



Midpeninsula Regional
Open Space District

R-19-77
Meeting 19-15
June 12, 2019

AGENDA ITEM 5

AGENDA ITEM

Contract Amendment for Environmental Review Services on the Toto Ranch Rangeland Management Plan

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to amend a contract with Harris and Associates, Inc., of Salinas, California to provide environmental review services on the Toto Ranch Rangeland Management Plan in the amount of \$18,085, for a not-to-exceed contract amount of \$68,023.
2. Authorize a 15% contingency of \$2,713 to cover unforeseen conditions, for a total contract amount not-to-exceed \$70,736.

SUMMARY

In October 2018, the Midpeninsula Regional Open Space District (District) entered into a contract with Harris and Associates, Inc., (Harris) to provide environmental review documentation for the Toto Ranch Rangeland Management Plan (RMP or "Project") for a total not-to-exceed amount of \$49,942. After entering into a contract with Harris, District staff identified additional District management activities to restore natural resources as part of the RMP that are beyond the original contract scope of work. In addition, during RMP development, the grazing tenants requested specific provisions be considered in the RMP that also expand the original scope of work. Moreover, a recent update by the State of California to the California Environmental Quality Act (CEQA) checklist has required additional analysis on the potential impacts to biological resources, greenhouse gas emissions, and hydrologic resources. The proposed contract amendment of \$18,085 with a 15% contingency of \$2,713 addresses this additional CEQA analysis. The FY2018-19 Budget includes sufficient funds for work through end of June 2019 and staff have proposed additional funds in the FY2019-20 Budget to complete the contracted work.

BACKGROUND

The District contracted with Koopmann Rangeland Consulting to develop a draft RMP for the District's Toto Ranch Property at Tunitas Creek Open Space Preserve (Preserve). To receive the grazing tenant's input, staff met several times with grazing tenants Erik and Doniga Markegard to prepare an initial draft of the RMP. The RMP was substantially completed in August of 2018 and included discretionary activities requested by the tenants. The RMP documents existing resources, the current use of the property, provides recommendations for future conservation grazing program improvements, management, and monitoring at the site. Recommendations include improvements to existing access roads, development of additional water infrastructure,

fencing replacement and additions, pond enhancement activities for the federally-listed threatened California red-legged frog (*Rana draytonii*), efforts to manage brush expansion into grasslands, and monitoring of resource management activities.

Sensitive species and hydrologic resources at Toto Ranch triggered the need to evaluate the potential environmental impacts associated with the infrastructure improvements proposed in the RMP. Staff issued a Request for Qualification and Proposals (RFQP) on April 5, 2018 to complete an environmental review of the RMP. Staff circulated the RFQP via email, posted it on the District's website, and received seven (7) proposals. Evaluation criteria were determined prior to the release of the RFQP that included the quality of the proposal, project approach, and firm expertise. After careful review of the seven proposals, staff deemed Harris the most qualified and best suited for the project at a fair and reasonable price. Under the General Manager's authority, the District entered into a contract with Harris on October 8, 2018 in the amount of \$49,942.

DISCUSSION

During development of the RMP, the District identified the following additional project needs that expand the original contract scope of work with Harris:

- **Evaluation of Impacts to Biological and Hydrologic Resources due to Land Management Activities** –After entering into contract with Harris, the District received a ten-year brush management plan for Toto Ranch under a separate contract that will increase cattle stocking rates, and thus water use, once implemented. Toto Ranch has two (2) known occurrences of Choris's popcorn flower (*Plagiobothrys chorisianus* var. *chorisianus*), a California Native Plant Society species listed on the *Inventory of Rare and Endangered Plants* (ranked 1B.2; rare or endangered in California and elsewhere). Choris's popcorn flower is adapted to a moderately moist habitat and the effects of increased groundwater use needs to be analyzed. Known threats to this endemic species include development, foot traffic, and non-native plants. In addition, District staff identified pond enhancement activities for the California red-legged frog (*Rana draytonii*) that also need to be analyzed.
- **Evaluation of Potential Impacts in light of recent CEQA Checklist Revisions** – The State of California adopted a revised CEQA checklist on December 28, 2018. The updated checklist includes new sections to analyze wildfire and energy impacts, as well as revisions to existing checklist sections. These revisions were not included in the original scope of work because their addition to the CEQA Guidelines had not yet become law.
- **Preparation of a Summary Table** – Harris will prepare a summary table that consolidates District avoidance, minimization, and mitigation measures relevant to the RMP to facilitate public review of the CEQA document and for future reference during project implementation.
- **Preparation of Responses to Comments** – The original contract scope assumed a basic number of hours to address comments received on the IS/MND. The complexity of the project and the multiple discussions with the grazing tenants has resulted in the need for more coordination than anticipated. Additional hours are included to respond to public and tenant comments on the IS/MND in the event the District receives more comments than originally anticipated.

FISCAL IMPACT

There are sufficient funds in the amended FY2018-19 Budget to cover the cost of the recommendation through the end of the fiscal year. Additional funds are included the proposed FY2019-20 budget to complete the contracted work.

BOARD COMMITTEE REVIEW

On January 22, 2019, Staff presented to the Planning and Natural Resources Committee the final draft RMP for Toto Ranch for review and comment (R-19-13). The Committee recommended by a vote of 3-0 to forward the item to the full Board for approval if there were no further significant changes to the RMP based on the public outreach process and additional coordination with the Toto Ranch grazing tenants to address questions raised at the PNR meeting. Staff only made minor changes to the RMP based on discussions with the grazing tenants who have since stated they are satisfied with the RMP.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Public notice was sent to interested parties and tenants by postal or electronic mail.

CEQA COMPLIANCE

The amendment to a contract is not a project subject to CEQA. Future Board consideration for the Toto Ranch RMP will be subject to CEQA.

NEXT STEPS

Following Board approval, the General Manager will amend the contract with Harris. Once the draft CEQA documentation is complete, the General Manager will return to the full Board to consider adoption of the RMP as an amendment to the Preliminary Use and Management Plan for Tunitas Creek Open Space Preserve (R-12-109), anticipated in Quarter 2 of FY2019-20. Following adoption of the RMP, staff will develop and negotiate a long-term grazing lease.

Table 1: Tentative Schedule

Task	Date
Planning and Natural Resources Committee review of Toto Ranch Rangeland Management Plan (RMP)	January 29, 2019
Board considers contract amendment for environmental review services	June 12, 2019
Complete CEQA Review	Q1 FY2019-2020
Board considers certification of the CEQA document and adoption of the RMP	Q2 FY2019-2020

Responsible Department Head:
Kirk Lenington, Natural Resources
Jane Mark, AICP, Planning

Michael Jurich, Land & Facilities

Prepared by:

Coty Sifuentes-Winter, Senior Resource Management Specialist, Natural Resources

Aaron Peth, Planner II, Planning

Contact person:

Aaron Peth, Planner II, Planning