



MEMORANDUM
COMMUNITY DEVELOPMENT RESOURCE AGENCY
PLANNING SERVICES DIVISION
County of Placer

TO: Board of Supervisors DATE: November 8, 2016

FROM: Paul Thompson
Interim Agency Director

BY: Jennifer Byous
Supervising Planner

SUBJECT: Contract Amendments for the Habitat Management Plans and In-Lieu Fee Program related to the Placer County Conservation Plan

ACTION REQUESTED

1. Approve a first amendment to the contract with H. T. Harvey & Associates for the development of Habitat Management Plans and a Habitat Management Plan template for the Placer County Conservation Plan in the amount of \$36,000 increasing the total to \$100,000; and authorize the County Executive Officer to sign the amendment.
2. Approve a second amendment to the contract with ICF, Jones and Stokes Inc. for continued preparation of the Placer County In-Lieu Fee Program in the amount of \$26,765 increasing the total to \$125,154; and authorize the County Executive Officer to sign the amendment.

BACKGROUND

Habitat Management Plan/Template

A central aspect of the Placer County Conservation Program (PCCP) conservation strategy is to acquire approximately 47,300 acres of land in a large, interconnected reserve system, and then to manage and enhance the land according to a reserve-specific habitat management plan (HMP). An HMP establishes goals, objectives, and tasks to monitor, manage, maintain, and report on the contribution of the preserve toward the larger PCCP conservation objectives. In 2013, work began on developing two HMPs, the first for the 427-acre Doty Ravine Preserve owned by the Placer Land Trust and the second for the 1,200-acre Hidden Falls Regional Park owned by the County of Placer. After the two property-specific HMPs are finished then an HMP template would to be developed. The HMP template would provide general guidance to develop future HMPs that are consistent for the PCCP. As part of the Doty HMP discussion, both the Wildlife Agencies and PCCP team agreed to shift focus on from the property specific HMPs to the development of the template HMP which will become an appendix to the Habitat Conservation Plan/ Natural Community Conservation Plan (HCP/NCCP) policy document.

Since 2013, H. T. Harvey & Associates has assisted the County with development of the HMPs. An administrative draft HMP for the Doty Ravine Preserve was submitted in June 2016. Initial work on the Hidden Falls Preserve HMP has commenced. Development of the HMPs was somewhat delayed by revisions to relevant sections of the HCP/NCCP policy document and significant coordination, review, and revision of the HMP has been required over the last 3 years. Because of these factors, the majority of the overall project budget has been expended to produce the Agency draft Doty Ravine HMP. To accomplish a final Doty Ravine HMP, a final Hidden Falls HMP, and an HMP template, staff is requesting an amendment of \$36,000 to the contract with H. T. Harvey & Associates. This amendment is needed to provide additional funding for meeting attendance, coordination and preparation of the HMPs. A complete description of the Scope of Work associated with the proposed contract amendment is provided in Attachment 1.

In-lieu Fee Program

Since 2008, the County has been working to prepare an in-lieu fee (ILF) program for concurrent adoption with the PCCP. An ILF will allow a project proponent to mitigate many, if not all, of their impacts on wetlands through the payment of a fee in lieu of implementing the mitigation activity on their own. When an ILF is available to mitigate impacts to waters of the United States (e.g., wetlands), the methodology used to develop an ILF must comply with Corps of Engineers regulations that govern how projects compensate for impacts. This "Final Compensatory Rule", issued in 2008, makes it a priority to utilize mitigation banks and ILF programs to mitigate impacts verses permittee initiated or other mitigation.

In 2013, County staff was contacted by the Placer Vineyards Development Group, about the possibility of developing an interim ILF as a means to provide mitigation for impacts associated with the Placer Vineyards Specific Plan project. The development of an interim ILF began in the winter of 2013 with financial support from the Placer Vineyards Development Group, LLC. To date, the ILF work program has completed the following tasks:

- Prepared an ILF Prospectus – The prospectus identifies the need for an ILF, the service area boundary, anticipated threats to aquatic resources, historic losses, stakeholder participation, a description of the long-term protection and management strategies and monitoring and adaptive management. The Corps of Engineers issued a public notice for the in-lieu fee program on January 14, 2016 with a comment period expiring February 15, 2016.
- Prepared a Compensation Planning Framework necessary to identify the location, types, and general approach for wetland mitigation. The Corps of Engineer's required that the "compensation planning framework" be compatible with the PCCP in a number of ways (e.g., landscape level, watershed approach, in-kind replacement of function, in perpetuity management and monitoring, and no net loss for wetlands).
- Prepare a draft and final ILF Program Instrument (submittal expected Nov 2016) – the Program Instrument is the document that will be reviewed and approved by the agencies and will serve as the program document for the County's implementation.

County staff are still working with the regulatory agencies on issues including: 1) Understanding how the PCCP conservation strategy for endangered species and CARP for impacts on waters of the United States will align with the ILF and 2) Providing assurances to the State and Federal agencies that the County has the ability to operate an ILF program prior to and in the event the PCCP is never completed.

With the continued financial support by the Placer Vineyards Development Group, LLC, the preparation of an ILF can continue in advance of the adoption of the PCCP. However, ILF Program development has taken longer than anticipated, including more meetings and phone calls, additional iterations of the draft prospectus, as well as additional agency coordination, and GIS analysis. The previously approved budget with contingency has been depleted and to finalize the ILF Program an augmentation is being requested. Additional funding will provide for the preparation of the Final ILF Instrument and additional support to review mitigation parcels. To accomplish finalizing the ILF Program, staff is requesting an amendment of \$26,765 dollar to the contract with ICF Jones & Stokes, Inc. A complete description of the Scope of Work associated with the proposed contract amendment is provided in Attachment 2.

FISCAL IMPACT

The total amount of the two contract amendments is \$62,765 dollars. Funding for the work on the HMP will be funded from the Planning Services Division's FY 2016-17 budget. The PCCP Finance Plan will include a cost recovery component that will reimburse all General Fund revenues used to development the PCCP. Additionally, the County and the City of Lincoln have executed a memorandum of understanding that will ensure that the City of Lincoln reimburses the County for its fair share of plan development costs once the plan is being implemented. Funds for the work on the

ILF Program will be provided by the Placer Vineyards Development Group, subject to future credit or reimbursement from PCCP funds, if and when the PCCP is adopted.

Attachment 1: First Amendment to the Planning Services Agreement for professional consultant services – H. T. Harvey & Associates

Attachment 2: Second Amendment to the Planning Services Agreement for professional consultant services – ICF Jones & Stokes

cc: Gregg McKenzie, CDRA
Donna Kirkpatrick, CDRA
James Importante, County Executive Office
Brad Norton, ICF
Matt Wacker, H. T. Harvey & Associates

ATTACHMENT 1

**FIRST AMENDMENT TO PLANNING SERVICES AGREEMENT
PROFESSIONAL CONSULTANT SERVICES – H.T. HARVEY & ASSOCIATES**

THIS FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT is made and entered on this _____ day of _____, 2016, by and between the COUNTY OF PLACER, hereinafter referred to as COUNTY, and H.T. HARVEY & ASSOCIATES, hereinafter referred to as CONSULTANT.

WHEREAS, on October 15, 2013, COUNTY and CONSULTANT entered into a Contract whereby consulting services would be provided to the COUNTY; and

WHEREAS, the parties have agreed to additional services to be provided by Consultant under said contract and the compensation for those additional services.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and among the parties as follows:

- 1. That section 1 of the original Contract shall be amended to provide for the additional services and compensation as follows:

The CONSULTANT agrees to perform the additional professional services as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and the total compensation to be paid CONSULTANT for these additional services shall not exceed \$36,000.00 as set out in Exhibit "A".

- 2. The COUNTY agrees to pay to CONSULTANT \$100,000.00 as the sole compensation under the Contract and as amended by the First Amendment.

EXCEPT as specifically modified above, all of the remaining terms and conditions of the said Contract shall remain and continue in full force and effect.

COUNTY OF PLACER:

By: _____
David Boesch, County Executive Officer

Date: _____

CONSULTANT:

By: _____

Date: _____

APPROVED AS TO FORM:

By: _____
County Counsel

Date: _____

APPROVED AS TO CONTENT:

By: _____
Paul Thompson
Agency Interim Director

Date: _____

EXHIBIT A



H. T. HARVEY & ASSOCIATES

Ecological Consultants

Memorandum

Project# 3491-01

July 1, 2016

To: Jennifer Byous, Placer County

From: Matt Wacker, H. T. Harvey & Associates

Subject: Proposed Budget Amendment, Doty Ravine and Hidden Falls Habitat Management Plans

The following summaries our request for additional budget to complete habitat management plans (HMPs) for the proposed Doty Ravine Preserve and Hidden Falls Preserve (preserves), in western Placer County, California. The preserves would be established to contribute to the conservation goals and objectives of the Placer County Conservation Plan (PCCP), a joint Habitat Conservation Plan/Natural Communities Conservation Plan currently being developed by Placer County's Community Development Resource Agency (County).

Since 2013, H. T. Harvey & Associates has assisted the County with development of an Agency draft HMP for the Doty Ravine Preserve, and has attended initial scoping and coordination meetings related to development of the Hidden Falls Preserve HMP. The Agency draft HMP for the Doty Ravine Preserve was submitted in June 2016. Work on the Hidden Falls Preserve HMP has, largely, not started. Development of the Agency draft Doty Ravine HMP was delayed by revisions to relevant sections of the PCCP, and significant coordination, review, and revision of the HMP has been required over the last 3 years. Because of these factors, the majority of the overall project budget has been devoted to producing the Agency draft Doty Ravine HMP. Additional funding will be required to produce a final Doty Ravine HMP, a final Hidden Falls HMP, and an HMP template based on these two, completed documents.

Specific tasks anticipated to be required and an estimate of the funding required to complete those tasks are provided below and in Table 1. These tasks would generally fall under Task 4 of our existing County agreement, Number 13361, executed on October 15, 2013.

Sub-task 1. Finalize Doty Ravine HMP

H. T. Harvey & Associates will respond to one consolidated set of Agency comments on the draft Doty Ravine HMP, and produce a final HMP that incorporates all comments as directed by the County. The final HMP will

include a revised financial analysis (e.g., a PAR analysis) that estimates the amount of funding required to implement the final HMP.

Meetings: Two meetings of up to two hours in duration (each) with the County and Agency representatives to discuss and finalize the Doty HMP.

Deliverables: Final Doty Ravine HMP and Response to Comments matrix (indicating how Agency comments were addressed in the final HMP). All documents will be provided electronically.

Sub-task 2. Hidden Falls HMP Scoping

Development of the Hidden Falls HMP is anticipated to require coordination with Placer County Parks (which owns and manages Hidden Falls Regional Park, within which the Hidden Falls Preserve will be established), the Placer Land Trust (which is anticipated to potentially be designated as the manager of the Hidden Falls Preserve), and the Agencies (to discuss and resolve the potential for recreational use of Hidden Falls Regional Park to conflict with or constrain management of the Hidden Falls Preserve). As directed by the County, H. T. Harvey & Associates will attend meetings to help coordinate development and scoping of the Hidden Falls HMP. As part of this task, H. T. Harvey & Associates will also review relevant background documents, prepare maps, and complete other administrative tasks as necessary to support HMP scoping.

Meetings: Three meetings of up to 2 hours in duration (each) with the County, Placer County Parks, and Agency representatives to discuss development of the Hidden Falls HMP.

Deliverables: Map showing portions of Hidden Falls Regional Park within which the Hidden Falls Preserve will be located and initial outline for the Hidden Falls HMP. All documents will be provided electronically.

Sub-task 3. Draft Hidden Falls HMP

Based on the outline developed in Task 2 and Agency feedback received on the Doty Ravine HMP, H. T. Harvey & Associates will develop a draft Hidden Falls Preserve HMP.

Meetings: None (included in other tasks).

Deliverables: Draft Hidden Falls HMP. All documents will be provided electronically.

Sub-task 4. Final Hidden Falls HMP

H. T. Harvey & Associates will respond to one consolidated set of Agency comments on the draft Hidden Falls HMP, and produce a final HMP that incorporates all comments as directed by the County. The final HMP will include a revised financial analysis (e.g., a PAR analysis) that estimates the amount of funding required to implement the final HMP.

Meetings: Two meetings of up to two hours in duration (each) with the County and Agency representatives to discuss and finalize the Hidden Falls HMP.

Deliverables: Final Hidden Falls HMP and Response to Comments matrix (indicating how Agency comments were addressed in the final HMP). All documents will be provided electronically.

Sub-task 5. HMP Template

Based on the final Doty Ravine HMP and Hidden Falls HMP, H. T. Harvey & Associates will prepare an HMP template for use by the County in developing future preserve-specific HMPs. The template is expected to consist of an annotated outline and habitat-specific management and monitoring requirements for vernal pool-annual grassland, foothill oak woodland, and valley-foothill riparian communities. Up to 3 drafts of the temple will be provided for County and Agency review and comment, along with a final HMP template that incorporates all comments as directed by the County.

Meetings: Two meetings of up to two hours in duration (each) with the County and Agency representatives to discuss and finalize the HMP templates.

Deliverables: Draft and final HMP templates. All documents will be provided electronically.

Table 1. Proposed Budget, by Sub-task

Sub-task 1. Finalize Doty Ravine HMP	\$6,000
Sub-task 2. Hidden Falls HMP Scoping	\$5,000
Sub-task 3. Draft Hidden Falls HMP	\$30,000
Sub-task 4. Final Hidden Falls HMP	\$6,000
Sub-task 5. HMP Template	\$8,000
Subtotal	\$55,000
Approximate Remaining Budget (as of 7/1/2016)	\$19,000
Total Additional Budget Requested	\$36,000

Thank you for considering our proposal, and please let me know if you have any questions.

ATTACHMENT 2

SECOND AMENDMENT TO CONTRACT FOR PREPARATION OF AQUATIC RESOURCES PROGRAM – IN LIEU FEE PLAN For: PLACER VINEYARDS SPECIFIC PLAN

THIS SECOND AMENDMENT TO THE CONTRACT AGREEMENT FOR PREPARATION OF AQUATIC RESOURCES PROGRAM – IN LIEU FEE PLAN is made and entered on this _____ day of _____, 2016, by and between the COUNTY OF PLACER, hereinafter referred to as COUNTY, ICF Jones & Stokes, INC, hereinafter referred to as CONSULTANT and PLACER VINEYARDS DEVELOPMENT GROUP hereinafter referred to as APPLICANT.

WHEREAS, on November 8, 2013, COUNTY CONSULTANT and APPLICANT entered into a Contract whereby consulting services would be provided to the COUNTY; and

WHEREAS, the parties have agreed to additional services to be provided by Consultant under said contract and the compensation for those additional services.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and among the parties as follows:

1. That section 2.A. of the original Contract shall be amended to provide for the additional services and compensation as follows:

The CONSULTANT agrees to perform the additional professional services as set forth in Exhibit "A-1" attached hereto and incorporated herein by reference, and the total compensation to be paid CONSULTANT for these additional services shall not exceed twenty-six thousand seven hundred sixty-five and no cents (\$26,765.00) as set out in Exhibit "A-1". As of the date of this amendment, the total compensation to be paid to CONSULTANT shall not exceed one hundred twenty-five thousand one hundred fifty-four and no cents (\$125,154.00). 2. The APPLICANT agrees that concurrent with the execution of this amendment, the Applicant shall deposit 100% of the amount of this amendment in the sum of twenty-six thousand seven hundred sixty-five and no cents (\$26,765.00) with COUNTY.

EXCEPT as specifically modified above, all of the remaining terms and conditions of the said original Contract shall remain and continue in full force and effect.

COUNTY OF PLACER:

By: _____ Date: _____

Print: _____
David Boesch, County Executive Officer

CONSULTANT*:

By: _____

Print: _____ Date: _____
ICF Jones & Stokes, Inc.

By: _____

Print: _____ Date: _____
ICF Jones & Stokes, Inc.

APPLICANT:

By: _____

Print: _____ Date: _____
Placer Vineyards Development Group, LLC

By: _____

Print: _____ Date: _____
Placer Vineyards Development Group, LLC

APPROVED AS TO FORM:

By: _____ Date: _____

Print: _____
Karin Schwab, Deputy County Counsel

APPROVED AS TO CONTENT:

By: _____ Date: _____

Print: _____
Paul Thompson
Agency Interim Director

*If a corporation, contract must be signed by two corporate officers; one must be the secretary of the corporation, and the other may be either the President or Vice President, unless an authenticated corporate resolution is attached delegating authority to a single officer to fin the corporation.

EXHIBIT A



August 18, 2016

Jennifer Byous
Senior Planner
Placer County Planning Division
3091 County Center Drive, Suite 190
Auburn, CA 95603

Subject: **Augmentation Request to Finalize Placer County In-Lieu Fee Program**

Dear Jennifer:

ICF Jones & Stokes, Inc. (an ICF International company hereafter "ICF") would like to thank you for the continued opportunity to support Placer County on multiple fronts, including the development of the Placer County In-Lieu Fee (ILF) Program. As you are aware the development of the ILF Program has taken longer than anticipated, including more meetings and phone calls, additional iterations of the draft prospectus, additional agency coordination, and additional GIS analysis. To this end, we have depleted the previously allocated contingency, and are requesting an augmentation to finalize the ILF Program. We have also included an additional task to support the evaluation and integration of the first mitigation parcel into the ILF Program.

We propose to augment Task 3, Prepare the Final ILF Instrument by \$20,460, add a new Task 4, Mitigation Parcel Review and Support for \$6,030, and include \$275 in direct expenses, for a total of \$26,765. ICF proposes to invoice costs monthly, on a time and materials basis. This work would be processed as Amendment #2. Our revised scope is below.

Task 4: Mitigation Parcel Review and Support

ICF will review one proposed mitigation parcel for potential inclusion in the instrument. ICF will provide a summary of the key areas where additional information is needed to comply with the U.S. Army Corps of Engineers regulations regarding mitigation plans.

Assumptions

- Mitigation plans will generally be prepared to meet the requirements of the Corps

Deliverables

- Summary of items (transmitted in a memo or e-mail) that may be needed for the mitigation plan to be deemed complete

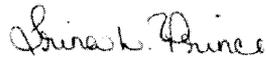
Jennifer Byous
August 18, 2016
Page 2 of 2

ICF shall provide services, as outline above, under the terms and conditions of its existing agreement 373160 with Placer County dated October 24, 2013. Please contact me at (916) 231-9599 if you have any questions or comments on this request.

Sincerely,



Brad Norton
Principal



Trina L. Prince
Contract Administrator

Attachment

Cost Estimate Spreadsheet (Table 1)

Table 1. Cost Estimate for Placer County ILF Amendment

Task	Employee Name	Consulting Staff				Production Staff			Labor Total	Direct Expenses	Total Price
		Norton B	Zippin D	Schiff D							
		Project Role	PM	PD	GIS						
Labor Classification	Proj Dir	Sr Proj Dir	Assoc Consult III	Subtotal	Editor	Pub Spec	Subtotal				
Task 3. Prepare Final ILF Instrument (Augmentation)		80	4	20	\$19,320	8	4	\$1,140	\$20,460		
Task 4. Mitigation Review and Support		20	4	4	\$5,460	4	2	\$570	\$6,030		
					\$0			\$0	\$0		
Total hours		100	8	24		12	6				
ICF E&P 2016 Billing Rates		\$195	\$255	\$135		\$95	\$95				
Subtotals		\$19,500	\$2,040	\$3,240	\$24,780	\$1,140	\$570	\$1,710	\$26,490		
Direct Expenses											
529.00 Other Reimbursable Expenses										\$250	
Mark up on all non-labor costs and subcontractors: 10%										\$25	
Direct expense subtotal										\$275	
Total price											\$26,765