

**FOURTH AMENDMENT
TO
SERVICE PROVIDER AGREEMENT
FOR
PIONEER PARK RIPARIAN RESTORATION PROJECT**

This Fourth Amendment ("Amendment") is dated effective this ____ day of _____, 20____, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation ("CITY"), and STANTEC CONSULTING SERVICES INC., a New York corporation ("SERVICE PROVIDER").

A. The CITY and the SERVICE PROVIDER entered into a Service Provider Agreement dated effective June 29, 2022, First Amendment dated July 19, 2022, Second Amendment dated August 7, 2023, and Third Amendment dated June 16, 2025 whereby the SERVICE PROVIDER agreed to provide services for the Pioneer Park Riparian Restoration ("Agreement").

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER desire to amend the Agreement to add additional services and increase the compensation paid to the SERVICE PROVIDER for providing the additional services.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. SCOPE OF SERVICES.

Section 1 of the Agreement is amended to provide for additional service as more particularly described and detailed in Exhibit "A-3", attached hereto and incorporated herein.

2. COMPENSATION.

In consideration of the SERVICE PROVIDER continuing to provide the services described in Section 1 of the Agreement and providing the additional services more particularly described in Exhibit "A-3", Section 4.C shall be amended to increase the compensation paid to the SERVICE PROVIDER by an additional amount not to exceed FORTY-EIGHT THOUSAND FOUR HUNDRED SEVENTEEN AND 00/100 DOLLARS (\$48,417.00). The total amount payable to the SERVICE PROVIDER pursuant to the original Agreement, the First Amendment, Second Amendment, Third Amendment, and this Fourth Amendment shall be an amount not to exceed

FOUR HUNDRED FORTY TWO THOUSAND FOUR HUNDRED ONE AND 00/100
DOLLARS (\$442,401.00).

3. FULL FORCE AND EFFECT.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

DATED the effective date set forth above.

CITY:

CITY OF TUMWATER
555 Israel Road SW
Tumwater, WA 98501

SERVICE PROVIDER:

Stantec Consulting Services, Inc.
601 SW 2nd Avenue Suite 1400
Portland, OR 97204
Tax ID #: 602-529-295
Phone Number: 503-830-9669

Dan Smith
Director, Water Resources &
Sustainability

Signature (Notarized – see below)
Printed Name:
Title:

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

State of Washington)
) ss
 County of)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)
Notary Public in and for the State of Washington
My appointment expires



Stantec Consulting Services Inc.
1687 114th Avenue SE, Suite 100
Bellevue WA 98004-6965

September 12, 2025

Grant Gilmore
City of Tumwater (Water Resources & Sustainability)
555 Israel Road SW | Tumwater, WA 98501

Dear Grant Gilmore,

Reference: Pioneer Park Sediment Reduction Project - Proposal for Endangered Species Act Section 7 Consultation Documentation

Stantec Consulting Services Inc. (Stantec) is pleased to submit this scope and budget amendment number four (4) for the above-mentioned project. During initial scoping, the City did not request a biological assessment (BA) for Endangered Species Act (ESA) Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA). Services under this amendment include up to 2 project calls associated with the preparation of a BA pursuant to Section 7 of the ESA. Assumptions associated with each task are provided below to further clarify Stantec's understanding of the scope and deliverables.

Biological Assessment

Stantec has the expertise and availability to support the City of Tumwater with preparing a BA in compliance with Section 7 of the ESA. The BA will include results of document reviews and an analysis of the likely effects of the action on the species or habitat based on biological studies, review of the literature, and species experts. The BA also will provide a determination statement for listed species and critical habitat, as applicable, following USFWS and NOAA guidelines.

The list of ESA-listed species for the BA will be developed using USFWS's Information for Planning and Consultation (IPaC) system and NOAA's Essential Fish Habitat (EFH) mapping system. Based on an initial search, Stantec assumes up to 27 listed species will be assessed (see Table 1 for additional detail). Stantec technical staff will coordinate with the City and USFWS/NOAA, as appropriate, to address any concerns related to federally listed, proposed, and candidate species. Stantec has assumed relevant species information will be provided from the City's natural resources manager or biologists for use in preparing a BA.

The deliverables for this amendment include:

Deliverable 1: BA 1st Draft (City Review)

- Assumes one revision based on a single, collated comment document from the City's Project Manager.

Reference: Response to Request for Proposal for Endangered Species Act Section 7 Consultation Documentation

Deliverable 2: Final BA (Consultation Copy)

- The final BA document will be based on the last round of comments from Deliverable 1: BA 1st Draft.

Table 1. List of Protected Species from USFWS IPaC and NOAA EFH Mapper

Endangered Species Act	Bald and Golden Eagle Protection Act	Migratory Bird Treaty Act
<u>Mammals</u> <ul style="list-style-type: none"> • Olympia pocket gopher • Yelm pocket gopher 	<ul style="list-style-type: none"> • Bald eagle • Golden eagle 	<ul style="list-style-type: none"> • Black swift • Black Turnstone • Brandt's cormorant • California gull • Cassin's finch • Chestnut-backed chickadee • Clark's grebe • Evening grosbeak • Lesser yellowlegs • Olive-sided flycatcher • Oregon vesper sparrow • Rufous hummingbird • Short-billed dowitcher • Western grebe • Western gull
<u>Fish</u> <ul style="list-style-type: none"> • Bull trout • Chinook salmon, all life stages • Coho salmon, all life stages 		
<u>Insects</u> <ul style="list-style-type: none"> • Monarch butterfly • Suckley's cuckoo bumble bee 		
<u>Reptiles & Amphibians</u> <ul style="list-style-type: none"> • Northwestern Pond Turtle • Oregon spotted frog 		
<u>Birds</u> <ul style="list-style-type: none"> • Marbled murrelet • Streaked horned lark • Yellow-billed cuckoo 		

Stantec assumes the following:

- No field surveys will be required.
- The City of Tumwater will provide any relevant information it may have to support the development of the BA including habitat and species surveys, as applicable.
- Based on an initial IPaC and EFH search, Stantec assumes the species listed in the following table (Table 1) will be assessed.

Reference: Response to Request for Proposal for Endangered Species Act Section 7 Consultation Documentation

Stantec proposes to conduct this task for a fixed fee of \$14,606. If you should have any questions, please let us know. We look forward to continuing to work with you on this important project.

Best regards,

Stantec Consulting Services Inc.



Stantec Consulting Services Inc.
1687 114th Avenue SE, Suite 100
Bellevue WA 98004-6965

September 16, 2025

Project/File: Pioneer Park - Tree Inventory and Assessment

City of Tumwater

Grant Gilmore
555 Israel Road SW
Tumwater, WA 98501

Dear Grant,

Reference: Pioneer Park Sediment Reduction Project - Tree Inventory and Assessment Report

The purpose of this scope of work is to outline the tasks required to develop an arborist report for the Pioneer Park Sediment Reduction project. The report will include a comprehensive tree inventory of Trees 6-inches in Diameter at Breast Height (DBH) and larger, documentation of existing tree conditions, and recommendations for tree protection during the renovation project.

The area of inventory includes areas impacted on the project site for the proposed access road and the proposed grading limits of Phase 1 and Phase 2.

Objectives

- Conduct a detailed tree inventory (Assume approximately 150 trees to inventory).
- Document the current conditions of trees 6-inch DBH and greater within the project area.
- Provide recommendations for tree protection during the renovation process.

1. Tasks and Deliverables

Task 1: Tree Inventory

- **Site Visit:** Conduct an initial site visit to identify and inventory trees 6-inch DBH and greater within the area planned for disturbance of grading limits for Phase 1 and Phase 2.
- **Data Collection:** Record the following information for each tree:
 - Species
 - Diameter at Breast Height (DBH)
 - Height
 - Health and general condition
 - Location of each tree with a unique identification number (mapped using survey provided by others)
- **Identify tree species.** Trees which are difficult to identify given the timing of the survey (i.e., due to leaf drop) will be identified to the best of the arborist's ability to either the family, or if possible, the genus level.

Reference: Pioneer Park - Sediment Reduction Project - Tree Inventory and Assessment Report

- **Photographic Documentation:** Take photographs of each tree to visually document their condition.

Task 2: Documentation of Existing Tree Conditions

- **Assessment:** Evaluate the health, structural integrity, and overall condition of each tree. Prepare an assessment including the aforementioned information, with a graphical figure illustrating tree locations with identification numbers. The assessment of the trees will follow established arboricultural practices which involve visually examining the above-ground portions of each tree for structural defects, scars, external decay, signs of insect activity, discolored foliage, overall tree health, site conditions, and proximity to property and people. No trees will be physically dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation will not be conducted.
- **Report Preparation:** Compile the data collected into a comprehensive report, including:
 - Tree inventory data & condition assessment based on Root Crown, Trunk, Limbs, Foliage, Structure, and Vigor.
 - Digital Photographs.
 - Assessment findings.

Task 3: Tree Protection Recommendations

- **Protection Plan: Develop a tree protection plan that includes:**
 - Measures to protect trees during construction.
 - Recommendations for tree protection measures.
 - Guidelines for working around trees to minimize impact.
- **Implementation Guidelines:** Provide clear instructions for implementing the tree protection measures.

2. Timeline

- **Site Visit and Data Collection:** Site visit within fourteen (14) business days of proposal acceptance.
- **Draft Report Preparation:** Prepare Draft Report for Independent Technical Review (ITR) within fourteen (14) business days of onsite survey.
- **Submission of Draft Report:** within five (5) business days of completion of ITR.
- **Submission of Final Report:** Upon receipt of client comments, deliver final report within thirty (30) calendar days.

3. Deliverables

- Tree Inventory and Assessment Report including tree inventory, condition assessment, and protection recommendations.
- Digital copies of the report.
- Photographic documentation of all trees (assume 1 photo per tree).

Reference: Pioneer Park - Sediment Reduction Project - Tree Inventory and Assessment Report

4. Assumptions

- Access to the site will be provided as needed.
- Two (2) days of site visit time for two (2) people to perform tree inventory.
- Capture tree locations using hand-held GPS unit.
- 100 to a maximum of 150 trees to be inventoried.
- Any additional services or changes to the scope will be discussed and agreed upon before proceeding.

5. Exclusions

- Physical tree sampling or assessment beyond visual examination.
- Approximate delineation of all native vegetation or biological resources items identified in a biological or plant report(s).
- Delineation of setbacks from habitats.
- Any other work not explicitly described above.

Stantec proposes to conduct this task for a time and materials fee of \$33,811. If you should have any questions, please let us know. We look forward to continuing to work with you on this important project.

Regards,

Stantec Consulting Services Inc.

Reference: Pioneer Park - Sediment Reduction Project - Tree Inventory and Assessment Report