PLANNING DEPARTMENT

GOVERNMENTAL CENTER

COUNTY OF SANTA CRUZ

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BOARD OF SUPERVISORS AGENDA: 6/15/99

May 28, 1999

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

SUBJECT: Approval of Contract to Prepare an Environmental Impact Report, Habitat Conservation Plan and Associated Documents for the Pajaro River Management Plan

Members of the Board:

In February, the Environmental Coordinator determined that an Environmental Impact Report (EIR) would be required for three Santa Cruz County Flood Control and Water Conservation District (Zone 7) proposals related to flood control maintenance work on the Pajaro River and two of its tributaries, Salsipuedes Creek and Corralitos Creek. These three related projects are:

1. Pajaro River Management and Restoration Plan;
2. Implementation of the Stream Bank Assessment Report on the Pajaro River; and
3. Vegetative clearing and related flood control work on Salsipuedes and Corralitos Creek.

These three streams are known habitat for at least three animal species protected by the federal Endangered Species Act. Therefore, any development or alteration within the corridors of these streams will require the preparation of a Habitat Conservation Plan (HCP) and an accompanying Implementation Agreement with two federal agencies. The HCP must also be evaluated through the federal environmental review process and therefore an Environmental Assessment must also be prepared. To facilitate the preparation of the EIR, HCP, Implementation Agreement and Environmental Assessment, the three projects have been combined into a single "three component" project and one set of environmental documents will be prepared.

Three proposals for preparation of an EIR/HCP were received by the Planning Department and reviewed by both Planning and Public Works staffs. The firm of Harding Lawson Associates was selected to prepare the EIR/HCP and related documents. These documents will provide the necessary analysis required by the California Environmental Quality Act, National Environmental Quality Act and the Endangered Species Act.

The consultant contract (Attachment 1) provides a scope of work which will provide a thorough analysis of the environmental issues of the project. The estimated cost for the preparation of the EIR, HCP and other two documents is $152,245. This contract requires approval by your Board because the cost associated with the contract exceeds the $10,000 administrative limit set by your Board for EIR contracts (Resolution 418-97). Funds are included in the recommended FY 1999-2000 Zone 7 budget.

It is therefore RECOMMENDED that your Board authorize the Planning Director to approve the attached contract on behalf of the County, including any subsequent amendments which may be necessary to complete the EIR/HCP or related documents.

Sincerely,

ALVIN D. JAMES
Planning Director

RECOMMENDED:

SUSAN MAURIELLO
County Administrative Officer

Attachments:

1 - Consultant Contract
2 - ADM-29 Form

cc: John Fantham, Public Works
Carlos Palacios, City of Watsonville
Harding Lawson Associates

CONSULTANT

AGREEMENT FOR CONSULTING SERVICES
FOR THE
PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

PREAMBLE

THIS AGREEMENT is entered into and effective this 15th day of June, 1999, by and between Harding Lawson Associates (hereinafter called "Consultant") and the County of Santa Cruz (hereinafter called "County").

RECITALS

WHEREAS, the County of Santa Cruz Public Works Department has filed with the County an application on behalf of the County Flood Control and Water Conservation District (Zone 7), (hereinafter callsed "Applicant") for:

a. Implementation of the Pajaro River Management and Restoration plan as proposed by Zone 7;
b. A proposal to implement stream bank stabilization measures described in the 1998 Band Erosion Assessment prepared by Northwest Hydraulic Consultants for Zone 7; and
c. Continued vegetation clearing and related flood control, activities on the Pajaro River, Salsipuedes Creek and Corralitos Creek

(hereinafter called "project"); and,

WHEREAS, the County has determined that under the terms of the California Environmental Quality Act consideration of said application will require the preparation of an Environmental Impact Report (hereinafter "EIR"); and, under the terms of the federal Endangered Species Act preparation of a Habitat Conservation Plan (hereinafter "HCP"); and

WHEREAS, the National Environmental Policy Act requires that an Environmental Assessment or similar environmental analysis be prepared as part of the preparation of an HCP in addition to that required by the California Environmental Quality Act; and

WHEREAS, after appropriate conferences and negotiation between Consultant and County, the County desires to contract with Consultant to accomplish certain technical and professional results hereinafter described in connection with the preparation of said Environmental Impact Report and Habitat Conservation Plan; and,

WHEREAS, Applicant and County have entered an agreement defining the responsibilities of the parties thereto with regard to the work and costs involved in the preparation and review of said EIR/HCP.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Results to be Accomplished by Consultant
The County hereby contracts with Consultant and Consultant hereby agrees to accomplish all of the results described in the attachment entitled Scope of Services attached hereto as Exhibit "A" and by reference made a part of this agreement. Such results shall include the

Initials: _____

preparation and publication of a EIR/HCP for the project in conformance with the California Environmental Quality Act and the federal Endangered Species Act, and in conformance with the Environmental Review Guidelines adopted by the County. Preparation of the HCP shall include preparation of an Environmental Assessment according to applicable federal regulations. Said results shall also include preparation of a complete Draft EIR/HCP as well as responses to comments received during the public and agency review periods. Consultant further agrees that said EIR/HCP shall be prepared for the County such that it will satisfy the County's obligation as the agency having primary responsibility for discretionary actions involved in said project. It is understood that in connection with the preparation of said EIR/HCP the Consultant shall fully consult with the Applicant but that the management of the Consultant's work shall be the responsibility of the County Planning Department. Accordingly, Consultant will prepare said EIR/HCP with maximum accuracy and objectivity. It is further agreed that in all matters pertinent to the project for which the EIR/HCP is being prepared, the Consultant shall act solely as the Consultant to the County for environmental analysis and shall not act in any other capacity as consultant to, representative, or agent of the Applicant during the time the EIR/HCP is being prepared.

2. Meetings to be Attended

A representative (or representatives) of Consultant shall attend a start-up meeting with County staff, other key EIR/HCP team members and the applicant. In addition, a representative of Consultant will attend a public hearing on the FEIR/HCP conducted by the County. Other meetings shall occur as specified in section 2.6 of Exhibit A. Consultant further agrees that compensation for said attendance of meetings shall be deemed included in the amount of compensation as specified herein.

3. Responsible Consultant in Charge

Sally Bull shall serve as the Consultant principally responsible for execution of the Consultant's obligations under this Agreement and shall serve as principal liaison between County and Consultant.

4. Time of Performance

The performance of the Consultant shall commence as soon as practicable and in no event later than ten (10) days after the effective date of this Agreement. The Consultant's effort in preparation of 5 copies of the Administrative Draft EIR/HCP shall be completed not later than August 25th, 1999, contingent upon Consultant receipt of all information reasonably requested from County and Applicant within two weeks of the effective date of this Agreement. The County shall review and approve or conditionally approve, or disapprove of the Administrative Draft EIR/HCP. The consultant shall, within twenty-one (21) days of any conditional approval or disapproval, make all modifications and additions to said Administrative Draft EIR/HCP as deemed necessary by the County to comply with the Terms of this Agreement. Upon completion of any modifications to the ADEIR/HCP, Consultant shall furnish to County one (1) screen check copy of the Draft EIR/HCP. Upon approval of the screen check copy, Consultant shall forward the HCP portion of the draft

ATTACHMENT 1
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document to the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) for their review and acceptance. Once the two federal agencies have accepted the draft HCP as technically adequate, the Consultant shall, within seven (7) days of written notification of this acceptance, furnish to County 40 copies of the Draft EIR/HCP. Consultant shall submit 5 copies of an Administrative Final EIR/HCP within three weeks of receiving all comments on the Draft EIR/HCP. Upon approval of the Administrative Final EIR/HCP, Consultant shall furnish to County one (1) screen check copy of the Final EIR/HCP. Upon approval of the screen check copy, Consultant shall forward the HCP portion of the final document to the NMFS and the USFWS for their review and approval along with an Implementing Agreement for the final HCP. Once the two federal agencies have approved the final HCP and the corresponding Implementing Agreement, the Consultant shall furnish to County 30 copies of the Final EIR/HCP.

5. Payment

a. The Consultant shall be paid for results satisfactorily accomplished under the terms of this Agreement in accordance with the rates and schedule specified in Exhibit "B" attached hereto and incorporated herein by reference; provided that the total amount payable under this Agreement shall not exceed $152,245.00.

b. Consultant shall be paid in monthly payments according to the tasks that are invoiced according to that shown in Exhibit B.

c. After approval of the Final EIR/HCP by the County and Consultants attendance at one public hearing, Consultant shall be paid the full amount owed, pursuant to Exhibit "B."

d. Compensation shall be paid within thirty (30) days of the Consultants completion of the results to be accomplished and Consultant's submission thereafter to the County of an invoice, including an enumeration of the results accomplished and the amount due.

Notwithstanding the foregoing, no payment shall be made with respect to any invoice unless the same be approved by the Planning Director of the County, or in his/her absence, the Environmental Coordinator or Deputy Environmental Coordinator.

6. Presentation of Claims

Presentation and processing of any or all claims arising out of or related to this Agreement shall be made in accordance with the provisions contained in Chapter 1.05 of the Santa Cruz County Code, which by this reference is incorporated herein.

7. Time is of the Essence

Time is of the essence in this agreement, particularly in view of the time constraints imposed upon the County pursuant to Public Resources Code 21151.5, Government Code 65950, and Article 8 of the County Environmental Review Guidelines.

Initials: _____

8. Indemnification for Damages, Taxes and Contributions

a. Consultant shall exonerate, indemnify, defend, and hold harmless County (which for the purposes of paragraphs 7 and 8 shall include its officers, agents, employees, and volunteers) from and against, and shall assume full responsibility for payment of all Federal, State and Local taxes, contributions, charges, or fees imposed or required to be paid with respect to Consultants performance under this Agreement (including without limitation unemployment insurance, social security, and payroll tax withholding).

b. As respects its operations under this Agreement other than the performance of professional services, Consultant shall, to the fullest extent permitted by law, defend, indemnify and hold harmless County and County's agents, employees, and volunteers against any and all claims, demands, losses, damages, injuries, liabilities, expenses and costs, arising out of injury to or death of persons, or damage to property as a result of, arising out of, or attributable to the negligent acts, errors or omissions of Consultant or its officers, employees, agents and consultants under this Agreement, excepting only those claims, demands, actions suits, losses, liabilities, expenses and costs caused by the sole negligence of the County.

c. Consultant's liability to County for all the aforesaid matters is limited to proceeds recovered from the insurance carried by Consultant and within the coverage limits specified in Exhibit "C" to this agreement after settling claims of third parties.

9. County Responsibilities

County shall grant Consultant access to all existing information, data, records, and maps in the possession of the County which are related to the Consultant's work under this Agreement. County shall be responsible for making reasonable staff assistance available to the Consultant during the course of this Agreement; shall assist the Consultant in collecting information; shall promptly review Consultant's work prior to public release or publication; shall arrange for all such meetings and study sessions as may be in judgment of the County necessary to carry out this Agreement; and shall assume full responsibility for all liaison that may be required with the Applicant or with other interested parties.

In the event that circumstances beyond the control of the Consultant, such as absence of qualified County staff personnel or failure of Applicant to supply needed information to the Consultant, make it impossible for County to fulfill its responsibilities to Consultant or for Consultant to proceed in a timely manner to carry out the scope of work described herein, Consultant shall be entitled to reasonable compensation under paragraph four (4) above upon submission of an invoice for services rendered.

10. Termination Without Cause

County may terminate this Agreement without cause by delivery (in person or by first class mail) of written notice of said termination to the

Consultant ten (10) days prior to the effective date of said termination.

In the event of such termination by County, Consultant shall be entitled to reasonable payment for all work done by Consultant, and all costs incurred prior to the effective date of said termination.

11. Modifications
No alterations or variations of terms of this Agreement shall be valid unless made in writing and signed by parties hereto.

12. Independent Contractor
In performing the services called for pursuant to this Agreement, Consultant is an independent contractor and not an employee or employees of County.

13. Eaual Employment Opportunity
During and in relation to the performance of this Agreement, Consultant agrees as follows:

a. The Consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, sex, sexual orientation, age (over 18), veteran status, gender, pregnancy, or any other non-merit factor unrelated to job duties. Such action shall include, but not be limited to, the following: recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training (including apprenticeship), employment, upgrading, demotion, or transfer. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause.

b. If this Agreement provides compensation in excess of $50,000 to Consultant and if Consultant employs fifteen (15) or more employees, the following requirements shall apply:

(1) The Consultant shall, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin,. ancestry, physical or mental disability, medical condition (cancer related), marital status, sex, sexual orientation, age (over 18), veteran status, gender, pregnancy, or any other non-merit factor unrelated to job duties. In addition, the Consultant shall make a good faith effort to consider Minority/ Women/Disabled Owned Business Enterprises in Consultant's solicitation of goods and services. Definitions for Minority/Women/Disabled Business Enterprises are available from the County General Services Purchasing Division.

(2) The Consultant shall furnish County Affirmative Action Office

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information and reports in the prescribed reporting format (PER 4012) identifying the sex, race, physical or mental disability, and job classification of its employees and the names, dates and methods of advertisement and direct solicitation efforts made to subcontract with Minority-Women/ Disabled Business Enterprises.

(3) In the event of the Consultants non-compliance with the non-discrimination clauses of this Agreement or with any of the

said rules, regulations, or orders said Consultant may be declared ineligible for further agreements with the County.

(4) The Consultant shall cause the foregoing provisions of this Subparagraph 13B. to be inserted in all subcontracts for any work covered under this Agreement by a subcontractor compensated more than $50,000 and employing more than fifteen (15) employees, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

14. Nonassignment

Consultant shall not assign this Agreement without the prior written consent of the County.

15. Retention and Audit of Records

Consultant shall retain records pertinent to this Agreement for a period of not less than five (5) years after final payment under this Agreement or until a final audit report is accepted by County, whichever occurs first. Consultant hereby agrees to be subject to the examination and audit by the Santa Cruz County Auditor-Controller, the Auditor General of the State of California, or the designee of either for a period of five (5) years after final payment under this Agreement.

Initials: _____

IN WITNESS WHEREOF, the County and Consultant have executed this Agreement effective the date set forth in the Preamble hereof.

COUNTY OF SANTA CRUZ

BY _____

Alvin D. James
Planning Director

DATE _____

Approved As To Form:

B Y _____
County Counsel

DATE 6.2.99

Exhibits:

A - Scope of Services
B - Budget
C - Schedule of Insurance

EIR-ConsultHLA.wpd/pln453

APPROVED AS TO INSURANCE:

Janet McKinley
JANET MCKINLEY, Risk Manager

6-2-99
DATE

CONSULTANT

BY Jim Lanefelin

For Harding Lawson Associates

DATE 5/27/99

Address: 90 Diaital Drive
Novato, CA 94949

Telephone: (415) 884-3198

Initials: _____

2.0 PROPOSED SCOPE OF SERVICES AND APPROACH

HLA will prepare a combined EIR/HCP that will provide a framework for the County to manage erosion control, flooding, and habitat values along the Pajaro River and its tributaries, Salsipuedes and Corralitos Creeks.

2.1 Consultation

In order to complete this project on schedule, there will be little time for reconsideration of the direction. We must do the work right the first time. In the case of the Pajaro River project, doing it right means developing an EIR/HCP that serves the County's purpose, is legally defensible, and contains the level of baseline information, impact analysis, and mitigation program that satisfies the County, the National Marine Fisheries Services (NMFS), U.S. Fish and Wildlife Service (USFWS), and other trustee and responsible agencies. This section identifies specific measures proposed to ensure the close agency coordination required to keep the project on schedule.

Frequent Communication. We propose to establish a regular schedule of in-person meetings and conference calls with the County and agencies contributing to the HCP through completion of the public draft document. The purpose of the meetings will be to update County and agency staff on our progress, describe preliminary results of the analysis, identify potentially controversial issues, and request feedback on work to-date and how to proceed. We have provided for two meetings with the HCP participants (see Section 2.3.1, Tasks 4 and 5) to initiate the HCP process and receive feedback midway through developing the administrative draft HCP and EIR. HLA will prepare agendas and materials and pre-brief attendees on the proposed objectives for each meeting. In addition, we propose to establish a schedule of weekly conference calls until the public draft EIR/HCP is published to ensure that agency concerns are addressed as the document is developed. The HLA project manager or appropriate technical staff will contact the County and resource agencies on a regular basis (daily if needed) by telephone or email to ask questions or request input on the analysis.

Effective Communication Skills. Key features of successful communication on the Pajaro River project will include the ability of the project manager and key team members to ask the right questions, listen effectively, facilitate decision making, and develop an approach that considers the perspectives of the participants. In addition, the team leader must be (politely) persistent in order to gain the feedback needed to ensure that the objectives of the participants are understood and addressed. The agreed upon approach must then be translated into a written document that clearly communicates the project objectives and consequences to agency personnel, decision-makers, and the public. Ultimately, the most effective way to ensure good communication during a project is to choose a project manager and team members with good verbal and written communication skills. HLA has chosen a project manager who has developed specialized expertise in coordinating the analysis of multidisciplinary projects in the region. She has developed relationships with regulatory and resource agency personnel that will serve to minimize the ramp-up period for this project.

2.2 Meeting the Project Schedule

HLA is committed to dedicating the resources necessary to meet the project schedule outlined in the County's RFP. As identified in the RFP and in Section 2.1 above, close coordination with the County and agency personnel will be one of the key factors in ensuring adherence to the schedule. Other important factors include a the selection and commitment of a project manager and key personnel with organizational skills, the experience to lead complex multidisciplinary projects, and the ability to mobilize in-house and agency staff to be responsive.

HLA will commit the project manager and key staff to the Pajaro River project full time to provide for development of the administrative draft document within 10 weeks of authorization to proceed. Once the administrative draft has been submitted, these staff will continue to be committed as needed to meet the project schedule through completion. With over 240 technical staff, including 40 biologists, planners, and regulatory specialists, in offices throughout the Bay Area and Monterey, the project manager will have the staff resources necessary to meet the scheduling needs of the project.

2.3 Content and Methodology of the EIR/HCP

2.3.1 Overall Approach

In keeping with County objective's, HLA will develop an EIR/HCP that provides for erosion control, flood management, and habitat enhancement along the Pajaro River and Salsipuedes and Corralitos Creeks. In the following section, we describe our approach to the major tasks required to meet that objective.

Task 1 – Initiate the HCP Process

HLA will prepare a letter to be submitted to the NMFS to initiate the formal HCP process. The letter will:

- Request an Incidental Take / Habitat Conservation Plan permit application package
- Describe sensitive species studies and NMFS and USFWS coordination conducted to-date
- Describe coordination with the U.S. Army Corps of Engineers concerning Section 404 permitting
- Identify the species proposed to be covered in the HCP
- Request an HCP kick-off meeting with NMFS, USFWS, and CDFG.

Task 2 – Kick-Off Meeting and Field Review

Upon County authorization to proceed, the HLA project manager and key team members will meet with the County to discuss and refine the EIR/HCP work scope and schedule, specific due dates, and information needs. HLA staff will obtain maps and photographs, contact names and numbers, and background information available at the County offices. In addition, HLA staff will walk / drive through the project site and surrounding area to identify field issues and to complete a photographic survey. We request that County public works staff familiar with the proposed project be present at the field review to identify specific locations of project elements and answer project-related questions. We suggest that resource agency staff also be invited to the field review-portion of the meeting.

Task 3 – Prepare Project Description, Environmental Setting Description, and Alternatives

HLA will review project information provided by the County, background information relevant to the project, and the results of the initial field survey to develop a detailed

description of the project and alternatives and preliminary description of the project site environmental setting. Following review by the County, HLA will distribute the description to agencies participating in the HCP process with a proposed agenda for the HCP kick-off meeting.

Task 4 – HCP Kick-Off Meeting

HLA will coordinate and facilitate a meeting with the County, NMFS, USFWS, and CDFG to discuss the proposed project and approach to preparing the HCP and EIR. We suggest that the objectives of the meeting should be to:

- Reach consensus on the document format
- Confirm that the existing level of species data is sufficient to proceed with the HCP analysis
- Confirm that the proposed project alternatives are sufficient for the HCP analysis
- Receive feedback from NMFS, USFWS, and CDFG on the nature of their concerns about potential project impacts to HCP species and ideas for offsetting mitigation measures
- Establish a schedule for subsequent meetings and telephone conferences.

Task 5 – Prepare Prelimina y Impact Analyses and Develop Conceptual Mitigation Measures for HCP Species

HLA will conduct a preliminary analysis of impacts to HCP species and develop conceptual mitigation measures to offset those impacts. After review by the County, the analysis will be distributed to the HCP team for their review and comment. We propose to hold a second meeting or telephone conference with the HCP agencies or steering committee to receive feedback on the preliminary impact analysis and mitigation concepts.

Task 6 – Prepare Administrative Draft EIR and HCP

Concurrent with Task 5, HLA will prepare an Administrative Draft EIR and HCP within 10 weeks after contract approval. Five copies will be submitted to the County Deputy Environmental Coordinator. The impact analysis and mitigation sections will conform to the County's preferred format as developed in the Buena Vista Landfill Soil Stockpile EIR recently prepared with HLA's assistance. Our approach for each of the environmental issue areas to be addressed in the document is described in Section 2.3.4 below. We anticipate that the following impacts will be considered.

- Short-term consequences from implementation of "one-time" bank erosion control measures at thirty-seven sites along the Pajaro River.
- Long-term consequences of implementing the erosion control work over a period of several years as funding becomes available
- Short-term construction-related impacts associated with raising and resurfacing the levees along the Pajaro River
- Long-term consequences and effectiveness of raising and resurfacing the levees along the Pajaro River and increasing hydraulic capacity
- Short-term construction-related impacts associated with removing channel bottom vegetation in the three streams and planting trees and shrubs along the banks of the Pajaro River
- Long-term direct and indirect consequences associated with the proposed vegetation management scheme along the Pajaro River and Salsipuedes and Corralitos Creeks

Task 7 – Prepare Draft EIR/HCP

A Draft EIR and HCP will be prepared that incorporates responses to County comments on the Administrative Draft EIR and agency comments on the preliminary HCP impact analysis. A screen check review copy will be

submitted to the County within 3 weeks after receipt of the County's comments. The HCP-portion of the draft document will then be submitted to NMFS and USFWS for their review and comment. Comments received from these agencies will be addressed in the draft, and a completed Draft EIR and HCP will be published and available for public review (in print and on-line) within 7 days after NMFS and USFWS notify the County that the draft has been accepted. The HLA project manager will attend the public hearing to answer questions about the EIR and HCP.

Task 8 – Prepare Administrative Final EIR and HCP

Following the public comment period, HLA will hold a conference call with the County to discuss the comments on the draft document and appropriate responses. HLA will produce an Administrative Final EIR and HCP that addresses public comments within 4 weeks of this meeting.

Task 9 – Prepare Final EIR and HCP

HLA will address County comments on the Administrative Draft EIR and HCP and prepare a screen-check review copy of the Final EIR and HCP. Upon approval of the screen check copy of the FEIR/HCP by the County, HLA will forward the HCP portion of the final document to NMFS & USFWS for their review & approval along with the EA for the final HCP. Once the 2 federal agencies have approved the final HCP & EA, HLA will furnish the County with 30 copies of the FEIR and HCP. In keeping with the County's objectives, our intent is to complete the Final EIR concurrently with completion of the Final HCP. The final documents will be printed and provided to the County in internet-ready format within 7 days of the County's approval of the screen review copy.

Task 10 – Environmental Assessment and Implementing Agreement

HLA will prepare an Environmental Assessment (EA] that evaluates the environmental impacts of the HCP in compliance with the National Environmental Policy Act (NEPA]. The format and content of the document will be determined in consultation with NMFS and Santa Cruz County. The process and timing of EA preparation (including comment responses and document revisions) will coincide with preparation of the EIR and HCP. For budgeting purposes, we have assumed that no analysis beyond that conducted for the EIR will be required for the EA. The EA will include:

- Description of the purpose and need for the proposed action
- Description of the proposed action
- Alternatives considered
- Potential environmental impacts of the proposed action and alternatives
- List of agencies and persons consulted during the EA process

HLA will also prepare an Implementing Agreement (IA) that establishes the agreement between the County and NMFS for species protection and take of listed species. We have assumed that the IA template provided in Appendix 4 of the HCP Handbook will be acceptable to both agencies.

2.3.2 Document Content and Format

HLA will prepare an EIR/HCP that meets the legal requirements of CEQA and the Endangered Species Act and the content requirements of Santa Cruz County and the HCP handbook. In addition, specific requirements of the NMFS and USFWS personnel responsible for the Pajaro River project will be solicited during project team meetings and incorporated as directed by the County.

At a minimum, the EIR will contain:

- Table of contents
- Summary of the proposed actions and its consequences
- Project description
- Environmental setting
- Discussion of environmental impacts
- Discussion of proposed mitigation measures
- Alternatives analysis
- Identification of effects not found to be significant
- List of organizations and persons consulted during preparation of the EIR
- Discussion of cumulative impacts

The proposed project will require approvals from a variety of agencies from various levels of government. The type and need for these multi-approvals may be confusing to a layperson reading the document. Introductory sections of the EIR will contain a thorough discussion of the local, state, and federal agency approvals required for the project. The objective of this section will be to demystify the multi-level approval process for the layperson. All local, regional, state, and federal approvals required for each of the three projects shall be listed along with the agency that must grant the approval. A brief description of the purpose of the approvals shall be listed along with the agency that must grant the approval. A brief description of the purpose of the approvals shall be provided to inform readers of the type and reason of each approval as well as when the approval is expected to be granted in the overall process.

This section will also include a description of the history of flood events, management activities, and public discussion about river management to provide a context for the current project proposal and the environmental issues to be reviewed by the agencies. We understand that this discussion will be prepared by the County and provided to HLA in electronic format.

Issue areas proposed to be evaluated in the EIR are described in Section 2.3.4 below.

Under the Endangered Species Act (Section 10(a)(2)(A)) and Federal regulations (50 CFR 17.22(b)(1), 17.32(b)(1), and 222.22), a conservation plan submitted in support of an incidental take permit application (HCP) must detail the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested
- Measures to monitor, minimize, and mitigate such impacts; the funding that will be made available to undertake such measures; and the procedures to deal with unforeseen circumstances
- Alternative action considered that would not result in take, and the reasons why such alternatives are not being undertaken
- Additional measures USFWS or NMFS may require as necessary or appropriate for purposes of the plan.

HLA will work with the County, NMFS, and USFWS to develop a document format that is logical, readable, and flexible to allow for the various levels of agency and public review. As indicated by the County in the RFP, activities proposed along the Pajaro River and its major tributaries can be viewed as a comprehensive plan that provides for the combined management of flooding, erosion, and natural resource values. The County identifies one of the main objectives of the EIR as providing "... a framework for the County to use to combine these three projects into a single comprehensive plan for erosion control, flood management and habitat enhancement for the three streams." Presenting the project to the public in a way that conveys the importance of balancing the (potentially competing) objectives of flood control and habitat management will be important in obtaining public support for the project, the EIR and the HCP. For this reason, combining the EIR and HCP in some way could have the beneficial

effect of improving the public reaction to the project.

On the other hand, the potential impacts of the HCP must be evaluated under the National Environmental Policy Act (NEPA), and the HCP and NEPA document must be published in the Federal Register. NMFS will need a stand-alone HCP for these purposes. In addition, because agency consultation and consensus will be needed to proceed with the HCP process, there is some risk that preparation of the EIR will proceed at a faster pace than the HCP. Stand-alone documents would allow the County to proceed with circulating a draft EIR prior to completion of the details of the HCP.

To address each of these objectives, we propose to (1) prepare a stand-alone HCP and (2) develop an EIR that describes the project as a combined river management plan and evaluates the environmental impacts of each of the management elements. The plan elements will include (1) the Pajaro River Management & Restoration Plan, (2) the Pajaro River Bank Erosion Assessment, (3) the Salsipuedes and Corralitos Creek Flood Control Maintenance Plan, and (4) the HCP. The plan elements (or their executive summaries) will be included in an appendix to the EIR.

The EIR/HCP will be published in single column, double-sided format. Tables and plates will be incorporated into the main body of the document immediately following each table or plate reference.

2.3.3 Establishing the Environmental Baseline

EIRs must include a description of the physical environmental conditions in the vicinity of the project. According to the CEQA Guidelines, the environmental setting should describe conditions as they exist at the time the notice of preparation is published. The HCP must also establish an environmental baseline that includes delineation of the HCP boundaries and biological data about the species to be addressed. The setting constitutes the baseline physical and biological conditions by which the EIR and HCP determine whether an impact is significant. Consequently, establishing an accurate and thorough environmental baseline is critical to conducting an impact analysis and developing mitigation measures that satisfy legal and agency requirements and are meaningful.

As stated in the RFP, the environmental baseline will consist of conditions that existed in February 1999, following vegetation clearance activities in 1995 and 1996 and the major flood event of 1998. Tools used to establish baseline conditions will include 1999 aerial photographs provided by Santa Cruz County, review of existing data and studies, interviews with County Public Works staff knowledgeable about river conditions, and limited field investigations of the project site. Other information that will be used to establish baseline conditions for specific resources are described in the individual issue area discussions below.

2.3.4 Impact Analysis and Mitigation Planning

The EIR/HCP will evaluate the environmental impacts of all phases of the proposed project, including short-term construction to resurface the Pajaro River levees, ongoing construction to implement bank erosion control measures, and ongoing maintenance (vegetation removal and maintenance of planted vegetation). In addition, the long-term consequences of proposed watershed management strategies will be evaluated. The impact analysis will include evaluation of both the direct and indirect effects of the project on the environment and the HCP species. HLA will work with the County to develop mitigation measures for each significant impact identified during project evaluation. The discussion will distinguish between measures proposed by the

project to be included in the project and other measures proposed as part of the EIR/HCP evaluation process. Our approach to individual issue area analyses is described below.

Hydrology – Surface Hydrology and Hydraulics

Issues: The evaluation of flood control and stream bank erosion for the Pajaro River system involves a wide range of issues and requires the expertise of a team with a multi-discipline perspective. Aggradation (deposition] and degradation (scour) are dependent upon many factors:

- Soil characteristics
- River planform and geometry
- Peak flows and the frequency of "high flow" events
- The response time of the watershed (lag time]
- Structures or vegetation which act as "controls" to stabilize the stream and the resistance of these features to erosional forces
- Activities and events in the watershed which significantly effect the sediment supply (construction, agriculture, fires)
- In stream activities such as sand or gravel mining
- Vegetation or bedforms (which may develop during floods) and the resultant effects on the Roughness Coefficients or Manning's "N" values

In order to gain a better understanding of how these issues relate to project, the project team has 1) conducted preliminary field reconnaissance; 2) thoroughly reviewed the 1998 Bank Erosion Assessment, Long-term Maintenance Plan, Management and Restoration Plan; and Initial Study; 3) discussed hydraulics and hydrology issues with Mr. Kim Tschantz; and 4) discussed project issues with Mr. Ed Wallace (Northwest Hydraulic Consultants). Based upon this background work we have developed an appreciation for conditions and existing information available for the Pajaro River system.

HLA understands that flood protection is provided by levees. These levees have been settling, and significant resurfacing was conducted during 1997. The '97 improvements extended (on the Santa Cruz side) from the Highway 1 bridge to the confluence with Salsipuedes Creek and on Salsipuedes Creek to College Lake. Despite the 1997 improvements, failures occurred during the largest flood of record, which took place during February 1998. These failures happened just north of Bridge Street and just below the Treatment Plant. Significant erosional threats to the levees have been well documented in the 1997 and 1998 Bank Erosion Assessments. Santa Cruz County is currently proposing a multi-objective approach to accomplishing flood protection, habitat preservation/enhancement, and recreational resource goals. In addition to work proposed by Santa Cruz County, the USACE is developing plans for repairing/improving several levee areas. The limits of the USACE work is currently not defined, however it appears likely that 2,000 to 4,000 linear feet of the priority 1 (worst condition) sites will not be treated as part of the USACE project. Close coordination with USACE will be required to gain a clear understanding of their proposed work as the plans develop.

In addition to bank erosion, deposition in the main stream channel is mentioned in the Draft Scope of Work. During the '98 flood most of the previous deposition was scoured away. Precise determination of whether scour or deposition will occur for any one storm event is not possible, in part because either scour or deposition can take place as a result of conditions which cannot be controlled (e.g., fire damage to the watershed, distribution of the actual storm hydrograph). Identification of long-term trends will be the important issue for resolution.

We understand that additional hydraulic and hydrologic information has been developed for the County but that this information is involved with litigation and is subject to attorney-client privilege. Therefore, we have assumed that this additional information will not be available for use on the project.

Approach. HLA has assembled a well-qualified team with expertise in multi-objective floodplain management that has worked closely together on other similar projects. The qualifications of team are presented in the resume section of the proposal. The team will consist of Mark Gookin in the Civil Engineer role, Gerry Hester as Project Hydrologist, and Sally Bull and Keenan Foster as Restoration Expert. Because of the close relationship between erosional processes and soil conditions, the hydrology and hydraulics group will work closely with our Geotechnical Engineers throughout the project analysis.

The focus of the third party review of the Stream Bank Erosion Assessment and Management Plan will be on errors, issues, or discrepancies that materially effect the conclusions made in the documents. Because HLA's team has served in a reviewing capacity for numerous agencies, we are well-prepared to sift out inconsequential or "artistic" differences in how we would approach the studies from more meaningful issues. The tasks in the review process are described as follows:

Task 1 – Background Review. This task will include (in the following order) review of existing studies, topographic mapping, and the digital HEC-2 model. A thorough field walk will be conducted with the geotechnical team, and the background studies, topographic mapping, and HEC-2 model will be re-reviewed after the field walk.

Task 2 -Stream Bank Erosion Evaluations and Remedies. HLA will not "re-invent the wheel" with respect to identification of erosion problem areas. This task will consist of a check that the previously identified areas are appropriately delineated and there are no substantial omissions. The HLA team has considerable experience using a wide variety of bank protection techniques, including practical application of the methods described in Northwest Hydraulic Consultants' 1998 Bank Erosion Assessment. In addition to our design experience, the team has also been involved in both predicting and forensic engineering for flood damage. Our review will consist of verifying the applicability of the recommended methods for each site and evaluating the details for significant flaws that could substantially reduce effectiveness. Issues that can be "fatal flaws" include 1) inadequate toe protection, 2) damage to the protection measures from "flanking" flows, and 3) inadequate tractive force resistance for the identified flow depths and velocities. Tools that will assist with these identifications include review of topographic conditions, determination of long-term aggradation/degradation trends, soil characteristic information, and the information generated from the HEC-2 hydraulic model.

Task 3 - Channel Deposition. Sediment deposition in the channel area is the result of the sediment supply to the reach exceeding the sediment carrying capacity. Watershed sediment supply is primarily influenced by land use practices and fires. Localized contributions of sediment are frequently influenced by disturbances to the natural (relatively stabile) river geometry. The manufactured levee fills and channel banks have been demonstrated to be subject to erosion by the recent history of damage. HLA will review the watershed land use practices and planned development as well as the sediment contribution from the channel banks for the purpose of identifying the significant sources of sediment. The sediment carrying capacity is influenced by the channel geometry, planform thresholds, and downstream water

surface elevations. A cursory review of flood flow history and the channel slope indicates that during high flow conditions, much of the study reach of the Pajaro River would tend toward a braided planform under natural conditions (Leopold and Wolman relationship]. This means that the tendency of the river will be to widen and become shallower and that man-made structures will need to be able to resist this. Additionally, based upon a review of the channel thalweg elevations, it appears that the Pajaro River hydraulics may be influenced by tidal factors to within ¼ mile of the Salispuedes Creek confluence. High tides will also aggravate the tendency of the river to deposit in the channel area and erode the banks as the stream strives to achieve a linear water surface profile. HLA's review will include evaluation of tidal influences, river planform, watershed sediment supply, and the existing and proposed bank resistance to erosion.

Task 4 -Affects of the Projects on Stream Channel Capacity. The HEC-2 model developed by Northwest Hydraulic Consultants is intended to accurately depict existing conditions. However, the related reports specifically indicate that the proposed levee resurfacing has not been modeled and that the estimates of channel capacity are based upon approximate methods. The existing hydraulic model can be readily updated to reflect the proposed [and 1997 project) levee resurfacing as well as the proposed treatment methods. The adjustment to the model will be made by adding/revising "GR" cards to reflect proposed elevations which would result from raising the levees or extending and flattening the slopes of treated banks. HLA will update the model for the purpose of refining the capacity estimates to accurately reflect the proposed work. Unless significant errors in the existing model are identified, no other adjustments to the HEC-2 simulation are proposed. Where capacities are measurably reduced due to encroachment by the bank improvements, HLA will check to ensure that this is compensated for by either the increased levee height or treatment modifications which reduce the anticipated Roughness Coefficient or increase the effective flow area. Adjustments that could be made to reduce the roughness include smaller stone size, concrete block revetments that allow vegetation but limit the ultimate tree size (Armorflex or similar products), or reductions in the density or coverage of proposed tree plantings.

Task 5 – Impact Analysis and Mitigation Measures. Based on the analysis conducted in these tasks, HLA will evaluate the potential for impacts related to hydrology and hydraulics from implementation of the project. Mitigation measures will be developed to offset identified impacts. We anticipate that the following issues will be addressed:

- The selection and prioritization of erosion sites along the Pajaro River
- The appropriateness of proposed stream bank protection measures at each identified priority location and their effectiveness in mitigating ongoing bank erosion in the system
- The effectiveness of the project in addressing the existing siltation problem in the Pajaro River and identification of potential mitigation measures
- The effect of the project on the hydraulic capacity of the system and its effectiveness in mitigating flood impacts
- Qualitative evaluation of other options for maximizing flood protection benefit within the available funding of the County while preserving habitat values.

Hydrology – Water Quality

Issues: Roundup and Rodeo are extensively used herbicides that contain water-soluble formulations of the isopropylamine salt of glyphosate. Glyphosate is a wide-spectrum, non-selective herbicide active against perennial grasses, broad-leaved weeds, and shrubs. It is absorbed almost exclusively by plant foliage

and is translocated throughout the plants. Once in the soil, Roundup is broken down into natural materials by soil microflora and therefore has little potential to move in the ground to affect nearby, untreated plants. Rodeo and Roundup are similar except that (1) Rodeo contains a more concentrated form of glyphosate and (2) Rodeo contains no polyethoxylated tallowamine (POEA), a surfactant which has been criticized for toxic effects. Because Rodeo contains no POEA, it has been approved for use over open water and wetlands.

Approach: We propose to evaluate the potential impacts to water quality and wildlife by:

- ✧ Evaluating the need for using Roundup and/or Rodeo as proposed by the project
- ✧ Perform a search for and review relevant use and toxicity information on these products; sources will include Monsanto as well as peer-reviewed documents (see below)
- ✧ Review data to evaluate potential hazards associated with the proposed use of glyphosate products.

The effects of glyphosate have been extensively studied by Monsanto as well as independent researchers. Monsanto rates glyphosate, using the general toxicity classification scheme designed by the U. S. Environmental Protection Agency, as "practically non-toxic" in acute toxicity tests for several aquatic invertebrates and fish. It is rated "slightly toxic" to oyster larvae, rainbow trout and fathead minnow and "slightly toxic" to "practically non-toxic" to amphibians. In a frog assay designed to detect adverse effects of chemicals on developing frogs, it was demonstrated that neither Roundup nor Rodeo produced any effects on the normal development of larval frogs. In addition, Monsanto has investigated the acute toxicity of Roundup herbicide in at least four other species of frogs. Results of these tests indicate that no toxicity to frogs would result from proper use of these products. Available data provides evidence that glyphosate and its soil metabolites do not adversely impact microflora when used according to label directions.

Statements provided by Monsanto are accompanied by references to the peer-reviewed studies cited. HLA proposes to review these studies and additional literature to determine the accuracy and completeness of the above claims. We conducted an initial search for recent literature related to the toxicity and/or use of these Monsanto herbicides and found over 20 articles on the use and/or toxic effects of glyphosate in Journal ***of the American Medical Association, Mutation Research, Chemical Week, Veterinary and Human Toxicology, Journal of Agricultural and Food Chemistry,*** and ***Environmental Toxicology and Water Quality.*** In addition, specific industries have performed independent studies on use of the products specific to their needs (e.g. coffee bean growers, ecological restorationists). In order to draw conclusions about the safe use of glyphosate-containing herbicides, these articles and others will be compiled and reviewed for accuracy and validity of study conclusions. In addition, a search of toxicity information will be conducted using toxicity databases such as Ecotox. Ecotox is an integration of three existing EPA datafiles that include peer-reviewed literature evaluating toxic effects of chemicals on aquatic organisms, terrestrial plants, and wildlife species.

Soils and Geology

Issues: In 1949, earthen levees were constructed along both sides of the lower portion of the Pajaro River to protect adjacent communities and agricultural lands from flooding. Portions of the levees were constructed with overly steep slopes which, in combination with periodic flood events, has

contributed to moderate to severe bank erosion at more than 70 locations along the river. In particular, the record flood event in 1998 caused a substantial amount of erosion both the channel banks and levees. Clearance of vegetation along the channel banks, during flood events and from maintenance activities, has also contributed to bank erosion. In addition, settling and erosion of the levees have resulted in lowering of the levee profile as well as differences in the levee elevations on the Santa Cruz and Monterey County sides of the river. The Pajaro River Management Plan and 1998 Bank Erosion Assessment propose measures to resurface the levees and install erosion control treatments to address these issues. The EIR will need to:

- Evaluate the effectiveness of these proposals to mitigate bank erosion and ensure slope stability
- Assess the proposed measures for their ability to withstand seismic events
- Propose modifications or additional measures, if necessary, to achieve the objectives of the project with respect to bank erosion and levee stability.

Approach. The effectiveness of the treatment types in preventing future erosion while maintaining slope stability is dependent on the potential flood hydrology, the existing and proposed topography (i.e., slope gradients), and the geotechnical structure and composition of levee material. HLA has assembled a team of engineers who specialize in geotechnical analysis, hydrology/erosion control, and hydraulics analysis to coordinate their effects in evaluating geotechnical issues along the river. Our approach will include review of the project proposal and relevant background information and a site walk along the river to field inspect erosion sites and levee configuration. HLA geotechnical engineer Scott Smith and hydrologic engineer Gerry Hester have worked together on dozens of projects involving analysis of river processes and bank stability. Erosion sites and proposed treatments will be assessed in terms of future erosion potential and slope stability by these experienced engineers by characterizing the actual location condition and comparing it to the potential flood hydrology.

HLA will also evaluate the levees and erosion treatment methods and location relative for their ability to withstand seismic events. The most likely potential failure mechanism of a particular treatment type is displacement down the slope due to shaking. This is a function of the slope angle, cohesion of the levee material, degree to which the treatment is anchored to the slope, and the magnitude and severity of the earthquake. It is HLA's understanding that a detailed earthquake engineering stability analysis is not expected. We will, however, provide a qualitative assessment of each treatment type relative to the factors described above and provide recommendations for any economical modification that can be made. This assessment will consist of a visual inspection of the proposed erosion control sites by qualified engineers and an evaluation, using best engineering judgement, of the potential for failure as a result of seismic events.

Biology

Issues: A major objective of the management program is to achieve flood and erosion control objectives while enhancing and conserving biological resources in the watershed. Resources of concern include wetland and riparian habitats and several species listed as threatened or endangered or as species of concern by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game. Biological resource issues include:

- Short- and long-term loss of plant cover from removal of channel bottom vegetation and repair of erosion damaged sites along the banks
- The relative change in habitat values as a

result of proposed vegetation management strategies compared to the existing condition

- The stability of riparian vegetation proposed to be established along the channel banks (e.g., appropriate species composition, etc.)
- The effects of proposed vegetation management activities in Salsipuedes and Corralitos creeks to steelhead trout. These effects could include direct impacts during vegetation removal activities or long-term consequences of the proposed vegetative regime to habitat suitability. Of particular concern is the reduction in shading that will occur from removal of woody vegetation. Use of herbicides in or near the channel, particularly during high flow periods, could also adversely affect the steelhead (see Hydrology section above).
- The potential for the project to restrict or inhibit movement of steelhead to spawning grounds in Salsipuedes and Corralitos creeks or in the Pajaro River upstream of Murphy's Crossing
- The potential for impacts to tidewater goby from an increase in suspended sediment during construction
- The potential for direct impacts to California red-legged frog (CRLF) or southwestern pond turtle (SPT) during construction (levee resurfacing, bank erosion control), installation of riparian vegetation along channel banks, ongoing vegetation management and maintenance activities, and use of herbicides
- The long-term effects of the vegetation management program on CRLF and SPT. Specifically, will the proposed vegetation regime provide the habitat conditions necessary for these species to maintain their current level of use of the channels. Of particular concern is the proposed removal of emergent vegetation from the Pajaro River and Salsipuedes Creek.
- The short- and long-term effects of project activities on other wildlife species.

Approach. The EIR/HCP will provide a thorough description of baseline conditions, focussing on riparian habitat along the affected reaches and habitat for special-status species and other wildlife. This section will identify potential conflicts between flood and erosion control needs and preservation of habitat values. Critical to this goal is a clear understanding of existing habitat values, the habitats of special-status species, and their prospective use of the system. To this end we will conduct the following tasks:

- Map and characterize the extent of existing vegetation along the project site using aerial photography supplemented by ground truthing
- Characterize use of the project site by wildlife species, including those with special regulatory status
- Confirm presence/absence of the HCP species (CRLF, steelhead trout, and tidewater goby) or habitat in various stream reaches based on review of pertinent literature, consultation with local experts and resource agency staff, and limited field evaluation;
- Detail the life history of the HCP species
- Document habitat requirements and identify critical factors limiting of each HCP species for life history stages (spawning, incubation, hatching, rearing, emigration/immigration) including, but not limited to:
  - stream flows (base flow, attraction flow, rearing flow, emigration flow, flood flow)
  - water depth (passage, incubation, and rearing)
  - substrate (grain size and distribution, intragravel flow characteristics, sedimentation)
  - water quality (critical and preferred temperature, dissolved oxygen, pH, turbidity, toxics)
  - cover (riparian shading, large organic debris, instream escape and resting cover, pools)
  - prey-base
  - predators

- Based on existing condition assumptions detailed in the RFP, categorize, map, and evaluate areas of the streams within the project area that provide suitable habitat for the different life history stages of the HCP species. Evaluation techniques may vary by species, and will be determined in consultation with NMFS and USFWS.

These tasks will be conducted in close coordination with the County and agency staff to obtain consensus concerning baseline conditions, the precise use of the project reaches by the special-status species, and factors limiting special-status species within certain reaches for different life history stages. For example, potential project impacts and mitigation measures may be very different if the lower Pajaro River were considered to provide spawning and rearing habitat for steelhead, rather than a migratory corridor to upstream spawning grounds.

The impact analysis will analyze the potential direct, indirect, and cumulative effects of the project on wetland and riparian habitat, wildlife, and special-status species and their habitat resulting from short-term construction and long-term operations. This section will constitute the project impacts section of the EIR and the Identification of Likely Impacts section of the HCP. Reductions or gains in habitat for special-status species will be estimated based on changes in the area1 coverage of riparian vegetation and breeding and rearing habitat, potential disruptions to migratory corridors and patterns, and/or disruption of normal behaviors due to human disturbances. These losses in carrying capacity will then be extrapolated to a level of "take" for the HCP species.

Thresholds of significance will be developed in consultation with County staff and resource agencies to assess the magnitude of effects on special-status species. These will likely include:

- Conflict with adopted environmental plans and goals of the Santa Cruz County
- Substantial effect to threatened or endangered species of plant or animal or their habitats
- Substantial effect to special-status species or their habitat
- Substantially diminished habitat for plants, fish, or wildlife (CEQA 15065 stipulates no net loss)
- Creation of a potential public health hazard, or use, production or disposal of materials that would pose a hazard to plant or animal populations in the area affected
- Substantial degradation of the quality of the environment, reduction of the habitat, reduction of population below self-sustaining levels of threatened or endangered species of plant or animal
- Affect other species or issues of special concern to agencies or natural resource organizations (such as regulatory waters and wetlands)
- Others developed by the County and HCP Steering Committee.

HLA will develop feasible measures to avoid, minimize, or mitigate the incidental take of listed species, and to reduce impacts to other special-status species to less than significant levels. Mitigation measures may include:

- Operational measures, such as the avoidance of critical stream reaches, timing of construction and maintenance activities to coincide with periods when species are absent, or establishment of permanent access routes to avoid direct impacts to special-status species along the banks of the creeks
- Structural mitigation, such as the establishment of riparian mitigation stands at alternative sites, inclusion of habitat enhancement features, such as boulder fields, instream cover structures, gravel replenishment, etc.
- Measures that would increase the carrying capacity of habitat upstream of the affected reaches to compensate for losses in affected reaches.

Noise

Issues: Noise will be generated during project construction by earthmoving equipment, trucks, chain saws and mowers, and other equipment. Project construction could generate noise levels that exceed County standards for residential areas, resulting in significant impacts to local residents.

Approach: HLA will conduct a qualitative analysis of construction-related noise levels at nearby residents. The analysis will evaluate a reasonable worst-case scenario (to be determined in consultation with the Public Works and Planning Departments) that represents the combined noise levels of all equipment that could be expected to be in operation at the same time near sensitive noise receptors. We have assumed that mitigation measures proposed by the County in the RFP would reduce noise impacts to less than significant levels. Other measures could include staggering construction activities and/or locations to avoid implementing multiple projects near residences at the same time. For example, if both levee resurfacing and bank erosion work needed to be conducted near a residence, these activities could be scheduled at different times to avoid the combined noise levels generated by multiple pieces of construction equipment.

Air Quality

Issues: Air emissions from the proposed project will include fugitive dust and exhaust from construction vehicles. Air emissions will be most significant during the levee resurfacing portion of the project. Because other project elements will occur over time rather than during a single construction event, air emissions associated with vegetation management and erosion control are expected to be negligible.

Approach: The proposed project site is within the North Central Coast Air Basin [NCCAB) which is under the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). Ambient air quality within the NCCAB exceeds California standards for ozone and respirable particulate matter (PM_{10}) and is thus classified as a nonattainment area for these two pollutants.

The MBUAPCD published ***CEQA Air Quality Guidelines*** to help facilitate air quality review and evaluation of projects that are subject to CEQA. It is intended to provide uniform procedures for assessing air quality impacts and preparing the air quality section of environmental documents. HLA will prepare the air quality section of the EIR in conformance with the MBUAPCD CEQA guidelines. HLA will summarize existing, local and regional ambient air quality conditions such as local meteorology and ambient air quality data, using existing documentation from the MBUAPCD, the California Air Resources Board (CARB), and previous reports. We will also describe relevant local, state, and federal plans, regulations, and standards and identify sensitive receptors nearest to the project site.

The MBUAPCD guidelines do not require quantification of ozone precursors (reactive organic gases and nitrogen oxides) in equipment and vehicle exhaust from construction projects because these temporary emissions are accounted for in the emission inventories of State- and federally-required air plans and would not have a significant impact on the attainment and maintenance of ozone standards. Therefore, HLA will only qualitatively discuss these emissions in the EIR.

However, the MBUAPCD guidelines contain a quantitative threshold (82 pounds per day) of significance for PM_{10} emissions from construction projects. HLA will work with the

County to establish a "worst-case" scenario that estimates the amount of levee material and number of vehicle trips that could be required in one day. Published PM_{10} emission factors will be used to estimate and compare daily emissions of PM_{10} to the threshold to assess if there would be a significant impact. Emissions that would be generated during other project activities will be qualitatively discussed.

If PM_{10} emissions exceed the significance threshold, HLA will recommend mitigation measures to reduce the impact. Mitigation measures could include watering of access roads or stockpiled levee material, application of chemical stabilizers, use of tarps or other temporary coverings, or installation of wind fences or other wind barriers. The degree to which mitigation measures reduce air quality impacts will be evaluated and described. We do not anticipate that dispersion modeling will be required to evaluate air quality impacts.

Visual Resources

Issues: Portions of the project will be visible from Highways 1, 129 (Riverside Drive), and 152 (Hecker Pass Road), which are designated in the County General Plan as scenic roadways. In addition, the public uses levees along the Pajaro River and Salsipuedes Creek for recreational purposes and may be sensitive to changes in the scenic qualities of the waterways. Ongoing vegetation management would result in the removal of vegetation that may provide a visual backdrop as viewed from scenic roadways and the levees.

Approach: HLA will use text and photographs to describe the visual character of the Pajaro River from vantage points along nearby highways and adjacent levees. The description will identify the naturally occurring landscape elements that contribute to the area's visual character, including topography, drainages, native wetland and riparian vegetation, and adjacent farmland. The description will also address manmade features that contribute to the visual character of the area, such as residences, utility lines, and roadways. County policies related to the preservation of public vistas of agricultural areas, restoration of scenic areas, and protection of public vistas from designated scenic roadways will also be described.

HLA will evaluate impacts to the visual character of the project area from short-term and ongoing construction and maintenance activities as well as long-term changes in vegetative cover along the channels. To facilitate this analysis, HLA will use a photomontage simulation of the improvements from a vantage point to be determined in consultation with the County. The simulation will be prepared by Tony Vigil, a photomontage specialist and can be in black and white or in color. Significance criteria will be drawn from relevant County General Plan policies, Appendix G of the CEQA Guidelines, and the professional judgement of the EIR authors in consultation with County staff. Mitigation measures could include native tree plantings to screen views of the waterways from key roadway vantage points or specific design recommendations to reduce the intrusiveness of the improvements.

Historical Context and Policy Analysis

Issues: Santa Cruz County General Plan policies and the County's Riparian Corridor and Wetland Protection Ordinance prohibit development or disturbance within riparian corridors and wetlands but allow for approval of some projects if findings can be made to grant a Riparian Exception pursuant to County Code. A rationale for making these findings has been outlined by County planning staff in the Initial Study for the project. Findings for the Riparian Exception are dependent, in part, upon the development of mitigation measures to offset impacts of the project.

The project must obtain approval from several agencies at local, state, and federal levels of government. As identified in the RFP, the types and need for these approvals can be confusing to the layperson. However, understanding the background of the project and the purpose and scope of review conducted by different agencies can help members of the public to be more effective in voicing their comments and concerns. Consequently, it is critical that the EIR provide a clear and complete description of agency approvals required for the project.

Approach: HLA will evaluate the project for its consistency with relevant Santa Cruz County General Plan policies and County ordinances. We understand that County staff will provide a written description (in electronic format) of these plan policies and ordinances to form the basis for the analysis. This section will refer to the discussion of local, state, and federal agency approvals provided in the introductory sections of the EIR for context (see Section ***2.3.2*** of the proposal).

Project Alternatives

In addition to the No Project Alternative, HLA will evaluate the environmental effects of two alternatives to the proposed project: (1) the Mitigation Alternative where the proposed project is revised through incorporation of mitigation measures identified during the impact analysis, and (2) a threefold alternative consisting of:

- ✧ Vegetation management scheme identified in the Pajaro River Management Plan as Alternative ***3***
- ✧ Stream bank stabilization work at 15 sites on the Santa Cruz County side of the River, and
- ✧ Vegetation management in Salsipuedes and Corralitos creeks that allows woody vegetation with stem sizes greater than 3 inches in diameter to grow within the 15-foot-wide strip at the toe of slope.

The EIR will include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative will be prepared to facilitate comparison of projects evaluated.

Other CEQA Assessments

The EIR will address other issues as required by CEQA including, discussions of:

- ***4*** Significant environmental effects, including those that cannot be avoided if the proposed project is implemented, will be summarized in table format. If there are impacts that cannot be alleviated without implementing an alternative design, their implications and the reasons why the project is being proposed will be described.
- ***4*** Mitigation measures proposed to minimize the significant effects will be included the table.
- ***4*** Significant irreversible environmental changes that would be caused by the proposed project will be identified.
- ***4*** The growth-inducing aspects of the project, if any, will be described and evaluated.
- ***4*** The EIR will discuss the impacts of the project, which may, in combination with other recently approved or proposed projects in the vicinity, affect biological or hydrologic resources.
- ***4*** A brief statement will be provided explaining why various project effects were deemed not be significant in the Initial Study and therefore have not been addressed in detail in the EIR.
- ***4*** The EIR will identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons and organizations involved in preparing the draft EIR.

2.4 *Mitigation Monitoring and Reporting Plan*

HLA will prepare a mitigation monitoring and reporting plan (MMRP) in compliance with Public Resources Code §21081.6 (AB 32180). The purpose of the MMRP will be to provide a document that allows County staff to identify appropriate steps and procedures to monitor required mitigation measures prior to, during, and subsequent to project implementation. The Mitigation Monitoring and Reporting Checklist will serve as the foundation of the MMRP for the proposed project. The Checklist will include:

- The mitigation measure number as outlined in the EIR
- The EIR reference page [where the measure is documented)
- A list of mitigation measures / conditions of approval in chronological order under the appropriate topic
- The monitoring milestone (what agency / department is responsible for verifying implementation of the measure)
- Method of verification (documentation, field checks, etc.)
- A verification section for the initials of the verifying individual, date of verification, and pertinent remarks.

The MMRP will be designed to be implementation friendly and practical for easy reference and field use. The MMRP will be a separate volume from the Final EIR/HCP and will be prepared either concurrently with the final document or immediately after EIR/HCP completion. The MMRP will include provisions for taking corrective action if mitigation measures are not successful or require remedial actions. These corrective actions, and measures to identify when corrective action is needed, will be an integral part of the MMRP.

2.5 *On-Line Preparation of the EIR*

HLA routinely prepares electronic deliverables that can be posted on Intranet or Internet Web sites. We have the expertise to create digital reports in either html (hypertext markup language) or Adobe pdf (portable document format). We recommend that the format selected be consistent with the format and structure of other reports posted on the County's web site.

Text for the draft and final EIR will be provided in either html or pdf format, whichever is preferred by the County. Advantages of the pdf format are its compact size and the final appearance of the digital document, which maintains the look and feel of the paper document. File size of the text will be kept under 500 K-bytes.

The programs that HLA uses to generate project graphics (CAD, GIS, and graphical programs such as Photoshop) are capable of generating either .gif or .jpg files. All images will be provided in one of these specified graphic formats. Resolution of the graphics will be adjusted to fit within the maximum file size constraints.

A table of contents will be provided in html format. Relative links will be established to each section of the text, figures, tables, and plates. The design of the table of contents will be consistent with similar documents posted on the County's web site.

The digital report text, images, and table of contents can either be delivered by email or posted on HLA's secure ftp site. If email is used, file attachments will not be larger than 5 Megabytes to comply with the County's size restrictions. Posting the electronic deliverables on HLA's ftp site is a convenient alternative that will allow the County to download the files directly to their web server. By transferring

files using our ftp site, we eliminate common problems associated with emailing large files (greater than 1 megabyte).

2.6 Meetings

Proposed meetings have been identified in individual sections above. This section has been provided however, to summarize the numbers and types of meetings included in this proposal and the personnel whom we propose to attend.

- Project kick-off meeting -Sally Bull, Mark Gookin, Richard Meredith, Jerry Smith
- HCP kick-off meeting – Sally Bull, Richard Meredith, Jerry Smith
- HCP meeting – Sally Bull, Richard Meredith, Jerry Smith
- Attendance at a public hearing – Sally Bull, Mark Gookin or Richard Meredith
- Telephone conference with the County to discuss public comments on the Draft document – Sally Bull, other staff as appropriate

Cost Estima te to Prepare an EIR, EA, HCP, and IA
Pajaro River Managment Program

	Total Fee	Total Hours	Principal $125	Assoc. $105	Senior $85	Project $75	Staff $65	Graphics $60	W. Proc. $55	Clerical $50
Task 1. Kick-Off Meeting & Field Review										
Meeting	$1,780	20		4	16					
Field Review	$1,100	12		4	8					
Total Task 1	*$2,880*	32	*$0*	$840	*$2,040*	*$0*	*$0*	*$0*	*$0*	*$0*
Task 2 Initiate the HCP Process										
Prepare Letter	$680	8			8					
Total Task 2	*$680*	8	$0	$0	$680	$0	*$0*	*$0*	*$0*	*$0*
Task 3 Project Description, Setting, Alternatives										
Prepare Description	$8,180	108		8	40	24		32	4	
Total Task 3	*$8,180*	108	$0	$840	$3.400	$2.800	$0	$2.920	$220	$0
Task 4. HCP Kick-Off Meeting										
Coordinate Meeting	$2,740	32	4		24					4
Attend and Facilitate Meeting	$1,360	16			16					
Total Task 4	*$4,100*	48	$500	$0	*$3,400*	*$0*	*$0*	$0	$0	$200
Task 5. Preliminary HCP Impact Analysis										
Prepare Impact Analysis	$6,400	80			40	40				
Attend and Facilitate Meeting	$1,360	16			16					
Agency-Conferencing & Consultation	$4,400	46	8		40					
Total Task 5	$10,800	144	$1,000	$0	$8,160	$3,000	$0	$0	$0	$0
Task 6. Prepare Admin Draft EIR/HCP										
Hydrology	$21,760	222	8 16	120	0			6		
Soils and Geolow	$11,660	106	40	60				6		
Biology	$14,240	184			80	80		24		
Noise	$860	12			4		8			
Air Quality	$2,600	32			20	12				
Visual Resources	$2,040	28				24		4		
Policy Analysis	$1,800	24				24				
Project Alternatives	$5,160	60		16	24	16		4		
Other CEQA Assessments	$1,800	24				24				
QA/QC	$2,520	24	12		12					
Document Production	$1,820	32			4				16	12
Total Task 6	$66,260	716	$68	$196	$204	$268	$8	$44	*$16*	$12

ATTACHMENT 1
EXHIBIT B ((55

Cost Estimate to Prepare an EIR, EA, HCP, and IA
Pajaro River Managment Program

Task 7. Prepare Draft EIR/HCP										
Resp. to County Comments on ADEIR/HCP	$3,120	38		8	12	12		6		
Response to Agency Comments on ADHCP	$2,560	32			16	16				
Document Production	$2,640	36			12	16			4	4
On-Line Document Preparation	$2,775	37	2		10	5	20			
Public Hearine	$1.020	12			12					
Total Task 7	***$12,115***	155	***$250***	$840	$5,270	$3,675	***$1,300***	$360	$220	$200
Task 8. Prepare Admin Final EIR/HCP										
Telenhone Conference with Countv	**$760**	8		I4	4					
Reponse to Public Comments	$8,740	98	4	32	32	24		6		
Prepare Admin Final	$1,440	20			12				4	4
OA/OC	$1.680	16	8		8					
Total Task 8	$12,620	142	$1,500	$3,780	$4,760	52,800	50	$360	$220	$200
Task 9. Prepare-Final EIR/HCP										
Response to Comments/Final Document	$3.150	38		2	24	12				
On-Line Document Preparation	$1,135	15	1		4	2	8			
Mitigation Monitoring & Reporting Plan	$2,570	36			4	24			6	2
Total Task 9	***$6,855***	89	$125	$210	$2,720	$2,850	$520	$0	$330	$100
Task 10. HCP Environmental Assessment										
Prepare EA	**$1,440**	20			4	12				4
Prepare IA	**$3.600**	44			40					4
Total Task 10	55,040	64	50	50	53,740	5900	$0	$0	***$0***	$400
Project Management and Administration										
Management and Administration	$3,720	46	4		32					10
Total	$3,720	***46***	550.0	$0	52,720	50	***$0***	***$0***	***$0***	5500
Expenses										
Mr. Jerry Smith	**$6,500**									
Mr. Tony Vigil	$2,000									
Vehicle/mileage	$800									
Lodging	$500									
Oversize & color copies	**$2,000**									
Overnieht Mail Deliverv	**$300**									
5% Communication Charge	$5,575									
15% Markup	$1,320									
Expenses Total	$18,995									
TOTAL COST	**$152,245**									

ATTACHMENT 1557

Consultant Contract
Preparation of Environmental Impact Report/Habitat Conservation Plan
Pajaro River Management Plan/Stream Bank Stabilization/Flood Control Maintenance
On Salsipuedes and Corralitos Creeks

Exhibit C

INSURANCE

Subcontractor agrees that it now carries and will maintain in force, at its sole cost, during the performance of this Agreement, and shall require its subcontractors, consultants to maintain insurance as follows:

a. Workers' Compensation - statutory limits and Employer's Liability - $1 ,OOO,OOO per occurrence

b. General Liability - $1 ,000,000 per occurrence $2,000,000 aggregate. This coverage shall include comprehensive form, premises, operations, XCU (underground, explosion and collapse hazard), products/ completed operations, broad form contractual liability, independent contractors, property damage and personal injury.

C. Automobile Liability for owned, non-owned, or hired vehicles - $1 ,000,000 per occurrence and $1,000,000 aggregate. If work requires hauling or transportation of solid or hazardous waste, this policy shall include an MCS-90 Endorsement, which form shall be reflected on the corresponding Certificate of Insurance.

d. Pollution Liability Insurance - $1 ,OOO,OOO.OO per occurrence covering claims, damages and liabilities arising out of, or resulting from, Subcontractor's negligent acts, errors and omissions.

e. Subcontractor shall maintain insurance to cover loss or damage to equipment, materials and/or tools that are owned, leased or rented by or for which subcontractor has responsibility..

f. All policies shall:

1. include HLA and its Client as Additional lnsureds via endorsement (under b, c, d, and e above)

2. contain a waiver of subrogation in favor of HLA and its Client (under a,b c, d, e & f above).

3. be primary coverage to any other insurance maintained by HLA or its Client;

4. contain a severability of interest or cross liability provision; and

Exhibit C

5. provide 30 days advance notice to HLA in the event of any non-renewal, cancellation, restriction, or modification of insurance.

h. Subcontractor shall provide HLA with certificates of such insurance or satisfactory evidence of the above stated coverages prior to commencement of the Work. Obtaining and maintaining the above coverages, and the providing of certificates of such insurance are conditions precedent to HLA's obligation to pay Subcontractor.

In the event Subcontractor is unable to furnish said bonds, this Agreement may be terminated for default, at HLA's sole discretion.

COUNTY OF SANTA CRUZ

ATTACHMENT 2 of 6560

REQUEST FOR APPROVAL OF AGREEMENT

TO: Board of Supervisors
County Administrative Officer
County Counsel
Auditor-Controller

FROM: Planning (Dept.)
Tom McCallum (Signature) 5/26/99 (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

1. Said agreement-is between the **County of Santa Cruz Flood Control & Water Conservation District** (Agency)
and **Harding Lqwson Associates, 90 Digital Drive, Novato, CA 94949** (Name & Address)
2. The agreement will provide a scope **of work for the preparation of an Environmental Impact Report (EIR), Habitat Conservation Plan (HCP), Implementation Agreement (IA) and Environmental Assessment (EA) for the Pajaro River/Salsipuedes Creek/Corralitos Creek flood maintenance project.**
3. The agreement is needed. **to define the scope of work and responsibilities of the consultant in preparation of the EIR/HCP/IA/EA.**
4. Period of the agreement is from **July 1, 1999** to **June 30, 2000**
5. Anticipated cost is $ **152,245.** (Fixed amount; XXXXXXXXXXXXXXXXXXXXXX)
6. Remarks: **Funded by FCWCD (Zone 7) budget. This contract will be** placed **on continuing agreements list for 1999-2000.**
7. Appropriations are budgeted in **135454 (72-502)** (Index#) **3655** (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriations are ~~XXXXX~~ available and ~~will~~ be encumbered.* Contract No. 91870 Date 6/4/99

*SUBJECT TO ~~upon~~ **approval of 1999-2000 budget**

GARY A. KNUTSON, Auditor - Controller
By Ronald J. Silva Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the **Planning Director** to execute the same on behalf of the **FCWCD** (Agency).

Remarks:

GS (Analyst)

County Administrative Officer
By Ed Ed Date 6/6/99

Agreement approved as to form. Date _____

Distribution:
Bd. of Supv. - White
Auditor-Controller - Blue
County Counsel - [illegible]
Co. Admin. Officer - Canary
Auditor-Controller - Pink
Originating Department - Goldenrod

63 pt if rejected.

ADM-29 (6195)

State of California)
SS
County of Santa Cruz)

I _____ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing request for approval of agreement was approved by said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered in the minutes of said Board on County Administrative Officer

_____ 19 ____ By _____ Deputy Clerk