

**AMENDMENT TO THE AGREEMENT WITH
THE CITY OF MURRIETA AND CONSULTANT**

Amendment No.: 1

Original Agreement Title ("Agreement"): Agreement with Glenn Lukos Associates, Inc.

Agreement Effective Date: 03/20/24

Agreement Termination Date: 12/31/25

Consultant Name: Glenn Lukos Associates, Inc.

Brief Description of Scope of Services ("Services"): Additional environmental analysis and Agency permitting.

This Amendment to the Agreement, made effective on the date executed by the City by and between the City of Murrieta, a Municipal Corporation, duly organized and existing under and by virtue of the laws of the State of California ("City"), and the above referenced Consultant with reference to the following facts which are acknowledged by each party as true and correct:

RECITALS

Whereas, City is a general law city, formed and existing pursuant to the provisions of the California Government Code.

Whereas, City and Consultant entered into an Agreement on the Effective Date set forth above for the Services.

Whereas, City and Consultant wish to amend the Agreement as further set forth herein.

Whereas, the Agreement was previously modified by the following prior amendments: None.

AMENDMENT

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. The above recitals are true and correct.
2. The following terms of the Agreement are hereby amended to read as follows:

Section 3.1 of the Agreement is hereby amended to read as follows:

"The term of this Agreement shall be from March 4, 2024, until June 30, 2027."

Section 4.1 of the Agreement is hereby amended to read as follows:

"Consideration. In consideration of the services to be performed by CONSULTANT for the

CITY as set forth in Section 1, the CITY agrees to pay CONSULTANT the rates set forth in Exhibit A-1 with a total contract not-to-exceed sum of One Hundred and Sixty Three Thousand, Twenty Dollars (\$163,020.00). Hourly billing shall be in increments of six (6) minutes for actual time spent working on the Project.”

Pursuant to Section 4.2 of the Agreement, additional services to include cultural resources (CEQA archeological resources assessment and consultation under AB-52) and additional biological support (additional species surveys, preparation of technical studies, additional environmental permitting (Incidental Take Permit) are hereby added to the Scope of Services as set forth in the attached proposal.

3. All other conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the Agreement to be executed on the dates set forth below.

[Signature Page to Follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF MURRIETA, a California municipal corporation

By: _____

Justin Clifton, City Manager

Date:

ATTEST:

Cristal McDonald, City Clerk

Date:

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Tiffany Israel, City Attorney

Date:

CONSULTANT:

Two corporate officer signatures required when Contractor is a corporation, with one signature required from each of the following groups: 1) Chairperson of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. (Cal. Corp. Code § 313.) Appropriate attestations shall be included as may be required by the bylaws, articles of incorporation or other rules or regulations applicable to Contractor's business City.

By: _____

Name: Thienan Pfeiffer

Title: Director of Regulatory Services, Glenn Lukos Association, Inc.

Date:

By: _____

Name: Dominique Brunel

Title: Secretary, Glenn Lukos Association, Inc.

Date:

SCOPE OF WORK
MSHCP, REGULATORY, CULTURAL RESOURCES SUPPORT
LOS ALAMOS SPORTS COMPLEX
MURRIETA, RIVERSIDE COUNTY, CALIFORNIA

TASK I. MSHCP CONSISTENCY ANALYSIS

Since the Project site is located within the MSHCP Criteria Area, the Project will require Joint Project Review (JPR). GLA will prepare a Joint Project Review (JPR) application and submit this package to the City and RCA in accordance with MSHCP requirements. The JPR application will include the following:

- Background information, such as information regarding the applicant;
- Assessor's parcel numbers;
- Total acres of development and conservation; and
- A description of the proposed Project.

In support of the JPR application, GLA will prepare a MSHCP Consistency Analysis. The report will summarize the biological findings, present the Project design, and analyze how the Project correlates to the MSHCP guidelines. The report will also discuss Riparian/Riverine and Vernal Pool Areas, Narrow Endemic Plant Species, Additional Survey Areas, Urban/Wildlife Interface, Criteria Cell Requirements, and Criteria Area Species. The report will follow the RCA template for the MSHCP Consistency Analysis.

TASK II. PREPARE DETERMINATION OF BIOLOGICAL EQUIVALENT OR SUPERIOR PRESERVATION (DBESP) ANALYSIS

GLA will prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) Analysis that meets the requirements for approval of a DBESP. The report will provide a definition of the project area for all portions of the project; a written project description, demonstrating why an avoidance alternative is not feasible; a written description of biological information available for the project site including the results of resource mapping; soils description/analysis/map, floral and faunal list; analysis of 100% avoidance and alternatives (including minimization of direct and indirect effects); quantification of unavoidable impacts to the MSHCP species/habitats triggering the DBESP, including direct and indirect effects; a functions and values assessment that will focus on affects to downstream values related to Conserved Species; habitat assessments for least Bell's vireo, southwestern willow flycatcher, western yellow-billed cuckoo, Riverside fairy shrimp, and vernal pool fairy shrimp; a written description of project design features and mitigation measures that reduce indirect effects, such as edge treatments, landscaping, elevation difference, minimization and/or compensation through restoration or enhancement; written discussion of edge treatments and their relation to the functions and values to be conserved (including lighting, noise, trash/debris, urban and storm water runoff, toxic material, exotic plant and animal infestations, dust); mitigation measures need to demonstrate ensure long-term conservation and need to consider restoration and/or enhancement of on-site habitat restoration and/or enhancement of off-site habitat; and a finding

demonstrating that although the proposed project would not avoid impacts, with proposed design and compensation measures, the project would be biologically equivalent or superior to that which would occur under an avoidance alternative without these measures.

The client will need to provide the necessary project details including engineering details and design, construction timing, and alternatives for the DBESP. This task and cost estimate include budget sufficient for one thorough revision to the draft (initial) report and one revision to the report following initial wildlife agency review and comment.

TASK III. COORDINATE JOINT PROJECT REVIEW (T&M)

GLA will coordinate with the Project team and the RCA as part of the JPR process. The RCA has 14 days to review an initial JPR application package and either issue JPR Findings or provide comments requiring revisions. Each subsequent review after resubmittal of the documents to the RCA is another 14 days. GLA recommends that the Project team attend at least one pre-application meeting with the RCA and Wildlife Agencies to discuss the Project, although additional meetings could be necessary. This task assumes five meetings with the Project team, two coordination meetings with the RCA and Wildlife Agencies, and miscellaneous coordination. Should additional meetings be required, a change order will be prepared to incorporate these additional meetings into GLA's scope of work.

TASK IV. COORDINATE DBESP REVIEW (T&M)

GLA will coordinate with the Project team and the RCA as part of the DBESP review process. The Wildlife Agencies have 60 days to perform an initial review of a DBESP Analysis once the RCA has completed JPR. If the Wildlife Agencies provide comments requiring revisions to the DBESP Analysis, then each subsequent review could take up to another 60 days, although subsequent reviews could be expedited depending on the extent of revisions. GLA recommends that the Project team attend at least one DBESP pre-application meeting (which is different from the general pre-application meetings recommended prior to JPR) with the RCA and Wildlife Agencies to discuss the Project, although additional meetings could be necessary. This task assumes three meetings with the Project team, two coordination meetings with the RCA and Wildlife Agencies, and miscellaneous coordination. Should additional meetings be required, a change order will be prepared to incorporate these additional meetings into GLA's scope of work.

TASK V. DELINEATE ON SITE FEDERAL AND STATE AGENCY JURISDICTION

A field team of regulatory specialists will re-delineate Corps jurisdictional boundaries within the project site. The field team will investigate specific conditions relating to jurisdictional criteria such as evidence of ordinary high water marks (OHWM), wetland vegetation indicator species, hydric soils, and appropriate hydrology, all as outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual (1987 Manual) and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Reference will also be made to the 2019 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Board Wetland Definition and Procedures) to identify suspected State wetland

habitats. The OHWM will be evaluated using the methodology set forth in the 2008 Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States. These data will be recorded on the aerial photograph for use in preparing jurisdictional maps and a letter report.

A field team of regulatory specialists will re-delineate CDFW jurisdictional boundaries within the project site. All intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance, and lakes will be examined for indicators of CDFW jurisdiction. These indicators include biologic components of aquatic systems (such as riparian vegetation) and physical features (such as a bed or channel, banks, levees, instream features such as logs or snags, and flood plains). Measurements of this jurisdiction will be taken at periodic intervals along the drainage and mapped onto a 200-scale topographic map. Isolated wetlands (such as vernal pools) are generally not considered to be within CDFW jurisdiction.

The Regional Board's jurisdiction pursuant to Section 401 of the Clean Water Act will be identical to that of the Corps pursuant to Section 404 of the Clean Water Act. However, where the Corps declines jurisdiction, the Regional Board will claim jurisdiction over such waters pursuant to the Porter-Cologne Act. GLA will identify and delineate any such waters and keep track of those waters separately from those within Corps jurisdiction.

TASK VI. PREPARE JURISDICTIONAL DELINEATION REPORT

A regulatory specialist will prepare a letter report to document the findings concerning Corps, Regional Board, and CDFW jurisdiction on the site. The report will document the extent of jurisdiction and assess wetland-related biological resources. Documentation will consist of (1) field data sheets (as an appendix), (2) color photographs of representative jurisdictional areas (and non-jurisdictional areas that could be mistaken for jurisdiction), (3) a topographic map (at the scale provided by the client, but not less than 200-scale) of the limits of jurisdictional areas (the map will show all points at which measurements were made and soil pits examined), and, if applicable, (4) a table showing the area of Corps, Regional Board, and CDFW jurisdiction for each drainage and tributary.

TASK VII. FORMULATE MITIGATION PLAN

Feasible measures for mitigating any impacts upon vernal pool resources resulting from project implementation will be recommended for consideration. Agency policy generally requires that: (1) on site mitigation be given full consideration, (2) mitigation be like-in-kind (to the maximum extent possible), and (3) habitat be replaced at no less than 1 to 1 by area (even if mitigation is designed so as to result in higher value habitat). Emphasis will be placed upon providing the maximum attainable compatibility between project design objectives and regulatory requirements. Off-site mitigation will be required if on site mitigation is not feasible, however, the search for suitable off-site mitigation locations is not included in this scope of work. Based on the avoided areas of existing vernal pool resources, it is likely that on-site mitigation for vernal pool impacts will be achievable.

After approval of recommended mitigation by the client, conceptual plans will be prepared. Conceptual plans will include plant lists, a general description of site preparation methods, biological monitoring program, maintenance program, and other information sufficient to satisfy resource agency review requirements. A final planting plan with specifications sufficient to obtain bids for installation of the mitigation should be prepared only after obtaining approval from all the agencies; preparation of a final plan, if necessary, is not included in this scope of work. Grading, if any, for the conceptual mitigation plan will be recommended by GLA, however, final grading plans must be reviewed and approved by the client's engineer at the client's expense.

TASK VIII. PROCESS APPROVED JURISDICTIONAL DETERMINATION

The drainage features on site are ephemeral (i.e., are not relatively permanent, flowing, or standing bodies of water that are tributary to other waters of the United States); therefore, they are not expected to meet the current definition of waters of the United States as defined in Corps regulations at 33 CFR Part 328.3(a). The mapped vernal pools on site are also likely not to be deemed wetlands under the same Corps regulations. Should the Corps decline to assert jurisdiction over the drainage features and vernal pools on site, then no Corps jurisdictional waters would be present, and no CWA Section 404 Permit would be required for the Project.

In order to secure an Approved Jurisdictional Determination (AJD) from the Corps, GLA will prepare the AJD forms and provide the necessary backup information. If concurrence is received, the Corps would issue the AJD and No Permit Necessary Letter.

The request for an AJD may include:

- Administrative information;
- Summary information, including Section 10 of the 1899 Rivers and Harbors Act and/or Section 404 of the Clean Water Act and/or excluded waters and/or other features;
- Other summary information, such as photographs, hydrology information, National Wetlands Inventory (NWI) maps;
- Stream Duration Assessment Method (SDAM) forms; and
- Information contained in the Corps' Antecedent Precipitation Tool.

TASK IX. PREPARE STREAMBED ALTERATION NOTIFICATION

A 1602 Streambed Alteration Notification will be completed in accordance with CDFW standards and, only after review and approval by the client, submitted to the CDFW for review. As of September 1, 2020, the notifications will be submitted online through CDFW's online portal, EPIMS. GLA will register the project on behalf of the Client (Applicant) and upload the required notification, which will include, at a minimum:

- detailed description of the proposed project, including grading plans provided by the client;
- detailed description of the regulated features to be impacted by the proposed project;
- discussion of approvals and certifications being obtained from other federal, state, or local agencies;

- conceptual mitigation plan as discussed above;
- correct notification fee as broken down by CDFW project; and
- a completed CDFW notification form.

Please be aware that CDFW generally will not accept a notification unless accompanied by a draft CEQA document, and will not issue any authorization until the CEQA document has been approved and a Notice of Determination or other similar documentation is filed.

TASK X. PREPARE REQUEST FOR WASTE DISCHARGE REQUIREMENT

A 401 Water Quality Certification is only required when a project, affecting waters of the United States, requires a federal action such as a Corps permit. If there is no federal action, but waters of the state are being affected, the Regional Board requires the processing of a Waste Discharge Requirement pursuant to the Porter-Cologne Act.

In April of 2019, the State Water Resources Control Board adopted the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (“Procedures”) which became effective on May 28, 2020. The Procedures set forth the process under which each Regional Board is required to review projects result in the permanent loss of waters of the State, which includes both federal waters, subject to Section 404 jurisdiction as well as waters which are not regulated as waters of the U.S. pursuant to Section 404 of the Clean Water Act. For areas subject to fill, the Procedures includes three “Tiers” under which projects are evaluated.

- Tier 1 projects include any discharge of dredged or fill material that directly impacts less than or equal to one tenth (0.1) of an acre or less than or equal to 100 linear feet of waters of the state...
- Tier 2 projects include any discharge of dredged or fill material that directly impacts more than one tenth (0.1) and less than or equal to two tenths (0.2) of an acre or more than 100 and less than or equal to 300 linear feet of waters of the state...
- Tier 3 projects include any discharge of dredged or fill material that directly impacts more than two-tenths (0.2) of an acre or 300 linear feet of waters of the state, rare, threatened or endangered species habitat in waters of the state, wetlands or eel grass beds, or Outstanding National Resource Waters or Areas of Special Biological Significance, and is not a project that inherently cannot be located at an alternate location. Tier 3 projects shall provide an analysis of off-site and on-site alternatives.

Based on the impacts described in the existing Biological Resources Technical Report prepared by Harris & Associates (2022), it is anticipated that the Project would be considered a Tier 1 project, and the level of effort prescribed to this task is based on this impact analysis.

Please be aware that the Regional Board will not accept an application unless accompanied by a draft CEQA document, and will not issue any authorization until the CEQA document has been approved and a Notice of Determination or other similar documentation is filed.

TASK XI. PROCESS ITP FOR CROTCH'S BUMBLE BEE

CBB is currently a Candidate listed species under CESA and while it is anticipated that the California Fish and Game Commission will make a listing determination in Q4 2025 or Q1 2026, in order for construction to proceed while the status of the species remains as is, an ITP must be processed. GLA will complete the application and provide all required supporting documentation, including a description of how the Project will fully mitigate for impacts to CBB and CBB habitat.

TASK XII. PROJECT AND REGULATORY AGENCY COORDINATION (T&M)

The AJD, 1602 notification, Waste Discharge Requirement, and ITP request will be coordinated with the Corps, CDFW, and Regional Board throughout processing to ensure that any potential problems are made known to the client and resolved at the earliest possible opportunity. This task also includes coordination with the engineering and/or project team on large digital file transfers and reviews. The degree of effort anticipated and included under this task is based on a reasonable and general approximation of effort. It is not feasible to know with certainty what level of coordination an agency will require because this is dependent on the specific agency personnel processing the permit and client perspectives.

TASK XIII. PREPARE CEQA ARCHAEOLOGICAL RESOURCES ASSESSMENT

CEQA Phase I Archaeological Resources Assessment (Phase I) work will consist of background research, a pedestrian field survey of the Project site, and preparation of a report documenting the findings. GLA will request an appointment to conduct an in-person records search at the South Coastal Information Center (SCIC) of the California Historical Resources Information System located at San Diego State University. The SCIC, an affiliate of the California Office of Historic Preservation (OHP), is the official repository of cultural resources reports and records for Riverside County. The records search will identify recorded cultural resources and studies in, and within 0.5 mile of, the entire Project site. Local county listings, historic aerial photographs, and historic topographic maps, if available, will also be reviewed.

Following completion of the SCIC record search, a pedestrian field survey of the approximately 47-acre Project site will be conducted to identify surficial cultural resources in the Project site. It is assumed that the field survey can be completed by one archaeologist within two days. After the field survey is completed, a report will be prepared to document the Phase I methods, results, and recommendations for next steps (if any). A copy of the final report will be submitted to the SCIC in fulfillment of a requirement to access their archives.

This scope assumes that no archaeological resources will be identified in the Project site as a result of the records search or field survey. If archaeological resources are identified, GLA will notify you immediately to discuss and develop a scope and budget for additional tasks. For example, if

resources are identified, cultural resources would need to be recorded on State of California Department of Parks and Recreation (DPR) Series 523 forms in accordance with the guidelines established by OHP.

GLA understands that the City has initiated coordination with Pechanga Band of Indians and assumes that representatives from Pechanga Band of Indians will request to review the draft Phase I report and will provide comments on the document. The budget for the CEQA archaeological assessment includes a total of eight hours for GLA to coordinate with Pechanga Band of Indians representatives and respond to tribal representative comments on the Phase I report. The scope does not include assistance with Native American consultation or coordination with other tribal groups.

TASK XIV. PREPARE CEQA HISTORIC RESOURCE EVALUATION

The single-family residence on the Project site was constructed in 1976 and is currently less than 50 years of age, which is the threshold for historical significance. However, an evaluation of the residence is proposed to ensure that all cultural resources aspects of the Project site are addressed in the event that certification of the CEQA document occurs in 2026, at which time the residence would be 50 years of age. To evaluate the residence, an architectural historian will conduct archival research on the history and development of the property. Research locations will include, but not be limited to, the City of Murrieta, the Riverside County Assessor's Office, and the local public libraries. Research will utilize primary and secondary sources of information such as building permits, historic maps and photographs, newspaper articles, city directories, and written histories.

The architectural historian will also conduct an intensive-level field survey of this property. During the survey, photographs will be taken of the exterior of the building and notations will be made regarding the building's architectural style, integrity, and condition. Safe access to the property will be required to complete the survey. Access to the interior of the residence is not required.

DPR forms will be prepared, which will include an architectural description, photograph, historic context, list of references, and a significance evaluation using the California Register of Historical Resources and City criteria. Upon completion of the evaluation, the property will be assigned a California Historical Resources Status Code indicating its level of significance. Along with the DPR forms, a brief memorandum will be prepared to summarize research, field methods, and findings.

COST

For tasks identified as time and materials (T&M), GLA's direct expenses shall be those costs incurred directly for the CLIENT's project, including but not limited to, necessary transportation costs including mileage by automobile at the current rate allowed by IRS and subcontractor fees. Reimbursement for these expenses shall be on the basis of actual charges when furnished by GLA. An administrative charge of 15% shall be applied to all direct expense and subcontractor charges and is included in the cost. The table below has been developed to aid us in estimating the total cost of the proposed work; GLA reserves the right as necessary to shift costs between tasks as the work proceeds

TASK	TOTAL
	COSTS
Task I. MSHCP Consistency Analysis	\$13,860
Task II. DBESP Analysis	\$13,860
Task III. Coordinate JPR (T&M)	\$7,260
Task IV. Coordinate DBESP Review (T&M)	\$7,260
Task V. Delineate Jurisdiction	\$8,910
Task VI. Prepare JD Report	\$11,220
Task VII. Formulate Mitigation Plan	\$14,520
Task VIII. Process AJD	\$8,910
Task IX. Process SAA with CDFW	\$8,910
Task X. Process WDR with Regional Board	\$8,910
Task XI. Process ITP for CBB	\$15,840
Task XII. Project and Agency Coordination (T&M)	\$16,500
Task XIII. Prepare CEQA Archaeo Res. Assessment	\$18,700
Task XIV. Prepare CEQA Historic Res. Assessment	\$8,360
TOTAL	\$163,020



SCHEDULE OF FEES AND CHARGES

Valid through December 31, 2025

<u>Title</u>	<u>Hourly Labor Rates</u>
Technical Director	\$220-340
Principal-in-Charge	\$200-275
Project Manager	\$95-210
Regulatory Specialist	\$95-210
Habitat Restoration Specialist	\$95-210
Wildlife Biologist	\$95-210
Cultural Resource Specialist	\$95-210
GIS Specialist	\$95-210
Field Assistant	\$85-120
Intern	\$85-120
Clerical	\$85-110

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