



Midpeninsula Regional
Open Space District

R-21-123
Meeting 21-28
September 22, 2021

AGENDA ITEM 7

AGENDA ITEM

Contract amendments for H.T. Harvey and Associates to provide additional mitigation support and Hanford Applied Restoration & Conservation to provide additional replacement planting and plant maintenance for the Ravenswood Bay Trail Connection Project mitigation site at Ravenswood Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to execute a contract amendment with H.T. Harvey and Associates for additional mitigation support for the Ravenswood Bay Trail Connection Project mitigation site at Ravenswood Open Space Preserve in the amount of \$61,453, for a total not-to-exceed contract amount of \$701,615.
2. Authorize the General Manager to execute a contract amendment with Hanford Applied Restoration & Conservation for additional replacement planting and plant maintenance for the Ravenswood Bay Trail Connection Project mitigation site at Ravenswood Open Space Preserve in the amount of \$115,540, for a total not-to-exceed amount of \$501,830.
3. Authorize a 10% contingency of \$11,554 on the contract amendment for Hanford Applied Restoration & Conservation to cover unforeseen environmental conditions that may affect plant survivability bringing the total contingency to \$55,729, for a total not-to-exceed contract amount of \$513,384.

SUMMARY

The Midpeninsula Regional Open Space District (District) completed and opened the Ravenswood Bay Trail Connection Project (Project) on August 7, 2020. The Project required mitigation for potential impacts to wetland vegetation that occurred during construction activities. Additional mitigation plantings, due to unforeseen conditions that caused low survival rates of installed plants, are required to meet regulatory permit success criteria. This additional work requires contract amendments with H.T. Harvey and Associates (H.T. Harvey) and Hanford Applied Restoration & Conservation (Hanford ARC). H.T. Harvey as the Project biological consultant provides regulatory agency and plant nursery coordination, as well as biological monitoring and reporting for mitigation activities. Hanford ARC is the restoration contractor that installs mitigation plantings, straw, browse control and gopher caging, and performs irrigation and weeding services. In combination, the work completed by the two firms ensures Project permit conditions are met and annual regulatory reporting is completed. The adopted Fiscal Year 2021-22 (FY22) budget includes sufficient funds to cover the work and the recommended contract amendments for the current fiscal year of this multi-year effort.

BACKGROUND

The District Board of Directors (Board) authorized a contract with H.T. Harvey in September 2017 (R-17-111) to provide environmental consulting services, including monitoring and handling of sensitive species that may occur at the site during construction and securing permits for work in the highly sensitive bayland habitat. Contract amendments on November 28, 2018 (R-18-138; mitigation and planting plans) and July 10, 2019 (R-19-94; additional monitoring requirements to satisfy regulatory permits) provided for additional environmental consulting and mitigation support for five years (2020-2024).

The Board authorized a contract with Hanford ARC to complete onsite mitigation work and five years of plant maintenance for the Project on August 28, 2019 (R-19-119).

DISCUSSION

The Mitigation Monitoring Plan (MMP) for the Ravenswood Bay Trail Connection Project outlines the onsite mitigation, monitoring and reporting for potential impacts associated with the project. The onsite mitigation consisted of the construction of two wildlife refuge islands in the salt marsh, berm enhancements along approximately 2,000 linear feet of salt marsh transition zones along the levee trail, direct seeding of native grass and forbs, and the installation of approximately 2,600 native nursery plants. Regulatory permits require success criteria (e.g., percent cover of native species, maximum percent cover of invasive species) to be met within the five-year monitoring period. Failure to meet the criteria by year five will require additional consultation with the permitting agencies to identify remedial measures and will extend the plant maintenance, monitoring, and reporting for the project.

Monitoring surveys completed by H.T. Harvey in September 2020 and April 2021 detected low survival rates of installed nursery plants along the berm enhancement areas. The increased mortality of plants was due to unforeseen conditions, including the COVID-19 County and State Shelter-in-Place Orders that prevented Hanford ARC from providing irrigation and weeding from March through May 2020, insufficient moisture retention around plantings, and higher than anticipated browse damage from wildlife.

To offset the low survival rate and ensure the District can meet permitting requirements, additional replacement plantings, straw installation, browse control and gopher caging, and irrigation events are recommended during the plant establishment period. Amendments to two contracts would complete this work and assist the District in achieving the success criteria by year five (2024). A contract amendment in the amount of \$61,453 with H.T. Harvey would provide nursery coordination, restoration oversight, and biological monitoring for the additional revegetation and plant maintenance activities. This amendment would bring the total not-to-exceed contract amount with H.T. Harvey to \$701,615. A contract amendment in the amount of \$115,540 with Hanford ACR would complete the additional replacement planting, watering, weeding, browse control, and gopher cage installation. A 10% contingency of \$11,554 is recommended for the Hanford ACR contract given that site conditions, including low moisture levels, can impact new planting survivability. With the contingency, the total contract amount with Hanford ACR would not-to-exceed \$513,384.

FISCAL IMPACT

There are sufficient funds in the adopted FY22 budget to cover the cost of the recommendations. Should unforeseen drought periods occur this fiscal year between November 2021 and March 2022, additional irrigation funds may be requested during a quarterly budget review. Funding for future year budgets through year five (2024) will be requested as a part of the annual Budget and Action Plan process.

BOARD AND COMMITTEE REVIEW

On September 27, 2017, the Board authorized the General Manager to enter into contract with H.T. Harvey to provide environmental consulting services to support the Project ([R-17-111, Minutes](#)).

On November 28, 2018, and July 10, 2019, the Board authorized the General Manager to amend the contract with H.T. Harvey to provide additional environmental consulting and mitigation support services to support the Project ([R-18-138, Minutes](#); [R-19-94, Minutes](#)).

On August 28, 2019, the Board authorized the General Manager to enter into contract with Hanford ARC to provide revegetation and plant maintenance services ([R-19-119, Minutes](#)).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

The Project was evaluated in a Mitigated Negative Declaration and Initial Study for the Bay Trail Connection at Ravenswood Open Space Preserve, certified by the Board on November 16, 2016 ([R-16-146, Minutes](#)).

NEXT STEPS

If approved, the General Manager will amend the contracts with H.T. Harvey to provide additional mitigation site support and Hanford ARC to provide additional replacement planting, browse control and gopher cage installation and plant maintenance.

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