

**MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING**

DATE: October 5, 2022
TO: Board of Directors
FROM: Jake Smith, Planning and Conservation Program Manager
REVIEWED BY: Rafael Payan, General Manager
SUBJECT: Review and Approval of Amendment to Professional Services Agreement with SWCA Environmental Consultants for Biological Services

SUMMARY:

Staff are requesting the Board approve an amendment to MPRPD's services contract with SWCA, Incorporated, dba SWCA Environmental Consultants, for on-call California red-legged frog (*Rana draytonii*) monitoring, reporting, and best management practice recommendations for Project B, and authorize and direct the General Manager to execute the amendment, substantially as to form.

FISCAL IMPACT:

Original Contract: \$3,170
Amendment 1 Services: \$36,830
Requested Amendment 2 "on-call" services: \$24,829
Total not-to-exceed amount: \$64,829

FUNDING SOURCE:

6966 – Palo Corona Improvements

FUNDING BALANCE:

\$1,402,990 as of the writing of this report.

DISCUSSION:

In August 2022, staff received confirmation from its amphibian monitoring biologist, Rachel Anderson, that California Red-legged frogs (CRLF) (*Rana draytonii*) are inhabiting the irrigation pond adjacent to the Palo Corona Regional Park Project B (Project) construction area. Project activities began in May 2022, including construction of a prefabricated restroom, shade structure, bus services landing, landscaping, multi-purpose pad, and utility upgrades. After confirmation of CRLF near the Project area, staff halted Project construction and notified the United States Fish and Wildlife Service (FWS) and California Department of Fish and Wildlife (CDFW), requesting a site visit and consultation. Staff secured the services of SWCA Incorporated (SWCA) to attend an initial site visit with FWS on August 31, 2022 and identify best management practices (BMP's) that should be incorporated into the Project to mitigate risk of taking CRLF, allowing construction activities to resume. CDFW did not request or offer a site visit. SWCA staff recommended that MPRPD implement BMP's based on those outlined in the Palo Corona Regional Park General Development Plan. FWS concurred that SWCA's BMP recommendations should

be sufficient to resume Project construction and clarified that FWS was acting in a strictly advisory role since these BMP's were voluntary measures proposed by MPRPD to mitigate risk of taking CRLF and FWS was not permitting take of CRLF. MPRPD allowed Project construction activities to resume on September 6, 2022, after SWCA conducted a pre-construction clearance survey, educated construction crews on CRLF identification, and began providing onsite CRLF monitoring activities until the Project could fully incorporate all recommended BMP's (**ATTACHMENT 1**).

Project construction was then paused on September 19th and 20th due to rainfall increasing the likelihood of CRLF movement and entering the Project site which was not yet enclosed by CRLF exclusionary fencing. A preconstruction survey by SWCA the following morning of September 21st confirmed that a CRLF had entered the project site (Figure 1), pausing Project construction until the frog could move out of the construction site and Project crews could complete installation of exclusionary fencing around the perimeter of active construction areas. Installation of the exclusionary fencing began on September 26th. As of writing this report, the Project construction team is working on completing installation of exclusionary fencing around the entire project site. Once exclusionary fencing is installed and risk of CRLF entering the site is mitigated, SWCA will then reduce the frequency of its onsite monitoring visits.



Figure 1. California red-legged frog found in the Project B site September 21, 2022.

SWCA's work has been considered to be emergency services that are essential to maintain a construction schedule which would have resulted in significant cost to MPRPD if the Project was delayed further. SWCA's services were approved by the General Manager per MPRPD's purchasing policy and SWCA's contract was amended on September 16, 2022 not-to-exceed \$40,000. Staff has found SWCA to be highly responsive to these emergency needs. As the construction schedule has been extended to

due CRLF observations and the Project approaches the rainy season where CRLF observations are expected to increase, it is requested that an additional amount of \$24,829 be allocated to fully fund SWCA's proposal (**ATTACHMENT 2**), including up to \$10,000 for as-needed support services.

RECOMMENDED ACTION:

Staff respectfully recommends that the Board authorize and direct the General Manager to execute the amended agreement with SWCA Consulting LLC (**ATTACHMENT 3**), substantially as to form, for Biological Support Services for California Red-legged Frog for Project B in the amount of \$24,829, not-to-exceed \$64,829.

ATTACHMENTS:

1. [Project B CRLF BMP's](#)
2. [SWCA's Proposal](#)
3. [SWCA Contract Amendment 2](#)