

# **MEMORANDUM**

**TO:** Programs, Projects and Operations Subcommittee

**SUBJECT:** Phase IX of Engineering Contract with Olsson Associates for Professional Services for Pigeon/Jones Site 12A

**DATE:** April 29, 2019

**BY:** Terry Schumacher, Land & Water Programs Coordinator

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In September of 2007, the P-MRNRD Board of Directors approved a contract with Olsson Associates for the Pigeon/Jones Site 15 Final Design in the amount of \$534,573. The contract for Phase I included the design of the dam, design of the County road improvements, design of the downstream levees and the off-line storage area. In March of 2009, the Phase I contract was amended to include \$51,300 for additional design of the dam using new Probable Maximum Precipitation values and preparation of a Nebraska Environmental Trust application.

The Phase II Amendment to the contract was approved in July of 2009 for an additional \$513,000. Phase II not only provided additional fees for environmental permitting and final land rights survey, but added new services for recreation area design and a subcontract with Midwest Right of Way to assist in land rights acquisitions.

Phase III, approved in October 2010 for \$114,150, only pertained to preliminary design services for upstream sediment and grade control structures and was partially funded by an EPA Section 319 Grant through NDEQ.

Phase IV, \$340,980, was approved in April of 2012 to provide administration, observation and testing for construction of the Phase I design: including the dam, county roads, in-lake fisheries, levee and offline storage. Like the amendment addressed by this memo, construction services were approved in a separate phase once construction plans were complete so that services could be better prescribed and estimated.

Phase V was approved in March of 2013 for \$179,000. This amendment covered increased costs in the design of the recreation area and provided additional funding to continue the design of upstream sediment and grade control structures supported by additional 319 Grant funding.

**Phase VI was approved in April of 2014 for \$142,270.00 for services necessary to provide construction administration and inspection of the recreation facilities at Kramper Lake. These services included contract administration, field survey, field observation and documentation and a migratory bird nesting survey.**

**Phase VII, approved in September of 2016 for \$389,000.00 provided for final design, permitting and construction administration services for Pigeon/Jones Site 12 and construction administration services for Pigeon/Jones Site 16.**

**The Phase VIII Amendment, approved in September of 2017 for \$179,122.00 provided for final design, permitting and construction administration for Pigeon/Jones Site 12A. This approval increased the professional services contract with Olsson Associates for the PJ 15 project to a not to exceed amount of \$2,443,975.00.**

**Phase IX, would provide for a cultural resources assessment and wetland mitigation design required by the Corp of Engineers as part of the 404 permitting process.**

**Attached is a letter from Olsson Associates that explains in detail their request for additional professional services, in the not to exceed amount of \$64,524.00. If approved, it would increase the overall project contract to a not to exceed amount of \$2,508,499.00.**

Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute an amendment to increase the maximum, not to exceed amount of the professional services contract with Olsson for the Pigeon Jones Site 15 Project, to \$2,508,499.00, subject to changes deemed necessary by General Manager and approval as to form by District legal counsel.



April 26, 2019

Mr. Terry Schumacher  
Papio-Missouri River NRD  
8901 S. 154<sup>th</sup> Street  
Omaha, NE 68138-3621

Re: Pigeon Jones Creek Dam Site 15 Phase IX Services  
PJ-12A Design and Construction Services  
OA Project No. 007-1658

Dear Mr. Schumacher,

The purpose of this letter is to request an amendment to the above referenced project for additional services necessary to provide final design and construction services for Pigeon/Jones Creek Site 12A. At this time, Olsson is requesting \$64,524.00 for Phase IX services.

This project has been completed in several phases and is summarized below:

Phase I Design and planning – Oct 2007:	\$534,573.00
Phase I Design Amendment – Mar 2009:	\$ 51,380.00
Phase II Amendment – July 2009:	\$513,000.00
Phase III Upstream Structures – Oct 2010:	\$114,150.00
Phase IV Construction – April 2012:	\$340,980.00
Phase V Rec Design and 319 Structures – Mar 2013:	\$179,500.00
Phase VI Amendment Construction Services – Feb 2014	\$142,270.00
Phase VII Amendment PJ-16 and PJ-12 Services – Sept. 2016	\$389,000.00
Phase VIII Amendment PJ-12A Final Design and Construction Services – August 2017	\$179,122.00

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Total Contract Cost:	\$2,443,975.00
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Phase IX of the project is for additional Environmental Permitting Services for Pigeon/Jones Creek Site 12A. A Section 404 Permit was previously submitted to the USACE in September 2018. The Section 404 Permit application package was developed in coordination with the USACE and followed their recommendations regarding the alternatives analysis and proposed mitigation site location. Recent changes in USACE project management, and comments received from the USACE in February 2019, require an unanticipated reevaluation of the alternatives and potential modifications to the proposed wetland and stream mitigation site. The USACE is also requiring a cultural resource survey to evaluate the potential for impact to archeological resources on site. Details regarding the scope of the cultural resource survey were provided in February 2019. Previously, it was anticipated that NRCS would complete the

cultural resource survey; however, NRCS is unable to complete the survey at this time in support of the Section 404 Permit application.

A detailed scope of services and fee breakdown is attached to this letter. A summary of the tasks is provided below.

Phase 400, Environmental permitting

Task 401, Wetland Delineation

Task 402, 404 Permitting

Task 403, Cultural Resources Survey

Task 404, Mitigation Design, Survey, and Monitoring

Thank you for your consideration of our proposal. Please feel free to contact me with any questions you may have.

Sincerely,



Michael W. Placke  
Olsson Associates

Attachments:  
Scope of Services  
Fee Breakdown  
Schedule  
Exhibit K

This EXHIBIT K, consisting of [2] pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated September 13, 2007.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. IX**

The Effective Date of this Amendment is: April 26, 2019.

**Background Data**

Effective Date of Owner-Engineer Agreement: September 13, 2007

Owner: Papio-Missouri River Natural Resources District

Engineer: Olsson

Project: Pigeon/Jones Creek Dam Site 12A

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

☒ Modifications to services of Engineer

☒ Modifications of payment to Engineer

☒ Modifications to time(s) for rendering services

**Description of Modifications:**

This Amendment is for additional services necessary to respond to USACE comments and agency requests in support of the USACE Section 404 permit.

Exhibit A, Attachment 1, "Scope of Services" of this Agreement, including the previous amendments to the Agreement, shall be amended to include the Attachment 1 of Amendment No. IX, attached hereto. Attachment 1 of Amendment No. IX shall be a supplement and does not replace Exhibit A, Attachment 1, "Scope of Services" of this Agreement. All other tasks in Exhibit A, Attachment 1, "Scope of Services," are unchanged and shall remain in effect.

Exhibit C1 of this Agreement shall be amended to include the attached "Fee Estimate."

**Agreement Summary:**

Original agreement amount:	\$534,573.00
Net change for prior amendments:	\$1,909,402.00
This amendment amount	\$64,524.00

MODIFIED VERSION of

Exhibit K — Amendment to Owner-Engineer Agreement.

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This EXHIBIT K, consisting of [2] pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated September 13, 2007.

Adjusted Agreement amount:

\$2,508,499.00

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Papio-Missouri River Natural Resources

By: \_\_\_\_\_

Print

Name: John Winkler

Title: General Manager

Date Signed: \_\_\_\_\_

ENGINEER:

Olsson

By: \_\_\_\_\_

Print

Name: Tony Baumert

Title: Lead Scientist

By: \_\_\_\_\_

Print

Name: Mike Placke

Title: Senior Engineer

Date Signed: April 26, 2019

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MODIFIED VERSION of

Exhibit K — Amendment to Owner-Engineer Agreement.

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## **SCOPE OF SERVICES**

This exhibit is hereby attached to and made a part of the Letter Agreement for Professional Services dated April 26, 2019 between Papio-Missouri NRD ("Client") and Olsson Associates ("Olsson") providing for professional services. Olsson's Scope of Services for the Agreement is indicated below.

### **PROJECT DESCRIPTION AND LOCATION**

Project is located in: Dakota County, NE

Project Description: Pigeon/Jones Creek Dam Site 12A

### **SCOPE OF SERVICES**

Client and Olsson hereby agree that Olsson's Scope of Services under the Agreement is amended by adding the services specifically described below for the additional compensation set forth below:

#### **DESIGN SERVICES**

##### **Phase 400 – Environmental Permitting**

###### **Task 401 – Wetland Delineation**

Olsson was originally contracted to complete a wetland delineation at the Pigeon Jones Site 12 and revised Pigeon Jones Site 12A project areas. Subsequent to these delineations, the mitigation site for the project was relocated to a new area based upon agency recommendations and requests. Olsson completed a wetland delineation and NeSCAP stream assessment at this new location to support the design and Section 404 permit application. This delineation and stream assessment have been completed in support of the 404 permit and mitigation plan.

Specific tasks associated with this phase include:

- The delineation effort included a review of existing data including USGS 7.5 minute topographical maps, National Hydrography Dataset information, National Wetland Inventory maps, soil survey data, and aerial photographs, as well as a field investigation.
- The field investigation followed the methodology of the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (1987); regional Supplement 2010 (Midwest Region) with investigation of hydrology, vegetation, and soils.
- In addition, the delineation included photography of wetlands, other waters, and upland areas. Wetland boundaries and stream channels were identified with GPS equipment, and a map showing the extent of wetlands and other waters of the U.S. were developed.
- A jurisdictional wetland report was prepared documenting the findings. The report included include color photographs of the site, copies of data sheets, maps depicting the location, acreage, and Cowardin classification.

- A USACE NeSCAP function assessment for streams within the new proposed mitigation site was completed. A NeSCAP report was prepared including data forms, site photographs, mapping, and a stream functional assessment calculation workbook.

#### **Task 402 – 404 Permitting**

Guidance from the USACE directed Olsson and the P-MRNRD to utilize the PJ-15 permit application as a template and submit the PJ-12A permit application. Olsson utilized that template and consistent level of detail. Subsequent to the permit application submittal, the USACE changed permitting project managers.

The USACE provided Olsson with approximately 50 comments or data requests on February 22, 2019. These comments request additional analysis and information that was not originally anticipated based on the original guidance provided by USACE concerning the dam location, mitigation location, and level of analysis needed regarding dismissed alternatives. This requires additional effort for Olsson to acquire and analyze data to respond to this request. Specific tasks associated with this phase include:

- Addressing agency comments identifying threatened and endangered species impacts and conservation conditions.
- Performing an archeology survey to assess cultural resource impacts.
- Revisions and clarification regarding the project purpose and need.
- Providing additional sediment load storage needs information, calculations, and management requirements for the watershed.
- Clarification regarding the alternatives considered, including more detailed estimates of cost, quantity of sediment storage, and environmental impacts beyond that previously provided.
- Reevaluation of wetland and stream mitigation locations based upon agency comments and new USACE data needs.

Olsson assumes one meeting with the Corps will be required to finalize responses.

#### **Task 403 – Cultural Resource Survey**

The USACE requested an archaeological survey be completed within the project footprint. The NRCS was initially anticipated to complete this survey; however, the NRCS had indicated they are not able to complete this task.

Olsson will subcontract with Archeology Laboratory at the University of Augustana to complete the archaeological survey required by the USACE and State Historic Preservation Office (SHPO). This survey will include a records review and field investigation. The cultural resource survey will include the following tasks:

- Conduct a background records search for the proposed project area to determine if the area has been previously surveyed and/or if there are any previously recorded cultural resources in the area.
- Conduct a 100-percent on-ground survey of the project area.

- A limited number of shovel tests may be excavated if ground surface visibility is poor due to heavy vegetation, to examine the soil profile, or to evaluate National Register of Historic Places (NRHP) eligibility status of sites identified.
- Document and do preliminary NHRP eligibility evaluation of up to two cultural resource sites.
- Prepare a report detailing the work conducted, the results, and recommendations for submittal to the appropriate agencies.

#### **Task 404 – Mitigation Design, Survey, and Monitoring**

The USACE has indicated the wetland mitigation design initially discussed with them may not be suitable based upon agency comment. Olsson will (1) revise the current mitigation plan based upon agency comment and resubmit for approval, or (2) complete a new conceptual and final wetland mitigation design if required. This phase includes the following tasks.

- Coordination with USACE to determine if a new wetland mitigation design is necessary
- If a new design is required, Olsson will complete a conceptual mitigation plan to provide to the USACE for review and approval.
- Additional wetland and stream delineation and functional assessment will be completed at the proposed mitigation site. Wetland mitigation will be completed in accordance with the USACE 1987 Wetland Delineation Manual and applicable Regional Supplement.
- Upon approval of the conceptual mitigation design, Olsson will obtain site survey data, and complete preliminary and final design of the mitigation site. Mitigation design plans will be incorporated into the final design documents, as well as provided to the USACE.
- Coordinate and complete the Conservation Easement.
- Provide up to 5-years of mitigation site monitoring based upon USACE requirements. Olsson will draft and submit annual monitoring report to the USACE to confirm mitigation compliance.

<b>Phase</b>	<b>Description</b>	<b>Fee</b>
<b>400</b>	<b>Environmental Permitting</b>	<b>\$64,524.00</b>

**TOTAL FEE REQUESTED: \$64,524.00**

Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

OLSSON.

By Michael W. Placke  
Mike Placke, P.E.

By Brian Osborn  
Brian Osborn, CHMM

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

**PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT "Client"**

By \_\_\_\_\_  
Signature

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Dated: \_\_\_\_\_

**COST BREAKDOWN**

April 26, 2019 Amendment

007-1658 Pigeon/Jones Creek Site 12A

Papio-Missouri River Natural Resources District

Dakota County, NE

Task	Classification:	Project Manager	Senior Scientist	Project Scientist	Associate Engineer	Associate Scientist	GIS Technician	Clerical	Total Labor	Expenses (1), (2), (3)	Total Cost
401. Wetland Delineation	Hourly Rate:	\$165.00	\$161.00	\$113.00	\$111.00	\$93.00	\$104.00	\$68.00			
	Hours	2	8	40	0	40	8	0	98		
	Cost	\$330.00	\$1,288.00	\$4,520.00	\$0.00	\$3,720.00	\$744.00	\$0.00	\$ 10,602.00	\$250.00	\$ 10,852.00
402. 404 Permitting	Hours	8	24	24	16	24	8	0	104		
	Cost	\$1,320.00	\$3,864.00	\$2,712.00	\$1,776.00	\$2,232.00	\$744.00	\$0.00	\$ 12,648.00	\$250.00	\$ 12,898.00
403. Cultural Resources Survey	Hours	2	16	0	0	0	0	0	18		
	Cost	\$330.00	\$2,576.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ 2,906.00	\$7,500.00	\$ 10,406.00
404. Wetland Mitigation Design	Hours	8	24	32	80	80	32	4	260		
	Cost	\$1,320.00	\$3,864.00	\$3,616.00	\$8,880.00	\$7,440.00	\$2,976.00	\$272.00	\$ 28,368.00	\$2,000.00	\$ 30,368.00
										<b>Total</b>	<b>\$ 64,524.00</b>

Expenses: (1) Mileage, Motel and Meals  
 (2) Equipment, Materials and Supplies  
 (3) Subconsultants

Estimated Schedule:

May 15, 2019 – Submit responses to corps questions including revised mitigation plan

May 31, 2019 – Submit Cultural Resource Survey to USACE for review and approval

June 1-31, 2019 – USACE evaluation of resubmitted permit materials. Response to additional USACE comments as needed.

July 1, 2019– Estimated USACE confirmation of complete Section 404 permit application

October 2019 – USACE issues Section 404 permit