

WHATCOM COUNTY OFF-SITE CRITICAL AREAS BUFFER MITIGATION FEASIBILITY STUDY – 2022

On November 3, 2021, Whatcom County Planning and Development Services (County) authorized Herrera Environmental Consultants (Herrera) and subconsultant Jacobs, jointly referred as the Consultant, to prepare a scope of work and cost estimate to assist in the preparation of a Feasibility Study for the development of an Off-Site Critical Areas Buffer Mitigation Program (Program) for Whatcom County. On December 17, 2021, Whatcom County approved the scope of work and budget (\$40,000) for the development of the first two phases (Preliminary Program Research and Implementation, Oversight and Management Structure) of the project and associated project management (Phase 3) through June 1, 2022.

This addendum scope of work includes a discussion of the activities, assumptions, deliverables, and a schedule associated with the final five phases of the project and associated project management proposed for completion in 2022.

Throughout all phases of the project, the Consultant will use an established system of quality assurance/quality control review to ensure high quality deliverables that comply with the requirements of the scope of work, as well as provide the most responsive and technically accurate work product. Work products will be reviewed by technical leads, technical editors, the Project Manager, and ultimately by the Client Satisfaction Reviewer.

PHASE 3.0 CONTINUED PROJECT MANAGEMENT/CONTRACT ADMINISTRATION

The objective of this work is to manage the scope, schedule and budget of the final phases of the project while providing continued coordination with the County. The Consultant will coordinate with Whatcom County's Project Manager on a regular monthly basis regarding the project progress, project issues and schedule.

The Consultant will prepare monthly progress reports that describe the work items and percentage of work items that were accomplished that is independent of budget expended, as well as a forecast of work to be completed over the following month. Progress reports will include a status of budget spent and remaining for each individual task. The monthly progress reports will also identify any other issues or problems that may occur in any given month. The Consultant will submit these monthly progress reports to the County's Project Manager with the

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monthly invoices. The monthly invoices will bill by individual task. The Consultant Project Manager will notify the County's Project Manager, in writing (memo format), of any out of scope and/or budgetary issues that are inconsistent with this Scope of Services. The Consultant Project Manager will also manage the subconsultant budgets and invoices, manage change, and prepare amendments, if/as necessary. Any expense or subconsultant charge will have supporting documents included with the invoices.

Deliverables

- Monthly project work progress and budget tracking reports and invoices for phases 4 – 7 of the project
- Project Schedule (up to one)

Assumptions

- Duration of the described phases in this 2022 scope of work will not exceed 11 months.
- Meetings among Consultant team members that do not involve County staff will be conducted under other tasks in the scope of work.
- Herrera will prepare one subcontract and track subcontractor's performance.
- Monthly coordination meetings and/or conference calls with key County/Consultant team members to cover project status.
- Subconsultant participation will be as described under the subconsultant work element.

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PHASE 4.0 – IDENTIFY SITING CRITERIA & POTENTIAL MITIGATION SITES

Based on work completed during the first two phases of the project (Preliminary Program Research and Implementation, Oversight and Management Structure), the consultant will identify 5 to 7 viable and available off-site locations for compensatory buffer mitigation sites, or more as requested and approved by the County, where functional lift can be achieved. In addition to the considerations identified in Phase 2, the site or sites must individually or collectively be able to provide ecologically appropriate mitigation potential to offset the program's users anticipated buffer impacts from development (permits). Field investigations will be conducted to verify each site's potential for viable mitigation.

Deliverables

- The selected site or sites will form the basis for development of Phase 5.

Assumptions

- The Consultant will coordinate with Whatcom County staff for desktop analysis and on-site knowledge before independently advancing potential mitigation site locations.
- The Consultant will field investigate a selection of the identified sites based on criteria ranking and selection preferences outlined by the County.
- Of the 5 to 7 potentially viable mitigation sites identified, it is anticipated 5 sites will be field investigated. The level of detail required for each site investigation will be based on available background data regarding the site's conditions. An increased number of sites for field investigation may be possible within the designated budget provided that the level of detail provided by the County as background information can be obtained that supports the required analysis with less field work. Field investigation of more than 5 sites may also be potentially supported through use of the project's Contingency Reserve Fund (Phase 8).
- Field investigation consists of two biologists for up to 16 hours each, excluding travel. For safety purposes, Herrera does not conduct sole person field investigations. If the County wishes to provide staffing to support the field work, Herrera's staffing can be re-allotted among County staff-assisted teams to assess a greater number of potential sites and locations.
- Site access for field investigations to be coordinated by Whatcom County.

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PHASE 5.0 – ANTICIPATED COST ANALYSIS

Mitigation site development costs vary widely based on site conditions and management considerations. The County lists the following cost considerations in the RFP:

- Property or easement negotiation, appraisal, and purchase
- Developing property-specific mitigation plans for each property
- Equipment and materials to conduct mitigation actions
- Regulatory structure and amendments needed to implement the Program
- Administration/Overhead/Staffing
- An estimate of the cost of Program credits, on a per-acre or per-site basis

Herrera has experience in estimating construction costs for restoration projects including clearing, fill and grading, and native vegetation installation plans. This knowledge will be applied in estimating the cost to implement proposed mitigation measures at each of the preferred mitigation sites. Herrera also has provided cost structures for determining estimated costs per credit to offset the program's expenses over the length of the program. Refinement of anticipated program costs will be tied to recent data in Whatcom County related to current costs. Research related to costs will be based on information provided by the County, Ecology, the Army Corps of Engineers, and potential two or three private sector developers.

The Consultant will coordinate a meeting with the County to review and document cost considerations for initiating this phase of the project. The Consultant will identify the anticipated costs for sites selected under Phase 4.0. The goal is to identify sites that fully offset the anticipated need, but this will depend on variables related to site ownership and site management, which have yet to be determined.

Deliverables

- The Consultant will coordinate one meeting with the County in an on-line format to document and discuss cost considerations for development of the program.
- The Consultant will prepare an agenda for the meeting 1 week prior to the meeting.
- The Consultant will prepare meeting minutes within 1 week (5 business days) after the scheduled meeting.
- The cost analysis conducted in Phase 5.0 will be incorporated in the preparation of the Feasibility Study report prepared in Phase 6.0.

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Assumptions

- Based on the results of the field investigations conducted in Phase 4, conceptual designs for 3 of the sites will be developed for further analysis, including estimates of anticipated costs, in this phased of the scope of work.
- Costs will also be informed by the County's decision as to which Program type to pursue (Advanced Mitigation, Off the shelf, or In-Lieu Fee).
- Costs of buffer mitigation will be estimated based on data, as available, from local, state and federal agencies as well as private sector developers (if they are willing to share this information).

PHASE 6.0 – FEASIBILITY STUDY

The project work will culminate with the preparation of a feasibility report that summarizes the results of research conducted in all phases of the project. The feasibility report will provide analyses of the various alternative approaches, including anticipated costs and the pros and cons of each, and present a recommended approach for Program development and implementation. A draft report will be submitted to the County Project Manager via e-mail_for review and comment prior to finalizing the report.

Deliverables

- Draft Feasibility Report in Microsoft Word and Adobe pdf formats.
- Final Feasibility Report in Adobe pdf format.

Assumptions

- The County's review time from receipt of the Draft Feasibility Report for incorporation into the Final Feasibility Study is 3 weeks.

PHASE 7.0 – PRESENTATION TO COUNCIL

To address any additional tools or effort that might be needed for the Consultant's Presentation to Council, a kickoff meeting with the County will be coordinated at the initiation at this final phase of the project. The Consultant will develop a Microsoft PowerPoint (PPT) presentation for Council, and if desired can also develop other communication tools to support outreach and in-person engagement. Currently, the scope addresses only the creation of the PPT and presentation to Council. If additional communication tools and outreach efforts are needed,

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these will be covered through use of funds in Phase 8 – Contingency Reserve Fund. A draft PPT file will be sent via e-mail to the County Project Manager for review within 2 weeks of the completion of the kickoff meetings. The County will provide feedback on the presentation within 3 weeks of receiving the draft PowerPoint (ppt) presentation. A final PowerPoint (ppt) presentation incorporating the County's review comments and feedback will be presented to the County within 2 weeks prior to the packet submittal for the scheduled Council meeting when the presentation will be given.

Deliverables

- Agenda and coordination of a Phase 6.0 Kickoff Meeting with the County in an on-line format to address preparations for the Council Presentation.
- Meeting minutes from kickoff meeting will be prepared within 1 week (5 business days) of the scheduled meeting.
- Draft file in Microsoft PPT.
- Final file in Microsoft PPT.

Assumptions

- The Phase 7 kickoff meeting will occur within 1 week (5 business days) after receiving the County's review comments on the draft Feasibility Study
- The County's review time from receipt of the draft PPT for incorporation into the Final PPT is 3 weeks prior to the scheduled Council presentation.
- Council presentation is assumed to be on-line to meet COVID protocols.
- Council presentation is assumed to be 20 slides and will be scheduled for between 30 and 45-minute presentation including Q& A.
- The Final ppt presentation will be prepared in time for the County's project manager to submit into the County's Council meeting packet, two weeks prior to the Council's Scheduled Meeting (proposed for December 2022 or if necessary, in January 2023).

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PHASE 8.0 – CONTINGENCY RESERVE FUND

A contingency reserve fund will be established to address unexpected changes or additional scope of work requests during the project. Any work to be conducted under the Contingency Reserve Fund will be approved by the County prior to implementation. Costs under this task could include additional candidate mitigation site investigations or additional meetings than those outlined in the main scope of work phases. Should in-person meetings, rather than on-line formats be requested, travel time and direct associated expenses will be covered by the Contingency Reserve Fund. The fund will also include significant changes in the Program approach after preliminary determinations, or other assistance as needed. Herrera will clearly communicate via e-mail with County when work will require activation of this fund.

The Consultant will provide written documentation to the County justifying the purpose and need to request use of the Contingency Reserve Fund for project implementation. The Consultant's written response will include a break-down of costs for the out of scope of work for County review. The County will provide written response to the Consultant regarding the additional scope of work and budget amendment within three weeks of the requested review.

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PROJECT SCHEDULE

EXHIBIT "B-1" (COMPENSATION)

As consideration for the services provided pursuant to Exhibit A (Scope of Work), the County agrees to compensate the Contractor according to the hourly rates provided in the budget table below. Changes to personnel must be requested to and approved by the County's Contract Administrator in writing (email accepted) along with the substituted staff's name, position title and hourly rate. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed. Mileage at IRS rate, lodging and per diem at a rate not to exceed the GSA rate for location services are provided. Other expenditures such as printing, postage and telephone charges shall be reimbursed at actual cost plus 2%.

The maximum consideration for this amended agreement shall not exceed \$100,000.

Cost Estimate for **Whatcom County Off-Site Buffer Mitigation Feasibility Study - Amendment 1**
Herrera Project No. **21-07734-000**

		Phase No.	1	2	3	4	5	6	7	Total
		Number of Hours							Total	
		Preliminary Program Research	Implementation, Ownership & Management Structure	Project Management	Deploy Siting Criteria + Identify Potential Mitigation Sites	Cost Analysis	Feasibility Study	Presenttion to Council		
		Task Start Date	1/3/2022	1/3/2022	1/3/2022	5/16/2022	6/21/2022	6/1/2022		
		Task End Date	5/1/2022	6/1/2022	12/31/2022	6/20/2022	7/31/2022	10/31/2022		12/31/2022
Staff	Title	2022 Burdened Labor Rates								
Jennifer Thomas	Senior Ecologist	224.54	27	40		36	22	37	5	167
Total:			6,000	9,000		8,000	4,940	8,400	1,123	37,463

Jacobs Labor based on: Burdened Labor Rates for 2022