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Agenda Item IX MRCA 7/7/10

July 22, 2010

Paul Edelman
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 Paul:

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 to address policies/requirements of the approved LCP amendment
- Prepare an Environmental Impact Report for the revised Public Works Plan.

On February 8, 2010, Dudek prepared and submitted an additional contract amendment which included costs associated with preparation and delivery of a revised PWP and Draft Environmental Impact Report (DEIR) for public distribution on February 1, 2010, a process which involved a significantly evolved and expanded scope of work beyond that detailed in the approved July 2009 contract amendment including: 1) review and analysis for multiple project plan/ project description revisions that occurred post-Notice of Preparation, 2) completing the DEIR impact analysis based on two (2) different baselines, 3) identifying and conducting all technical studies to complete the Off-site Biological Mitigation Analysis, 4) completing an expanded alternatives analysis section including conducting project-level and quantitative analysis of project alternatives and incorporating a new property in the alternatives analysis commonly referred to as the "Lauber Property", and 5) additional Draft PWP and EIR project management tasks associated preparation and production of the draft documents per the amended scope-of-work.

The February 8, 2010 contract amendment also included a scope-of-work for additional planning, consultation and environmental analysis assistance for preparation/processing of a Final Public Works Plan and preparation of a Final Environmental Impact Report. 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 Final Environmental Impact Report (FEIR). While final, revised plans for the proposed project and project alternatives have not yet been received, it is acknowledged by all parties that the scope of work detailed in the February 8, 2010 contract amendment has significantly evolved and expanded beyond the February 8, 2010 approved scope of work. Out-of-scope services completed at this time for the revised PWP and Administrative FEIR primarily fall into the following categories:

1. Coordination and completion of additional Focused Biological Surveys for special-status plants and California Gnatcatcher (per attached Scope of Work, Dudek, April 2010).
2. Coordination and initiation of additional Traffic, Parking and Ingress/Egress Study and Analysis, and preparation of Response to Comments (per attached Scope of Work, ATE, June 2010).
3. Coordination with additional Fire Consultants to obtain third-party review of the proposed Fire Protection Plan.
4. Coordination with Dudek's Habitat Restoration Sciences group and Penfield & Smith to initiate further study and options to address historic habitat impacts associated with Ramirez Canyon Creek modification structures.
5. Teleconferences and meetings with Los Angeles County Fire Department and Waterworks District to review and clarify agency comments on the DEIR, to evaluate potential project plan/alternative revisions in response to these comments, and policy analysis consultation to address potential issues associated with such revisions.
6. Preparation of draft responses to comments received on the DEIR (approximately 75% of draft responses are completed for the 800+ public comments received on the DEIR).
7. General CEQA and design consultation (teleconferences, meetings, emails) for potential plan revisions (proposed project and alternatives) intended to address comments received on the DEIR.

PROPOSED CONTRACT AMENDMENT SCOPE OF WORK

This contract amendment proposal is intended to augment the existing contract 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:

- Project management and team coordination for the proposed draft Public Works Plan and, as necessary, for the proposed FEIR to ensure document consistency and continuity. (\$4200)
- 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:
 - Prepare, refine and supplement the Public Works Plan policy analysis for applicable environmental, resource and land use policies for potential improvement areas and uses. This task includes expanding the draft Public Works Plan policy consistency analysis for the proposed Project Alternatives as identified in the proposed FEIR. (\$6125)
 - Prepare, refine and supplement the draft Public Works Plan in response to the FEIR, public comments and/or comments received by Coastal Commission staff on the draft plan. (\$8750)
 - GIS support for figure and map revisions. (\$4160)

- 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 regarding the draft Public Works Plan. (\$2625)
- Provide support at public meetings of the Mountains Recreation & Conservation Authority and/or the Santa Monica Mountains Conservancy on the proposed final Public Works Plan. (\$1400)
- 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 (\$3500):
 - 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 (\$4200):
 - 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. (\$7000)
- Provide support at two (2) California Coastal Commission hearings to present the Public Works Plan. (\$4200)

Phase 1 Costs and Method of Payment

Based on our understanding of additional planning services desired for the project, the total contract amendment proposal for Phase 1 is **\$46,160.00**. This amount includes a contract augmentation for planning services for the Public Works Plan only, except where project management and coordination for the proposed FEIR (see scope of work for Phase 2 FEIR detailed below) is necessary to ensure document consistency and continuity for both preparing/finalizing the Public Works Plan and addressing any comments received from the Coastal Commission that may affect preparation of the FEIR. Any additional technical services and analysis required only in relation to preparing the FEIR 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 continued to be billed on a time-and-materials basis according to the attached rate sheet. 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 MRCA/SMMC and Coastal Commission review process. The following is a time and materials, not-to-exceed price proposal estimate for the Phase 2 scope-of-work. Many of the tasks below have already been initiated by Dudek in an effort to maintain the project schedule requested by MRCA/SMMC. However, as discussed previously, review and environmental analysis of revised project/alternative plans for the FEIR can not be initiated with an agreed to schedule until these plans are received by Dudek (CAD and PDF format).

Phase 2 Scope of Work

1. Review, Analyze and Incorporate Project Plan/ Alternative Revisions into FEIR

The Contract Amendment Proposal of February 2010 contemplated that the proposed Final PWP and FEIR analysis would be based on the project description and project alternatives included in the DEIR. In response to comments received on the DEIR, it is our understanding the MRCA/SMMC will be submitting revisions to the proposed project and project alternatives, including a new project alternative (the Modified Redesign), for incorporation into the FEIR. Project revisions are understood generally to be limited to plan changes necessary to address comments received on the DEIR relative to project/alternative description clarifications, fire protection, ingress/egress, water utility improvements, further reducing potential impacts to natural resources, and clarification regarding proposed mitigation intended to address historic stream modification impacts to Ramirez Canyon Creek. Per our discussions, Dudek understands that the proposed plan revisions are generally minor and are proposed to respond to comments received on the DEIR, and therefore would not require recirculation of the DEIR. Upon receipt of all revised project and alternative plans (CAD and PDF format), Dudek will immediately initiate plan review, updated impact analysis and EIR text revisions to complete the FEIR according to the attached FEIR Budget Amendment. The budget

amendment includes all technical study, environmental analysis, mapping, and figure updates, expanded alternatives analysis (Modified Redesign), project management, subconsultant coordination, and production costs associated with preparing the FEIR.

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

- The February 2010 Contract Amendment scope of work included a task to respond to an estimate of up to 100 individual, non-redundant public comments requiring response as part of the AFEIR RTC. To-date, more than 800 comments have been received on the DEIR, including several lengthily letters requiring detailed and coordinated technical and legal responses. While Dudek has made substantial progress on the RTC section, additional work effort is necessary to complete this task given the substantial amount of public comments received. In addition, upon receipt of the revised project and alternative plan revisions, all draft RTCs will need to be review and updated, as necessary, to reflect current project/alternative plans and any additional technical/consultant analysis completed for the proposed Plan. The RTC will include the letters and responses as an AFEIR appendix.

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

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

5. Work Meetings and Public Hearing Attendance.

Working Meetings: Four (4) meetings and four (4) teleconferences.

Public Hearings: Two (2) meetings/hearings.

- 1) One MRCA/SMMC public hearing
- 2) One Coastal Commission public hearing

6. 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 2 is **\$432,790.00**. This figure includes contract augmentation to cover out-of-scope environmental analysis services completed to-date for Phase 2 (as detailed above). 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 be billed on a time-and-materials basis according to the attached FEIR Cost Estimate Budget Amendment and rate sheet. Please note that this estimate includes only labor 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