



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name: Flood Control
Department No.: 054
For Agenda Of: 09/23/08
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: **Gap Fire Hydromulching Project, 2nd and 3rd Supervisorial Districts**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- a) Authorize the Public Works Director or his designee to execute an Agreement with Western States Reclamation Inc. (not a local vendor) in the amount of not-to-exceed \$3,300,000 for aerial hydromulching services in response to the Gap Fire on non-federal land for the period of September 23, 2008 through December 31, 2008 (4/5 vote required).
- b) Approve the attached Budget Revision Request (BJE #0000337) to release \$154,750 in designations from the South Coast Flood Zone, to receive \$4,545,250 in unanticipated revenue (\$3,525,000 from the Natural Resource Conservation Service, \$881,250 from State OES, and \$139,000 from the Cities of Santa Barbara and Goleta), and to increase Services and Supplies in the amount of \$4,700,000 (4/5 vote required).
- c) Approve and authorize the Chair to execute the Agreement for Cost Sharing Gap Fire Flood Protection and Mitigation Project (Aerial Hydromulching) among the Flood Control District and the Cities of Goleta and Santa Barbara to share the costs not covered by the NRCS and State OES equally.
- d) Authorize the Purchasing Agent to execute contracts in excess of \$125,000 for emergency response projects resulting from the Gap Fire emergency preparation efforts and the follow-up flood response work.

Summary Text:

Pursuant to Public Contracting Code 22050, in case of an emergency, the governing body may delegate to an appropriate non-elected agency officer by fourth-fifths vote to take any related and immediate action required by that emergency and procure the necessary equipment, services and supplies. This action is necessary to execute the agreement with Western States Reclamation Inc. in time to coordinate with the hydromulching work being done by the United States Forest Service (USFS). The unit price of the work from the contractor was based on the contractor being able to do the USFS work then immediately following doing the County work. This allowed the contractor to take advantage of a larger quantity of area that resulted in a lower unit price.

The Burn Area Emergency Response (BAER) Report for the Gap Fire was approved on August 29, 2008 by the USFS Headquarters in Washington D.C. The BAER Report identifies aerial hydromulching as the most effective land treatment available for USFS lands given the complete loss of vegetative cover and the topography and access issues on federal property. This treatment will provide immediate ground cover and increase infiltration which will help reduce flood peaks and sediment yield to downstream areas. On areas outside of the forest boundary, the County has proposed the same treatment of applicable on non-federal lands. This work was identified in the County's Emergency Watershed Response Plan and approved by the Natural Resources Conservation Service (NRCS). The NRCS will be funding up to 75% of the costs, with an additional cost share expected from the State Office of Emergency Services (State OES). This work compliments the other response projects that are under implementation at this time.

On August 19, 2008, the Board declared a local emergency to respond to the Gap Fire and approved an Emergency Watershed Response Plan. For the same reasons as the USFS, aerial hydromulching was identified and included as part of the County's response plan on non-federal lands.

On September 10, 2008, the USFS received bids for hydromulching and has selected Aero Tech, Inc. as the contractor to do this work. The Aero Tech, Inc. team includes three subcontractors, including Western States Reclamation, Inc. The USFS evaluation for this type of work is a two step process, first the quality of the proposal is evaluated then price of work is evaluated. Aero Tech, Inc.'s proposal received the highest rating in all of the evaluation criteria areas and received a significantly higher rating than the second ranked contractor. The County is proposing to enter into an agreement with the Aero Tech, Inc. team for the following three reasons: 1) it would be logistically impossible to enter into an agreement with a different contractor to perform aerial hydromulching for the work on non-federal lands, 2) some costs were spread over combined federal and local acres to lower the unit price per acre, and 3) the USFS is more qualified and has the knowledge needed of this specialized work to select the most qualified contractor. The contract itself will be executed with Western States Reclamation, Inc. on the advice of County Counsel, since Western States Reclamation, Inc. holds a California Contractor's license. The USFS did not require this of their contractor. The Contractor's team will be exactly the same for the County work as it is for the USFS work.

Through the BAER Report process, the County expressed the desire to include non-federal lands in the USFS Contract. Ultimately, the USFS recently communicated to the County the timeline to execute and agreement for such work would not be possible. Consequently, staff contacted the contractor to achieve the same result, only through a contract directly with the County.

The County desires to follow the USFS process in the aerial hydromulch application approach and specifications. These specifications will also be reviewed by the NRCS prior to the work proceeding. Both the USFS and NRCS have experience in this mitigation technique.

Aerial hydromulching will be applied to approximately 1,500 acres of private land to provide a reduction in runoff and provide protection from rain drop impact. The aerial mulching will also provide a better opportunity for the germination of native seeds existing in the soil. The mulching material itself will not contain any seeds, is organic and non-toxic. It will be applied by aerial methods. This aerial hydromulching will only be applied to properties in which the landowners have agreed to have this work performed on their property and have signed the Right of Entry Agreement with the County.

Background:

The Gap Fire started on July 1, 2008 in the West Camino Cielo area late in the afternoon approximately four miles west of HWY 154 and 3.5 miles north of Goleta in the Los Padres National Forest. The fire burned in seven major watersheds in the City of Goleta and the unincorporated Goleta area.

Aerial hydromulching is one of several projects being done in response to the Gap Fire.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
City of Goleta	\$ 69,500.00		
City of Santa Barbara	\$ 69,500.00		
USDA NRCS	\$ 3,525,000.00		
South Coast FZ	\$ 154,750.00		
State OES	\$ 881,250.00		
Total	\$ 4,700,000.00	\$ -	\$ -

Narrative:

The Gap Fire affected the following watersheds Tecolote, Winchester/Ellwood, Tecolotito, Carneros, San Pedro, Las Vegas, and San Jose/Fremont. The County’s Emergency Watershed Response Plan that was approved by the Board on August 19th includes channel clearing, vegetation hazard clearing, installing debris racks, aerial mulching, and pre-winter excavation of existing sediment basins within the burned watersheds. The costs for some of these projects are as follows:

- Installation of five Debris Racks (contract amount \$241,600)
- Fremont Creek Culvert Project (contract amount \$138,000)
- Aerial Hydromulching (not-to exceed \$3,300,000)

The attached budget revision to fund this project is to release \$154,750 in designations from the South Coast Flood Zone, to receive \$4,545,250 in unanticipated revenue (\$3,525,000 from the Natural

Resource Conservation Service, \$881,250 from State OES, and \$139,000 from the Cities of Santa Barbara and Goleta), and to increase Services and Supplies in the amount of \$4,700,000.

An additional budget revision to increase revenue and expenditures for work identified in the Emergency Watershed Response Plan will be processed when final project costs are realized.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Direct the Clerk of the Board to send copies of the minute order, Agreement for Cost Sharing, and Budget Revision to the Flood Control District office, Attn: Christina Lopez.

Attachments:

Budget Revision BJE #0000337

Agreement for Cost Sharing Cap Fire Flood Protection and Mitigation Project (Aerial Hydromulching)

Authored by: Jon Frye, Civil Engineer Manager, 568-3444