STATE OF TEXAS §
§
COUNTY OF FORT BEND §

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL SERVICES

THIS SECOND 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 Berg-Oliver Associates, 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, as amended by document dated July 28, 2015 (hereinafter "Amendment"); and

WHEREAS, the parties desire to amend the Agreement to include additional services specifically related to the Doris Road Overpass Project No. 13105.

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

1. Services to be rendered under the Agreement shall be amended to add environmental services for the Doris Road Overpass Project No. 13105 to be conducted in cooperation with the Texas Department of Transportation, as described in the Proposal dated May 27, 2015, attached hereto as Exhibit A, and incorporated herein for purposes.
2. County shall pay Contractor an additional one hundred twenty-one thousand eight hundred fifty-six dollars and no/100 ($121,856.00), 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 one hundred sixty thousand eight hundred twenty-six dollars and no/100 ($160,826.00). 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 and the Amendment shall remain unchanged.

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FORT BEND COUNTY

Robert E. Hebert, County Judge

10-6-2015
Date

BERG-OLIVER, INC.

Susan Alford, President

9/22/15
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 $160,826.00 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Edward Sturdivant, County Auditor

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EXHIBIT A

BERG ♦ OLIVER ASSOCIATES, INC.
Environmental Science & Land Use Consultants
14701 St. Mary's Lane, Suite 400, Houston, Texas 77079
(281) 589-0898 fax: (281) 589-0007
Houston ◊ Dallas/ Fort Worth ◊ WDBE/HUB ◊ www.bergoliver.com

May 27, 2015

Fort Bend County Engineering Department
Mr. J. Stacy Slawinski, P.E.
301 Jackson Street
Richmond, Texas 77469

Via email: Stacy.Slawinski@fortbendcountytx.gov; TLyng@binkleybarfield.com

Re: Proposal for Doris Road/I69, located in Precinct 1 of Fort Bend County, Texas
BOA Project Number 9618

Dear Mr. Slawinski:

The following proposal is provided to Fort Bend County Engineering Department (FBCED) for environmental services for the Doris Road/ I 69 improvements, formerly FBCED Project No. 13105, to be conducted in cooperation with the Texas Department of Transportation (TxDOT), located within Fort Bend County, Texas. Berg♦Oliver Associates, Inc. (Berg♦Oliver) will provide special attention to complete the work in a timely and professional manner. We will begin the assessment upon your acceptance and execution of this proposal.

The Project is located on approximately 2,500 linear feet along Doris Road, north and south of US 59, as well as an additional approximately 2,300 linear feet of access roads, in Fort Bend County, Texas. Since the project crosses a Texas Department of Transportation (TxDOT) roadway (US 59/I-69), and TxDOT's Environmental Assessment (EA) for this facility does not include the proposed bridge, an EA Re-Evaluation of the US 59 EA is required to address the additional impacts. Berg♦Oliver is proposing to provide Additional Services that were identified as necessary project based on the Limited Due Diligence Review previously performed as authorized by FBCED and those necessary to meet the compliance requirements of TxDOT.

Berg♦Oliver is proposing to provide the requested environmental services to best assist the project schedule. The Scope of Work in this proposal will include the following task(s): Task I) Limited Phase II Environmental Site Assessment (ESA); Task II) Wetland Delineation (WD); Task III) Project Management (PM); Task IV) TxDOT Environmental Assessment Re-Evaluation (EA); Task V) Archaeological Pedestrian Survey (ARPS); VI) Individual Permit (IP); Task VII) Individual Permit (IP); and Task VIII) Stream Assessment Model and Mitigation Plan (SAM).

A summary table of proposed additional services, costs, and time estimates for complete agency approvals is included on Page 2 of this proposal. The specific scope of work proposed is included in Attachment A.

AUTHORIZATION

Work performed under this proposal will be authorized by the execution of this agreement by an authorized signatory of FBCED.

RIGHT OF ENTRY

Unless otherwise stated, it is assumed that the client has the authority to enter the property for purposes of conducting environmental assessments and herein grants that authority to Berg♦Oliver.

BASIC COMPENSATION AND METHOD OF PAYMENT

Berg♦Oliver proposes to provide the environmental services on a time and materials basis per the rate schedule included in Attachment B, not to exceed the estimate listed in the table below. Invoices for all hourly work will be submitted monthly.

Tasks I through IV are necessary for the completion of the TxDOT Re-Evaluation and NEPA compliance review. Total estimate for Tasks I-IV is $60,800.00.

Tasks V – VII may be necessary upon the review of the documentation by TxDOT. These potential additional tasks area estimated to not exceed $61,056.00.

Each task may be authorized individually upon written notice by FBCED or collectively. Collectively, Tasks I-VII is estimated to not exceed $121,856.00.

Project No.	Project Location	Required Tasks	**Cost Estimate**
13105	Doris Rd	Task I Limited Phase II Environmental Site Assessment	$4,440.00
		Task II Wetland Delineation	$3,500.00
		Task III Project Management	$11,000.00
		Task IV Environmental Assessment Re-Evaluation	$41,860.00
		TOTAL Re-Evaluation Estimate	**$60,800.00**
		Potential Additional Tasks (If needed)	
		Task V Archaeological Pedestrian Survey (if needed)	$15,556.00
		Task VI Individual Permit (if needed)	$42,000.00
		Task VII Stream Assessment Model & Mitigation Plan (if needed)	$3,500.00
		Total Potential Additional Services	**$61,056.00**
		Grand Total (If needed)	**$ 121, 856.00**

CONFIDENTIALITY OF ASSESSMENT

The assessment and all related work and services of Berg♦Oliver Associates, Inc. are confidential. Berg♦Oliver Associates, Inc. is hereby employed by Fort Bend County Engineering Department pursuant to this contract. Under such contract relationship, all correspondence, written or oral, which relates to the findings of this study are, to the extent permitted by law, strictly confidential between the parties hereto, unless Berg♦Oliver Associates, Inc. receives a written request from the client to offer the results of this study to a third party not a part of this agreement/proposal. Environmental assessments may occasionally uncover extremely sensitive findings. It is the responsibility of Berg♦Oliver Associates, Inc. to report these findings to the authorizing client and to no other party.

PROPOSAL ACCEPTANCE AND EXECUTION

Acceptance of this proposal will serve as authorization to proceed with the work proposed herein. The signatory below also represents that the client has, or has secured, the authority to grant permission for Berg♦Oliver Associates, Inc. personnel to enter the subject property as necessary to conduct these assessments and that such permission is granted to Berg♦Oliver Associates, Inc. by the execution of this agreement/proposal. If the client is a Corporation or a Partnership, then the signature below will also represent the personal guarantee of the individual signing on behalf of the Client.

IN WITNESS THEREOF, Fort Bend County Engineering Department and Berg♦Oliver Associates, Inc. have accepted and executed this proposal for environmental services on this the _____ day of _____, 2015.

FORT BEND COUNTY
ENGINEERING DEPARTMENT

By: _____
Authorized Signature

BERG♦OLIVER ASSOCIATES, INC.

By: _____
Susan Alford, REM
President

Attachment A

DORIS ROAD
PROJECT NO. 13105
SCOPE OF WORK

CSJs: 0089-09-058, 0089-09-065, 0089-09-066, 0089-09-067, and 0080-08-092

Project No. 13105 is located on approximately 2,500 linear feet along Doris Road, north and south of US 59, as well as an additional approximately 2,300 linear feet of access roads, in Fort Bend County, Texas. Since the project crosses a Texas Department of Transportation (TxDOT) roadway (US 59/I-69), and TxDOT's Environmental Assessment (EA) for this facility does not include the proposed bridge, an EA Re-Evaluation of the US 59 EA is required to address the additional impacts.

SCOPE OF SERVICES

Berg♦Oliver is proposing to provide the requested environmental services to best assist the project schedule. The Scope of Work in this proposal will include the following task(s): Task I) Limited Phase II Environmental Site Assessment (ESA); Task II) Wetland Delineation (WD); Task III) Project Management (PM); Task IV) TxDOT Environmental Assessment Re-Evaluation (EA); Task V) Archaeological Pedestrian Survey (ARPS); VI) Nationwide Permit (NWP); Task VII) Individual Permit (IP); and Task VIII) Stream Assessment Model and Mitigation Plan (SAM).

TASK I
LIMITED PHASE II ENVIRONMENTAL SITE ASSESSMENT
SCOPE OF WORK

1. **Determination of materials and substances to be tested:** The initial assessment work indicates that the proposed project may involve construction activities within the existing railroad right of way. Given the likelihood of past use of defoliants within this right of way, testing of shallow soils in this area is warranted. Soil samples will be analyzed for herbicides (by SW-846 Method 8151), total arsenic (by SW-846 Methods 6010 or 6020), and pH.

2. **Securing of Test Samples:** Soil borings will be installed utilizing a hand auger. Berg♦Oliver proposes to advance two (2) soil borings in areas of former oil/gas activity. Borings will be advanced to depths of approximately one (1) foot below ground surface (bgs). One soil sample will be collected from each boring location. The locations of the borings will be determined in the field, and will be recorded using a portable GPS unit to allow precise mapping. Field sample determination for soil tests or composites will be

conducted by the on-site Berg♦Oliver field supervisor, field engineer, or geologist. Costs for this proposal do **NOT** include transportation and disposal of investigation derived waste (IDW). IDW (if any) will be drummed and left on-site for later disposal. However, under the proposed scope of work, IDW is not anticipated as remaining soil cores can be placed into the boring.

3. **Analytical Testing:** Samples secured during soil sampling events will be properly preserved and taken to an accredited laboratory for laboratory analysis for suspected contaminants. All samples will be properly contained and sealed for transport to the selected laboratory along with complete Chain of Custody forms.

4. **Analytical Results and Site Investigation Report:** The results of analytical tests will be reflected in a Site Investigation Report (SIR). Findings will be compared to acceptable levels of contaminants to determine if concentrations appear to exceed published human health and safety concentrations (MCL).

Exclusions: The scope of work does not involve the setting of groundwater monitoring wells, preparation of potentiometric surface maps, or plume concentration mapping since a higher level of subsurface analysis is required. If indicated from test results, a more comprehensive subsurface analysis may be recommended under a separate contract.

TASK II
WETLAND DELINEATION
SCOPE OF WORK

The objective of the delineation is to evaluate and document any portion of the site to be classified as a "Jurisdictional Water of the United States" as defined in 33 CFR 328 and subject to U.S. Army Corps of Engineers (USACE) jurisdiction.

Delineation work will consist of the following tasks:

1. **Review of NRCS Soil Surveys:** Task 1 will include a review of previously published soil data published by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), to determine the types of surface soils expected to be confirmed by on-site soil analysis.

2. **Review of Aerial Photographs:** Task 2 will include a review of historical aerial color and black/white photographic enlargements for selected years. Infrared color photographs will be analyzed for the presence of wetland signature color distortions. Information for all photographic interpretation will be compared to locate recurring sites where wetland signatures are present.

3. **Site Reconnaissance for Wetland Indicators:** Task 3 will include inspecting the property under the field procedures outlined in the Corps of Engineers Wetland

Delineation Manual – Technical Report Y-87-1 by the USACE. The delineation will be conducted according to the 1987 USACE Wetland Delineation Manual, the December 2008 Rapanos Guidance for Jurisdictional Determination, and the 2009 Atlantic and Gulf Coast Plain Delineation Supplement.

4. **Demarcation of Wetland Areas:** Task 4 will include the flagging of the jurisdictional wetland areas and/or the ordinary high water mark for location by a Global Positioning System (GPS) using the USACE October 2003 Standard Operating Procedures. The boundaries of all Section 10 and 404 waters/wetland limits within the property boundaries will be plotted on a scaled map. Each Jurisdictional area will be depicted with the following information: (1) size and shape; (2) surface area calculation (acres); and (3) combined total wetland and Jurisdictional Water area calculations for the entire subject tract. The final report submitted to the client from Berg♦Oliver will reflect the GPS data showing the location of the wetlands.

5. **Report Preparation:** Task 6 will include the preparation of a final report. Upon completion of the site reconnaissance, data translation, and map preparation, a report will be completed, one copy of which will be given to the client. The report will include a discussion of methodology used to delineate the tract, site findings, copies of all historical information reviewed (such as U.S. Geological Survey topographical maps, NRCS soil survey maps, and aerial photographs), site photographs, USACE routine data sheets, and a wetland delineation map.

TASK III
PROJECT MANAGEMENT
SCOPE OF WORK

The Berg♦Oliver Project Manager will be responsible for oversight and daily management of this project. Frequent and appropriate communications will be maintained between Berg♦Oliver and the FBCED in an effort to expedite completion of the project. Berg♦Oliver has incorporated internal quality assurance/quality control procedures, which will be used to validate the data collected, conclusionsdr awn, and information presented in the draft and final written reports. The following items are included in the project management tasks:

1. Coordinate the daily environmental study activities of the project

2. Coordinate and meet with design teams and team members, as necessary

3. Attend up to seven (7) miscellaneous meetings, as requested by FBCED and TxDOT

4. Provide quality assurance of Berg♦Oliver's environmental services throughout the duration of the project.

TASK IV
TXDOT ENVIRONMENTAL ASSESSMENT RE-EVALUATION
SCOPE OF WORK

The purpose of Task IV is to perform a detailed evaluation of the environmental effects that would occur as a result of the project and assess how those effects differ from those presented in Texas Department of Transportation (TxDOT)'s US 59 EA (dated October 2014). This assessment will include the following subtasks:

1. **Socioeconomic and Environmental Justice Analysis:** Berg-Oliver will update and assess, as necessary, the potential of the proposed action to disrupt existing communities due to displacements, street closures, bisecting of existing neighborhoods, or reduced access to community services, using 2010 census data from the U.S. Census Bureau for population, racial and ethnic proportions, median household income, and family poverty statistics at the census block level. Berg-Oliver will also determine if affected communities are disproportionately comprised of minority or low-income populations, compared to the region and the state. Available info will also be evaluated to determine the presence of people with limited English proficiency (LEP).

2. **Biological Resources Evaluation:** The biological and natural resource aspects of the proposed project will be reviewed and analyzed for potential impacts to those resources. The site will be reviewed for the presence of biological indicators, and a Tier I Assessment will be completed in accordance with the September 2013 Texas Parks and Wildlife Department (TPWD)-TxDOT Memorandum of Understanding (MOU). A check of the Natural Diversity Database (NDD) will be obtained from the TPWD, and an Information, Planning, and Conservation (IPAC) system run will be obtained from the United States Fish and Wildlife Service (USFWS). TxDOT's Biological Evaluation Form will be completed and submitted as part of the re-evaluation documentation.

3. **Traffic Noise Analysis:** Berg♦Oliver will provide the following services, following published TxDOT guidance, to predict the potential noise and air pollutant exposure to receivers along the proposed roadway project.

    a. Determine baseline ambient noise levels by monitoring at receivers along the proposed project route
    b. Perform noise level modeling of the proposed project using the Federal Highway Administration (FHWA) Traffic Noise Model (TNM, Version 2.5) and 2011 Noise Guidelines
    c. Determine the noise impacts and, if necessary, evaluate potential abatement measures such as noise barriers
    d. Analyze noise data and prepare a Draft Traffic Noise Technical Report for submittal to TxDOT-HOU
    e. Consider comments provided by reviewing agencies and, if necessary, revise the technical report for final submittal

Berg♦Oliver will need, as available, MicroStation files (or AutoCAD files if MicroStation not available) of both horizontal and vertical alignments (including topography and structures within about 500 feet of the proposed bridge and access roads); and all predicted design year traffic counts, year breakdowns (percent cars, heavy trucks, medium trucks, buses and motorcycles), directional distributions, and k-factors for the alignments and main arterial roads.

4. **Air Quality Analysis:** Berg♦Oliver will perform an air quality analysis update for the US 59/I-69 project in accordance with the current version of the TxDOT Air Quality Guidelines. A Quantitative Mobile Source Air Toxics (MSAT) analysis update would not be performed for the project in accordance with the current version of the proposed design, which does not show changes in the design which would result in substantial changes to the Houston-Galveston Area Council's (H-GAC) Traffic Demand Model (TDM). A carbon monoxide (CO) analysis would not be required, based on anticipated traffic levels below 140,000 vehicles per day (vpd). An additional set of traffic data will be needed for the air quality analysis for the project's estimated time of completion (ETC) year and the ETC +20 years or farthest year used for other assessments.

   Berg♦Oliver will prepare a summary and exhibits of the results of the re-analysis in the proper format, according to the air quality Standards of Uniformity (SOU), for incorporation into the EA Re-Analysis.

   The above scope and cost does not include time for public meetings and assumes that there will be no changes in alignments after work has begun. Also, no additional locations or sets of traffic counts will be evaluated once the text for the draft EA has been accepted. Should circumstances arise that would cause the cost to vary significantly from the initial budget, Berg♦Oliver will request authorization to amend the budget before additional costs are incurred.

5. **Hazardous Waste Initial Site Assessment (ISA):** Note that this subtask is only to be completed for the project area beyond the original due diligence scope performed.

   Berg♦Oliver shall conduct a hazardous materials ISA for the proposed project to identify sites within the project area that may have experienced soil and/or groundwater contamination. The assessment shall consist of a review of regulatory/governmental agency database records and an on-site investigation. The regulatory database search should occur within the minimum search distances set by American Society for Testing and Materials (ASTM) E 1527-13. Berg♦Oliver shall also prepare the State's Hazardous Material Initial Site Assessment Form. *Should testing be required, this can be performed as an additional service.*

6. **Historical, Cultural and Archaeological Records Review:** A preliminary records review was conducted on a portion of this roadway north of US 59. Additional review is needed on the revised road right of way. This subtask will be performed by Raba Kistner, Inc. (RKEI) under the management of Berg♦Oliver. It is the understanding of Raba Kistner that work associated with this project will be performed on behalf of the FBCED, with TxDOT acting as the lead agency and FBCED as the sponsoring entity.

   Regulatory Framework

   As a state agency that received funds from a federal entity, TxDOT adheres to all applicable federal and state laws that protect historically significant properties, archaeological sites, and cemeteries that may be impacted by projects undertaken under its jurisdiction. Given that the aforementioned project is sponsored by a local government, and the ROW of the proposed project is owned by the State, this project falls under the jurisdiction of the Antiquities Code of Texas (ACT) administered by the Texas Historical Commission (THC). Under these circumstances, it is the responsibility of the local government to document project compliance with the National Historic Preservation Act (NHPA), ACT, and the Health and Safety Code, as applicable. It is assumed that the local government project sponsor will coordinate with TxDOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation, and other lead federal agencies, as appropriate.

   The ACT requires that TxDOT identify, document, consider and minimize impacts to properties protected by the ACT. Non-archaeological properties must be designated historic to fall under the provisions of the ACT. All highway projects require some level of consideration of project effects on archaeological sites and cemeteries, if only to establish that they do not require individual review or coordination.

   Purpose and Scope of Work

   The purpose of the tasks outlined in this scope is to aid the completion of the Project Compliance Process. Specifically, the following tasks will be completed as part of this project:

   a. Search the THC Atlas and other applicable sources for known or previously documented historic properties within and in the vicinity of the project Area of Potential Effect (APE)
   b. Visit the APE to assess conditions and establish presence/absence of historic properties and develop a constraints map (if applicable)
   c. Develop recommendations as to whether standing structure documentation and/or subsurface investigations are warranted
   d. Submit the draft Project Coordination Request (PCR) for Client review
   e. Revise draft PCR based on review comments and submit PCR to TxDOT historian (through TxDOT-HOU).

The desktop study will include, but may not be limited to the following data sources: Texas Archaeological Research Laboratory (TARL) records, the THC-Texas Archaeological Sites Atlas in Austin, Texas, and research within any pertinent local establishments that may house historic records (i.e., museums, county historical commission, history enthusiasts). These sources will be examined and consulted in order to identify previously recorded archaeological and historic sites and past investigations within and in the vicinity of the study area. The goal of the study is to determine the likelihood that the project will impact significant historic properties. Significant historic properties may consist of standing structures and/or prehistoric cultural deposits that have the potential to be listed on the National Register of Historic Places and to be formally designated as State Antiquities Landmarks.

The completion of the aforementioned tasks will result in the production of two distinct documents: a desktop background study and the PCR. The desktop study will result in the production of the Archaeological Background Study that will be submitted to the archaeology staff of TxDOT's Environmental Affairs Division (ENV). The review of the non-archaeological resources that may be found within the project APE will result in the production of the PCR. It will be submitted to ENV's staff historian.

7. **Cumulative and Indirect Impacts:** A review will be conducted of the US 59 EA's analysis of the direct, indirect, and cumulative effects of the proposed project to environmental and social resources within the study area. The analysis's findings will be updated and revised as necessary to include the addition of the Doris Road Bridge and access roads.

8. **Document Preparation & Comment Resolution:** After gathering the various inputs identified in other tasks, the findings will be detailed in the EA Re-Evaluation. This task includes writing within the Re-Evaluation Consultation Checklist (RCC) and supplemental information document and creating all graphical support, as applicable. This task also includes review and resolution of comments on the draft EA Re-Evaluation and document preparation activities for each deliverable. The draft EA Re-Evaluation will be submitted to FBCED and TxDOT-HOU in electronic (PDF) format. Upon approval by TxDOT, a final hard copy will be submitted to FBCED if requested.

TASK V (If Needed)
ARCHAEOLOGICAL PEDESTRIAN SURVEY
SCOPE OF WORK

If required by TxDOT and/or the USACE, an intensive pedestrian survey will be conducted by RKEI to determine whether any hitherto undiscovered archaeological sites may be present within the study area. The cultural resources intensive pedestrian survey would be coupled with shovel testing and mechanical backhoe trenching, and the production of a technical report suitable for review by the THC in accordance with its Rules of Practice and Procedure, Chapter 26, Section 27, and the Council of Texas Archaeologists (CTA) Guidelines for Cultural Resources Management Reports. The key subtasks of the archaeological investigation are summarized below:

1. **Permit Application:** The Principal Investigator will submit the Antiquities Permit Application and will coordinate with the THC and representatives of TxDOT-ENV. The permit application will include an archaeological scope of work (research design), permit application, and maps of the APE. TxDOT-ENV and the THC will review the permit application packet, and, once approved, the THC will issue a permit number for the project. Fieldwork will only proceed once the THC issues a permit number for the project.
   Time estimate: 3-4 days

2. **Intensive Pedestrian Survey of Study Area:** RKEI staff will perform an intensive cultural resources survey of the APE. The field work will include a pedestrian survey of the project area involving the visual inspection of the ground surface for cultural materials. The survey will be supplemented with shovel testing and backhoe trenching of the APE. In addition, newly discovered sites will be intensively shovel tested and, if warranted, backhoe trenched, to document the site boundaries and depth of cultural deposits. The need for backhoe trenching will depend on the depth of soils present within the project APE. Backhoe trenching will be carried out if soils exceed three (3) feet in depth. This determination will be made by observing the cut-banks of Turkey Creek, which is found within the APE. All work will comply with the THC and CTA survey standards for the overall project area unless documented field conditions warrant otherwise.
   Time estimate: 5-7 field days, weather permitting

3. **Report Preparation:** Once the fieldwork is completed, RKEI will prepare a draft technical report. The report will contain a discussion of the methods and results of the field investigations. This discussion will include a list of sites identified, their eligibility for listing on the National Register or formal designation as State Archaeological Landmarks (SALs), and the appropriate criteria under which the sites were evaluated. Site forms will be submitted to the TARL to obtain site trinomials. The report will also include recommendations for further work or no further work within the APE with appropriate justifications based on the requirements of 13 TAC 26.5(35), 13 TAC

26.20(1), and 13 TAC 26.20(2) and CTA Guidelines. The draft technical report will be submitted to FBCED for review. It will be revised to address comments, and, upon approval from the client, a revised draft will be submitted through the client and TxDOT-HOU to TxDOT-ENV and the THC offices. Upon the acceptance of the report and its recommendations, RKEI will submit a completed Abstract Form, a hard copy of final report, and a tagged pdf copy of report saved on a CD to the client, TxDOT-ENV, and the THC, as well as non-restricted copies of the report to various repositories as mandated by the Texas Antiquities Committee (TAC) permit. It is noted that TxDOT and the THC have 30 days to review the draft report once submitted.

Limitations

1. National Register of Historic Places (NRHP) Eligibility Testing of Sites: Archaeological sites discovered in this survey may require additional work in the form of archaeological testing to determine State Antiquities Landmark and NRHP eligibility. If archaeological testing of sites is requested by the THC, a new proposal and fee will be submitted.

2. Unmarked Burials: In the event that human remains are encountered in any subsurface context, work will halt immediately, precautions will be taken, and a new proposal and fee will be submitted to ensure compliance with the amended Texas Health and Safety Code for unmarked burials.

TASK VI (If Needed)
SECTION 404 CLEAN WATER ACT INDIVIDUAL PERMIT
PREPARATION AND COORDINATION
SCOPE OF WORK

If an Individual Permit is required by the USACE, due to project impacts to streams or wetlands exceeding the limits of the Nationwide Permit of 0.5 acres.

Berg♦Oliver will perform the following under this scope:

1. **Initial Permit Package Submittal:** Draft and submit the Individual Permit application and support documents to the applicant/client for review prior to submittal to the USACE. (Berg♦Oliver must have written approval from the client authorizing Berg♦Oliver to submit the permit application to the USACE.) Preparation and submittal includes preparation of all plan and profile sheets of impacts and mitigation per the USACE requirements. Threatened/Endangered Species Assessment is to evaluate the potential for the existence of critical or irreplaceable habitats, which are considered protected under the Endangered Species Act of 1973 and subsequent amendments and listings.

   An appropriate mitigation plan will be required with the permit submittal. Berg♦Oliver will consult with the applicant regarding the on-site Mitigation Plan and design. Berg♦Oliver

will work with the designers to prepare the required plan and profiles for the plan. Berg♦Oliver will be preparing the monitoring and maintenance plan in accordance with the Final Mitigation Rule issued in April 2008. Berg♦Oliver will also prepare the necessary Hydrogeomorphic (HGM) model for the proposed on-site mitigation. If off-site mitigation is required, Berg♦Oliver will assist the client in identifying appropriate sources.

This task also includes meeting with a USACE project manager to review the application.

2. **Meeting with Client, Interest Groups, and Government Agencies:** Berg♦Oliver will attend meetings with the client, two (2) on-site meetings with the USACE, Texas Commission on Environmental Quality (TCEQ), and resource protection agencies. Berg♦Oliver will also attend two (2) additional meetings with the USACE in Galveston and/or the TCEQ in Austin, if necessary.

3. **TCEQ Section 401 Certification- Alternative Analysis and Water Quality Plan:** Section 401 certification is required for Individual Permits. Berg♦Oliver will draft and submit an alternatives analysis to the applicant/client for review prior to submittal to the TCEQ, and a Tier I checklist and/or Tier II questionnaire, whichever is appropriate, upon written approval from the applicant/client. The purpose of this information is to satisfy the regulatory guidelines set forth in Section 401 and Section 404b(1) of the Clean Water Act. Drafting of the alternative analysis is a lengthy process and will require information from the client and engineer. Section 401 certification is a separate coordination effort with the TCEQ and is required prior to the USACE authorizing the Section 404 permit.

4. **USACE Alternative Analysis & Cumulative/Indirect Impacts Analysis:** Berg♦Oliver will draft the Alternative Analysis to be submitted to the USACE. Both off-site and on-site alternatives will be assessed to document that the proposed plan is the least damaging practical alternative. Berg♦Oliver will need assistance from the client, engineer, land planner, and development team to complete this task. Task 4 is required for compliance with Section 404(b)(1) guidelines. A key provision of the 404(b)(1) guidelines is the "practicable alternative test" which requires that "no discharge of fill material shall be permitted if there is practicable alternative to the proposed fill which would have a less adverse impact on the aquatic ecosystem." Therefore the applicant must demonstrate that there are no less damaging sites available and that all on-site impacts to Waters of the United States have been avoided to the maximum practicable extent possible. For an alternative to be considered "practicable", it must be available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

   Berg♦Oliver will perform Task 4 for compliance with Section 404(b)(1). This task may include the preparation of multiple on-site and off-site land plans and the evaluation of off-site properties for environmental conditions.

5. **Draft Public Notice:** Berg♦Oliver will prepare a draft of the Public Notice to submit to the

USACE. The intent is to assist the USACE and expedite the process to the extent possible.

6. **Government Agency Site Visits:** Berg♦Oliver will attend all site visits with any government agency as part of the Public Notice process.

7. **Response to Comments Document (Initial & Follow-Up):** Berg♦Oliver will assist the applicant in responding to agency comment letters submitted during the interagency and/or thirty (30) day Public Notice period. It is anticipated that Sierra Club and other interest groups will prepare extensive comments to be addressed. Similar projects have received 20 pages of comments from these groups.

8. **Draft Statement of Findings:** Berg♦Oliver will draft the Statement of Findings and submit to the USACE. In some instances, the USACE, on a case by case basis, may allow the applicant to draft the Statement of Findings document, which incorporates the Alternative Analysis information, Cumulative Impacts Statement information, and the overall project mitigation plans. The purpose is to save time and to expedite the permit approval process. Final approval of the Statement of Findings will be made by the USACE.

9. **Final Approval Coordination:** Berg♦Oliver will coordinate with the USACE, TCEQ, and other governmental agencies to get final approval of the permit.

TASK VIII (If Needed)
STREAM ASSESSMENT MODEL & MITIGATION PLAN FOR STREAMS
SCOPE OF WORK

If required by the terms of a Nationwide or Individual Permit, in order to determine appropriate compensatory mitigation for all unavoidable impacts to streams, the USACE - Galveston District requires applicants to utilize the Interim SWG Stream-Tool. Berg♦Oliver will conduct the Stream-Tool for the stream areas and make recommendations for on-site mitigation options that will satisfy the USACE mitigation requirements and prepare the needed modeling, exhibits, and plan. If off-site mitigation is required, the USACE may require additional tasks be performed that are outside of this scope, such as a Wetland Delineation and an archaeological study of the off-site location. If additional tasks are necessary, Berg♦Oliver will submit a change order to the client for approval prior to conducting additional out-of-scope work.

Berg♦Oliver will also prepare a mitigation plan for the streams to be submitted to the USACE. The mitigation plan will address the creation and maintenance of the mitigation area. A condition of the stream mitigation in the permit also requires monitoring and reporting to the USACE. Berg♦Oliver will propose a maintenance schedule for the entire monitoring period. The mitigation plan will provide for consultation with appropriate agencies and other specialists to develop mitigation solutions. This cost proposal does not include mitigation construction, planting, and monitoring.

Attachment B

2015 PERSONNEL RATE SCHEDULE

Personnel	Hourly Billing Rate
Project Director/Principal	$190.00
Senior Associate	$170.00
Professional Engineer	$170.00
Project Manager/Registered Environmental Manager	$160.00
Professional Geologist	$160.00
Health/Safety Officer/Chemist	$160.00
Project Coordinator	$130.00
Wetlands Biologist/Ecologist	$120.00
Soil Scientist/Geologist	$120.00
Senior GIS Analyst	$125.00
GIS Analyst	$110.00
Field Technician	$85.00
In-House Technician/Administrator	$80.00
CADD Sr. Analyst	$110.00
CADD Analyst	$80.00
Administrative/Word Processing	$65.00
Specialist Subcontractors	Cost + 15%

Above rates include all normal expenses of BOA's business, including mailing charges, in-house photocopying, long distance telephone costs, in-house graphic systems, and local area travel, unless otherwise stated in the agreement. Expenses, such as travel beyond fifty (50) miles, outside photocopying, delivery charges, photographic reproduction, and other outside services, are considered reimbursable by the client at rate of cost +15%. Any extraordinary reimbursable expenses, in excess of $250.00 must have authorization from the client.

NOTE: The rate schedule is for the current fiscal year, with an effective date of January 1. Hourly rates are adjusted annually as inflation dictates. If this contract spans more than one fiscal year (ending December 31), hourly rates may be adjusted. Regardless of any rate adjustment, the "not to exceed" figures in a contract will not change.