COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF GENERAL SERVICES
COUNTY GOVERNMENT CENTER•SAN LUIS OBISPO, CALIFORNIA 93408•(805) 781-5200
DUANE P LEIB, DIRECTOR

REQUEST FOR QUALIFICATIONS PS-968
FLOOD CONTROL ZONES 1 & 1A
ARROYO GRANDE CREEK WATERWAY MANAGEMENT PROGRAM

July 17, 2007

The San Luis Obispo County Flood Control and Water Conservation District (District) is assembling team members for the environmental review and environmental regulatory permitting of the Arroyo Grande Creek Waterway Management Program. The District is currently soliciting Statements of Qualification (SOQ's) for professional environmental services.

If your firm is interested and qualified, please submit ten (10) copies of your SOQ by 5:00 p.m. on August 17, 2007.

County of San Luis Obispo
Jack Markey, Central Services
1087 Santa Rosa Street
San Luis Obispo CA 93408

If you have any questions about the proposal process, please contact me. For technical questions and information contact John Farhar, Environmental Resource Specialist at (805) 781-5714 or Mark Hutchinson, Environmental Programs Manager, at (805) 781-5458.

JACK MARKEY
Supervising Buyer
jmarkey@co.slo.ca.us

SOQ SUBMITTAL AND SELECTION

1. All SOQ's, consisting of ten (10) copies must be received by mail, recognized carrier, or hand delivered no later than 5:00 p.m. on August 17, 2007. Late SOQ's will not be considered.

2. All correspondence should be directed to:

   San Luis Obispo County
   Department of General Services
   1087 Santa Rosa Street
   San Luis Obispo CA 93408
   ATTENTION: JACK MARKEY
   Telephone: (805) 781-5905

3. Costs of preparation of SOQ's will be borne by the consultant.

4. It is preferred that all SOQ's be submitted on recycled paper, printed on two sides.

5. Selection of qualified consultants will be by an approved District procedure.

6. This request does not constitute an offer of employment or to contract for services.

7. The District reserves the option to reject any or all SOQ's, wholly or in part, received by reason of this request.

8. The District reserves the option to retain all SOQ's, whether selected or rejected.

9. The District reserves the right to circulate RFQ's to the firms who present qualifications which in the judgment of the District, best accomplish the desired results.

10. Selection will be made on the basis of the SOQ's as submitted. The Selection Committee may deem it necessary to interview applicants. The District retains the right to interview applicants as part of the selection process.

11. The proceedings of the Selection Committee are confidential. Members of the Selection Committee are not to be contacted by the proposers.

12. The firms not selected will receive notification with explanation. The project will start by the first quarter of 2008.

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISITRCT

REQUEST FOR QUALIFICATIONS (RFQ)

TO PROVIDE

ENVIRONMENTAL REVIEW AND REGULATORY PERMITTING SERVICES FOR THE ARROYO GRANDE CREEK WATERWAY MANAGEMENT PROGRAM

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SECTION I – PROJECT DESCRIPTION

The San Luis Obispo County Flood Control and Water Conservation District is soliciting the services of professional environmental consultants to assist our project team in the final development, environmental review, and environmental regulatory permitting of the Arroyo Grande Creek Waterway Management Program.

Description of the Arroyo Grande Creek Waterway Management Program

The objective of the Arroyo Grande Creek Waterway Management Program is to comprehensively manage the lower three miles of Arroyo Grande Creek that is designated as Arroyo Grande Flood Control Channel (Zones 1 and 1A of the San Luis Obispo County Flood Control and Water Conservation District) to improve flood protection and enhance environmental values. A set of alternatives designed to reach this objective has been developed through a cooperative effort between the community, the San Luis Coastal Resource Conservation District (RCD) and the San Luis Obispo County Flood Control and Water Conservation District (District). The results to date of this effort include an annual vegetation management effort, completion of the "Arroyo Grande Creek Erosion, Sedimentation and Flooding Alternatives Study" (Swanson Hydrology and Geomorphology January 2006), and a successful proposition 218 election by the community to provide ongoing funding support for this program.

Consultants should conduct a detailed review of the Swanson Study, located on the web at:

http://www.coastalrcd.org/Zone1-1A_Alternatives_Study_TOC.html

Alternative 3(c), as described in the Swanson Study is the preliminary preferred project alternative to form the foundation of the Arroyo Grande Creek Waterway Management Program. In summary, alternative 3(c) includes four components:

- Vegetation Management (described in Swanson Study under Alternative 1)
- Sediment Removal (described in Swanson Study under Alternative 2)
- Levee Raise
- Railroad Bridge Raise

These four components are described in more detail below:

Vegetation Management

The first component of alternative 3(c) (which stands alone in the Swanson Study as Alternative 1) considers vegetation management along the channel bed and banks to improve flood capacity by decreasing the hydraulic roughness of the channel. The vegetation management program would consist

of maintaining a 10-foot riparian buffer on both sides of the low-flow channel to provide riparian habitat and streamside cover to protect aquatic habitat. The riparian buffer would also act to maintain a bank full channel that has developed over the last several years by providing root strength along the low flow channel margins. Vegetation outside of the buffer would be removed completely to allow for high flows to access secondary channels and provide for increased conveyance and flood capacity. The larger willows present within the buffer would be limbed up (only the lower limbs would be pruned) to reduce cross-sectional roughness but still provide adequate stream shading and riparian habitat. Cottonwood and sycamore trees present within the buffer would not be limbed up. Existing gaps in the riparian buffer would be re-vegetated with native riparian species including cottonwood, sycamore, and willow. In addition, cottonwood and sycamore will be planted at random along the length of the flood control channel to encourage long-term diversity in the riparian canopy.

Vegetation management would be conducted as often as necessary to maintain a Mannings roughness value of 0.04 through an adaptive management approach that would include regular reconnaissance surveys, as well as site visits with regulatory agency staff as needed. Based on past experience, vegetation management would be repeated approximately every 1-3 years depending on the amount of re-growth. Based on past experience vegetation management would occur as late as possible in the summer and fall of each year to maximize stream shading during the warmer summer months. Vigorous re-growth of willow is expected in late winter and spring providing low, overhanging vegetation during critical months for red-legged frog and steelhead rearing.

Sediment Removal

The second component of Alternative 3(c) (Alternative 2 in the Swanson Study) consists of adding sediment removal to the vegetation maintenance program. The first year of the sediment removal program includes removal of sediment on the levee side of the 10 foot riparian buffers established in through the vegetation management effort. Sediment would be removed to depths of 1.5 feet above the bed of the Arroyo Grande Creek channel and 1 foot above the Los Berros Creek channel. These depths were estimated as the appropriate bank full depth for the channel. Overflow channels will be excavated so as to mimic conditions found in natural river systems characterized by primary and secondary channels. In natural systems, the primary channel contains usual low flows throughout most of the year, whereas the secondary channel becomes activated during higher flows that, on average, occur once a year. The Arroyo Grande Creek flood control channel currently lacks the secondary channels that are found in more natural, low gradient stream environments. The secondary, or overflow channels, will be excavated into areas between the levees that have accumulated excess

sediment in bars and terraces and reduced flood capacity through the flood control reach. At strategic locations along the flood control reach, the excavated secondary channels will be connected with the primary channels to allow for complex flow conditions that will encourage scour and sediment transport, and reduce the need for future sediment removal.

Additionally, large woody debris will be placed at strategic locations to protect the head of channel bars, promote pool scour, encourage sediment sorting, and provide cover habitat for steelhead and red-legged frog.

Some maintenance of the secondary channels is expected over the long-term. Annual cross-section monitoring will assess the performance of the channel in moving supplied sediment. The monitoring data will also provide information on the need to do spot removal of accumulated sediment to ensure that the project passes target flood flows. Annual maintenance will also be a component of the overall vegetation and sediment management program. Maintenance of the overflow channels will consist of “bar ripping”, which breaks up roots and other debris to promote sediment transport to flush the channel during high flows. Alternatives which accomplish the same objective may be developed in consultation with the regulatory agencies. The objective of the annual maintenance program is to keep the secondary channels open for flood flows. Vegetation maintenance alone would be unable to accomplish that goal since roots and debris would still persist.

Levee Raise

The third component of Alternative 3(c) raises the existing levees to increase channel capacity. The existing levees will be raised while maintaining a 2:1 slope on the levee sides and providing a minimum top width of 15 feet. To maintain a 2:1 levee side slope under a raised levee condition, the bottom width of the levee will increase, resulting in the potential loss of some farmland or adjustments to existing farm access roads. In addition, some areas along the north levee may require construction of retaining walls to accommodate a higher levee without impinging on existing infrastructure. The north levee is raised approximately 4 inches above the south levee to provide additional protection to residential areas, as compared to the south levee, which is dominated by agriculture.

This component raises the levees above the 20-year water surface to provide a channel capacity of 8,600 cubic feet per second, with 2 feet of freeboard. The average levee raise is 2.8 feet with a maximum raise of 4.4 feet.

Railroad Bridge

The fourth component of alternative 3(c) is raising the Union Pacific Railroad Bridge. The height of the levee raise would potentially exacerbate debris build up on the upstream side of the bridge. At the peak of the 2001 flood, prior to the levee failure, water and debris reached the deck elevation of the bridge. To reduce the potential for failure of the bridge during high flow events the bridge will be raised to move the low chord above the 50-year water surface elevation.

Project Background

The following summarizes some of the information contained in the Lower Arroyo Grande Creek Erosion, Sedimentation and Flood Alternatives Study.

Arroyo Grande Creek drains a 157 square mile watershed located in west-central San Luis Obispo County. The main stem of Arroyo Grande Creek flows through the cities of Arroyo Grande and Oceano and is an important regional waterway for the communities of Arroyo Grande, Grover Beach, Oceano, Pismo Beach, and Avila Beach. Lopez Reservoir, constructed in 1968, impounded approximately 70 square miles of the upper watershed. The construction of Lopez Dam affected downstream hydrology and sediment transport conditions, effectively dividing the watershed into the upper 70 square miles, most of which is contained within the Los Padres National Forest, and the lower 87 square miles, consisting of a mix of urban, rural residential, agricultural, and ranching uses.

Arroyo Grande Creek has a long history of flood impacts to agriculture and human habitation that dates back to the time of the early settlements in the mid-19th century. Historical accounts and a geomorphic analysis of the lower watershed and Cienega Valley suggest that much of the valley floor was at grade with the Creek and consisted of a broad thicket of willows and other riparian trees. From the time of the earliest settlements, use of the valley for homesteading, agricultural production, dairies, and cattle ranching required clearing of vegetation and active management of the channel and floodplain. Management, in those days, consisted primarily of ditching the channel to provide a predictable flow path, building levees, removing willow thickets, and leveling the land. Many of these activities were carried out by individual landowners with little to no coordinated efforts between adjacent property owners.

Despite the best intentions and well-laid plans of land owners to control Arroyo Grande Creek and reduce impacts to adjacent farmlands and infrastructure, the history of the creek, from settlement to present, has been a series of devastating floods that have greatly impacted the residents of the area. Severe flood damage was documented in the Arroyo Grande valley in 1883-84, 1893, 1895, 1907, 1909, 1911, 1914, 1936-37, 1943, 1952, and 2001. The valley avoided the significant

flood events that occurred elsewhere on the central and south coasts in 1969, 1983, and 1997, most likely due to flood storage provided by Lopez Reservoir.

The lower Arroyo Grande Creek floodplain, or Cienega Valley, is especially vulnerable to flooding because it lies at the downstream, lower gradient terminus of a highly erosive watershed. Much of the erosion occurring in the upper watershed results in sediment that is transported and delivered to the floodplains that make up the lower valley. Historically, much of the transported sediment was deposited onto broad floodplains of the lower alluvial valleys of Arroyo Grande Creek, Tar Springs Creek, and Los Berros Creek. Due to conversion of floodplain areas to agricultural and residential uses, and severe incision of Arroyo Grande Creek downstream of Lopez Dam, much of the sediment that was historically deposited on the flood plain ends up being deposited in backwater areas behind bridges, in small pocket floodplain areas, or in the lower gradient flood control reach.

In the 1950's severe flooding from Arroyo Grande Creek resulted in inundation of prime farmland in the Cienega Valley with significant impact to existing infrastructure. At the time, Arroyo Grande and adjacent communities were primarily rural with a combined population of fewer than 5,000 residents. To reduce future economic impacts to the agricultural economy and the growing urban and rural residential population, the community organized the Arroyo Grande Creek Flood Control Project (AGSCD PL 566). The proposed project, led jointly by the USDA-Soil Conservation Service and Arroyo Grande Resource Conservation District1, was completed in 1961 in order to protect homes and farmland in the Cienega Valley.

As a component of the project design, a flood control channel maintenance plan and agreement was developed to assure operation and maintenance of the project to federal standards. Under a Watershed Protection Operation and Maintenance Agreement with the Natural Resources Conservation Service (NRCS) and the Coastal San Luis Obispo Resource Conservation District, dated May 15, 1959, the San Luis Obispo County Flood Control and Water Conservation District was obligated to operate and maintain the Arroyo Grande Creek Flood Control Project. The project was designed and constructed by the U.S. Soil Conservation Service and financed with federal, State, and local funds with a design capacity of 7,500 cubic feet per second, which was believed to be the 50 year flood capacity at the time with two feet of freeboard. Maintenance of the flood control channel by the District since completion of the project in 1961 consisted primarily of vegetation and sediment removal to maintain the design geometry and capacity of the channel, and routine maintenance of the levee system and associated infrastructure. The frequency of maintenance varied depending on rainfall and runoff conditions that preceded maintenance. Maintenance activities in recent years were restricted by a combination of lack of funding and environmental concerns about the impacts of vegetation and sediment maintenance on habitat conditions for sensitive species in the flood control reach.

The main feature of the project was a levee system and trapezoidal channel that confined Arroyo Grande Creek in levees from its confluence with Los Berros Creek downstream to the Pacific Ocean. In addition, the lower portion of Los Berros Creek from the Valley View Bridge to the confluence with Arroyo Grande Creek was diverted from its pre-1960 channel which ran along the southern edge of the Cienega Valley to its current confluence upstream of the Highway 1 Bridge. Runoff from the Meadow Creek watershed, which runs though Pismo Lake, was designed to enter Arroyo Grande Creek through a pair of flap gates near the Pismo Dunes State Vehicular Recreation Area. Maintenance of the project is the responsibility of San Luis Obispo County Flood Control District Zone 1/lA, under the purview of the County Public Works Department. Landowners within the zone are assessed an annual fee to support management and maintenance of the flood control reach.

Environmental concerns and restrictions on maintenance were exacerbated by the listing of the California red-legged frog (Rana aurora draytonii) and steelhead (Oncorhynchus mykiss) under the Federal Endangered Species Act. Protection of habitat for these two species meant that past maintenance activities, such as complete removal and dredging of the entire flood control channel were no longer feasible. In addition, tidewater goby (Eucyclogobius newberryi), listed as endangered under the ESA, were recently identified as occurring in the Arroyo Grande lagoon. The agencies overseeing protection of endangered species, including the U.S. Fish and Wildlife Service, NOAA Fisheries, the California Department of Fish and Game, and the California Coastal Commission requested that a more comprehensive strategy be prepared to manage the flood control reach through a maintenance program that specifically protects aquatic habitat.

In 1999, the US Army Corps of Engineers (USACE) conducted a study to assess the existing capacity of the flood control reach. The results suggested that the system currently has a reduced capacity of 1,700 cfs which equates to a recurrence interval of approximately 2 to 5 years. The capacity of the “as built” channel (the channel as built in 1961), according to the USACE model, was determined to be 6,500 cfs with an associated level of protection between the 10 year and 20 year runoff event. These results show that even under 1961 geometry the capacity of the channel would be approximately 1,000 cfs less than was estimated when the channel was built, most likely due to changes in the levee geometry from settlement and erosion and inaccuracies in hydraulic modeling techniques used in the mid 1950’s. The USACE study determined that the 100-year flood is over 19,000 cfs, vs. the 10,000 cfs originally believed at the time the channel was constructed and pointed to the need for a more detailed alternatives assessment to define project opportunities and costs associated with improving overall capacity and flood protection.

On March 5, 2001, during a high intensity rain event, the Arroyo Grande levee system was breached on the south side between the mouth and the Union Pacific railroad bridge. It was estimated by observers in the field at the time of the levee

breach that the levee would have overtopped upstream of the 22nd Street bridge, had the levee not breached and lowered the overall water surface. Hundreds of acres of farmland and several residences were flooded in the Cienega Valley. Impacts from the flooding persisted beyond the winter season as many of the areas with clay soils located in the southern portion of the valley remained saturated for many months. The northern levee remained intact, thereby protecting several residential developments, as well as the regional wastewater treatment plant that services the communities of Arroyo Grande, Oceano and Grover Beach.

SECTION II - DOCUMENTS

All environmental documents prepared for the project must meet all of the requirements set forth in the following, as applicable:

- California Environmental Quality Act (PRC 21000 et seq.)
- State CEQA guidelines (CCR, section 15000 et seq.)
- National Environmental Policy Act (42 USC 4321 et seq.)
- CEQ NEPA Regulations
- California Coastal Act
- San Luis Obispo County Local Coastal Plan
- Section 106 of the National Historic Preservation Act (16 USC 470 and 36 CFR Part 800)
- Endangered Species Act (16 USC 1531 et seq.)
- Clean Water Act (33 USC 1251 et seq.) (emphasis on sections 401 and 404)
- Clean Air Act (42 USC Section 7401 et seq.)
- Fish and Wildlife Coordination Act (16 U.S.C. 661-666)
- California Endangered Species Act (Fish and Game Code 2050 et seq.)
- Native Plant Protection Act (Fish and Game Code 1900-1913)
- Section 1600 of the Fish and Game Code
- Federal Executive Order 11990 (Wetlands)
- Federal Executive Order 11988 (Floodplains)
- Federal Executive Order 12898 (Environmental Equity)

Available Documents

The District has produced various focused environmental documents related to the program since the late 1990s. These documents consist of:

- Habitat Assessment for the Arroyo Grande Creek Flood Control Project (Essex Environmental July 2000)

- Mitigated Negative Declaration for the Arroyo Grande Creek Flood Control Channel Sediment Removal Project (County of San Luis Obispo November 2000)

- Postconstruction Monitoring Report for the Arroyo Grande Sediment Removal Project (Essex Environmental, December 2001)

- 2002 Postconstruction Monitoring Report for the Arroyo Grande Sediment Removal Project (Essex Environmental, November 2002)

- Arroyo Grande Creek Habitat Conservation Plan, Draft (San Luis Obispo County Flood Control and Water Conservation District Zone 3, 2004)

In addition, other agencies have produced various relevant documents including:

- Arroyo Grande Creek Watershed Management Plan (Central Coast Salmon Enhancement for the CA Department of Fish and Game, March 2005) http://www.coastalrcd.org/AGWMP_TOC.html

- Lower Arroyo Grande Creek and Lagoon Fishery and Aquatic Resources Summary 2006 Monitoring Report (Oceano Dunes State Vehicular Recreation Area, Pismo Dunes State Reserve, January 2007) http://www.coastalrcd.org/Zone1-1A_TOC.html

- Arroyo Grande Creek Biotic Assessment, January 2006 (Coastal San Luis RCD) http://www.coastalrcd.org/Zone1-1A_Alternatives_Study_TOC.html

- Draft Arroyo Grande Creek Steelhead Distribution and Abundance Survey (Swanson Hydrology and Geomorphology for Central Coast Salmon Enhancement, December 2006) http://www.coastalrcd.org/Fisheries_Studies/AG_Steelhead_Report_Draft-small.pdf

Document Location

All available referenced documents are posted on the Department's web site at: http://www.slocountywater.org. Go to the Flood Control and Water Conservation Zone 1/1A for a complete list of publications available.

SECTION III – ANTICIPATED SCHEDULE

The environmental consultant will be expected to participate in developing the details of both the environmental review and implementation schedules. A key component of that work will be critically evaluating the sequence of all project tasks to ensure that the project schedule is both feasible and fundable. However, the consultant must be prepared to undertake environmental field surveys beginning in the winter of 2008. Planning and preparation for surveys will need to occur shortly after a contract is awarded.

Numerous surveys, studies, and documents will need to be developed concurrently in order to meet an appropriate schedule. Preliminary scheduling

indicates that submission of complete regulatory permit applications could occur as early as the spring of 2009. Initial project implementation could then proceed in the spring of 2010. Consultants must be prepared to coordinate numerous environmental efforts involving a range of professionals in various disciplines as well as commit adequate resources to the project in order to meet this schedule.

SECTION IV – BUDGET

Funding for the maintenance and management of the Arroyo Grande Flood Control Channel (Zones 1 and 1A of the San Luis Obispo County Flood Control and Water Conservation District) is generated from within the Zone through property tax assessments. Residents within the zone recently approved a proposition 218 ballot to substantially raise assessments in order to facilitate development and implementation of this program. Approximately $150,000 is generated annually to pay for the development of the waterway management program. It is anticipated that three years of funding will be necessary to accomplish this task (a total of $450,000). However, the District is making grant applications for portions of the Program and continues to seek additional funding from all available sources. Further, should it prove more efficient to complete the environmental process on a shorter schedule the District may be able to arrange internal loans to Zone 1/1A.

SECTION V – ANTICIPATED ENVIRONMENTAL SERVICES

This RFQ is targeting environmental review, environmental regulatory processes, permits, and environmental mitigation plans. The desired consultant will exhibit abilities to manage and perform all aspects of project development related to environmental requirements, including preparation of environmental documents, developing permit strategies, negotiating with regulatory agencies, biological and cultural assessments, mitigation planning, and the preparation of environmental specifications. Demonstrated success in incorporating permit conditions and mitigation measures into construction and maintenance program documents is a must.

The District intends to solicit SOQ's separately for construction and post-construction environmental services.

The following environmental scope of work describes the environmental requirements that will need to be addressed in order to initiate construction, together with the preparation of all mitigation plans, construction monitoring plans, and post construction mitigation monitoring, maintenance, and reporting plans. <u>This scope of work does not include implementation of construction monitoring, post construction mitigation, or post construction mitigation monitoring, maintenance or reporting. These latter tasks may or may not be included in later RFQ's/RFP's</u>.

Task 1: Project Development Team

The environmental consultant will function as an integral part of the project design development team to further the project's and the District's goals and objectives. While engaged in this capacity, the environmental consultant will apply the Mission and Values Statement of the Department of Public Works' Environmental Programs Division:

Mission Statement:

Maintain and improve public facilities and safety while conserving and enhancing environmental resources for the benefit of the community.

Values:

Teamwork. We strive to work with other stakeholders to help achieve regulatory compliance, environmental stewardship, and on-time project completion.

Integrity. We seek to exemplify the spirit of full regulatory compliance.

Stewardship. We strive to protect the community's natural resources.

Service. We strive to serve the best interests of the community with respect, responsibility, and efficiency.

First among the Division's values is teamwork. "Stakeholders" should be interpreted to include both the project development team members as well as all involved regulatory agencies and resource managers.

To ensure that the project is developed on time and on budget the environmental consultant must:

- Clearly convey all applicable environmental regulatory issues to the project team in a timely manner.
- Identify potential environmental conflicts and assist with the development of avoidance measures during preliminary and final design.
- Identify all feasible options for resolving potential project/environmental compliance issues.
- Anticipate and respond proactively to all environmental tasks, paying particular attention to those on the critical path.
- Adopt the overall project goals of timely and fiscally responsible performance.

Task 2: Interagency Coordination

Development of a successful waterway management program for lower Arroyo Grande Creek will require coordination between numerous local, state and federal agencies. The environmental consultant will play a key role in developing information for dissemination to the various groups. It is expected that the consultant will participate in numerous meetings and interagency interactions throughout program development. As an extension of agency staff, the consultant will be expected to work with all stakeholders to achieve regulatory compliance, environmental stewardship and on-time project implementation. Agencies and organizations involved in the project include:

- San Luis Obispo County Flood Control and Water Conservation District (Local Lead Agency)
- County of San Luis Obispo (Manages the current levee system and issues Local Coastal Permit)
- Coastal San Luis Resource Conservation District (project partner)
- Natural Resources Conservation District (project partner)
- Central Coastal Salmon Enhancement (watershed coordinators)
- City of Arroyo Grande (watershed partner)
- Oceano Community Services District (watershed partner)
- South SLO County Sanitation District (watershed partner)
- City of Grover Beach (watershed partner)
- Caltrans (impacted by levee system)
- Union Pacific Railroad (impacted by levee system; project component owner)
- California Department of Fish and Game (permits & consultations)
- California Department of Parks and Recreation (manages Oceano off-road vehicle area)
- State Historic Preservation Officer (section 106 consultation)
- Air Pollution Control District (permits)
- Regional Water Quality Control Board (permits)
- U.S. Army Corps of Engineers, Los Angeles District (permits and consultations)
- NOAA Fisheries (section 7 consultation from Long Beach offices)
- U.S. Fish and Wildlife Service (section 7 consultation from Ventura field office)

Task 3: Federal Lead Agency Coordination

The District believes that the appropriate Federal Lead Agency for the project is the U.S. Army Corps of Engineers, based upon that agency's role as the permitting agency for section 404 of the federal Clean Water Act and their subsequent ability to enforce conditions of any ESA permits. However, the USDA Natural Resources Conservation Service has historically served as the Federal Lead Agency and may continue to have a role in the process as well. As early as 1990 the Corps indicated that an Individual section 404 permit would be required for the project, thereby triggering the need to produce a NEPA document as well as evaluate alternatives from the perspective of the Clean Water Act.

A key role for the consultant will be to assist the District in meeting the technical information needs of the various federal agencies as the issues related to lead agency and intra-agency jurisdiction are addressed and, to a lesser extent,

advising the District on the various regulatory relationships between and within the involved federal agencies. This will require that the consultant possess an appropriate level of experience in dealing with federal agencies at this level on these kinds of issues.

Task 4: Environmental Review

The District's Environmental Coordinator has determined that the project will require the preparation of an Environmental Impact Report. The consultant will prepare the EIR using District standards for eventual certification by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

The level of NEPA documentation required for the project is not yet known. Establishment of the Corps as Federal Lead Agency will need to precede the agency's determination on NEPA requirements. The District believes that a joint CEQA/NEPA document is not advisable in this instance because the CEQA document will be an EIR while an Environmental Assessment, leading to a Finding of No Significant Impact (FONSI), would appear adequate for NEPA. For ease of processing and elimination of confusion producing the CEQA and NEPA document under separate cover is preferable. However, Section 7 and Section 106 consultations will need to be complete before the Federal Lead Agency can complete the NEPA process.

Task 5: Biological Assessments

The project area contains populations of three federally listed species: Steelhead, red-legged frog, and tidewater goby. In order to comply with section 7 of the federal Endangered Species Act, the project will require the preparation of two Biological Assessments (BA). One BA will address those species under the jurisdiction of NOAA Fisheries (south central California coast steelhead, a federally listed threatened species). The second BA will address those species under the jurisdiction of the U.S. Fish and Wildlife Service (Tidewater goby and California red-legged frog).

Spring surveys for other potential listed species must be conducted in the spring of 2008 in order to provide timely useful information to the project.

Task 6: Delineations

The consultant shall perform timely delineations of all affected "wetlands", "Waters of the US" and "Waters of the State" as necessary to support section 404, section 401, and if necessary, Report of Waste Discharge applications. All such determinations and delineations will be documented in reports and on forms as required by the agency having jurisdiction over the resource and must be performed by staff acceptable to the applicable regulatory agency.

Task 7: Cultural Resources / Section 106 Documentation

Impacts to cultural resources are not expected as the project lies within a highly disturbed agricultural area. However, the Oceano area is known to contain substantial pre-historic resources. The consultant will conduct all additional field and background research needed to comply with CEQA and section 106 of the National Historic Preservation Act. Such activities may include extended phase I explorations and reports, phase II field work and eligibility determinations and potentially, phase III data recovery activities. This scope of work assumes that the federal lead agency for Section 106 compliance will be the U.S. Army Corps of Engineers. Therefore, all plans and reports must be in a format acceptable to that agency.

Task 8: Environmental Regulatory Permits

The environmental consultant will prepare signature-ready permit applications together with all supporting information as required by each regulatory process for the following:

- Section 1600 Memorandum of Understanding.

- Section 401 Water Quality Certification. Implementation of the program will require water quality certification by the Regional Water Quality Control Board. The consultant must be prepared to develop and support applications and supporting material certifications.

- Section 404 Permit(s). Implementation of the project will require authorizations from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act. As noted above, a key initial task will be supporting efforts to confirm the Corps as the Federal Lead Agency, as well as encourage the Corps to identify the type of 404 authorization required. It is not yet known how the Corps will permit the program (Regional permit, letter of permission, mutli-year individual permit . . .)

- Section 7 Consultations. It is expected that the project will be the subject of two separate section 7 consultations, as identified above. In addition to preparation of the two Biological Assessments, the environmental consultant will provide information and expertise necessary to respond to any additional information or processing needs identified by the Corps of Engineers, the U.S. Fish and Wildlife Service, and NOAA Fisheries.

- Coastal Development Permits. The project will require permits from both the County of San Luis Obispo and the California Coastal Commission. All areas west of the Union Pacific Railroad are located within the California Coastal Zone while approximately ½ that area is within the Coastal Commission's original jurisdiction. The consultant should be aware that the

Coastal Commission permitted a minor sediment removal project in 2003 with a condition that:

"Within three years of commencement of development, the permittee shall submit a comprehensive analysis of the alternatives available to protect public safety and existing development from floods, accompanied by a proposed strategy and timeline for implementation of the least environmentally damaging feasible method(s). The identification and analysis of alternatives shall be pursued in coordination with all relevant resource agencies and interested parties (e.g., National Marine Fisheries Service, US Fish and Wildlife Services, California Department of Fish and Game, surrounding property owners), and shall include the six (6) scenarios described in the October 2002 RFP "Program Evaluation and Engineering Alternatives Study"', as well as, full consideration of the following options or some combination thereof:

a. Increasing the height and or width of the levee.
b. Relocating outside of flood hazard areas and/or flood proofing existing development within the hazard area.

A key focus of the range of alternatives developed for evaluation in the CEQA/NEPA documents will be ensuring that the documents fully respond to this Coastal Commission requirement. (It should be noted that the District did not sign or implement this permit because of its inability to comply with the quoted condition.)

Task 9: Hazardous Materials Site Assessment

There is no evidence that any hazardous materials exist within the project area. However, sediment removal and levee restoration will involve the movement of soil. All costal areas of San Luis Obispo County have the potential to contain naturally occurring asbestos. The consultant must be prepared to evaluate this potential and prepare the necessary mitigation strategy for approval by the Air Pollution Control District.

Task 10: Mitigation and Mitigation Monitoring Plans

The consultant will prepare a single, coordinated mitigation and mitigation monitoring plan to address all required elements. The consultant will propose a format, to be reviewed and approved by the Environmental Programs Manager that will clearly organize and synthesize all mitigation requirements. The format must accommodate all elements, must be flexible enough to accommodate regulatory permit requirements developed by permitting agencies through the permit process, and must allow the project to "pull out" various sections for review and approval by the applicable agency.

SECTION VI - EVALUATION

The District will evaluate qualifications based on but not limited to the following criteria:

Understanding of and Approach to the Project:

- Provide a summary of your approach to the project, including how you will utilize data from earlier studies to avoid duplication of effort and expense.
- Provide a description of the organizational structure and staffing to be used for the project. Identify the specific individual(s) that the District would interface with on the various facets of the project.

List of Similar Completed Projects

- Provide a list and description of projects of similar scope and complexity completed within the last five years including project schedules and associated milestones. Emphasis should be on coastal zone and regulatory agency coordination experience as well as any dealings with Union Pacific Railroad.

Listing and Resumes of Individuals

- Provide the resume of the Project Manager to be assigned to the project and the plan for his/her replacement.
- Provide resumes of the staff team expected to be assigned to the project as well as any significant consultants proposed to be used on the project and rate sheets for corresponding individuals.

List of References

- Provide references from recent related projects, including name, address and phone numbers of primary client contact(s).

SECTION VII - CONDITIONS OF CONTRACT AWARDS

The District's current indemnification and liability insurance requirements are as follows.

Indemnification

Consultant agrees to accept responsibility for loss or damage to any person or entity, and shall defend, indemnify and hold harmless the County, its officers and employees from all claims, demands, damages, costs, expenses, judgments, attorney fees, liabilities or other losses that may be asserted by any person or

entity, including consultant, to the extent arising out of or in connection with the negligent acts or omissions, or willful misconduct in the performance by consultant hereunder. The obligation to indemnify shall be effective and shall extend to all such claims and losses, in their entirety, even when such claims or losses are brought by the comparative passive negligence of the County, its officers and employees. However, this indemnity will not extend to any claims or losses arising out of the sole negligence or willful misconduct of the County, its officers and employees.

If any claim, demand, litigation or other challenge to the County is brought alleging a deficiency with the County's compliance under the California Environmental Quality Act, the County shall provide the initial legal response to such challenge and shall give the Consultant notice of the Challenge within ten (10) business days of the County's receipt of the challenge. If the case moves to litigation, the County shall provide the attorneys to defend the action. However, the Consultant shall assist in the defense by providing any and all documents, personnel who worked on the project, including sub-consultants, and any other in-house expertise that can assist the County in preparing for and presenting the defense to the CEQA challenge. Such assistance shall be at no cost to the County, and shall continue until the CEQA challenge is finally resolved. If the environmental study or documents need to be upgraded or modified, the Consultant shall accomplish the same at no cost to the County, unless the Consultant has advised the County in writing of the need to upgrade or modify the study or documents and the County has declined to follow the advice of the Consultant. If the County, Consultant or anyone in Consultant's chain of contractual privity is found to be liable for the claim, demand, challenge or litigation, including attorney's fees, the Consultant shall reimburse the County in accordance with the percentage of fault attributed to the Consultant. The reimbursement to the County shall include a reimbursement for the County's attorney's fees and costs of defending the suit apportioned by the same percentage of fault. If the percentage of fault is not included in a judgment, the percentage of fault shall be determined by agreement between the County and the Consultant or arbitration. Arbitration shall be in accordance with the California Code of Civil Procedure, section 1280 et seq.

Insurance

Consultant, at its sole cost and expense, shall purchase and maintain the insurance policies set forth below on all of its operations under this Agreement. Such policies shall be maintained for the full term of this Agreement and the related warranty period (if applicable) and shall provide products/completed operations coverage for four (4) years following completion of Consultant's work under this Agreement and acceptance by the District. Any failure to comply with reporting provisions(s) of the policies referred to above shall not affect coverage provided to the District, its officers, employees, volunteers and agents. For purposes of the insurance policies required hereunder, the term "District" shall

include officers, employees, volunteers and agents of the San Luis Obispo County Flood Control and Water Conservation District, individually or collectively.

MINIMUM SCOPE AND LIMITS OF REQUIRED INSURANCE POLICIES

The following policies shall be maintained with insurers authorized to do business in the State of California and shall be issued under forms of policies satisfactory to the District:

a. COMMERCIAL GENERAL LIABILITY INSURANCE POLICY ("CGL")

Policy shall include coverage at least as broad as set forth in Insurance Services Office (herein "ISO") Commercial General Liability coverage. (Occurrence Form CG 0001) with policy limits not less than the following:

$1,000,000 each occurrence (combined single limit);
$1,000,000 for personal injury liability;
$1,000,000 aggregate for products-completed operations; and
$1,000,000 general aggregate.

The general aggregate limits shall apply separately to Consultant's work under this Agreement.

b. BUSINESS AUTOMOBILE LIABILITY POLICY ("BAL")

Policy shall include coverage at least as broad as set forth in Insurance Services Office Business Automobile Liability Coverage, Code 1 "Any Auto" (Form CA 0001). This policy shall include a minimum combined single limit of not less than One-million ($1,000,000) dollars for each accident, for bodily injury and/or property damage. Such policy shall be applicable to vehicles used in pursuit of any of the activities associated with this Agreement. Consultant shall not provide a Comprehensive Automobile Liability policy which specifically lists scheduled vehicles without the express written consent of District.

c. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE POLICY ("WC / EL")

This policy shall include at least the following coverages and policy limits:

1. Workers' Compensation insurance as required by the laws of the laws of the State of California; and

2. Employer's Liability Insurance Coverage B with coverage amount not less than one-million ($1,000,000) dollars each accident / Bodily Injury (herein

“BI”); one-million ($1,000,000) dollars policy limit BI by disease; and, one-million ($1,000,000) dollars each employee BI disease.

2. DEDUCTIBLES AND SELF-INSURANCE RETENTIONS

Any deductibles and/or self-insured retentions which apply to any of the insurance policies referred to above shall be declared in writing by Consultant and approved by the District before work is begun pursuant to this Agreement. At the option of the District, Consultant shall either reduce or eliminate such deductibles or self-insured retentions as respect the District, its officers, employees, volunteers and agents, or shall provide a financial guarantee satisfactory to the District guaranteeing payment of losses and related investigations, claim administration, and/or defense expenses.

3. ENDORSEMENTS

All of the following clauses and endorsements, or similar provisions, are required to be made a part of insurance policies indicated in parentheses below:

a. A “Cross Liability”, “Severability of Interest” or “Separation of Insureds” clause (CGL & BAL);

b. The San Luis Obispo County Flood Control District, its officers, employees, volunteers and agents are hereby added as additional insureds with respect to all liabilities arising out of Consultant’s performance of work under this Agreement (CGL & BAL);

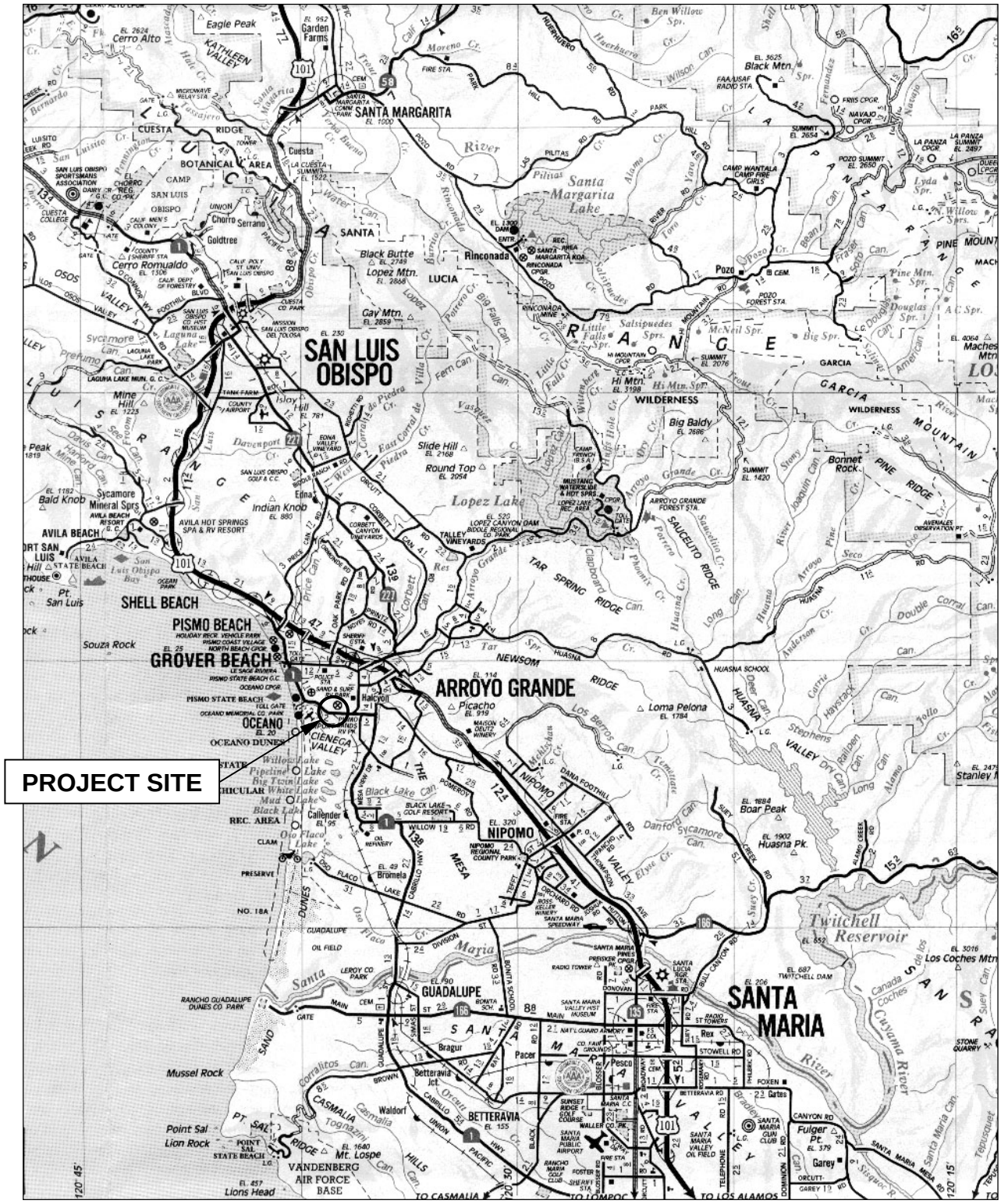
c. If the insurance policy covers an “accident” basis, it must be changed to “occurrence” (CGL & BAL)

d. This policy shall be considered primary insurance with respect to any other valid and collectible insurance District may possess, including any self-insured retention District may have, and any other insurance District does possess shall be considered excess insurance only and shall not be called upon to contribute to this insurance (CGL, BAL, & PL);

e. No cancellation or non-renewal of this policy, or reduction of coverage afforded under the policy, shall be effective until written notice has been given at least thirty (30) days prior to the effective date of such reduction or cancellation to District at the address set forth below (CGL, BAL, WC /EL & PL);

f. Consultant and its insurers shall agree to waive all rights of subrogation against the District, its officers, employees, volunteers and agents for any loss arising under this Agreement (CGL); and

g. Deductibles and self-insured retentions must be declared (All Policies).


PROJECT SITE
SAN LUIS OBISPO
SANTA MARGARITA
ARROYO GRANDE
GROVER BEACH
PISMO BEACH
SHELL BEACH
OCEANO
NIPOMO
GUADALUPE
SANTA MARIA
BETTERAVIA
VANDENBERG AIR FORCE BASE
Twitchell Reservoir
Santa Margarita Lake
Lopez Lake
Black Butte
Lopez Mtn.
Cerro Romualdo
Cerro Alto
Eagle Peak
Black Mtn.
Rinconada
Pozo
Picacho
Loma Pelona
Huasna Pk.
Boar Peak
Mussel Rock
Point Sal
Lion Rock
Lions Head
Souza Rock
Mt. Lospe
Fulger Pt.
Garey
Los Coches Mtn.
Bonnet Rock
Big Baldy
Hi Mtn.
Slide Hill
Round Top
Indian Knob
Sycamore Mineral Sprs
Bald Knob
Mine Hill
Isloy Hill
Davenport
Garden Farms
Cuesta
Chorro Serrano
Goldtree
Gay Mtn.
Salsipuedes
Pine Mtn.
Douglas Spr.
Garcia
Wilderness
Mustang Waterslide & Hot Sprs.
Arroyo Grande Forest Sta.
Pozo Forest Sta.
Pozo Summit
Black Mtn.
Nipomo Regional County Park
Santa Maria Valley Oil Field
Santa Maria Public Airport
Santa Maria Gun Club
Santa Maria Pines
Santa Lucia Rge. Sta.
Santa Maria Valley Hist. Museum
Nat'l Guard Armory
Co. Fair Grounds
Radio Towers
Stowell Rd.
Betteravia Jct.
Waldorf
Bragur
Pacer
Pesco
Rex
Foxen
Gates
Canyon Rd.
Santa Maria Mesa Rd.
Santa Maria River
Cuyama River
Twitchell Dam
Santa Maria Valley Oil Field
Rancho Guadalupe Dunes Co. Park
Guadalupe Oil Field
Leroy Co. Park
Oso Flaco Lake
Black Lake
Callender
Bromela
Halcyon
Pismo State Beach
Oceano Dunes
Ciénega Valley
Tar Spring Ridge
Saucelito Ridge
Huasna Valley
Stephens Valley
Santa Lucia Range
Los Berros Can.
Temitate Cr.
Danford Can.
Sycamore Can.
Elyse Cr.
Suey Cr.
Alamo Creek
Huasna Rd.
Huasna School
Tar Spr.
Newsom Ridge
Dana Foothill
Orchard Rd.
Ross Keller Winery
Santa Maria Speedway
Santa Maria Valley Hist. Museum
Radio Tower
Presker Pk. Oper.
Donovan
Ibsal Canyon Rd.
Twitchell Dam
Santa Maria Valley Oil Field
Santa Maria Public Airport
Sunset Ridge Golf Course
Rancho Maria Golf Club
Santa Maria C.C.
Waller Co. Pk.
Santa Maria Gun Club
Santa Maria Pines
Santa Maria Valley Hist. Museum
Nat'l Guard Armory
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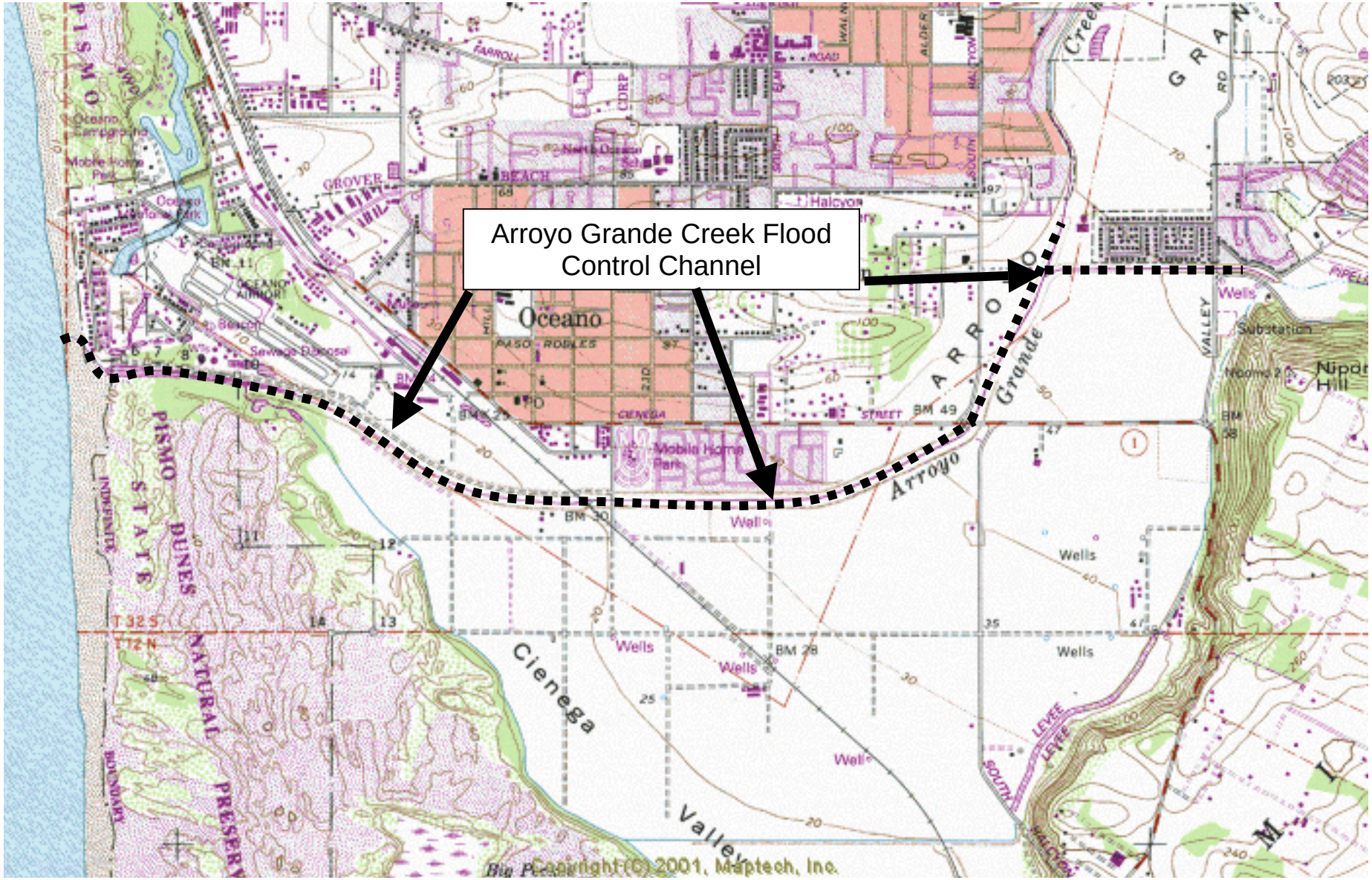

PORTION OF USGS OCEANO 7.5 MINUTE QUADRANGLE

ARROYO GRANDE CREEK WATERWAY MANAGEMENT PROGRAM FLOOD CONTROL ZONES 1 & 1A	**USGS MAP**