

**RESOLUTION NO. 2011-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ROHNERT PARK  
AUTHORIZING AND APPROVING A FIFTH AMENDMENT TO THE  
AGREEMENT FOR SERVICES WITH  
MACTEC, INC.  
FOR ENVIRONMENTAL-BIOLOGICAL SERVICES**

**WHEREAS**, the City desires to conduct biological services for the North Village of the Wilfred Dowdell Specific Plan; and

**WHEREAS**, MACTEC, Inc. submitted a fifth amendment to their contract to conduct biological services as identified in the environmental impact report for the Wilfred Dowdell Specific Plan; and

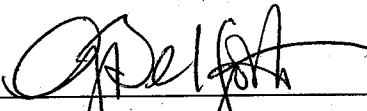
**WHEREAS**, MACTEC, Inc. has provided similar services to the City for planning and environmental review services.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Rohnert Park that:

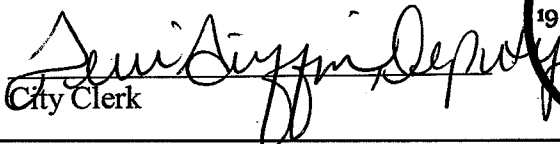
1. The Fifth Amendment by and between MACTEC, Inc. and the City of Rohnert Park for ongoing environmental-biological review services is hereby approved.
2. The City Manager is hereby authorized and directed to execute this Fifth Amendment to the agreement in substantially similar form to the attached agreement for and on behalf of the City of Rohnert Park.
3. The Director of Development Services is authorized to manage said agreement on behalf of the City.

**DULY AND REGULARLY ADOPTED** this 8<sup>th</sup> day of March, 2011.

**CITY OF ROHNERT PARK**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk



AHANOTU: AYE CALLINAN: AYE MACKENZIE: AYE STAFFORD: AYE BELFORTE: AYE  
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

**FIFTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH  
MACTEC, INC  
FOR ENVIRONMENTAL-BIOLOGICAL SERVICES FOR THE WILFRED  
DOWDELL SPECIFIC PLAN  
PROJECT**

This Fifth Amendment to the Agreement between the City of Rohnert Park (“City”) and MACTEC, Inc (“Consultant”) for additional services (“Fifth Amendment”) is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (“Effective Date”), by and between City and Consultant.

**RECITALS**

A. City and Consultant are parties to that certain Agreement for Services for the Wilfred Dowdell Specific Plan dated February 19, 2004 for an amount of \$63,973.00.

1. On September 14, 2004, the City Council approved Resolution No. 2004-234 authorizing the First Amendment to the Agreement for an additional amount of \$35,000.

2. On July 24, 2007, the City Council approved Resolution No. 2007-12 authorizing the Second Amendment to the Agreement for an additional amount of \$5,600.

3. On December 3, 2008, the Third Amendment to the Agreement was authorized through the Purchasing Ordinance for an additional amount of \$6,000.

4. On December 9, 2008 the City Council approved Resolution No 2008-195 authorizing the Fourth Amendment to the Agreement for an additional amount of \$11, 300.

B. City and Consultant now desire to enter into this Fifth Amendment to provide for additional work as described below.

**AGREEMENT**

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

1. Scope of Services. In addition to the services provided under the Agreement, as amended, Consultant shall provide additional services, including but not limited to, the preparation of necessary plans, modification of reports & documents, and additional meetings as described in the attached Exhibit A.
2. Compensation. Consultant shall perform the services described in this Fifth Amendment for a total not-to-exceed amount of \$ 64,025.00
3. Agreement in Effect. Except as modified by the prior four amendments, and by this Fifth Amendment, the Agreement shall remain in full force and effect.
4. Counterpart Signatures. This Fifth Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this Fifth Amendment as of the date first written above.

**CITY OF ROHNERT PARK:**

By: \_\_\_\_\_ / \_\_\_\_\_  
Gabriel A. Gonzalez, City Manager (Date)  
Per Resolution No. 20\_\_-\_\_ adopted by the Rohnert Park  
City Council on \_\_\_\_\_, 20\_\_.

**ATTEST:**

\_\_\_\_\_  
City Clerk  
**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**CONSULTANT:**

By: \_\_\_\_\_ / \_\_\_\_\_  
Name: \_\_\_\_\_ (Date)  
Title: \_\_\_\_\_

By: \_\_\_\_\_ / \_\_\_\_\_  
Name: \_\_\_\_\_ (Date)  
Title: \_\_\_\_\_



engineering and constructing a better tomorrow

February 1, 2011

Ms. Marilyn Ponton  
City of Rohnert Park  
Planning Department  
130 Avram Avenue  
Rohnert Park, California 94927

Subject: **Proposal and Fee Estimate - Revised  
Biological Consulting Services  
Wilfred Dowdell Specific Plan Area  
Rohnert Park, California  
MACTEC Proposal No. PROP10BAYA 103**

Dear Ms. Ponton:

MACTEC Engineering and Consulting, Inc. (MACTEC) is pleased to submit this revised proposal to the City of Rohnert Park (the City) in response to your request. The work was requested during our December 10, 2010, telephone conversation and is to conduct biological consulting services associated with the development of the Wilfred Dowdell Specific Plan Area – Village North Parcels in Rohnert Park, California (Site).

The City has requested the scope to include both the Village North and Village South parcels, which encompasses approximately 24.8-acres divided into multiple parcels and bisected by Wilfred Avenue. The parcels are located on the west side of Highway 101 between Dowdell Avenue and Redwood Drive and are bounded to the north by retail properties, to the south by fallow fields and commercial properties and to the east by fallow agricultural fields.

At the request of the City, MACTEC solicited bids from two natural resources consultants (Vollmar Consulting and ESA Biological Resources) with demonstrated biological experience which MACTEC has worked with in the past. Based on follow up conversations with the City in late December 2010, MACTEC was also requested to solicit a bid from AECOM, a firm that has performed work on behalf of the City in past. On the basis of the January 27, 2011, meeting between you and Gary Lieberman of MACTEC, the City requested that AECOM be selected as the natural resources sub consultant based on their extensive permitting resume.

## BACKGROUND

Based on our conversations, it is MACTEC's understanding that the City is prepared to move forward with the development of the Site which will be initiated with the construction of a hotel and a McDonalds restaurant on the Village North Parcels. Based on the results of the January 29, 2008, Final Environmental Impact Report (EIR) and August 20, 2008, Final EIR Response to Comments, the project applicant (i.e. the City) needs to comply with existing regulatory commitments as part of the project planning process. These requirements include commitments outlined in the *Santa Rosa Plain Conservation Strategy* (2005, Santa Rosa Plain Conservation Strategy Team) and the *Programmatic*

MACTEC Engineering and Consulting, Inc.  
1465 North McDowell Boulevard, Suite 200 • Petaluma, CA 94954 • Phone: 707.793.3800 • Fax: 707.793.3900

[www.mactec.com](http://www.mactec.com)

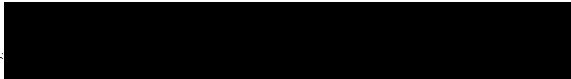
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*Biological Opinion for U.S. Army Corps of Engineers (USACE) Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (U. S. Fish and Wildlife Service [USFWS], 2007).*

We appreciate the opportunity to submit this proposal to the City and look forward to working with you on this and future assignments. Please feel free to contact Gary Lieberman at (707) 585-3808 if you have questions.

Yours very truly,

MACTEC ENGINEERING AND CONSULTING, INC.

  
Gary A. Lieberman  
Project Manager

  
Sarah Raker, PG, CHG  
Senior Principal Geologist

GAL/SR:sac

Attachments: MACTEC Schedule of Charges  
Scope of Work  
Subcontractor Bids

## SCOPE OF WORK

On the basis of the City's request and the requirements of the EIR documents and existing regulatory commitments, the following scope of work is proposed.

### Task 1 – Background Research

AECOM will review available environmental documentation, recent and historic aerial photographs, and other relevant background information provided by MACTEC and the City. This review will include conducting a review of the California Natural Diversity Database and the California Native Plant Society's inventory of rare and endangered vascular plants of California to verify the continued applicability of the list of potentially occurring special-status plant and animal species included in the existing EIR. AECOM will also review their internal files for information generated regarding biological resources on other project sites in the vicinity of the Wilfred Dowdell Specific Plan Area.

### Task 2 – Update of 2005 Biological Assessment and Wetlands Delineation

MACTEC prepared a biological assessment and preliminary delineation of waters and wetlands at the Site in January 2005; however, it appears that these documents were not submitted to the USACE for verification due to the delay in the project. A verified delineation is typically considered valid for three years and therefore additional assessment of wetlands is necessary. An update of the biological assessment is also necessary in determining the quality of habitat available for special status species known to inhabit the area in the immediate vicinity of the project area, including California Tiger Salamander (CTS).

Biologists with suitable expertise will conduct a formal delineation in order to determine the location and extent of waters and wetlands potentially considered to be jurisdictional by the USACE, State Water Resources Control Board (State Water Board), and/or California Department of Fish and Game (CDFG). Determination of the boundaries of potential jurisdictional areas will follow standard methodologies as described in the USACE 1987 *Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0*. Features that meet the USACE's, State Water Board's, and/or CDFG's definition of potentially jurisdictional waters or wetlands will be photographed and mapped by a hand-held global positioning system (GPS) unit and/or by hand on available aerial imagery, topographic maps, or project maps and then downloaded/digitized onto the appropriate base map in ArcGIS or similar electronic format. Information will also be recorded in order to complete the *Approved Jurisdictional Delineation Form*. It is also assumed that an early spring visit will be sufficient to complete this task. If the USACE requires additional data, an expanded scope of work and cost estimate will be submitted to the City. It is assumed that no more than one Site visit will be necessary to delineate the location and extent of potentially jurisdictional waters and wetlands, including collecting the necessary data for the *Approved Jurisdictional Delineation Form*.

Concurrent with the wetlands delineation, a qualified botanist and wildlife biologist familiar with the target special-status species within the region will conduct a reconnaissance-level site visit to assess the sensitivity of on-site habitats, make a preliminary assessment of the potential for occurrence of the target special-status plant and animal species based on existing habitat availability, and identify the need for focused surveys. This assessment will include surveying the Site to determine if the Site could be used by the California Tiger Salamander (CTS) as breeding and/or upland habitat. Areas of potential habitat for special-status species, vegetation communities present, plant and wildlife and species observed, and identified sensitive natural communities will be recorded and mapped during the site visit.

Upon completion of field activities, the biologist will synthesize the data and field maps and prepare a combined delineation report and biological assessment, including a map of potential jurisdictional waters and wetlands identified within the proposed project area (the Site). The report will be prepared in accordance with USACE San Francisco District 2007 guidance to consultants for submitting delineation reports and will be prepared to meet the requirements of the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS, 2003) and will include a detailed analysis of wetlands on the Site that may provide potential CTS breeding habitat. This analysis will be based on proximity to documented occurrences of the species as well as onsite conditions such as dominant plant communities, the presence of burrows or other aestivation habitat, and potential migration barriers. The report will include a regional vicinity map of documented occurrences of CTS in the California Natural Diversity Database (CNDDB) and other available documented occurrences that are known for the area. Two versions of this report will be prepared, a draft report and a final report. The final report will incorporate comments from the City on the draft report.

### **Task 3 – Consultation with CDFG, USACE, and USFWS**

This task includes services associated with requesting verification of the jurisdictional delineation report from the regulatory and resource agencies (including but not limited to, report submittal verification and field meetings with agency representatives). This task also assumes that the City will move forward with permitting the entire project (Village North and South Parcels) area and that permits would be prepared in conjunction with Section 7 Consultation (Option B of the AECOM Proposal) with the USFWS as well as Sections 401 and 404 of the Clean Water Act Clean Water Act, and Section 1602, California Fish and Game Code. This task includes costs associated with obtaining the necessary permits, agreements, and certifications, preparation of the project descriptions for the permits, and management of the permitting process. A detailed description of this task is included in the attached AECOM proposal.

### **Task 4 – Site Assessment/Field Surveys for Rare Plants**

Results of the January 2005 biological assessment for the Site indicated no federally-Threatened or Endangered plant species were detected during the survey and only marginally suitable habitat was observed at the Site for five special-status plants. A site assessment is the first step in determining if a protocol-level survey for listed plants is appropriate. The purpose of a site assessment is to evaluate the potential for vegetation communities present on a proposed project site to support listed species known to or with the potential to occur in the project site vicinity. If vegetation communities present have the potential to support listed plants, a protocol-level survey is required before a negative finding can be supported.

For proposed project sites located in the Santa Rosa Plain, a protocol-level survey requires a minimum of two years of surveys with at least three field visits per year and surveys no older than three years from the current date of the project proposal. Based on MACTEC's January 2005 biological assessment, it does not appear that habitat for listed plants is present on the proposed project site. Therefore, MACTEC does not anticipate that a protocol level plant survey will be required. However, due to the project delay (over five years) since the previous field survey was conducted for the EIR, completion of a site assessment will need to be conducted to verify that the proposed project site conditions have not substantially changed since the previous field survey was conducted and to document the survey for future permitting actions. The site assessment will be completed concurrently with the field survey for the jurisdiction wetland delineation described above.

After completion of the site assessment, a technical report will be prepared that provides a description of plant communities on the project site, as well as other environmental conditions. The report will include

a geographic information system (GIS)-based map to document habitat conditions and significant findings on the site. In the event that the site is sufficiently disturbed that no habitat with potential to support special-status plants occurs on the project site, a less detailed memorandum will present the case that no special-status plants are expected to occur on the project site. Two versions of this report will be included, a draft report and a final report. The final report will incorporate comments from the City on the draft report.

#### **Task 5 – Nesting Birds Preconstruction Surveys**

As detailed in Mitigation Measure 3.4-6a of the January and August 2008 Final EIR documents, completion of a preconstruction nesting bird survey would be required prior to the implementation of construction activities during the bird nesting season (typically February through August). A wildlife biologist will conduct the surveys within 30 days of construction activities. Habitats potentially used for nesting on the Site and located within 200 to 500 feet of the Site will be searched for active bird nests. This task assumes that one survey would be conducted and that bird species that are observed will be identified and the locations of active nests will be mapped with a professional GPS unit.

Upon completion of the survey, a technical report will be prepared summarizing the methods and results of the bird surveys. The report will include recommendations for required buffers around active nests, if present. The buffer size will be determined based on the sensitivity to disturbance of the bird species present and discussions with the CDFG.

#### **Task 6 – Meetings and Project Management**

This task is for AECOM to provide City and agency coordination and project management and includes time for meetings between AECOM, MACTEC, and the City. MACTEC's labor for project management and coordination with the subcontractor is included in each task discussed above.

#### **ESTIMATED BUDGET**

Based on the January 27 meeting between yourself and MACTEC we have costed this proposal using costs provided by AECOM. The total estimated budget for this scope of work includes MACTEC labor for project management and coordination with the subcontractor and is summarized below:

Task 1 –Background Research	\$925
Task 2 –Update of 2005 Biological Assessment and Wetlands Delineation	\$11,800
Task 3 – Consultation with CDFG, USACE, and USFWS	\$29,000
Task 4 – Site Assessment/Field Surveys for Rare Plants	\$10,350
Task 5 – Nesting Birds Preconstruction Surveys	\$5,400
Task 6 – Meetings and Project Management	\$6,550
<b>Total Estimated Budget</b>	<b>\$64,025</b>

MACTEC will perform the work described in this proposal on a time and materials basis in accordance with the attached schedule of charges and MACTEC's existing Master Services Agreement with the City, dated February 19, 2004 and, once executed, the work will be Amendment 4 to the Master Services Agreement. Actual invoice amounts will be based on actual labor hours and expenses associated with this



work and the total invoice amount may be less than the budgeted amount. The budgeted amount of \$64,025 is an estimate. If during the performance of this work, the assumptions for the scope of work described above change, MACTEC will contact you and request a modification to the fee accordingly.

#### **SCHEDULE**

We are prepared to begin work within one week following receipt of Amendment 4 to the Contract which references the scope of services described in this proposal. Preliminary work for wetlands, rare plant, and CTS surveys which include gathering background data will be initiated within two weeks of authorization to proceed and the surveys will be scheduled to correspond with the wet season and blooming period of the wetland indicator plants. The draft Wetlands Delineation report will be completed within six weeks of completion of this survey and the rare plant and CTS reports will be completed within 30 days of completion of those respective surveys. The schedule for the nesting bird survey and associated report will be developed after the construction schedule for the Site has been developed.

#### **AUTHORIZATION**

Please provide MACTEC with Amendment 4 to the Master Agreement that references the proposal and we will return an executed copy for your records.



**MACTEC Engineering and Consulting, Inc.**

**Prepared for City of Rohnert Park**

*The following rates are effective 2/1/11 and will be adjusted annually to reflect changes to the US Department of Labor Revised Consumer Price Index for Wage and Clerical Workers, US City Average, published by the Bureau of Labor Statistics.*

**I. PERSONNEL** Charges will be made at the following rates for time spent in project management, consultation or meetings related to the project, conducting field inspections, sampling, evaluations, review and analysis of field and laboratory data, report preparation and review, design, travel time, etc.

Time spent on projects in litigation, in depositions and providing expert testimony will be charged at the standard rate times 2.0. Technician and Support Personnel time for work over 8 hours per day and on holidays, Saturday and Sunday will be charged at the standard rate times 1.5

**Technical Services: (Engineering and Science)**

Clerical	\$48.00/hour
Technical Writer/Document Processor	\$81.00/hour
Technician I	\$50.00/hour
Technician II	\$83.00/hour
Senior Technician I	\$65.00/hour
Senior Technician II	\$83.00/hour
Principal Technician and Specialty Technicians (i.e., persons holding specialized certifications)	Separate Schedule
CADD/Draftsperson	\$106.00/hour
Project Administrator/Project Coordinator	\$77.00/hour

**Professional: (Engineer, Geologist, Scientist and Project Management)**

Staff I	\$73.00/hour
Staff II	\$88.00/hour
Project	\$91.00/hour
Senior	\$120.00/hour
Principal/Project Manager	\$157.00/hour
Senior Principal	\$203.00/hour
Chief Engineer/Scientist	\$204.00/hour
Special Rate Personnel*	Separate Schedule

\*Special Rate Personnel identified by name (such as certain Senior Principals with specialized expertise) will be billed at a special rate identified for individual projects.

**Surveying Services**

Field Surveyor I	\$41.00/hour
Field Surveyor II	\$44.00/hour
Survey Technician I	\$63.00/hour
Survey Technician II	\$71.00/hour
Survey Party Chief	\$75.00/hour
Survey Chief	\$78.00/hour

**Information Management and GIS**

Data Technician	\$138.00/hour
Software Engineer	\$96.00/hour
Senior Software Engineer	\$170.00/hour
Business Analyst	\$140.00/hour
IT Manager	\$185.00/hour

**Contract Labor** From time to time, MACTEC retains outside Professional and Technical labor on a temporary basis to meet peak workload demands. Such contract labor will be charged at regular Schedule of Charges rates.

**II. EXPENSES**

<b>Travel Expenses</b>	<u>Personal Vehicle</u>	\$ .51/mile
	<u>Common carrier or car rental</u>	Multiplied by 1.10
	<u>Per Diem expenses</u>	Direct expenses multiplied by 1.10

**Disposal of Hazardous Waste Samples**      Samples of waste will be disposed by permitted methods after a determination is made that the waste is defined by RCRA to be hazardous. Due to the requirements for some hazardous assessments, disposal and invoicing of incurred expenses may take place after invoicing of the originally contracted work.

<b>Equipment Other Expenses</b>	<u>CADD/Microcomputer</u>	\$14.00/hour
	<u>Personal Computer</u>	\$9.00/hour
	<u>Truck and Field Test Equipment</u>	\$21.00/hour
	<u>4-Wheel Drive Truck</u>	\$10.00/hour
	<u>½ to 1-Ton Pickup Truck</u>	\$10.00/hour
	<u>Geophysical Equipment</u>	Separate Schedule
	<u>Geotechnical &amp; Environmental Monitoring Equipment</u>	Separate Schedule
	<u>Other Computer Services</u>	Separate Schedule
	<u>Mobile Phone</u>	\$20.00/day
	<u>Special Equipment or supplies, permits, shipping, charges, special printing or other items not customarily provided by MACTEC</u>	Cost multiplied by 1.10

<b>Communication &amp; Reproduction</b>	<u>Reproduction Copies</u>	\$0.10/page
	<u>Color or Oversize Printing</u>	\$1.00/page
	<u>Plotter</u>	\$2.25/foot

<b>Subcontracts</b>	Subcontract Services	Cost multiplied by 1.07
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**Terms**      Billings are payable upon presentation and are past due 30 days from invoice date. A finance charge of 1.5 percent per month, or the maximum amount allowed by law, will be charged on past-due accounts.

*This fee schedule includes data that is considered confidential and shall not be copied or otherwise disclosed beyond the use intended in this contract or proposal.*



AECOM  
2101 Webster Street  
Suite 1900  
Oakland, CA 94612  
www.aecom.com

510-622-6600 tel  
510-763-2796 fax

January 18, 2011

Gary A. Lieberman, CEM  
Project Manager & Geologist  
MACTEC Engineering and Consulting, Inc.  
1465 North McDowell Blvd., Suite 200  
Petaluma, CA 94954

**PROPOSAL: Biological Consulting Services for the Wilfred/Dowdell Village Specific Plan Area Project, Rohnert Park, Sonoma County, California**

Dear Gary:

Thank you for the opportunity to present you with this proposal to provide biological consulting services. AECOM provides a full suite of biological consulting services and assisting clients with biological evaluation and permitting issues. Specifically, we provide expertise in habitat evaluations for rare and endangered plant and animal species, wetlands, permitting, mitigation planning, CEQA and NEPA compliance, habitat restoration, monitoring, agency consultation, due diligence studies, and constraints analyses. We have a long history of success with projects such as yours by performing careful analyses and anticipating agency concerns.

Based upon the information provided in emails and project background documents including the Wilfred/Dowdell Village Specific Plan EIR, Santa Rosa Plain Conservation Strategy, City of Rohnert Park General Plan, and the Wilfred/Dowdell Village Specific Plan, AECOM proposes to provide biological consulting services as outlined in the attached scope of work for the Wilfred/Dowdell Village Specific Plan Project, located near the intersection of Wilfred Avenue and Dowdell Avenue in the City of Rohnert Park, Sonoma County, California.

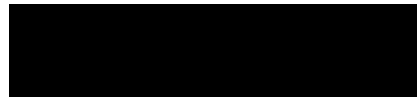
AECOM will provide these services for a total labor cost estimated to be \$52,560 (Option B) or \$57,660 (Option A). This proposal/ cost estimate is valid for 60 days.

If you have any questions, please don't hesitate to call me or Kristen Asmus.

Sincerely,



Sean Bechta  
Associate Principal  
AECOM Inc., Sacramento



Kristin Asmus  
Associate / Natural Resources  
AECOM Inc., Oakland

Attachments: Attachment A - Scope of Work, Attachment B - Rate Table

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## **ATTACHMENT A: SCOPE OF WORK – WILFRED DOWDELL VILLAGE**

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### **Task 1. Background Research**

AECOM will review available environmental documentation, recent and historic aerial photographs, and other relevant background information provided by the client. We will conduct a review of the California Natural Diversity Database and the California Native Plant Society's inventory of rare and endangered vascular plants of California to verify the continued applicability of the list of potentially occurring special-status plant and animal species included in the existing environmental impact report (EIR). We will also review our internal files for information generated regarding biological resources on other project sites in the vicinity. We have included up to seven hours for this review.

**Task Cost: \$820**

### **Task 2. Update of 2005 Biological Assessment and Wetland Delineation**

Based upon the length of time that has elapsed since the current biological assessment was completed in January of 2005, an update to adequately address current site conditions is recommended. This update is necessary in determining the quality of habitat available for special status species known to inhabit the area in the immediate vicinity of the project area, including California tiger salamander. Based upon our current understanding of the project and the requirements outlined in the EIR for the Wilfred/Dowdell Village Specific Plan (2008), consultation with the U.S. Fish and Wildlife Service (USFWS) regarding impacts to the California tiger salamander will be required. A current biological assessment will determine the most appropriate approach to the required USFWS consultation. We understand that the current approach to the project is phased such that only the northernmost portion is planned for construction at this time. Due to the need for a USFWS consultation and the associated constraints depending upon the approach taken (section 10 Endangered Species Act [ESA] versus section 7 consultation), we propose to survey the entire 24.77-acre site (both the north and south portions).

A qualified AECOM botanist and wildlife biologist familiar with the target special-status species within the region will conduct a reconnaissance-level site visit to assess the sensitivity of on-site habitats, make a preliminary assessment of the potential for occurrence of the target special-status plant and animal species based on existing habitat availability, and identify the need for focused surveys. Areas of potential habitat for special-status species, vegetation communities present, plant and wildlife and species observed, and identified sensitive natural communities will be recorded and mapped during the site visit.

Concurrently with the update of the biological assessment, AECOM will conduct a formal wetland delineation for the approximate 24.77-acre study area in accordance with 1987 U.S. Army Corps of Engineers' (USACE) guidelines and the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Waters of the state subject to California Department of Fish and Game (CDFG) and Regional Water Quality

Control Board (RWQCB) regulations will also be determined. Field data points will be sampled and data on hydrology, vegetation, and soils will be recorded. Data points and the extent of potential wetlands and waters of the U.S. will be mapped within the 24.77-acre study area [and any off site improvement areas identified by the client].

Upon completion of our fieldwork, we will prepare a combined technical report, including an updated biological assessment and preliminary wetland jurisdictional determination. This report will describe the biological resources found on site including sensitive natural communities, and the potential for occurrence of special-status species, as well as recommendations. A summary of all potential wetlands and waters of the U.S. subject to federal or state regulations will also be included. A map and copies of all field data forms will be included within the technical report.

A topographic map depicting the limits of the study area to be provided by the Client is necessary to prepare the wetland delineation map. The study area should include all areas where temporary and permanent project impacts are proposed. AECOM assumes that the Client will provide adequate base maps in electronic form that use a standard projection coordinate system, i.e. UTM, State Plane, NAD 27, or NAD 83.

This task does not include conducting focused special-status species surveys or initiation or completion of permitting activities. These activities are included as separate items in the tasks below.

**Task Cost: \$9,400**

### **Task 3. Consultation with USFWS**

Based upon the findings of the updated biological assessment, strategies for consultation with USFWS for special status species may vary. Two approaches to consultation (Option A and Option B) are outlined below and include an explanation of the reasoning behind each approach and estimated cost for each approach.

#### *Option A: Section 10 Consultation*

If it is confirmed during the updated biological assessment and wetland delineation that there are no wetland features on the northern portion of the project site, and the Client chooses to move forward with only the northern portion for consultation with USFWS, there will be no federal nexus for the project. An incidental take permit is required when non-Federal activities may result in take of threatened or endangered wildlife, such as California tiger salamander. The following summarizes the work necessary to complete this process:

- Section 10 permit application: AECOM would complete the Section 10 permit application form 3-201 available from USFWS.

- **Habitat Conservation Plan:** AECOM would prepare a Habitat Conservation Plan (HCP). The contents of an HCP are defined in Section 10 of the ESA and its implementing regulations. The HCP must include:
  - an assessment of impacts likely to result from the proposed taking of one or more Federally listed species;
  - measures the permit application will undertake to monitor, minimize, and mitigate for such impacts;
  - the funding that will be made available to implement such measures;
  - procedures to deal with unforeseen or extraordinary circumstances;
  - alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives; and
  - additional measures that the USFWS may require as necessary or appropriate.
  
- **Publication in Federal Register:** The USFWS must publish a notice of receipt of a Section 10 permit application in the Federal Register. To speed the process, AECOM will offer to prepare the Federal Register Notice for the USFWS.
  
- **Findings of Compliance with Permit Issuance Criteria:** Section 10(a)(2)(B) of the ESA requires the following criteria be met before USFWS may issue an incidental take permit:
  - The taking will be incidental.
  - The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
  - The applicant will ensure that adequate funding for the HCP and procedures to deal with unforeseen circumstances will be provided.
  - The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
  - The applicant will ensure that other measures that the USFWS may require as being necessary or appropriate will be provided.
  - The USFWS has received such other assurances as may be required that the HCP will be implemented.

To assist the service in preparing findings that the project will meet this issuance criteria, AECOM would prepare documentation, as appropriate, to support these statements. Documentation may be in the form of letters, memoranda, or emails. If USFWS will require formal reports to complete this task, then a budget augmentation may be necessary.

- **Formal Section 7 Consultation:** Because issuing a Section 10 permit is a federal action carried out by USFWS, they must comply with Section 7 of the ESA. Therefore, USFWS will conduct an "internal" Section 7 consultation. The cost for this task assumes that USFWS will obtain all the information it will need to complete Section 7 consultation from the HCP that AECOM would prepare. Should USFWS

require additional documentation, such as a further biological assessment or other studies, a budget augmentation may be necessary.

- NEPA Compliance: This task assumes that a categorical exclusion will be applicable for the project. Categorical exclusions apply to "a category of actions which do not individually or cumulatively have a significant effect on the human environment" (40 CFR § 1508.4). USFWS must ensure that the impacts of the project, considered together with the impacts of other permitted projects, will not be significant. AECOM would assist in preparing an environmental action memorandum to support findings of a categorical exclusion and findings that the project will not be cumulatively significant. However, if USFWS determines that an environmental assessment resulting in a finding of no significant impact (FONSI) or environmental impact statement (EIS) will be required for the project, then a budget augmentation may be necessary.

AECOM will submit the above identified materials and coordinate with USFWS to obtain a section 10(a)(1)(B) permit. If coordination beyond that anticipated due to the undefined length of time that USFWS has to respond, a budget augmentation may be required.

**Option A Cost: \$30,000**

*Option B: Section 7 Consultation with Federal Nexus and Programmatic BO*

If the Client chooses to move forward with permitting the entire project area, with immediate construction of only the northern portion and construction of the balance of the project within 5 years (which can be extended), permits would be prepared in conjunction with a Section 7 consultation with USFWS. Because of the potential impacts to jurisdictional features, including potential wetlands and a roadway crossing over Labath Creek, permits and/or approvals from the following agencies will likely be required: USACE, RWQCB, and CDFG. Because of USACE involvement (i.e., a federal agency), ESA compliance via Section 7 of the ESA is an option.

To facilitate agency approval, AECOM would prepare required permit applications or notifications for a Clean Water Act (CWA) Section 404 Nationwide Permit to the USACE, CWA Section 401 Water Quality Certification to the RWQCB, and California Fish and Game Code Section 1602 Streambed Alteration Agreement to the CDFG.

Each of the permit applications are described below. However, common to all applications would be the preparation of a permit package containing all the necessary and relevant information from the project team to assist the regulatory agencies with the permitting process, including a project description, biological reports, the wetland delineation, CEQA compliance documents, and engineering design plans. An administrative draft of each permit application package would be submitted to the City for review and comment. AECOM will address one round of review and comment and submit a final permit package in electronic (pdf) format.

*USACE*

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Assuming the proposed project under Option B impacts jurisdictional waters of the United States, a Section 404 permit from USACE pursuant to the CWA must be obtained. For this scope of work, AECOM assumes the project will qualify for a reporting Nationwide permit (NWP) No. 14 (Linear Transportation Projects), which allows up to 0.5 acre of impacts to waters of the U.S., including wetlands. AECOM would prepare a Pre-Construction Notification (PCN) (or alternatively ENG Form 4345 if the PCN is not available). As part of the PCN, AECOM would prepare an analysis of USACE's General Conditions. No permit fees are required by USACE. Also included in this task is the submittal of all wetland delineation documentation to the USACE for review, attendance at a single site verification meeting with USACE personnel, revision of the wetland delineation map and report if requested, and re-submission to the USACE for final approval.

#### *North Coast RWQCB (Region 1)*

Assuming under Option B that a Section 404 permit is required, a Section 401 Water Quality Certification pursuant to the CWA would also be necessary. AECOM would prepare an application for a Section 401 Water Quality Certification for the North Coast RWQCB. The RWQCB issues certifications when they have determined that the project will adequately protect water quality and all the necessary avoidance and minimization measures to do so have been implemented. Fees for the RWQCB are assessed on a volume of impact basis. AECOM assumes payment of the regulatory fee is the responsibility of the City or applicant. If the proposed project would affect waters of the state that are not regulated by USACE (e.g., isolated wetlands), a Waste Discharge Requirement (WDR) may also be required. For this scope of work, AECOM assumes the project will qualify for a 401 Certification and if a WDR is necessary, it may be obtained concurrently with the 401 Certification.

#### *CDFG*

A Section 1602 Streambed Alteration Agreement pursuant to the California Fish and Game Code is required from CDFG for construction activities that impact lakes, drainages, creeks, streams, or riparian habitat within the project area. Assuming under Option B that the proposed project does in fact impact said jurisdictional features, AECOM will prepare a Notification of Lake or Streambed Alteration for submittal to CDFG. CDFG assesses application fees for each project based on the total construction cost only for that portion of the project affecting jurisdictional features. AECOM assumes the City or the applicant will be responsible for payment of the permit fee.

#### *USFWS*

Under the FESA, the USFWS has jurisdiction over plants, wildlife, and resident fish. In addition to listed species, the USFWS publishes a list of candidate species. Candidate species are those for which the USFWS has sufficient biological information to support a proposal to list as endangered or threatened. Species on the candidate list or species of concern are not protected under the ESA, but they receive special attention during environmental review.

Section 7 of the ESA outlines procedures for federal interagency cooperation and participation in the conservation and recovery of federally listed species and designated

critical habitat. Section 7(a) (2) requires federal agencies to consult with other federal agencies with regulatory authority to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is an area occupied by a listed species within which are found the physical or geographical features essential to the conservation of the species. Critical habitat can also be unoccupied habitat that is essential to the conservation of the species.

Section 7 of the ESA requires a federal nexus, which can be established by receiving a CWA Section 404 Nationwide Permit from the USACE. If the proposed project is "likely to adversely affect" federally-listed species as determined by the Biological Assessment (BA), then the USACE would initiate formal consultation with the USFWS. During Section 7 consultation, the USFWS reviews the BA and issues a Biological Opinion, which is the agency's determination as to whether or not the proposed project will jeopardize the listed species. A Biological Opinion includes conditions under which the project may proceed; an incidental take permit is also issued, identifying the number of individuals of the listed species allowed to be harmed by project activities without violating the terms of the permit. The proposed project may rely upon the "Programmatic Biological Opinion for U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California" (Corps File Number 223420N). Because the Programmatic Biological Opinion has already determined impacts and listed mitigation measures, the permit process is streamlined thereby eliminating additional coordination between the federal agencies.

**Option B Cost: \$24,900**

#### **Task 4. Pre-Construction Special-Status Botanical Surveys**

In order to adequately assess the potential for special-status plant species to occur on site, a reconnaissance level botanical survey and single season focused botanical survey of the 24.77-acre site would be conducted during the appropriate blooming periods in early and late Spring of 2011. Surveys will be conducted in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities* and the USFWS's *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants*. All plant species will be identified to a level appropriate to determine their legal status, and an inventory of all plant species detected on site will be prepared.

Upon completion of the surveys, AECOM will prepare a technical report that will include the methods and results of the focused rare plant surveys and a description of the potential for occurrence of any of the target species. All special-status plant species either detected on site or considered to have a high potential for occurrence on site will be described in detail.

The report will include a table summarizing the legal status, habitat affinities, blooming period, life form, and potential for occurrence on site of all potentially-occurring special-

status plant species for which suitable habitat exists. The report will also include a map of the locations of all special-status species and vegetation communities present on site, a species inventory, and copies of CNDDDB field forms. If only the northern parcel of the project area is to be surveyed, AECOM only charges for the hours worked and this task cost would be reduced.

**Task Cost: \$8,520**

#### **Task 5. California Tiger Salamander Surveys**

Focused surveys for California tiger salamanders (*Ambystoma californiense*), a California Species of Special Concern, federally-listed as Endangered for the Santa Barbara and Sonoma distinct population segments, and federally Threatened for the Central California distinct population segments, are recommended when there is presence of suitable breeding habitat on site. The project area is located over 1.3 miles from the nearest identified breeding pond based upon information in the Santa Rosa Plain Conservation Strategy (2008). The specific survey requirements for this species will be dependent upon the results of consultation with USFWS, but may include protocol level surveys as outlined in the 2003 U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game's (CDFG) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*. The quality and availability of aquatic habitat on site will be evaluated during the updated biological assessment. Based upon the prior biological assessment and the project EIR, the areas identified as potential wetlands may be suitable for California tiger salamander. Should the full protocol surveys be needed, a separate cost estimate will be prepared. Protocol focused surveys consist of two seasons of aquatic sampling surveys during the breeding season and a drift fence study (or nocturnal survey; see below) during the intervening winter. Alternative survey methods, including nocturnal surveys, visual egg surveys, night driving, fiber optic scoping, and cover-board surveys, will only be accepted by USFWS and CDFG to confirm the presence of California tiger salamanders, but are not considered adequate to support negative findings.

A proposal to complete these surveys will be prepared based upon the guidance provided by USFWS during the consultation process. The project site will be fully evaluated for suitable California tiger salamander habitat during the updated biological assessment (Task 2).

**Task Cost: TBD**

#### **Task 6. Pre-Construction Nesting Bird Surveys**

A qualified AECOM biologist(s) will conduct pre-construction surveys for nesting raptors, passerine, and non-passerine birds. The entire construction area will be surveyed for the presence or sign of nesting birds. If found, active nests will be mapped and appropriate non-disturbance buffer zones will be recommended. Concurrence from regulatory agencies regarding the appropriate non-disturbance buffers may be necessary. Typically, buffers range

from 200 to 500 feet for raptors and 50 to 90 feet for passerines and non-passerine land birds. The size of buffer zones varies between species and is based on the sensitivity of the species to human disturbance, the type of construction activities occurring and the site conditions. Active nests should be monitored to determine when the young have fledged and are safely feeding on their own. This task does not include time to monitor active nests. If active nests are found, a budget augmentation will be required for further monitoring and agency coordination. Active bird nests for a large number of species are protected under the federal Migratory Bird Treaty Act of 1918 and the California Department of Fish and Game Code §§ 3503 and 3503.5.

Following completion of the survey, AECOM will prepare a letter report detailing the results of our survey and any recommendations. In the case of negative findings, vegetation removal and ground disturbance activities may begin within 15 days of this survey. If more than 15 days elapses the surveys will expire and may need to be reinitiated. This task includes time for one survey effort. If construction is delayed or phased a budget augmentation may be necessary.

**Task Cost: \$4,000**

#### **Task 7. Team Coordination Meetings and Project Management**

We have included up to 40 hours to provide time for client and agency coordination and project management. These hours are an estimate and if additional time is required a budget augmentation may be necessary. AECOM only bills for those hours actually worked.

**Task Cost: \$4,920**

***Total Cost with Option A (Sec 10): \$57,660***

***Total Cost with Option B (Sec 7):\$52,560***

**ATTACHMENT B  
AECOM  
2011 RATE TABLE**

<u>TITLE</u>	<u>HOURLY RATE</u>
Principal	\$185-265
Project Manager	\$90-185
Senior Project Analyst	\$95-180
GIS Technician	\$75-125
Project Biologist / Restorationist	\$75-135
Project Analyst	\$75-100
Project Certified Arborist	\$75-125
Clerical / Editor	\$55-95
Hydrologist / Geomorphologist	\$90-175
Fisheries Ecologist	\$90-185
Entomologist	\$90-205
Herpetologist	\$90-155

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Hours reflected on invoice include travel time.  
 Reimbursable Expenses/Direct Costs are billed at cost.  
 Per diem/travel are billed at cost.  
 Certain items of field equipment have a rental charge (rates available upon request).  
 Mileage is charged at \$0.50/mile or current federal rate.  
 Hourly rates and other fees are subject to change.  
 Rates to provide expert testimony for depositions or trials are 1.5 times those rates shown above.  
 A 1.5% per month finance charge on unpaid balances over 30 days may be assessed.  
 AECOM shall be reimbursed for all collection costs and attorney fees.