

# EXHIBIT A



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September 18, 2019

Pete Loris  
Otak  
371 Centennial Parkway, Suite 210  
Louisville, CO 80027

Subject: Revised Proposal to Complete Environmental Support Services, Lyons 2<sup>nd</sup> Avenue Bridge Replacement, Lyons County, Colorado

Dear Mr. Loris:

Pinyon Environmental, Inc. (Pinyon), respectfully submits this revised proposal to complete environmental services necessary to meet federal environmental requirements for the above project.

Pinyon initiated work on the project in 2015. Changes to the design, limits of disturbance area, threatened and endangered species habitat (Preble's Meadow Jumping Mouse), and wetlands/Waters of the US (WUS) call for the need to verify past field data and collect additional data. New data must be collected for areas where habitat has changed since 2015. Changes to the habitat in the project area are expected based on our experience with other projects in the region where habitat has recovered significantly since the 2013 flood.

In 2015, Pinyon initiated but did not complete the following tasks: threatened and endangered species habitat assessment; wetlands and Ordinary High Water Mark (OHWM) delineation; initiation of the Biological Resources Report (BRR); and a Cultural Resources Memorandum. Further, Pinyon has verified our scope of work with FEMA and other agencies since our original scoping efforts and field surveys.

To complete the environmental clearances for the project, Pinyon will need to:

- Verify past field data (wetlands, and OHWM)
- Complete biological resources task

Additionally, the following items have changed since work began in 2015:

- Changes to the design and stopping and starting the project adds additional time for resource work as well as project management
- FEMA will no longer be able to utilize their programmatic agreements with the US Fish and Wildlife Service (USFWS) and State Historic Preservation Office (SHPO); however, these consultations have been completed by FEMA as illustrated on the pending updated FEMA Record of Environmental Consideration (REC)
- Significant changes to the habitat since field work was conducted in 2015 necessitate the need for additional field work/data collection

Table 1 provides scope details on the remaining tasks that are necessary to complete the environmental clearances. Table 2 provides fee information on the additional costs associated with completing these tasks. Pinyon assumes that each deliverable will have two rounds of simultaneous review/revision/comment; one by Otak/Town of Lyons, and one by the FEMA Environmental Historic Preservation. The following details Pinyon's scope of work, assumptions, and deliverables.

**Table I Detailed Scope of Work**

Task	Description	Impact Analysis, Mitigation, Permitting Details	Deliverables
<b>Project Management</b>			
General Project Management	<p>General project management, meetings, contract administration, invoicing, etc.</p> <p>Pinyon will not attend any project meetings in person but will review plans and coordinate with Otak.</p> <p>Progress meetings (via conference call or email)</p>	Agency Coordination	Monthly invoices and progress reports.
<b>Environmental Resource Evaluations</b>			
Biological Fieldwork (WUS/Wetlands)	<p>Pinyon collected wetlands and WUS data in 2015; however, this data will need to be updated to assess current existing conditions. Additionally, the design and limits of disturbance has changed since 2015 and Pinyon will need to collect WUS data in these additional areas.</p> <p>Pinyon will collect data where necessary, in accordance with USACE guidance, within 50 feet of where disturbances are expected (e.g., along presumed access/haul roads, staging areas, and near the flood repair areas). Pinyon assumes that Otak will provide an updated Limits of Disturbance (i.e, Study Area).</p> <p>Pinyon will provide Geographic Information Systems (GIS) data for incorporation into the project plans, and for impact analysis during advanced design.</p>	One biologist in the field for one day	GIS data for impact calculations/ display on plans

Task	Description	Impact Analysis, Mitigation, Permitting Details	Deliverables
	<p>Pinyon will document the existing conditions regarding wetlands and WUS in a Biological Technical Memorandum.</p> <p>Field survey will be completed by one Pinyon biologist. Field survey for wetlands/Waters of the US and Migratory Birds will be completed concurrently (assumed total of one field day plus preparation time).</p>		
Section 404 Permitting	<p>Pinyon will use the new data gathered to analyze impacts. To avoid confusion and resubmittals, it is recommended that design be advanced enough that significant changes to wetlands/open waters are not expected, typically around 60% design.</p>	<p>Based on the current design plans and 2015 existing data, permanent impacts to Wetlands and WUS are expected to be less than 0.5 acre. Therefore, it is expected that the proposed action will be covered under a USACE Nationwide Permit, specifically NWP No.14, linear transportation projects. Generally, this permit does not require mitigation of impacts; therefore, mitigation planning is not proposed at this time.</p> <p>Please note that the USACE requires verification on the Endangered Species Act as well as Section 106 of the National Historic Preservation Act (NHPA) to provide permit verification. This means that the Section 106 and Endangered Species Act consultation must be completed by the Federal Agency (FEMA) before the USACE will provide a NWP verification.</p> <p><i>Assumptions: It is assumed that permanent impacts to Wetlands and WUS are under the 0.5-acre threshold. If impacts are greater than 0.5 acre an individual permit would be required and this scope and fee should be revised. It is also</i></p>	Preconstruction Notification to USACE

Task	Description	Impact Analysis, Mitigation, Permitting Details	Deliverables
		<i>assumed that FEMA has completed updated SHPO and USFWS consultations and has received concurrences from both agencies.</i>	
Endangered Species Act Fish and Wildlife, Threatened and Endangered Species	FEMA is ultimately responsible for USFWS consultation under Section 7 of the Endangered Species Act.	Pinyon assumes updated USFWS consultation has been completed by FEMA and documented in the updated FEMA REC.	NA
Migratory Bird Treaty Act Bald/Golden Eagle Protection Act	Pinyon will concurrently evaluate and document Migratory Birds and the potential for Bald and Golden Eagles within a half mile of the project area during the initial field survey.	<p>Consultation with Colorado Parks and Wildlife (CPW) and/or USFWS may be necessary if active raptor nests are noted within a half mile of the project area. A monitoring plan or monitoring surveys could be required.</p> <p><i>Assumptions: It is assumed consultation with CPW and/or USFWS will not be required. It is also assumed a monitoring plan or monitoring surveys for Migratory Birds or Bald and Golden Eagles will not be required. If any of these tasks are necessary, this scope and fee should be revised.</i></p>	NA
Section 106 of the National Historic Preservation Act (NHPA)  Historic Properties/ Archeological Resources	Based on a phone conversation with Marty Thompson, the proposed actions cannot be cleared using FEMA's programmatic agreement between FEMA and SHPO.	FEMA is the lead agency and is ultimately responsible for coordination with SHPO under Section 106. Pinyon assumes updated SHPO consultation has been completed by FEMA and documented in the updated FEMA REC.	NA

<p>NEPA Documentation Report And SB 40 Notification</p>	<p>Based on correspondence with Marty Thompson, dated May 14, 2019, FEMA will use the Programmatic Environmental Assessment for NEPA documentation, and no further action is required from the Town.</p> <p>Pinyon will not provide SB 40 Notification as recent experience with the Colorado Department of Local Affairs and Colorado Division of Homeland Security and Emergency Management projects indicated it is unnecessary.</p>	<p>NA</p>	<p>NA</p>
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Pete Loris  
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In 2015, Pinyon estimated the cost to complete this project to be approximately **\$13,566**. To complete the tasks listed above, Pinyon estimates the additional cost to be **\$8,289.00**. Pinyon has \$3,400 remaining in the current project. Subtracting the revised total from the previous cost estimate is a change order request total of **\$4,889**.

Pinyon will invoice on a time and materials basis, in accordance with our 2015 standard rates. The authorized amount will not be exceeded without prior approval. Should a higher level of coordination be required above that noted in this proposal, or requests for information not presented be made, changes in scope and/or budget may be needed.

To authorize the outlined scope of services, please issue a task order. Should you have any questions or require additional information, please do not hesitate to call. Thank you for considering Pinyon for your environmental consulting needs.

Sincerely,

**PINYON ENVIRONMENTAL, INC.**

A handwritten signature in blue ink that reads "Kate Turner". The signature is written in a cursive, flowing style.

Kate Turner  
NEPA Specialist

Cc: File

**Table 2 – Estimated Cost Details**

<b>Task - Project Management</b>				
<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Rate</b>	<b>Extension</b>
<b>Labor Rates</b>				
Project Manager	18.0	hours	\$148.00	\$2,664.00
Field Technician/Project Assistant	4.0	hours	\$70.00	\$280.00
<b>Task Subtotal</b>				<b>\$2,944.00</b>
<b>Task - Biological Fieldwork</b>				
<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Rate</b>	<b>Extension</b>
<b>Labor Rates</b>				
Project Manager	1.0	hour	\$148.00	\$148.00
Project Scientist	18.0	hours	\$100.00	\$1,800.00
GIS Specialist	3.0	hours	\$100.00	\$300.00
<b>Equipment/Material Unit Rates</b>				
Truck/Van Mileage	200.0	miles	\$0.56	\$111.00
Field Visit	1.0	day	\$30.00	\$30.00
Trimble GPS	1.0	day	\$225.00	\$225.00
<b>Task Subtotal</b>				<b>\$2,614.00</b>
<b>Task - Biological Resources Reporting (Biological Resources Report, Section 404 permitting)</b>				
<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Rate</b>	<b>Extension</b>
<b>Labor Rates</b>				
Project Manager	3.0	hours	\$148.00	\$444.00
Project Scientist	18.0	hours	\$100.00	\$1,800.00
GIS Specialist	3.0	hours	\$100.00	\$300.00
Principal	1.0	hour	\$187.00	\$187.00
<b>Task Subtotal</b>				<b>\$2,731.00</b>
<b>Project Total</b>				<b>\$8,289.00</b>