

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE February 28, 2006		(3) CONTACT/PHONE Doug Bird, Hydraulic Operations Administrator (805) 781-5116	
(4) SUBJECT Request Approval of Amendment No. 1 to Agreement with Hanson Environmental, Inc. for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment Extending the Term of the Agreement until January 31, 2008					
(5) SUMMARY OF REQUEST It is requested that your Honorable Board approve and execute the attached Amendment No. 1 to Agreement for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment Extending the Term of the Agreement until January 31, 2008.					
(6) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> <li>Approve the attached Amendment No. 1 to Agreement with Hanson Environmental, Inc. for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment to extend the term of the Agreement until January 31, 2008.</li> <li>Direct the Chairperson to execute the Agreement.</li> <li>Direct the Clerk to return two executed originals to the Director of Public Works for processing.</li> </ol>					
(7) FUNDING SOURCE(S) Flood Control Zone 3		(8) CURRENT YEAR COST \$60,000		(9) ANNUAL COST \$60,000	
(10) BUDGETED? Yes					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Flood Control Zone 3 Advisory Committee, County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 3 <sup>rd</sup> , 4 <sup>th</sup>			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent Hearing (Time Est. _____) <input type="checkbox"/> Presentation Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS Resolutions (Orig + 4 copies) Contracts (Orig + 4 copies) Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? Number: _____ Attached N/A			(18) APPROPRIATION TRANSFER REQUIRED? Submitted 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

Reference: 06FEB28-C-2

L:\UTILITY\FEB06\BOS\hansoncontractextension.cvr.wpd.DCB:CAH

(19) ADMINISTRATIVE OFFICE REVIEW
-----------------------------------

*B-19  
2.28.06*



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

---

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

---

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

**TO:** Board of Supervisors, Sitting as the Board of Directors of the San Luis Obispo County Flood Control and Water Conservation District

**FROM:** Douglas C. Bird, Hydraulic Operations Administrator *David by nk*

**VIA:** Paavo A. Ogren, Deputy Director of Public Works *by GP*

**DATE:** February 28, 2006

**SUBJECT:** Request Board Approval of Amendment No. 1 to Agreement with Hanson Environmental, Inc. for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment Extending the Term of the Agreement until January 31, 2008

## Recommendation

It is our recommendation that your Honorable Board:

1. Approve the attached Amendment No. 1 to Agreement with Hanson Environmental, Inc. for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment to extend the term of the Agreement until January 31, 2008.
2. Direct the Chairperson to execute the Agreement.
3. Direct the Clerk to return two executed originals to the Director of Public Works for processing.

## Discussion

As the operator of the Lopez Water Project, Flood Control and Water Conservation District, Zone 3 (District) was issued a permit for certain water rights in 1961 by the State Water Resources Control Board (SWRCB). In 1990 the District was advised by SWRCB that, as SWRCB is of the opinion that District's water rights do not reflect District's historical operations, District should file a new water rights application that covers District's historical operations.

*B. 10/10*

On May 11, 1999, your Board executed a contract with Stetson Engineers, Inc. to conduct extensive environmental studies of Arroyo Grande Creek for District's water rights application, through the development of an integrated Habitat Conservation Plan and Environmental Assessment (HCP). Those studies were ultimately performed and on March 9, 2004, your Board received and filed the Final Draft HCP and authorized the Director of Public Works to submit the Final Draft for regulatory review by the Federal resource agencies.

Subsequently the District submitted the Final Draft HCP to the Federal resource agencies for regulatory review and concurrently initiated the process to make the Final Draft available to interested stakeholders and the general public. As it was known that the ensuing process would involve a number of complex technical and scientific issues associated with the HCP it was determined that additional technical expertise would be necessary. On June 8, 2004, your Board executed an "Agreement for Technical Support Services for the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment" (Agreement) with Hanson Environmental, Inc. for a period of two years.

It is now apparent that the on-going HCP negotiations with the resource agencies will take much longer to complete that was originally envisioned. Accordingly, it is now necessary to extend the term of the Agreement for an additional two years until January 31, 2008.

### **Other Agency Involvement/Impact**

The State Water Resources Control Board, the California Department of Fish and Game, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Flood Control Zone 3 Water Contractors, San Luis Obispo County Planning Department's Environmental Division, and various local non-governmental stakeholder organizations will review/comment on the HCP. County Counsel has reviewed the attached amendment for legal form and effect. At its January 19, 2006 meeting, the Flood Control Zone 3 Advisory Committee endorsed the recommended action before you today.

### **Financial Considerations**

The original amount of the Agreement was \$129,040 while expenditures to date have been \$5,496 leaving a contract balance of \$123,544. Therefore no budget adjustment is being requested at this time. The relatively slow rate of expenditure over the contract was approved as a result of the timing of federal agency review of the draft Habitat Conservation Plan.

### **Results**

Approval of the recommended action will result in keeping available the technical resource necessary to respond to federal agency comments and requests and continue with the remaining processing of the HCP. These actions will ensure that the Lopez Project will promote a more livable community by continuing to operate in a manner that benefits both the people it serves as well as the environment.

W-10  
C

Attachments:        Site Map  
                         Amendment No. 1 to Agreement for Technical Support Services

File:    Lopez Dam/Lopez Water Rights - Correspondence

Reference: 06FEB28-C-2

L:\UTILITY\FEB06\BOS\hansoncontractamendment1.bos.wpd.DB:CAH

B  
19  
4



**AMENDMENT NO. 1  
AGREEMENT FOR TECHNICAL SUPPORT SERVICES  
FOR THE PUBLIC DISTRIBUTION AND REGULATORY  
NEGOTIATIONS FOR AN INTEGRATED HABITAT  
CONSERVATION PLAN AND ENVIRONMENTAL ASSESSMENT  
FOR THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT ZONE 3 (LOPEZ PROJECT)  
ARROYO GRANDE, CALIFORNIA**

This amendment is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the San Luis Obispo County Flood Control and Water Conservation District (hereinafter referred to as "District") and Hanson Environmental Inc., a California Corporation having its principal office in Walnut Creek, California, an independent consulting firm (hereinafter referred to as "Consultant").

**WITNESSETH:**

**WHEREAS**, District is a water purveyor to the communities of Arroyo Grande, Pismo Beach, Grover Beach, Avila Beach and Oceano, California; and

**WHEREAS**, as the operator of the Lopez water project in 1961, District was issued a permit for certain water rights to the water within Arroyo Grande Creek by the State Water Resources Control Board (SWRCB); and

**WHEREAS**, in 1990 District was advised by SWRCB that SWRCB is of the opinion that District's water rights do not reflect District's historical operations, District should file a new water rights application that covers District's historical operations; and

**WHEREAS**, on May 11, 1999 the District executed a contract with Stetson Engineers, Inc. to conduct extensive environmental studies of Arroyo Grande Creek for District's water rights application through the development of an Integrated Habitat Conservation Plan and Environmental Assessment (HCP); and

**WHEREAS**, on March 9, 2004 the District received and filed the Final Draft HCP and authorized the Director of Public Works to submit said document for regulatory review by the Federal resource agencies; and

**WHEREAS**, subsequently the District submitted the Final Draft HCP to the Federal resource agencies for regulatory review and concurrently initiated the process to make the HCP available to interested stakeholders and the general public; and

B-19  
6

**WHEREAS**, on June 8, 2004 the District executed an "Agreement for Technical Support Services For the Public Distribution and Regulatory Negotiations for an Integrated Habitat Conservation Plan and Environmental Assessment" (Agreement) with Hanson Environmental, Inc. for a period of two (2) years; and

**WHEREAS**, District staff and Consultant have been in on-going negotiations with the Federal resources agencies regarding the HCP; and

**WHEREAS**, it is now apparent that the HCP negotiation process will take much longer to complete than was initially envisioned; and

**WHEREAS**, both District and Consultant agree that Consultant's services are still a critical necessity for successful completion of the negotiation process; and

**NOW, THEREFORE, IT IS AGREED** by that the Agreement is hereby amended as follows:

**I. Amendment:**

That certain Agreement dated the 8<sup>th</sup> day of June, 2004, by and between the parties hereto is hereby amended to read as follows:

A. **Section 1, Scope of Services Summary - Overall Project Schedule.** Is hereby stricken and replaced in it's entirety to read as follows:

1. The overall period of this Agreement for professional services shall be extended from the original date of execution until January 31, 2008. The actual schedule for specific activities and tasks will be determined by **DISTRICT** staff on an as needed basis.

B. **Section 5, Term of Agreement.** Is hereby stricken and replaced in it's entirety to read as follows:

1. This Agreement shall commence upon execution by the San Luis Obispo County Board of Supervisors and terminate on January 31, 2008 unless said work is completed on a date prior thereto or unless terminated earlier as provided herein. Termination of this Agreement may also be effectuated by the County Director of Public Works as set forth in paragraphs 6 and 7 herein, without the need for action, approval or ratification of the Board of Supervisors.

B-19  
7

**IN WITNESS WHEREOF**, District and Consultant have executed this Amendment on the day and year first hereinafter set forth.

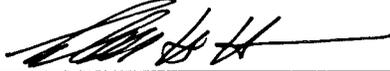
**COUNTY OF SAN LUIS OBISPO**

By: \_\_\_\_\_  
Chairperson of the Board of Supervisors

**ATTEST:**

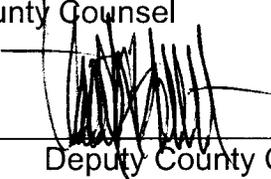
\_\_\_\_\_  
Clerk of the Board of Supervisors

**CONSULTANT**

By:   
\_\_\_\_\_  
Charles H. Hanson, CEO  
Hanson Environmental, Inc.

**APPROVED AS TO FORM AND LEGAL EFFECT:**

JAMES B. LINDHOLM, JR  
County Counsel

By:   
\_\_\_\_\_  
Deputy County Counsel

Dated: 2.7.04

B-19  
8