

Amendment No. 1 to the Agreement between the Lake County Watershed Protection District and Davis Environmental for Environmental Site Assessment Services for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project

This Amendment No.1 to Agreement is made and entered into this _____ day of _____, 2020, by and between the Lake County Watershed Protection District, hereinafter referred to as “DISTRICT”, and Davis Environmental, hereinafter referred to as “CONSULTANT”.

RECITALS

WHEREAS, the District entered into Agreement No. 4600012946 dated July 2, 2019 with the State of California Department of Water Resources (DWR) accepting \$15,000,000 in grant funding for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (Project); and

WHEREAS, funds from Agreement No. 4600012946 are to be used for the acquisition of property from willing sellers that will be affected by the Project; and

WHEREAS, in order to use funds from Agreement No. 4600012946, an Environmental Site Assessment (ESA) must be approved by DWR for each parcel being acquired prior to an appraisal; and

WHEREAS, the District entered into an Agreement dated February 11, 2020 for the lump sum fee of \$18,550 with Davis Environmental for Phase 1 Environmental Site Assessments for thirty-two (32) parcels for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (Project); and

WHEREAS, there are an additional remaining twenty-three (23) parcels in the Project Area needing to have an ESA completed not outlined in the current Agreement; and

WHEREAS, in order to complete the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, all parcels located within the Project Area need to have an ESA completed prior to being acquired by the DISTRICT; and

WHEREAS, CONSULTANT has been conducting ESA services for the Project since February, 2020 and records of CONSULTANT’s performance on this Project have been exemplary.

NOW, THEREFORE, the parties hereby agree as follows:

- A. CONSULTANT has been selected by DISTRICT to provide services described hereunder in **Exhibit A**, titled “Scope of Services” which includes one (1) expedited Phase 1 ESA for five (5) priority parcels and two (2) Phase 1 ESA’s for eighteen (18) parcels for a lump sum fee of twenty four thousand and five hundred fifty and no cents. (\$24,550).

The Parties agree that all other terms and conditions of the original Agreement shall remain in full force and effect.

AYES:

NOES:

ABSENT OR NOT VOTING:

By: _____
(Chair, Board of Directors)

Date: _____

ATTEST:
Carol J. Huchingson
Clerk of the Board

By: _____
Date: _____

APPROVED AS TO FORM:
Anita Grant
County Counsel

By: _____
Date: _____

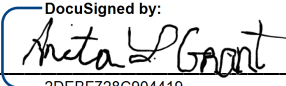
DocuSigned by:

2DEBF728C904419...
6/19/2020

Exhibit A

Will Davis, CIEC, REPA, EP
Principal Scientist
P.O. Box 1716
Windsor, CA. 95492
will@davisenviro.com
www.davisenviro.com
(707) 367-0398



Phase I ESA
NEPA Reviews
Occupational Safety Training
Industrial Hygiene Services
Indoor Air Quality Surveys
Microbial Investigations
Environmental Risk Assessments

Submitted Via Email:

Scott.DeLeon@lakecountyca.gov Marina.Deligiannis@lakecountyca.gov

June 1, 2020

Proposal to Conduct 2 Phase I Environmental Site Assessments for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project

TO: Mr. Scott DeLeon, Director
County of Lake
Water Resources Department

Ms. Marina Deligiannis
County of Lake
Water Resources Program Coordinator

FROM: Will Davis, REPA, CIEC, EP
Principal Scientist
Davis Environmental

RE: Proposal to Conduct Phase I Environmental Site Assessments for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project

Davis Environmental is pleased to submit this proposal to conduct Phase I Environmental Site Assessments for the *Middle Creek Flood Damage Reduction and Ecosystem Restoration Project* for the County of Lake. The Phase I Environmental Site Assessments will evaluate a total of twenty-three (23) parcels.

One (1) expedited Phase I Environmental Site Assessment will be conducted for the following five (5) parcels:

- APN 031-041-32 (Mountanos property)
- APN 004-010-29 (Oldham property)
- APN 004-013-15 (Oldham property)
- APN 004-025-01 (Buddhist Assoc.)
- APN 004-022-12 (Wilcox property)

The following eighteen (18) parcels will be included in two (2) Phase I Environmental Site Assessments and consolidated into one Phase I report:

- APN 004-022-34
- APN 201-010-01
- APN 201-010-02
- APN 004-013-20
- APN 004-010-51
- APN 031-031-09
- APN 003-055-09
- APN 004-013-02
- APN 201-010-05
- APN 004-020-04
- APN 004-020-05
- APN 004-020-10
- APN 004-022-07
- APN 004-022-21
- APN 004-021-08
- APN 004-021-15
- APN 004-022-08
- APN 004-010-45

The Phase I Environmental Site Assessments will be conducted adhering to ASTM E 2247-16, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property*. The Phase I Environmental Site Assessments will be limited to those areas of inquiry included under ASTM E 2247-16.

SCOPE OF SERVICES

The objective of the Phase I Environmental Site Assessments is to identify *Recognized Environmental Conditions* (RECs) in connection with the subject property at the time of the assessments. ASTM E 2247-16 non-scope items are not included in this proposal. Davis Environmental notes that no environmental site assessment can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. Performance of the Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property.

The Phase I Environmental Site Assessments shall consist of (1) a review of governmental environmental records, (2) a site reconnaissance of the subject properties, (3) interviews with subject property owners, operators, and/or appropriate local governmental officials regarding the subject property, and (4) development of two comprehensive Phase I ESA technical reports. The Phase I Environmental Site Assessments will be conducted by Will Davis, a Registered Environmental Property Assessor (REPA) meeting the requirements of the U.S. Environmental Protection Agency's *Environmental Professional* definition.

ACCEPTANCE/DELIVERABLE WORK PRODUCT

The Client shall consider successful completion of the responsibilities of Davis Environmental under this proposal to be receipt of the final Phase I ESA reports. The Phase I reports will be provided to the Client as PDF files.

FEE

Davis Environmental will conduct the Phase I Environmental Site Assessments for the above referenced properties adhering to ASTM E 2247-16 for the lump sum fee of **\$24,550.**

ASSUMPTIONS

Davis Environmental's proposal to complete these professional services is based upon certain requirements. These requirements include the cooperation of the parcel owners and occupants and full, unimpeded access to the subject parcels without delay or the necessity for re-mobilization. Davis Environmental assumes that if the Client is aware of any specialized knowledge or experience that is material to an evaluation of *Recognized Environmental Conditions* (RECs) in connection with the subject property,

the Client shall communicate any such information to Davis Environmental prior to the site visits.

Davis Environmental relies on information, whether electronic, written, graphic, or verbal provided by persons with knowledge of the subject property including the Client, property owner, agent, trustee, public agency, or governmental entity and assumes such information is true and correct. Davis Environmental will not attempt to independently verify the accuracy or completeness of all information reviewed or received during the course of this Phase I Environmental Site Assessment.

FORCE MAJEURE

Davis Environmental shall not be held responsible for delay in performance when the cause is beyond the reasonable control of Davis Environmental.

Davis Environmental appreciates the opportunity to provide these professional environmental services to the County of Lake. Davis Environmental is prepared to commence work on this project upon authorization from the County of Lake or its representatives.

If you find this proposal acceptable, please either complete the *Authorization to Proceed* below and return it to my office via email to will@davisenviro.com or you may provide authorization to proceed via an email.

Please contact me at any time if there are any questions regarding this proposal.

Respectfully submitted,



Will Davis, CIEC, REPA, EP
Principal Scientist
Davis Environmental
P.O. Box 1716
Windsor, CA. 95492
707.367.0398

ACCEPTANCE AND AUTHORIZATION TO PROCEED

The above proposal is acceptable and within the approval authority of the undersigned.

Print Name: _____ **Date:** _____

Signature: _____

Title: _____