

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 6/16/2015	(3) CONTACT/PHONE Kate Ballantyne, Environmental Programs Manager (805) 788-2765	
(4) SUBJECT Request to approve an agreement with HT Harvey and Associates, in the amount of \$191,622, for professional environmental consulting services for the Lopez Water Project Habitat Conservation Plan. Districts 3 and 4.			
(5) RECOMMENDED ACTION It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District, approve and direct the Chairperson to sign the Agreement with HT Harvey and Associates for professional environmental consulting services to replace the original Agreement that expired in 2013, to include additional services, and to include staff from their new local office in San Luis Obispo in an amount not to exceed \$191,622; and to extend the contract to January 1, 2019.			
(6) FUNDING SOURCE(S) Flood Control Zone 3	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19001543		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: 3/20/12 #11	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 3 District 4			

Reference: 15JUN16-C-10

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Kate Ballantyne, Environmental Programs Manager

Katie Drexhage, Environmental Resource Specialist

VIA: Mark Hutchinson, Deputy Director of Public Works

DATE: 6/16/2015

SUBJECT: Request to approve an agreement with HT Harvey and Associates, in the amount of \$191,622, for professional environmental consulting services for the Lopez Water Project Habitat Conservation Plan. Districts 3 and 4.

### **RECOMMENDATION**

It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District, approve and direct the Chairperson to sign the Agreement with HT Harvey and Associates for professional environmental consulting services to replace the original Agreement that expired in 2013, to include additional services, and to include staff from their new local office in San Luis Obispo in an amount not to exceed \$191,622; and to extend the contract to January 1, 2019.

### **DISCUSSION**

Lopez Dam with its approximate 50,000 acre foot reservoir was constructed in 1968/69 by the San Luis Obispo County Flood Control and Water Conservation District (District). The Lopez Water Project is organized as Zone 3 of the District and supplies water to the municipalities of Arroyo Grande, Pismo Beach, Grover Beach, Oceano, and CSA 12, including Avila Beach. The project also makes downstream releases to Arroyo Grande Creek to ensure adequate flow is available to riparian users and to recharge aquifers to support downstream water rights, including agricultural and municipal wells. The project is in the process of determining what releases will be required to meet the needs of Federally-listed species that occupy Arroyo Grande Creek through the preparation of a Habitat Conservation Plan.

In 2012, the District contracted with HT Harvey and Associates to revise the 2004 draft Habitat Conservation Plan and function as the environmental member of the project team. Since that time, HT Harvey has revised chapters of the 2004 version of the Habitat Conservation Plan; prepared technical memorandums pursuant to key aspects of the project (e.g., spill raise project, covered

activities, project boundary, and downstream flows in relation to endangered species habitat); and attended and facilitated meetings with the District and a meeting with the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

In 2012 the State Water Resource Control Board requested that the District complete a Water Availability Analysis in accordance with California Water Code Section 1260(k) in order for the State to continue processing a revised water rights application. In July of 2013 the Zone 3 Advisory Committee (composed of representatives of the municipalities listed above) adopted a District staff recommendation to move the Habitat Conservation Plan effort forward by reorganizing the project's consultant team with a new hydrological consultant.

Pending this reorganization, HT Harvey and Associates were unable to move forward with their work effort and their contract expired on January 1, 2013. The portion of work that HT Harvey and Associates has been able to complete to date has demonstrated a thorough understanding of the Section 10 permitting process and the Lopez Water Project Habitat Conservation Plan (past history and present status).

#### HT Harvey and Associates Contract

This new contract will allow HT Harvey and Associates to move the Habitat Conservation Plan forward. The original contract was approved by your Board in February of 2012 after moving through the County's Request for Qualifications process. This new contract accounts for the additional task of coordination with the hydrogeologic services consultant (Exhibits "A" and "B" of the agreement), includes an updated organizational chart with staff from HT Harvey's newly-created local office in San Luis Obispo (Exhibit "C" of the agreement), and extends the contract to January 1, 2019.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel is providing legal guidance on all aspects of the Project and has approved the attached agreement as to legal form and effect.

The Flood Control District's Zone 3 (Lopez project) Advisory Committee considered and endorsed the agreement at their November 20, 2014 meeting. The Advisory Committee consists of representatives from the Cities of Arroyo Grande, Pismo Beach and Grover Beach; the Oceano Community Services District; County Service Area 12; a member at large; and an agricultural representative.

The National Marine Fisheries Service and the U.S. Fish and Wildlife Service are responsible for approving the Habitat Conservation Plan and issuing the associated permits. The State Water Resources Control Board is responsible for issuing the revised water rights permit.

#### **FINANCIAL CONSIDERATIONS**

The original HT Harvey contract was for \$260,877, with a \$26,000 contingency, for a total of \$286,877. Today's request will increase the original cost estimate by \$24,612 for the additional task of coordination with the hydrogeologic services consultant which falls within the \$26,000 contingency.

Of the original contract amount of \$286,877, a total of \$93,865.46 has been paid to HT Harvey. The remaining \$191,622, which includes the additional task, will be expended during this new contract.

Work on the Habitat Conservation Plan will continue to be funded by Zone 3 at the same rate as the current year budget (\$229,000). Costs in excess of this figure will be provided by District reserves (currently \$1,956,000). Flood Control Zone 3 is an enterprise fund, therefore no formal budget adjustment is required.

## **RESULTS**

Approval of the recommended actions will result in the continuation of work on the Habitat Conservation Plan and revised water rights permit for the Lopez Water Project. These actions will help ensure that the Lopez Water Project is operated in a manner that will promote a more livable community by continuing to operate in a manner that benefits both the people it serves as well as the environment.

File: CF 210.09.01 – Habitat Conservation Plan Contract – Zone 3

Reference: 15JUN16-C-10

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## **ATTACHMENTS**

1. Vicinity Maps
2. Agreement for Professional Environmental Consulting Services