

FIRST ADDENDUM TO AGREEMENT BY AND BETWEEN THE
MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
AND KLEINFELDER INC.

THIS FIRST ADDENDUM is made and entered into this _____ day of _____ 2006, by and between the MARIN COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT, a political subdivision of the State of California (hereinafter referred to as "District") and KLEINFELDER, INC., (hereinafter referred to as "Consultant").

RECITALS

WHEREAS, the District and the Consultant entered into an agreement for Professional Services as described in the agreement dated December 7, 2004 ("Agreement"); and

WHEREAS, Section 1 of the agreement obligated Consultant to provide services set forth in Exhibit A; and

WHEREAS, the parties desire to amend the agreement to include pre-dredge material evaluations per proposal dated May 15, 2006 to Exhibit A; and

WHEREAS, Section 3, Section 4 and Exhibit B of the agreement set the fees for furnishing services and maximum fee allowed during the term of the agreement; and

WHEREAS, the parties desire to amend the agreement to increase the contract amount necessary for pre-dredge material evaluation of Novato Creek.

NOW, THEREFORE, the parties agree to modify the first paragraph under RECITALS, Section 4, Section 23, Exhibit A, and Exhibit B as set forth below.

AGREEMENT

1. Section 4 is hereby amended as follows:

In no event will the cost to the District for the services to be provided in this agreement exceed the maximum sum of One Hundred and Thirty Five Thousand Dollars and No Cents (\$135,000) including direct non-salary expenses.

2. Section 23 is modified to replace John Wooley with Tracy Clay.

3. Exhibit A is hereby modified to include the following:

The Inland Testing Manual (ITM) provides a specific tier-testing framework for the evaluation of dredged material. Tier I and Tier II are necessary to compliance with the Dredged Material Management Office (DMMO). Tier I is a comprehensive analysis of all existing and readily available information on the proposed dredging project including all previously collected physical, chemical, and biological data for both the proposed dredging and discharged sites. Tier II is concerned solely with sediment and water chemistry. The material evaluation is intended to be a step-wise evaluation performed in consultation with the DMMO.

Tier I

The purpose of the Tier I activities is to identify the chemicals possibly present in the dredged material. No chemical testing was performed for the previous dredging operation because the dredged material was simply placed on the adjacent levees and not relocated. To identify possible sources of chemicals to the dredged materials from surface water runoff from the area surrounding the creeks, a focused environmental site assessment will be performed to identify documented nearby chemical releases. Specifically, relevant regulatory agency databases and files will be searched for documented chemical releases that may have resulted in some runoff entering storm sewer of that have affected groundwater in the immediate vicinity of the creeks to be dredged. This information will be used to augment, if necessary, the list of chemicals that the dredged material will be tested for under Tier II.

Tier II

Tier II consists of chemical, physical, and bioassay testing to evaluate the impacts from the discharge of dredged material. Based on the Wetland Delineation Map prepared by Wetlands Research Associates and the desired dredged material volume of 90,000 cy, the Guidelines for Implementing the ITM requires a minimum of 8 sample locations analyzed as a minimum of two composite samples. Based on the configuration of Novato, Warner, and Arroyo Avichi Creeks, there will be five (5) composite samples from 20 sample locations at the locations described below. This arrangement will allow for a localized response in the event that one of the composite samples has an exceedence.

- One four-sample composite from Novato Creek between Delong Avenue and Warner Creek
- One four-sample composite from Novato Creek between Warner Creek and Redwood Boulevard

- One four-sample composite from Novato Creek between Redwood Boulevard and the southernmost extent of the proposed dredging downstream of Highway 101
- One four-sample composite from Warner Creek
- One four-sample composite from Arroyo Avichi

The attached Table 1 summarizes the required physical and chemical tests based on the ITM and the Department of Fish & Wildlife biological opinion letter. The physical testing will be performed by Kleinfelder's materials testing laboratory. The chemical and bioassay testing will be performed by Weston Solutions and includes the standard elutriate testing required for upland disposal. The results of the Tier I task may augment the suite of tests. The bioassay testing includes elutriate and benthic toxicity in accordance with Hamilton Wetland Restoration Project testing criteria.

Sampling and Analysis Plan

To implement Tier II, the DMMO requires the submission of a Sampling and Analysis Plan (SAP) using DMMO guidance for their review and approval. This SAP will be prepared by Weston Solutions using as a template their Bel Marin Keys SAP that was recently accepted by the DMMO. Upon receipt of the results, a report will be prepared documenting the investigation, presenting the results, and providing conclusions and recommendations, including statistical analysis, QA/QC evaluation, data validation, and DMMO presentation.

District will provide full creek access, and the location of storm drains and outfall locations in the immediate vicinity of the area to be dredged. It is assumed that permits are not required, and that the maximum depth of water in the creeks will be approximately 5 feet and the maximum depth of sediment sampling will be 2 feet. If necessary the District will provide creek bathymetry data.

4. Exhibit B is hereby amended as follows:

The compensation for this contract will be paid on a time and expense basis with a not to exceed amount of \$135,000 at the rate set forth in Exhibit "B1" attached hereto unless otherwise provided for by written agreement. Payment shall be made to the contractor upon receipt of monthly invoices.

The payment schedule for Novato Creek pre-dredged material evaluation is:

Task 1 – Tier 1 Record Search	\$5,793
Task 2 – Sampling and Analysis	
SAP Preparation	\$6,000
Sample Collection	\$4,320
Physical Parameters Testing	\$2,000
Standard Sediment Chemistry Testing for Upland Disposal	\$18,432
Standard Elutriate Chemistry Testing for Upland Disposal	\$2,160
Standard Biological Testing for Upland Disposal	\$21,600
Statistical Analysis, Data Evaluation, & Report Production	<u>\$11,400</u>
	\$71,705

5. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Addendum on the day first written above.

MARIN COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT

KLEINFELDER, INC.
2240 Northpoint Parkway
Santa Rosa, CA 95407-5009

By: _____
PRESIDENT OF THE
BOARD OF SUPERVISORS

Contractor

APPROVED AS TO FORM:

County Counsel