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REQUESTED BY
DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

Assessor's Parcel Number: N/A

2003 OCT -1 AM 9: 01

Date: SEPTEMBER 29, 2003

WERNER CHRISTEN
RECORDER

Recording Requested By:

\$ 0 PAID KD DEPUTY

✓ Name: LYNDA TEGLIA/COMMUNITY DEVELOPMENT

Address: _____

City/State/Zip: _____

CONTRACT (AMENDMENT NO 1) #2003.197
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)
This cover page must be typed or legibly hand printed.

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AMENDMENT NO. 1
Contract Between Douglas County
and
JWA Consulting Engineers, Inc.
Kahle Drive Water Quality Improvement Project

BY Barbara Reed CLERK DEPUTY

Whereas, on July 17, 2003, Douglas County, a political subdivision of the State of Nevada, and JWA Consulting Engineers, Inc., an independent contractor, entered into a contract for Contractor to provide engineering services for design of the Kahle Drive Water Quality Improvement Project; and

Whereas, additional design services are required to prepare a biological evaluation and biological assessment for a proposed storm water discharge on a U.S. Forest Service parcel; and

Whereas, additional services are required for permitting with the Nevada Division of Environmental Protection, TRPA and the U.S. Army Corps of Engineers for a proposed storm water discharge on a U.S. Forest Service parcel; and

Now, therefore, in consideration of the agreements herein made, the parties mutually agree as follows:

- The compensation for Task C- Permits and Easements is increased by \$9,637.00 for a revised contract amount of \$15,737.00 to include the additional services outlined in Exhibit 1.
- Contractor agrees to provide the services set forth in the contract, Amendment No. 1, and Exhibit 1 of this amendment for a cost not to exceed a total cost of \$145,437.00. The task amounts shown below cannot be exceeded:

	Original Contract Amount	Amendment No. 1	Revised Contract
• Task A – Administration	\$ 3,800.00		\$ 3,800.00
• Task B – Topographic Survey	\$ 7,900.00		\$ 7,900.00
• Task C – Permits & Easements	\$ 6,100.00	\$ 9,637.00	\$ 15,737.00
• Task D – TAC Review Mtg.	\$ 4,200.00		\$ 4,200.00
• Task E – Preliminary Design	\$ 42,000.00		\$ 42,000.00
• Task F – Const. Level Design	\$ 9,400.00		\$ 9,400.00
• Task G – Bidding Assistance	\$ 6,100.00		\$ 6,100.00
• Task H – Construction Admin.	\$ 44,200.00		\$ 44,200.00
• NDOT Improvements	\$ 12,100.00		\$ 12,100.00
Total Cost	\$135,800.00	\$ 9,637.00	\$145,437.00

R. Mark Hoch, III
JWA Consulting Engineers, Inc.

September 17, 2003
Date

ORM
#0 County Manager

9/18/03
Date

Attest:

Barbara J. Reed
County Clerk

9-24-03
Date

[Signature]
DEPUTY

N/A
District Attorney

9-23-03
Date



September 5, 2003

N0307.01
Subconsultants

Ron Roman, P.E.
Associate Engineer
Douglas County Community Development
P.O. Box 218
Minden, Nevada 89423

Subject: Request for Contract Amendment for the Kahle Drive Water Quality Improvement Project, EIP #10054, Douglas County, Nevada

Dear Ron:

At your request, JWA Consulting Engineers, Inc., (JWA), has prepared an opinion of probable cost for consulting services associated with the Kahle Drive Water Quality Improvement Project. We have also prepared a proposed amendment to the contract between Douglas County and JWA for permits to be acquired from the United States Army Corps of Engineers (Corps), the Nevada Division of Environmental Protection (NDEP) and the Tahoe Regional Planning Agency (TRPA).

I. Biological Evaluation/Biological Assessment Task

After discussions with the United States Forest Service-Lake Tahoe Basin Management Unit (Forest Service), it was determined that a BE/BA document must be produced for the activities proposed on Forest Service lands. The BE/BA document must be approved by the Forest Service before an amendment can be made to the existing special use permit between the Forest Service and Douglas County.

The Water Quality Improvement Project will collect and convey storm water flows from the Oliver Park GID along Kahle Drive, to a series of treatment ponds. The ponds will be sized to contain the 20 year, one-hour storm event. Flows exceeding this design storm will exit the ponds through an overflow structure, which is proposed to discharge in the adjacent meadow, near Burke Creek. Although the type of discharge structure has not been decided upon, the proposed improvements will involve minor impacts to the wetland meadow adjacent to Burke Creek. In order to stay on schedule, a BE/BA must be completed before snow falls in the Basin. JWA has coordinated with Julie Etra of Western Botanical Services (WBS) and Sue Fox of Wildlife Resource Consultants (WRC), to obtain proposals for the BE/BA document.

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DOUGLAS COUNTY
COMMUNITY DEVELOPMENT

The BE/BA will evaluate and discuss the presence or absence of any special status species habitat within the project area's vicinity. WBS will complete the plant-related element of this document, and WRC will address the mammals, birds, fish, and amphibians. WBS and WRC will be subconsultants to JWA; who will assist in the project coordination efforts. JWA will also assist by providing design alternatives and detailed project descriptions of the proposed activities.

WBS and WRC will conduct the field work upon receipt of a signed subconsultant agreement from JWA. WBS estimates that they can complete the plants section of this document for \$3,000 (Attachment A); WRC can complete the remainder of this document for \$2,637 (Attachment B); and JWA can complete it's portion of the document for \$1,500 (Attachment C). The total opinion of probable cost to prepare the BE/BA document is \$7,137. Please refer to the attached for a breakdown of the opinions of probable cost for the preparation of the BE/BA document.

II. Additional Permitting Requirements Task

After further discussions with permitting agencies such as the NDEP, TRPA and the Corps, it appears that JWA will need to amend the agreement with Douglas County to include permitting tasks.

Agency	Permit Type and Description
NDEP	<ul style="list-style-type: none">• 401 Certification (Water Quality Certification)• Temporary Permit for Work in Waters of the State
TRPA	<ul style="list-style-type: none">• Soils/Hydrologic Report for excavations greater than five feet in depth.
US Army Corps of Engineers	<ul style="list-style-type: none">• General Permit #16 (assuming impacts will total less than 1/3 of an acre of disturbance to meadow)

JWA has contacted the above mentioned agencies and informed them of the project. JWA anticipates that the additional permitting tasks can be completed for an additional \$2,500. In order to attain the necessary permits, each of the above mentioned permits will need a submittal letter with project description and site plans with the proposed improvements.

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It appears that the Biological Evaluation/Biological Assessment and additional permitting tasks can be completed by JWA and its subconsultants for a grand total of \$9,637. If you have any questions or comments, or if you require additional information, please contact Mark Hoefler, P.E., or me at our Zephyr Cove office.

Sincerely,



Steven A. White
Environmental Specialist



R. Mark Hoefler, P.E.
Vice President

SW/mh

Enclosures/

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Attachment A

**Western Botanical Services
Opinion of Probable Cost**

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Amendment No. 1, Exhibit 1
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WESTERN BOTANICAL SERVICES, INC.

August 27, 2003

Mark Hofer
JWA Consulting Engineers, Inc.
276 Kingsbury Grade
Zephyr Cove, NV 89449

Dear Mark:

Western Botanical Services Inc. (WBS) is pleased to submit the following revised Scope of Services to provide revegetation and erosion control design and construction management services for the Kahle Drive Water Quality Improvement Project, as a sub consultant to JWA. My understanding, based on our conversations and your memo, is that I will be reviewing the existing conceptual plan and amending the design as appropriate. I will also participate in the construction component of the project. A more detailed Scope of Work and budget are attached.

I have added the new task of preparing a BA/BE as per Forest Service protocol. Please note that we are rapidly approaching the end of the survey window for sensitive species. If the work is not authorized in a timely matter a survey will have to be conducted next year, with perhaps an additional preliminary survey conducted this season. I have only budgeted for one survey.

Please call or contact me via E-mail (julietra@aol.com) if you have any questions.

Sincerely,

Julie Etra
Julie Etra, CPESC #734

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Attachment

PROPOSED SCOPE OF WORK AND FEE ESTIMATE
Oliver Park GID and Khale Drive WQI Project

TASKS	HRS	TOTAL
A. PRELIMINARY PHASE		
Initial Field Investigation	16	\$1,360.00
Soil sampling and analysis*		
SUBTOTAL	16	\$1,360.00
B. DESIGN PHASE		
Preliminary Design Report	40	\$3,400.00
Final Design Report		
50% Technical Specifications and Plans		
Final Technical Specifications and Plans		
SUBTOTAL	40	\$3,400.00
C. CONSTRUCTION PHASE		
Review submittals and memos	60	\$5,100.00
Site inspections and memos (estimate 4)		
Close-out first season inspection and report		
One-year final inspection and report		
SUBTOTAL	60	\$5,100.00
D. SENSITIVE SPECIES SURVEY AND BA/BE		
Literature Search		
Survey (two botanists)		
Plant taxonomy		
Document (BA/BE)		
SUBTOTAL lump sum		\$3,000.00
SUBTOTAL CONSULTING		\$12,860.00
EXPENSES		
Mileage @ .45/mi		\$ 396.00
Soil samples		\$ 1,500.00
SUBTOTAL EXPENSES		\$ 1,896.00
TOTAL		\$14,756.00**

* Add-on
for BE/BA
Document.

*Soil sampling and analysis shall be conducted according to Guidelines established by Nevada State Lands. It is estimated that up to two samples will be taken on undisturbed adjacent property (control). Soils will be tested for physical, chemical, and biological properties. This will require the use of 2 different laboratories and up to 4 samples. Samples cost between \$200.00 and \$250.00 for an approximate estimate of \$1,000.00. Post-construction sampling is estimated at \$500.00.

**This quote is valid for net 30 days

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Attachment B

**Wildlife Resource Consultants
Opinion of Probable Cost**

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NO307,01
Subconsultants

TO:
SCOTT
Mulligan

— Mark
— File

Sue Fox
Wildlife Resource Consultants
P.O. Box 8493
Truckee, CA 96162
Phone & Fax (530) 550-0206
E-mail: sfox@gbia.com

PROPOSAL - BIOLOGICAL EVALUATION/ASSESSMENT ASSOCIATED WITH THE OLIVER PARK/KAHLE DRIVE WATER QUALITY IMPROVEMENT PROJECT, DOUGLAS COUNTY, NEVADA

Statement of Qualifications

Sue Fox - Wildlife Biologist

Ms. Fox has fourteen years of experience performing baseline and sensitive wildlife surveys and impact assessments for a variety of NEPA and CEQA mandated projects in the Lake Tahoe Basin, including biological evaluations and assessments for the U.S. Forest Service. These reports include discussions of any direct, indirect, and cumulative effects to affected wildlife species and propose management recommendations to avoid impacts.

She is a professional wildlife biologist with a broad background in terrestrial vertebrate surveys, including for northern goshawks, spotted owls, neotropical migrants, forest carnivores, small mammal trapping, and herpetological surveys, and she has participated in aquatic sampling inventories. She has conducted numerous protocol level surveys annually for Forest Service sensitive species, including northern goshawk, California spotted owl, willow flycatcher, and forest carnivores, on both federal lands and private lands. Ms. Fox is current on Forest Service and Tahoe Regional Planning Agency (TRPA) biological evaluation/assessment procedures; federal agency "sensitive" species regulations; and U.S. Fish and Wildlife Service protocol.

Ms. Fox also has six years experience conducting field studies and analyzing data. She has lectured on natural history and also works as a free-lance writer. Ms. Fox holds a Masters of Arts degree in Biology from San Francisco State University and a Bachelor of Arts degree in Biology from the University of California at Santa Cruz.

Related Projects:

- 1.) Trout Creek Stream Restoration Project, South Lake Tahoe, California: Designed and implemented monitoring program for vertebrate and invertebrate wildlife species to assess the effects of a creek restoration project. Monitoring efforts encompass several years of data collection and incorporate assessment of habitat conditions.

Contact: Mitch Swanson
Swanson Hydrology and Geomorphology,
115 Limekiln Street
Santa Cruz, CA 95060
831 427 0288

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2.) **Biological Evaluation for TJ-Drain Closure – Fallon Indian Reservation, Nevada:** Conducted surveys for special status wildlife species, assessed the impacts of irrigation drain closure and diversion of irrigation water to alkali ponds for federal species of special concern, including species at the nearby Stillwater National Wildlife Refuge.

Contact: Larry Gorell
Senior Project Manager
SWCA Environmental Consultants
5370 Kietzke Lane, Suite 207-1
Reno, Nevada 89511
775 826 1700
775 826 1713

3.) **Mammoth Yosemite Airport Supplement to Subsequent Environmental Impact Report, Mammoth Lakes, California:** Conducted surveys for sage grouse and mule deer using accepted protocol, wrote wildlife section of document, assessed impacts from project activities, and developed measures to mitigate impacts.

Contact: Rich DeLong
Environmental & Resource Management, Inc.
4600 Kietzke Lane, Suite C-129
Reno, Nevada 89502
775 826 8822
775 826 8857

SUMMARY OF FIRM'S EXPERIENCE

Wildlife Resource Consultants

Wildlife Resource Consultants provides technical services in wildlife biology, including sensitive, threatened, and endangered species investigations. The company provides expertise to facilitate compliance with NEPA, CEQA, and other federal, state, and local laws as they relate to wildlife. Wildlife Resource Consultants has the necessary expertise to identify biological issues, evaluate any potential environmental impacts that an action or project would create, and to address these issues with practical solutions. The company also provides expertise for habitat restoration and enhancement projects, and the design and implementation of monitoring activities. Wildlife Resource Consultants has all equipment, supplies and incidentals to perform the work required for the Biological Evaluation/Assessment Oliver Park/Kahle Drive Water Quality Improvement Project.

Wildlife Resource Consultants' provides more than 14 years of experience in providing its clients with a full range of environmental and ecological services. Ms. Fox regularly performs surveys in the Lake Tahoe Basin for special status wildlife species. Depending on the type of project, surveys for some projects last for several years, while others are completed in a single season. The types of projects for which special status wildlife species surveys have been

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performed, including for northern goshawks, include timber harvest and salvage, recreation, ski resorts, stream restoration, natural gas pipelines, and renewal of special use permits for a variety of USFS concessionaires, such as snowmobile use and public facilities.

Project Approach

Completion of the following tasks will provide a sufficient database for the threatened, endangered, proposed, or sensitive (TEPS) wildlife species and other wildlife species, which would support future permitting for the Oliver Park/Kahle Drive Water Quality Improvement Project. The data can be used to determine the possible existence of any wildlife issue that could influence or adversely affect permitting for the proposed project. Any critical wildlife issues that may affect the feasibility of a particular alternative will be identified as soon as possible.

Reconnaissance survey

Conduct a reconnaissance field survey within and near the project area to establish baseline data on all classes of wildlife (i.e., avian, mammal, reptile, and amphibian). Compile a species list of wildlife that occupy the project area and vicinity. Information on the species' status (e.g., breeding, migrant, resident) will be noted. All wildlife observations will be recorded on a 7.5 minute topographic map.

Areas of potential habitat for U.S. Fish and Wildlife Service, U.S. Forest Service, and State of California special status species will be identified and mapped, if seen. Agency records will be used to determine the potential for such wildlife. Habitat for special status wildlife species is not expected to occur in the project area. The TRPA and the USFS enforce limited operating periods (LOPs) during nesting and denning seasons to protect special status breeding adults and offspring. The LOPs are applied to protected activity centers (PACs) that are delineated around nest and den sites. Although special status species might not breed in the project area, protected activity centers and limited operating periods could extend into the project area. Protocol surveys for special status wildlife species (e.g., goshawk) cannot be conducted at this time of year. It is expected that agency records and the field survey will be sufficient to determine whether protocol surveys for specific wildlife species would be necessary in the future.

Agency coordination

Coordinate with agency biologists to assess existing records for the presence or absence of special status wildlife species, including TRPA special interest species, United States Forest Service sensitive species and management indicator species, and species with federal and state status. Determine whether any special status wildlife species occur in the project area's vicinity.

Literature review

The wildlife surveys for the project area will require literature research in order to perform the pre-field investigation necessary to conduct the field work. Databases maintained by the U.S. Fish and Wildlife Service (USFWS), the U.S. Forest Service (USFS), and the California Department of Fish and Game's (CDFG) Natural Diversity Database will be reviewed to determine if any TEPS wildlife species have been documented as occurring or potentially occurring within the project area.

Data compilation and report writing

The results of the field surveys, literature review, and agency coordination, will provide the detailed

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information for a Biological Assessment/Biological Evaluation for the proposed project. Wildlife Resource Consultants will coordinate with Julie Etra of Western Botanical Services to produce a Biological Assessment/Biological Evaluation.

Work Plan Cost Estimate and Schedule

Hourly Rate: \$70.00

Mileage: (0.45) mile

Task 1. Wildlife survey

<i>No of hours</i>	<i>Rate</i>	<i>Total</i>
5	\$70.00	\$350.00

Task 2. Agency coordination and literature review

<i>No of hours</i>	<i>Rate</i>	<i>Total</i>
5	\$70.00	\$350.00

Task 3. Data compilation, report writing, submit draft documents

<i>No of hours</i>	<i>Rate</i>	<i>Total</i>
25	\$70.00	\$1,750.00

Task 4. Respond to comments, submit copies final report

<i>No of hours</i>	<i>Rate</i>	<i>Total</i>
2	\$70.00	\$140.00

Mileage
104 miles(\$0.45) = \$46.80

Total Estimate: \$2,636.80

The cost estimate of \$2,636.80 is billed on a time and material basis. This cost may not include unforeseen additional work-related expenses. If additional expenses are incurred, they will also be billed on a time and material basis, subject to approval by the client prior to expenditure. This cost estimate does not include any surveys for special status wildlife species. However, it is not expected that such surveys will be required by the USFS.

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Attachment C

**JWA Consulting Engineers, Inc.
Opinion of Probable Cost**

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Amendment No. 1, Exhibit 1
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JWA Consulting Engineers, Inc., Opinion of Probable Cost
for contributions to the preparation and coordination of the
Biological Evaluation/Assessment Study

Task Description	Opinion of Probable Cost
Project Coordination; contact subconsultants, prepare request for proposal, subconsultant agreement preparation	\$1000
Prepare a project description for insertion to the BE/BA; provide an alternative analysis and identify preferred alternative	\$500
Total	\$1,500

SEAL

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and on record in my office.

DATE: September 29 2003
B. REED Clerk of the 4th Judicial District Court
of the State of Nevada, in and for the County of Douglas.
By [Signature] Deputy

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