



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

Michael J. Johnson, AICP
Agency Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Director
Planning Department, Community Development Resource Agency

DATE: May 12, 2009

SUBJECT: ICF Jones & Stokes \$160,992 contract amendment for work associated with the Placer County Conservation Plan (PCCP)

ACTION REQUESTED

The Planning Department is requesting that the Board of Supervisors approve an amendment to the ICF Jones & Stokes (formerly known as Jones & Stokes Associates) contract for the preparation of the Placer County Conservation Plan (PCCP) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and authorize the County Executive Officer to sign the Contract Amendment.

BACKGROUND

The Planning Department is continuing with the preparation of the Placer County Conservation Plan for Western Placer County. The PCCP will provide regulatory coverage for the State and Federal Endangered Species Act for 50 years. The PCCP will also provide regulatory coverage for Sections 401 and 404 of the Clean Water Act for water quality and wetland permits and Section 1600 of the California Fish and Game Code for Streambed Alteration Agreements.

The subject contract amendment is for additional work related to fuels and oak woodland management within the PCCP, the inclusion of two new required EIR sections: Greenhouse Gas Emissions; and, Climate Change Analysis. Changes in billing rates from the original 2004 contract are also incorporated. The contract amendment is intended to continue the preparation of the PCCP EIS/EIR document.

FISCAL IMPACT

The subject contract amendment for ICF/Jones and Stokes is for \$160,992 which will bring the total contract amount to \$665,857.00. These funds are available for the Planning Department's budget for FY 08/09.

Respectfully submitted,

MICHAEL J. JOHNSON, AICP
Community Development / Resource Agency Director

Attached to this report for the Board's information/consideration are:

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ATTACHMENTS:

- Attachment A: Scope of work
- Attachment B: Contract Amendment Request
- Attachment C: Contract

cc: Michael Johnson, CD/RA Director
BWG Members
IWG Members
Chris Beale, Resources Law Group
David Zippin, ICF/Jones and Stokes

ATTACHMENT A

SCOPE OF WORK FOR ICF JONES & STOKES PLACER COUNTY CONSERVATION PLAN (THIRD AMENDMENT)

ICF Jones & Stokes has been under contract with Placer County since May 2004 to prepare the environmental impact report (EIR) and environmental impact statement (EIS) for the Placer County Conservation Plan (PCCP). The following tasks will be added to this initial contract to complete the preparation of the EIR/EIS for the PCCP.

Task 13 - Evaluate Fuels Management Strategy and Oak Woodlands Management Plan. Placer County is preparing a separate Fuels Management Strategy and Oak Woodlands Management Plan that will be incorporated into the PCCP and included as appendices. ICF Jones & Stokes will review these draft technical reports and the summary sections in the PCCP and evaluate the environmental effects of their implementation.

The Fuel Management Strategy presents detailed guidance on prescribed burning prescriptions and wildland fire management techniques and how they will be applied with the PCCP protected areas to maximize ecological benefits and reduce wildfire hazards. The EIR/EIS will summarize this management strategy and evaluate the environmental effects of its key components.

Environmental topics that will be evaluated include air quality, biological resources, visual resources, socioeconomics, and public services. Quantitative analysis of effects on air quality may be necessary to demonstrate that short-term application of prescribed burning results in less air quality impacts than the long-term risk of catastrophic wildfires.

The Oak Woodlands Management Plan is a component of the PCCP conservation strategy that provides a consistent policy for oak woodland habitats throughout the County and compliments programs and policies including: 1) projects subject to an environmental assessment under CEQA; 2) projects subject to the Placer County Tree Preservation Ordinance; and (3) projects evolving out of the Placer Legacy Program. The Management Plan will be integrated into the PCCP to ensure consistent application of mitigation and conservation measures to protect oak woodlands in the County. The EIR/EIS will evaluate the environmental impacts of implementing the 8 goals of the Oak Woodland Management Plan and their associated policies through implementation of the PCCP. Environmental topics that will be addressed include biological resources, visual resources, plans and policies, and socioeconomics. Environmental effects to these resources from implementation of the Oak Woodlands Management Plan are expected to be largely beneficial.

Task 14 - GHG/Climate Change Analysis Overview. This scope of work describes the approach that ICF Jones & Stokes will use to evaluate climate change impacts associated with the implementation of the Placer County Conservation Plan (PCCP). Addressing climate change in EIS/EIR documents typically requires the analysis of:

- a) What will be the effect of the project on climate change, and
- b) What will be the effect of climate change on the proposed project?

A brief review of climate change science and relevant regulatory history on the subject is presented below.

Climate Change Science

Global climate change is a problem caused by anthropogenic emissions of greenhouse gases into the atmosphere through combustion of fossil fuels and other greenhouse gas producing activities such as deforestation and land use change.

Greenhouse gases (GHGs) play a critical role in the Earth's radiation budget by trapping infrared radiation emitted from the Earth's surface, which could have otherwise escaped to space. Prominent GHGs contributing to this process include water vapor, carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), ozone, and certain hydro- and fluorocarbons, and sulfur hexafluoride (SF₆). This phenomenon, known as the "greenhouse effect", keeps the Earth's atmosphere near the surface warmer than it would be otherwise and allows for successful habitation by humans and other forms of life. The combustion of fossil fuels releases carbon that has been stored underground into the active carbon cycle, thus increasing concentrations of greenhouse gases in the atmosphere. Emissions of GHGs in excess of natural ambient concentrations are thought to be responsible for the enhancement of the greenhouse effect and to contribute to what is termed "global warming," a trend of unnatural warming of the Earth's natural climate. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere further, thereby increasing evaporation rates and temperatures near the surface.

Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors) and toxic air contaminants, which are pollutants of regional and local concern.

Since the industrial revolution, concentrations of greenhouse gases in the earth's atmosphere have been gradually increasing. In 2007, the Intergovernmental Panel on Climate Change (IPCC), widely considered to be the authoritative body on climate change, stated that the "warming of the climate system is unequivocal" and that the "probability that this is caused by natural climatic processes alone is less than 5%."

Climate Change Regulatory History

With the Governor's signing of AB 32 (Global Warming Solutions Act of 2006), climate change and GHG emissions mitigation have become high profile issues. AB 32 contains strong language asserting the urgent need to respond to climate change. It establishes a long-term objective to reduce statewide GHG emissions to 1990 levels by the year 2020. Although AB 32 does not amend CEQA, it has established a strong argument for addressing climate change issues at the plan and project level through CEQA documents.

Under CEQA, an environmental impact report must identify and focus on the significant environmental effects of a proposed project. Significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment (PRC 21068). CEQA further states that the State CEQA Guidelines will specify certain criteria that require a finding that a project may have a significant effect on the environment.

There have been many relevant technical advisories such as OPR's June 19, 2008 publication and workshops such as ARB's CEQA thresholds workshops, but to date, only limited final guidance has been published. Currently, OPR is proposing changes to the CEQA guidelines to include language related to climate change. Thus, guidance regarding the methodology to establish an appropriate baseline or to develop a project-level inventory for the proposed project, enabling an appropriate analysis of the project's impact on climate change or the impact of climate change on the project, has not yet been established.

Currently, no federal standards or regulations exist to evaluate whether project-related GHG emissions would result in an adverse effect to climate change within the context of the National Environmental Policy Act (NEPA). However, with the recent change in the presidential administration, it is clear that significant policy changes related to climate change expected in the short term.

The California Attorney General's (AG) Office and prominent environmental groups such as the Center for Biological Diversity (CBD) have been actively challenging California Environmental Quality Act (CEQA) documents on the grounds that they do not adequately address climate change.

Cost Estimate

Tasks 13 and 14: FY 08/09 \$160,992

Memorandum

Date: April 1, 2009

To: Loren Clark, Placer County

cc:

From: David Zippin, Project Director

Subject: **Contract Amendment Request – PCCP EIR/EIS**

ICF Jones & Stokes has been under contract with Placer County since May 2004 to prepare the environmental impact report (EIR) and environmental impact statement (EIS) for the Placer County Conservation Plan (PCCP). Our original contract scope of work and budget, dated May 21, 2004, has been amended twice to date, once in November 2004 and once in March 2005. The original contract, with amendments, is still valid.

As requested by Placer County, ICF Jones & Stokes has prepared this third contract scope and budget amendment to address the following project needs:

- Address the unexpected extension in the project schedule due to the need to refine and reach concurrence on the conservation strategy for the PCCP (i.e., the project description for the EIR/EIS).
- Adjust the cost estimate to current billing rates (original 2004 rates updated to 2009 rates).
- Include additional analysis in the EIR/EIS to address the new fuels management plan and oak woodlands conservation strategy.
- Include additional work to add greenhouse gas (GHG) emissions and climate change analysis to the EIR/EIS.

Two other issue areas were raised by the county which we do not believe will require additional work beyond that already included in the scope of work and cost estimate:

- Lessons learned in our current work on HCPs in other areas.
- Impacts on Migratory Bird Treaty bird species.

This contract amendment request includes a scope of work for new tasks 13 and 14 to address the additional work requested. The contract amendment also includes an updated and detailed cost estimate covering all of the work included in our existing contract scope of work plus the two new tasks. With the increase in billing rates since 2004, the extension in the project schedule, and the addition of the requested two new tasks, the total contract amount would

increase to \$665,857. This is an increase of \$160,992 over the current contract amount of \$504,865.

Scope of Work for New Tasks

Task 13 - Evaluate Fuels Management Strategy and Oak Woodlands Management Plan.

Placer County is preparing a separate Fuels Management Strategy and Oak Woodlands Management Plan that will be incorporated into the PCCP and included as appendices. ICF Jones & Stokes will review these draft technical reports and the summary sections in the PCCP and evaluate the environmental effects of their implementation.

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Task 14. GHG/Climate Change Analysis

Overview

This scope of work describes the approach that ICF Jones & Stokes will use to evaluate climate change impacts associated with the implementation of the Placer County Conservation Plan (PCCP). Addressing climate change in EIS/EIR documents typically requires the analysis of:

1. What will be the effect of the project on climate change, and
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The California Attorney General's (AG) Office and prominent environmental groups such as the Center for Biological Diversity (CBD) have been actively challenging California Environmental Quality Act (CEQA) documents on the grounds that they do not adequately address climate change.

Proposed Analysis for the PCCP EIR/EIS

The effect of the project on climate change is primarily associated with changes in soil and vegetative carbon stocks, changes in carbon sequestration rates, and potential tailpipe emissions associated with the implementation of PCCP covered activities. To evaluate the impact of the project on the regional greenhouse gas GHG inventory, appropriate protocols such as the California Climate Action Team Forestry Protocol, the Intergovernmental Panel on Climate Change protocols, California Air Resources Board regulations, and World Resources Institute (WRI) guidance will be employed to allow for a quantitative analysis. GHG impacts of prescribed fire and mechanical methods are (thinning, bush management) will be studied in detail. If tailpipe emissions are found to be a non-trivial component of the PCCP, an analysis of fuel usage and the associated GHG emissions will be calculated with standard air quality modeling programs such as URBEMIS and/or EMFAC.

The effect of climate change on the project encompasses the response of the Placer County ecosystem to potential changes in temperature patterns, water resources, surrounding land use activity, and other climate dependant factors. Determining the effect of climate change on microclimate such as the Placer County region is currently an active area of scientific research. As part of this study, key environmental sectors that will likely be affected by climate change

(e.g. water resources, fire management, and endangered species) will be identified. An index of the PCCP sections and related environmental impact document sections that are related to climate change adaptation will be compiled. A summary of appropriate statewide and national guidance documents which address climate change adaptation will also be included in the analysis. Effectively, the climate change adaptation analysis recommended for this project is qualitative and should be presented in a way to clearly demonstrate the climate change analysis efforts which are implicitly or explicitly present in the PCCP and related environmental analysis.

It is recommended that Placer County evaluate the impacts of PCCP implementation on GHG emissions quantitatively and discuss the impact of climate change on the PCCP study region qualitatively. These recommendations are consistent with recent OPR guidance and Attorney General lawsuits.

Table 1. Updated with Amendments Cost Estimate for Blavier County Conservation Plan EIS/ER

Activity	Description	Unit	Quantity	Unit Cost	Total Cost	Start Date	End Date	Notes	Funding		Total
									Federal	State	
1	Project Management	Person	1000	10000	10000000				10000000	10000000	10000000
2	Public Meetings	Person	1000	10000	10000000				10000000	10000000	10000000
3	Technical Studies	Person	1000	10000	10000000				10000000	10000000	10000000
4	Construction	Person	1000	10000	10000000				10000000	10000000	10000000
5	Monitoring	Person	1000	10000	10000000				10000000	10000000	10000000
6	Reporting	Person	1000	10000	10000000				10000000	10000000	10000000
7	Contingency	Person	1000	10000	10000000				10000000	10000000	10000000
8	Subtotal				80000000				80000000	80000000	80000000
9	Total				80000000				80000000	80000000	80000000

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THIRD AMENDMENT TO PLANNING SERVICES CONTRACT - PLACER COUNTY PHASE 1 PCCP ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

THIS THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT is made and entered on this _____ day of _____, 2009, by and between the COUNTY OF PLACER, hereinafter referred to as COUNTY, and ICF JONES & STOKES, hereinafter referred to as CONSULTANT.

WHEREAS, on November 9, 2004, 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(e) 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 \$160,992 as set out in Exhibit A.

2. The COUNTY agrees to pay to CONSULTANT \$665,857.00 as the sole compensation under the Contract and as amended by this Third 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: _____
Thomas M. Miller, County Executive Officer

Date: _____

CONSULTANT:

By: Ali Bayat
ICF Jones & Stokes

Date: 4-15-09

APPROVED AS TO FORM:

By: _____
County Counsel

Date: _____

APPROVED AS TO CONTENT:

By: _____
Michael Johnson, CDRA Director

Date: _____

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