

MEMORANDUM

TO: Programs, Projects, and Operations Subcommittee
FROM: Eric Williams, Natural Resources Planner
SUBJECT: West Douglas County Trail
Preliminary Engineering Services Supplemental Agreement #6 with FHU
DATE: October 4, 2018

The Western Douglas county Trail (WDCT) has an approved NEPA document, and Section 404 permit from the USACE (United States Army Corps of Engineers). Wetland mitigation is being required as a condition of the Section 404 0permi, and this is outside the scope covered by the agreement with Felsburg Holt & Ullevig (FHU). An approved Consultant Work Order (CWO) and written Notice-to-Proceed was provided by NDOT to FHU on September 19, 2018.

The new CWO will require a new Agreement to be signed between the District and FHU, with costs not-to-exceed \$1,015.43. New tasks will include coordinating the purchase of mitigation credits through a wetland bank, completing the application for credits, and documentation of proof of purchase which will be submitted to the USACE.

- **It is recommend that the Subcommittee recommend to the Board that the attached resolution be adopted, authorizing the General Manager to execute the proposed Preliminary Engineering Services Supplemental Agreement #6 with Felsburg Holt & Ullevig for environmental services for the Western Douglas County Trail Project for a cost not-to-exceed \$1,015.43, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

RESOLUTION
PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 6 – BO1119

PAPIO MISSOURI NRD

Resolution No. _____

Whereas: Papio-Missouri NRD and Felsburg Holt & Ullevig, have previously executed a Preliminary Engineering Services Agreement (BO1119) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: Papio-Missouri NRD understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: Papio-Missouri NRD and Felsburg Holt & Ullevig wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Directors of the Papio-Missouri NRD, Nebraska that:
John Winkler, General Manager of the Papio-Missouri NRD is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 6 between the Papio-Missouri NRD and Felsburg Holt & Ullevig.

NDOR Project Number: DPU-28(87)
NDOR Control Number: 22227
NDOR Project Description: Western Douglas County Trail

Adopted this _____ day of _____, 2018 at _____ Nebraska.

The Board of Directors, Nebraska:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| | _____ |

Board/Council Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed and billed as adopted

Attest:

Signature

Consultant Work Order (Local Projects)

| | | |
|---|----------------------------------|---|
| Project No.: DPU-28(87) | | Control No.: 22227 |
| Consultant: (Name and Representative) Felsburg Holt & Ullevig | Agreement No.: BO1119 | Work Order No.: 5 |
| LPA: (Name and Representative) Papio-Missouri Natural Resources District / Eric Williams | | Constr. Change Order No.: (If applicable) n/a |
| <p>All parties agree the following described work needs to be performed by the consultant as part of the referenced project. All parties concur and hereby give notice to proceed based on the following: justification to modify contract, scope of services, deliverables, schedule, and estimated total fee. All other terms of existing agreements between the parties are still in effect. It is understood by all parties that the work described herein will become part of a future supplement to the agreement indicated above.</p> <p>Justification to modify agreement: (Include scope of services, deliverables, and schedule) Wetland mitigation is being required as a condition of the Section 404 permit. New tasks will include coordinating the purchase of mitigation credits through a wetland bank; completing the application for credits; coordinating with the NRD and bank; and if requested, attending NRD board meeting and answering any questions regarding the purchase of bank credits. Will also require obtaining receipt of purchase; preparing letter discussing proof of purchase from bank; and submitting documentation of purchase to USACE.</p> | | |
| Work Title | | Summary of Fee |
| Wetland Mitigation | | A. Total Direct Labor Cost = 372.62 |
| | | B. Overhead (Factor * x A) = 624.18 |
| | | C. A + B = 996.80 |
| | | D. Profit/Fee (Factor ** x C) = 134.57 |
| *Overhead Factor: 167.51% | E. Direct Non-Labor Cost = 18.64 | |
| **Profit/Fee Factor: 13.50% | F. Subconsultant Services = 0.00 | |
| Total Fee Notes: | | TOTAL FEE: C + D + E + F = \$1,137.16 |
| | | <input type="checkbox"/> ESTIMATED TOTAL FEE: |
| | | <input checked="" type="checkbox"/> FINAL TOTAL FEE: \$1,150.00 |

Work Order Authorization – May be granted by email and attached to this document.

Consultant:

| | | |
|-------------|-------------|---------|
| Amy Zlotzky | Amy Zlotzky | 9/12/18 |
| Name | Signature | Date |

LPA:

| | | |
|------|-----------|------|
| | | |
| Name | Signature | Date |

LPS PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):

| | | |
|------|-----------|------|
| | | |
| Name | Signature | Date |

LPS Unit Head Review (for PE Phase):

| | | |
|-----------|-------------|-----------|
| Greg Wood | [Signature] | 9/12/2018 |
| Name | Signature | Date |

LPS Engineer or Construction Engineer (Construction Phase):

| | | |
|------|-----------|------|
| | | |
| Name | Signature | Date |

FHWA: (FHWA Approval on Full Oversight Projects Only)

| | | |
|------|-----------|------|
| | | |
| Name | Signature | Date |

Notice to Proceed will be granted by email by:
LPS PC for Preliminary Engineering & CD PC for Construction Engineering.

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| Notice to Proceed Date: 9/12/2018 |
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Distribution: Consultant, LPA – RC, State Rep., FHWA, LPS PC, NDOR Agreements Engineer, Highway Funds Manager, CD PC

DR Form 250, March 2014

EXHIBIT "B"

8. The proposed project would result in the unavoidable discharge of fill material into wetlands permanently impacting a total of 0.2402 acres of PEMA/C floodplain depression wetlands. Permanent wetland impacts will be mitigated at the Bundy Wetland Mitigation Bank (WMB). The permittee will purchase 0.2402 acre of PEMA/C floodplain depression wetland credits from the Bundy WMB for this project.

Wetland Impacts and Compensatory Mitigation are as follows:

| Wetland ID | Impacted Wetland Type | Subclass | Impact Area (ac.) | Mitigation Wetland Type | Subclass | Ratio | Mitigation Debits (ac.) |
|-------------------------------|-----------------------|-----------------------|-------------------|---------------------------------|-----------------------|-------|-------------------------|
| Site 1 Wetland 1, 4a | PEMA/C | Floodplain Depression | 0.0177 | PEMA/C | Floodplain Depression | 1:1 | 0.0177 |
| Site 2 Wetland 4b | PEMA/C | Floodplain Depression | 0.2188 | PEMA/C | Floodplain Depression | 1:1 | 0.2188 |
| Site 3 Wetland 8 | PEMA/C | Floodplain Depression | 0.0037 | PEMA/C | Floodplain Depression | 1:1 | 0.0037 |
| Total Wetland Impacted | | | 0.2402 | Total Mitigation Credits | | | 0.2402 |

9. An updated Bundy Wetland Mitigation Bank ledger must be received prior to the commencement of filling activities, documenting the purchase of mitigation credits.

Regional Conditions:

The permittee is responsible for compliance with the Nebraska Regional Conditions listed below.

Regional Condition No. 9, Revegetation of Disturbed Areas – All NWP.

- a. All areas adjacent (contiguous, bordering, neighboring) to jurisdictional waters disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. In accordance with Executive Order 13112, the use of invasive species and non-native species is not appropriate for revegetation of disturbed areas. A cover crop may be planted to aid in the establishment of native vegetation. The disturbed areas shall be reseeded concurrently with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of appropriate perennial, native grasses and forbs reaches 75%. If this seeding cannot be accomplished by September 15 in the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of appropriate perennial, native grasses and forbs reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent erosion.
- b. When the vegetation has become established, all temporary erosion control materials shall be removed from the project site. Biodegradable or photodegradable materials need not be removed.