



Board Report

File #: 22-107, Version: 1

- a. Approve Amendment No.6 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$208,193, for a total amount not to exceed \$1,892,089, and to extend the term an additional twelve months, for a term from April 13, 2016 to December 31, 2023; and
- b. Approve Amendment No. 6 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. (DDA) to increase the not to exceed amount of \$562,727 by \$113,721 for a total amount not to exceed \$676,448 to allow the completion of tasks, and to extend the term an additional twelve months for a term from July 29, 2014, to December 31, 2023; and
- c. Authorize the Housing and Community Development Director to execute Amendment No. 6 to Professional Services Agreement No. A-12775 with Whitson, and Amendment No.6 to Professional Services Agreement No. A-13085 with DDA, and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No.6 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$208,193, for a total amount not to exceed \$1,892,089, and to extend the term an additional twelve months, for a term from April 13, 2016 to December 31, 2023; and
- b. Approve Amendment No. 6 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. (DDA) to increase the not to exceed amount of \$562,727 by \$113,721 for a total amount not to exceed \$676,448 to allow the completion of tasks, and to extend the term an additional twelve months for a term from July 29, 2014, to December 31, 2023; and
- c. Authorize the Housing and Community Development Director to execute Amendment No. 6 to Professional Services Agreement No. A-12775 with Whitson, and Amendment No.6 to Professional Services Agreement No. A-13085 with DDA, and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

SUMMARY/DISCUSSION:

The Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (Project) is a comprehensive effort to improve flood control and restore native riparian habitat, floodplain habitat, and hydrologic function to a portion of the lower floodplain along the Carmel River. Key aspects of the project are to: 1) Create notches in the levees along the south bank of the lower Carmel River, 2) Restore the south lower Carmel River floodplain, and 3) Build a causeway under Highway 1, connecting the south lower Carmel River Floodplain with the south arm of the Carmel Lagoon. The Board of Supervisors approved the CRFREE Project in June 2021. The Project is currently in the final design, permitting, and right of way coordination phase. Consultants are working to create the 90%-100% final project design, coordinate right of way agreements, and finalize permits.

On April 14, 2016, the Board of Supervisors approved Professional Service Agreement (PSA) A-13085 with

Whitson and Associates, Inc. dba Whitson Engineers (Whitson). Following the direction of County staff and CRFREE Project partner, Big Sur Land Trust (BSLT), Whitson has identified that the initial floodplain restoration work can begin in late 2022. This phased approach will allow the CRFREE Project to take advantage of soon to expire grant funds from the Department of Water Resources Flood Corridor grant. An update in scope and budget to the Whitson PSA is necessary to continue work on the CRFREE Project. Additional coordination is needed to complete the Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision (CLOMR) due to staff turnover at FEMA. The proposed Amendment No. 6 to the PSA will add highway planting and irrigation plans to existing Task 4.1. Coordination of right of way agreements, and associated actions related to temporary construction easements for initial floodplain work will be added to Task 5.a. Splitting the floodplain grading and restoration work into two phases will involve completion of a phased 90% and final design, and construction documents, added as a new Task 8: Phased Construction Documents. If approved, Amendment No. 6 will increase the not-to-exceed amount of \$1,683,896 by \$208,193, for a total amount not to exceed \$1,892,089, with a term extension of twelve months to December 30, 2023. Attachment A provides a summary of the PSAs with DDA and Whitson.

On July 29, 2014, the Board of Supervisors approved PSA No. A-12775 with Denise Duffy & Associates, Inc. (DD&A) to provide environmental documentation, California Environmental Quality Act (CEQA)/National Environmental Protection Act (NEPA), and regulatory permitting for the Carmel River Floodplain Restoration and Environmental Enhancement Project (CRFREE). In July 2019, DD&A submitted permit applications for CRFREE to State and Federal agencies. Unanticipated expenses have occurred due to the response from the permitting agencies, and request for additional information. Additionally, to meet CalTrans visual requirements in the right-of-way along State Route 1, DD&A has been asked to complete a tree survey in the vicinity of the future causeway portion of the Project. Approval of this amendment will increase the funds allocated to Task 4.1: Permitting and Task 6.2: County Staff/Consultants Permit Mtgs. Amendment No. 6 to PSA No. A-12775 increases funding to other existing tasks to meet reporting requirements to complete the Project. Amendment No. 6 will increase the PSA by \$113,721, for a total amount not to exceed \$676,448, and extend the term by twelve months, for a term beginning July 29, 2014, through December 30, 2023.

OTHER AGENCY INVOLVEMENT:

Big Sur Land Trust (BSLT) are co-sponsors for the CRFREE Project. BSLT, California Department of State Parks and Recreation (State Parks) and Monterey Peninsula Regional Parks District (MPRPD) are property owners within the Project area. Through a cooperative agreement with Caltrans, the County of Monterey is acting as the Lead Agency under the California Environmental Quality Act for the Project.

FINANCING:

CRFREE is entirely grant funded. Whitson and DDA will be reimbursed from the Department of Water Resources (DWR) Flood Corridor grant (4600010665). Quarterly reimbursement requests will be submitted timely to minimize cash flow impacts. The DWR Flood Corridor Program Grant has over \$4 million remaining, with \$204,767 available for final design activities and permitting. The NFWF Grant has \$250,312 remaining for final design activities. The Wildlife Conservation Board (WCB) grant has \$357,443 allocated for Project management and final design activities. CRFREE is budgeted in Fund 404, Fund Unit 8174. There is no impact to the General Fund as a result of this recommendation. Staff time is included in the HCD Appropriations Unit HCD001, Fund Unit 8542.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

If approved, this action supports the Board of Supervisors' Strategic Initiatives for Administration and Infrastructure. The Project will provide sustainable physical infrastructure and associated flood risk reduction and habitat benefits to promote the safety of area residents and visitors.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Erik V. Lundquist, AICP, HCD Director

The following attachments are on file with the Clerk of the Board:

- Attachment A - Summary of DDA and Whitson PSAs
- Attachment B - Amendment No. 6 to DDA PSA
- Attachment C - Amendment No. 5 to DDA PSA
- Attachment D - Amendment No. 4 to DDA PSA
- Attachment E - Amendment No. 3 to DDA PSA
- Attachment F - Amendment No. 2 to DDA PSA
- Attachment G - Amendment No. 1 to DDA PSA
- Attachment H - DDA PSA
- Attachment I - Amendment No. 6 to Whitson PSA
- Attachment J - Amendment No. 5 to Whitson PSA
- Attachment K - Amendment No. 4 to Whitson PSA
- Attachment L - Amendment No. 3 to Whitson PSA
- Attachment M - Amendment No. 2 to Whitson PSA
- Attachment N - Amendment No. 1 to Whitson PSA
- Attachment O - Whitson PSA