



## REPORT TO CITY COUNCIL

**To:** Honorable Mayor and Members of the City Council

**From:** Grant Yates, City Manager

**Prepared by:** Justin Kirk, Assistant Community Development Director

**Date:** December 11, 2018

**Subject:** Agreements for the Implementation of the Habitat Mitigation and Monitoring Plan for the 5.75-acre Boat Launch Mitigation Site

### **Recommendation**

Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Land IQ in amount not exceed \$198,640, in such final form as approved by the City Attorney; and,

Waive the competitive bidding requirements pursuant to LEMC Section 3.08.070 and Authorize the City Manager to execute an agreement with Nakae and Associates, Inc., in an amount not exceed \$631,000, in such final form as approved by the City Attorney.

### **Background**

The City in 2010 entered into Streambed Alteration Agreement # 1600-2007-0210-R6 (SAA) with the California Department of Fish and Wildlife (CDFW) to mitigate for impacts resulting from the original excavation of the 11.5-acre Boat Launch Borrow Site (BLBS) as part of the Lake Elsinore Boat Launch Facility Project, completed in 2012. Mitigation associated with the BLBS were documented in a Habitat Mitigation and Monitoring Plan (HMMP) prepared by Harmsworth Associates. The efforts to mitigate impacts to the BLBS was incomplete and therefore, failed to achieve performance standards for the habitat mitigation and has resulted in the necessity to prepare a new HMMP subject to review and approval by CDFW.

The City entered into a Professional Services Agreement with Land IQ on June 12, 2018. The original agreement for services that included; consultation with responsible wildlife resources agencies, including CDFW and the United States Fish and Wildlife Service (USFW) regarding the revegetation of the 5.75 acre Lake Elsinore Boat Launch Project (known as La Laguna/ Launch Pointe) mitigation site required by the SAA and the preparation of the new HMMP.

To improve the topography and habitat supportive quality of the BLBS, CDFW authorized grading activities and export of material from the BLBS by Mission Trail LE LP in connection with the Mission Trail Affordable Housing Project. The export and fine grading activities were completed by Mission Trail LE LP under the supervision of Land IQ at the developer's cost.

With the topography set and draft HMMP was completed and submitted to CDFW with additional consultation. The City has reached a point in the discussion with CDFW where the HMMP has largely been approved and needs to execute several agreements for the implementation of the HMMP.

### **Discussion**

The new HMMP prepared by Land IQ describes the creation of 5.75 acres of habitat suitable to saline and sodic (high in sodium) soils within the BLBS and ecologically appropriate for habitat within the Back Basin of Lake Elsinore. Implementation is planned to begin in December 2018, and the first establishment year of the native material is planned to be in 2019. A native seed mix composed of species with salt tolerant traits will be applied to the slopes and bottom of the MTBS mitigation area. Supplemental irrigation will be provided by a temporary irrigation system. Saltgrass (*Distichlis spicata*) plugs will be nursery grown and planted in spring 2019 (anticipated March 2019) in the bottom of the borrow site. Maintenance weeding will be primarily hand weeding and irrigation will be managed by a qualified restoration contractor to help establish health native vegetation while avoiding over saturation of the poorly draining lakebed soil. The Restoration Specialist (Land IQ) will provide oversight, biological monitoring and reporting of the progress of the habitat mitigation towards meeting the success criteria. The first annual performance monitoring report will be prepared in 2020.

The BLBS mitigation area is expected to develop two different vegetation communities: saltgrass flats on the bottom of the borrow site, characterized by saltgrass and other herbaceous halophytic vegetation; and, saltbush scrub on the slopes, which will have a more prominent shrub cover, likely dominated by salt bush (*Atriplex* spp.). The bottom also has three depressions constructed with a compacted clay-rich layer to create rain-fed seasonal ponds. The topsoil for the depressions was salvaged prior to excavation by Mission Trail LE LP from existing rainfall- and runoff-fed seasonal ponds that had developed in the BLBS. Due to poor infiltration rates caused by the saline and sodic soils, ponding in other areas of the bottom may also develop over time as well.

It is expected that by the fifth performance-monitoring year (2024), self-sustaining native habitat will be established, as required by the SAA, and as measured by the success criteria described in the new HMMP, thus satisfying the City's mitigation responsibilities for the Lake Elsinore Boat Launch Project (known as La Laguna/Launch Pointe).

In conformance with the LEMC, staff recommends that the City Council determine that it is in the best interest of the City to waive competitive bidding rules and enter into an agreement with Nakae & Associates (Nakae) to perform the BLBS habitat restoration work. The implementation of the habitat restoration in the 5.75-acre BLBS requires specialized skills that cannot be satisfactorily performed by general landscape contractors. Nakae & Associates has special expertise and experience in the irrigation for establishment and hand weed maintenance of alkaline playa habitat, such as found in the Back Basin, that contain sodic and saline soils that are very difficult to revegetate. Nakae has demonstrated experience with actual habitat restoration of similar habitat, including project managers and site supervisors with over 5-years' experience in successful alkali or salt grass habitat restoration. Nakae has further demonstrated its qualifications and expertise in projects in the City of Lake Elsinore.

No other qualified restoration contractors were identified in southern California, because either they do not have the demonstrated experience with native alkali/salt grass habitat restoration

and/or they do not have sufficiently trained crews for hand weed maintenance of the restoration area. Consequently, it is in the best interest of the City to waive the competitive bidding requirements to ensure proper habitat restoration of the BLBS by Nakae, a uniquely qualified specialist, within the schedule submitted to CDFW and set forth in the Land IQ and Nakae proposals for implementation.

### **Fiscal Impact**

The expenditures for the agreements for the boat launch mitigation are included in the adopted FY 18/19 to FY2022/23 capital budget with developer fees/contributions.

### **Environmental Determination**

The proposed projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4: Minor Alteration to Land (d)). Class 4 (d) consists of the minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities, which result in improvement of habitat for fish and wildlife resources or greater fish production.

### **Exhibits**

- A – Vicinity Map
- B – Amendment No. 1 to Land IQ PSA
- C – Contractor Services Agreement with Nakae & Associates, Inc.