

AMENDMENT NO. 4

AGREEMENT FOR PROFESSIONAL SERVICES  
FOR  
ENVIRONMENTAL SERVICES  
BETWEEN  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND  
AECOM TECHNICAL SERVICES, INC.

THIS FOURTH AMENDATORY AGREEMENT is made effective MAY 7 2013,  
2013, by and between Three Rivers Levee Improvement Authority ("TRLIA") and  
AECOM Technical Services, Inc. ("the Consultant"), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background recitals:
  - 1.1. Effective February 2, 2012 the parties entered into an Agreement for Professional Services relating to Environmental Services for TRLIA's Construction Program.
  - 1.2. Effective August 7, 2012 the parties entered into the first Amendatory Agreement to increase the budget by \$25,000 to a total of \$125,000.
  - 1.3. Effective December 18, 2012 the parties entered into a second Amendatory Agreement to increase the budget by \$44,955 to a total of \$169,955.
  - 1.4. Effective April 9, 2013 the parties entered into a third Amendatory Agreement to increase the budget by \$74,000 to a total of \$243,955.
  - 1.5. Article C.23 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;
  - 1.6. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

2. **Fourth Amendment to Agreement.** The Professional Services Agreement is hereby amended as follows:
  - 2.1. The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc.) is amended by the addition of effort to the original tasks described in Exhibit 1 attached to this amendment agreement.

- 2.2. The payment, budget, and not-to-exceed amounts, Condition B.1 in Attachment B to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc. are amended to include the additional amount of \$29,705 for a total contract amount of \$273,660.
3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on  
MAY 7, 2013.

THREE RIVERS LEVEE  
IMPROVEMENT AUTHORITY



Paul G. Brunner  
Executive Director

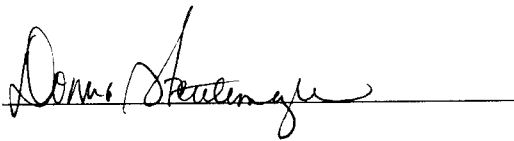
AECOM TECHNICAL SERVICES,  
INC.



Phil Dunn  
Vice President

*Steven I. Heipel, Principal*

ATTEST:  
DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF DIRECTORS



APPROVED AS TO FORM:  
SCOTT L. SHAPIRO  
GENERAL COUNSEL



## EXHIBIT 1

### Environmental Scope of Work Amendment 4

#### TASK 3: ENVIRONMENTAL COMPLIANCE FOR FEATHER RIVER LEVEE SEGMENT 3 TOE ACCESS CORRIDOR

##### Add the following Subtasks:

##### Subtask 3F.1. Swainson's Hawk Surveys

Based on mitigation measures in the CEQA and NEPA environmental documents for the toe access corridor project, surveys for nesting Swainson's hawks are required prior to the start of construction of the project. The objective of the surveys are to identify any nesting Swainson's hawks within a half-mile buffer of the project site. The mitigation measures in the CEQA and NEPA documents require that nesting hawks be identified and buffers around the nest be established and maintained during construction to avoid impacts to the hawks that could result in nest abandonment or forced fledging of young, which constitutes "take" under the state Endangered Species Act. TRLIA has not pursued securing an incidental take permit from the California Department of Fish and Wildlife (CDFW) for the project; therefore, TRLIA must make every attempt to avoid impacts to nesting hawks that could result in take.

AECOM biologists will conduct surveys for nesting Swainson's hawks within ½-mile of the project site. The surveys will be conducted according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Guidelines), published by the Swainson's Hawk Technical Advisory Committee (May 2000). The Guidelines state that surveys should be conducted in the two periods prior to the start of construction. AECOM understands that project construction is scheduled to commence August 1, 2013. According to the Guidelines, surveys should be conducted in Period 3 and Period 5. Surveys are not to be started in Period 4, hence the need to start surveys in Period 3. Period 3 starts April 5 and goes until April 20, and Period 5 goes from June 11 to July 30.

AECOM proposes to conduct 4 surveys during Period 3 to establish the baseline and map observed and potential nest locations. It is assumed that the effort for the Swainson's hawk surveys will also map locations of nests of other raptors, migratory birds, and other sensitive bird species. AECOM proposes to also conduct 4 surveys during Period 5 to check on nests observed and mapped in Period 3 to determine the status of nesting at those nests. The 4 surveys in Period 5 are assumed to be spaced out equally over the time frame such that there would be one survey every other week until the start of construction (presumed August 1).

Upon completion of surveys, AECOM will prepare a report summarizing the results of the surveys and recommendations for avoidance and minimization of adverse effects on nesting birds during construction. AECOM will provide a draft of the survey report to TRLIA electronically for review, incorporate comments sent to AECOM, and submit final copies to the TRLIA and the resources agencies (CDFW and USACE). It is assumed that the agencies will

receive one hard copy for each agency and TRLIA will receive one hard copy and an electronic copy of the final report.

### **Subtask 3F.2. Construction Monitoring**

If nesting birds are determined to be within the vicinity of the project, and because TRLIA has not secured take permits from the resources agencies for take of sensitive bird species, it is recommended that monitoring of nests observed during surveys be conducted during the construction period. Per the Guidelines and mitigation measures in the CEQA and NEPA documents, monitoring should be done within ½-mile of the project area for Swainson's hawks and within 500 feet of the project area for other raptors and migratory bird species. Monitoring is recommended to be conducted during all construction-related activities for the duration of construction and on a daily basis. While most bird species young will have fledged by July 30, some young and Swainson's hawks in particular, may still be nesting past August 1 if they started nesting later in the spring.

Because TRLIA does not have permits for take of bird species, AECOM recommends monitoring during construction activities if nesting birds are observed to still be within the appropriate buffers of the project footprint when construction commences. For this scope of work and cost estimate, AECOM is proposing to monitor nesting birds only from August 1 to August 16. It is assumed that all nesting birds will have fledged by August 16 and monitoring will not be required after August 16. AECOM assumes that the construction schedule would be a 10-hour work day and a 6-day week. This scope and cost estimate reflects monitoring for a total of 13 days based on the above construction schedule. However, if AECOM biologists determine and document, during surveys before August 1, that all nesting birds within the project buffers have fledged, the funds for this subtask will not be expended.

### **Subtask 3F.3. Post-construction Report**

Per the mitigation measures in the CEQA and NEPA documents, a post-construction report is required to be prepared and submitted to the resources agencies. The report will include discussion of construction methods, construction monitoring, and any impacts to nesting raptors and migratory birds during construction. AECOM will prepare a report summarizing the results of the surveys and recommendations for avoidance and minimization of adverse effects on nesting birds during construction. AECOM will provide a draft of the post-construction report to TRLIA electronically for review, incorporate comments sent to AECOM, and submit final copies to the TRLIA and the resources agencies (CDFW and USACE). It is assumed that the agencies will receive one hard copy for each agency and TRLIA will receive one hard copy and an electronic copy of the final report.

**Labor Cost for Amendment 4: \$28,705**

**Other Direct Costs: \$1,000**

**TOTAL COST for Amendment 4: \$29,705**