



- **Board of Directors**
Engineering and Operations Committee

October 12, 1999 Board Meeting

9-1

Subject

Amend Agreement No. 4261 with San Bernardino County Museum to Complete Paleontological Resource Monitoring, Recovery, and Curation Services for the Eastside Reservoir Project.

Description

The California Environmental Quality Act (CEQA) and Final Environmental Impact Report (FEIR) regulatory requirements identify the need to mitigate for significant impacts to paleontological resources during construction. This requirement applies to the Eastside Reservoir Project and includes monitoring during all excavation in alluvial sediments; recovery of fossils exposed during excavation; laboratory analysis and preparation of recovered fossils; documentation addressing monitoring/analysis methods; assessment of significance and mitigation results; and storage and curation of the fossil collection. Paleontological monitoring is required for construction to proceed. The original budget for this item was \$2,952,000 based on projections of monitoring and recovery needs prior to the initiation of major construction of the West and East Dams. Upon the initiation of construction of the Dams and discovery of substantially more fossils than previously anticipated, the budget was increased in April 1999, to \$6,300,000 for this item, representing the final estimated cost of the Paleontological mitigation program. The current recommended amendment of \$1,793,488 for monitoring, recovery, analysis, storage and reporting requirements for the Paleontological mitigation program, will bring the total agreement to the amount of \$5,744,278 and is within the item's revised budget of \$6,300,000, and within the Eastside Reservoir Project's current revised budget of \$2.087 billion. These costs have been reviewed several times with the County Museum staff and reduced to the minimum necessary to perform this work and meet the requirement of the mitigation program. Long term curation of these artifacts is also required as long as Metropolitan owns the collection following completion of the mitigation program in June 2002.

Policy

Administrative Code Article 8117: Professional and Technical Consultants.

Board Options/Fiscal Impacts

Option #1

Authorize the general manager to amend an existing agreement (No. 4261) with the San Bernardino County Museum (SBCM) to complete all CEQA and FEIR required ongoing services for final analysis, assessment and curation necessary for the paleontological mitigation program of the Eastside Reservoir Project forecasted to be complete in June 2002. SBCM was selected through a competitive process and has been working on the project since 1995. Failure to continue paleontological monitoring services would result in the suspension of excavation, which would halt the majority of construction activities on the West and East Dams, and could possibly result in litigation for non-compliance with CEQA.

Fiscal Impact: \$1,793,488 expenditure of budgeted funds.

Option #2

Reissue Request for Proposal - Metropolitan could reinitiate the selection process for consultants to provide paleontological mitigation services. However, a competitive process was used in the original selection of the San Bernardino County Museum (Request for Proposal No. 075), and reinitiating the process would result in increased administrative costs and substantial schedule impact. SBMC, through approximately four years of on-site monitoring and recovery services, has developed extensive knowledge and expertise required for completion of this work.

Fiscal Impact: This option may or may not result in cost less than \$1,753,488. Administrative costs would increase.

Staff Recommendation

Option #1: Authorize the general manager to amend an existing agreement with the San Bernardino County Museum to complete ongoing services needed for paleontological mitigation of the Eastside Reservoir Project. This would amend the agreement by an additional \$1,793,488 from a current value of \$3,950,790 to a total agreement amount of \$5,744,278.

Roy L. Wolfe *Date*
Acting Manager, Corporate
Resources

General Manager *Date*

Attachment 1 - Background Information

Background

Agreement No. 4261 provides for paleontological monitoring, recovery, and curation services required by the California Environmental Quality Act (CEQA) and the Eastside Reservoir Project (ESRP) Final Environmental Impact Report (FEIR). The CEQA and the FEIR require that Metropolitan provide mitigation for significant impacts to paleontological resources during construction. This includes monitoring during all excavation in alluvial sediments; recovery of fossils exposed during excavation; laboratory analysis and preparation of recovered fossils; documentation addressing monitoring/analysis methods; assessment of significance and mitigation results, and storage (curation) of the fossil collection during this process. A critical aspect of this work is the curation of these fossils, which is currently being performed at the San Bernardino County Museum during ESRP construction. Long term curation of these artifacts is also required as long as Metropolitan owns the collection following completion of the mitigation program in June 2002.

Professional paleontologists from the San Bernardino County Museum (SBCM) are currently providing these services with one full-time monitoring crew (2 monitors) for each major excavation area (West Dam and East Dam) for each construction shift (20 hours per day, 6 days per week), and full-time and part-time professional and technical staff in the laboratory. Monitoring and fossil recovery are required to continue for the duration of excavation activities, which are currently scheduled to be completed for the East and West Dams by December 1999. The cost estimates in the amendment for these activities assume that fossils will continue to be recovered at the same rate as in past excavations.

Following monitoring and recovery, the tasks of fossil preparation, laboratory analysis, and reporting must be completed as the final components of the mitigation program. A substantial level of work remains to be completed to satisfy this requirement, and these tasks are projected to continue through June 2002. For example, fossils that have been recovered from the site must have plaster jackets removed in preparation for required analysis and storage. Further laboratory analysis is preformed at that time in accordance with prescribed regulatory standards.

Metropolitan and SBCM personnel have carefully reviewed construction schedules, the rate of fossil recovery associated with past excavation activity, and the current and projected status of the collection in order to establish funding needs to complete mitigation requirements. The detailed analysis considered the number of hours required for each task, broken down for each employee in each labor category for each year of the amendment. Based on that analysis, the amount requested to complete each task represents the minimum amount needed to complete necessary mitigation tasks.

In addition to required mitigation tasks, this amendment requests funding for Museum personnel to continue to assist in Metropolitan's public outreach programs. While public outreach (which consists of presentations, tours, and speaking engagements to worthwhile community organizations) is not a critical mitigation task, dissemination of mitigation information to the public has been highly beneficial to the Project and to Metropolitan, and has fulfilled the intent of CEQA to provide some measure of public access to mitigation-related information. The total amount requested for public outreach through June 2002, is \$30,250 and is included in the current recommended amendment of \$1,793,488.

For each year since 1995, your Board has been presented with a request to amend Agreement No. 4261 to provide paleontological mitigation services for the following year; and you have been advised that each amendment amount would be based on projections of construction activity for that year. This fourth amendment is expected to be the final amendment to be requested to complete all remaining monitoring, recovery, analysis, and reporting requirements for the paleontological mitigation program, through June 2002. No additional scope beyond this amendment will be required to satisfy the regulatory requirement of CEQA and the FEIR for construction related mitigation.

The current contract amount of \$3,950,790 covers work since the inception of monitoring in 1995. As previously reported to your Board, extensive paleontological finds in ESRP excavation areas have resulted in a much expanded scope over that which was originally envisioned since project inception. Projected labor costs in the amendment are based on current staffing levels and on the anticipation that staffing levels will remain relatively constant through final reporting as field tasks are replaced by laboratory tasks. This analysis requires an increase in Agreement No. 4261 of \$1,793,488 for a total contract amount of \$5,744,278. Storage costs for the fossil collection through completion of the mitigation program in June 2002 are based on the continuation of current charges of \$50,000 per year.

The original budget for this item was \$2,952,000 based on projections of monitoring and recovery needs prior the initiation of major construction of the West and East Dams. Upon the initiation of construction of the Dams and discovery of substantially more fossils than previously anticipated, the budget was increased in April 1999, to \$6,300,000 for this item, representing the final estimated cost of the Paleontological mitigation program. The current recommended amendment of \$1,793,488 for monitoring, recovery, analysis, storage and reporting requirements for the Paleontological mitigation program, will bring the total agreement to the amount of \$5,744,278 and is within the item's revised budget of \$6,300,000, and within the Eastside Reservoir Project's current revised budget of \$2.087 billion.