



Midpeninsula Regional
Open Space District

R-16-80
Meeting 16-14
June 22, 2016

AGENDA ITEM 3

AGENDA ITEM

Partnership Agreement with Acterra Stewardship for the Hendrys Creek Stream Channel Restoration Project at Sierra Azul Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

Enter into a partnership agreement with Acterra Stewardship in the amount of \$190,000, which includes a 15% contingency of \$25,000, for native plant restoration and grant administration work associated with the grant-funded Hendrys Creek Stream Channel Restoration Project at Sierra Azul Open Space Preserve; this agreement is eligible for full reimbursement by a Santa Clara Valley Water District grant.

SUMMARY

The Santa Clara Valley Water District (SCVWD) recently awarded the Midpeninsula Regional Open Space District (District) funds under the Safe, Clean Water and Natural Flood Protection Program (Program) in the amount of \$484,650 to implement the Hendrys Creek Stream Channel Restoration Project (Project). One of the grant objectives promotes partnerships with nonprofit organizations for stewardship activities to demonstrate leveraged resources. The proposed partnership agreement with Acterra Stewardship (Acterra), a Palo Alto-based nonprofit that focuses on habitat restoration and native plant propagation, would fulfill this grant objective by bringing non-profit resources to assist with the restoration work. The recommended agreement with Acterra was previously identified as a key component of the SCVWD grant proposal to accomplish the restoration work and is eligible for full reimbursement through SCVWD grant funds.

MEASURE AA

This project is part of Measure AA Expenditure Plan (MAA) Portfolio #22, Sierra Azul: Cathedral Oaks Public Access and Conservation Projects, with a total funding allocation of \$6.714 Million to, in part, "restore plant communities and soils." In addition, this specific project is included in the Board-approved MAA 5-year Project List.

DISCUSSION

The Hendrys Creek property is located east of the Lexington Reservoir, within the Cathedral Oaks area of Sierra Azul Open Space Preserve (Preserve), in the middle portion of Hendrys Creek canyon. The Board approved purchase of the POST Hendrys Creek property on May 13, 2015 (see Report R-15-71), through a Memorandum of Understanding (MOU) with the Peninsula Open Space Trust (POST) and Santa Clara Valley Water District (SCVWD). Since

2010, the SCVWD has been interested in partnering with the District to protect the Hendrys Creek watershed and the flows that it contributes to Lexington Reservoir. The District closed escrow on the Hendrys Creek property on June 26, 2015, which conveyed the property in fee title to the District, and SCVWD funded the full purchase price of \$1,500,000 from their Multi-Year Stream Maintenance Program. These actions also included the granting of a Conservation Easement from the District to SCVWD, which incorporated a Long Term Management Plan for the property. The Long-term Management Plan calls for stream restoration and sediment-reduction practices, including excavation of fill material from stream channels. Otherwise, the property will be maintained in its current condition with no use changes anticipated.

On July 2015, the Board authorized the General Manager to apply for SCVWD funds under the Safe, Clean Water and Natural Flood Protection Program (Program) in the amount of \$484,650 for stream and planting restoration work at Hendrys Creek. As part of this grant application, Acterra was identified as an interested and potential implementation partner to fulfill the grant objective to increase collaborations and partnerships with nonprofit organizations for stewardship activities, thereby creating a stronger application and demonstrating leveraged resources (Report R-15-108). The SCVWD recently awarded the District funds for this work in the amount of \$484,650, including funds for a partnership with Acterra. The proposed partnership agreement with Acterra includes: development of a weed abatement program; locally native seed collection, production, and installation of native plants; and assistance in preparation of required quarterly grant monitoring reports through the end in June 2020.

Given the quick turnaround for submitting the grant application to SCVWD in 2015, the District sole sourced the partnership work to Acterra. Per section III.F of the Board's Contracting Policy, professional services work such as the proposed Partnership Agreement with Acterra can be sole sourced when special circumstances arise whereby it is in the best interest of the District to limit the number of proposals solicited. Per this policy, the documented basis for such action shall be included in the Board report. In this case, the very tight SCVWD grant deadline for submittals of all required documentation, including identification of the proposed partner and their scope of work, limited the ability for the District to solicit multiple proposals. Moreover, the General Manager would not have continued to pursue this proposed partnership agreement if the grant had not been awarded.

FISCAL IMPACT

The proposed partnership agreement with Acterra of \$190,000 is eligible for full reimbursement under the SCVWD grant. Grant funds total \$484,650.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program for the Hendrys Creek purchase and implementation of the Long Term Management Plan was approved by the Board on May 13, 2015 (see Report R-15-71).

NEXT STEPS

Pending Board approval, the District will execute the agreement with Acterra Stewardship and begin the project once all the grant agreements are fully executed.

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