



Item Number: 10

**City Council / Board of Directors**

**Written Communications**

**Meeting of: October 15, 2024**

**Submitted By:**

Fredy Bonilla, City Engineer

**Subject:**

La Mesa / Nisqualli Interchange 404 Permit Compliance Mitigation Site Coordination - Amendment No. 5 to the Consultant / Professional Services Provider Agreement with WSP USA Inc.

**Recommendation:**

That the Honorable City Council approve Amendment No. 5 to the Consultant / Professional Services Provider Agreement with WSP USA Inc., to increase the compensation in the amount not to exceed \$32,600.00 for the La Mesa / Nisqualli Interchange Permit Compliance and Mitigation Site Coordination.

**Fiscal Impact:**

This action will have a fiscal impact of \$32,600.00, increasing the contract not to exceed amount from \$190,876.00 to \$223,476.00. An additional appropriation is not necessary; sufficient funds are in Road DIF, Fund 352 to cover the additional expense in this fiscal year. The budget account number, account description, and amount available in the budget are shown below.

<u>Budget Account No.</u>	<u>Account Description</u>	<u>Account Description</u>
3524500-52300-60005	Measure I/Nisqualli Contract Services	\$70,000.00

**Strategic Plan Goal:**

This item aligns with "Goal E Invest in Infrastructure" in the City of Victorville Strategic Plan 2023-2026 by further investing in a comprehensive and environmentally friendly maintenance plan for the segment of the Oro Grande Wash impacted by the Nisqualli Interchange Project.

**Background:**

The La Mesa Road / Nisqualli Road Interchange had ongoing environmental monitoring for three permits that were required by environmental resource agencies. The permits

were required because the construction of the interchange had permanent wetland impacts in the Oro Grande Wash which runs through the interchange limits. The required permits are as follows: the US Army Corps of Engineers (USACOE) 404 Dredge and Fill permit; the Lahontan Regional Water Quality Control Board 401 Water Quality Certification permit; and the California Department of Fish and Wildlife (CDFW) 1602 Streambed Alteration permit. The City was required to set aside and preserve 6.12 acres of land with equivalent habitat to mitigate the removal of habitat in the wash due to the interchange construction. The land was set aside on four City-owned parcels adjacent to or in the Mojave River. The parcels are located about half of a mile east of Shay Road and approximately a quarter of a mile north of the Shay Road / Phantom East intersection. Please refer to Attachment A, a map of the mitigation site.

The environmental permits require that the mitigation site be preserved in perpetuity as habitat area with a long-term management plan. It will be necessary to record a conservation easement over the 6.12 acres and contract with a qualified organization to maintain the site on a long-term basis. This organization will be responsible for ongoing removal of trash and invasive non-native plant species and environmental reporting to the three environmental permitting agencies.

On October 3, 2017, the City Council approved a Consultant / Professional Services Provider Agreement with WSP, USA Inc., (WSP) for the La Mesa / Nisqualli Interchange Permit Compliance and Mitigation Site Coordination in the amount not to exceed \$26,960.00.

On June 18, 2019, the City Council approved a Consultant / Professional Services Provider Agreement with Rivers and Lands Conservancy (RLC) in the amount not to exceed \$28,000.00. RLC will be the organization that is proposed to maintain the mitigation site for a long-term basis. The scope of the agreement included preparation of a baseline report on the environmental condition of the mitigation site and creating a long-term management plan.

On April 21, 2020, the City Council approved Amendment No. 1 to the agreement with WSP, in the amount not to exceed \$26,960.00, increasing the compensation to \$57,290.00. The amendment was required due to additional tasks needed to comply with the requirements of the three environmental permitting agencies.

On November 3, 2020, the City Council approved Amendment No. 2 to the agreement with WSP, in the amount not to exceed \$57,290.00, increasing the compensation to \$93,921.00. The amendment was required due to additional tasks needed to comply with the requirements of the three environmental permitting agencies.

On January 18, 2022, the City Council approved Amendment No. 3 to the agreement with WSP, in the amount not to exceed \$42,659.00, increasing the compensation to \$136,580.00. The amendment was also required due to additional tasks needed to comply with the requirements of the three environmental permitting agencies.

On February 7, 2023, the City Council approved Amendment No. 4 to the agreement with WSP, in the amount not to exceed \$54,296.00, increasing the compensation to \$190,876.00. The amendment was also required due to additional tasks needed to comply with the requirement of the three environmental permitting agencies.

**Discussion:**

WSP is the third-party environmental impact mitigation coordinator for the City, between USACOE and RLC for the La Mesa / Nisqualli Interchange Project. WSP is assisting the City with the closeout of the environmental permits. Additional coordination is required to address comments and finalize the compliance measures with the permit requirements from the environmental resource agencies, in particular, USACOE and RLC. In summary, the additional coordination with RLC includes the following: finalization of the Endowment Agreement; Mitigation Services Agreement, Long-Term Management Plan, and the Conservation Easement. These agreements are the documents required to complete the City's responsibilities and to close out the environmental permits for the interchange project. All these documents must be approved by the USACOE and CDFW before approval and execution. The estimated fee to complete the work is \$32,600.00. It will be necessary to amend the agreement with WSP to increase the contract amount for the continued coordination efforts on behalf of the City, RLC, and USACOE.

Staff recommends that the Honorable City Council approve Amendment No. 5 to the Consultant / Professional Services Provider Agreement with WSP USA Inc., to increase the compensation in the amount not to exceed \$32,600.00 for the La Mesa / Nisqualli Interchange Permit Compliance and Mitigation Site Coordination.

Staff is available for any questions Council may have.

- Attachments:**
- A. Location Map of Mitigation Site
  - B. Amendment No. 5
  - C. Original Agreement and Amendment Nos. 1 through 4