



Midpeninsula Regional
Open Space District

R-22-42
Meeting 22-10
March 23, 2022

AGENDA ITEM 5

AGENDA ITEM

Contract Amendments for Grassroots Ecology to provide two years of annual vegetation monitoring and reporting and Jana Sokale Environmental Consulting to provide two years of adaptive management recommendations and annual regulatory agency reporting, both in support of the Hendrys Creek Restoration Project at Sierra Azul Open Space Preserve.

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to execute a contract amendment with Grassroots Ecology for two additional years of annual vegetation monitoring and reporting for the Hendrys Creek Restoration Project at Sierra Azul Open Space Preserve in the amount of \$23,340, for a total amended contract not-to-exceed \$335,340.
2. Authorize the General Manager to execute a contract amendment with Jana Sokale Environmental Consulting for two additional years of adaptive management recommendations and annual regulatory agency reporting for the Hendrys Creek Restoration Project at Sierra Azul Open Space Preserve in the amount of \$17,280, for a total amended contract not-to-exceed \$67,255.

SUMMARY

The Midpeninsula Regional Open Space District (District) completed the Hendrys Creek Restoration Project (Project) in 2018. Valley Water (formally the Santa Clara Valley Water District) partially funded the Project through their Safe, Clean Water and Natural Flood Protection Project D3 Grants and Partnerships Program. The Project required mitigation for impacts to vegetation resulting from demolition activities that were necessary to restore natural ecological function along a sensitive riparian corridor. Two additional years (for a total of five years) of annual vegetation monitoring and regulatory agency reporting are required to fulfill permit requirements. Grassroots Ecology and Jana Sokale Environmental Consulting (Sokale Environmental) have fulfilled these requirements for the District during the first three years. Contract amendments with Grassroots Ecology and Sokale Environmental are the most effective way to complete the remaining two years of monitoring and reporting requirements. The General Manager recommends amending the agreement with Grassroots Ecology in the amount of \$23,340 for a total not-to-exceed contract amount of \$335,340, and Sokale Environmental in the amount of \$17,280 for a total not-to-exceed contract amount of \$67,255. There are sufficient funds in the Fiscal Year 2021-22 (FY22) budget to cover the work through June 30. Funding in future years would be requested as part of the annual budget process.

DISCUSSION

Grassroot Ecology Agreement

The Board of Directors (Board) authorized a partnership agreement with Acterra Stewardship (subsequently renamed Grassroots Ecology) on June 22, 2016 (R-16-80) to provide native plant restoration and grant administration work associated with the Valley Water grant-funded Hendrys Creek Stream Channel Restoration Project at Sierra Azul Open Space Preserve. Contract Amendments approved on February 13, 2019 ([R-19-18](#)) for expanded restoration work, grant administration, and vegetation monitoring, and two subsequent contract term extensions under the General Manager's authority, provided for additional native plant restoration, grant support, and three years of annual vegetation monitoring and reporting.

Sokale Environmental Agreement

The District entered into an agreement in July 2015 with Sokale Environmental under the General Manager's authority for consultant support in preparing the Valley Water grant. Contract amendments were later executed for assistance with grant administration, permitting, environmental document design and review, Project implementation, and monitoring and reporting, for a contract total not-to-exceed \$49,975.

Project Objectives

The purpose of the Hendrys Creek Restoration Project is to restore the geomorphic function of Hendrys Creek and its tributaries, as well as enhance the native riparian woodland and adjacent uplands through the removal of anthropogenic structures, invasive species treatment, installation of nursery native plants propagated from locally collected native plant materials, and direct seeding of native grass seed, oak acorns, and California buckeye seed. The Project made enhancements along $\frac{3}{4}$ miles of the watershed through the removal of 14 in-stream structures (bridges, culverts, and blockages) and removal of the road along Hendrys Creek and tributaries. Onsite mitigation consisted of new riparian and upland plantings installed over two phases in fall/winter 2018-2019 and fall/winter 2019-2020. Over the two-year period, 1,657 native trees, shrubs, and perennials, as well as 154 oak acorn and California buckeye seeded basins were planted in a 0.33-acre area of former roadways and building pads that were regraded and tilled to de-compact the soil. Of the 1,811 plants installed, 143 were required for mitigation.

The Adaptive Management, Monitoring and Reporting Program for the Hendrys Creek Restoration Project was developed with the assistance of Sokale Environmental to define future adaptive management actions and outline the post construction monitoring and reporting activities necessary to comply with permits and grant requirements. The 5-year monitoring program began in 2019 and is scheduled to be completed in 2023. Monitoring and reporting may be extended for up to five additional years if vegetation performance criteria are not achieved by 2023. As of the Year 3 mitigation monitoring report submitted to the regulatory agencies in December 2021, the site is on track to meet the performance criteria by Year 5 in 2023.

The District is managing thirteen mitigation sites that require annual monitoring and reporting to the regulatory agencies and have insufficient capacity to complete annual monitoring and reporting for the Hendrys Creek site. Grassroots Ecology completed the first three years of annual vegetation monitoring work, and Sokale Environmental completed the first three years of site inspections, adaptive management recommendations and regulatory agency reporting for the Project. Amendments to the two contracts would ensure that the remaining two years of annual monitoring and reporting are completed. More specifically, a contract amendment in the amount

of \$23,240 with Grassroots Ecology would provide annual photo monitoring and qualitative assessments, vegetation transects surveys, and submittals of vegetation monitoring reports for the remaining two years of required annual monitoring. A contract amendment in the amount of \$17,280 with Sokale Environmental would provide two years of periodic site inspections, preparation of adaptive management recommendations and annual regulatory agency reporting.

FISCAL IMPACT

There are sufficient funds in the FY22 budget to cover the cost of the recommendation. Funding for future year budgets will be requested as part of the annual Budget and Action Plan Process.

The recommended action is not funded by Measure AA.

PRIOR BOARD AND COMMITTEE REVIEW

On June 22, 2016, the Board authorized the General Manager to enter into a partnership agreement with Acterra Stewardship (subsequently renamed Grassroots Ecology) to provide native plant restoration and grant administration work to support the Project (R-16-80). On February 13, 2019, the Board authorized the General Manager to renew the Grassroots Ecology agreement to provide additional native plant restoration, grant administration, and vegetation monitoring ([R-19-18](#), [Minutes](#)).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

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

If approved, the General Manager will amend the contracts with Grassroots Ecology to provide two years of annual vegetation monitoring and reporting and Jana Sokale Environmental Consulting to provide two years of periodic site monitoring/inspections, adaptive management recommendations and annual regulatory agency reporting.

Responsible Department Head:
Kirk Lenington, Natural Resources Department

Prepared by:
Amanda Mills, Resource Specialist II, Natural Resources Department