

## AMENDMENT TO CONSULTANT AGREEMENT

THIS 1<sup>st</sup> AMENDMENT TO AGREEMENT, made and entered into this 14<sup>th</sup> day of September, 2010, by and between the **COUNTY OF MARIN**, a political subdivision of the State of California, hereinafter referred to as "County" and **LSA Associates, Inc.** hereinafter referred to as "Consultant".

### WITNESSETH:

WHEREAS, County and Consultant are parties to an Agreement dated **September 14, 2010 regarding preparation of the Initial Study (IS) for the 680 Trail Project**, hereinafter referred to as the "Agreement" and,

WHEREAS, the parties wish to amend that Agreement to compensate the consultant **for an unanticipated substantial number of comments and an additional amount of work required to complete the response to comments on the 680 Trail Negative Declaration**. The consultant's proposal for said services is attached hereto and incorporated herein as Exhibit "A."

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

The twenty-four thousand nine hundred ninety-five dollars (\$24,995.00) in the May 4, 2010 Consultant Agreement is hereby increased in the amount of eleven thousand six hundred eighty dollars (\$11,680.00), bringing the contract total to thirty six thousand six hundred seventy five dollars (\$36,675.00), as the total cost for completion of the 680 Trail Initial Study and Response to Comments.

Payment of the remaining unpaid contract amounts and the augment amount shall be based upon completion by Consultant and approval by the County of all work tasks for those identified in the original agreement dated May 4, 2010, and the Consultant's augment proposal dated August 25, 2010 (Exhibit "A" of this contract amendment). Payment shall require submittal of invoices by Consultant, which detail the work and materials, and shall be payable upon receipt of said invoices in a not-to-exceed installment amounts as follows:

- \$11,680.00 payable upon receipt by County of invoice demonstrating completion of that portion of the work as approved and accepted by the County.
- \$2,500.00 *remaining from original contract payable upon adoption of the Negative Declaration by County.*

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first above written.

**COUNTY OF MARIN**

\_\_\_\_\_  
Judy Arnold, President  
Marin County Board of Supervisors

**CONSULTANT**

\_\_\_\_\_  
LSA Associates, Inc.

*Rob McGinn, President*

Incorporated Attachment:

Exhibit "A" – Consultant's Augment Proposal dated August 25, 2010

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LSA ASSOCIATES, INC.  
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CARLSBAD  
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IRVINE  
PALM SPRINGS  
POINT RICHMOND

RIVERSIDE  
ROCKLIN  
SAN LUIS OBISPO  
S. SAN FRANCISCO

## Exhibit A

August 25, 2010

Rachel Warner  
Environmental Planner  
Marin County Community Development Agency – Planning Division  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903-4157

Subject: 680 Trail Approach to Response to Comments Memorandum and Augment Request

Dear Rachel:

This letter describes our approach to responding to the comments and the scope and budget augment that will be required to complete the Response to Comments (RTC) component of the 680 Trail project environmental review.

**RTC Approach.** LSA has reviewed the comments received by the County on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) and we are pleased to see that none of the comments appear to trigger the need for recirculation of the MND or preparation of an Environmental Impact Report (EIR). Many of the comments address the adequacy of the mitigations, rather than issues that were not addressed. We feel that all issues raised can be adequately responded to in a Response to Comments (RTC) memorandum. However, we will likely need additional guidance from the County and the District in preparing adequate responses that are consistent with County policies. To begin this effort, LSA has preliminarily enumerated each of these comment letters and prepared a table which summarizes each comment and preliminarily assigns responsibility for preparing the response (attached to this memorandum). The next step we would suggest is to hold a meeting between LSA, the County, and District staff to review the comments and discuss the County's desired approach to the following topics of concern:

- *Additional maps and figures.* A number of comments suggest that additional maps and figures be provided in the IS/MND. Some of these include requests for new figures showing project features, existing trails in the area, and the location of trees to be removed or location of existing vegetation communities and other habitats. Preparation of additional mapping and figures is not included in the augment request described below, and we should discuss the County's desired approach to providing the requested information.
- *Spotted owls.* A few comments suggest additional study is required for the presence of spotted owls. Additional study for this species is not included in the augment request described below.
- *Adequacy of Mitigations.* A number of the comments suggest that while a particular issue might have been addressed in the IS/MND, mitigations for erosion, downstream sedimentation, invasive plants, off-leash dogs and other issues are not adequate. Some of these mitigations were suggested by the County and we will need further direction on how to respond. We may also need clarification from the District and Stetson Engineers on how project features will or will not reduce the impacts of erosion and sedimentation.
- *Ability of the District to implement recommended mitigations.* A number of the comments suggest that the District will not be able to carry out the mitigations effectively due to budget and staffing constraints.

**Budget Augment Request.** The original (April 13, 2010) scope of work approved by the County was based on the assumption that a moderate number of comments would be submitted on the Draft IS/MND. Our level of effort outlined in the original scope of work assumed receipt of up to four comment letters with up to four comments each, requiring up to 24 hours of Principal, Planner, and technical staff time, combined, to prepare responses to public comments. The total cost of responding to comments was budgeted at \$3,190.

As you are aware, the County received 19 comment letters, totaling approximately 130 individual comments. While many of these comments overlap, most will require a substantial level of professional effort by LSA's Principal, Planner, and technical staff to provide adequate responses. To date, we have expended approximately \$1,500 on review and enumeration of the comment letters and creation of a comment summary table for use by the project team.

LSA will require additional time and budget to draft responses to these letters, as detailed in the table below. While the bulk of the additional effort will occur with the drafting of responses as part of the Administrative Draft RTC, our efforts will also include additional time anticipated for preparation of the Screencheck Draft RTC, assuming that some additional discussion may be required once the County has reviewed the initial responses. The cost detailed below also includes attendance by all team members at one two-hour meeting to discuss the RTC approach.

Staff	Hours	Cost
Principal:	16	\$3,600
Project Manager:	48	\$4,560
Principal Biologist:	20	\$3,700
Associate Biologist:	10	\$1,450
<b>Total RTC Budget</b>	<b>94</b>	<b>\$13,330</b>
<b>Less Existing Budget Remaining</b>		<b><u>(-\$1,630)</u></b>
<b>Total Augment Request</b>		<b>\$11,680</b>

In summary, the above costs would total \$13,330. This brings the total cost of preparation of the RTC Document from \$3,130 to \$13,330. Because we have only expended approximately \$1,500 of our RTC budget to date, we have approximately \$1,630 remaining in our budget to contribute to the adjusted RTC budget, which brings our augment request to \$11,680. This amendment would then increase the total contracted amount from \$24,995 to \$36,675.

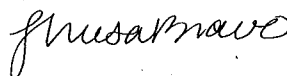
A signed copy of a contract amendment is attached to this letter. If this meets with your approval, please sign and return one copy to us, retaining a copy for your records. Please call David Clore or Theresa Bravo if you have any questions or need additional supporting information.

Sincerely,

LSA ASSOCIATES, INC.



David Clore, AICP  
Principal



Theresa Bravo  
Project Manager

Attachments

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