

IWVGA ADMINISTRATIVE OFFICE

STAFF REPORT

TO: IWVGA Board Members **DATE:** August 23, 2023

FROM: IWVGA Staff

SUBJECT: **Agenda Item 10 – Approval of Change in Scope of Work and Budget for Contract with Provost and Pritchard Consulting Group for CEQA/NEPA Documents and Permit Documentation Services for the Imported Water Pipeline**

BACKGROUND

On February 28, 2023, the Indian Wells Valley Groundwater Authority (IWVGA) executed a Contract Services Agreement (CSA) with Provost and Pritchard Consulting Group (P&P) for CEQA/NEPA Documents and Permit Documentation services for the Imported Water Pipeline Project. A Sustainable Groundwater Management Act (SGMA) Implementation Grant through the California Department of Water Resources is providing \$7.6 million for planning and design-level activities, including Right-of-Way services, for the Imported Water Pipeline Project, which will bring imported water supplies into the Indian Wells Valley Groundwater Basin through an imported water connection from Antelope Valley – East Kern Water Agency’s California City pipeline to the Indian Wells Valley Water District water system.

The CSA’s original scope of work for a total not-to-exceed fee of \$1,013,722.00 includes Task 1 (Initial Coordination), Task 2 (Geotechnical Investigations Initial Coordination), Task 3 (Technical Studies), Task 4 (Public Outreach), Task 5 (Regulatory Compliance Permitting) and Task 6 (CEQA/NEPA).

DISCUSSION

P&P has requested a change order for additional costs under Task 1 (Initial Coordination), Task 2 (Geotechnical Investigations Initial Coordination), Task 3 (Technical Studies), Task 4 (Public Outreach), Task 5 (Regulatory Compliance Permitting), and Task 6 (CEQA/NEPA). P&P has requested a change order for the following: Task 1, additional coordination meetings with Staff due to additional alternatives being added to the CEQA scoping meeting; Task 2, biological monitoring during geotechnical borings required by the U.S. Bureau of Land Management (BLM) which was not anticipated; Task 3, additional technical study requested by BLM for transects along corridor outside of recommended guidelines; Task 4, additional public outreach and scoping meeting efforts needed as a result of five (5) additional alternatives added to the draft Alternatives Analysis; and Task 5, updating maps and descriptions within the CEQA/NEPA documents due to changes in alignment for the purpose of avoiding existing utilities or other impediments; and Task 6, work already done on the separation of the planned joint CEQA/NEPA document, requested by BLM, into an Environmental Assessment (NEPA) and an IWVGA Environmental Impact Report

(CEQA). The request by BLM has been revoked and work for Task 6 will continue for the planned joint CEQA/NEPA document.

The change in cost is \$58,876.00 compared to the original fee amount of \$1,013,722.00. Therefore, an amendment of the not-to-exceed fee in the CSA to \$1,072,598.00 is needed. P&P's Change Order Request has been included in the Board Packet as an attachment to this Staff Report.

RECOMMENDED ACTION

Staff recommends the Board approve the change in Scope of Work and a Contract Sum increase of \$58,876.00 for the Contract Services Agreement with Provost and Pritchard Consulting Group, for CEQA/NEPA Documents and Permit Documentation Services for the Imported Water Pipeline.

PROVOST & PRITCHARD CONSULTING GROUP

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SCOPE & BUDGET AMENDMENT NO. 1

To:	Bianca Cabrera, Stetson Engineers Inc.	Email:	BiancaC@stetsonengineers.com
From:	Dena Giacomini, Principal Planner	Date:	August 18, 2023
Subject:	Indian Wells Valley Groundwater Authority Imported Pipeline Project CEQA/NEPA and Permitting Documentation: Contract Amendment No. 1		

An amendment is hereby submitted to Stetson Engineering Inc. for the Indian Wells Valley Groundwater Authority (IWVGA) Imported Pipeline Project California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) and Permitting Documentation Project (Job No. 4101-23-001) to incorporate the following changes to the scope and budget and is discussed in the phases below:

TSK1 – Initial Coordination

Additional coordination meetings attendance and scheduling for Tasks 1.5 and 1.6, as project coordination has doubled from the original budget assumptions. Additional coordination meetings with IWVGA, Bureau of Land Management (BLM), Design and Right of Way (ROW) consultant has occurred and will continue through October 2024.

Out of scope items under Task 1.7 include landowner fact sheet for the ROW consultant, and the Mojave ground squirrel and desert tortoise research for mitigation banking and alternatives. Provost & Pritchard (P&P) staff provided research, agency discussions, mitigation measure and banking spreadsheet and summary memo for the IWVGA Board.

TSK 2 – Geotechnical Studies

A new biological monitoring task is required by the Bureau of Land Management, United States Fish and Wildlife Service, and California Department of Fish and Wildlife for full avoidance of special status species to allow the geotechnical boring activities to proceed.

The amended scope and fee include one biologist at 40 hours per week for two months of monitoring and includes all reimbursable expenses. If the geotechnical activities do not require two months, the biological monitoring fees will be billed on a time and materials basis and will not exceed the estimated fee.

Per email correspondence dated June 23rd, 2023, Jeff Helsley (Stetson Engineers Inc.) provided a notice to proceed for the biological monitoring for the geotechnical activities. This work has commenced to keep the project on schedule.

TSK3 – Technical Studies

The amended scope includes the BLM requested additional technical study transects along corridor outside of recommended guidelines.

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TSK4 – Public Outreach

Additional public outreach and scoping meeting efforts are needed under Task 4.1. P&P was asked to add five (5) additional alternatives to the existing four (4) draft Alternatives Analysis identified in the Notice of Preparation (NOP) for public scoping discussion. As a result, additional items will need to be created and updated prior to the scoping meetings and include, existing datasheets, NOP alternatives handout of alternatives, translation of update documents to Spanish, and update maps for scoping meeting discussion.

TSK5 – Regulatory Compliance and Permitting

After an initial coordination meeting with United States Army Corp of Engineers and the Regional Water Quality Control Board, it has been determined that the Clean Water Act (CWA) Section 404 and Section 401 will not be required resulting in elimination of scope and unused budget in TSK5.

- Regulatory Compliance Technical Memorandum (TM) that summarizes federal, state, and local consultation; permitting; and approval requirements for the Project
- CWA Permits (Section 404)
- CWA Permits (Section 401)

Therefore, the available funds are being reallocated from TSK 5 to TSK 2.

Additionally, changes in alignment must be addressed in the maps and project descriptions that are needed for the CEQA/NEPA documents. There have been several updates to the alignment that needed to be captured for permitting purposes and translated to the permitting agencies since starting the project.

TSK6 – CEQA/NEPA Documentation

To date we have spent approximately \$20,476 preparing a separate BLM EA document. If IWVGA would like to rejoin the CEQA and NEPA documents, with BLM approval, we can continue to work within our existing budget, but would need additional budget for the out-of-scope efforts already provided. P&P does not currently have enough information to determine what additional costs may be associated with merging the documents back together and will work with the original budget until those efforts are identified. There may be an additional contract amendment at a later date if additional efforts are identified.

P&P was asked by IWVGA (via Stetson Engineers, Inc.) to include 5 additional project alternatives to the Draft Alternatives Analysis Report to address the requirements under CEQA/NEPA statutes. Additional alternatives include Conjunctive Use with Direct Injection, Conjunctive Use with Spacing (recharge ponds), Connection to the Los Angeles Aqueduct, and two additional connection points to Antelope Valley-East Kern's system including the existing Mojave tank farm and a new tank location. Task 6.3 will require additional budget to complete these additions.

If there is a shift for alternative connection points both upstream or downstream of the current pipeline alignment, additional technical studies will be required, as well as updates to the Initial Study and Draft EA and EIR documents. These fees are not included in this Amendment. Additionally, if agreements are not reached for the connection points between the stakeholder agencies, prior to completion of the environmental documents, CEQA/NEPA documents will be delayed until agreements have been obtained. The signature below hereby authorizes a change in the time and materials budget for Job No. 4101-23-001, in the phases noted below:

Budget Amendment				
Phase Name	Original Budget	*Reallocation of Budget	Increase in Budget	Revised Total Fee
Phase TSK1: Initial Coordination	\$103,555	-	\$20,500	\$124,055
Phase TSK2: Geotechnical Studies	\$67,380	\$79,100		\$146,480
Phase TSK3: Technical Studies	\$300,740	-	\$4,300	\$305,040
Phase TSK4: Public Outreach	\$76,135	-	\$9,600	\$85,735
Phase TSK5: Regulatory Compliance & Permitting	\$324,242	(\$79,100)	\$4,000	\$249,142
Phase TSK6: CEQA/NEPA Documentation	\$141,670	-	\$20,476	\$162,146
New Total Budget for Affected Phases:	\$1,013,722	\$0	\$58,876	\$1,072,598
<i>*Note: Available funds are being reallocated from TSK 5 to TSK 2 and are not included in the increase of the overall project budget.</i>				

In acknowledgement of this amendment in scope and fee, please sign, date and return to Dena Giacomini at Provost & Pritchard Consulting Group by emailing dgiacomini@ppeng.com.

Client: Stetson Engineers Inc. <hr/> By: <hr/> Name/Title: <hr/> Date Signed: <hr/>	Provost & Pritchard Engineering Group, Inc. dba Provost & Pritchard Consulting Group <hr/> By: <hr/> Name/Title: Heather Bashian, PE Director of Operations <hr/> Date Signed: August 18, 2023 <hr/>
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