RFP's, one for the Nicasio Creek Fisheries Study and one for Environmental Compliance and Permitting.

The Nicasio Creek Fisheries Study RFP was distributed to three qualified consulting firms. The RFP included three tasks: 1) streamflow monitoring; 2) stream habitat surveys; and 3) biological surveys for salmonids and other special-status species. Staff reviewed the Nicasio Creek Fisheries Study RFP with the Watershed Committee at the October 17, 2024 meeting. The RFP was distributed on September 25, 2024, and one proposal from ESA was received on October 18, 2024. Staff met with ESA on October 22nd to review the study framework, scope and budget. Staff received input from the Watershed Committee regarding the study and in response has integrated temperature monitoring and ecohydrology mapping into the study. ESA's cost proposal for the Nicasio Creek Fisheries Study is \$398,212.

The Project Environmental Compliance and Permitting RFP encompasses preparation of necessary environmental analysis and compliance, including document preparation (California Environmental Quality Act (CEQA)/National Environmental Protection Act (NEPA)), permitting, Endangered Species Act compliance, as well as a robust stakeholder and agency engagement process. Staff reviewed the Environmental Compliance and Permitting RFP with the Operations Committee at the October 18, 2024 meeting. The RFP was distributed on October 4, 2024 and proposals from two firms were received on October 18, 2024. Interviews were carried out the week of October 21, 2024. Based on the proposals and interviews staff identified ESA as the most qualified firm. ESA's cost proposal for the Environmental Compliance and Permitting project is \$1,340,148.

After reviewing the proposals and interviewing consultants, staff is recommending one combined contract with ESA to include both areas of work in the amount of \$1,738,360. ESA's work will be done concurrently with the engineering analysis and design for the project and will aid the District in implementing this high priority project. The Nicasio Creek Fisheries Study will help the District better understand seasonal streamflow patterns and the presence/absence of aquatic species. This information will inform the District environmental analysis and compliance documentation, permit applications and provide critical data to support stakeholder discussions. As such, Staff sees project efficiencies that can be realized through having one firm carry out the work and is recommending that the District execute one professional services agreement with ESA in the amount of \$1,738,360 with a staff requested contingency of \$260,754, for a total not to exceed amount of \$1,999,114.

Budget

Professional Services Agreement Fees: \$1,738,360

Contingency (15%): \$260,754

Total Budget: \$1,999,114

Budget Category: A1A16

This work is scheduled to take place across Fiscal Years 2025 and 2026.

ENVIRONMENTAL REVIEW: Not Applicable.

FISCAL IMPACT: The total costs for the Nicasio Fisheries Study task is \$398,212 and the Environmental Compliance and Permitting task is \$1,340,148 for a total contract cost of \$1,738,360, with a staff requested contingency of \$260,754, for a total not to exceed amount of \$1,999,114 to be spread across FY25 and FY26. Funding for this contract is identified in the adopted budget for Fiscal Year 2024 and 2025 under the A1A16 Program Management fund center, under Roadmap Planning and Pre-Design.

Task Description	Budget
Task 1 – Project Management and Coordination: This task includes project	\$246,369
management activities including day-to-day administration, progress	
meetings, and technical reviews throughout the duration of the project.	
Task 2 – Environmental Compliance: This task includes preparation of CEQA	\$769,534
documents, including EIR project description development, scoping meetings,	
assessment and delineation reports, AB52 compliance, terrestrial and fishery	
resources analyses, development of mitigation measures, draft EIR	
preparation, public review, and final EIR preparation.	
Task 3 – Regulatory Agency Permitting: This task includes preparing permit	\$232,047
applications, assessments, and coordination for involved agencies, such as US	
Army Corps of Engineers, US Fish and Wildlife Service, California Department	
of Fish and Wildlife, National Marine Fisheries Service, Regional Water Quality	
Control Board	
Task 4 – Agency and Stakeholder Engagement: This task includes outreach	\$209,105
and coordination with involved agencies and interested stakeholders,	
including an engagement plan, briefings, and meetings.	
Task 5 – Nicasio Creek Fishery Study: This task includes an ecohydrology	\$281,305
assessment, salmonid habitat survey, and biological surveys along Nicasio	
Creek downstream of the dam to the confluence with Lagunitas Creek	
Professional Services Agreement Total	\$1,738,360
Contingency (15%)	\$260,754
Total Authorized Amount	\$1,999,114

ATTACHMENT(S): None.

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Watershed	Shan Jus	M. Harentein
	Shaun Horne Watershed Resources	Ben Horenstein General Manager

Watershed Resources Director