

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**THIRD AMENDMENT TO AGREEMENT FOR
 PROFESSIONAL ENVIRONMENTAL SERVICES**

THIS THIRD 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 SWCA Environmental Consultants, (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 instruments dated October 6, 2015 (hereinafter "Amendment") and March 22, 2016 (hereinafter "Second Amendment"); and

WHEREAS, the parties desire to further amend the Agreement to include additional services specifically related to the Lake Olympia Parkway Project No. 132207.

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

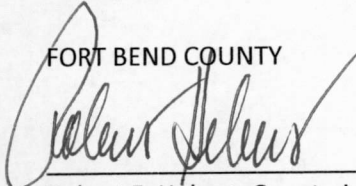
1. Services to be rendered under the Agreement shall be amended to cover the environmental consulting services necessary to prepare appropriate documentation to request an Approved Jurisdictional Determination (ADJ) from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) for a Section 404 permit, as described in the Proposal dated July 21, 2017, attached hereto as Exhibit A, incorporated herein for all purposes.
2. County shall pay Contractor an additional thirty-nine thousand dollars and no/100 (\$39,000.00), for the additional professional environmental services, specifically described as Tasks 1 – 3 on Exhibit A 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 eighty-eight thousand nine hundred eighty-eight dollars and no/100 (\$188,988.00), authorized as follows:
 - A. \$35,846.00 under the Agreement;
 - B. \$43,100.00 under the Amendment;
 - C. \$71,042.00 under the Second Amendment; and
 - D. \$39,000.00 under this Third Amendment.
4. In no case shall the amount paid by County for all Services under the Agreement, the Amendment, the Second Amendment, and this Third Amendment, exceed the Maximum Compensation without a written agreement executed by the parties.

Third Amendment to Agreement for Professional Environmental Services –
 SWCA Environmental Consultants
 2013 Mobility Bond Projects
 Page 1 of 2

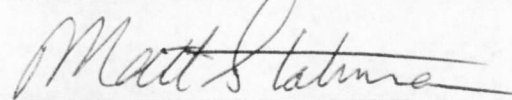
5. The Time of Performance is extended to end no later than twenty-four (24) months after Contractor's receipt of Notice to Proceed issued by County under this Third Amendment.

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

FORT BEND COUNTY


Robert E. Hebert, County Judge

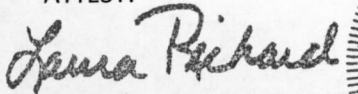
SWCA ENVIRONMENTAL CONSULTANTS

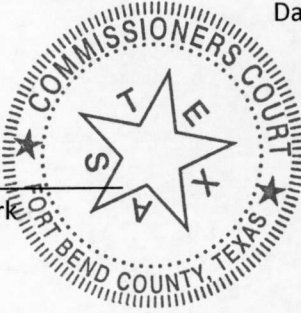

Matt Stahman, Principal

9-26-2017
Date

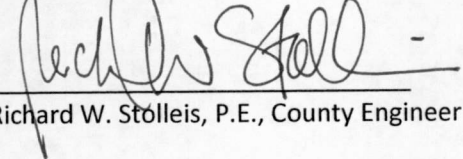
9/14/2017
Date

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 \$ 188,988⁰⁰ to accomplish and pay the obligation of Fort Bend County under this contract.

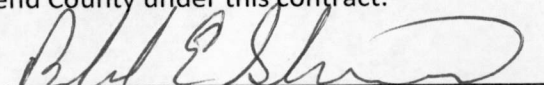

Robert Ed Sturdivant, County Auditor

EXHIBIT A



ENVIRONMENTAL CONSULTANTS

Sound Science. Creative Solutions.®

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Houston, Texas 77040
Tel 281.617.3217 Fax 281.617.3227
www.swca.com

2/36

July 21, 2017

Submitted via e-mail: stacy.slawinski@fortbendcountytexas.gov

Mr. Stacy Slawinski
Assistant County Engineer
Fort Bend County Engineering
301 Jackson St., 4th Floor
Richmond, Texas 77469

Re: Proposal/Cost Estimate for Approved Jurisdictional Determination, Updating Wetland Delineation Report, and Permitting for Construction of Lake Olympia Parkway (Segment 1) between Hurricane Lane and Chimney Rock (FB Project 13207)

Dear Mr. Slawinski:

Thank you for allowing SWCA Environmental Consultants (SWCA) the opportunity to submit this proposal and cost estimate to the Fort Bend County Engineering Department (FBCED) for the proposed construction of FB Project 13207: Lake Olympia Parkway (Segment 1) between proposed Hurricane Lane to Chimney Rock Road (proposed project). This scope and cost estimate covers the environmental consulting services necessary to prepare appropriate documentation to request an Approved Jurisdictional Determination (AJD) from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) for a Section 404 permit and associated environmental services. The work to be performed by SWCA shall consist of providing professional consulting services, including providing a wetland delineation report with AJD forms, field verification and wetland flagging, functional assessment, preparation of permit and mitigation plan. The proposed project length is approximately 0.95 mile. The project proposes to extend Lake Olympia on new location between Hurricane Lane and Chimney Rock. The proposed project is a four-lane with raised median (boulevard) on new location within typical right-of-way (ROW) of 120 feet. The project design proposes to incorporate linear detention for a portion of the length of the proposed project with an additional ROW of 30 feet. The scope of professional environmental consulting services is outlined below. SWCA will coordinate throughout the project with the FBCED, Program Manager, RPS, and design engineer.

The following paragraphs provide the scope of work and cost estimate for the USACE AJD form, updated wetland delineation report, field verification and wetland flagging, preconstruction notification for a NWP 14 permit, and associated services.

SCOPE OF WORK

TASK 1 – USACE AJD FORM, UPDATE WETLAND DELINEATION REPORT, WETLAND FLAGGING AND VERIFICATION

An AJD is an official USACE determination that jurisdictional "waters of the United States," or "navigable waters of the United States," or both, are either present or absent on a particular site. An AJD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the CWA/RHA. (See 33 C.F.R. 331.2.) Since wetlands



and other water bodies are present within the project site, an AJD for the project site will identify and delineate those wetlands and waterbodies that are subject to CWA/RHA jurisdiction, and serve as an initial step in the permitting process. A definitive, official determination that there are, or that there are not, jurisdictional “waters of the United States” in the project site can only be made by an AJD. SWCA will assist FBCED with initiating this first step in the permitting process by providing a complete AJD form for the project site.

SWCA will update the current delineation report that summarizes the methods and findings of the wetland delineation performed in the field for the revised proposed ROW established July 2017. SWCA will prepare updated aerial and topography-based exhibits depicting the new location of any mapped waters of the United States, including wetlands and their boundaries, found within the revised project ROW. The updated report will include descriptions and acreages of all wetlands and non-wetland waters and a preliminary analysis as to whether each potential water of the United States is jurisdictional under the CWA. Copies of data sheets and site photographs will also be included in the report.

The report will provide sufficient data suitable for verification by the USACE. SWCA will submit one hard copy and one electronic copy of the report to both the USACE along with the AJD form and FBCED. The report will also assist in determining Section 404 permitting requirements for the project.

SWCA will submit an AJD request to the USACE to review and verify the boundaries of our delineation of wetlands and other waters of the United States in the project site. If requested by the USACE, SWCA will conduct a site visit with the USACE to verify the wetland delineation within the project site. SWCA will flag any wetlands or waters prior to the site visit, as is typically required by the USACE. SWCA will meet the USACE at the project site and review/discuss the results of the submitted wetland delineation report, escorting the USACE to the delineated potential waters of the United States, including wetlands.

TASK 2 – CLEAN WATER ACT (SECTION 404) USACE NATIONWIDE PERMIT PCN FOR NWP 14 AND FUNCTIONAL ASSESSMENT

This task includes any edits or changes the USACE may request to wetland/waters boundaries previously identified. SWCA will incorporate any changes once the field verification is complete into the report/addendum and resubmit the report to the USACE. If it is determined during the permitting assessment that the proposed project would require a PCN, SWCA will prepare a PCN package to submit to the USACE Galveston District. The PCN document will address the following application requirements:

1. Identification of the applicant
2. Point-of-contact
3. Project description, location, and purpose
4. Identification of adjacent property owners
5. Site photographs
6. Direct and indirect environmental effects of the regulated activity
7. Avoidance and minimization efforts
8. Proposed mitigation plan (see Task 4 below)
9. Wetland delineation report
10. AJD Form



11. Other information that may be required for agency coordination (threatened and endangered species and cultural resources)

The PCN will include exhibits, permit design drawings, and other details to facilitate an understanding of the proposed action. These exhibits/drawings include topographic maps, aerial photographs, design plan views, cross-sections, and elevations of the basins. FBCED (or its representative project engineer) will prepare the plan and cross-section drawings and provide review of these drawings. All other exhibits will be prepared by SWCA. All drawings and exhibits submitted as part of the PCN must be in reproducible black-and-white in 8 1/2 x 11 format.

Once project design provides details to determine potential impacts to wetlands and waters of the United States, SWCA will conduct a wetland functional assessment in order to quantify the number of wetland mitigation credits necessary to compensate for the proposed project's unavoidable impacts. SWCA will conduct this assessment using the USACE Galveston District's Interim Hydrogeomorphic Method (iHGM). The iHGM assessment involves quantification of multiple wetland functional parameters including tree density counts, tree species richness determinations, tree basal diameter measurements, coarse wood debris counts, absorptive soil properties, herbaceous coverage, and mid-story coverage.

TASK 3 – WETLAND MITIGATION PLAN

SWCA will prepare a mitigation plan, if necessary, following the guidelines of the EPA's 2008 document titled *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (2008 Final Mitigation Rule)*. The mitigation plan will address the proposed impacts to waters of the United States, describe measures taken to avoid and minimize those impacts to the maximum extent practicable, and propose measures to mitigate those impacts. SWCA assumes either mitigation banks or another third-party Permittee Responsible Mitigation (PRM) plan developer will cover the mitigation for the project. This cost does not include development of a project specific PRM plan, but includes the use of banks or a third-party's PRM plan into the permit application.

The mitigation plan development includes specific actions to be taken to ensure that function and value of impacted wetlands are compensated for with the mitigation action and consistent with the elements of the Mitigation Rule. Elements of the detailed mitigation plan will include, as applicable, location exhibits, conservation contracts, and an alternatives analysis.

Please note that SWCA's cost provided does not include the cost of mitigation itself. That cost cannot be accurately determined until actual project impacts have been assessed.

ADDITIONAL ASSUMPTIONS/CONSIDERATIONS

- SWCA will be responsible for the daily management of the environmental services for this proposed project. Frequent and appropriate communications will be maintained between SWCA and FBCED in an effort to expedite completion of the project.
- SWCA assumes a 2 day effort utilizing a 2-person crew to complete the wetland flagging prior to the USACE site visit.
- SWCA assumes a 1 day effort utilizing a 2-person crew to complete the on-site verification with the USACE.
- SWCA assumes the functional assessment will be completed concurrently with 2 day flagging effort.
- Preparation of an NWP 14, PCN and associated wetland functional assessment under the CWA, Section 404 after determination of potential impacts and consultation with USACE and FBCED are included in this proposal.
- The estimate is based on SWCA's current project understanding and subsequent design changes may warrant change orders.



Proposal/Cost Estimate for Wetland Delineation and Reporting, Cultural Resource Constraints Analysis, and Permitting Assessment for Proposed Construction of Lake Olympia Parkway (Segment 1) between Hurricane Lane and Chimney Rock (FB Project 13207)

COST ESTIMATE SUMMARY

SWCA's cost estimate, listed by task, is provided in the table below. **The TOTAL LUMP SUM AMOUNT for these tasks is \$39,000.** Invoicing will be once per month.

Table 1. Cost estimate by task.

TASK	DESCRIPTION	COST
1	USACE AJD Form, Updated Wetland Delineation Report, Wetland Flagging and Verification	\$19,223
2	Pre-construction notification (PCN) and Functional Assessment	\$17,176
3	Wetland Mitigation Plan	\$2,601
TOTAL		\$39,000

If you have any questions or require any additional information, please call 281.617.3217 or e-mail (kwinkler@swca.com). Thank you for the opportunity to assist with this project.

Sincerely,

Kerry Winkler
Senior Project Manager

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
SWCA Environmental Consultants
Houston, TX United States

Certificate Number:
2017-261009

Date Filed:
09/14/2017

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Fort Bend County

Date Acknowledged:
09/26/2017

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
14-025
Environmental services for various 2013 Mobility Bond Projects in Fort Bend County

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath