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February 8, 2010

Lisa Soghor
Mountains Recreation & Conservation Authority
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

SUBJECT: Contract Amendment Proposal for Land Use and California Coastal Act Consulting Services for the Malibu Parks Public Access Enhancement Plan Public Works Plan and Proposal to Prepare a Final Environmental Impact Report

Dear Lisa:

Dudek is pleased to submit this proposal for a contract amendment for additional land use and California Coastal Act consulting services for the proposed Malibu Parks Public Access Enhancement Plan Public Works Plan (PWP) and for preparation of a Final Environmental Impact Report for the PWP. It is our understanding that you desire additional planning, consultation and environmental analysis assistance for preparation/processing of a Public Works Plan and preparation of a Final Environmental Impact Report for submittal to the Mountains Recreation & Conservation Authority (MRCA), the Santa Monica Mountains Conservancy (SMMC), and the California Coastal Commission.

In December 2006, we submitted a contract amendment proposal to the MRCA for preparation and processing of a Public Works Plan with associated environmental review for submittal to the California Coastal Commission. Subsequent to authorization of the December 2006 contract amendment, the scope of work was modified to delay the Public Works Plan process and, as an alternative, to prepare and process a Local Coastal Program (LCP) Amendment with the City of Malibu. The Local Coastal Program Amendment process with the City of Malibu was completed in December 2007 with the contract amendment budget authorized per the December 2006 proposal.

In January 2008 we submitted an additional contract amendment proposal to proceed with the original scope to prepare/process the Public Works Plan with associated environmental review, and to also process a Local Coastal Program Amendment with the Coastal Commission. A decision was then made to stop work on the environmental analysis while the project team proceeded with a Coastal Commission LCP amendment process in anticipation that the amendment process may result in changes to the Public Works Plan project description thus affecting the environmental analysis. An additional contract amendment was authorized in April 2009 to further facilitate the Coastal Commission LCP amendment process, which was successfully completed with the Commission's unanimous approval and certification of the LCP amendment in June 2009.

In July 2009, we submitted an additional contract amendment to proceed with a scope of work as follows:

- Revise the draft Public Works Plan to incorporate project and policy revisions that evolved from the LCP amendment proceedings

- Assist with processing a Public Works Plan application with the Coastal Commission
- Updating and supplementing the various environmental studies and analyses previously prepared for the draft Public Works Plan and to address new policies/requirements of the approved LCP amendment
- Prepare an Environmental Impact Report for the revised Public Works Plan.

Over the last several months, Dudek has worked closely with personnel of the MRCA and SMMC, and various project subconsultants, to prepare and deliver a revised PWP and Draft Environmental Impact Report (DEIR) for public distribution on February 1, 2010. During the preparation process of the revised PWP and DEIR, it was acknowledged by all parties that the scope of work detailed in the July 2009 contract amendment significantly evolved and expanded beyond the July 2009 approved scope of work. However, given the scheduling constraints of the project, the parties agreed that work would continue to completion and release of the revised PWP and DEIR for public review and that the current contract would be revisited for augmentation at that time. Out-of-scope services completed at this time for the revised PWP and DEIR primarily fall into the following categories:

1. Multiple Project Plan/ Project Description Revisions Post-Notice of Preparation

The original Contract Amendment Proposal of July 2009 contemplated that the revised PWP and DEIR analysis would be immediately initiated and based on an updated project description and conceptual project plans provided to Dudek and the project's subconsultants by September 7, 2009. Throughout the DEIR preparation process, Dudek reviewed, analyzed, and coordinated/completed technical study updates for the following sets of civil plans and project description revisions, either entirely or in part, depending on delivery dates and/or foreknowledge of anticipated, additional project changes:

- Concept Project 08-11-09
- Concept Project 08-26-09
- Concept Project 10-07-09
- Concept Project 11-03-09
- Concept Project 12-16-09
- Concept Project 01-10-10 (with further refinements on 01-12-10, 01-22-10, and 01-27-10)

2. Impact Analysis Based on Two (2) Different Baselines

As is consistent with standard CEQA practices, the original Contract Amendment Proposal of July 2009 contemplated impact analysis review based on one (1) baseline for all project components. Per direction received from MRCA/SMMC, Dudek and the project subconsultants completed the DEIR with additional analysis based on two (2) different baseline scenarios for Ramirez Canyon Park. This additional task required that several sections of the DEIR be re-worked, with significant new traffic and air quality analysis/ modeling.

3. Off-site Biological Mitigation Analysis

Dudek worked with MRCA/SMMC personnel to identify appropriate biological mitigation/ restoration

sites for proposed project impacts, a task that was not contemplated in the original Contract Amendment Proposal of July 2009. Biological mitigation/ restoration sites further required development of concept restoration plan(s), new archeology/ biological field studies, hazardous material data searches, and associated technical study and DEIR section revisions.

4. Expanded Alternatives Analysis Section

The original Contract Amendment Proposal of July 2009 contemplated that project alternatives would not require additional fieldwork, significant additional data collection/research or new technical memoranda, and would consist of the usual qualitative analysis to assess and compare potential project alternative impacts with respect to the proposed project. During preparation of the DEIR, it was decided that a more substantial project-level and quantitative analysis of project alternatives would be conducted within the Alternatives section of the DEIR. In addition, project alternatives incorporated what is commonly referred to as the "Lauber Property", a new property that had not been previously studied for purposes of the revised PWP and DEIR analysis. The DEIR analysis of project alternatives resulted in completion of the following tasks not contemplated in the Contract Amendment Proposal of July 2009:

- Lauber Property access road and West Ramirez Canyon trail required new field studies, report revisions and/or technical memoranda related to biological resources, tree protection, fire protection, geology and archeological resources, and associated detailed DEIR issue area analyses.

- Twenty-two (22) new visual simulations.

- Thirty-one (31) new GIS-based Alternative Project Description Figures

- Twenty-six (26) new GIS-based Alternative Biological Impact Analysis with Figures

5. Draft PWP and EIR Management and Production

The original Contract Amendment Proposal of July 2009 assumed a 700-page DEIR (with 40 color images), and 150 pages of appendices. Given the various tasks and factors identified above, the DEIR consisted of 1,400 pages (with 382 color images), and included 3,853 pages of appendices (with 757 color images). The table below identifies the net change from what was identified within the July 2009 Contract Amendment Proposal versus the delivered February 1, 2010 DEIR.

	Original Proposal (07-30-09)	DEIR (02-01-10)	NET Change
DEIR Page Count	700	1,400	+700 pages
DEIR Color Images	40	382	+342 pages
Appendices Page Count	150	3,853	+3,703 pages
Appendices Color Images	0	757	+757 pages

PROPOSED CONTRACT AMENDMENT SCOPE OF WORK

This contract amendment proposal is intended to augment the existing contract to cover out-of-scope services already completed as detailed above, and for additional Dudek services to complete the Public Works Plan and FEIR. Per our discussion, Dudek has prepared a single contract amendment proposal to continue working on the Public Works Plan and Final Environmental Impact report but will conduct tasks associated with preparation and processing of the Public Works Plan and preparing the Final Environmental Impact Report (FEIR) under separate phases of the existing contract. This will assist both MRCA and Dudek in tracking time and budget for the two separate yet concurrent works efforts.

PHASE 1 – AS-NEEDED CONSULTING SERVICES FOR THE MALIBU PARKS PUBLIC ACCESS ENHANCEMENT PLAN PUBLIC WORKS PLAN

Our primary objective will be to continue assisting you in revising and completing the Public Works Plan per the adopted policies and requirements of the Malibu Parks Public Access Enhancement Plan Overlay Local Coastal Program Amendment, any additional project or policy revisions that occur as a result of completing the environmental review process, and to help expedite and obtain Coastal Commission approval of the Public Works Plan. The below scope of work is a continuation of the services currently being rendered under our existing contract including all general project management, subconsultant coordination, land use and resource consultation efforts.

Phase 1 Scope of Work

In order to accomplish the project objectives, a number of general and specific tasks must be accomplished and, consistent with our current practice, will be conducted on an as-needed basis as requested by personnel of the Mountains Recreation & Conservation Authority and/or the Santa Monica Mountains Conservancy. The general tasks perceived as necessary to implement the project objectives are as follows:

- Assist with revising and updating the draft Public Works Plan to reflect project revisions, identified resource constraints, and policies/requirements included in the certified Malibu Parks Public Access Enhancement Plan Overlay and/or resulting from the environmental review process including the following tasks:
    - Preparing, refining and supplementing policy analysis of applicable environmental resource and land use policies for potential improvement areas and uses
    - GIS support for figures and maps
- Coordinate and attend meetings, as necessary, with personnel of the Mountains Recreation & Conservation Authority, the Santa Monica Mountains Conservancy, the California Coastal Commission, and subconsultants, to revise, finalize, and resolve issues raised regarding the draft Public Works Plan;

- Provide support at public meetings of the Mountains Recreation & Conservation Authority and/or the Santa Monica Mountains Conservancy on the proposed draft and final Public Works Plan;

- Review and evaluate all applicable planning and environmental documentation (prepared pursuant to Phase 2 Scope of Work below) and prepare the Public Works Plan submittal to the California Coastal Commission including the following submittal components:

    - Submittal letter to the California Coastal Commission detailing Public Works Plan submittal requirements and compliance
    - Memorandum summarizing the environmental information in the Public Works Plan for submittal to the California Coastal Commission
    - Public Works Plan Alternatives Analysis

- Monitor and expedite the Public Works Plan application through the Coastal Commission's review process including the following tasks:

    - Assist in responding to questions raised by staff on the application or requests for supplemental special studies to expedite their "completeness determination"
    - Coordinate with the project team in revising and refining the Public Works Plan to facilitate the review and hearing process
    - Assist with the review of staff reports/ recommendations to ensure that they are acceptable, reasonable and feasible

- Coordinate with the project team to prepare written correspondence in response to public comment and/or Coastal Commission staff recommendation for presentation to the Coastal Commission;

- Provide support at two (2) California Coastal Commission hearings to present the Public Works Plan.

<u>Phase 1 Costs and Method of Payment</u>

Based on the out-of-scope Phase 1 services completed to-date (as detailed above), and our understanding of additional planning services desired for the project, the total contract amendment proposal for Phase 1 is $46,856.00. This figure includes contract augmentation to cover out-of-scope planning and biological survey, analysis and mapping services completed to-date for Phase 1 (as detailed above) in the amount of <u>$26,856.00</u>. Any additional biological technical services are anticipated to be required only in relation to preparing the FEIR and are therefore included in the Phase 2 scope of work outlined below. For additional as-needed planning services associated with the Public Works Plan process, we propose that our services for the Phase 1 scope of work be billed on a time-and-materials basis according to the attached rate sheet for a not-to-exceed amount of <u>$20,000.00</u>. This cost estimate is based on the continuance of the services outlined above and the level of effort applied to the Malibu Parks Public Access Enhancement Plan-Public Works Plan program to-date, and the expectation that same type of as-needed consulting services and level of effort will be applied to complete the Public

Works Plan process (Coastal Commission approval). This is a labor-only price for planning and consultation services and does not include physical materials, printing costs, or travel reimbursement. Please keep in mind that this cost estimate reflects an efficient use of staff time needed to achieve the basic objectives of the program we have outlined; tasks not addressed in this scope of work are not included in the estimated project cost. During the performance of our services, the need for additional or expanded services may be required. Likewise, certain services or tasks outlined above may not be necessary given the possibility of changing conditions or overlap with the responsibilities of other project team members. In either case, we will make every effort to keep you informed as to the actual and anticipated costs as work progresses and Dudek will provide you with a monthly detailed accounting of all costs incurred for the project.

PHASE 2 – PREPARATION OF FINAL ENVIRONMENTAL IMPACT REPORT

Our primary objective for Phase 2 will be to prepare the Final Environmental Impact Report (FEIR) for the Malibu Parks Public Access Enhancement Plan-Public Works Plan, to support the MRCA/SMMC with completing the overall environmental review process through certification of the FEIR, and to represent the FEIR during the Coastal Commission review process. The following is a time and materials, not-to-exceed price proposal estimate for the Phase 2 scope-of-work.

Phase 2 Scope of Work

1. Prepare Administrative Final EIR (AFEIR), including the Response to Comments (RTC) section prepared in consultation with the project team, and any revisions to the DEIR text associated with the RTC.

    - Based on the demonstrated public interest and previous legal considerations associated with the Malibu Parks Public Access Enhancement Plan, Dudek assumes there will be a substantial number of public comments requiring response in the Final EIR. Given the limited turnaround time to prepare responses to comments for the AFEIR, we have included in this scope of work enough budget to employ 5 (five) full-time planners/specialists for 1 ½ weeks to complete this task. Dudek proposes sufficient effort to respond to a conservative estimate of up to 100 individual, non-redundant public comments that will require a response as part of the AFEIR RTC. The RTC will include the letters and responses as an AFEIR appendix. Dudek understands that this is a conservative estimate for contracting purposes, and that a smaller number of public comments may result in less time and effort required to complete the AFEIR RTC. The precise cost savings realized, however, will depend upon the precise nature of the comments requiring a response, and which Dudek team member(s) is/are required to address them. This estimate also assumes that the project subconsultant team will be available to assist with response to comments for their area of expertise.

2. Prepare Final EIR (FEIR), incorporating project team comments on the AFEIR.

3. Prepare CEQA Addendum and/or draft Findings and Statement of Overriding Considerations, as applicable.

4. Work Meetings and Public Hearing Attendance. Two meetings and three hearings are proposed:

   Work Meetings: Two (2) meetings to discuss the following (including preparation time):

   1) Discussion of Public Comments/Proposed Responses: 8 hours;
   2) Discussion of AFEIR comments: 8 hours; and

   Public Hearings: Three (3) meetings/hearings at 12 hours each (including preparation time):

   1) Two MRCA/SMMC public hearings: 12 hours each and includes attendance of various technical staff at one hearing; and
   2) One Coastal Commission public hearing: 12 hours and includes attendance of various technical staff at the hearing.

5. Prepare FEIR Notice of Determination with submittal of five (5) hard copies and one (1) CD of the FEIR to MRCA/SMMC for public distribution.

Phase 2 Costs and Method of Payment

Based on the out-of-scope Phase 2 services completed to-date (as detailed above), and our understanding of additional services desired for the project, the total contract amendment proposal for Phase 1 is $378,060.00. This figure includes contract augmentation to cover out-of-scope environmental analysis services completed to-date for Phase 2 (as detailed above) in the amount of $187,035.00. For additional services associated with completion of the FEIR and additional environmental review task support as detailed above, we propose that our services for the Phase 2 scope of work (inclusive of engineering-visual simulation services required for the FEIR, previously billed under Phase 3, and biological technical services previously billed under Phase 1) be billed on a time-and-materials basis according to the attached FEIR Cost Estimate (Budget Addendum) and rate sheet, for a not-to-exceed amount of $191,025.00. Please note that this estimate includes only labor and FEIR printing costs as indicated in this contract amendment proposal and does not include travel reimbursement. Please keep in mind that this cost estimate reflects an efficient use of staff time needed to achieve the basic objectives of the program we have outlined; tasks not addressed in this scope of work are not included in the estimated project cost. During the performance of our services, the need for additional or expanded services may be required. Likewise, certain services or tasks outlined above may not be necessary given the possibility of changing conditions or overlap with the responsibilities of other project team members. Should the scope of work change, Dudek shall be entitled to an equitable adjustment in price and schedule. Dudek will make every effort to keep you informed as to the actual and anticipated costs as work progresses and Dudek will provide you with a monthly detailed accounting of all costs incurred for the project.

CONCLUSION

If this contract amendment proposal is acceptable to you, please sign below and return a copy of this letter to us at your earliest convenience. If you have any questions regarding this proposal or require additional information, please do not hesitate to give me a call at (805) 963-0651 Ext. 3532. I may also be e-mailed at awinecki@dudek.com.

Thank You,

April Winecki
Environmental Planner

Attachments:
DUDEK 2010 Standard Schedule of Charges

Accepted By:

_____
Signature

_____
Name Date