

Requested Action:

Consider approval of the Executive Director to authorize ICF Jones and Stokes, Inc.'s. (ICF) Amendment 3 Task Order No. F003 scope of work for planning and permitting support with a not-to-exceed contract authority of \$8,745,511 for the period of January 1, 2022 through December 31, 2024.

Detailed Description/Background:

In September 2021, the Reservoir Committee and Authority Board approved a work plan for the Amendment 3 period of performance of January 1, 2022 through December 31, 2024 which included Environmental Planning and Permitting activities. ICF has satisfactorily performed these services for the Authority since 2019. Previously the ICF work was separated into 2 separate task orders, one covering permitting and another covering planning. This task order consolidates all planning and permitting into a single task order for administrative efficiency and risk minimization. The below summary of the scope of services contained in the proposed ICF Task Order No. 3 was negotiated and is recommended by the Authority Agents to achieve the required deliverables and milestones for Amendment 3.

The Board is reminded that this contract will be managed to the total authority and the annual authorized expenditures (by calendar year) reflected in the approved annual budget. An annual Notice to Proceed will be issued to the consultant reflecting these conditions. The proposed agreement amendment contains the following subtasks with estimated costs as shown:

Environmental Planning Tasks

- **EIR/EIS Responses to Comments:** Organize and prepare responses to comments received on the public RDEIR/SDEIS. (\$750,000)
- **Administrative Draft Final EIR/EIS:** Prepare the draft Final EIR/EIS, an updated version of the complete RDEIR/SDEIS including additional analysis due to minor changes in design and/or operations. (\$900,000)
- **Final EIR/EIS:** Revise the Draft Final EIR/EIS based on Authority, Reclamation, and Legal review comments and prepare a full Final EIR/EIS for publication. (\$720,000)
- **EIR/EIS Administrative Record:** Update record for Final EIR/EIS. (\$80,000)
- **Mitigation Monitoring and Report Program (MMRP), Findings, Statement of Overriding Considerations (SOC):** Develop the MMRP for all mitigation

measures identified in the Final EIR/EIS, support preparation of the Findings and SOC. (\$80,000)

- **NEPA Record of Decision (ROD) Support:** Provide technical support for development of ROD. (\$18,739)

Environmental Permitting Tasks

- **Geotechnical Support** – Pre-construction surveys, permits and monitoring associated with Geotechnical Investigations. (\$1,874,574)
- **CDFW Lake and Streambed Alteration Agreements (LSAA):** Prepare and submit the Streambed Alteration Notifications to CDFW. (\$169,290)
- **State Water Resources Control Board (SWRCB) Section 401 Water Quality and Porter Cologne Waste Discharge Requirements (WDR):** Address comments from SWRCB staff on the 401 Water Quality and WDR Application submitted in December 2021, and to coordinate with the Authority, Integration, legal team, and SWRCB to obtain the permit. (\$233,244)
- **Clean Water Act Section 404/10:** Address comments from U.S. Army Corps of Engineers (USACE) staff on the Standard Permit application submitted in December 2021, and coordinate with the Authority, Integration, legal team, and USACE to obtain the permit agreement. (\$135,090)
- **Title 23 Floodway Encroachment Permit/33 U.S.C. Section 408 Permission:** Prepare Central Valley Flood Protection Board (CVFPB) encroachment permit application and the Section 408 permission documents for consultation with CVFPB and USACE. (\$96,958)
- **Biological Assessment (BA):** Completion of the BA for consultation under Section 7 of the ESA and work with the Authority, Integration, legal team, U.S. Fish and Wildlife Service, and National Marine Fisheries Service to obtain Biological Opinions for the Project. (\$178,844)
- **Incidental Take Permit (ITP):** Completion of the ITP applications for construction and operations pursuant to Section 2081 of California Fish and Game Code, and work with the Authority, Integration, legal team, and California Department of Fish and Wildlife to obtain ITPs for the Project. (\$271,649)
- **Cultural Resources and Tribal Cultural Resources (AB52):** Support the Authority in consultation under CEQA (AB 52), completion of the Section 106 Programmatic Historic Properties Management Plan (PHPMP), and initiation of cultural resources surveys and studies required under Section 106 and CEQA/NEPA environmental commitments. (\$838,500)
- **Eagle Permit & Surveys:** Support the Authority with developing a short-term eagle take permit and conduct nest surveys to support the development of the permit application. (\$263,334)

- **Invasive Species Plan:** Prepare an Invasive Plant Species Management Plan, based on the template provided in the 2018 Cal-IPC guidelines. (\$19,751)
- **Mitigation Program (MP) Development and Adaptive Management Plan (AMP):** Revise the draft AMP and MP, both of which were completed under Amendment 2, and prepare a final MP and AMP for Project permits and approvals. (\$350,000)
- **Biological Survey Plan:** Prepare a biological survey plan that provides a strategy for completing all biological surveys in an efficient and timely manner. (\$37,193)
- **Surveys (Plant-Wildlife-Wetland):** With landowner permission and under the direction of the Authority, conduct botanical surveys and sensitive natural community ground-truthing and prepare a Botanical Report; conduct wildlife surveys and prepare reports; conduct ground-truthing and collect data to confirm boundaries of the desk-top delineated and USACE-reviewed aquatic resources (waters of the United States and waters of the State) within the delineation area in support of a preliminary jurisdictional determination from the USACE. (\$498,001)
- **Stone Corral Creek and Funks Creek Flow Plan:** With landowner permission and under the direction of the Authority, conduct field studies and develop flow sampling protocol/work plan to ensure releases from Sites Reservoir into Funks and Stone Corral Creeks comply with California Fish and Game Code Section 5937 and ensure no harm to downstream water right holders on these creeks. (\$165,528)
- **Water Rights:** Provide support for the Authority to obtain the Water Right Order and Permit including technical memorandums, response to comments, and preparation of and participation at meetings. (\$384,750)
- **Worker Environmental Awareness Program (WEAP):** Prepare and support the implementation of a Worker Environmental Awareness Program (WEAP) as required by the EIR/EIS and anticipated state and federal permit conditions. (\$75,240)
- **Reservoir Management Plan:** Provide water quality technical support to develop the Reservoir Management Plan. (\$32,000)
- **Aquatic Resources Management Plan:** Prepare final aquatic resources delineation report. (\$65,000)
- **Project Management:** Perform work associated with project management in support of environmental and permitting tasks and deliverables for the Sites Project. (\$504,222)
- **Project Expenses:** General expenses related to travel, meals, etc., for in-person meetings. (\$3,600.00)

The Authority's Standard Consulting Services Agreement was approved on July 16, 2018. Staff recently conducted a review of the Agreement to ensure it meets

the growing needs of the Project. Minor changes were identified mostly related to clarification of provisions and updating Exhibits and other minor items. Staff is working with Authority counsel on these changes. An amended standard Agreement will be provided to the Authority in December for review and approval. The amended agreement will be used to amend the key consultants' agreements with the Authority. The agreement amendments will not impact scope, budget, and schedule included in the key consultants' Amendment 3 task orders.

Prior Action:

September 2021: Approved the Amendment 3 Project Agreement and Work Plan with a period of performance of January 1, 2022 to December 31, 2024 for the purpose of initiating Participant home board review, deliberation and execution of the agreement.

Fiscal Impact/Funding Source:

Sufficient funds are included in the Amendment 3 Work Plan. Consultant activity will be monitored closely to ensure quality, timely deliverables, and to ensure a positive Project cash balance is always maintained. Key consultant contract authority will be approved for a 36-month period, however, task order scope and budgets will be reviewed and authorized on an annual basis.

Staff Contact:

Joe Trapasso/Marcus Maltby

Primary Service Provider:

ICF

Attachments:

None