



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: A 15-346, **Version:** 1

- a. Approve Amendment No. 4 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to include new additional tasks to complete the California Environmental Quality Act (CEQA) documentation process which includes preparation of the First Administrative Draft Environmental Impact Report (EIR) and the Final EIR for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals (RFP) #2012-CRL-1) for Phases 1 and 2, in the amount of \$277,883 for a total amount not to exceed \$824,554, and extend the term to December 31, 2016; and
- b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 4 to Professional Services Agreement No. A-12442 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Permit Type: PD060228/Carmel Lagoon Area (REF120051)

Focused Environmental Impact Report (EIR) for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals (RFP) #2012-CRL-1)

PROJECT INFORMATION:

Planning File Number: PD060228/Carmel Lagoon Area (REF120051)

Consultant: Denise Duffy & Associates, Inc.

Project Location/Description: Carmel Lagoon Area

Contact Person: Melanie Beretti, Special Programs Manager

Plan Area: Carmel Lagoon Area

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 4 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to include new additional tasks to complete the California Environmental Quality Act (CEQA) documentation process which includes preparation of the First Administrative Draft Environmental Impact Report (EIR) and the Final EIR for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan (Request for Proposals #2012-CRL-1) for Phases 1 and 2, in the amount of \$277,883 for a total amount not to exceed \$824,554, and extend the term to December 31, 2016; and
- b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 4 to Professional Services Agreement No. A-12442 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

SUMMARY:

See Attachment A - Summary of Professional Services Agreement (PSA).

The County has identified a need for Denise Duffy & Associates, Inc. (DD&A) to include new additional tasks associated with the completion of the California Environmental Quality Act (CEQA) documentation process which includes preparation of the First Administrative Draft Environmental Impact Report (EIR) and the Final EIR for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and

Management Plan (Request for Proposals #2012-CRL-1) for Phases 1 and 2. Amendment No. 4 will increase the PSA by \$277,883, for a total amount not to exceed \$824,554, and extend the term to December 31, 2016.

DISCUSSION:

Phase 1 of this project was previously completed.

The approach to completing Phase 2 is well underway:

- Phase 2A: The 1st Administrative Draft EIR (DEIR) was not able to be completed by June 30, 2014, and is scheduled to be complete October 30, 2015.
- Phase 2B: Finalizing the tasks in the DEIR, circulating it for public review, and preparing the Final EIR with project approval/CEQA certification is anticipated to be complete by June 30, 2016.

Pursuant to the MOU between the County, U.S. Army Corps of Engineers (USACE), and National Marine Fisheries Service (NMFS) (July 2013), the County continues to process permits for winter sandbar management while working toward developing plans for a long-term lagoon project. The regulatory agencies have indicated that this winter (2015-16) is to be the final winter where permits will be issued without having completed CEQA review and finalizing the EIR for a long-term lagoon project; thus it is paramount that the County/DD&A complete Phase 2 work *prior* to winter 2016-17 to avoid regulatory consequences.

County Request for Proposals (RFP) #2012-CRL-1 solicited proposals for selection of a qualified Consultant to provide the initial RFP services of a Programmatic Biological Assessment (BA) and (Initial Study) IS for projects located in the Carmel River Lagoon Area and enter into a PSA for a term of one (1) year with the option to extend the PSA for two (2) additional one (1) year period(s). Due to significant delays and challenges in addressing regulatory agency, community, and technical issues related to proposed lagoon project, the County has the need to further extend the term of the PSA beyond the original RFP allowed term of April 23, 2016 to December 31, 2016 and to expand the scope of work resulting in an increase to the overall budget by \$277,750 to \$824,421.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed and approved Amendment No. 4 as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

FINANCING:

Funding to complete this scope of work has been budgeted through FY 2015-2016 out of the RMA Long Range Planning allocation (\$277,883 of the \$1M allocated goes toward this project). The funding that has been allocated to the Long Range Planning resides in Fund 001, Department 3000, Unit 8172 Appropriation RMA001. In the event the Final EIR is not approved by June 30, 2015, and given the importance of completing the EIR prior to winter 2016-17, staff will request that unspent funds budgeted for this project in FY 2015-16 be encumbered for FY 2016-17. In the event any unspent funds cannot be encumbered, staff will return to the BOS to request necessary funds be allocated in FY 2016-17.

Prepared by: Melanie Beretti, Special Programs Manager, Ext. 5285

Approved by: John P. Guertin, RMA Acting Deputy Director, Ext. 6654

Attachments:

Attachment A - Summary of PSA

Attachment B - Amendment No. 4 to PSA with Denise Duffy & Associates, Inc.

Attachment C - Agreement and Amendments 1 - 3