



Legislation Details (With Board Report)

**File #:** 13-0399      **Name:** Denise Duffy & Associates PSA  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 4/16/2013      **In control:** Board of Supervisors  
**On agenda:** 4/23/2013      **Final action:** 4/23/2013

**Title:** a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed \$353,100, for a term to April 23, 2014; and  
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Professional Service Agreement, 2. Completed Board Order, 3. Fully Executed Agreement, PSA CoMo & Denise Duffy & Associates, Inc., 4. Fully Executed Agreement, Amendment No. 1 PSA

Date	Ver.	Action By	Action	Result
4/23/2013	1	Board of Supervisors	approved	

a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed \$353,100, for a term to April 23, 2014; and  
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed \$353,100, for a term to April 23, 2014; and
- b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

SUMMARY/DISCUSSION:

The Professional Services Agreement (PSA) with Denise Duffy & Associates, Inc. (DDA) will provide for a Programmatic Biological Assessment (PBA) and Initial Study (IS) for projects located in the Carmel River Lagoon Area and for a Carmel River Lagoon Restoration and Management Plan for Phases 1 and 2, in the amount of \$353,100, for a term to April 23, 2014. DDA was selected for their expertise and capabilities necessary to provide these services through a competitive selection process in accordance with County policies under Request for Proposals (RFP) #2012-CRL-1.

The Carmel River Lagoon forms a seasonally brackish Lagoon environment above sea level at the mouth of the Carmel River, and tidal forces frequently build the barrier beach up across the mouth to a level that is higher than surrounding homes and infrastructure. When the Lagoon rises from wave cresting or Carmel River inflow, the beach must be breached mechanically in order to lower the water level and prevent flooding of homes and infrastructure. Sandbar management activities at the Carmel River State Beach have historically been necessary to mitigate flooding impacts to low lying residential structures and infrastructure along the northern edges of the Lagoon. Sandbar management activities are currently conducted by the Monterey County Resource Management Agency (RMA) and were formerly conducted by the Monterey County Water Resources Agency (WRA).

Scenic Road, which provides recreational access to the coast and access to local properties, is also subject to damage from erosion if the Carmel River outlet moves too far north and flows in close proximity to the sandy bluff. Wave action is occasionally severe enough to potentially undermine Scenic Road, and action may become necessary to prevent losses to public infrastructure or private property.

For over ten (10) years, the RMA and WRA have been working together with local, state, and federal agencies, and non-governmental organizations, to develop a long-term plan for the Lower Carmel River and Carmel River Lagoon. The long-term, multi-objective, multi-agency efforts in the Lower Carmel River and Carmel River Lagoon are designed to reduce flood risk, protect public infrastructure, improve natural floodplain function and improve habitat for threatened and endangered species in the lower Carmel River.

There are two County-led projects currently in the feasibility study and design phases that require environmental review, the Ecosystem Protective Barrier and the Scenic Road Protection projects. The feasibility and design studies will identify project alternatives to be considered by the Board of Supervisors (BOS). Together, these projects are intended to prevent and reduce the need for the mechanical management of the Lagoon and meet multi-beneficial objectives of flood protection and habitat improvement.

The Carmel River Lagoon Restoration and Management Plan is the tool for the long-term coordinated design, implementation, and planning of projects within the Lagoon area. The Plan would provide the framework for coordinating agency review and permitting, as well as public outreach and involvement.

Because of the complexity of the Carmel River Lagoon system, the RMA plans to conduct the short-term and long-term project planning and environmental review in three (3) phases.

Phase I of the Scope of Work includes:

- Development of a Conceptual Proposed Action description of the proposed Carmel Lagoon Projects, individually and collectively, to a level needed to prepare requested environmental documents.
- Preparation of Draft Programmatic Biological Assessment, including a Wetland Delineation.

Phase 2 of the Scope of Work involves providing California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance services, including preparation of a programmatic environmental document (currently anticipated to be an Initial Study/ Environmental Assessment (IS/EA)) to enable future, expeditious compliance with CEQA.

Phase 3 includes the development of the Carmel River Lagoon Restoration and Management Plan (“Plan”). The Environmental Protection Agency (EPA) received a 2010 Special Appropriation for the WRA to carry out a “Lower Carmel River and Lagoon Flood Plain Restoration and Enhancement Project.” RMA and WRA are in discussions with the EPA about funding the development of the Plan utilizing this Special Appropriation. RMA

will bring this item to the BOS for consideration at a later date, upon funding availability.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller's Office have reviewed and approved the PSA as to form and legality, and fiscal provisions, respectively. Scope and content of the project was considered by Army Corp of Engineers and National Marine Fisheries Services. Selection of the consultant included input from State Parks, Monterey Peninsula Water Management District, and Resource Conservation District.

FINANCING:

The costs associated with this PSA are required as part of the emergency management for the Carmel Lagoon, as well as to position the County for long-term permitting and management of the sandbar. Funds to cover related expenses in the current year are available from unexpended FY 2012-13 General Plan Implementation (GPI) funding appropriated in the Other Financing Uses (1050-8038) in the County Administrative Office budget. Use of these funds will not have a negative effect on the continuing actions for General Plan Implementation as the FY 2013-14 Recommended Budget will include sufficient funds to keep the GPI effort on track. The costs associated with this PSA may be considered as an in-kind County match under a future earmark by the Environmental Protection Agency and other grant funding opportunities for construction of a long-term solution for the Carmel River Lagoon area.

Prepared by: Dawn Mathes, RMA - Resource & Community Development Manager

Approved by: Benny J. Young, Director, Resource Management Agency

Reviewed by: Carl P. Holm, AICP, Deputy Director, Resource Management Agency

Attachments: Professional Services Agreement