



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/10/2020

Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Michael Gordon, Watershed and Flood Control Resources Specialist - 7072598684

SUBJECT: Amendment No. 5 to Napa County Agreement No. 130004B with ESA-PWA - Napa River Oakville to Oak Knoll Restoration Project Group D Permitting and Archaeological Services and Hydraulic Analysis

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement 130004B with ESA PWA, increasing the maximum compensation by \$384,485 for a new maximum of \$4,652,235 and amending the scope for the purpose of providing additional archeological data recovery and interagency permit coordination for Group D of the Napa River Restoration Oakville to Oak Knoll (OVOK) Project, as well as hydraulic analysis required to submit a Letter of Map Revision (LOMR) application.

EXECUTIVE SUMMARY

A Professional Service Agreement with ESA PWA, for Napa River Restoration Oakville to Oak Knoll (OVOK) Project design was approved by the Board on September 25, 2012. Amendments No.1 through 4 of the ESA PWA agreement have been approved by the Board, as discussed in the background below, to allow ESA to provide additional services on later phases of this multiyear project. These amendments expanded the scope of specific work items for the purpose of providing additional biological monitoring, environmental permitting, archeological surveys, cultural resource recovery, construction support, technical design and engineering support for Group A (Sites 21-23) and C (Site 14), expanded the scope of specific work items for the purpose of providing engineering support to advance Group B (Sites 15-20) and D (Sites 1-10) to the 65% design level and to support construction services for OVOK Group C (Sites 12 and 13), and further expanded the scope of specific work items for the purpose of providing engineering support to advance Group B and D to the 100% design and construction level, including topographic surveys, hydraulic analysis, geotechnical analysis, revegetation designs, archeological surveys and construction support during implementation of Group B and D construction.

The proposed Amendment No. 5 increases the maximum compensation by \$384,485 for the purpose of providing

additional archaeological, permitting, biological monitoring and design support for Site 9 of Group D which is beyond the current scope of the agreement. The amendment also provides funds to complete hydraulic analysis required to submit a LOMR application.

ESA PWA is not a local vendor.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Oakville to Oak Knoll Project- Fund 1000, Subdivision 1220500, Program 07002. Project is funded by various grants and Measure A funds.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Amendment 5 to the agreement is needed to complete additional archaeological investigations and other pre-construction surveys that are required to comply with the permit conditions for the final restoration sites within Group D including Site 9 and for required hydraulic analyses for a LOMR application.
Is the general fund affected?	No
Future fiscal impact:	The scope of services included in the amendment will continue through June 2022.
Consequences if not approved:	Potential loss of landowner involvement, loss of investments in conceptual and preliminary design as well as further degradation of the Napa River can occur. River restoration and flood damage reduction efforts along the Napa River in the OVOK area cannot proceed further in the absence of additional archaeological investigations, and biological monitoring in order to comply with regulatory permit conditions.
County Strategic Plan pillar addressed:	Vibrant and Sustainable Environment
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The OVOK Project is the subject of a Mitigated Negative Declaration (SCH No. 2014012057), which was adopted by the Napa County Public Works Director on April 11, 2014. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics, Biological Resources, Transportation/Traffic, Cultural Resources, and Air Quality. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

BACKGROUND AND DISCUSSION

In 2007 the California Land Stewardship Institute (CLSI) received funding from the California State Water Resources Control Board and Napa County (Measure A) to prepare an enhancement plan for 9.5 miles of the Napa River between the Oakville Crossroad bridge and the Oak Knoll Avenue bridge (OVOK). The efforts of CLSI, the Napa County Resource Conservation District and Phillip Williams and Associates (now known as ESA PWA) are summarized in the *Napa River Restoration: Oakville to Oak Knoll Project Final Concept Plan (Concept Plan)* which was published in April 2011. The OVOK Project is the downstream continuation of restoration of the Napa River Rutherford reach which was completed in 2015. The County has completed the environmental review of the OVOK Project as required by CEQA, and the Mitigated Negative Declaration (SCH No. 2014012057) was adopted by the Napa County Public Works Director on April 11, 2014. During the development of the OVOK CEQA document the twenty three restoration sites were organized into Construction Groups A-D.

On March 14, 2012, staff published a Request for Qualifications (RFQ) for engineering firms or teams of firms to refine conceptual designs for the entire project and develop design documents for the first implementation phase, prepare regulatory permit applications, and assist with construction administration services for the OVOK Project. Staff reviewed four proposals and conducted interviews with three firms on April 24, 2012. ESA PWA was chosen as the most qualified firm based on their experience with the conceptual design of this project and other similar projects. A Professional Service Agreement with ESA PWA, for Napa River OVOK Project design was approved by the Board on September 25, 2012. The scope of work included design support for the CEQA process, which has been completed, and funds to support this design work were approved as part of Amendment No 18 of the County-Flood Authority Measure "A" funding agreement. Approval of Amendment No. 1 to Agreement 7837 with ESA PWA was approved on April 21, 2015 to complete final designs for OVOK Group A (Sites 21-23), advance design of Group C (Site 14), provide construction support for OVOK Group A, conduct additional biological monitoring, and supply technical engineering services. Funds to support this work were approved as part of Amendment No. 23 of the County-Flood Authority Measure "A" funding agreement.

Construction of Group A began in 2015, supported by a grant from the EPA and matched with Measure A funds. Construction of Group C (Site 14) was supported in part by a grant from the EPA and matched with Measure A funds. During initial stages of construction, evidence of archaeological/cultural resources were discovered within the Group A sites. In accordance with Project permits, ground disturbing activities were temporarily stopped and a plan was developed to delineate the lateral and vertical extents of the finding. County staff and ESA personnel consulted with appropriate regulatory agencies and tribal monitors in the development of the discovery plan to facilitate project implementation. Approval of Amendment No. 2 to the Agreement with ESA PWA was approved on November 24, 2015 to include additional design support for the purpose of carrying out cultural resource recovery work, archeological monitoring services, additional permit coordination, construction support, design advancement of Group C (Sites 11-13) and technical design support necessary to facilitate the completion of construction of OVOK Group A and C (Site 14). Funds to support this design work were approved as part of Amendment No. 24 of the County-Flood Authority Measure "A" funding agreement. Construction and revegetation of Group A was completed in May of 2017. OVOK Group C (Site 14) construction was completed in November of 2017.

Approval of Amendment No. 3 to the Agreement with ESA PWA was approved on July 18, 2017 to fund additional engineering services to advance Group B (Sites 15-20) to the 65% design level and Group D (Sites 1-10) to the 30% design level, including topographic surveys, geotechnical analysis, archeological surveys, and to support construction services for the remainder of OVOK Group C (Sites 12 and 13). Implementation of sites 12 and 13 within OVOK Group C was funded by grants from the California Coastal Conservancy, State Water Resources Control Board, California Department of Fish and Wildlife, the United States Environmental Protection Agency and County Measure A. Construction began in July of 2017 and concluded in October of 2018. Revegetation was completed in December 2018. Funds to support design and construction were approved as part of Amendment No. 26 of the County-Flood Authority Measure "A" funding agreement.

Approval of Amendment No. 4 to the Agreement with ESA PWA authorized additional engineering services to

advance Group B and D to the 100% design and construction implementation level. This included hydraulic analysis, topographic surveys, geotechnical analysis, archaeological investigation, and construction oversight. Grant funding from California Department of Fish and Wildlife and United States Environmental Protection Agency was secured to accomplish the additional scope described in that amendment. Group B (Sites 15-20) construction was completed in October 2019 and revegetation was completed in December 2019. Group D is scheduled to be constructed over two seasons in 2020 and 2021. The first phase of construction began in July 2020 and is scheduled to be completed in November 2020.

Approval of Amendment No. 5 to the Agreement with ESA PWA (the subject of this agenda item) will authorize additional engineering services to conduct additional archaeological investigations and provide permitting support for Site 9 within Group D, conduct additional biological monitoring to support the final year of construction, and develop a LOMR application. This will include archaeological investigation, preconstruction surveys, construction oversight, and hydraulic analysis. Measure A funds will be used to accomplish the additional scope described in this amendment. Although ESA PWA is not a local vendor, staff recommends that the additional required services be performed by them as the chosen designer of the project through a request for qualifications process and because of the specialized expertise that they bring to the project.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Susan Kuss