

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 3/6/2012	(3) CONTACT/PHONE Carolyn Berg, Engineer II (805) 781-5252	
(4) SUBJECT Request approval of Amendment No. 4 to the agreement for consulting services with TJ Cross Engineers, Inc., for Dreissenid Mussel Prevention Program Support and approve a policy in support of a Resident Vessel Program.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board, acting as the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District: 1. Execute the attached Amendment No. 4 to the Agreement for Consulting Services within the Nacimiento Operations Fund with TJ Cross Engineers, Inc., in the amount of \$106,000 and extending the service period to December 31, 2012; and 2. Approve a policy in support of a Resident Vessel Program.			
(6) FUNDING SOURCE(S) Nacimiento Operations Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$106,000.00	(8) ANNUAL FINANCIAL IMPACT \$106,000.00	(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) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
(15) LOCATION MAP No	(16) BUSINESS IMPACT STATEMENT? No	(17) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date 9/11/2007; B-17	
(18) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(19) SUPERVISOR DISTRICT(S) All Districts -			

Reference: 12MAR06-C-6

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works  
Carolyn Berg, Engineer II

VIA: Courtney Howard, P.E., Water Resources Engineer  
Dean Benedix, Utilities Division Manager

DATE: 3/6/2012

SUBJECT: Request approval of Amendment No. 4 to the agreement for consulting services with TJ Cross Engineers, Inc., for Dreissenid Mussel Prevention Program Support and approve a policy in support of a Resident Vessel Program.

## **RECOMMENDATION**

It is our recommendation that your Honorable Board, acting as the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District:

1. Execute the attached Amendment No. 4 to the Agreement for Consulting Services within the Nacimiento Operations Fund with TJ Cross Engineers, Inc., in the amount of \$106,000 and extending the service period to December 31, 2012; and
2. Approve a policy in support of a Resident Vessel Program.

## **DISCUSSION**

The Nacimiento Water System consists of 45 miles of pipeline, with storage tanks, pump stations, and appurtenant facilities for the purpose of conveying up to 15,750 acre feet of water from Lake Nacimiento to local water agencies within the boundaries of the San Luis Obispo County Flood Control and Water Conservation District (District). The \$176-million Project moved from its Construction Phase into the Operation and Maintenance Phase on February 1, 2011.

The District and Project Participants initiated efforts to protect the newly operational distribution system from the threat of Dreissenid Mussels by collaborating with Monterey County to implement a mussel prevention program at Lake Nacimiento. Mussels, spread by vessel transport (i.e. trailered watercraft) and direct water ways (i.e. pipeline and canals) cause substantial operational and budgetary impacts to water delivery/ storage systems, and irreparable damage to aquatic ecosystems – a fate our County endeavors to avoid.

TJ Cross Engineers, Inc. has provided project engineering and management services for the overall implementation of the Nacimiento Project since 2004. TJ Cross Engineers, Inc. assists the District with numerous Project management activities and continues to provide operation support services

during the systems initial years of operation, including planning, implementation, and management of Lake Nacimiento's mussel prevention program.

Your Board entered into the original agreement with the firm in February 2005 and has provided additional extensions on previous amendments to the agreement. Amendment No. 4 seeks to extend the firm's contract to continue mussel prevention program planning and implementation through 2012. TJ Cross Engineers, Inc. has played an integral part in assisting the District to initiate, plan, and implement Lake Nacimiento's mussel prevention program starting in fall 2008, and understands the challenging program start and history. TJ Cross Engineers, Inc. and District staff have successfully developed positive working relationships with local elected officials, private communities and homeowners, stakeholders, and Monterey County staff and officials. The full scope of work is presented as Exhibit "A" to Amendment No. 4.

As the Project transitions into the Operation and Maintenance Phase, the Public Works Department Utilities Division seeks to facilitate a seamless transition into a management role of the Lake Nacimiento mussel prevention efforts. Allowing TJ Cross Engineers, Inc. to continue its role assisting the District to plan, implement, and manage the mussel prevention program will ensure that the program does not lose momentum and does not put the lake and system at undue risk. District staff will be evaluating options to manage and coordinate this program to efficiently and effectively use resources while maintaining a reduced risk of mussel infestation over the next year.

#### Resident Vessel Program

Included in the options being discussed for the 2012 Prevention Program (May 2012 to May 2013) is the concept of a "Resident Vessel Program". TJ Cross Engineers, Inc. will assist the District in developing the concept and, pending acceptance by Monterey County (owner and operator of Lake Nacimiento), TJ Cross will help implement the program.

In brief, a Resident Vessel Program is proposed to recognize that resident boaters and private lakeside communities are the least like population of boaters to introduce dreissenid mussels. Attachment "A" is the current program draft being reviewed with Monterey County Parks. The reservoir Operations Committee is scheduled to consider the issue at their meeting of March 1, 2012. In contrast, the 2011 inspection program required re-inspection of all vessels every 14 days – a requirement intended to capture all transient vessels that pose a high risk by potentially visiting an infested water body and subsequently visiting local lakes. Developing a program specific to lakeside residents will include appropriate verification and enforcement provisions. Eligibility will require participants to have their boats registered at, and voluntarily agree to keep their boat located in a participating lake side community. The program will mitigate redundant inspections and help ensure inspector focus on higher risk boats.

At the February 23, 2012 Nacimiento Project Commission meeting, the Commissioners endorsed a policy in support of a Resident Vessel Program. Representatives from Monterey County Parks Department, Monterey County Water Resources Agency, and the Nacimiento Regional Water Management Advisory Committee were present and participated in these discussions.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

*Nacimiento Water Project:* Participants include the cities of Paso Robles and San Luis Obispo, Atascadero Mutual Water Company, Templeton Community Services District, and County Service Area 10, Zone A, all of which have a vested interest in protecting the lake and their newly operational water distribution system from a mussel infestation. The Nacimiento Technical Support Group (made up of Participant and District staff who review system operations and recommendations) and the Nacimiento Project Commission reviewed and approved the amendment and associated scope of services at their December 8, 2011 and February 23, 2012 meetings, respectively. District staff and TJ Cross Engineers, Inc. continue to provide regular updates on the mussel prevention program to the Nacimiento Project Commission.

*Lake Nacimiento:* Monterey County Parks Department and Water Resources Agency (owner and operator of the lake), the Nacimiento Regional Water Management Advisory Committee, and lakeside communities, residents, and boaters have developed a close working relationship with District and TJ Cross Engineers, Inc. staff during the Lake Nacimiento mussel prevention program startup. Providing consistency in program management during 2012 will foster continued success in prevention program startup.

*County-wide:* The County Parks Department continues to manage mussel prevention efforts at Lakes Lopez and Santa Margarita. The continued mussel prevention efforts at Lake Nacimiento will educate boaters and residents County-wide, and will reduce the risk of infestation even beyond Nacimiento.

*Heritage Ranch Homeowners Association:* On February 10, 2012, Staff Engineer Carolyn Berg and Public Works Director Paavo Ogren attended a meeting of the Heritage Ranch Homeowners Association (HROA) along with NRWMAC representatives Phil Humfrey and Tim Kopack. Mr. Humfrey provided a Power Point presentation covering the risks of invasive mussels and the need for continued inspection efforts. Mr. Ogren provided a brief overview of the recommended contract amendment with TJ Cross and Staff's interest in dialogue and feedback from the HROA prior to the February 23, 2012, Commission meeting.

Overall, the HROA Board of Directors and the audience clearly recognized the importance of the inspection program. Some discussion ensued between members of the audience and the HROA on the level of volunteer efforts that would be appropriate versus paid inspectors. When questioned, Mr. Ogren responded that the HROA would need to decide on volunteers versus paid inspectors, but that ensuring inspections were being accomplished was necessary with the anticipated increased enforcement in 2012. When questioned on whether public funds would be made available to the HROA to help pay for HROA costs, Mr. Ogren responded that they could not anticipate him making such a recommendation to the Nacimiento Project Commission or the Board of Supervisors. Mr. Ogren explained that all parties (Monterey County, the Nacimiento Project participants, other private ramps) were utilizing resources to help prevent an infestation, and that the TJ Cross contract was part of the Project's overall efforts to coordinate Program efforts with private ramps. He further expressed the position that along with the right to access the lake, private ramps also had the responsibility to prevent potentially mussel-infested or high risk boats from entering Lake Nacimiento. Lastly, he stated that he could not ask Commissioners to charge rate payers of Nacimiento Water to pay for inspections at private ramps; that instead, everyone doing their part was important to develop a collaborative program and avoid the alternative of developing stricter enforcement actions, and in a worst case scenario, to avoid seeking closure of private ramps. Discussion ensued on training

programs with Carolyn Berg responding on timing and willingness to conduct additional training events. In summary, the agenda item spanned approximately 45 minutes and Staff believes that the outreach effort and dialogue was positive.

County Counsel has reviewed the attached Amendment No. 4 as to legal form and effect.

### **FINANCIAL CONSIDERATIONS**

This cost of the proposed contract amendment is included in the approved FY 2011-2012 budget; therefore, there is not a need for a budget adjustment. The costs will be funded in the FY 2011-12 Nacimiento Operation and Maintenance Fund (2200002000) and represents a continuation of the existing program and the existing support from TJ Cross.

### **RESULTS**

Approval of the recommended action will result in a well-coordinated and continually successful Lake Nacimiento mussel prevention program, and ensure a healthy, safe, well-governed community.

NWP File: E.10.1

Reference: 12MAR06-C-6

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### **ATTACHMENTS**

1. Amendment No. 4 to Agreement for Engineering Consulting Services - Nacimiento Water Project Engineering Support
2. Attachment A - Draft Nacimiento Resident Vessel Program