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STATE OF TEXAS                    §  
  §  
COUNTY OF FORT BEND           §

**AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL ENVIRONMENTAL SERVICES**

THIS AMENDMENT, is made and entered into by and between Fort Bend County (hereinafter "County"), a body corporate and politic under the laws of the State of Texas, and Bio-West, Inc., (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Agreement for Professional Environmental Services on December 16, 2014, (hereinafter "Agreement") pursuant to SOQ 14-025; and

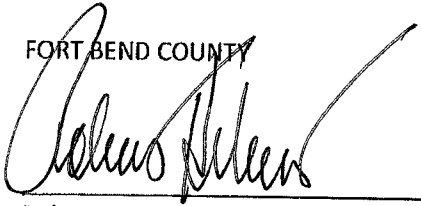
WHEREAS, the parties desire to amend the Agreement to include additional services.

NOW, THEREFORE, the parties do mutually agree as follows:

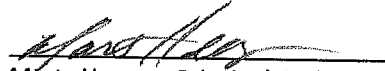
1. Services to be rendered under the Agreement shall be amended to include the amended project approach and cost estimate to acquire a U.S. Army Corps of Engineers Nationwide Permit, additional site visit(s), and required archeological consultation, as described in the Proposal dated June 18, 2015, attached hereto as Exhibit A, and incorporated herein for purposes.
2. County shall pay Contractor an additional nineteen thousand four hundred dollars and no/100 (\$19,400.00), on a lump sum basis, for the additional professional environmental services to be rendered under this Amendment.
3. The Maximum Compensation payable to Contractor for Services rendered is hereby increased to an amount not to exceed sixty-four thousand four hundred dollars and no/100 (\$64,400.00). In no case shall the amount paid by County for all Services under the Agreement and this Amendment exceed the Maximum Compensation without an approved change order.

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

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FORT BEND COUNTY  
  
Robert E. Hebert, County Judge

BIO-WEST, INC.

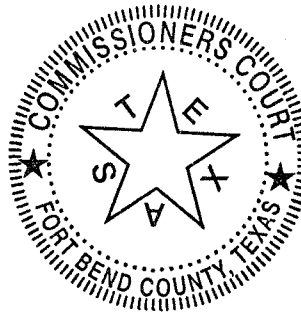
  
Marty Heaney, Principal Ecologist

9-1-2015  
Date

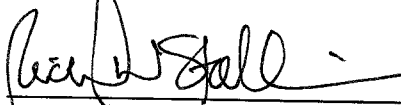
25 JUNE 2015  
Date

ATTEST:

  
Laura Richard, County Clerk

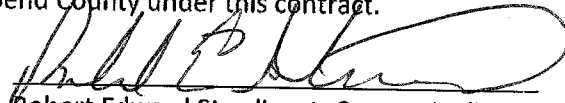


APPROVED:

  
Richard W. Stolleis, P.E., County Engineer

#### AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$64,400.00 to accomplish and pay the obligation of Fort Bend County under this contract.

  
Robert Edward Sturdivant, County Auditor

MDS

# EXHIBIT A



June 18, 2015

Mr. Stacy Slawinski  
Fort Bend County Engineering  
301 Jackson Street, 4<sup>th</sup> Floor  
Richmond, Texas 77469

Re: Amendment of Environmental Services Proposal  
Cane Island Parkway -- Fort Bend County  
Fort Bend County, Texas

Dear Mr. Slawinski:

BIO-WEST, Inc. (BIO-WEST) is pleased to provide an amended project proposal to Fort Bend County for the proposed Cane Island Parkway project located near Katy in northern Fort Bend County, Texas. BIO-WEST understands this project to consist of installing approximately 0.81 miles of a new roadway that will connect FM 1463 to Interstate Highway 10 through an undeveloped tract of land. The following proposal provides an amended project approach and cost estimate to acquire a U. S. Army Corps of Engineers (USACE) Nationwide Permit (NWP), additional site visit(s), and required archeological consultation as result of the anticipated roadway design impacts.

### **Project Approach**

#### Field Survey

Previous field survey efforts performed by BIO-WEST indicated existing waters of the U.S. on the subject property. In order to fully comply with the Section 404 permitting process, additional field survey work is required. Specifically, field work will consist of performing the appropriate Hydrogeomorphic Modeling (HGM) assessment on adjacent wetlands and potentially the Galveston District Stream Assessment Tool (GDSAT) on identified waters of the U.S. These studies are required in order to assess the ecological and biological values of jurisdictional areas which have been indicated will be impacted by the project. A hydrogeomorphic (HGM) functional assessment will be conducted on the existing wetlands to establish the functional capacity unit (FCU) of waters of the U.S. within the project. Under the HGM, the following wetland functions will be assessed during the investigation: temporary storage and detention of surface water, maintenance of plant and animal community, and removal and sequestration of elements and compounds. As a result of the HGM functional assessment, a FCU value will be determined for the project impacts. This value will need to be mitigated with in-kind efforts or credits.

The Galveston District Stream Assessment Tool (GDSAT) will potentially be utilized on the existing ephemeral creek to quantify its baseline ecological value (value) according to the USACE standards. Subsequent to establishing an existing stream value, this tool will be implemented on the proposed design to determine post-construction values and identify any discrepancies. Any net loss in these values will require mitigation. If stream values cannot be reconciled within the proposed design, alternative mitigation will be required. It should be noted that the SCA tool is undergoing modification, and USACE staff are currently adjusting to these actions.

Mr. Stacy Slawinski

June 19, 2015

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Archaeological investigation and reporting will follow rules and guidelines outlined in the Texas Administrative Code (Title 13, Part 2, Chapter 26), the Texas Historical Commission Archeological Survey Standards for Texas, and the Council of Texas Archeologists Guidelines for Cultural Resource Management Reports. Based on the background reviews and evaluations of the alignments for potential cultural resources, the proposed projects would appear to possess at least a moderate potential for aboriginal and historic-age cultural resources. Therefore, BIO-WEST recommends an on-site archeological survey be conducted and is including fees within each of the cost estimates. Subsequent to the desktop literature reviews, a qualified archaeologist will survey the proposed project. Surveys will include an investigation of high probability (jurisdictional) areas that are primarily located around natural streams. Again, this field effort is anticipated to be completed in a field day. Following field efforts, a findings report will be prepared for the project.

### Environmental Permitting

An ENG 4345 application will be prepared in accordance with 33 CFR 325. Specific sections within the form that address the project include: nature of the activity, project purpose, reason(s) for discharge, type(s) of material being discharged and amounts, surface area of wetlands or other waters, a description of avoidance, minimization, and compensation, and addresses of adjoining property owners. To address and calculate these impacts, a wetland delineation will be prepared outlining the environmental concerns identified within the proposed alignment. Additionally, the HGM functional assessment and GDSAT tool will be prepared and included to identify the values of the existing features. An archaeological investigation report and the appropriate Texas Commission on Environmental Quality (TCEQ) application will also accompany the NWP for the USACE to review. Under this scenario, compensatory mitigation for impacts to jurisdictional areas would also be required and can be accomplished in the form of purchasing the appropriate number of mitigation credits from an approved mitigation bank, onsite in-kind wetland establishment (creation), onsite wetland restoration, and off-site wetland establishment. **Please note that mitigation costs associated with the project are not included with this scope of work.**

### Schedule

BIO-WEST will be able to start this project immediately upon authorization to proceed. It is anticipated the field survey will be completed in two days with a draft of the NWP application prepared for review within 4 weeks following. If requested, BIO-WEST will be glad to expedite this schedule to meet project needs. Finalized engineered drawings, impact acreages, and fill volumes will be required to complete the aforementioned permit(s). The USACE permitting process for a NWP may take 3-6 months to complete. Modification to project details may result in the selection of alternative permits and thus possibly increase workloads. Once the project is received by the USACE it will be assigned a project manager (PM). The PM has a 30 day period to either request additional information or deem the project complete. If the PM requests additional information BIO-WEST will have a 30 day period to respond and supply the requested information. Once the project has been deemed complete or if the 30 day period passes without any contact from the USACE PM the project is then placed into a 45 day engineering review period. The USACE PM and/or engineer can again request additional information about the project and BIO-WEST will have 30 days to supply requested information. If no contact has occurred in either the 30 day or 45 day review periods, the permit is assumed to be granted along the guidelines stated in the permit. If this occurs BIO-WEST will request a "Permit By Default" letter from the USACE. If mitigation is required and discussed within the permit, then any mitigation credit purchases or mitigation creation/restoration must be completed in order for the project to remain within permit compliance. BIO-WEST will request and attend, at minimum, one (1) meeting with the USACE PM to answer any questions which they may have regarding the project.

Mr. Stacy Slawinski  
 June 19, 2015  
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 Cost Estimate

Based on the regulations, information known, and project understanding; BIO-WEST anticipates the amended costs of drafting, submitting, and obtaining the Nationwide Permit and all necessary actions prior to that approval to be \$19,400, an increase in \$5,504.

**Table 1**  
**Cost Detail for Environmental Support**

Proposal Amount	Date Submitted	Tasks Included	Submitted To
\$13,896	February 2014	Field Work & Permitting	Fort Bend County
\$22, 730	October 2014	Field Work, Permitting, & Archeological	EHRA
\$19,400	June 2015	Field Work, Permitting, & Archeological	Fort Bend County

South Cane Island Parkway Fort Bend County, Texas							
LABOR							
Task	Hours						Estimated Cost
	Admin	Archaeologist	ArcGIS Designer	Scientist	Permit Specialist	Sr. Scientist	
Additional Field Survey	2			6	6	1	\$ 1,435
Drafting Nationwide Permit	2			2	20	1	\$ 2,635
Mitigation Plan	1			2	8	1	\$ 1,255
Functional Assessments	1			4	4	1	\$ 985
TCEQ Tier I Checklist	1			3	2		\$ 535
USACE Meetings	2				8	8	\$ 2,160
Archeological Field Survey	2	36					\$ 2,820
Archaeological Report	1	36		1	2	1	\$ 3,210
Mapping and Project Design	1		12		4	1	\$ 1,545
Project Management	2	4		2	15	4	\$ 2,820
<b>Total Labor</b>	<b>15</b>	<b>76</b>		<b>20</b>	<b>69</b>	<b>18</b>	<b>\$ 19,400</b>
<b>TOTAL FOR ENVIRONMENTAL SERVICES</b>							<b>\$ 19,400</b>

**Summary**

BIO-WEST greatly appreciates the opportunity to provide this scope of services and cost estimate. If this proposal meets your needs and expectations please approve by signing and returning the attached work authorization. If you have any questions or would like any additional information, please feel free to contact me at (832) 595-9064.

Sincerely,



Andy Boswell  
 Senior Ecologist