

**AMENDMENT TO
Contract for Professional Services
Mission Springs Water District
66575 Second Street
Desert Hot Springs, CA 92240
Telephone 760-329-6448 – FAX 760-329-2482**

TO: Tom Dodson and Associates
PO Box 2307
San Bernardino, CA 92406

DATE: _____

PROJECT DIR#: N/A

**SOLAR PROJECT CEQA COMPLIANCE - FIRST AMENDMENT TO CONTRACT
AGREEMENT FOR ON-CALL PROFESSIONAL GENERAL ENGINEERING SERVICES**

1. This amendment ("Amendment") is hereby made by Mission Springs Water District and **Tom Dodson and Associates** parties to an agreement for **On-Call Professional General Engineering Services** ("Agreement"), dated **July 1, 2024**.
2. In exchange for the promises herein and other good and valuable consideration, the sufficiency of which both parties acknowledged, it is mutually agreed by and between the undersigned contracting parties that the Agreement is amended as follows:

This First Amendment will:

- **Increase the Contract Agreement amount by \$54,000.00, including a 10% contingency of \$5,400.00. The total increase of \$59,400.00 increases the Contract Agreement from a not-to-exceed amount of \$75,000.00 to a not-to-exceed amount of \$134,400.00, as detailed in Attachment 1.**
 - **Revise the Scope of Work to include CEQA compliance and biological surveys for the solar project, as outlined in Attachment 1.**
3. Except as set forth in this Amendment, the Agreement is unchanged and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement the terms of this amendment will prevail.

Instructions: Sign and return via email. Upon acceptance by Mission Springs Water District, an executed copy will be returned to you for your records. Insert the names of your authorized representative(s) below.

Accepted:

Mission Springs Water District

Consultant:

Tom Dodson and Associates
(Business Name)

By: _____

Brian E. Macy, PE

Title General Manager

By: _____

Tom Dodson

Title President

Other authorized representative(s):

Other authorized representative(s):

Eric Weck
Engineering Manager

Kaitlyn Dodson
Vice President

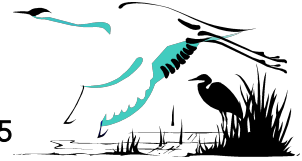
Amanda Lucas
Contracts Analyst

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ **Email:** tda@tdaenv.com ♦ **Web:** tdaenvironmental.com



December 23, 2024

Brian Macy, General Manager & Danny Friend, Director of Operations
Mission Springs Water District
66575 Second Street
Desert Hot Springs, CA 92240

Dear Brian, and Danny

Based on our most recent communication, we propose to assist Mission Springs Water District (MSWD or District) to achieve CEQA compliance for the Solar Improvement Project. In order to complete the CEQA compliance for the Solar Improvement Project, we do not believe that there are any former CEQA documents that can be utilized to comply with CEQA for this Project because the size of the expansion of the solar field does not meet the criteria for an Addendum. As such, we believe the best path forward is a tiered approach. For the NWRWRF Regional Plant and New Well 33 solar locations, we propose to compile an Initial Study/Mitigated Negative Declaration (IS/MND). Note that where any issues appear to trigger a significant impact, we may need to submit a budget amendment to address any additional scope of work necessary to prepare an Environmental Impact Report (EIR). We do not anticipate that this will be necessary, given our understanding of the scale of the project.

For the solar proposed at Well 24, Well 27/31, Well 29, and Horton WWTP sites, TDA proposes to prepare individual Categorical Exemptions, utilizing a Class 3 (15303[d and e]) exemption. This exemption covers the following activities:

- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*

Arguably, solar installation is an extension of the utilities within the above sites, and furthermore, based on past experience, we would classify solar as accessory/appurtenant structures. Thus, we believe a Class 3 Categorical Exemption would be the appropriate mechanism by which to comply with CEQA. However, this is dependent on biological resources surveys confirming that the modifications proposed at these sites would not have a potential to impact biological resources. Each site will be visited by a biologist and a memo report will be prepared that will discuss the findings at each location.

CE TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION

Tom Dodson and Kaitlyn Dodson-Hamilton will coordinate closely MSWD Staff to ensure that the IS/MND and associated technical documents delivered to MSWD are legally defensible, accurate, and useful to decision makers when considering approval of the projects. The project management task is based on the

duration of the estimated schedule, which is presented below under *Proposed Schedule*. If the schedule or the project is extended for reasons beyond TDA's control, a contract amendment may be required for additional fees for project management and coordination efforts.

CE TASK 2: PREPARE UP TO 5 CATEGORICAL EXEMPTIONS

TDA proposes to prepare a Class 3 (15303[d & e]) for each of the 5 solar projects that would be located at individual existing MSWD facilities. TDA will prepare a comprehensive project description, particularly of construction activities, in order to prepare the CE. It is TDA's belief that the Project would fall under the following exemptions and TDA will use a combined approach utilizing each of these exemptions and demonstrating why each exemption category applies to this project:

Class 3 Categorical Exemption 15303(d) "New Construction or Conversion of Small Structures...

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction."

Class 3 Categorical Exemption 15303(e) "New Construction or Conversion of Small Structures...

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. "

TDA will draft a memo that documents why each Project complies with the above exemptions. This includes a short discussion of hazards, biological, and cultural constraints. This proposal has been prepared under the assumption that this Project will avoid biological, wetland, vegetation, historical, and other constraints as part of the sewer and water main installation, and that limited roadway closure will be required, and that no encroachment into jurisdictional features (requiring regulatory permit compliance) will occur, as if the Project cannot avoid these constraints, MSWD may ultimately need to prepare an Initial Study or other higher level CEQA document. TDA will prepare each CE memo such that avoidance of these constraints is discussed and ensured as part of the Project approvals. We assume two rounds of review of the draft CE with MSWD. Modification to the scope of work, budget, and time frame may be necessary if additional reviews are required.

Each CE is contingent on the results of the biological resources survey (Task 3). If the biological resources survey for any of the 5 sites demonstrates that biological resources could be impacted without mitigation or consultation with CDFW or USFWS, TDA will propose to add the additional site(s) to the Initial Study being prepared for NWRWRF Regional Plant and New Well 33 solar locations (under the umbrella of one Initial Study).

CE TASK 3: BIOLOGICAL SURVEY

TDA will coordinate with ELMT biologists to initiate surveys of the 5 disturbed sites on which the District proposed to install solar. Once surveyed, ELMT will provide a memo of the findings for each site, and this will be used to support the Categorical Exemption findings.

CE TASK 4: NOTICE OF EXEMPTION

TDA will prepare the NOEs for each project site and will file the NOEs with Riverside County, as well as the State Clearinghouse, which must be done within five days of project approval by the MSWD. This task assumes that TDA will pay the appropriate filing fees and that the effort for drafting the NOEs is included in the scope for Task 4.

IS/MND TASK 1: DEVELOP AND COMPILE THE PROJECT DESCRIPTION

TDA will develop a comprehensive project description that will be utilized to forecast the potential environmental impacts of the Project (installation of solar at the NWRWF and New Well 33 sites). The project description will include a detailed summary of the overall Project and its potential effects on the environment. Construction and operation scenarios will be compiled in coordination with MSWD for this specific project to allow detailed impact forecasts. Once the project description is completed, a draft will be forwarded to MSWD staff for review and comment. The end product of this effort will be a detailed project description that will be utilized by TDA in the environmental process to forecast environmental effects of implementing the Project. This same project description with minor editing will be used as a basis for MSWD to write the initial consultation letters pursuant to AB 52. TDA assumes that we will carry out the consultation efforts in coordination with MSWD staff.

IS/MND TASK 2: TECHNICAL ANALYSES AND MODELING

Task 2A: Cultural Resources Report – TDA will oversee preparation of a technical analysis to evaluate potential impacts the cultural and paleontological resources. Mojave Archaeological Consulting staff are extremely adept at preparing cultural resources reports, and have conducted studies for similar projects. Mojave Archaeological Consulting will conduct a field study of the project area, as well as a records search of the footprint to ultimately compile a Historical/Archaeological Report that will meet CEQA requirements.

Task 2B: Biological Resources Assessment & Jurisdictional Delineation – TDA will oversee preparation of a technical analysis to evaluate potential impacts to biological resources that may occur near or within the project footprint. ELMT Consulting will determine the appropriate treatment of any potential species that may exist within the footprint. Additionally, ELMT Consulting will determine whether any jurisdictional features would be impacted.

Task 2C: Air Quality and Greenhouse Gas Report – TDA will oversee preparation of a technical analysis to evaluate potential air quality and greenhouse gas emissions generated by the project in the context of existing South Coast Air Quality Management District thresholds for such emissions. This technical analysis will be prepared by Urban Crossroads, who have been remarkably successful with aiding MSWD and TDA in the past.

Note: The above reports will cover installation of solar at the NWRWF and New Well 33 sites, and if any additional sites must be added to the Initial Study, their inclusion therein has not been accounted for as part of this scope of work.

IS/MND TASK 3: DRAFT IS/MND

The draft IS/MND will follow the CEQA Guidelines Appendix G Initial Study format and will clearly identify and address all potential issues facing the proposed project. It will be clearly written and will avoid the use of technical jargon, to the extent possible, so that the document is easily understood, whilst meeting all of the requirements set forth in CEQA and the State CEQA Guidelines. The completed draft IS/MND will be submitted to MSWD for initial review and comment. We assume one round of review of the draft IS/MND. Modification to the scope of work, budget, and time frame may be necessary if additional reviews are required.

IS/MND TASK 4: PUBLIC DRAFT IS/MND

TDA will edit the IS/MND upon receipt of the comments from MSWD. Upon approval of the IS/MND as

the public draft version, we will also aid MSWD to prepare a Notice of Intent (NOI). TDA will reproduce and distribute the public draft IS/MND and NOI to responsible agencies, trustee agencies, and other special interest groups and individuals identified on a distribution list to be developed in consultation with MSWD. It is assumed that TDA will file the NOI with the Riverside County Clerk-Recorder and a Notice of Completion with the State Clearinghouse. TDA assumes that MSWD will draft a Notice of Availability (NOA), which will provide notice to the public pursuant to CEQA Guidelines Section 15072(b). TDA will provide copies of the draft report and notices to public agencies and interested parties, as required.

IS/MND TASK 5: RESPONSE TO COMMENTS & TASK 7: MMRP

Task 5 – If any comments are received during the 30-day IS/MND public review period, TDA will work with MSWD to address comments. It is expected that the number of comments received would be standard for this type of development. Responses can be handled through a memorandum and included in the staff report to the MSWD Board of Directors. Task 6 – TDA will prepare an MMRP based on mitigation measures identified in the IS/MND and pursuant to Section 21081.6 of the CEQA Public Resources Code. The MMRP will be submitted to MSWD staff for review and approval in conjunction with submittal of the Response to Comments (Task 6).

IS/MND TASK 7: DELIVERY OF FINAL CEQA PACKAGE

TDA will compile the Final CEQA package prior to the Public Hearing. The Final package would include the Final IS/MND, Responses to Comments, MMRP, & Technical Appendices. TDA assumes that MSWD will provide copies of the final reports to public agencies as required.

IS/MND TASK 8: MEETINGS AND PUBLIC HEARINGS

Tom Dodson and/or Kaitlyn Dodson-Hamilton will attend the initial kick-off meeting. They will be available for progress meetings by phone as needed and will attend the MSWD Board Hearings. Approximately three hours for each public hearing, and one-to-two hours for project status meetings—the hours noted include preparation, drive (where applicable), and attendance time. TDA has included a total of 6 meetings, and attendance at one public hearing as part of this task, with provisions for both Tom and Kaitlyn to be in attendance. This task may be used for conference calls, in-person meetings, or public hearings.

IS/MND TASK 9: NOTICE OF DETERMINATION

TDA prepare the NOD for the project and will file it with the Riverside County Clerk-Recorder & State Clearinghouse within five days of project approval by MSWD. This task assumes that TDA will pay the appropriate CDFW filing fees on MSWD's behalf.

SCOPE OF WORK FEE

The following are the fees for implementing the above tasks:

Tasks	Task Description	Initial Study
Categorical Exemption Scope		
Task 1	Project Management and Administration (for CE and IS/MND)	\$3,000
Task 2	Prepare up to 5 Categorical Exemptions	\$8,500
Task 3	Biological Surveys	\$4,000
Task 4	Notices of Exemption (varies by year [2024 \$50 for each Exemption])	~\$250

Tasks	Task Description	Initial Study
Initial Study Scope		
Task 1	Project Description	\$2,000
Task 2	Technical Analyses and Modeling	
Task 2A	Phase I Cultural Resources Report	\$4,500
Task 2B	Biological Resources Report & Jurisdictional Delineation	\$7,000
Task 2C	Air Quality and Greenhouse Gas Impact Analysis	\$5,500
Task 3	Draft IS/MND	\$9,000
Task 4	Public Draft IS/MND	\$2,000
Tasks 5 & 6	Responses to Comments and MMRP	\$2,500
Task 7	Delivery of Final CEQA Package	\$1,500
Task 8	Meetings and Public Hearings	\$2,000
Task 9	Notice of Determination (varies by year)	~\$3,250
Total Fee		\$54,000

The final fee of \$54,000 above is considered the “not to exceed” amount of this proposal, and it includes the filing of the NOD and 5 NOEs.

Should the scope of work required to complete the CEQA effort for this project fall outside of the scope identified herein, TDA will provide a follow on amendment to aid in the new scope of work effort.

SCHEDULE

Exemptions: To be completed within the span of about a month.

Initial Study: To be completed within the span of about 5-6 months.

The schedule is tentative, and the duration may be less than or greater than the above amount. I believe the schedule above is reasonable to comply with CEQA requirements for these Projects and meet the Project team’s objectives. Should you have any questions regarding the above proposal, please feel free to give me a call.

Sincerely,



Kaitlyn Dodson-Hamilton, Vice President, TDA

Authorization to Proceed / Acceptance of Proposal:

Due to potentially dynamic project considerations including, but not limited to: environmental occurrences, changes in the project description, and/or modifications in public/private policy, TDA reserves the right to shift funds among individual task budgets according to specific needs.