

## CURRY COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING ORS 192.640(3) 24 hour notice

Wednesday, February 22, 2017 – 11:30 A.M. Commissioners' Hearing Room, Courthouse Annex 94235 Moore Street, Gold Beach, Oregon www.co.curry.or.us

#### **AGENDA**

Items may be taken out of sequence to accommodate staff availability and the public. For public comment, a completed speaker's slip must be submitted.

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
- 2. AGENDA AMENDMENTS
- 3. APPROVAL OF AGENDA
- 4. ANNOUNCEMENTS
- 5. PUBLIC COMMENTS
- 6. EXECUTIVE SESSION 192.660(2) (f)&(h)
  - (f) To consider information or records that are exempt by law from public inspection.
  - (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- 7. ADMINISTRATIVE ACTIONS/APPOINTMENTS
  - A. Direction to Staff on Floras Lake Weir
- 8. COMMISSIONER UPDATES/LIAISON & DEPARTMENT ACTIVITY REPORTS
- 9. ADJOURN

# CURRY COUNTY BOARD OF COMMISSIONERS AGENDA ITEM ROUTING SLIP

FORM 10-001.1 Rev. 01-13-2017

## PART I – SUBMITTING DEPARTMENT: RETURN TO BOC OFFICE@co.curry.or.us

AGENDA ITEM TITLE: Executive Se	ession Per ORS 192.660(2)(f)&(h)
	RTMENT: Counsel TIME NEEDED: 15 min g ( eight days if a holiday falls within that seven day period)
CONTACT PERSON: J HuttlPHONE/	/EXT: 2391 TODAY'S DATE: 02/20/2017
	Further discussion matter of pending litigation; new matter of public discussion of matters. Notice per ORS 192.630(3).
FILES ATTACHED: (1) (2)	SUBMISSION TYPE: Discussion/Decision
Are there originals in route (paper copies wit <b>QUESTIONS:</b>	th pre-existing signatures) Yes No
1. Would this item be a departure from the A (If Yes, brief detail)	Annual Budget if approved? Yes No
2. Does this agenda item impact any other C (If Yes, brief detail)	County department? Yes No
3. If Land Transaction, filed with the clerk?	Yes 🗌 No 🔲 N/A
INSTRUCTIONS ONCE SIGNED:  ☐ No Additional Activity Required  OR	
File with County Clerk	Name:
Send Printed Copy to:	Address:
☐Email a Digital Copy to:	City/State/Zip:
Other	
	Phone:
Due date to send: / /	Email:
'Note: Most signed documents are filed/recorde	ed with the Clerk per standard process.
PART II – COUNTY CLERK REVIEW	<u> </u>
(If No, brief detail)	item meet filing/recording standards? Yes $\square$ No $\square$ N/A $\boxtimes$
PART III - FINANCE DEPARTMENT R	EVIEW
EVALUATION CRITERIA 1-4: 1. Confirmed Submitting Department's finant Comment:	nce-related responses Yes 🗌 No 🗌
2. Confirmed Submitting Department's personant:	
3. If job description, Salary Committee revie 4. If hire order requires an UA, is it approved	
PART IV – COUNTY COUNSEL REVIE	
AGENDA ASSIGNMENT TYPE: LEGAL ASSESSMENT: Does this agenda (If Yes, brief detail) Confidential Attorney	
PART V – BOARD OF COMMISSIONED	
LIAISON COMMISSIONER AGREES T Commissioner Thomas Huxley Commissioner Sue Gold Commissioner Court Boice Not applicable to Sheriff's Department since	No

# CURRY COUNTY BOARD OF COMMISSIONERS AGENDA ITEM ROUTING SLIP

FORM 10-001.1 Rev. 01-13-2017

## PART I – SUBMITTING DEPARTMENT: RETURN TO BOC OFFICE@co.curry.or.us

AGENDA ITEM TITLE: Direction to Staff for next steps	on Floras Lake weir
<b>AGENDA DATE<sup>a</sup>:</b> 02/12/2017 <b>DEPARTMENT:</b> Counse <sup>a</sup> Submit by seven days prior to the next General Meeting ( eight days if a holiday the seven days prior to the next General Meeting ( eight days if a holiday the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven days prior to the next General Meeting ( eight days if a holiday) the seven day	
CONTACT PERSON: J HuttlPHONE/EXT: 2391 TODA	AY'S DATE: 02/20/2017
<b>BRIEF BACKGROUND OR NOTE</b> <sup>b</sup> : The Floras Lake issue The board has the option of making public certain information is will help inform the legal choice, but are subject to public discuss be Indicate if more than one copy to be signed	t chooses. The costs and funding options
FILES ATTACHED: SUBMISSION TY	YPE: Discussion/Decision
(1)Cost Estimates from Contractors (2)Report from Counsel on Reimbursement District Option	
Are there originals in route (paper copies with pre-existing signate <b>QUESTIONS:</b>	ures) Yes No
1. Would this item be a departure from the Annual Budget if approximation (If Yes, brief detail)	roved? Yes No
<ol> <li>Does this agenda item impact any other County department?</li> <li>(If Yes, brief detail)</li> </ol>	Yes No
3. If Land Transaction, filed with the clerk?	Yes 🗌 No 🗌 N/A
INSTRUCTIONS ONCE SIGNED:  ☐ No Additional Activity Required  OR	
File with County Clerk Name:	
Send Printed Copy to: Address:	
Email a Digital Copy to: City/State/	Zip:
Other	•
Phone:	
Due date to send: / / Email:	
<sup>c</sup> Note: Most signed documents are filed/recorded with the Clerk per	standard process.
PART II – COUNTY CLERK REVIEW	
EVALUATION CRITERIA:  CLERK ASSESSMENT: Does this agenda item meet filing/reco (If No, brief detail)	ording standards? Yes No No N/A
PART III - FINANCE DEPARTMENT REVIEW	
EVALUATION CRITERIA 1-4:	
1. Confirmed Submitting Department's finance-related responses Comment:	Yes No
2. Confirmed Submitting Department's personnel-related material Comment:	
3. If job description, Salary Committee reviewed:	Yes No No NA
4. If hire order requires an UA, is it approved?  PART IV – COUNTY COUNSEL REVIEW	Yes No Pending N/A
AGENDA ASSIGNMENT TYPE: Adminstrative Ac	tions
LEGAL ASSESSMENT: Does this agenda item have a legal important (If Yes, brief detail) Direction to Staff for next steps on Floras L	pact? Yes 🖂 No 🗌
PART V – BOARD OF COMMISSIONER REVIEW/COMM	IENT
LIAISON COMMISSIONER AGREES TO ADD TO AGENI	
Commissioner Thomas Huxley Yes No	
Commissioner Sue Gold Yes No	
Commissioner Court Boice Yes No Not applicable to Sheriff's Department since they do not have a li	aison



## **MEMORANDUM**

FROM John R. Huttl, Curry County Counsel

TO Board of Commissioners

RE: Floras Lake Reimbursement District

DATE: February 21, 2017

### Introduction

Staff seeks direction on the next steps for the Floras Lake weir. At this point, the Board has at least three options. If the Board selects an option that includes permitting, design and construction of the weir, that will require funding the project and the Board has an option to recover some or all of that funding.

#### **Options**

At this point, the Board has at least three options with respect to next steps on the weir.

- 1. Do not contest the DSL and US Army Corps enforcement action. This would result in removal of the rock and logs and allow the situation that occurred last summer to repeat itself. Note: This could allow pursuing option 3 below in the future.
- 2. Contest the above enforcement actions in Court. The chances of prevailing are estimated not greater than 50%. If we prevail, we would nevertheless face the future requirements of obtaining a water right permit to impound the water from the OWRD. Such a permit would include a requirement that we include an ODFW-approved "fish-passage" component to the structure.
- 3. Enter a consent Decree with the DSL that includes proper permitting of water rights and impoundment to include fish passage. With the attendant costs in option 2.

### Costs of options

The cost of Option (1) is extremely low. Worst case scenario we would have to pay a \$6000 fine and the costs of removal, which could be done by hand.

The cost of Option (2) and (3) are substantially the same.

Our water rights firm has a contract for \$10,000.00 to perform the work up to submittal of the water right permit application.

The biological/environmental permitting firm estimates \$46,521.00 to obtain the necessary environmental permits.

The engineering firm estimates \$30,267.00 to design the structure including consultation with the applicable agencies.

The total estimates to obtain permits and construction drawings is \$86,688. Each estimate includes assumptions, with some explanation that additional costs may be incurred. There is no estimate for construction, because the design is not final, but a rough approximation of construction costs is twice the design costs which is an additional \$60,000. That brings a project estimate to \$148,688 or \$150,000. Add 20% contingency and you have \$30,000.00. Therefore, the estimate of the project can be \$180,000.00 based on available figures.

The county does not have \$180,000 appropriated in the current budget to commit to that figure at this time. A possible solution would be to fund the commitment with contingency dollars, or a loan from the Road Fund. A loan from the Road Fund would need to be replenished in full.

**294.468** Loans from one fund to another; commingling cash balances of funds. (1) It shall be lawful to loan money from any fund to any other fund of the municipal corporation whenever the loan is authorized by official resolution or ordinance of the governing body. The loans shall be made in compliance with the applicable requirements and limitations of this section. Loans made under this section shall not be made from:

- \* \* \*
- (2) The resolution or ordinance authorizing any interfund loan permitted under this section shall:
- (a) State the fund from which the loan is to be made, the fund to which the loan is to be made, the purpose for which the loan is to be made and the principal amount of the loan.
- (b) If the interfund loan is a capital loan, set forth a schedule under which the principal amount of the loan, together with interest thereon at the rate provided for in paragraph (c)(B) of this subsection, is to be budgeted and repaid to the lending fund. The schedule shall provide for the repayment in full of the loan over a term not to exceed 10 years from the date the loan is made.

The plan for replenishing the road fund would be that the County create a reimbursement district or local improvement district of surrounding properties that receive a special benefit from the lake.

Per Curry County GIS map, there are 953 properties within one-mile radius of the shores of Floras Lake. Other than the County, there are over 50 properties that border the lake. Properties set back further from the lake could still be included in the district.

There are too many possibilities for a meaningful discussion of reimbursement amounts. Essentially, the more properties in the district, the lower the cost to each property. The costs would be spread over ten years. Unpaid assessments could be collected or become a lien on the property.

The County would need to come up with an independent source of funds for its share. One possibility is a special construction assessment on the Boice Cope Park use fees to recover the County's share of the expense. Because the lake is also a county-wide asset, part of the funds could be recovered from Parks budget or contingency. There could be on-going costs to operate the weir depending on the approved fish-passage element.

For purposes of discussion, assume the district has 75 properties, 25 of which are county owned. The county would need to replenish \$66,000 of the road funds, and would have ten years to do so. Again, that could be a combination of parks fee increases, contingency and other appropriation. The seeking out of grants would be on-going.

The remaining \$134,000 divided by 50 properties would represent \$2680 per property. Spread over ten years that equals \$268 per year. Divided by 12 months, that equals a \$23 dollar payment per month. This is only for illustration, the actual amount would depend on several factors.

203.075 Applicable law for local improvement assessments. When a county governing body orders the construction of a local improvement and levies an assessment for all or part of the cost of the improvement against property benefited by the improvement, if there is a conflict between ORS 223.205 to 223.295, 223.387 to 223.399, 223.405 to 223.485, 223.680 and 223.770 and a county charter, county ordinance or another statute, the charter, ordinance or other statute shall prevail.

The process for establishing a reimbursement district is typically:

The county estimates the cost and prepares the formula based on the cost estimate and the properties included in the district.

The county mails and provides public notice of a hearing on the proposed district.

The public and persons in the proposed district give testimony.

The Board adopts a proposed assessment.

Affected persons can appeal and the process moves forward or repeats, depending. Ultimately, the project is undertaken (or not).

If undertaken, the final costs are determined.

Can be years after initial assessment process.

Another round of notices and hearings and a final assessment formula is determined. Payments are recovered.

We would need to adopt our own ordinance to reflect the above or similar process.

## Conclusion

As set forth above, the Board has at least three choices. Opting for choice number one could allow for engaging in choice number two in the future.

Respectfully,

John R. Huttl

Curry County Counsel



Missoula, MT Office 1500 Clark Fork Lane Missoula, MT 59801 541-290-4055 **Rogue Valley Office** 10558 Hwy 62, Ste. B-1 Eagle Point, OR 97524 541-326-4828

> Newport Office 609 SW Hurbert Street Newport, OR 97366 541-264-7040

Coos Bay Office

Coos Bay, OR 97420

486 'E' Street

541-266-8601

Albany Office 945 SE Geary Street Albany, OR 97321

541-223-5130

## ENGINEERING SCOPE OF SERVICES

Date: January 16<sup>th</sup>, 2017 Work Order Number:

To: Mr. John Huttl, Curry County Legal Council

From: Matt Wadlington, P.E., Area Manager

RE: Curry County - Floras Lake Dam and Fish Passage

Engineering Scope of Services Civil West Project Number: TBD

The purpose of this engineering proposal is to outline and describe the proposed scope of services related to the upcoming project that will result in the construction of a new water control structure (Dam) and associated fish ladder.

#### **Background Summary**

Floras Lake is a naturally formed lake in the northwest corner of Curry County. The lake is fed by four tributaries. The natural elevation of the lake changes as flow into the lake changes. Naturally, the low elevation (late summer) of the lake is approximately 10 feet above sea level. At some point, a log checkdam was built across the outlet of the lake which increased the surface of the lake by 2 to 3 feet. This small change in elevation has a large impact to the area of the lake, which is heavily used for sport and recreation.

Curry County has been asked to replace the dam with a new structure that will meet the current fish passage criteria, while still maintaining the elevation of the lake to its recent elevation.

#### **Goal for the Project**

Design a new structure which will regulate flows out of, and water surface elevation within Floras Lake, while providing fish passage to meet state and federal regulations.

#### Part A: Scope of Work

The following tasks have been identified to track the project's progress. Each task will be assigned a certain number of engineering hours for completion. While there may be many subtasks included within these major task areas, only the major tasks will be discussed below.

#### Curry County, Floras Lake Dam – Proposed Scope of Services

Task 1 – Project Management and Administration – This task includes administrative and project management efforts related to the management of this project. This shall include preparation of monthly project status reports, processing of paperwork and correspondence between Civil

West and the County, coordination on financial matters, directing resources internally, internal QA/QC procedures, and other project management activities.

Deliverable: Monthly Project Status Reports

Task 2 – Kickoff Meeting and Data Gathering – This task will include a kickoff meeting to meet with staff and discuss the project schedule, approach, and material preferences for our designers to consider during the design process. This task will also include surveying services as needed for the design phase.

Deliverable: Existing condition results of survey

- Task 3 Agency Coordination This task will include coordinating with the agencies which have regulatory involvement in this project, primarily the Oregon Department of Fish and Wildlife (ODFW). This coordination is necessary to ensure that the design will meet the requirements of all agencies.
- **Task 4 Final Design Services –** This task will include all of the technical efforts required to design a new water control structure. Included with this task is the preparation of technical specifications for the construction of the dam.

Deliverable: Final Design Plans and Specifications

- **Task 5 Reimbursables –** This task will include allowances for project costs related to reimbursable expense items. These include:
  - a. <u>Travel costs</u> we have included an allowance for travel costs for meetings, various site visits, and other travel need related to this project.
  - Publication, reproduction, and office costs under this item, we have included a
    reimbursable allowance to provide the County with copies of any draft and final
    report(s), plans, contract documents and specifications, including digital deliverables
    upon request.

#### Part B: Project Fee Proposal

We have prepared a detailed fee proposal worksheet that we have attached to this proposal (see Exhibit A). The worksheet includes a summary of the proposed tasks and subtasks as described above along with estimates of hours for completion of the tasks and the associated billing rates for the individuals involved. We propose that the project will proceed on a time and materials basis and, if completed under budget, the County will enjoy the savings. The hours and fees shown in Exhibit A are estimates, and as such, we reserve the right to move hours between tasks as necessary. If, additional support is required beyond these allowances, we will coordinate with the County on an amendment to the agreement, as required.

A summary of the proposed fee schedule is provided below:

Task	Summary of Proposed Engineering Budget:	Budget
1	Project Management and Administrative Services	\$2,124.00
2	Project Kickoff and Data Gathering	\$4,229.00
3	Agency Coordination	\$6,580.00
4	Final Design	\$15,034.00
5	Reimbursables	\$2,300.00
	Total Proposed Engineering Budget	\$30,267.00

We are grateful for this opportunity to provide these services to Curry County. We are prepared to begin this work on this important project as soon as we are authorized to do so. Please let me know if you have any questions or if you wish to see any alterations to our proposed approach. If this proposed approach is acceptable, please sign below and return a copy to our office for our records.

Sincerely,

Civil West Engineering Services, Inc.

Mott Wodlag

Matt Wadlington, PE Area Manager

Authorized Representative Signature Accepting Scope of Services

Date

Curry County Floras Lake Dam Improvements January 16, 2017

							Engineer	Engineering Fee Structure	ucture				
				Senior					Survey				
		Principal	Project	Project	Project			Intern	Crew	Construction		Total	
		Engineer	Manager	Engineer	Engineer	Tech	Engineer	Engineer	(2ppl)	Inspection	Clerical	Hours	Total Fee
		\$152.00	\$137.00	\$130.00	\$123.00	\$103.00	\$69.00	\$45.00	\$170.00	\$81.00	\$45.00		
asks													
-	Project Management and Administrative Services												
1a	Admin, Coordination, Project Management	2	10								10	22	\$2,124.00
	Task Total	2	10	0	0	0	0	0	0	0	10	22	\$2,124.00
2	Project Kickoff and Data Gathering												
2a	Kickoff meeting, site visit, stakeholders, and gather available info		10			9						15	\$1,885,00
2p	Project site survey and data collection				89				80			91	\$2,344.00
	Task Total	0	10	°	89	s		0	89	0	0	31	\$4,229,00
6	Agency Coordination												
3a	Coordinate with regulatory agencies for approval		36			16						52	\$6,580.00
	Task Total	0	36	0	0	16		0	0	0	0	52	\$6,580.00
4	Final Design												
<b>4</b> a	Structure design	2	24		20	36						82	\$9,760.00
4P	Prepare specifications	2	4		10	24					16	99	\$5,274.00
	Task Total	4	28	0	30	09	0	0	0	0	16	138	\$15,034.00
S	Reimbursables												
9a	Travel and Per Diem Costs												\$2,000
q6	Reproduction, copies, and office expenses												\$300
	Task Total	0	0	0	0	0	0	0	0	0	0	0	\$2,300.00
	Total	9	84	0	38	84	0	0		0	26	243	\$ 30,267.00

## SCOPE OF WORK FOR PROFESSIONAL SERVICES

## FLORAS LAKE OUTLET CONTROL REGULATORY COMPLIANCE

January 10, 2017

#### I. PROJECT DESCRIPTION

Curry County intends to repair and rehabilitate an outlet flow control structure at Floras Lake north of Cape Blanco and near the town of Langlois, Oregon.

The following scope presents the tasks necessary to facilitate permit acquisition for the planned work. The proposed project approach and scoped activities herein are anticipated to occur concurrent with design efforts completed by others on the project team. All of the project activities described within this scope of work document will be conducted in support of GSI Water Solutions (GSI, Prime Consultant) and the County.

#### II. GENERAL PROJECT APPROACH

This Scope of Work includes two approach options, based on preliminary inquiries and coordination with Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), and the US Army Corps of Engineers (Corps). One approach (Scope A) assumes that project work will be exempt from Corps permit requirements and that formal consultation under the Endangered Species Act (ESA) will not be required. The second approach (Scope B) assumes that project designs and other project elements will require a Corps permit and accounts for ancillary environmental regulatory processes triggered by this requirement.

## SCOPE OF WORK "A" - Corps Exemption / No ESA Consultation

## Task 1A: Project Management

Task 1 includes project set-up, billing, progress reporting, and regular progress meetings with GSI and the County.

#### Task 1A: Deliverables

- 1. Monthly progress reports
- 2. Team meeting facilitation and summaries

### Task 2A: Agency Coordination and State Permitting

This task includes the following:

Coordination with state and federal regulators with jurisdiction over the project

- Preparation of Oregon DSL Removal/Fill permit application
- Coordination and development of ODFW Fish Passage Plan

#### Task 2A: Deliverables

- 1. One electronic draft Joint Permit Application (JPA) for submittal to DSL. Submittal to include approvals from local planning officials and other supporting documentation as necessitated by the nature and final design of the project.
- 2. One final JPA for approval by the County and for submittal to DSL
- 3. One electronic ODFW Fish Passage Plan in the format requested by the local reviewing biologist.

#### Scope "A" Project Assumptions:

- The design of the project will achieve an exemption through the Corps.
- A Biological Assessment (BA) documenting potential project affects to federally listed species will not be prepared under this Scope A alternative, since there is no federal nexus to mandate consultation with the National Marine Fisheries Service (NMFS) or US Fish and Wildlife Service (USFWS).
- Project permitting fees are not included in this scope of work or fee estimate and will vary depending on the design and project approach taken by the County.
- The scope does not include cultural resources documentation or coordination.

  Documentation may be required by DSL to facilitate consultation with the Tribes and State Historic Preservation Office (SHPO), depending on the design and nature of the project impacts. An estimate for documentation would be prepared upon the request by DSL, SHPO, or the Tribes and with approval and request by the Client.
- Design activities are not included in this scope of work.

#### SCOPE OF WORK "B"

#### Task 1B: Project Management

Similar to Scope of Work A, Task 1B includes project set-up, billing, progress reporting, and regular progress meetings with GSI and the County.

#### Task 1B: Deliverables

- 1. Monthly progress reports
- 2. Team meeting facilitation and summaries

#### Task 2B: Agency Coordination, State Permitting, Federal Permitting

This task includes the following:

- Coordination with state and federal regulators with jurisdiction over the project
- Preparation of permits applications to facilitate a DSL Removal/Fill permit, a Corps

Nationwide Permit, and an Oregon Department of Environmental Quality (DEQ) Section 401 Water Quality Certification

• Coordination and development of ODFW Fish Passage Plan

#### Task 2B: Deliverables

- 1. One electronic draft Joint Permit Application (JPA) for submittal to DSL, the Corps, and DEQ. Submittal to include approvals from local planning officials and other supporting documentation as necessitated by the nature and final design of the project.
- 2. One final JPA for approval by the County and for submittal to DSL and the Corps
- 3. One electronic ODFW Fish Passage Plan in the format requested by the local reviewing biologist

#### Task 2B Assumptions:

- Project design and site conditions will trigger the need for a Corps Nationwide Permit (an Individual Permit will not be required).
- The Corps nexus with the project will require project compliance with the ESA and will necessitate Task 3, below.
- Project permitting fees are not included in this scope of work or fee estimate and will vary depending on the design and project approach taken by the County.
- The scope does not include cultural resources coordination or documentation.

  Documentation may be required by the Corps or DSL to facilitate consultation with the Tribes and SHPO, depending on the design and nature of the project impacts and feedback from the Tribes and SHPO. An estimate for documentation would be prepared upon the request by DSL, SHPO, or the Tribes and with approval and request by the Client.
- Design activities are not included in this scope of work.

## Task 3B: Endangered Species Act Documentation and Facilitation of Consultation

This task will include preparation of BA to facilitate ESA consultation between the Corps and NMFS (authority over anadromous fish) and USFWS (authority over terrestrial species and non-anadromous fish). The BA will document the project purpose and need, the environmental conditions associated with the project area and any listed species, the potential project impacts to listed species, the minimization and avoidance techniques employed to reduce potential impacts to listed species, and will conclude with a statement of affect.

Other activities included under this task include coordination with all involved regulatory bodies such as USFWS, NMFS, and the Corps; coordination with project designers, and documentation of ESA compliance within other documents and permits related to this project.

#### Task 3B: Deliverables

- 1. One electronic draft BA for review by the County and Client
- 2. One final BA for submission to the Corps
- 3. Copies of emails and pertinent meeting notes associated with ESA compliance and consultation between the Consultant and federal regulators/resource agencies

## Task 3B Assumptions:

- The project will not fit under a Programmatic Biological Opinion such as SLOPES
- The Corps will require consultation with USFWS and NMFS
- Comprehensive water level modeling is not included in this scope of work, but may be prepared by others on the project team.
- Lead author will conduct a single site visit to evaluate habitat conditions, baseline biotic conditions, and potential for natural system change post-project.

Rates:		<b>Jennifer</b> \$198.40	<b>Casey</b> \$137.60	<b>Tony</b> \$85.44	<b>Sara</b> \$117.76	<b>Shawna</b> \$80.00	Totals
Project Management (A)	Hours	4	16	THE STREET		32	
	Cost	\$793.60	\$2,201.60	\$0.00	\$0.00	\$2,560.00 \$5,555.20	\$5,555.20
Scope A - DSL/ODFW	Hours	4	52	24	32	8	
	Cost	\$793.60	\$7,155.20	\$2,050.56 \$3,768.32	\$3,768.32	\$640.00	\$14,407.68
Project Management (B)	Hours	12	24	CHECKSON AND AND AND AND AND AND AND AND AND AN		60	
	Cost	\$2,380.80	\$3,302.40	\$0.00	\$0.00	\$4,800.00	\$4,800.00 \$10,483.20
Scope B - JPA	Hours	4	60	16	28	8	
	Cost	\$793.60	\$8,256.00	\$1,367.04 \$3,297.28	\$3,297.28	\$640.00	\$14,353.92
Scope B - BA/Consult	Hours	8	90	32	32	8	
	Cost	\$1,587.20	\$1,587.20   \$12,384.00   \$2,734.08   \$3,768.32	\$2,734.08	\$3,768.32	\$640.00	\$640.00 \$21,113.60
	Totals						
				Expenses			
				Mileage	\$ 330.00		
				Lodging	\$ 91.00		
				Equipment \$ 150.00	\$ 150.00		
				Total	\$ 571.00		

A \$19,962.88

B \$46,521.72