

**SECOND AMENDMENT
ENGINEERING AGREEMENT FOR
WETLAND DELINEATION AND SECTION 404 PERMITTING
IN LANCASTER COUNTY, NEBRASKA**

THIS SECOND AMENDMENT ("Amendment") is entered into by and between JEO, hereinafter referred to as the "ENGINEER", and Lancaster County, hereinafter referred to as the "COUNTY". Collectively the County and the Engineer may be referred to as "the Parties."

WHEREAS, on October 9, 2018, the Parties previously entered into a contract for wetland delineation and permitting for Project 19-07 and 19-08 2019 Countywide Culvert Maintenance, under County Contract No. C-18-0620 ("the Agreement");

WHEREAS, on January 29, 2019, the Parties entered into a First Amendment to the Agreement to add Section 404 permitting services for four (4) County sites to the scope of the Agreement under County Contract No. C-19-0072;

WHEREAS, the Parties wish to enter into this Second Amendment to the Agreement to add additional wetland permitting services which include preparing and submitting permit applications and coordinating with USACE as provided in Exhibit A, which is attached hereto and incorporated herein by this reference;

WHEREAS, the expenditure for these additional services shall not exceed \$2,860.00 as provided in Exhibit A; and

WHEREAS, the revised contract total with the additional services is estimated to be \$38,205.00;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and in the Agreement, the Parties hereto agree as follows:

- 1) The Parties hereby amend the Agreement to add additional wetland permitting services which include revisions to wetland permit applications and Waiver Request. (See Exhibit A).
- 2) Section VI(A)(1) of the Agreement shall be amended to include the following fees and amend the contract total for the project:

d. Second Amendment: Additional Services \$ 2,860.00

TOTAL..... \$ 38,205.00

3) All other terms and conditions of the Agreement not in conflict with this Second Amendment, shall remain in full force and effect.

This Second Amendment shall be binding upon the Parties, their heirs, administrators, executors, legal and personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the Parties hereto have caused this Second Amendment to be executed by their duly authorized representative(s).

EXECUTED by the **ENGINEER** this 15TH day of MAY, 2019.



Signature

JASON MOROVITZ, PROJECT MANAGER
Name & Title

JEO CONSULTING GROUP
Firm Name

2700 FLETCHER AVE.
Address

LINCOLN NE 68504
City State Zip

EXECUTED by the **COUNTY** this _____ day of _____, 20__.

LANCASTER COUNTY BOARD OF COMMISSIONERS

Approved as to form

This _____ day of _____, 20__.

Deputy County Attorney

JEO Proposal and Estimated Fees
for
Lancaster County 2019 Countywide Culvert Maintenance
Section 404 Permitting
Project #: 190102.00

Prepared 04/24/19

Project Description

JEO Consulting Group, Inc. (JEO) is providing this proposal and fee estimate to complete Section 404 permitting for Lancaster County's proposed 2019 Countywide Culvert Maintenance program. Wetland delineations and wetland delineation reports were completed in 2018 under a separate contract with the County.

It is JEO's understanding that there are two additional sites in the 2019 Countywide Culvert Maintenance program that require Section 404 permitting due to potential discharges of dredge or fill material into waters of the U.S., including wetlands. The two sites include F-284 and G-204/G-205 (see attached figures).

Project Scope and Fee

Task Series 100 – Section 404 Permitting

- **110 – Prepare and Submit Section 404 Permit Application:**

JEO will prepare and submit a Pre-Construction Notification (i.e., permit application) package to the U.S. Army Corps of Engineers (USACE) to obtain Section 404 authorization via Nationwide Permit (NWP) 14 – Linear Transportation Projects. Although it is anticipated that permanent, unavoidable impacts to waters of the U.S. (WOUS) would be less than 0.1 acre at each site, thus avoiding the requirement for compensatory mitigation, this may change based on the project design.

- If it is determined that permanent, unavoidable impacts to WOUS exceed 0.1 acre, thereby requiring compensatory mitigation, this task may require additional services. In that event, JEO will notify Lancaster County prior to completing any additional work not included in this proposal.

In addition, JEO will prepare and submit preliminary coordination letters to the U.S. Fish and Wildlife Service (USFWS), Nebraska Game and Parks Commission (NGPC), and Nebraska State Historic Preservation Office (SHPO) that summarize the results of the wetland delineation and request effect determinations and project guidance, as appropriate.

- **120 – Coordination with USACE:**

As necessary, JEO will coordinate early and often with the USACE to facilitate permitting and successful project completion. This may entail phone calls, emails, status updates, and/or meetings. This direct contact ensures that the USACE understands the project as it is proposed and typically results in faster turnaround times for permit issuance.

- If lengthy coordination and follow-up with the USACE is necessary, due to unknowns or the USACE requesting additional information, this task may require additional services. In that event, JEO will notify Lancaster County prior to completing any additional work not included in this proposal.

Deliverables

- **Section 404 Permitting**

- An electronic copy of the Section 404 permit application package.
- Copies of correspondence received resulting from agency coordination with the USFWS, NGPC, and SHPO.
- A copy of the "Acknowledgement of Receipt of Department of Army Permit Application" when received.

- The 404 Nationwide Permit (NWP) “Department of the Army Nationwide Permit Verification” from the USACE.

Proposed Project Schedule

The project schedule is dependent upon project direction from Lancaster County and availability of project design plans. It is anticipated that all Section 404 permit applications will be completed within four weeks of Notice to Proceed.

Project Fee

The estimate for completing the tasks identified above is a **time and materials, not to exceed fee of \$2,860.**

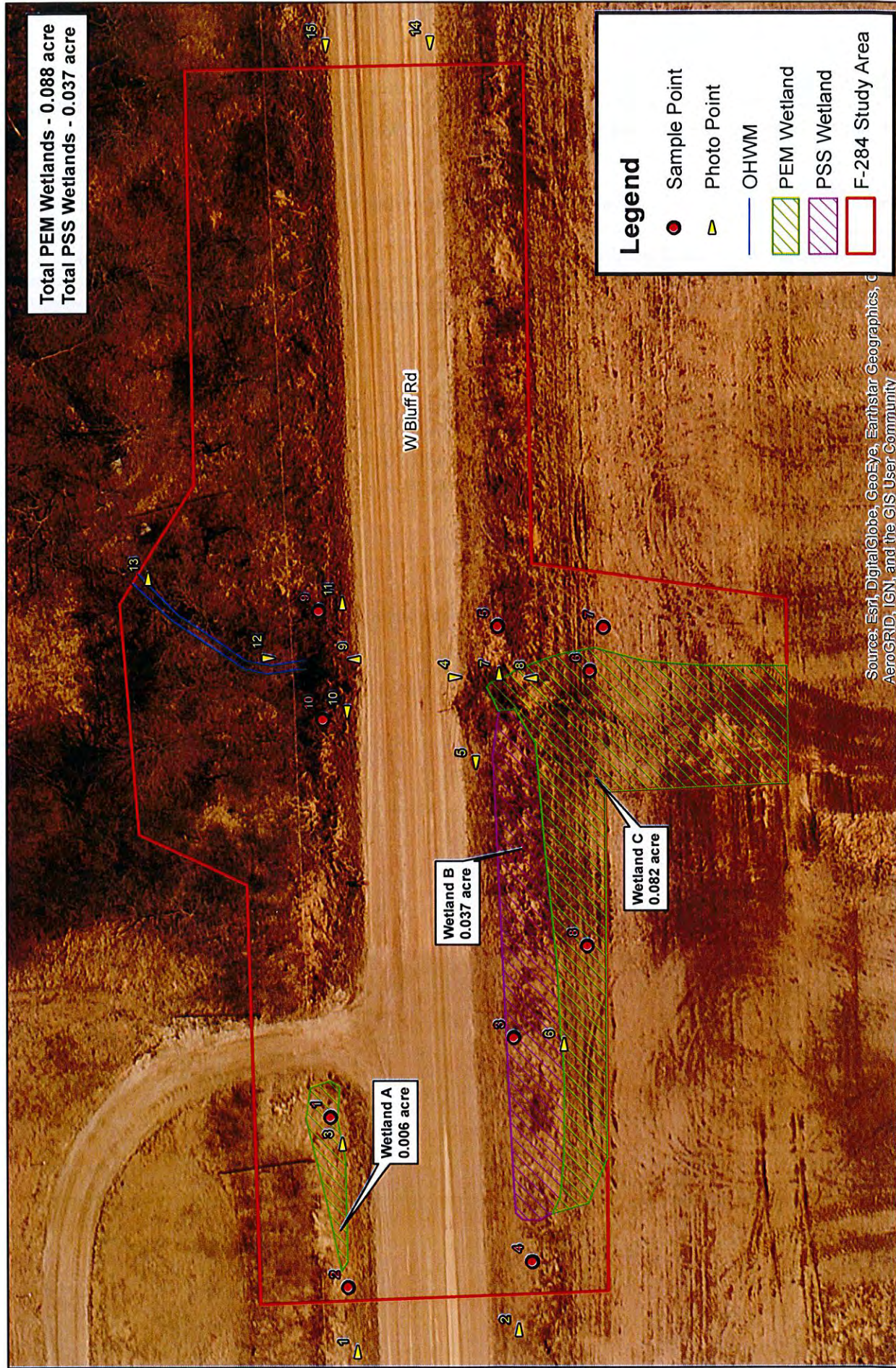
The services stated above are billed based on JEO’s standard hourly rates for 2019. Lancaster County will be billed monthly for services to date. Invoices are due upon receipt. JEO will provide additional services via contract amendment at Lancaster County’s request. JEO reserves the right to redistribute fee amongst individual tasks as needed, so long as the total NTE contract amount does not change.

Services not Included

- Delineation of WOUS, including wetlands (completed in 2018).
- Compensatory mitigation (mitigation plan, design, construction, seeding, or monitoring).
- Completion of Nebraska Stream Condition Assessment Procedure (NeSCAP).
- Other biological surveys or compliance with other agency requests.
- Development of Habitat Conservation Plan documents.
- Endangered and/or threatened species-specific surveys.
- Floodplain permitting.
- NPDES permitting/compliance.
- Additional revisions and resubmittals beyond those mentioned above.

Proposal and Fee Expiration

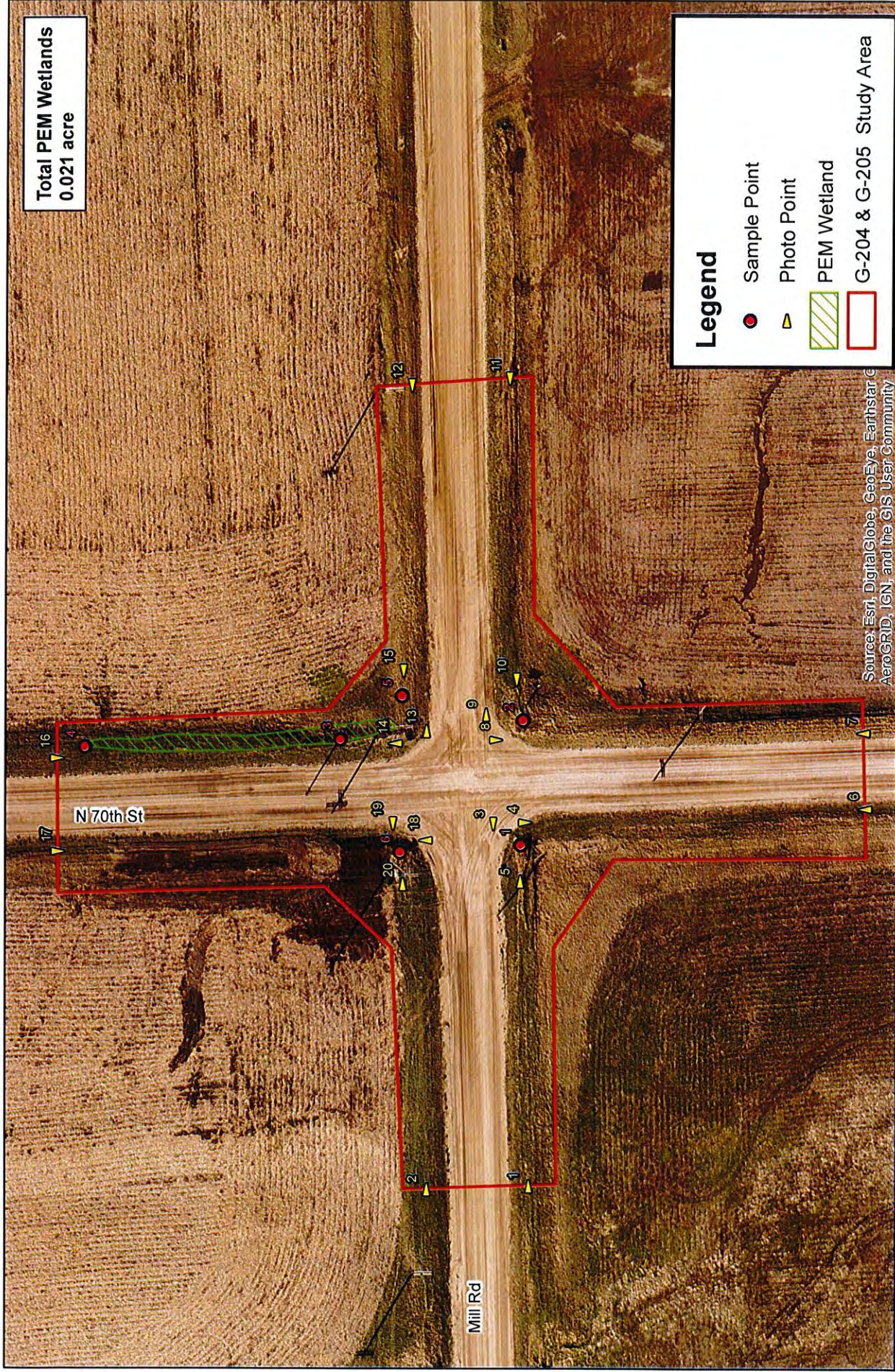
The information contained in this proposal and fee estimate is valid until May 31, 2019. After that date, the scope of services and estimated fee are subject to adjustment.



Delineated Wetlands/WOUS

Figure 6

Culvert F-284
Lancaster County, NE
JEO Project No. 181767.00



Total PEM Wetlands
0.021 acre

Legend

- Sample Point
- ▲ Photo Point
- ▨ PEM Wetland
- ▭ G-204 & G-205 Study Area

Source: Esri, DigitalGlobe, GeoEye, Earthstar AeroGRID, IGN, and the GIS User Community

Culverts G-204 & G-205
Lancaster County, NE
JEO Project No. 181767.00

Delineated Wetlands/WOUS

Figure 6

