

Authorization for Additional Services

This Agreement is to provide additional professional engineering services for the project identified as follows:

Project Name: Raw Water Line Replacement Project
Client Project Number: 2019-02
Consultant Project Number: FTBG18-001
Additional Services #: 2
Date of Original Agreement: January 24, 2019

The Client and the Consultant are identified as follows:

CLIENT: <u>City of Fort Bragg</u>	CONSULTANT: <u>Coleman Engineering, Inc.</u>
Name: <u>Diane O'Connor</u>	Name: <u>Simon Gray</u>
Title: <u>Project Manager</u> <u>City of Fort Bragg, Public Works</u>	Title: <u>Principal</u>
Address: <u>Department, 416 N Franklin</u>	Address: <u>1223 Pleasant Grove Blvd., Suite 100</u>
City, ST, Zip: <u>Fort Bragg, CA 95437</u>	City, ST, Zip: <u>Roseville, CA 95678</u>
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The following Scope of Additional Services, Schedule, Budget, and Budget Summary are added to the existing agreement referenced above, are effective as of the date signed on the last page and are subject to all of the terms of the original agreement.

ENVIRONMENTAL PERMITTING SERVICES

Background

The ongoing Raw Water Line Replacement Project includes for replacement of the City's raw water supply pipeline that conveys raw water by gravity from the Waterfall Gulch and Newman Gulch intakes to the City's water treatment plant (WTP) at the east end of Cedar Street. The pipeline crosses both the Noyo River and Hare Creek. The project includes the following segments:

- Segment 2 – from the WTP to the north side of the Noyo River crossing.
- Segment 3 – from the south side of the Noyo River crossing to the Summers Lane Reservoir.

- Segment 4 – from the north side of Highway 20 (and also replacing the current Highway 20 crossing) to the north side of the Hare Creek crossing.
- Segment 5 – from the south side of the Hare Creek crossing along Waterfall Gulch to a connection with the new pipeline section which ends at Forest Road 450.

Segment 1 of the project, which comprises the section of pipeline from the north side of State Highway 20 to the Summers Lane Reservoir, was completed in 2013 and is not part of this project. Replacement / rehabilitation of the Noyo River Crossing and the Hare Creek Crossing was not included in the original project but was added under Agreement for Additional Services #1.

Environmental studies for CEQA compliance have been performed and the Initial Study / Mitigated Negative Declaration (ISMND) document is currently out for public and stakeholder review. The next phase of the Raw Water Line Replacement Project requires the acquisition of environmental permits: this work was not included in the original scope of services nor in Additional Services # 1 and is needed for this project to proceed to the construction phase. Coleman Engineering and environmental sub consultant Dewberry will provide technical assistance in preparing the permit applications on behalf of the City and coordinate with the regulatory agencies for these permits. This scope of work leverages the current work on the City's ISMND for this project, which will be used to prepare various technical reports needed for the permit applications.

This permitting phase includes assisting the City with the following permit applications:

- United States Army Corps of Engineers Clean Water Act Section 404 Permit - Nationwide Permit. This permit requires preparation of the following technical studies:
 - CWA Section 404 Aquatic Resources Delineation.
 - ESA Section 7 Biological Assessment.
- Clean Water Act Section 401 Water Quality Certification.
- California Department of Fish and Game, Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement.
- California Coastal Commission Coastal Development Permit.

Scope of Services

TASK 1 – PROJECT MANAGEMENT AND MEETINGS

Task 1.1 - Project Administration. Coleman Engineering will administer this phase of the project and maintain project schedule and budget. The Project Manager will be available to discuss with the City the project progress, planned services in the next billing period, updated

schedule, and budget status monthly to coincide with the regular invoice.

Task 1.2 – Project Meetings. Coleman Engineering and Dewberry will meet with the City through project meetings and conference calls. Coleman Engineering will prepare an agenda and brief meeting summaries for each of the meetings. 5 progress / review meetings (2 in-person, 3 by Zoom / Teams) have been included in the budget.

Task 1.3 – Quality Management. Quality control will be monitored throughout the entirety of the project. Coleman Engineering will peer-review deliverables internally prior to delivery to the City in accordance with its quality assurance / quality control program and the procedures described in the project-specific Quality Management Plan.

Task 1: Deliverables

- Monthly invoices and progress report discussions.
- Meeting agendas and notes.

TASK 2 - NATIONWIDE PERMIT VERIFICATION (CLEAN WATER ACT, SECTION 404).

The proposed project may result in discharge of material into Hare Creek, Covington Gulch, and other waters of the U.S and will require CWA authorization from the USACE S.F District office. It is anticipated that any discharge resulting from this project can be authorized using one or more Nationwide Permits based on the small number of wetlands being impacted by the project. Dewberry will prepare a Preconstruction Notification (PCN) to submit to the USACE requesting verification that the project can be authorized using the appropriate NWP(s). Dewberry will also submit a Preliminary Jurisdictional Delineation (see Task 2.2) and request concurrence by the USACE.

The definition of waters of the U.S. was in flux during preparation of this scope of work. Relatively recent 2020 legislation that would likely have precluded ephemeral drainages as waters of the U.S. had been vacated and new legislation was proposed that would likely include ephemeral drainages as waters of the U.S. In the interim, the guidance at the USACE Sacramento District is to revert to the 2015 definition of waters of the U.S., which is inclusive of ephemeral drainages.

Task 2.1 - Aquatic Resources Delineation. The aquatic resources delineation will be conducted in accordance with the Corps of Engineers Wetlands Delineation Manual (January 1987), the Corps Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (September 2008), and the RWQCB State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (April 2019). Aquatic features subject to CDFW jurisdiction will also be identified.

The results of the delineation field work will be documented in a report prepared in accordance with the Corps Minimum Standards for Acceptance of Aquatic Resources

Delineation Reports, dated January 2016 and the and the Corps Regulatory Guidance Letter 16-01 (October 2016) regarding Preliminary Jurisdictional Delineations. The report will include a description of the setting, a discussion of the methods and results, the completed wetland data forms, location and vicinity maps, and a preliminary delineation map showing the limits of all regulated aquatic resources on the site.

Dewberry has budgeted 8 hours within its overall scope and fee for responding to comments generated during client and agency review of the delineation report.

Task 2.2 - Biological Assessment (BA). Dewberry will prepare a draft and final BA using existing information in the City's ISMND to support Section 7 consultation with the United States Fish and Wildlife Service. The BA will be prepared according to the *ESA Information Guidelines for the Regulatory Program*, dated March 2018, to determine the potential for the pipeline project to impact federally listed proposed, or candidate species under the Federal Endangered Species Act (FESA). The BA will describe the action area and the species and critical habitat (if any) considered. The BA will include an effects analysis and determination as to the potential for the project to affect the subject species and critical habitat, if any.

Dewberry has budgeted 15 hours within its overall scope and fee for responding to comments generated during client and City review of the BA and 20 hours to assist USACE and the City throughout the Section 7 consultation process (e.g., providing additional information, analysis, etc.).

Task 2: Deliverables

- Preconstruction Notification.
- Preliminary Jurisdictional Delineation.
- Aquatic Resources Delineation Report.
- Draft and Final BA.
- Responses to Comments.

TASK 3 - WATER QUALITY CERTIFICATION (CLEAN WATER ACT, SECTION 401)

A Water Quality Certification will be required from the RWQCB for the proposed project, if it will affect wetlands or other waters of the State, to certify that the project is consistent with the State's basin plan water quality goals and objectives. Dewberry will prepare an application package for submittal to the RWQCB. A processing fee must be included with the submittal (to be provided by City, amount to be determined later).

Task 3.1 - Pre-application Meeting & Application Package. Dewberry will submit a pre-application meeting request to the RWQCB at least 30 days in advance of the submittal of the 401 Water Quality Certification application package. If the RWQCB requests a meeting, Dewberry will schedule a 1-hour video conference with the RWQCB, City and the design team. Dewberry will also prepare a succinct project summary for discussion during the meeting,

including a description of the project, the project impacts, proposed compensatory mitigation, and proposed alternatives to be addressed in the alternatives analysis. (see Task 3.2 below).

Task 3.2 - Alternatives Analysis (AA). Dewberry will prepare an AA consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures)* requirements for “Tier 2 Projects,” which specify an analysis of on-site alternatives that would potentially reduce impacts to waters of the State.

Dewberry will coordinate with the design team to identify one or two conceptual alternative designs that will be evaluated in the AA (e.g., retrofit option, alternative alignment, etc.). The AA will describe cost and feasibility information (i.e., logistical, or technical constraints) for each of the alternatives to demonstrate that they are impracticable when compared with the proposed project. Based on input and direction provided by Dewberry, the design team will provide support for the AA, including preparation of the conceptual alternative layouts and brief written descriptions, line-item cost estimates for infrastructure and fees, and feasibility input for the alternatives.

Dewberry will submit the Draft AA to the City and the design team electronically for review. They have included 8 hours to respond to internal comments generated during review of the Draft AA. Dewberry’s budget for the AA also includes 8 hours to respond to questions and/or revise the Draft AA based on comments from the RWQCB.

Task 3: Deliverables

- Water Quality Certification application package.
- Draft and Final AA.
- Responses to Comments.

TASK 4 - STREAMBED ALTERATION AGREEMENT (FISH AND GAME CODE, SECTION 1602)

Task 4.1 Streambed Alteration Agreement. Potential alteration of Hare Creek and Covington Gulch and construction within the floodplain of the Noyo River triggers the need for this agreement with CDFW. Dewberry will prepare an application package for submittal to CDFW. A processing fee must be included with the submittal (to be provided by the City, amount to be determined). Dewberry will provide the completed notification package to the City for submittal to CDFW electronically through the Environmental Permit Information Management System (EPIMS).

Task 4: Deliverable

- Streambed Alteration Agreement application package, and certified notification package.

TASK 5 - CALIFORNIA COASTAL COMMISSION COASTAL DEVELOPMENT PERMIT

Task 5.1 California Coastal Commission Coastal Development Permit. Dewberry will assist the City with the preparation of the Mendocino County or a consolidated CCC Coastal Development Permit application. Information from the City's ISMND and various engineering reports and other technical studies will provide the information for the application. They will prepare for and attend up to 4 meetings via teleconference with the City and the agencies during this process. The City is responsible for any permit application fees.

Task 5: Deliverables

- Technical assistance to the City for a Coastal Development Permit (CDP).
- Meeting agendas and notes.

Schedule

Coleman Engineering will provide the services outlined in this Scope consistent with the requirements of the project and in conjunction with the project schedule.

Additional Services Budget

Services detailed above will be provided using the following budgets. Coleman Engineering reserves the right to transfer budgets between tasks without changing the Total Additional Services Budget. Services will be provided on a time and materials basis not to exceed a total amount summarized below. The attached spreadsheet provides a detailed breakdown of the additional fee by task.

Task 1 – Project Management and Meetings	\$9,767
Task 2 – Nationwide Permit Verification	\$20,736
Task 3 – Water Quality Certification	\$20,736
Task 4 – Streambed Alteration Agreement	\$20,039
Task 5 – CCC Coastal Development Permit	\$10,546
Total Budget for Additional Services #2 =	\$81,824

Project Budget Summary

Original Budget =	\$594,096
Sum of Previous Changes to Budget =	\$64,920
Budget of this Scope of Additional Services =	\$81,824
New Project Budget =	\$740,840

The above is mutually agreed to this ____ day of _____, 2022.

City of Fort Bragg

Coleman Engineering, Inc.



By: _____
Name: _____
Title: _____

By: _____
Name: Simon N. Gray, P.E.
Title: Principal
CA PE #: C 60311