



December 10, 2021

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Ander's Branch Drainage Improvements Environmental Review and Permitting
General Land Office Grant Project
City of Montgomery

Dear Mayor and Council:

Enclosed you will find a proposal from Jones|Carter for additional work required to complete the design and permitting of the Ander's Branch Drainage Improvements project underway as part of the grant the City has received from the Texas General Land Office ("GLO").

The additional scope required includes wetland delineation, ordinary high water mark ("OHWM") determination, and topographic survey. In order for the construction project to proceed without the time and expense of obtaining a permit from the United States Army Corp of Engineers ("USACE"), the construction work must be performed outside of jurisdictional waters, which will be identified as part of this study.

We recommend the City authorize Jones|Carter to proceed with items 1A and 2A listed on enclosed proposal. Item 1A should be on authorized on an hourly not to exceed basis for the additional survey work needed to accurately pick up the OHWM and boundaries of any wetlands identified as part of item 2A, which will be completed on a lump sum basis. The reason for an hourly not to exceed rate on the survey work is the amount of time required is variable depending on the number of points that have to be surveyed as a result of the environmental study (Item 2A). We do not recommend authorizing the other items listed on the proposal at this time until the results of items 1A and 2A are completed to see if the project can proceed without working below the OHWM or within wetlands.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive, written in a professional style.

Chris Roznovsky, PE
Engineer for the City

Ander's Branch Drainage Improvements
Honorable Mayor and City Council
City of Montgomery
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CVR/kmv

Enclosures: Jones | Carter Proposal

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator

Ms. Susan Hensley – City of Montgomery, City Secretary

Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development

Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



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Fax: 713.777.5976
www.jonescarter.com

December 2, 2021

City of Montgomery
Attn: Richard Tramm, Dave McCorquodale
101 Old Plantersville Rd.
Montgomery, TX 77356

Re: Anders Branch Drainage Improvements GLO 19-076-017-B366:
Additional Environmental Services and Survey Proposal, rev-1

Dear sir:

Jones|Carter (J|C) offers the following proposal for additional services based on our understanding of the project requirements for environmental permitting.

Understanding of the Project

The contracted scope of work for this project is flood and drainage facilities for Anders Branch from MLK Drive to Liberty Street for less than 1,200 feet. The GLO scope includes the stream segment west of FM 149 (Liberty Street) and south of Old FM 1097 (MLK Drive) with proposed culvert replacement at FM 149, but stormwater detention was not included in the GLO scope.

Anders Branch part of Town Creek is classified as Waters of the United States (WOTUS) under jurisdictional waters regulated by the US Army Corps of Engineers (USACE). Environmental assessment was not conducted with the prior study and is needed to determine the jurisdictional water boundaries for design. As a result, the following scope is proposed.

Additional Scope

The following additional scope are proposed: Environmental services are proposed by SMC Consulting, Inc. as a subcontractor to Jones|Carter. SMC has performed environmental services for the City of Montgomery previously as a subcontractor for the Buffalo Springs Bridge. J|C will provide the additional topographical survey for the environmental delineation to be used for design.

- Additional Topographic Survey for Environmental Delineation
- Wetland and OHWM Delineation
- Stream Assessment
- Environmental Site Assessment Phase 1 (ESA-1)
- Endangered Species Review
- Archaeological and Cultural Review

As a minimum, delineation of wetlands and ordinary high watermark (OHWM) is recommended to determine the jurisdictional water boundary of Anders Branch. The delineation will need to be surveyed and updated in the design base file to determine the areas that can be disturbed outside the jurisdictional waters.

Working within the jurisdictional water would require USACE permitting. This would include require environmental stream assessment. If working outside of jurisdictional waters cannot be avoided, the stream assessment should be conducted before disturbing any site work until process is complete and accepted by USACE. However, USACE permitting may delay the project beyond the GLO schedule.

Additional scopes for environmental site assessment phase 1 (ESA-1) and review of endangered species and archeological and cultural review are proposed if the city requires documentation for GLO environmental clearance or easement acquisitions.

Access

The environmental and survey teams will require unrestricted access to Anders Branch. We will notify the city when teams mobilize on site. Please alert residents as needed.

Schedule

The GLO funding will expire by the end of 2022 with the approved extension. The following duration is required for the scoped services and recommend expediting start for the environmental delineation as soon as possible.

The project will be redesigned to work outside of the jurisdictional waters after delineation survey is completed. If the resulting delineation shows that working outside of jurisdictional waters cannot be avoided, USACE permitting will be required.

- Delineation of wetlands and OHWM and topographic survey: one (1) month
- Stream Assessment: one (1) month, excludes USACE review and approval
- Environmental Site Assessment Phase 1 (ESA-1): one (1) month
- Endangered species review: one to two (1-2) months
- Archeological and cultural review: one to two (1-2) months

Cost Estimate

Jones | Carter will provide additional services with the following cost summary below:

- Topographic Survey: survey wetland and OHWM as delineated by environmental engineer and update survey base file per Schedule of Hourly Rates + trip expenses.
- Environmental Services: attached as proposed by SMC Consulting, Inc. + 10% mark-up to J|C for subcontract administration.

Cost Summary

Item	Additional Service	Performed By	Cost	Notes
1A.	Topographic Survey for Environmental Delineation	J C	\$ 7,800 Estimated Hourly	recommended
2A.	Wetland and OHWM Delineation	SMC*	\$ 9,850	recommended
2B.	ESA-1	SMC*	\$ 5,450	upon request
2C.	Stream Assessment	SMC*	\$ 12,950	work within WOTUS
2D.	Endangered Species Review	SMC*	\$ 3,950	upon request
2E.	Arch and Cultural Review	SMC*	\$ 3,950	upon request

*Notes. +10% for subcontract administration

If you have any questions regarding this proposal, please contact us.

Sincerely,

Jones | Carter, Inc.



Hieu M. Nguyen, PE, PMP
 Project Manager



Matthew B. Breazeale, PE
 Vice President

Attachments



City of Montgomery

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MBB/ hmn

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Client Approval and Authorization:

City of Montgomery representative signature
Name:

Date

Position:

Authorized Scope (Initialize):

_____ 1A. Additional Topographic Survey for Environmental Delineation (recommended)

_____ 2A. Wetland and OHWM Delineation (recommended)

_____ 2B. ESA-1 (upon request)

_____ 2C. Stream Assessment (required for work in WOTUS)

_____ 2D. Endangered Species Review (upon request)

_____ 2E. Arch and Cultural Review (upon request)



SCHEDULE OF HOURLY RATES

Effective January 2021 - Subject to Annual Revision in January 2022

ENGINEERING PERSONNEL

Design Engineer I	\$110
Design Engineer II	\$130
Professional Engineer I	\$150
Professional Engineer II	\$170
Professional Engineer III	\$195
Professional Engineer IV	\$225
Professional Engineer V	\$240
Practice Leader	\$260

ELECTRICAL ENGINEERING PERSONNEL

Electrical Design Engineer I	\$120
Electrical Design Engineer II	\$140
Electrical Professional Engineer I	\$165
Electrical Professional Engineer II	\$180
Electrical Professional Engineer III	\$200
Electrical Professional Engineer IV	\$235
Electrical Professional Engineer V	\$250

CONSTRUCTION PERSONNEL (Includes Mileage)

Construction Manager I	\$110
Construction Manager II	\$130
Construction Manager III	\$150
Construction Manager IV	\$170
Construction Manager V	\$195
Field Project Representative I	\$ 65
Field Project Representative II	\$ 90
Field Project Representative III	\$110
Specialist Field Project Representative I	\$120
Specialist Field Project Representative II	\$135
Senior Specialist Field Project Representative	\$150

SPECIALIST

Specialist I	\$100
Specialist II	\$125
Specialist III	\$195
Specialist IV	\$240

PLANNING PERSONNEL

Planner I	\$ 95
Planner II	\$125
Planner III	\$155
Planner Manager	\$225

DESIGNERS/DRAFTING PERSONNEL

CAD I	\$ 60
CAD II	\$ 85
CAD III	\$100
Designer I	\$100
Designer II	\$120
Designer III	\$140
GIS I	\$ 85
GIS II	\$110
GIS III	\$145
GIS IV	\$180

SURVEYING PERSONNEL

1-Person Field Crew	\$130
2-Person Field Crew	\$180
3-Person Field Crew	\$220
4-Person Field Crew	\$250
Scanner Equipment	\$100
Survey Technician I	\$ 85
Survey Technician II	\$ 95
Project Surveyor I	\$ 90
Project Surveyor II	\$105
Project Surveyor III	\$125
Project Surveyor IV	\$150
Chief of Survey Crews	\$110
Registered Professional Land Surveyor	\$170
Survey Manager	\$195

OFFICE PERSONNEL

Engineer's Assistant I	\$ 60
Engineer's Assistant II	\$ 75
Engineer's Assistant III	\$ 85
Admin I	\$ 60
Admin II	\$ 80
Admin III	\$105
Assistant Controller/ Chief Accountant	\$120
Corporate/Project Accountant	\$100

SMC CONSULTING, INC.

3418 Pickering Lane
Pearland, Texas 77584
(281) 997-7911
(281) 997-7977 fax

Thursday, November 18, 2021

Mr. Hieu Nguyen PE, PMP
Project Manager
Jones & Carter
6330 West Loop South, Suite 150
Houston, Texas 77401

**RE: Proposal Wetland Delineation,
Phase 1 ESA, Stream Assessment, Prel. Arch.
Review, Pre. Threatened/Endangered Species Review
Anders Branch Site - Montgomery, Texas
[SMC Project 21108](#)**

Mr. Nguyen:

Per your request, SMC Consulting, Inc. (SMC) is pleased to submit this proposal for the costs associated with the environmental engineering work at the above noted project site. The subject site is an approximate 80-100 foot wide buffer along Anders Branch near Highway 149 in Montgomery, Montgomery County, Texas. A project outline map is attached which was relied upon for this cost proposal.

Prior to the initiation of any project work, a project layout map will be required, with gate codes, and the access and entry points noted. Additionally, authorization of this proposal is also considered authorization to access the subject properties, and to traverse the subject site as necessary to ascertain the physical condition of the site.

Work Item A – Wetland Delineation

Our delineation will include identifying the Ordinary High-Water Mark or Mean High Tide line of the receiving water and the identification of any wetlands within the project boundary. These efforts can be utilized in the future development of a USACE Nationwide or Individual Permit Application for the project – if necessary. SMC Consulting, Inc. will GPS our field efforts for recordation of the field findings as required by the USACE guidelines. We will place pin flagging at the OHWM of any identified tributaries – such that the Jurisdictional Limits can be surveyed in by others to establish the exact X,Y&Z coordinates.

SCOPE OF WORK

The objective of the Jurisdictional Delineation and Wetland Analysis and Determination is to evaluate the potential for the property site or any portion of the site to be classified as a "Jurisdictional Water or Wetland" under Section 10 and Section 404 of the Clean Water Act and the existence of other selected wetland environmental risks. The following selected evaluations will be considered for this project:

1. **Vegetation Indicators:** The presence or absence of hydrophytic (water plants) vegetation that typically is adapted to wetlands and the determination of vegetative prevalence within the site or specific areas within the site.

2. Soil Indicators: The presence or absence of soils which have been classified as Hydric, or they possess characteristics that are associated with reducing soil conditions.
3. Hydrology Indicators: The presence or absence of hydrologic indicators which occur in wetlands.
4. Previous land characteristics prior to site development from historic aerial reconnaissance which would indicate wetlands prior to recent development activities.

The Jurisdictional Determination and Wetland Analysis and Delineation work will 1) Review of SCS surface and subsurface geologic soil indicators and FEMA map records for indications of Hydric Soils; 2) Site reconnaissance for evaluation and verification of the presence of vegetation indicators and prevalence; 3) Site reconnaissance for indications of hydrologic conditions that occur in wetlands; and 4) Site reconnaissance for evaluation and verification of the presence of hydric soil conditions.

Task 1: Review of Surface Geologic Soil Data and FEMA Map Records. Task 1 will include a review of previous surface soil data published by the U.S. Department of Agriculture, Soils Conservation Service. Flood Maps prepared by the Federal Emergency Management Agency will be reviewed for hydrology information which might pertain to periodic flood inundation.

Task 2: Site Reconnaissance for Vegetation Indicators. Task 2 will include transecting the property under the field procedures outlined in the 1987 Manual for Wetland Determination by the U.S. Army Corps of Engineers.

Task 3: Site Reconnaissance for Indications of Wetland Hydrology. Task 3 will consist of field reconnaissance aided by topographic information and information from other significant sources for the presence of wetland hydrology. Wetland hydrology, if any, will be additionally reviewed for primary and subsequent sources of water and watershed influences.

Task 4: Site Reconnaissance for Hydric Soil Indicators. Task 4 will review the property for the presences of hydric soils and/ or indicators of hydric soils.

Work Item B - PHASE 1 ESA PER ASTM E-1527 STANDARD

SCOPE OF WORK

The objective of the Phase I Environmental Site Assessment will be to evaluate the potential for recognized environmental conditions. The following selected risks are standard and will be considered for this project.

1. Presence of any indications of hazardous substances or petroleum products (see "Definitions" page 5) on the site or in the proximity of the site so as to environmentally affect or give rise to innocent landowner risk or expense.
2. Proximity to documented regulatory agency sites, including leaking underground storage tanks.
3. Previous on-site oil and gas well drill sites.

4. Evaluate the effect of any adjacent land use and determine the extent of environmental concerns, if any, from such operations.
5. Review former and current land use activities associated with potential waste disposal or industrial operations.

INVESTIGATIVE WORK

Phase I environmental evaluation work will include the following tasks: 1) review of surface geologic and soil data; 2) review of historical aerial photographs; 3) compiling regulatory agency site listings of potential sources of hazardous substances within a prescribed minimum search distance of the site; 4) review of selected regulatory agency files; 5) review of a fifty year chain of title if provided by the client; 6) conduct of a site reconnaissance for signs or indications of current or previous use or discarding of hazardous substances or petroleum products; and 7) review of oil and gas drill sites.

Review of Surface Geologic Soil Data. This item will include a review of USGS topographic maps and surface soil data published by the U.S. Department of Agriculture, Soils Conservation Service, to determine the type of surface soils present, their physical characteristics, and the potential for surface or subsurface migration.

Review of Historical Aerial Photographs. This item will include a review of historical aerial photograph enlargements for several years from 1965 (older if available) to the current time obtained from aerial photographic firms having inventory of the subject area. The photographs will be reviewed to evaluate previous land-use characteristics for the property and adjacent parcels. The photographs will also be checked for possible oil and gas exploration activities, and associated waste ponds or dumps, and previous commercial and industrial activities.

Review of Regulatory Agency Site Listings. This item will include a review of documented environmental site listings from standard regulatory agency sources, including the Texas Natural Resources Conservation Commission, US EPA & the Texas Department of Health. Documented regulatory agency sites located within the ASTM prescribed minimum search distance will be compiled and plotted on a site map.

Site Reconnaissance for Hazardous Substances or Petroleum Products. This item will include a site reconnaissance to evaluate current land conditions and current and former land use and to assess any anomalies identified from the aerial photograph review. Adjacent parcels will be reviewed in the field to check for potential high-risk industries or environmental features which could impact the subject tract. Site photographs of any anomalous surface features will be obtained along with site typical photographs.

Interviews of Owners or Government Officials: This item will include personal interviews with knowledgeable individuals about the current and historical site utilization.

Review of Oil and Gas Drill Sites. This item will include a review for nearby documented oil and gas well drill sites. This activity will include review oil and gas well listings published by Tobin.

KNOWLEDGEABLE PARTY FOR INTERVIEW

SMC Consulting, Inc. will need to interview a knowledgeable party about the current and historical usage of the subject site. Additionally, we will need access to virtually the entire subject site for a visual inspection of the current site conditions. Please provide contact and knowledgeable party information below:

Site Contact Name: _____
Phone Number/Email _____

Knowledgeable Party Name _____
Phone Number /Email _____

Work Item C – STREAM ASSESSMENT – IN ACCORDANCE WITH USACE GUIDELINES

This task is the performance of a **Level 1 Stream Assessment** (less than 1500 linear feet in length) in accordance with the USACE Stream Assessment guidelines. This effort will require site evaluation, completion of the USACE project evaluation methodology and scoring, report generation, and development of compensatory mitigation values. It should be noted that if a Stream Assessment is to be performed at the subject site **NO COORIDOR CONSTRUCTION, IMPROVEMENT, OR VEGETATION REMOVAL ACTIVITIES ARE TO OCCUR PRIOR TO COMPLETION OF THE ASSESSMENT AND USACE ACCEPTANCE OF THE EVALUATION REPORT FINDINGS.**

Work Item D – PRELIMINARY THREATENED & ENDANGERED SPECIES REVIEW

The objective of the **PRELIMINARY Threatened & Endangered (T&E) Species Review** is to evaluate the potential for the project site, or any portion of the site to be classified as a likely to sustain wildlife or plants that are identified as Threatened and/or Endangered by the US Fish and Wildlife Service as well as the State of Texas. This is a review of preliminary scope, and not an official survey, or presence / absence evaluation of the site – rather it is an overview document.

We will perform a preliminary physical site review and document the current site conditions in accordance with the applicable standards. We will access the relevant State and Federal databases to determine species of concern prior to the site evaluation work. We will produce a letter report which specifically identifies all of the noted species and describes the likelihood of their presence at the subject site.

Work Item D – PRELIMINARY ARCHAEOLOGICAL / HISTORIC STRUCTURES REVIEW W. TEXAS HISTORICAL COMMISSION COORDINATION

The archaeological desk review work will be performed for the overall site and can be utilized, as necessary, for any pending USACE Permitting efforts. Upon completion of the desk review – and *if directed by the client* - we will seek approval from the Texas Historical Commission of the work effort. If required, a more comprehensive archaeological field evaluation will be performed under separate proposal and authorization

BASIC COMPENSATION AND METHOD OF PAYMENT

SMC Consulting, Inc. proposes to provide the above noted environmental Engineering Services for the below noted lump sum fees. Our fees are inclusive of travel expenses, hotel expenses, and per diem expenses. The client shall issue payment for work performed within thirty (30) days from the date of invoice.

Work Item A- Wetland Delineation/OHWM Marking

Lump Sum Fee: \$ 9,850.00

Work Item B – Phase 1 ESA

Lump Sum Fee: \$ 5,450.00

Work Item C – Stream Assessment

Lump Sum Fee: \$ 12,950.00

Work Item D – Prel. Threatened / Endangered Species Review

Lump Sum Fee: \$ 3,950.00

Work Item E – Prel. Arch/Historic Structures Review

Lump Sum Fee: \$ 3,950.00

PROPOSAL ACCEPTANCE AND EXECUTION

Acceptance of this proposal shall be indicated by the signatures below and shall serve as authorization to proceed. IN WITNESS THEREOF, the client and SMC Consulting, Inc. have accepted this proposal and executed this proposal for environmental services on this the _____ day of _____, 2021.

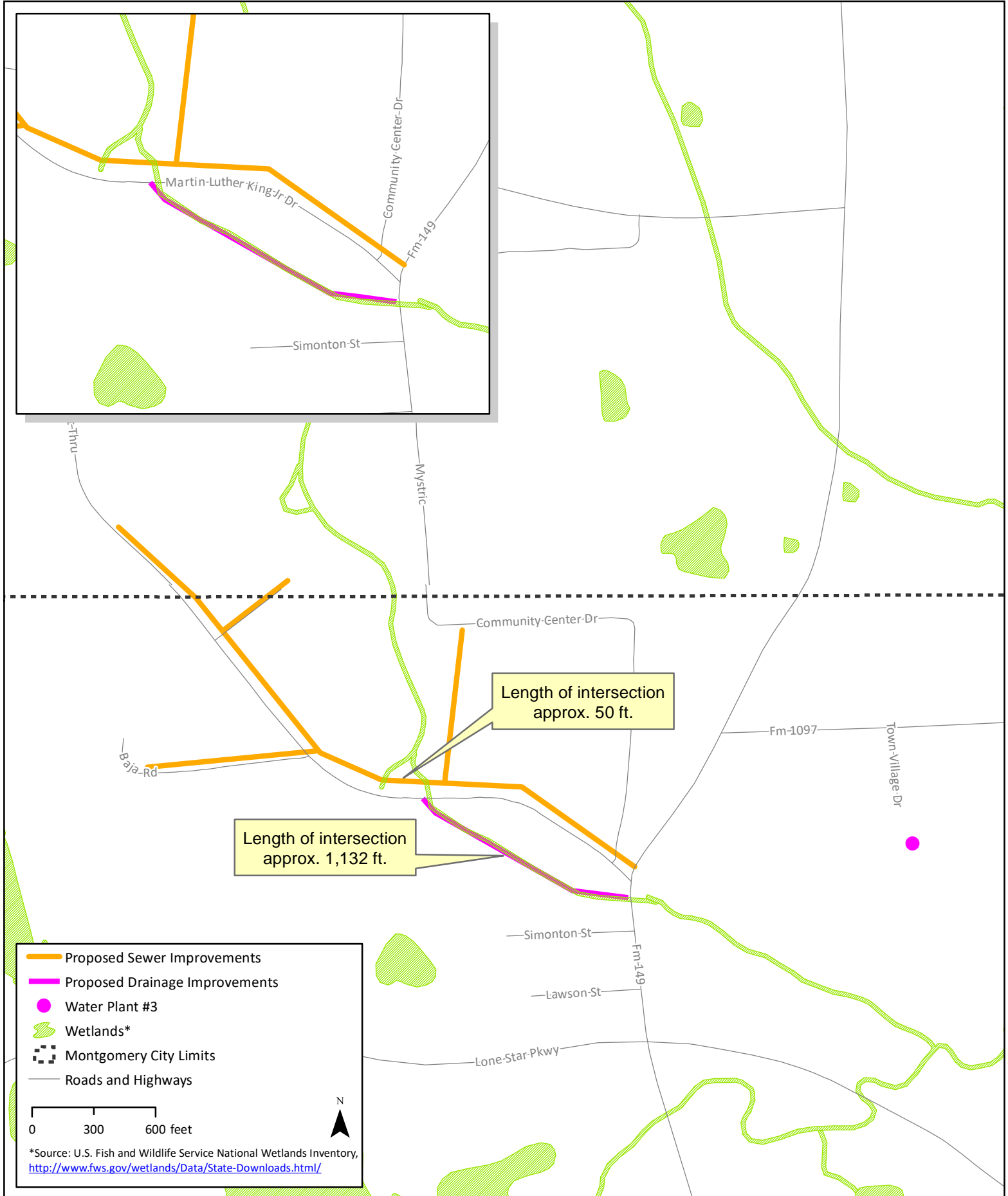
Client

SMC Consulting, Inc.

By: _____
Authorized Signatory

By: _____
Steve McElyea – SMC Consulting, Inc.


City of Montgomery 2016 Floods - Wetlands Map



SMC 21108

Anders Branch Creek Project

Legend

 Polyline [2DA33C]:0

