

FIRST AMENDMENT TO
PROFESSIONAL CONSULTANT SERVICES AGREEMENT

DUDEK

[Environmental Review Services for the Tequesquite Creek Maintenance Project]

THIS FIRST AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT ("First Amendment") is made and entered into this _____ day of _____, 2018, by and between the CITY OF RIVERSIDE, a California charter city and municipal corporation ("City"), and DUDEK, California corporation ("Consultant"), with respect to the following:

RECITALS

WHEREAS, the City and Consultant entered into that certain Professional Consultant Services Agreement dated May 9, 2017 ("Agreement") for Environmental Review Services for the Tequesquite Creek Maintenance Project ("Project"); and

WHEREAS, during the performance of the Agreement, unexpected issues with the permitting process necessitate adding tasks to the Scope of Services; and

WHEREAS, the City and Consultant have agreed to additional services and an increase in compensation for the additional services.

NOW, THEREFORE, incorporating the recitals set out above, the parties hereto mutually agree to the following amendment to the Agreement.

1. Section 1, Scope of Services, is hereby amended to add the additional services set out in Exhibit "A-1," attached hereto and incorporated herein by reference.

2. Section 2, Term, is amended to extend the term of the Agreement through February 28, 2019.

3. Section 3, Compensation/Payment is hereby amended to increase the compensation by an additional Twenty Four Thousand Four Hundred Twenty-Five Dollars (\$24,425), as shown in Exhibit "B-1," attached hereto and incorporated herein by reference, for a total contract amount of Seventy-Three Thousand Eight Hundred Eighty Dollars (\$73,880).

4. All other terms and conditions of the Agreement between the parties which are not inconsistent with the terms of this First Amendment shall remain in full force and effect as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Professional Consultant Services Agreement to be duly executed the day and year first above written.

CITY OF RIVERSIDE,
a California charter city and municipal
corporation

By: _____
City Manager

Attest: _____
Colleen J. Nicol
City Clerk

Certified as to Availability of Funds:

By: _____
Chief Financial Officer

Approved as to Form:

By: _____
Ruthann M. Elder
Deputy City Attorney

DUDEK,
a California corporation

By: _____ 2-6-18
Its: **Dudek**
Frank Dudek
Chairman / CEO

By: _____ 2-6-18
Its: _____
Emily Hart
Secretary
Dudek

EXHIBIT "A-1"

SCOPE OF SERVICES

DUDEK

3544 UNIVERSITY AVENUE
RIVERSIDE, CALIFORNIA 92501
T 951.300.2100 F 951.300.2105

January 9, 2018

Mike Roberts, Environmental Services Coordinator
City of Riverside
Public Works Department
3900 Main Street, #4
Riverside, CA 92522

Subject: Addendum Proposal for Environmental Services for the Tequesquite Creek Maintenance Project

Dear Mr. Roberts:

Dudek is pleased to provide this scope of work and cost to assist the City in completing the additional cultural and biological tasks required to document project compliance with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), conduct historic evaluation of the onsite channel, revise regulatory permits, and complete the CEQA Initial Study/Mitigated Negative Declaration (IS/MND) associated with the Tequesquite Creek Maintenance Project.

SCOPE OF WORK

Task 1: Historic Evaluation and DPR Forms

Dudek previously conducted a cultural resources records search and assessment within the project area in support of the project Initial Study/Mitigated Negative Declaration. Based upon Dudek's review of the cultural resources records search results and plans provided by the City, the channel within the project site was constructed in 1962. Because the channel is over 45 years ago and has not been previously recorded or evaluated (based on the results of the SCCIC records search), evaluation of the channel in consideration of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and Riverside County designation criteria and integrity requirements is required in order to determine if the proposed project will impact historical resources as defined by CEQA, or historic properties as defined by Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulation Title 36 Code of Federal Regulations (CFR) Part 800. As part of this task, Dudek will request all available plans on file with the City of Riverside to determine the nature and extent of alterations that have been made to the ditch overtime, including upgrades made to associated infrastructure (e.g., culverts and pipes). Any information/previous studies on file with the City concerning the

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ditch's development history will be extremely useful to the evaluation. Dudek will also conduct limited archival research to develop the appropriate historic context for the property significance evaluation. This may include visiting local libraries and relevant data repositories.

The channel will be recorded on State of California Department of Parks and Recreation Series 523 Forms (DPR forms), and will be evaluated in consideration of NRHP, CRHR, and Riverside County landmark evaluation criteria and integrity requirements.

Dudek will add information concerning the resource significance evaluation to the existing cultural resources report. Additional report sections will include evaluation methodology, findings, an adequate historic context statement for the channel, and if applicable, mitigation measures and management recommendations. The report will also assess potential impacts to the ditch in compliance with CEQA and Section 106 of the NHPA.

Deliverables:

- One electronic version of the draft updated cultural resources report (to include the resource significance evaluation and DPR Forms) for City review.
- One electronic version and one hard copy of the final updated cultural resources report (to include the resource significance evaluation and DPR Forms).

Estimated Cost for Task 1.....\$3,865

Task 2: Request for Permit Revision and Reauthorization

The draft 1602 streambed alteration agreement, 404 Nationwide Permit Authorization and 401 Water Quality Certification was issued to authorize work within 0.93-acres of Water of the State and Waters of the U.S. Based upon the results of the project Jurisdictional Delineation Reports (dated February 2014, updated in 2017), the total project impacts are actually limited to 0.23-acres of Waters of the state and 0.08-acres of Waters of the U.S. Because a 2:1 mitigation ratio was applied in the permits, a total of 1.86 acres of habitat re-establishment, conservation, and management was required in the permits at a City-owned location, along with recordation of a conservation easement over the property.

It is our understanding that the City would like the permits revised or amended to include the correct impact acreage and to allow mitigation through the purchase of in-lieu fee credits from the Riverside-Corona Resource Conservation District. The 401 water quality certification has been issued, therefore, a request to amend the permit would be required. A reauthorization of the 404 Nationwide Permit is required under the 2017 NWP program and a request for amendment

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can be requested in the same submittal. The 1602 streambed alteration agreement is still in draft form, pending the preparation and adoption of an Initial Study/Mitigation Negative Declaration by the City, therefore, a request to revise the draft permit prior to issuance is possible.

Dudek will prepare a letter request to amend the 401 water quality certification, reauthorize/amend the 404 NWP, and to revise the draft 1602 agreement to include the correct impact information, corresponding mitigation totals, and the revised mitigation strategy. This scope of work assumes that the request for revisions will be limited to a letter request and follow up coordination with the USACE, RWQCB and CDFW. This scope of work does not include preparation and submittal of new 404, 401 and/or 1602 permit applications.

Deliverables:

- One electronic version of the draft request letters to the USACE, CDFW, and RWQCB for City review.
- Submittal of the final request letters to the USACE, CDFW, and RWQCB in hard copy and email.

Estimated Cost for Task 2.....\$6,470

Task 3: MSHCP General Biological Habitat Assessment

Cadre Environmental will conduct an updated review of the existing vegetation mapping/jurisdictional delineation letter report, the current California Department of Fish and Wildlife Natural Diversity Database (CNDDDB), and United Fish and Wildlife Service (USFWS) species occurrence database prior to initiating a field investigation to identify any potential threatened or endangered species known to existing within or in the vicinity of the project site. An updated review of the Western Riverside County MSHCP, including the MSHCP Conservation Report Summary Generator will also be conducted to determine if the project site occurs within an MSHCP criteria cell, if habitat assessments for specific narrow endemic flora and/or faunal species need to be conducted, and what conservation goals may be imposed on the property by the MSHCP. Based upon the description of site conditions set forth in the 2017 Dudek Jurisdictional Delineation and Vegetation Mapping letter report, focused surveys are not expected to be required. Therefore, this task does not include focused surveys for special status species.

Cadre Environmental will conduct a field reconnaissance and general biological survey of the entire project site to identify potential habitat for any threatened, endangered, or other sensitive species or habitats identified by the MSHCP as “not adequately covered”, including MSHCP

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Narrow Endemic/Criteria Area plants, sensitive riparian birds (Least Bell's vireo, Southwestern willow flycatcher, and Western yellow-billed cuckoo), burrowing owl, and Riparian/Riverine/Vernal Pool Habitat (defined under Section 6.1.2 of the MSHCP). The results of the field reconnaissance will be summarized in a letter report. The letter report will include a characterization of existing conditions, discussion of environmental constraints, and mitigation measures in compliance with CEQA and MSHCP guidelines of use in development a IS/MND.

Deliverables:

- One electronic version of the draft MSHCP General Biological Resources Assessment letter report for City review.
- One electronic version and two hard copies of the final MSHCP General Biological Resources Assessment letter report.

Estimated Cost for Task 3.....\$2,560

Task 4: MSHCP Determination of Biologically Equivalent or Superior Preservation (DBESP)/Consistency Analysis

The project site includes streambed and riparian vegetation that is expected to be classified as MSHCP Section 6.1.2 riparian/riverine resources. Therefore, an MSHCP Determination of Biologically Equivalent or Superior Preservation (DBESP) will be required. Specifically, a DBESP is required when a proposed project action directly and/or indirectly impacts MSHCP regulated riparian/riverine/vernal pool resources or conflicts with guidelines for specific MSHCP covered flora and faunal species. The goal of the DBESP is to demonstrate that implementation of avoidance and/or mitigation measures would result in an alternative that is biologically equivalent or superior to existing conditions. The document will be prepared by Cadre Environmental and will follow the MSHCP guidelines for these analyses. The DBESP will include a section addressing consistency with all MSHCP requirements. Comments received during the RCA and MSHCP wildlife agency review of the DBESP/Consistency Analysis (prior to public circulation of the IS/MND) will be addressed in the final DBESP document.

Deliverables:

- One electronic version and four hard copies of the draft DBESP/Consistency Analysis document for review by the City of Riverside, RCA, and MSHCP Wildlife Agencies.
- One electronic version of the final DBESP/Consistency Analysis document (incorporating comments from the City of Riverside, RCA, and MSHCP Wildlife Agencies).

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Cost for Task 5\$3,520

Task 5: MSHCP HANS Application and Joint Project Review

A MSHCP Habitat Acquisition and Negotiation Strategy (HANS) application is required for projects located partially or completely within a “Criteria Area Cell”. The project site occurs partially within Criteria Area Cell 443, Riverside/Norco Area Plan, SU1-Santa Ana River South. Therefore, a HANS application will be prepared by Cadre Environmental and submitted to the City of Riverside for review. A copy of the MSHCP General Biological Habitat Assessment letter report (Task 3) will be attached to the application.

Cadre Environmental will prepare materials (agendas, maps, etc) and attend up to three meetings with the RCA, MSHCP Wildlife Agencies, and the City of Riverside during project review of all MSHCP components. The tasks included in this scope are as follows:

- Preparation and Participation in the MSHCP Pre-Application Wildlife Meetings with the RCA, USFWS, CDFW, USACE, and RWQCB
- Submittal of Joint Project Review (JPR) Application and Documents
- Coordination with RCA during the JPR process.
- Response to comments received from Wildlife Agencies during MSHCP 60 day review.

Deliverables

- One electronic version of the draft HANS application, including a copy of the General Biological Habitat Assessment letter report as an attachment.
- One electronic version of the response to comments received from Wildlife Agencies during MSHCP 60 day review.

Cost for Task 5\$2,160

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Task 6: Contingency Task

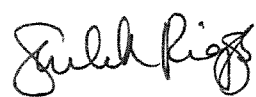
This task may be used by the City of Riverside to authorize any additional project work necessary to authorize the proposed project under CEQA or obtain resource agency approvals. Such work may include additional agency coordination, meetings, or focused biological surveys (if found to be required following completion of Task 3: General MSHCP Biological Habitat Assessment). Dudek will not charge to this task without prior approval.

Cost for Task 6\$5,070

TOTAL COST

The work outlined above would be carried out for a not-to-exceed amount of \$24,425, on a time and materials basis. Please let me know if you have any questions on this proposal. I can be reached at (951) 300-2184.

Sincerely,



Shelah Riggs
Senior Regulatory Specialist

EXHIBIT “B-1”
COMPENSATION

Proposal #:

Project: Addendum Proposal for Environmental Services for the Tequesquite Creek Maintenance Project

Client: City of Riverside

Date Prepared: 01/09/2018

Markup	
Sub Markup	0% Reimb. Markup
	0%

Employee	Shelah A Riggs	Anna Cassidy	Spenser C Lucarelli	Devlin R Brookhart	Adriane E Gusick	Labor Hours	Labor @ Billing Rates	Sub-Consultant COST	Sub-Consultant BILLING	Reimburse-ables COST	Reimburse-ables BILLING	DIRECT COSTS	Total
Employee Type	Enviro Specialist/ Planner VI	Analyst II	GIS Specialist IV	Publications Specialist III	Cultural Resources Technician II								
% Used on job	40%	20%	6%	2%	33%								
Phase	195.00	105.00	155.00	105.00	75.00								
Task 1: Historic Evaluation and DPR Forms													
Task 2: Request for Permit Revision and Reauthorization	16	24	3		40	43	3,465	-	-	-	-	400	3,865.00
Task 3: MSHCP General Biological Habitat Assessment	2		4	2		46	6,470	-	-	-	-	-	6,470.00
Task 4: MSHCP Determination of Biologically Equivalent or Superior Preservation (DBESP)/Consistency Analysis	2					2	390	-	2,560	-	-	-	2,950.00
Task 5: MSHCP HANS Application and Joint Project Review	2					2	390	-	3,520	-	-	-	3,910.00
Task 6: Contingency Task													
Total Hours	26	24	7	2	40	26	5,070	-	2,160	-	-	-	2,160.00
Total Billing	9,360	2,520	1,085	210	3,000	121	16,175	-	-	-	-	-	5,070.00
							16,175	-	8,240	-	-	-	\$ 24,425.00