



City Council Staff Report

DATE: March 1, 2017 CONSENT CALENDAR

SUBJECT: APPROVE AMENDMENT NO. 5 TO THE CONTRACT SERVICES AGREEMENT NO. A5580 WITH DOKKEN ENGINEERING IN THE AMOUNT OF \$67,000 FOR POST CONSTRUCTION ENVIRONMENTAL MITIGATION SERVICES FOR THE BOGERT TRAIL BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 07-03, FEDERAL AID PROJECT NO. BHLS 5282 (026)

FROM: David H. Ready, City Manager

BY: Engineering Services Department

SUMMARY:

Approval of Amendment No. 5 to the professional services agreement No. A5580 with Dokken Engineering is recommended to include post construction environmental mitigation services and support required for the Bogert Trail Bridge Rehabilitation Project, City Project No. 07-03, Federal Aid Project No. BHLS 5282 (026), (the "Project").

RECOMMENDATION:

1. Approve Amendment No. 5 to Agreement No. 5580 with Dokken Engineering, in the amount of \$67,000, for a total contract amount of \$940,985 for the Bogert Trail Bridge Rehabilitation Project, City Project No. 07-03, Federal Aid Project No. BHLS 5282 (026); and
2. Authorize the City Manager to execute all necessary documents.

BACKGROUND:

On May 4, 2016, the City Council accepted the Project as complete and a Notice of Completion was filed with the Riverside County.

Construction of the Project is subject to certain environmental mitigation measures, associated with preservation of Casey's June beetle ("CJB") critical habitat. CJB is an endangered species, with habitat located within the Palm Canyon Wash in and around the Project site. As a condition to constructing the Project, the United States Fish and

ITEM NO. 1.F.

Wildlife Service ("USFWS") required the City to complete off-site and on-site mitigation for permanent and temporary impacts to CJB critical habitat. To satisfy this condition the City established a 4.29 acre conservation easement area within the Palm Canyon Wash. The City is now obligated to maintain the conservation easement area and the Project site for a period of 5 years which includes re-vegetation and weeding maintenance, quarterly monitoring, and annual reporting to USFWS as identified in the Restoration and Weeding Plan. Included for your reference in **Attachment 1** of the report is a vicinity map showing an area of 500' radius from the project, a map of the project area, and a map of the conservation easement area.

The 5-year post construction environmental mitigation measures are identified in the Restoration and Weeding Plan report included as **Attachment 2** and summarized in the Tables 1 and 2 below:

Restoration Activity	Timing
Designation of conservation easement	Within three months of construction initiation
Remove non-native vegetation in conservation area	Upon initiation of construction
Installation of signage	Within three months of recordation of conservation easement
Weeding/Maintenance	Twice annually for 5 years starting upon recordation of conservation easement

Table 1: Mitigation of Conservation Easement Area

Restoration Activity	Timing
Install ESA fencing around trees and vegetation to be preserved within the area of temporary impacts	Prior to other construction ground disturbance
Removal and immediate salvage of native woody shrubs taller than 4 feet.	During clearing and grubbing
Remove non-native vegetation in restoration/revegetation area	Following construction termination
Planting implementation for temporary impacts	Following construction termination
Watering/ irrigation within restoration/revegetation area	Once every two weeks during the summer (June-August) and once a month outside the summer months during the first year (as determined appropriate by a qualified landscaper). The second year the plants will be watered once every three weeks in summer (June-August) (starting once vegetation is planted).
Watering/ irrigation of salvaged shrubs	Once a month for three months
Weeding/Maintenance	Upon construction termination, twice annually for 5 years.
Monitor health of vegetation	Upon construction termination, quarterly for 3 years
Prepare reports on health/success of restoration/revegetation area	Submit a report at anniversary of revegetation plantings for first 3 years following construction termination

Table 2: Mitigation of Bridge Site Area

Staff has requested that its consultant for the Project, Dokken Engineering, provide the required post-construction environmental mitigation services; in response to the City's request, Dokken Engineering provided a proposal in the amount not to exceed \$67,000 which includes all necessary work to accomplish the 5-year maintenance, monitoring, and reporting required by USFWS.

Staff recommends approval of Amendment No. 5 to the agreement with Dokken Engineering; a copy of Amendment No. 5 with Dokken Engineering is included as **Attachment 3**.

ENVIRONMENTAL IMPACT:

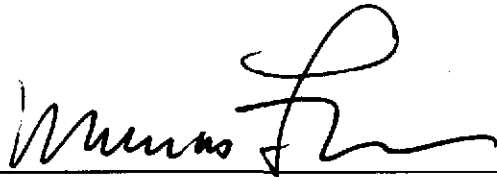
Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects include the restoration or rehabilitation of deteriorated or damaged structures to current standards of public health and safety. Therefore, the Project is considered categorically exempt from CEQA. On the basis that the Project qualifies for a categorical exemption under CEQA, staff prepared and filed a CEQA Notice of Exemption on December 1, 2009.

On October 1, 2009, Caltrans, acting as the lead agency pursuant to the National Environmental Policy Act ("NEPA"), made an environmental determination that the Project does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment ("EA") or Environmental Impact Statement ("EIS"), and has considered unusual circumstances pursuant to Section 6004 of 23 CFR 771.117(b). On the basis of this determination under federal delegation pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding ("MOU") dated June 7, 2007, executed between the Federal Highway Administration ("FHWA") and the state of California, Caltrans has determined that the Project qualifies for a Categorical Exclusion in accordance with 23 CFR 771.117(d) pursuant to activity (d)(3). On June 28, 2011, an environmental Re-Validation was issued to include additional mitigation measures for the Casey's June beetle. On March 14, 2013, an administrative environmental Re-Validation was approved by Caltrans.

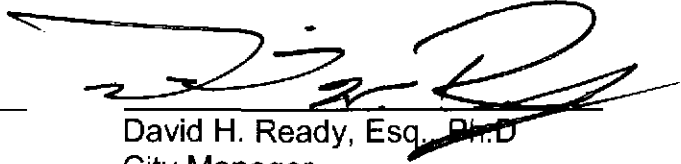
FISCAL IMPACT:

Sufficient funds are currently budgeted and available in the Local Measure A Fund, Account No. 134-4498-50244.

SUBMITTED:



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

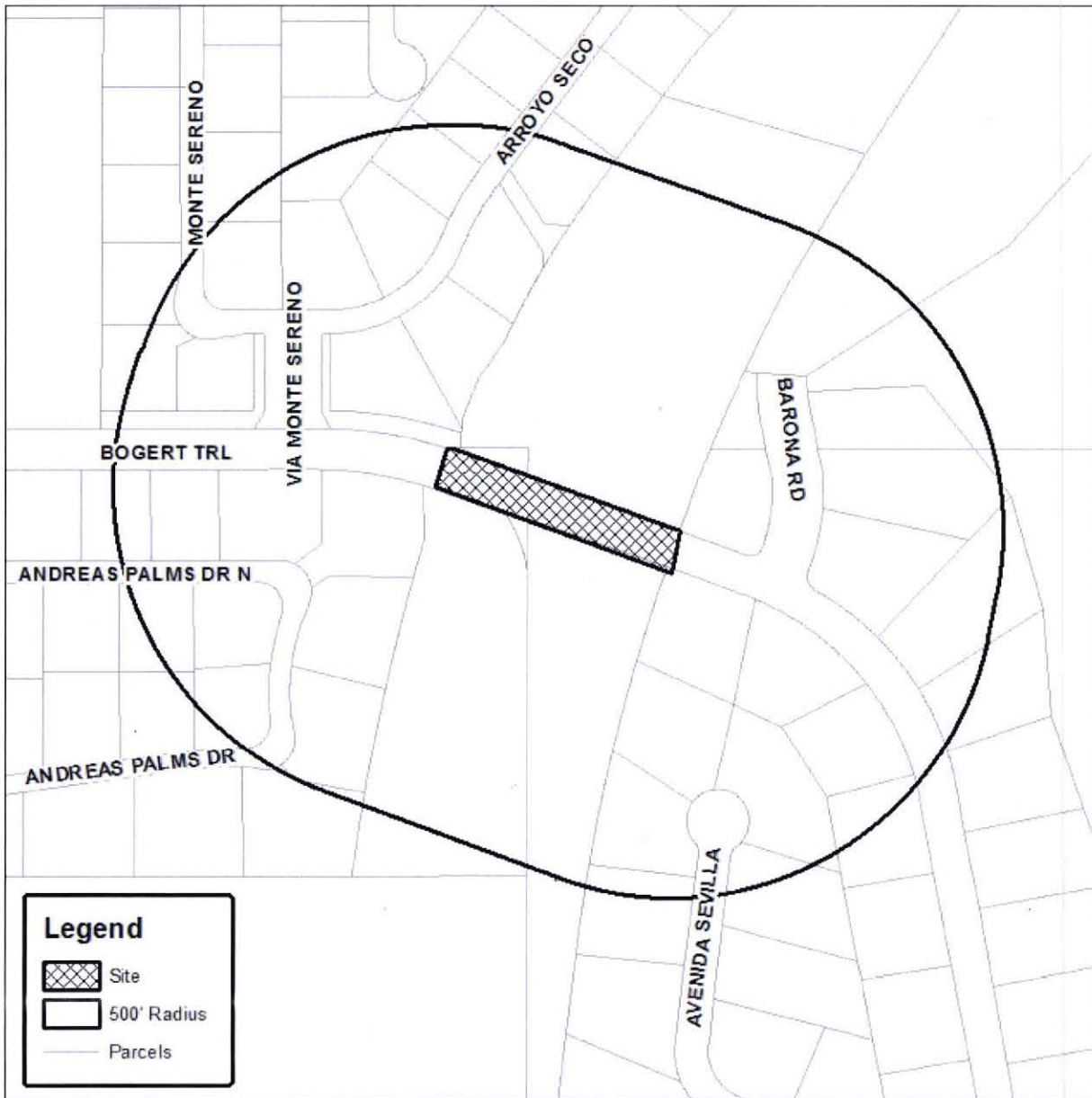
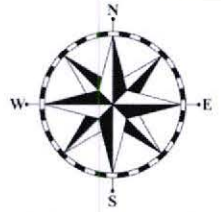
Attachments:

1. Maps – Vicinity Map, Conservation Easement Area, Project Site Area
2. Restoration and Weeding Plan
3. Amendment No. 5 to Agreement 5580

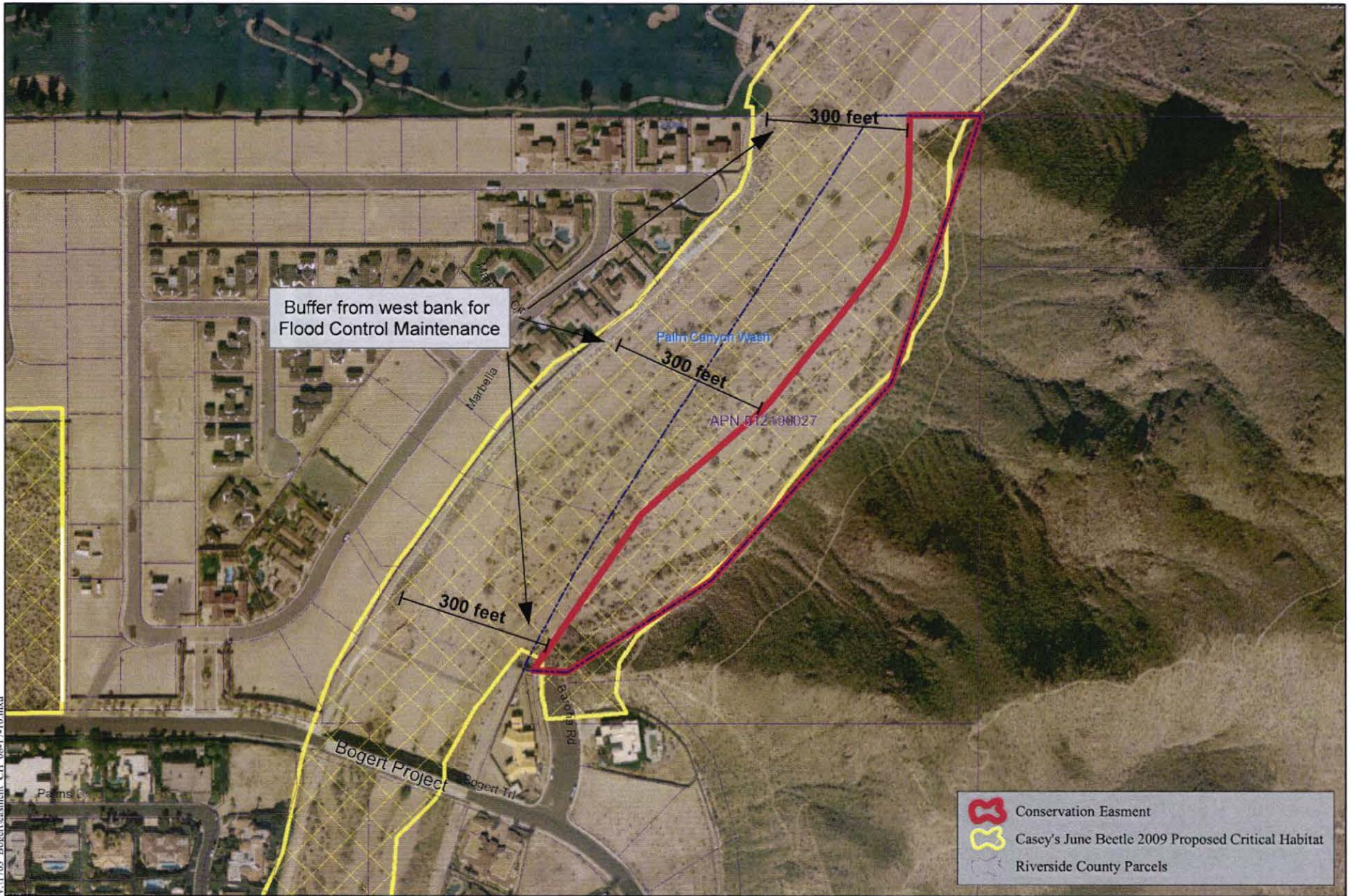
Attachment 1



Department of Public Works and Engineering Vicinity Map



CITY OF PALM SPRINGS

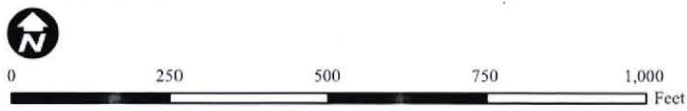


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Source: Riverside County 2009; GlobeExplorer 2/1/2008; Dokken 6/21/2010; Created by: K.Smith

PROPOSED CONSERVATION EASMENT PARCEL

**Bogert Trail Bridge Rehabilitation Project
City of Palm Springs, CA**





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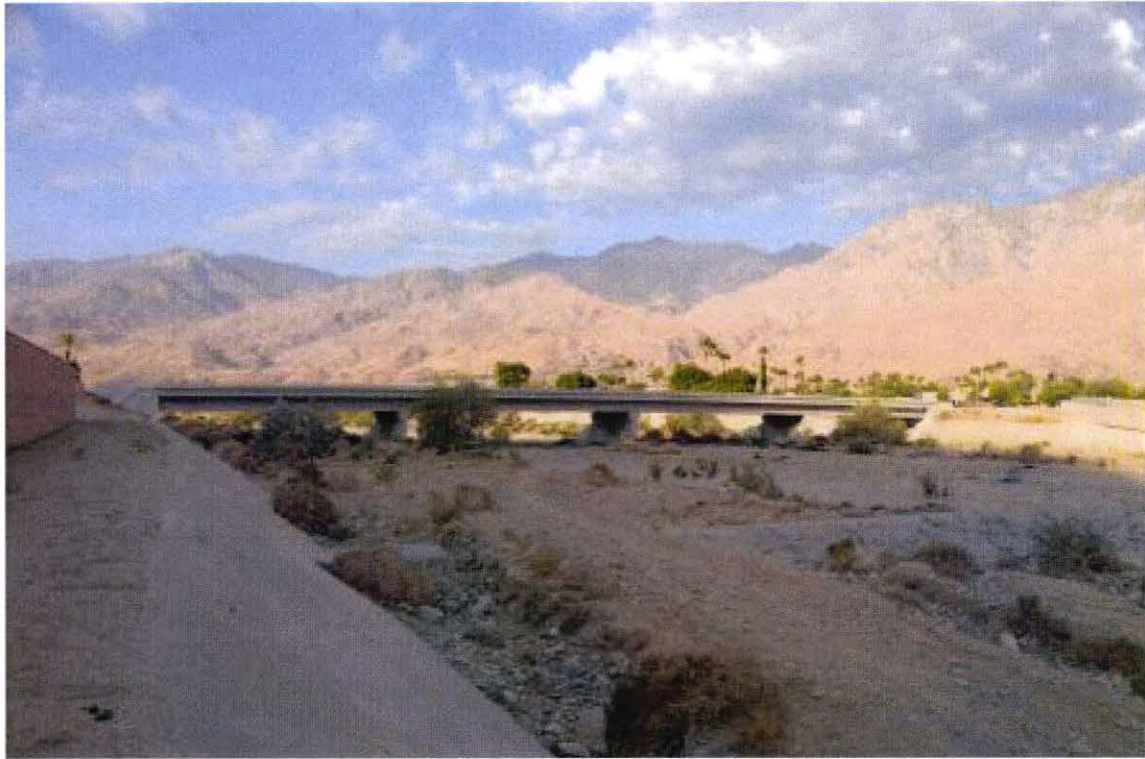
Source: GlobeXplorer 2008; Dokken 8/17/2010; Created by: A. Scudiere

BOGERT TRAIL BRIDGE PROJECT LAYOUT

Bogert Trail Bridge Rehabilitation
City of Palm Springs, CA

Attachment 2

Bogert Trail Bridge Rehabilitation Project



Restoration and Weeding Plan

City of Palm Springs, County of Riverside, California

FWS-ERIV-11B0021-11FC0344

August 2011

Restoration and Weeding Plan

City of Palm Springs, County of Riverside, California

FWS-ERIV-11B0021-11FC0344

August 2011

THE STATE OF CALIFORNIA
Department of Transportation
and
City of Palm Springs

Prepared By:



Sarah Jenkins, Associate Biologist
916-858-0642
Dokken Engineering

Date:

8/16/11

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List of Abbreviated Terms

Cal-IPC	California Invasive Plant Council
CEQA	California Environmental Quality Act
City	City of Palm Springs
ESA	Environmentally Sensitive Area
Project	Bogert Trail Bridge Rehabilitation Project
sp(p)	species (singular and plural)
U.S.	United States
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey

Chapter 1. Description of Project

1.1. Project Location

The City of Palm Springs (City), in cooperation with Caltrans, propose to upgrade from the existing four span I girder “functionally obsolete” Bogert Trail Bridge because of narrow width and a low sufficiency rating of 62.8. The Bogert Trail Bridge Rehabilitation Project (Project) would provide full standard traffic lanes and shoulders which would match the current roadway width to both the east and the west. (Refer to Figure 1, Regional Vicinity Map, and Figure 2, Project Location Map.) There are no additional proposed build alternatives for Project.

The Project is located in the Coachella Valley area of western Riverside County at the western end of the City urban core. It is located within Section 35 of Township 4 South, Range 4 East on the Palm Springs 7.5 minute U.S. Geological Survey (USGS) quadrangle (USGS 2007).

1.2. Project Description

The existing Bogert Trail Bridge (56C-0311) is a four span precast-pre-stressed concrete I-girder bridge approximately 326 feet long and 33 feet wide with reinforced concrete pier walls supported on concrete piles. The City, in cooperation with Caltrans, propose to upgrade from the four span I girder “functionally obsolete” Bogert Trail Bridge because of narrow width and a low sufficiency rating of 62.8. The rehabilitated bridge would provide full standard traffic lanes and shoulders which would match the current roadway width to both the east and the west. The bridge rehabilitation would:

- Widen the existing bridge on both sides to a new total width of 52 feet.
- The existing roadway approaches would be tapered from the full roadway width to the existing bridge width for distances of approximately 250 feet to the west and 150 feet to the east, and approach roadway work would include bringing the tapers up to the full road width and conforming to the improved bridge.
- Replace the abutment seals and bearing pads to accommodate the movement rating, and various crack and spall repairs.

In addition, both the existing and new footings will be sufficiently deep. Appropriate scour countermeasures are included within the project design and will be constructed to avoid any negative impacts due to scour.

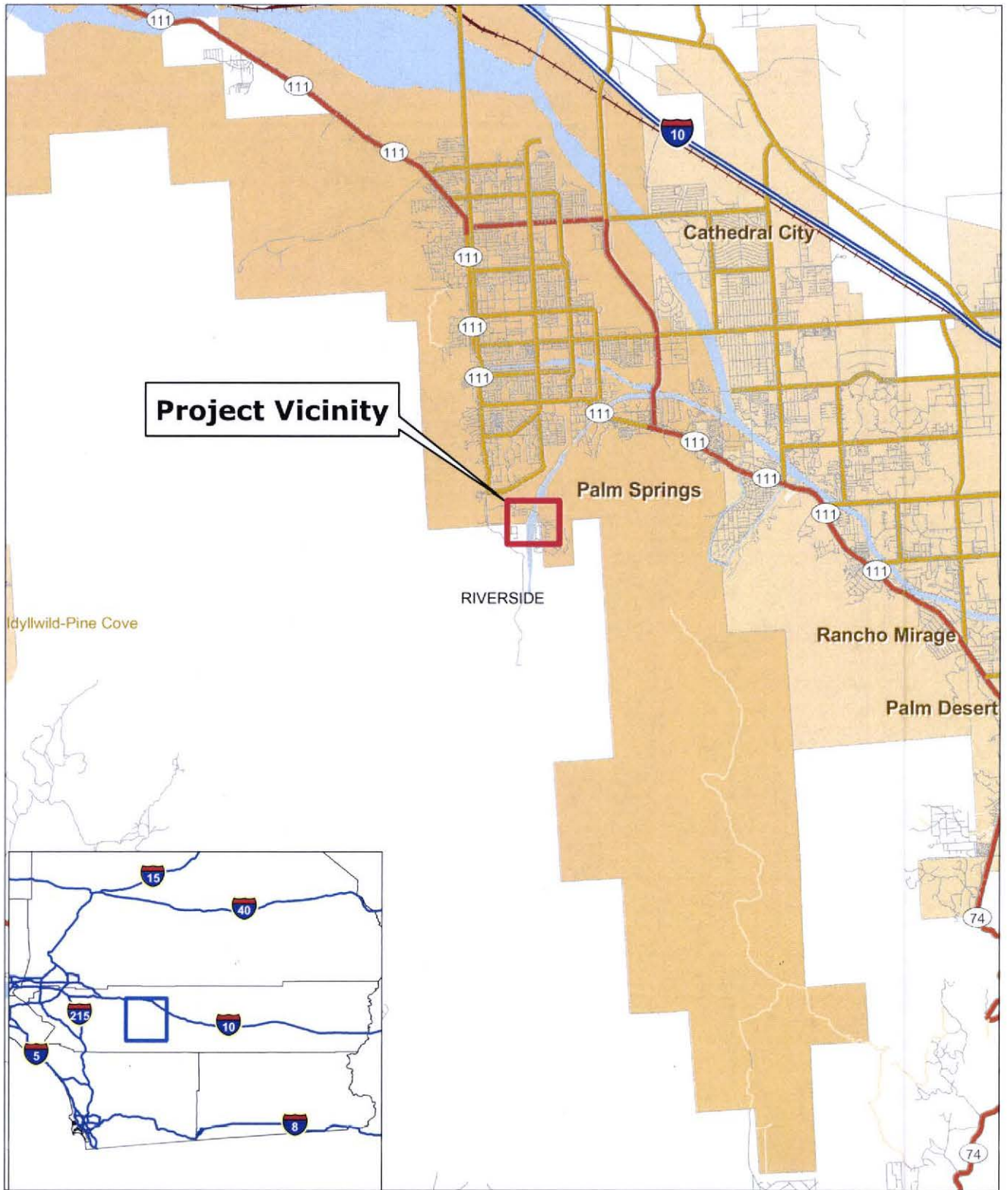
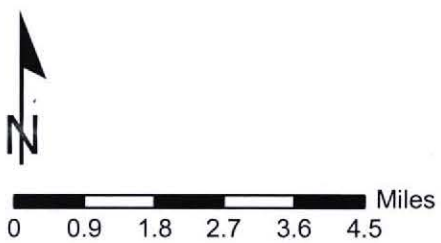
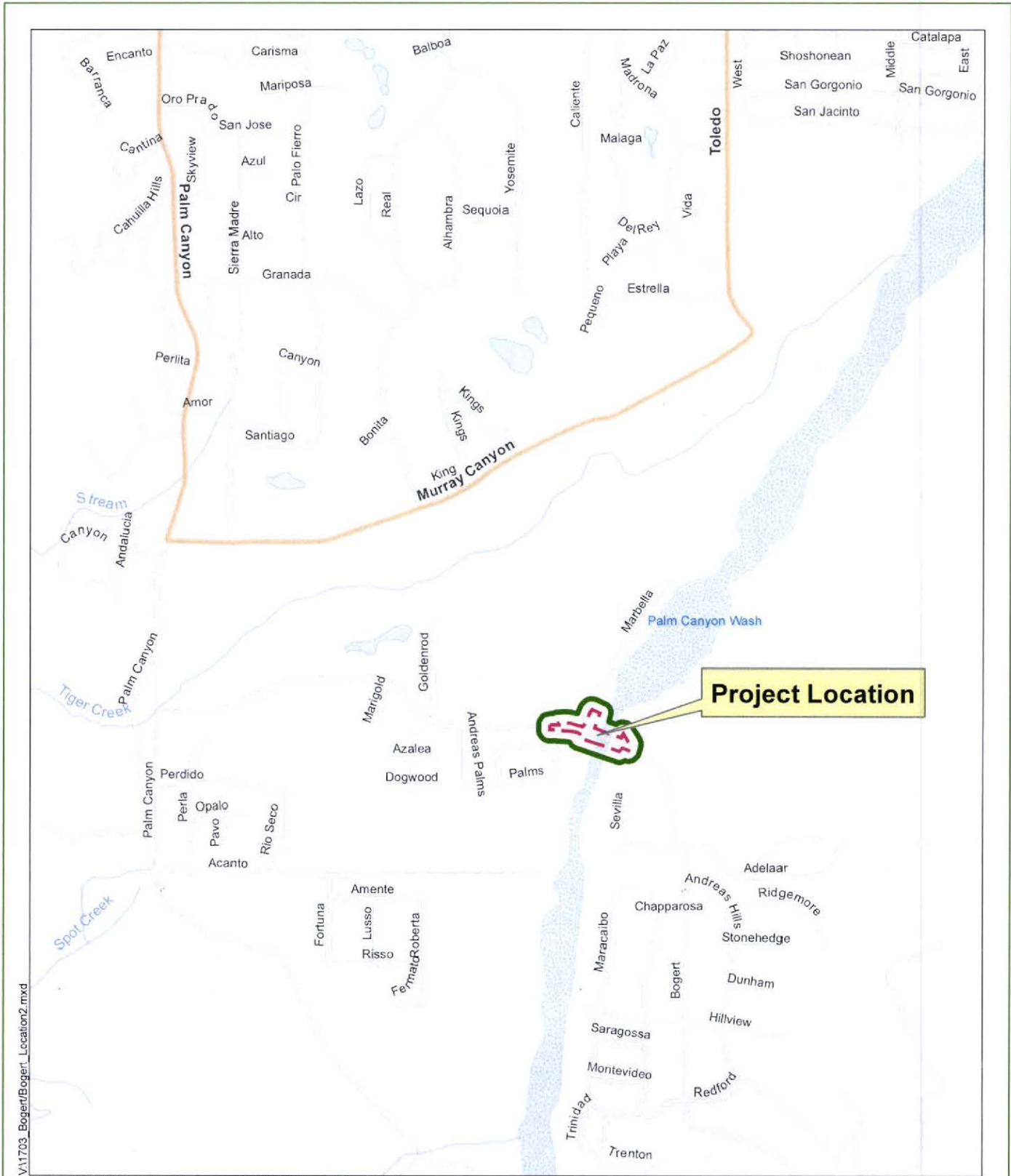


FIGURE 1

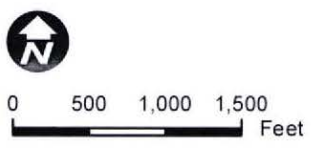


Bogert Trail Bridge Rehabilitation
 Project Vicinity
 08-Riverside-Palm Springs



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Source: ESRI 2008, Dokken Engineering 03/22/2010, Created By: K. Smith





 Construction Area
 BSA

FIGURE 2
PROJECT LOCATION MAP
 08-RIV-City of Palm Springs
 Federal Project No. BHLO-5282026
 Bogert Trail Bridge Project
 Palm Springs, Riverside County, California

Chapter 2. Impacts Requiring Mitigation

Rehabilitation of the Bogert Trail Bridge will result in permanent and temporary impacts to occupied Casey's June beetle 2009 Proposed Critical Habitat. Construction direct effects include 0.20 acre of permanent effects and 0.76 acre of temporary effects to 2009 proposed Casey's June beetle Critical Habitat. In addition, potentially suitable habitat exists outside of the proposed Critical Habitat. Total impacts to potentially suitable habitat consist of 0.27 acre of permanent effects (including 0.20 acre of overlap with proposed Critical Habitat) and 0.93 acre of temporary effects (including 0.76 acre of overlap with proposed Critical Habitat). Impacts include all construction disturbances such as staging, cut/fill disturbance, rock slope protection, shading of the bridge etc. (See Table 1, Direct Effects to Casey's June beetle). Impacts to these sensitive areas require mitigation and the requisite ratios are outlined in Table 2, Mitigation Summary for Casey's June Beetle.

Table 1: Direct Effects to Casey's June Beetle

	Critical Habitat		Potential Species Habitat	
	Temporary	Permanent	Temporary	Permanent
Impacts	0.76 acre	0.20 acre	0.93 acre	0.27 acre

Table 2: Mitigation Summary for Casey's June Beetle

	Critical Habitat		Potential Species Habitat	
	Temporary	Permanent	Temporary	Permanent
Impacts	0.76 acre	0.20 acre	0.93 acre	0.27 acre
Mitigation summary	1:1 restoration onsite 2:1 acquisition/enhancement	9:1 acquisition/enhancement	1:1 restoration onsite 2:1 acquisition/enhancement	9:1 acquisition/enhancement
Calculation	0.76 x 1:1 = 0.76 acre restoration 0.76 x 2:1 = 1.52 acres acquisition	0.20 x 9:1 = 1.8 acres acquisition	0.93 x 1:1 = 0.93 acre restoration 0.93 x 2:1 = 1.86 acres acquisition	0.27 x 9:1 = 2.43 ac acquisition

Chapter 3. Off-site Mitigation

3.1. USFWS Off-Site Mitigation Requirements

The United States Fish and Wildlife Service (USFWS) requires offsite mitigation for permanent and temporary impacts to Casey's June beetle Critical Habitat. To satisfy this condition, the following must be met:

- A conservation easement will be granted to an agency or organization subject to approval of USFWS. Easement wording will be consistent with CCC 815 et seq.;
- A conservation easement will be recorded on a parcel (or portion of a parcel [e.g., applicant suggested parcel APN 512-190-027]) in the wash, in critical habitat, that would not be subject to development or maintenance activities (such as flood damage reduction sediment removal or grading) except those required in emergency situations (Refer to Figure 3 Proposed Conservation Easement). A title report for the parcel will be provided to USFWS for review and approval of the conservation easement to be granted across the parcel,
- Upon recordation of a conservation easement, carsonite or equivalent signage will be placed along the conservation easement edge every 150 feet indicating "Sensitive Ecological Area – Please do not disturb" or similar wording subject to approval of USFWS; and,
- Upon recordation of a conservation easement, the entire easement will be weeded (exotic plants removed) for 5 years twice annually from the date of recordation of the conservation easement.

3.2. Goals of Enhancement

3.2.1. Types of Habitat to be Enhanced

Lot AA (APN512-190-027) has been selected for enhancement and for placement under a conservation easement due to existing ephemeral desert dry wash and desert willow habitats present on the parcel. These natural habitat types contain drought-deciduous, microphyllus (small-leaved) scrubs including cheese bush (*Hymenoclea salsola*), sweetbush (*Bebbia juncea*) desert willow (*Chilopsis linearis*), and smoke tree (*Psoralea argemone*), species known to associate with Casey's June beetle (Hovore 1995; Amec, Inc. 2002, Dudek & Assoc. 2001; Center for Biodiversity, petition 2004). The conservation easement aims to protect the existing habitat within the wash and enhance the current conditions through a 5 year weeding plan.

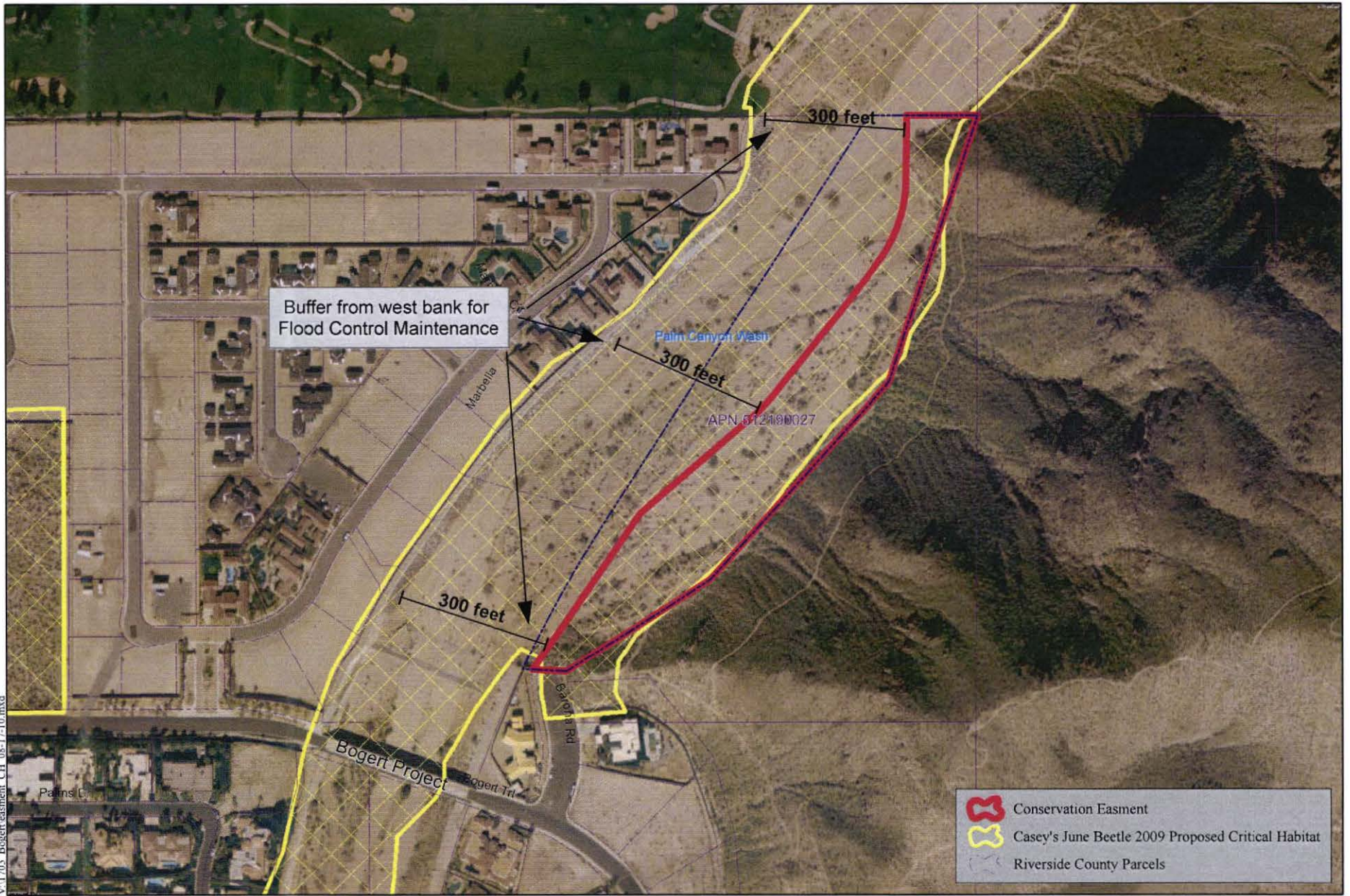


FIGURE 3
PROPOSED CONSERVATION EASMENT PARCEL
 Bogert Trail Bridge Rehabilitation Project
 City of Palm Springs, CA

3.2.2. Schedule

The City will be responsible for designating the conservation easement and contracting for weeding and monitoring within the easement (Table 3). The contract will ensure the site is properly maintained and weeding will occur twice annually for five years.

Table 3: Conservation Easement Enhancement Activity Schedule

Restoration Activity	Timing
Designation of conservation easement	Within three months of construction initiation
Remove non-native vegetation in conservation area	Upon initiation of construction
Installation of signage	Within three months of recordation of conservation easement
Weeding/Maintenance	Twice annually for 5 years starting upon recordation of conservation easement

3.2.3. Removal of Non-natives and Invasive Species

As part of the conservation effort all non-natives and invasive plant species will be actively removed as observed from the designated conservation easement site. Table 4 provides a list of non-native species that were observed within the conservation easement area. These species, as well as any other non-native species, shall be removed from the conservation easement.

Table 4: Vegetation Species for Removal

Common Name	Scientific Name
Annual beard grass	<i>Polypogon monspeliensis</i>
Bermuda grass*	<i>Cynodon dactylon</i>
Black mustard*	<i>Brassica nigra</i>
Castor bean	<i>Ricinus communis</i>
Common sow thistle	<i>Sonchus oleraceus</i>
Fountain grass*	<i>Pennisetum setaceum</i>
Foxtail chess*	<i>Bromus madritensis ssp. rubens</i>
Lamb's quarters	<i>Chenopodium album</i>
Mediterranean schismus	<i>Schismus barbatus</i>
Mediterranean tamarisk*	<i>Tamarix ramosissima</i>

Red stemmed filaree	<i>Erodium cicutarium</i>
Ripgut*	<i>Bromus diandrus</i>
Russian-thistle	<i>Salsola tragus</i>
Shepherd's purse	<i>Capsella bursa-pastoris</i>
Slender oat*	<i>Avena barbata</i>
White sweetclover	<i>Melilotus albus</i>
Yellow sweetclover	<i>Melilotus officinalis</i>

* California Invasive Plant Council (Cal-IPC) moderate to severe invasive species of special concern.

All personnel working within the conservation easement footprint shall receive appropriate training sufficient to successfully complete the Project. This includes the ability to recognize native plant species and execute appropriate techniques to remove surrounding vegetation. Weeding will be accomplished by hand, to preserve native vegetation areas and limit soil compaction within Casey's June beetle Proposed Critical Habitat. Invasive species of special concern within the Project area include tamarisk, castor bean, fountain grass, foxtail chess, slender oat, black mustard, rip gut, red brome, cheatgrass, and Bermuda grass, all of which will be removed as observed twice annually for 5 years.

3.2.4. Access Restriction

Carsonite or equivalent signage will be placed along the conservation easement edge every 150 feet indicating the sensitive nature of the conservation area to discourage site access. To minimize soil compaction to the greatest extent practicable, all signage shall be installed with hand held equipment.

Chapter 4. On-site Restoration/Revegetation

In addition to the mitigation provided by the conservation easement, the temporary impacts within the project footprint shall be revegetated and the site restored.

4.1. Goals of Restoration

4.1.1. Types of Habitat to be Restored/ Enhanced

Existing ephemeral desert dry wash and desert willow habitats within the restoration/revegetation area is disturbed and heavily influenced by weedy species. Desert dry wash and desert willow habitats types contain drought-deciduous, microphyllus (small-leaved) scrubs including cheese bush, sweetbush, desert willow and smoke tree, species known to be associated with Casey's June beetle (Hovore 1995; Amec, Inc. 2002, Dudek & Assoc. 2001; Center for Biodiversity, petition 2004). Restoration for temporary channel impacts within the Project impact area aims to restore the disturbed desert riparian habitats and will consist of weeding and replacement of ephemeral desert dry wash and desert willow vegetation. These restoration/revegetation efforts will promote the continued existence of the beetle within the Palm Canyon Wash.

4.1.2. Time Lapse Between Impacts and Expected Restoration Success

Given the scope of the proposed Project, construction activities are anticipated to be completed under a single construction season. Construction is anticipated to begin in the year 2012 and require approximately 10 months to be completed. The time lapse between the completion of the Project with associated impacts and expected success of the restored wash is approximately three years.

4.2. Restoration Implementation Plan

4.2.1. Rational for Expecting Implementation Success

Species selection would be a large factor in restoration success and a plant palette constructed from natives occurring within the Palm Canyon Wash has been selected. Weed management would also occur throughout the 5-year weeding period, reducing competition stresses and promoting native growth to maintain the integrity of the riparian habitat. Additionally, any plants not meeting the success criteria throughout the monitoring period would be replaced. These factors combine to make the probability of implementation success high.

4.2.2. Responsible Parties

The Project is an undertaking of the City of Palm Springs, CA. The City is the local lead agency under CEQA. The City is responsible for all activities associated with restoration, weeding and monitoring, and reporting. The restoration contract will account for any replacement plantings.

Quarterly inspections will take place throughout the life of the contract to ensure the site is properly maintained and weeding will occur twice annually for 5 years. Monitoring has been estimated for the duration of 3 years.

4.2.3. Schedule

The Contractor will be responsible for maintaining the restoration plantings for 3 years and weeding on site for 5 years following construction (Table 5).

Table 5: Restoration Activity Schedule

Restoration Activity	Timing
Install ESA fencing around trees and vegetation to be preserved within the area of temporary impacts	Prior to other construction ground disturbance
Removal and immediate salvage of native woody shrubs taller than 4 feet.	During clearing and grubbing
Remove non-native vegetation in restoration/revegetation area	Following construction termination
Planting implementation for temporary impacts	Following construction termination
Watering/ irrigation within restoration/revegetation area	Once every two weeks during the summer (June-August) and once a month outside the summer months during the first year (as determined appropriate by a qualified landscaper). The second year the plants will be watered once every three weeks in summer (June-August) (starting once vegetation is planted).
Watering/ irrigation of salvaged shrubs	Once a month for three months
Weeding/Maintenance	Upon construction termination, twice annually for 5 years.
Monitor health of vegetation	Upon construction termination, quarterly for 3 years
Prepare reports on health/success of restoration/revegetation area	Submit a report at anniversary of revegetation plantings for first 3 years following construction termination

4.2.4. Planting of Native Vegetation

Woody shrubs native to the wash within the Project footprint that are taller than 4 feet will be salvaged. The rootball will be maintained and immediately planted in similar location within the wash (e.g., floodplain terrace) immediately outside the Project site. Arrangements will be made

prior to initiating re-vegetation efforts to ensure plant materials are available at the appropriate time. Sufficient time will be allocated for seed collection and contract growing, if necessary.

Source material for cheesebush, sweetbush, brittlebush and desert willow will be from Palm Springs and remaining source material is to be from Palm Springs as available and no further than 40 miles from Palm Springs. Native proposed species for planting are presented in Table 6.

Table 6: Plant Palette for Bogert Trail Bridge Revegetation

Name	Seed	Container
Brittle bush (<i>Encelia farinosa</i>)	X	
Cheese bush (<i>Hymenoclea salsola</i>)	X	
Desert willow (<i>Chilopsis linearis</i>)		X
Scalebroom (<i>Lepidospartum squamatum</i>)	X	
Smoke tree (<i>Psoralea argyrea</i>)		X
Sweetbush (<i>Bebbia juncea</i>)	X	

Container plants, desert willow and smoke tree are to be spaced and planted 1 tree per 15 feet as seen in the revegetation planting plan (see attached planting plan). Based off field reconnaissance, the planting ratio will consist of 2 desert willow to 1 smoke tree and plants will be required to be grown and hardened in conditions experienced in a Mojave Desert environment.

A seed composed of cheesebush (35% of Total Cover), sweetbush (35% of Total Cover), scalebroom (20% of Total Cover) and brittlebush (10% of Total Cover) will be hydroseeded for a 30% Total Cover. All seed must contain at most 5.0 % total weed seed by weight and will be of high germination quality to result in the above species representation.

4.3. Maintenance and Monitoring

4.3.1. Irrigation Plan

Salvaged woody shrubs from the project site shall be irrigated once a month for three months. To help native vegetation establish in the restoration/revegetation area, a water truck or similar delivery method will be utilized. To assist in plant establishment, the plants will be irrigated at a minimum once every two weeks during the summer (June-August) and once a month outside the summer months during the first year (as determined appropriate by a qualified landscaper). The second year the plants will be watered once every three weeks in summer (June-August). Once vegetation is

established, the water regime present in the wash environment should provide adequate moisture for successful plant establishment.

4.3.1. Removal of Non-natives and Invasive Species

As part of the restoration effort all non-natives and invasive plant species will be actively removed as observed from the restoration site, see Section 3.3.4 Table 4 for approximate species list.

All personnel working within the revegetation footprint shall receive appropriate training sufficient to successfully complete the Project. This includes the ability to recognize native plant species and execute appropriate techniques to remove surrounding vegetation. Weeding will be accomplished by hand, to preserve native vegetation areas and limit soil compaction within Casey's June beetle Critical habitat. Invasive species of special concern within the Project area include tamarisk, castor bean, fountain grass, foxtail chess, slender oat, black mustard, rip gut, red brome, cheatgrass, and Bermuda grass, all of which will be removed as observed twice annually for 5 years.

4.3.2. Access Restriction

Staking with lathe shall be placed intermittently around the restoration/revegetation site during plant establishment to discourage site access. Further, bollards to block access into the channel and signage regarding legality of Off Highway Vehicles in the wash shall be placed along the access ramps.

4.3.3. Success Criteria

The mitigation and restoration will be determined a success under the following criteria:

- All plantings shall have a minimum of 50% survival the first year and 80% for the following two years.
- Following the annual monitoring report should plantings not meet the survival and cover minimum, replanting will be required. Replacement plants shall be monitored with the same survival and growth requirements for three years after planting.
- The restoration area shall not contain more than 5% exotic plant species. All plant species with rates of dispersal and establishment listed as Cal-IPC High or Moderate shall have documented absence, or have been removed from the site for a minimum of three years.
- If a flooding event should wash out plantings, the site shall be re-planted and all corresponding success criteria shall apply, with the exception that no further re-plantings shall be required following subsequent flooding events.

4.3.4. Monitoring and Reporting

To minimize temporal loss of wildlife resources the Habitat Mitigation and Monitoring Plan shall be implemented within one hundred twenty (120) days following the completion of construction

(implementation date will depend on weather conditions). The Applicant shall notify the USFWS, in writing, no later than one hundred twenty (120) days following the completion of construction and confirm the implementation of the Habitat Mitigation and Monitoring Plan

The Project site shall be monitored and maintained for vegetation health, survival, and irrigation needs for the duration of 3 years. Vegetation not meeting the success criteria will be re-planted under the direction of a biologist.

An annual report shall be submitted to the USFWS each year for a minimum of 3 years after mitigation. Among the information provided to the USFWS, the annual report would include:

- a description of the restoration activities done the previous year (including revegetation, and exotic species removal) and when they were conducted;
- information regarding invasive species removal including, the amount removed, frequency and timing of removal, disposal specifics, and a summary of the general success and failures or failure of the invasives removal plan;
- species observed at the site during monitoring surveys including sensitive and/or listed species;
- photographs from designated photo locations.

Chapter 5. Completion of Restoration

5.1. Notification of Agencies

The City will notify the USFWS after the Project mitigation success criteria has been met and the annual report for the final year has been submitted. Final report will document the restoration and will include an in depth analysis of each vegetative species. The analysis will include how each species performed across the site, success percentages, and based on the data, an associated explanation describing why each species performed well, moderately well or poorly. Suggestions for improved methods and survival will also be included. This analysis and associated conclusions will further add to current desert restoration research and future long term restoration attempts. Following receipt of mitigation completion, USFWS representatives may visit the site to confirm mitigation completion.

5.2. Removal of Irrigation and Access Restriction

Following receipt of mitigation completion and written confirmation from USFWS, a “Completion Report” will be prepared. All irrigation equipment, temporary access restriction and ESA fencing/lathe staking will be removed from the restoration area after agency approval of mitigation completion.

Chapter 6. References

AMEC. 2002, September 16. Canyon Vista biological survey. Report prepared for Terra Nova Planning and Research, Inc., Palm Springs. Unpublished, 16 p. plus appendices.

Center for Biological Diversity, Sierra Club, Wright, D.H. 2004, May 11. Petition to Emergency-List Casey's June Beetle (*Dinacoma caseyi* Blaisdell 1930) as a Federally Endangered Species. Unpublished; available at http://www.biologicaldiversity.org/species/invertebrates/Caseys_June_beetle/pdfs/Petition.pdf (Accessed 3/3/2010).

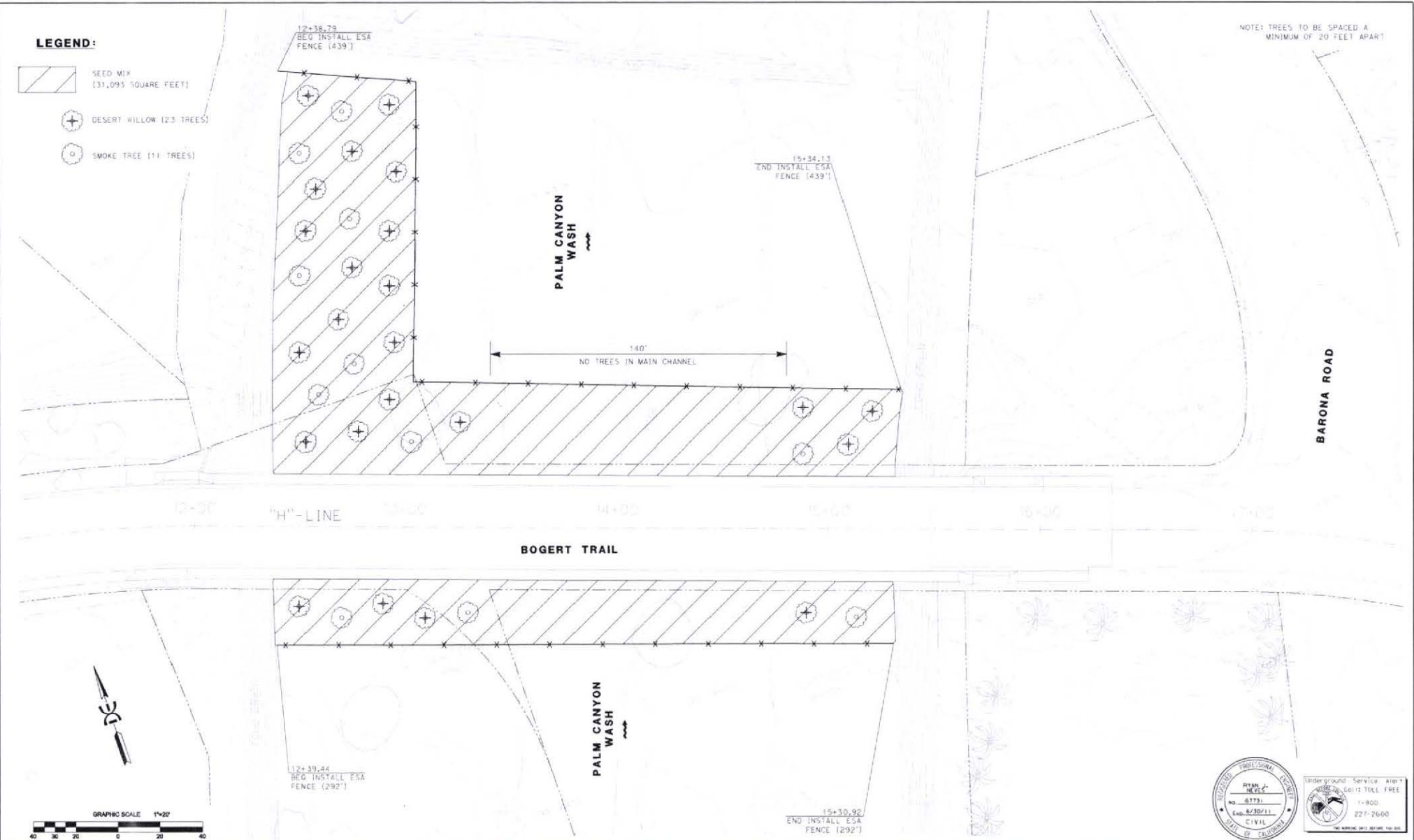
Dudek & Associates. 2001, November. Biological resources report and impact analysis for the Monte Sereno Project, Palm Springs, Riverside County, California. Report prepared for Palm Canyon LLC, San Jose, California, by Dudek & Associates, Inc., Encinitas, California. Unpublished, 27 p. plus appendices.

Hovore, F. 1995, May 16. Report of field surveys: Coachella Valley Multi-species HCP, Invertebrates–Palm Springs June beetle (*Dinacoma caseyi*). Unpublished, 7 p

LEGEND:

-  SEED MIX
(31,093 SQUARE FEET)
-  DESERT WILLOW (23 TREES)
-  SMOKE TREE (11 TREES)

NOTE: TREES TO BE SPACED A MINIMUM OF 20 FEET APART



BOGERT TRAIL

BARONA ROAD



NO.	REVISION	APPROVED DATE	BENCH MARK:	ELEV.	PREPARED UNDER THE DIRECT SUPERVISION OF:	DESIGN BY:	CITY CHECK:	RIGHT-OF-WAY:	INITIAL:	DATE:	REVIEWED BY:	APPROVED BY:	CITY OF PALM SPRINGS, CALIFORNIA	FILE NO.	SHEET
			1-20	555.31 (INGVD 29)		Dokken Engineering 2365 Iron Point Road Suite 200 Folsom, CA 95630 (916) 858-0642	RN					ASSISTANT CIVIL ENGINEER		CITY ENGINEER	28931
			LOCATION			DRAWN BY:	DATE:	FIELD:	LAB:				BOGERT TRAIL BRIDGE REHABILITATION RE-VEGETATION AND ESA FENCING PLAN	CD FILE NAME	OF 29 SHEETS
						MS									

Attachment 3

**AMENDMENT NO. 5
TO AGREEMENT NO. 5580
CONTRACT SERVICES AGREEMENT FOR
BOGERT TRAIL BRIDGE REHABILITATION
CITY PROJECT NO. 07-03, FEDERAL AID PROJECT NO. BRLO 5282 (026)**

THIS FIFTH AMENDMENT TO Agreement No. 5580 for professional engineering and consulting services, (herein "Amendment") made and entered into on the ___ day of _____, 2017, by and between CITY OF PALM SPRINGS, a California charter City and municipal corporation, (herein "City"), and Dokken Engineering, (herein "Consultant"), is hereby incorporated as follows:

RECITALS

WHEREAS, City and Consultant entered into that Agreement No. 5580 to provide professional engineering and consulting services in the City of Palm Springs ("Agreement"), as dully amended from time to time;

WHEREAS, City requests Consultant to provide additional environmental mitigation and monitoring services for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Project No. BRLO 5282 (026); and

WHEREAS, the parties wish to amend the Agreement to extend the contract to add post construction environmental mitigation and monitoring services associated with the project.

Section 1, Scope of Services, Exhibit "A", is hereby amended by adding those services identified below and as referenced in the Consultant's proposal dated February 20, 2017, attached hereto as Exhibit A.

PHASE 3: POST CONSTRUCTION SERVICES

TASK 1.0 MITIGATION AREA MONITORING AND REPORTING

Task 1.1 Project Management - The Consultant shall provide all needed coordination with the landscaping subcontractor responsible for the long term watering and weeding of the conservation easement area. The Consultant will serve as the main point of contact between the City, the landscaper, and any regulatory agencies associated with the conservation easement area.

Task 1.2 Quarterly Monitoring - The Consultant shall provide quarterly monitoring of the conservation easement area for the first three years (12 monitoring cycles, total). The monitoring will be documented in the annual reports.

Task 1.3 Annual Reports – The Consultant shall prepare annual reports for the first three years, documenting the state of the conservation easement area, including photos, notes, verification of environmental compliance, and recommendations.

Task 1.4 Landscaping – The Consultant shall employ an appropriately licensed landscaping contractor to maintain the conservation easement area according to the requirements in the approved environmental document. This work will include approximately 20 waterings of the site over the first 2 years after construction is complete, and weeding (twice annually) for the first 5 years after construction is complete.

Section 2. Section 2.1, Compensation of Consultant, is hereby revised to reflect the total amended contract amount as herein specified by this Amendment No. 5. The Schedule of Compensation, Exhibit "C", is hereby amended and increased by \$67,000 to add these additional services:

Purchase Order Number(s):	0000784
Agreement Number:	5580
Original City Council Approval:	November 14, 2007
Original Contract Amount:	\$ 610,545
Amount of Previous Increase(s)	\$ 263,440
Amount of This Increase	\$ 67,000
Amended Total:	\$ 940,985
Account Number:	134-4498-50244

Total maximum contract amount: \$940,985

Section 3. Section 3.4, and Exhibit "D", is hereby revised to extend the term of the Agreement to December 31, 2022.

Section 4. Full force and effect: Except as otherwise previously modified herein, all other provisions of the Agreement shall remain in full force and effect.

SIGNATURES ON LAST PAGE

IN WITNESS WHEREOF, the parties have executed and entered into the Amendment as of the date first written below.

ATTEST:

CITY OF PALM SPRINGS, a California charter city and municipal corporation

By: _____
Kathleen D. Hart
Interim City Clerk

By: _____
David H. Ready
City Manager

APPROVED AS TO FORM:

By: _____
Douglas Holland
City Attorney

CONSULTANT NAME:

By: Dokken Engineering

Check one: Individual Partnership Corporation

Corporations require two notarized signatures: One signature **must** be from the Chairman of Board, President, or any Vice President. The second signature **must** be from the Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, or Chief Financial Officer).

By: Notarized Signature of Chairman of Board, President or any Vice President

By: Notarized Signature Secretary, Asst. Secretary, Treasurer, Asst. Treasurer or Chief Financial Officer

By: _____
Signature (notarized)

By: _____
Signature (notarized)

Name: _____

Name: _____

Title: _____

Title: _____

EXHIBIT A



February 20, 2017

Savat Khamphou
Assistant Director of Public Works/
Assistant City Engineer
CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

**RE: Bogert Trail Bridge Rehabilitation
Request for Contract Amendment No. 5 for Post-Construction Construction Easement
Maintenance**

Dear Mr. Khamphou:

Dokken Engineering's remaining budget for the services during construction on the Bogert Trail Bridge Widening and Rehabilitation Project is as follows:

- Total agreement: \$255,000
- Remaining balance through December 31st, 2016: \$14,447.69
- Estimated remaining for environmental permit closeout: \$1,500.00
- Estimated remaining balance after permit closeout: \$12,947.69

As requested by the City, Dokken Engineering has developed a scope and fee for completing the required 5-year revegetation and weeding maintenance, monitoring, and reporting efforts at the Bogert Trail bridge site and the conservation easement area. The scope of work will be divided between Dokken Engineering staff and a landscaping sub-contractor (Habit West). The division of efforts is as follows:

- Dokken Engineering efforts: Quarterly monitoring; annual reporting; coordination with landscaping sub-contractor.
- Landscaping sub-contractor efforts: Watering and weeding of the bridge site and conservation easement area based upon developed schedule or direction from Dokken.

Our proposed fee for the above efforts are as follows:

<i>Dokken</i>	\$50,000
<i>Landscaping Sub-Contractor (Habitat West)</i>	\$30,000
<i>Subtotal</i>	\$80,000
<i>Available Balance on Dokken's Current Contract</i>	\$13,000
<i>Total Amendment Request</i>	\$67,000

Our scope of work should be amended to include the following tasks over the required 5-year post-construction period:

PHASE 3: POST CONSTRUCTION SERVICES

TASK 1.0 MITIGATION AREA MONITORING AND REPORTING

Task 1.1 Project Management - The Consultant shall provide all needed coordination with the landscaping consultant responsible for the long term watering and weeding of the conservation easement area. The Consultant will serve as the main point of contact between the City, the landscaper, and any regulatory agencies associated with the conservation easement area.

Task 1.2 Quarterly Monitoring - The Consultant shall provide quarterly monitoring of the conservation easement area for the first three years (12 monitoring cycles, total). The monitoring will be documented in the annual reports.

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Task 1.4 Landscaping – The Consultant shall employ an appropriately licensed landscaping contractor to maintain the conservation easement area according to the requirements in the approved environmental document. This work will include approximately 20 waterings of the site over the first 2 years after construction is complete, and weeding (twice annually) for the first 5 years after construction is complete.

Please call me if you have any questions.

Sincerely,

DOKKEN ENGINEERING



Matthew W. Salvesson, PE, PhD
Project Manager

1703-52/MWS/mws