



Midpeninsula Regional
Open Space District

R-19-18
Meeting 19-03
February 13, 2019

AGENDA ITEM 3

AGENDA ITEM

Renewal of Agreement with Grassroots Ecology for the Hendrys Creek Stream Restoration Project at Sierra Azul Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to renew an agreement with Grassroots Ecology (formerly Acterra Stewardship) in an amount of \$107,000 for native plant restoration, vegetation monitoring, and grant administration work associated with the grant-funded Hendrys Creek Stream Channel Restoration Project (Project) at Sierra Azul Open Space Preserve. The agreement, including this renewal, is eligible for full reimbursement by a Santa Clara Valley Water District grant through June 2020.
2. Authorize an additional allowance of \$40,000 for optional hand watering, contingent upon need at the District's sole discretion, for a total not-to-exceed contract price of \$147,000.

SUMMARY

This contract will ensure compliance with resource agency permits for the recently completed grant-funded stream restoration project at Hendrys Creek by allowing a second year of native planting with Grassroots Ecology, who partnered with the Midpeninsula Regional Open Space District (District) on the grant (R-16-80).

The District Special Projects crew completed the stream restoration work in 2018, and the first round of native plant installation is complete. To meet regulatory permit requirements and related performance measures, the project includes a second year of native plant seed collection, propagation, and planting work.

The second round of plant installation and related monitoring and reporting is anticipated to cost \$107,000. In addition, an allowance of \$40,000 has been identified for optional hand watering, should the need arise. The recommended contract renewal for a non-to-exceed total amount of \$147,000 remains within the original budget ceiling awarded under the grant. The recommended contract renewal will cover project expenses in FY2019-20, and sufficient funds would be included in the FY2019-20 Budget for the expenditures.

DISCUSSION

Background

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 Peninsula Open Space Trust (POST) Hendrys Creek property on May 13, 2015 (R-15-71), through a Memorandum of Understanding (MOU) with POST and Santa Clara Valley Water District (SCVWD). 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 its 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 daylighting creeks long-buried in sediment from legacy road and housing pad construction, which has now been accomplished. Otherwise, the District will maintain the property in its current condition consistent with its Conservation Management Unit (CMU) designation, per the 2015 Long Term Management Plan with the SCVWD. The area was designated as a CMU "...so that use is confined to activities that are consistent with creek and riparian corridor protection, watershed and riparian habitat, and ecologically sensitive public enjoyment of the Property, consistent with the Conservation Easement". Per this requirement, the area will remain closed to public access, with no anticipated change in use.

Recent work accomplished

The Foothills Special Projects Crew removed 1,170 cubic yards of fill material from ¾ mile of the road paralleling Hendrys Creek. Work restored geomorphic function to the area through excavation of 13 road/stream crossings where fill material had been placed in the channel to create a network of roads and building pads to support a small, off-the-grid community. The Natural Resources Department oversaw seed collection, propagation, and planting of 1,141 native plants, and 154 acorn/buckeye basins installed before the end of 2018.

Grant funding

In 2015, the SCVWD awarded the District grant funds under the Safe, Clean Water and Natural Flood Protection Program (Program) in an amount of \$484,650 to implement the Project (R-15-108). The existing partnership agreement with Grassroots Ecology (formerly known as Acterra Stewardship or Acterra), has partially fulfilled a grant objective by bringing non-profit resources to assist with the restoration work (R-16-80).

Need for additional work

In order to ensure District compliance with regulatory permit requirements, the project includes a second year of native plant seed collection, propagation, and planting assistance. This second year of restoration work is also included in the total grant amount requested from the SCVWD. The estimated number of plantings is based on recent experience in achieving an up to 80% plant survival rate per resource agency permit requirements (primarily the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreements). Due to the requirements for plant success, and the infeasibility of regular irrigation by truck that would otherwise provide greater assurance of survival, the recommended contract renewal will fund a second round of similar native seed collection, propagation, and weed removal to meet regulatory requirements.

FISCAL IMPACT

This project is part of Measure AA (MAA) Portfolio #22, Sierra Azul: Cathedral Oaks Public Access and Conservation Projects, with funding to, in part, "restore plant communities and soils."

Expenditures associated with the recommended action will apply during FY2019-20, as summarized in the fiscal impact table below. As noted in the Funding Sources section of the table, expenditures under the recommended action will apply to two separate District project budgets. Development of the FY2019-20 Budget and Action Plan will be going through its annual review and approval process beginning February 2019.

<i>Budget & Funding Summary</i>	FY2019-20
Amendment to Agreement with Grassroots Ecology for the Hendrys Creek Stream Restoration Project - Costs:	\$107,000
Contingency for optional hand watering:	\$40,000
Total Recommended Action:	\$147,000
Funding Sources:	
Grant Funds Available SCVWD, R-16-80:	\$147,000
Measure AA (Fund 30) <i>Project # MAA22-001 Hendrys Creek Stream Channel Restoration:</i>	\$62,720
General Fund (Fund 10) <i>Project # TBD Hendrys Creek Stream Channel Restoration:</i>	\$84,280
Total Funding Sources:	\$147,000

The following table outlines Measure AA Portfolio #22 budget, costs-to-date, and the fiscal impact related to *MAA 22-001 – Hendry’s Creek Property Land Restoration* project. This project supports Measure AA Portfolio #22 by restoring plant communities and protecting soil from eroding into waterways.

MAA22 Sierra Azul: Cathedral Oaks Public Access and Conservation Projects	\$6,714,000
Grants Awarded – (and applicable to Measure AA eligible project expenses):	\$440,370
Life-to-Spent (as of 1/17/19):	(\$877,225)
Encumbrances:	(\$60,740)
Measure AA eligible expenditure – Amendment to Agreement with Grassroots Ecology for the Hendrys Creek Stream Restoration Project with contingency for optional hand watering:	(\$62,720)
Balance Remaining (Proposed):	\$6,153,685

As summarized in the two tables above, a portion of the recommended action is an eligible Measure AA expenditure, funded with grant revenues awarded from SCVWD. The remaining portion of the recommended action is identified as a General Fund expenditure, and would also be funded with grant revenues awarded from SCVWD.

BOARD COMMITTEE REVIEW

A Board Committee did not previously review this item. The full Board approved the partnership agreement with Grassroots Ecology (formerly Acterra Stewardship) on June 22, 2016 (R-16-80).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required. The Board adopted a Resolution approving the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring Program for the Hendrys Creek Restoration Project in accordance with CEQA on May 13, 2015 (R-15-71).

NEXT STEPS

Pending Board approval, the contract would be authorized for the additional scope of work and seed collection would begin in spring 2019.

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