



Midpeninsula Regional  
Open Space District

R-23-06  
Meeting 23-01  
January 11, 2023

## AGENDA ITEM 9

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Contract Amendment for Cultural Resources Support to Implement the Bear Creek Redwoods Vegetation Treatment Project

### GENERAL MANAGER'S RECOMMENDATION *dlw*

Authorize the General Manager to execute a contract amendment with Rincon Consulting, Inc., of Santa Cruz, California, to provide cultural resources support to the Vegetation Treatment Project, in the amount of \$36,915, bringing the contract to a not-to-exceed total amount of \$110,337.

### SUMMARY

In October 2021, Rincon Consulting, Inc., (Rincon) was selected to complete the Bear Creek Redwoods Cultural Resources Surveys to support the implementation of a CAL FIRE's Forest Heath Grant-funded Vegetation Treatment Project ([R-21-144](#)). The original contract total of \$63,845 included a 15% contingency in the amount of \$9,577 to cover unforeseen tasks beyond the current scope. The original scope of services was limited to a site analysis with resource avoidance measures. Rincon completed their scope of work and exhausted their initial budget, allowing the vegetation treatment project to begin on November 29, 2022. However, certain potential cultural resources (grape stakes and other related vineyard remnants) were identified throughout the project site. These items need to be assessed to confirm significance, and to meet any applicable mitigation measure, in order to complete the vegetation work. The remaining contingency does not cover the required additional scope. Due to the project's high mobilization cost and its funding source, it is essential to keep the project moving forward while carefully managing costs. The General Manager recommends adding an additional amount to the Rincon contract of \$36,915 for a total not-to-exceed contract amount of \$110,337. There are sufficient funds in the Fiscal Year 2022-23 (FY23) project budget to cover the recommended action and expenditures through the end of the fiscal year. Funding for FY24 would be requested as part of the annual Budget and Action Plan process.

### DISCUSSION

The Board of Directors (Board) approved the Bear Creek Redwoods Open Space Preserve (Preserve) Vegetation Treatment Project (VTP) on April 28, 2021 (R-21-56). The VTP is an ecological restoration project that provides wildland fire protection and fuels management at the Preserve. The VTP is a partnership project with the California Board of Forestry and Fire Protection (Board of Forestry). As part of this partnership, the Project was evaluated per the California Environmental Quality Act (CEQA) as an activity covered by the Board of Forestry

California Vegetation Treatment Program (CalVTP) Programmatic Environmental Impact Report (PEIR) using a Project-Specific Analysis (PSA).

Rincon's scope of services included providing the Midpeninsula Regional Open Space District (District) with pre-field research, a cultural resources sensitivity analysis, an archeological survey, and resources for worker environmental awareness. Rincon successfully completed the authorized scope of work under budget. With all required planning activities completed (e.g., resource surveys, and notifications to neighbors), the vegetation treatment project kicked off on Monday, November 29, 2022.

A mitigation requirement of the PSA includes providing a 100-foot buffer around any potentially significant cultural resource. A qualified archeologist may reduce or remove this buffer if the potential cultural resources are either deemed not significant or can be sufficiently mitigated. Some VTP sites within the Preserve contain widespread remnants of vineyard infrastructure, including grape stakes and other trash scatter (see attachment 1: Representative photos). The quantity and spacing of the grape stakes and the associated 100-foot buffer would preclude the District from completing the required acreage of ecosystem resiliency work under the grant. Before implementing the vegetation work, Rincon's services are needed to assist in determining if the grape stakes are significant cultural resources and, if so, what mitigation may be necessary prior to temporary or permanent removal. The General Manager recommends authorizing Rincon to evaluate the potential cultural resources further and determine the best way forward that meets CEQA requirements and allows completion of the ecological resiliency (VTP) work.

## FISCAL IMPACT

The FY23 adopted budget includes \$203,000 for the Los Gatos Creek Watershed - Wildland Fire Resiliency project #61023. There are sufficient funds in the project budget to cover the recommended action and expenditures through the end of the future year. Funding for FY24 will be requested as part of the annual Budget and Action Plan process.

<b>Los Gatos Creek Watershed - Wildland Fire Resiliency #61023</b>	<b>Prior Year Actuals</b>	<b>FY23 Adopted</b>	<b>FY24 Projected</b>	<b>FY25 Projected</b>	<b>Estimated Future Years</b>	<b>TOTAL</b>
District Funded (Fund 10):	\$90,194	(\$97,000)	\$65,880	\$334,800	\$0	<b>\$393,874</b>
Grant Amount:	\$0	\$300,000	\$825,000	\$375,000	\$0	<b>\$1,500,000</b>
<b>Total Budget:</b>	<b>\$90,194</b>	<b>\$203,000</b>	<b>\$890,880</b>	<b>\$709,800</b>	<b>\$0</b>	<b>\$1,893,874</b>
Spent-to-Date (as of 12/15/22):	(\$90,194)	(\$44,521)	\$0	\$0	\$0	<b>(\$134,715)</b>
Encumbrances:	\$0	(\$112,140)	\$0	\$0	\$0	<b>(\$112,140)</b>
Rincon Consulting Inc. Contract Amendment:	\$0	(\$31,915)	(\$5,000)	\$0	\$0	<b>(\$36,915)</b>
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$14,424</b>	<b>\$885,880</b>	<b>\$709,800</b>	<b>\$0</b>	<b>\$1,610,104</b>

The recommended action is not funded by Measure AA.

## **BOARD AND COMMITTEE REVIEW**

The Board of Directors reviewed and approved the VTP on April 28, 2021, meeting ([R-21-56, Minutes](#)).

On June 9, 2021, the Board authorized the General Manager to enter into an agreement with the Santa Clara County Firesafe Council to perform vegetation management activities using a grant from CAL FIRE ([R-21-76, Minutes](#)).

At the October 27, 2021, meeting, the Board authorized the General Manager to enter into a contract with Rincon Consultants, Inc., to complete the Bear Creek Redwoods Cultural Resources Surveys to support the implementation of the Vegetation Treatment Project for a base amount of \$63,845 ([R-21-144, Minutes](#)).

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

The Project Specific Analysis covers the vegetation treatment for this project. Recommended actions as a result of further evaluation by Rincon will comply with the Mitigation and Monitoring requirements of the PSA and will be reported to the Board of Forestry, as required.

## **NEXT STEPS**

Should the Board approve the contract amendment, Rincon Consultants, Inc., will undertake the cultural resources assessments, facilitating the VTP implementation.

Attachment

1. Representative photos

Responsible Department Head:

Kirk Lenington, Natural Resources Manager

Prepared by:

Coty Sifuentes-Winter, Sr. Resources Management Specialist

Contact person:

Zachary Alexander, Acting Sr. Resources Management Specialist

## Attachment 1: Representative photos

Some Vegetation Treatment Project sites within Bear Creek Redwoods Open Space Preserve contain widespread remnants of vineyard infrastructure, including grape stakes and other trash scatter.



*Figure 1: Grape stakes*





*Figure 2: Trash scatter (metal chair)*



*Figure 3: Trash scatter (bottles)*





*Figure 4: trash scatter (milled wood, car parts, and glass bottles)*