



Midpeninsula Regional  
Open Space District

R-22-85  
Meeting 22-18  
July 13, 2022

## AGENDA ITEM 4

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Contract Amendment for Historic Debris Data Recovery at Bear Creek Redwoods Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to amend a contract with Albion Environmental, Inc., of Santa Cruz, California in the amount of \$49,836 to conduct additional historic debris data recovery, bringing the contract to \$190,073.
2. Authorize a 15% contingency of \$7,475 to cover unforeseen tasks beyond the current scope of work as needed for a total not-to-exceed contract amount of \$197,548.

### SUMMARY

A historic debris area within Bear Creek Redwood Open Space Preserve (Preserve) contains historic materials requiring proper handling and documentation and is also a site contaminated with heavy metals that is slated for hazardous materials cleanup. Albion Environmental, Inc., (Albion) recovered the important historic materials within this area in March 2022 (R-21-143). Additional historic materials are present just outside the hazardous materials area that require documentation to facilitate the full cleanup of the debris site. The General Manager recommends amending an existing contract with Albion by an additional \$49,836 to conduct the data recovery of historic resources that will facilitate a full cleanup of the site, with a 15% contingency of \$7,475 for any additional unforeseen tasks necessary to move forward with the cleanup, bringing the total not-to-exceed contract amount to \$197,548. The Fiscal Year 2022-23 (FY23) budget includes sufficient funds to cover the contract amendment.

### DISCUSSION

*The Bear Creek Preserve Plan (page 03-38 under the heading Environmental Hazards) states, "In addition, a historic-era dump site or landfill is located in the northeastern Preserve adjacent to the former Alma College "village". The landfill will be evaluated for cultural resource significance, and significant artifacts will be catalogued and preserved according to the District's cultural resource curation plan. The landfill will then be assessed for removal and the area restored to native habitat."*

In July 2018 (R-18-87), the Midpeninsula Regional Open Space District (District) contracted with Geocon Environmental, Inc., to conduct a limited hazardous materials site investigation of the debris site at the Preserve, as directed in the Preserve Plan Environmental Impact Report (EIR). The investigation identified hazardous concentrations of lead, zinc, and copper within an

ashy soil matrix (~150 cubic yards by volume), reflecting the historic practice of burning debris. Additionally, ~150 cubic yards of larger debris (metal, garbage, tires, appliances) are present and need proper disposal, some of which may contain asbestos and lead-based paint (Attachment 1).

The debris site was the subject of a preliminary assessment during the second phase of cultural resources analysis at the Preserve, generally covering the area east of Bear Creek Road ([R-17-108](#)). The debris site is eligible as an individual site for the California Register of Historic Resources (CRHR) due to its information potential (the 4<sup>th</sup> criteria in the CRHR) related to the everyday lives of the former Alma College residents. Additionally, the site is a contributing element to the Alma College Cultural Landscape. Albion has completed the documentation of historic resources in the hazardous burn pit area and that area can now be cleaned up. However, remediation of the entire site is recommended to allow for public access, as described the Preserve Plan. This contract amendment facilitates the discretionary removal of all non-hazardous debris to eliminate physical hazards like broken glass and nuisance debris near a future public trail that will be opened as part of the Phase II Trails in 2025.

The Preserve Plan EIR's Environmental Protection Measure CUL-1 directs the District to develop a data recovery plan involving archival research, field excavation, photo documentation, and mapping, when it is not feasible to avoid impacts to eligible cultural resources.

The scope of work under the existing contract did not include data recovery outside of the hazardous materials area. In order to complete the cleanup of hazardous materials and remove above-grade physical hazards at the former debris site to avoid potential operational issues in the future, additional data recovery is required along the periphery of the cleanup area. The additional data recovery will also facilitate a more accurate historic analysis of the materials and a greater basis for curation recommendations. The General Manager therefore recommends amending the contract with Albion by \$49,836 to conduct the additional data recovery with a 15% contingency for unforeseen issues, bringing the contract to a new, not-to-exceed contract amount of \$197,548.

## **FISCAL IMPACT**

The FY23 adopted budget includes \$113,642 for the Bear Creek Redwoods Landfill Characterization and Remediation project MAA21-010. There are sufficient funds in the project budget to cover the recommended action and expenditures. Funds will be requested in FY24 to complete the dump cleanup through a separate contract.

<b>Bear Creek Redwoods Landfill Characterization and Remediation MAA21-010</b>	<b>Prior Year Actuals</b>	<b>FY22 Amended</b>	<b>FY23 Adopted</b>	<b>FY24 Projected</b>	<b>TOTAL</b>
<b>Total Budget:</b>	<b>\$39,195</b>	<b>\$182,973</b>	<b>\$113,642</b>	<b>\$175,000</b>	<b>\$510,810</b>
Spent-to-Date (as of 06/09/22):	(\$39,195)	(\$66,302)	\$0	\$0	<b>(\$105,497)</b>
Encumbrances:	\$0	(\$116,070)	\$0	\$0	<b>(\$116,070)</b>
Albion Environmental, Inc. Contract Amendment:	\$0	\$0	(\$49,836)	\$0	<b>(\$49,836)</b>
15% Contingency:	\$0	\$0	(\$7,475)	\$0	<b>(\$7,475)</b>
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$601</b>	<b>\$56,331</b>	<b>\$175,000</b>	<b>\$231,932</b>

The following table outlines the Measure AA Portfolio 21 Bear Creek Redwoods: Public Recreation and Interpretive Projects allocation, costs-to-date, projected future project expenditures and projected portfolio balance remaining.

<b>MAA21 Bear Creek Redwoods: Public Recreation and Interpretive Projects Portfolio Allocation:</b>	<b>\$17,478,000</b>
Grant and Interest Income (through FY25):	\$7,643,388
<b>Total Portfolio Allocation:</b>	<b>\$25,121,388</b>
Life-to-Date Spent (as of 06/09/22):	(\$13,791,827)
Encumbrances:	(\$1,537,553)
Remaining FY22 Project Budgets:	(\$277,707)
Future MAA21 project costs (projected through FY25):	(\$9,496,250)
<b>Total Portfolio Expenditures:</b>	<b>(\$25,067,337)</b>
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$54,051</b>

The following table outlines the Measure AA Portfolio 21 allocation, projected life of project expenditures and projected portfolio balance remaining.

<b>MAA21 Bear Creek Redwoods: Public Recreation and Interpretive Projects Portfolio Allocation:</b>	<b>\$17,478,000</b>
Grant and Interest Income (through FY25):	\$7,643,388
<b>Total Portfolio Allocation:</b>	<b>\$25,121,388</b>
Projected Project Expenditures (life of project):	
21-001 - Moody Gulch - Land Conserv, Fence & Gate Improvements	(\$847)
21-002 - Bear Creek Redwoods Preserve Plan	\$0
21-003 - Bear Creek Redwoods Stables Water System	\$0
21-004 - Bear Creek Stables Project	(\$6,670,482)
21-005 - Bear Creek Redwoods Public Access	(\$5,548,003)
21-006 - Bear Creek Redwoods - Alma College Cultural Landscape Rehab	(\$6,031,687)
21-007 - Bear Creek Redwoods Preserve Plan: Invasive Weed Treatment and R	(\$1,452,035)
21-008 - Bear Creek Redwoods - Ponds Restoration and Water Rights	(\$681,517)
21-009 - Bear Creek Redwoods - Webb Creek Bridge	(\$487,492)
21-010 - Bear Creek Redwoods Landfill Characterization and Remediation	(\$510,810)
21-011 - Phase II Trail Improvements, Bear Creek Redwoods OSP	(\$3,593,549)
21-012 - Bear Creek Redwood Tree Restoration	(\$90,915)
<b>Total Portfolio Expenditures:</b>	<b>(\$25,067,337)</b>
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$54,051</b>

**BOARD AND COMMITTEE REVIEW**

The original award of contract was authorized by the Board at the October 27, 2021 meeting ([R-21-143, minutes](#))

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

**CEQA COMPLIANCE**

This project is covered by the Bear Creek Redwoods Preserve Plan EIR.

**NEXT STEPS**

Should the Board authorize the General Manager to amend the contract with Albion, the additional historic resources data recovery work will be scheduled and undertaken as soon as practical. Staff is targeting the fall of 2023 to remediate the debris site. Staff will award a contract to develop a Remedial Action Plan, enter into the appropriate regulatory program (anticipated to be the voluntary cleanup program with Santa Clara County Department of Environmental Health), remediate the site in Fall of 2023, and complete the site closure process. The debris removal is estimated to cost \$225,000.

## Attachment

1. Map of Debris Site

## Responsible Department Head:

Kirk Lenington, Natural Resources Department Manager

## Contact Person:

Aaron Hébert, Sr. Resource Management Specialist, Natural Resources Department