



Midpeninsula Regional
Open Space District

R-23-04
Meeting 23-01
January 11, 2023

AGENDA ITEM 7

AGENDA ITEM

Contract amendment for the San Gregorio Creek Sediment Survey

GENERAL MANAGER'S RECOMMENDATIONS *den*

1. Authorize the General Manager to execute an amendment to the professional services contract with Balance Hydrologics, Inc., to provide additional field data collection and reporting for the San Gregorio Water Quality Improvement Plan in the amount of \$54,624.
2. Authorize an allowance of \$7,475 for sediment surveys on a future proposed property purchase located in the San Gregorio Creek watershed (allowance would only be spent if the property purchase is approved by the Board of Directors).
3. Authorize a 10% contingency in the amount of \$6,210 to address unforeseen issues, bringing the total not-to-exceed amendment amount to \$62,099 and total not-to-exceed contract amount to \$302,542.
4. Authorize extending the term of the contract to June 30, 2024.

SUMMARY

The San Francisco Bay Regional Water Quality Board (Water Board) adopted a Total Maximum Daily Load (TMDL) for the Pescadero-Butano Creek watershed in 2018 and a San Gregorio Creek Watershed Water Quality Improvement Plan (Plan) in 2021, both to address excessive sediment within the two adjacent watersheds. The Water Board initiated these actions to improve stream habitat for listed species, which requires all landowners to inventory sediment sources on their land. In December 2021, the Midpeninsula Regional Open Space District (District) hired Balance Hydrologics, Inc., (Balance) of Berkeley, CA to inventory road networks within its open space preserves (OSPs) located in those watersheds ([R-21-160, minutes](#)). The District has since complied with requirements for reporting on the Pescadero TMDL ([FYI](#)) and is beginning a similar process in San Gregorio Creek (Map Attachment 1). This amendment provides for additional data collection and reporting on road conditions within OSPs in the San Gregorio watershed. It also provides an allowance for work to be authorized at a later time, conditioned on Board approval of the Eberhard property purchase, which is a potential addition to La Honda Creek (LHC) OSP ([Real Property Committee meeting November 8, 2022](#)) (Eberhard property map Attachment 2). The General Manager recommends: a) amending Balance's contract in the amount of \$54,624; b) including an additional allowance of \$7,475 for surveys of the proposed

Eberhard property purchase for a total base amendment amount of \$62,099; c) including a 10% contingency in the amount of \$6,210, bringing the total not-to-exceed contract amount to \$302,542; and d) extending the contract term to June 30, 2024. There are sufficient funds in Fiscal Year 2022-23 (FY23) budget to cover the expenditures through the end of the fiscal year. Funding for FY24 would be requested as part of the annual Budget and Action Plan process.

BACKGROUND

In 1998, the Water Board listed the Pescadero-Butano and San Gregorio Creek watersheds as impaired by sedimentation under section 303(d) of the Federal Clean Water Act (Map Attachment 3). The Water Board adopted a TMDL for sediment in the Pescadero-Butano watershed in 2018 and a water quality improvement plan (Plan) for addressing sediment within the San Gregorio Creek watershed in 2021 to improve water quality conditions for listed species (the Plan is a precursor to a TMDL designation). According to the Water Board, implementing a Plan achieves water quality objectives more quickly because it relies on collaboration with stakeholders and landowners to reduce sediment loads, whereas a TMDL is a cleanup order that can only be implemented through permits issued by the Water Board. If the Plan is successful, it will lead to removing San Gregorio Creek from the Section 303(d) list; if it is not, the next step would be to develop a TMDL such as the one adopted for the Pescadero-Butano Creek watershed.

The District Board of Directors (Board) approved a contract in December 2021 for Balance to conduct a sediment survey for both watersheds ([R-21-160, minutes](#)). Balance recently completed field and reporting work for the TMDL in the Pescadero-Butano Creek watershed. A report of Balance's findings and a proposed 20-year schedule for addressing sites with the highest potential for sediment delivery was provided to the Water Board in September and described in a [Board FYI on October 12, 2022](#). Based on findings from Balance's report, relative sediment contributions from District lands are low, and even estimated potential future inputs would remain below the target performance measures by the Water Board for the Pescadero-Butano Creek watershed.

DISCUSSION

Balance is now proceeding to the San Gregorio Creek watershed to collect similar sediment data as was collected in the Pescadero-Butano Creek watershed. The District is ahead of schedule on this effort and there is momentum for completion. This contract amendment is being recommended in part for Balance to add sediment survey work on recent road improvement sites not included in their base contract, which was limited only to sites considered high priority for the Plan. Collecting this additional data on sites where roads have been improved would provide an economy of scale for the District because Balance is already working in the immediate vicinity. Data would be collected via the District's Field Collector app and provide multiple benefits to: 1) demonstrate the benefit of the ongoing Open Space Maintenance and Restoration Program (OSMRP) to regulatory agencies and the public as an important tool for streamlining permit approvals to complete routine sediment reduction projects, 2) provide proof of sediment savings to the same regulatory agencies to offset mitigation demands for future work, 3) add to the District's GIS data layers, and 4) provide more complete information to best prioritize annual maintenance needs.

This contract amendment would also allow the General Manager to authorize Balance to conduct sediment surveys on approximately three miles of roads on the approximately 97-acre Eberhard property that the District will consider for acquisition in early 2023 (Attachment 2). This potential acquisition lies within the San Gregorio Creek watershed. If the Board approves the purchase of this property, Balance would include these surveys in the project scope of work.

FISCAL IMPACT

The FY23 adopted budget includes \$110,000 for the San Gregorio Water Quality Improvement Plan project #80082. There are sufficient funds in the project budget to cover the recommended action and expenditures through the end of the fiscal year. The original contract was for the Pescadero Sediment TMDL Implementation project, which was subsequently split into two projects: San Gregorio Water Quality Improvement Plan project #80082 (operating) and the Pescadero Watershed Sediment Reduction Implementation project #80081 (capital). Expenditures for the contract amendment would only be applied to the San Gregorio Water Quality Improvement Plan project #80082.

San Gregorio Water Quality Improvement Plan #80082	Prior Year Actuals	FY23 Adopted	FY24 Projected	FY25 Projected	Estimated Future Years	TOTAL
Total Budget:	\$0	\$110,000	\$240,000	\$160,000	\$0	\$510,000
Spent-to-Date (as of 11/29/2022):	\$0	\$0	\$0	\$0	\$0	\$0
Encumbrances:	\$0	\$0	\$0	\$0	\$0	\$0
Balance Hydrologics Contract Amendment:	\$0	(\$43,699)	(\$10,925)	\$0	\$0	(\$54,624)
Balance Hydrologics Contract Amendment Allowance for Eberhard Property:	\$0	(\$5,980)	(\$1,495)	\$0	\$0	(\$7,475)
10% Contingency	\$0	(\$6,210)	\$0	\$0	\$0	(\$6,210)
Budget Remaining (Proposed):	\$0	\$54,111	\$227,580	\$160,000	\$0	\$441,691

The recommended action is not funded by Measure AA.

PRIOR BOARD AND COMMITTEE REVIEW

The Pescadero and San Gregorio Creek Sediment Inventory project was previously brought to the Board as follows:

- **September 11, 2019:** FYI informing Board that the Water Board adopted a TMDL for Pescadero-Butano Creek watershed ([FYI](#))
- **August 25, 2021:** FYI informing Board that the Water Board will consider adopting the San Gregorio Creek WQIP (Plan) ([FYI](#))

- **December 8, 2021:** Award of contract to Balance Hydrologics, Inc., for a sediment source inventory and water quality plan development in the Pescadero and San Gregorio creek watersheds ([R-21-160](#), [minutes](#))
- **October 12, 2022:** FYI informing the Board of a report to the Water Board regarding the Pescadero Creek sediment TMDL ([FYI](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act. Future environmental review would be conducted on the proposed site improvements as part of the permitting process.

NEXT STEPS

Upon Board authorization, the General Manager will direct staff to amend the contract with Balance Hydrologics, Inc., for additional field data capture and reporting. If the Board approves the purchase of the Eberhard property, the General Manager would authorize the expenditure of the allowance for work on this property. The project is anticipated to be complete by the end of calendar year 2023.

Attachments:

1. Map: San Gregorio Creek watershed WQIP potential boundary (includes Eberhard)
2. Map: Eberhard potential property acquisition
3. Map: Pescadero-Butano Creek watershed TMDL boundary

Responsible Department Head:

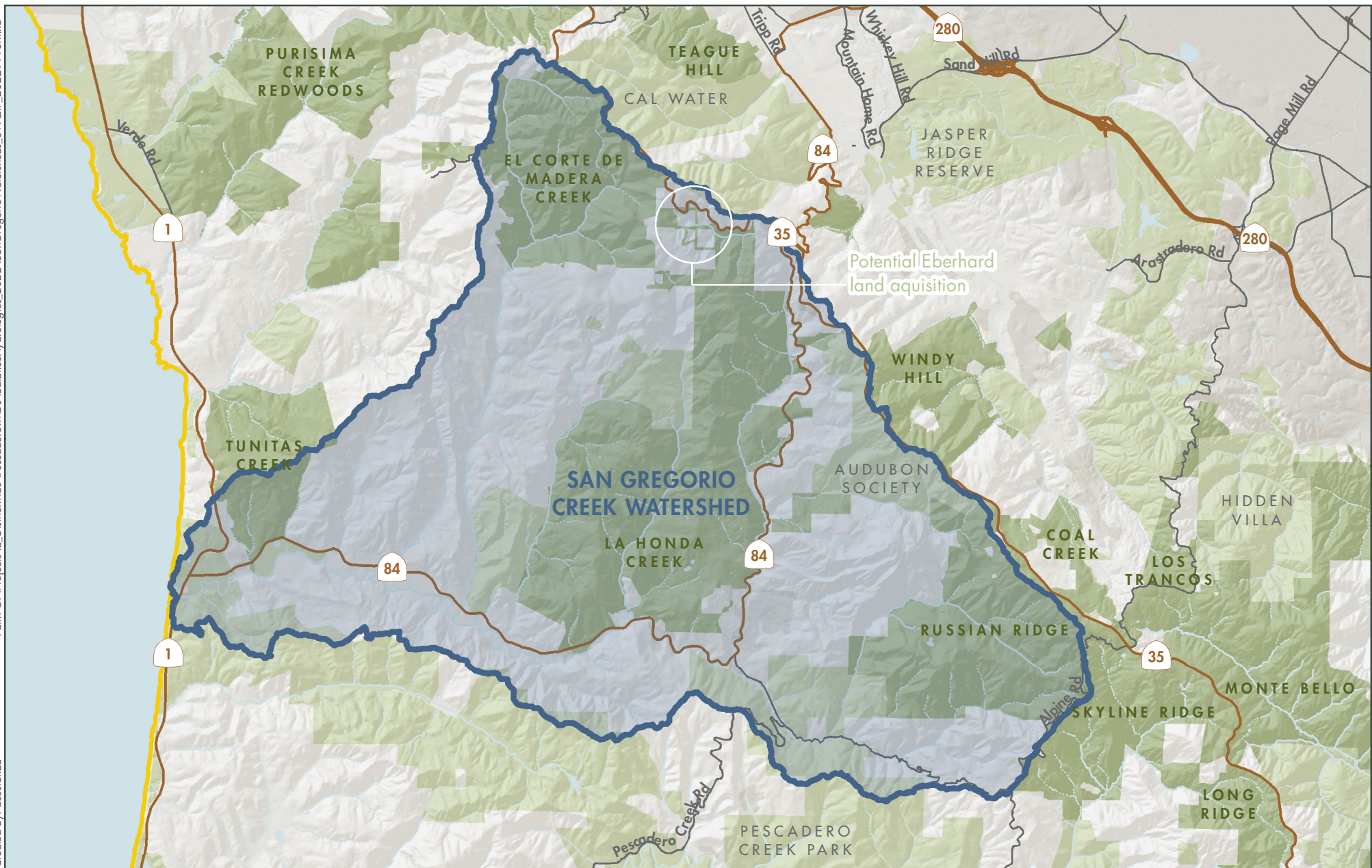
Kirk Lenington, Natural Resources Manager

Prepared by:






Meredith Manning, Water Resource Specialist, Natural Resources

Graphics prepared by:

Anna Costanza



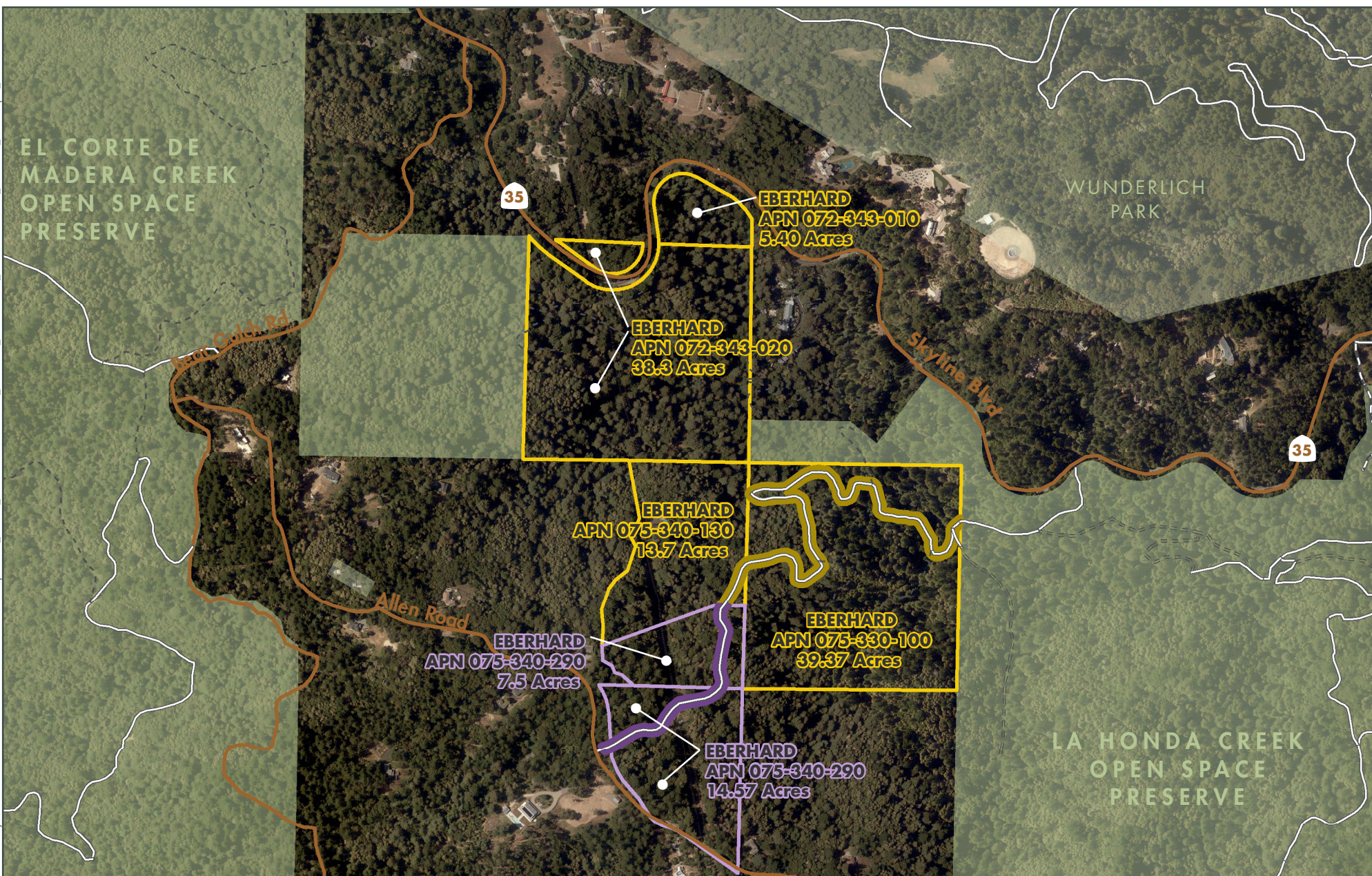
San Gregorio Creek Watershed for Sediment Water Quality Improvement Plan

-  Midpen preserves
 -  Other protected lands
 -  District boundary
 -  San Gregorio Creek watershed (33,400 acres)
 -  Potential Eberhard land aquisition (97 acres)
- Acres of Midpen preserves within watershed:**
- 12,438 acres (37% of total watershed)
 - 12,535 acres (37.5% of total watershed) with potential Eberhard land aquisition

Midpeninsula Regional
Open Space District
(Midpen)
11/10/2022

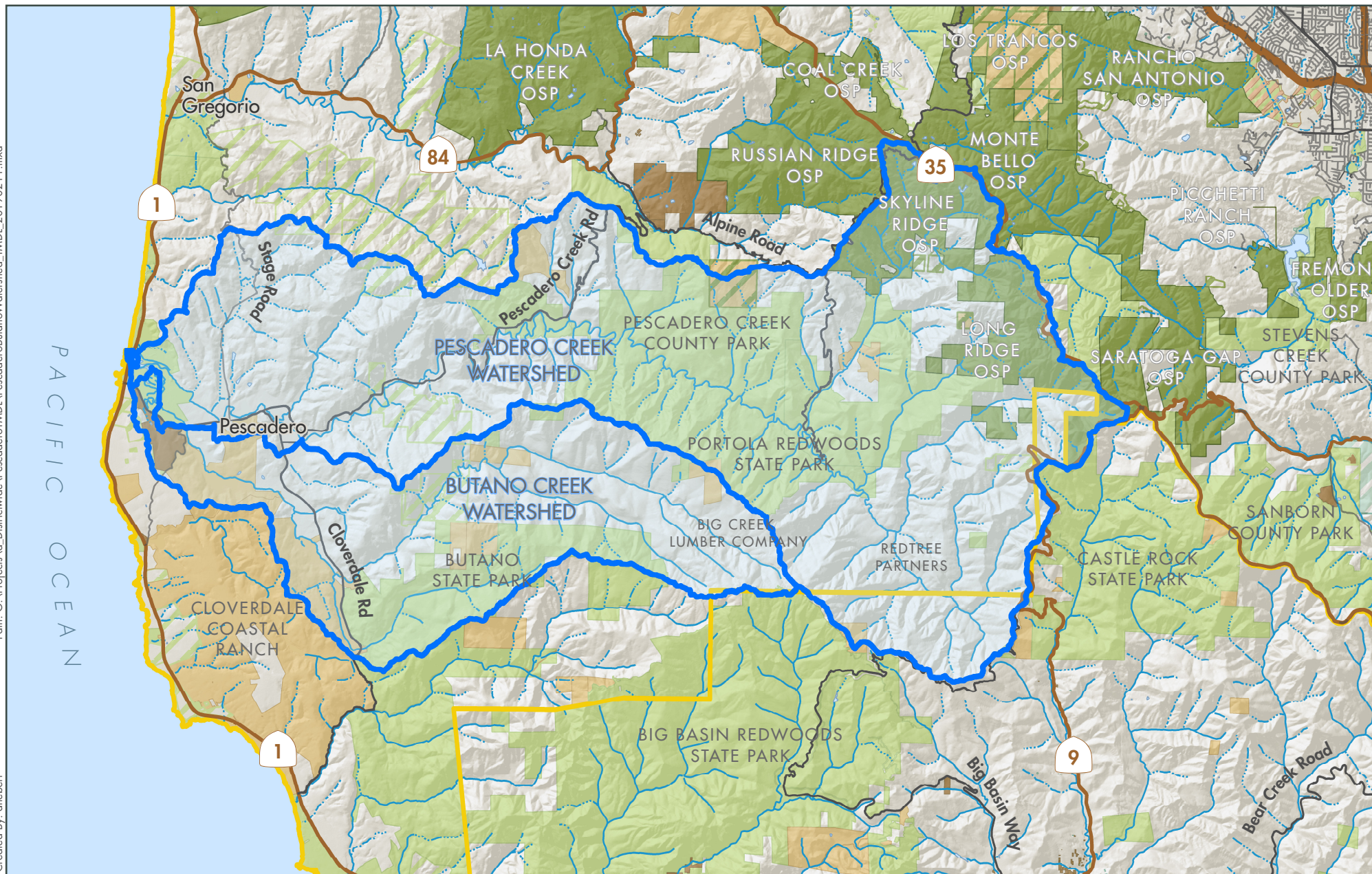


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Created By: ahebert



Pescadero-Butano Watershed TMDL Map

- | | | |
|---|---|---|
|  MROSD Preserves |  Watershed |  District Boundary |
|  Other Protected Lands |  Land Trust | |
|  Private Property |  Other Public Agency | |

Midpeninsula Regional
Open Space District
(MROSD)
August 2019



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.