



Midpeninsula Regional
Open Space District

R-24-40
Meeting 24-08
March 27, 2024

AGENDA ITEM 8

AGENDA ITEM

Award of Contract for Marbled Murrelet Habitat Assessment and Breeding Surveys for the Long Ridge Forest Health Project

GENERAL MANAGER'S RECOMMENDATIONS *den*

1. Authorize the General Manager to execute a contract with Nomad Ecology, LLC to complete a marbled murrelet habitat assessment and breeding surveys in Long Ridge Open Space Preserve, for a base contract amount not-to-exceed \$83,101.
2. Authorize a separate contract allowance of \$39,918 to complete additional breeding surveys, if needed, bringing the not-to-exceed contract amount to \$123,019.

SUMMARY

A qualified biological team is needed to perform a habitat assessment and protocol-level surveys to determine whether marbled murrelets are currently using a forest health project site in Long Ridge Open Space Preserve. Based on the results of a Request for Proposals (RFP) process, the General Manager recommends awarding a professional services contract to Nomad Ecology for a base contract amount not to exceed \$83,101. Board authorization for an allowance of \$39,918 is also requested to allow for additional breeding surveys, if required, bringing the total not-to-exceed contract amount to \$123,019. There is sufficient funding in the Fiscal Year 2023-24 (FY24) budget to cover the cost of the recommendation through the end of June. Funds for future year costs will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process.

BACKGROUND

Forest health activities help restore ecosystems through fuel load reductions (e.g., removing dead vegetation, thinning artificially overstocked forests, and treating invasive species). Before the 20th century, lightning-ignited fires or Native American burning practices kept fuel loads low. Today, with the absence of regularly occurring fire on the landscape, forested areas have become unnaturally dense with vegetation growth, considerably raising fire risk that can impact local communities and damage the sensitive natural resources within open space lands.

The Midpeninsula Regional Open Space District's (District) Wildland Fire Resiliency Program (WFRP) was approved by the Board of Directors (Board) in 2021 to accelerate efforts for addressing fire risk areas within District lands. The WFRP includes Fuel Reduction Areas

(FRAs) for reducing fuel ladders and surface fuels to separate overstory and understory vegetation in order to prevent ground fires from turning into damaging crown fires. Using the prioritization criteria discussed in the WFRP, an FRA was identified in Long Ridge Open Space Preserve, resulting in the Long Ridge Forest Health Project (Project). The Project will focus on addressing the impacts of historic fire suppression by thinning fuels (including Douglas fir) and prioritizing the removal of encroaching and overtopping conifers within established oak woodlands. As part of the proposed Forest Health Project, the District is evaluating the potential for reusing and converting the resulting biomass into biochar to transfer the stored carbon within the felled trees into the soil to support carbon sequestration goals.

DISCUSSION

Murrelet Considerations

The marbled murrelet is a federally and state protected species under state and federal Endangered Species Acts. Marbled murrelets are seabirds that rely on redwood and Douglas-fir forests to breed, nesting selectively in very large, typically old-growth trees with complex crown structures. Marbled murrelets and their habitat are protected by regulatory agencies, and any work that may cause adverse impacts is regulated through project consultation and review. The Project is located in an area considered potentially suitable for marbled murrelet and requires surveys to assess the habitat quality and presence or absence of marbled murrelets during the breeding season.

Staff met with representatives of the California Department of Fish (CDFW) and Wildlife and US Fish and Wildlife Service (USFWS) at the project site to view the habitat conditions and identify an approach that considers the marginal quality of the habitat for marbled murrelets at the Project site. USFWS determined that there is no Federal nexus for the Project and therefore did not provide a formal letter of consultation. USFWS and CDFW recommended a modified survey protocol approach, coordinating with District staff, that will save time and effort without compromising the ability of the surveys to determine whether, and to what extent, marbled murrelets may be using this habitat.

Scope of Work

Under the recommended contract, the biological consultant would provide the following biological services specific to marbled murrelet monitoring and agency consultation:

- Consultation and coordination with CDFW and USFWS
- Habitat assessment using spatial data
- Habitat assessment using ground truthing
- Audio-visual survey station planning and placement
- Acoustic recording unit placement, maintenance, and retrieval
- Audio-visual surveys for one primary survey site
- Audio-visual surveys for a secondary survey site (optional task if deemed necessary)
- Final report

The habitat assessment will include a one-quarter mile buffer around the Project area (see Attachment 1) to identify suitable nesting trees. Surveys will focus on individual suitable nesting trees within the assessed area. Depending on the number of suitable nesting trees found during the habitat assessment, a secondary survey site area may be necessary. Survey results will inform

the Project, including refining work areas for Douglas-fir removal, and may dictate site-appropriate Best Management Practices and avoidance and minimization measures.

Consultant Selection

The Natural Resources Department issued an RFPQ in 2022 to develop a list of qualified biological services consultants for on-call services including marbled murrelet surveys. A total of 24 firms were determined to be qualified, and the District has entered into various contracts with prequalified firms beginning in 2022. For this project, four of these prequalified firms specializing in murrelet surveys were solicited for proposals. Proposals from the four firms are summarized in the table below:

Proposer	Firm Location	Proposed Fee (over 2 Fiscal Years)
1. SummitWest Environmental, Inc.	San Jose, CA	\$93,996.00
2. Nomad Ecology	Martinez, CA	\$83,101.00*
3. Biosearch Environmental Consulting	Santa Cruz, CA	\$26,000.00
4. BioMaAS, Inc.	San Francisco, CA	\$85,450.80
*The proposal provided an optional task that covers additional work for a second site if the habitat assessment demonstrates a need. The total cost with the optional task would be \$123,019.		

Three staff members evaluated the proposals. One proposal (Firm 3) was rejected due to an apparent misunderstanding of the scope of the required work and associated costs. Nomad Ecology was selected from the remaining three proposers as the most qualified consultant at a fair and reasonable price because it demonstrated the best understanding of the unique approach needed to assess and survey an area where the murrelet habitat is of marginal quality.

FISCAL IMPACT

There is sufficient funding in the FY24 budget to cover the cost of the recommendation through the end of June. Funds for future year costs will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process.

PRIOR BOARD AND COMMITTEE REVIEW

None

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

The award of this contract is not a project subject to the California Environmental Quality Act. Additionally, the proposed surveys to be provided by the consultant are categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15306:

Section 15306 exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

NEXT STEPS

If approved, the General Manager will enter into a contract with Nomad Ecology. Biological surveys are estimated to begin in April 2024 and continue for two years.

Attachment(s)

1. Project Site Map

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ATTACHMENT 1

Forest Health

-  Treatment Areas
-  Preserve boundary
-  Work Area 1/4 Mile Buffer

