

MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING

DATE: September 7, 2022
TO: Board of Directors
FROM: Kelly McCullough, Finance Manager
REVIEWED BY: Rafael Payan, General Manager
SUBJECT: Consider Approval to Amend the Services Contract with Rincon Consulting Inc. for Cultural Resources Project Mitigation

RECOMMENDED ACTION

Staff respectfully requests that the Board approve the amended services contract (**ATTACHMENT 1**) with Rincon Consultants, Inc. for cultural resources identification and site monitoring as outlined in the scope of work and fee proposal in an additional amount of \$9,982.

FISCAL IMPACT:

Previous contract: \$38,774
Addendum services: \$4,982
Additional “on-call” services: \$5,000
Total: \$48,756

FUNDING SOURCE:

6966 – Palo Corona Improvements

FUNDING BALANCE:

\$1,697,130 as of the writing of this report.

DISCUSSION:

In May 2022, Palo Corona Regional Park Project B construction began which consists of a prefabricated restroom, shade structure, bus services landing, landscaping, multi-purpose pad, and utility upgrades. As per the adopted California Environmental Quality Act (CEQA) for approval of the Palo Corona Regional Park General Development Plan, a *Mitigation Monitoring and Reporting Program (ATTACHMENT 2)* was implemented. A component of this program is to provide archaeological resources assessment of the proposed construction site. This was completed by EMC Planning Group on March 27, 2020 with the report stating “no evidence of significant historic or prehistoric cultural resources was located during the surface survey of the project site”.

In addition, per the *Mitigation Monitoring and Reporting Program*, during construction which involves ground disturbance a Native Tribal Monitor shall be contracted to provide monitoring services. The District contracted with the Ohlone Costanoan Esselen Nation (OCEN) to provide onsite monitoring during ground disturbance to determine if there are any cultural resources unearthed. On May 16, 2022, the Tribal Monitor identified a potential cultural resource and per protocol, work was halted in the immediate area and

Rincon Consultants, Inc. Archaeologist Services (Rincon) were brought in to evaluate potential cultural resources that were identified earlier that day. On May 17, 2022, Rincon archaeologist assessed the cultural resources and concluded that two Native American artifacts, may exist. The resulting findings were properly examined by Rincon and did not result in any significant cultural resources. As there were no further findings, work resumed in this area. These consultant services were approved by the GM per the purchasing policy as it was under the \$40,000 threshold (\$38,774).

On July 1, 2022, a secondary potential cultural resource was discovered by the Tribal Monitor and Rincon was again contacted to analyze a fragment of unidentified bone. The OCEN representative initially identified the fragment as possibly human remains and contacted the Monterey County Coroner. Photographs were taken of the bone and the bone was taken to the County Coroner's office for further analysis. The County Coroner has not reported on the bone fragment at this point.

As a result of this identification the MPRPD requested that a Rincon osteologist examine the photographs taken and determine the type of bone recovered. Please see attached proposal (**ATTACHMENT 3**). Rincon's osteologist completed the analysis based on photographs of the bone fragment and concluded that the bone fragment is confirmed as animal/faunal and is an isolated fragment with no associations with a cultural resource. Therefore, no further consideration will be given to this isolate.

Rincon's work is considered emergency services in order to maintain the construction schedule which would have resulted in significant cost if the project was delayed further. Staff has found Rincon to be highly responsive to these emergency needs. As the construction schedule requires further ground disturbance through September 2022, it is requested that an additional amount of \$5,000 be allocated for "on-call" services, if needed.

RECOMMENDED ACTION:

Staff respectfully recommends that the Board approve the amended cultural resources services proposal and fee provided by Rincon Consultants, Inc. in the amount of \$4,982 with an additional "on-call" amount of \$5,000 (**ATTACHMENT 1**), and authorize the General Manager to execute said Amendment substantially as presented.

ATTACHMENTS:

1. [Amendment](#)
2. [Mitigation Monitoring and Reporting Program](#)
3. [Rincon Proposal to Provide Additional Cultural Resources Services](#)