

BOARD OF SUPERVISORS CONTRACT AMENDMENT NO. 1
TO AGREEMENT BETWEEN COUNTY OF SANTA BARBARA AND
ASPEN ENVIRONMENTAL GROUP

This Contract Amendment (hereinafter referred to as Amendment No. 1) constitutes a modification to the original Agreement between County of Santa Barbara (COUNTY) and Aspen Environmental Group (CONTRACTOR), Contract No. BC19-078, which was entered into on August 14, 2018.

Effective as of August 27, 2019, the original Agreement is modified as follows:

1. The following work is added to Exhibit A of the Agreement as attached hereto and incorporated herein by reference:
 - a. As described in Aspen memorandum to Santa Barbara County Planning and Development dated July 16, 2019, which is included herein as Attachment 1-A.
2. Additional funding of \$73,695.00 is added to the Agreement. Exhibit B of the Agreement, Section "A" is deleted and replaced in its entirety as follows:

For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total base contract amount, including cost reimbursements, not to exceed \$366,123.00. Upon written approval by the Director of Planning and Development, or designee, a contingency cost may be approved beyond the total base in an amount not to exceed \$65,008.00, making the overall Agreement total, including cost reimbursements, not to exceed cost is \$431,131.00.

The CONTRACTOR agrees to comply with the changes in compensation for each of the specific tasks added as follows:

- a. Task 3 by \$40,689.00, Task 5 by \$6,904.00, Task 7 by \$4,160.00 and Task 8 by \$3,556.00.
 - b. Contingency amount by \$18,386.00, 15% of the costs of tasks that have not been completed.
4. The time provided (in working days) to complete each of the above-described work tasks and the revised schedule for the total project are as described in Attachment 1-A.
 5. Any and all Contingency Authorizations, including but not limited to Contingency Authorizations Nos 1-4 which are attached hereto in Attachment 1-B and incorporated herein by reference.

CONTRACTOR understands and agrees that the compensation granted herein constitutes the total and entire compensation for these changes in the work. All other terms and conditions of the original Agreement, as previously amended, if applicable, shall remain in full force and effect.

ATTEST:

CLERK OF THE BOARD

By _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By _____
[Signature]

RAY AROMATORIO
Risk Manager

By _____
[Signature]

BETSY SCHAFFER, CPA
Auditor-Controller

By _____
[Signature]

Chair, Board of Supervisors

[Signature]

CONTRACTOR

~~Jon Davidson, Project Manager~~
Aspen Environmental Group

HAMID RASTEGAR, PRESIDENT

APPROVED AS TO FORM:

LISA PLOWMAN, Director
Planning and Development

By _____
[Signature]

MEMORANDUM

To: Kathy Pfeifer
From: Jon Davidson
Date: July 16, 2019
Subject: Strauss Wind Energy Project SEIR budget amendment request

We are requesting an amendment to our budget to cover work not included in the scope of work in Aspen's contract for the Strauss Wind Energy Project (SWEP) Supplemental Environmental Impact Report (SEIR). This additional work is described below.

Additional Responses to Comments on the Draft SEIR

Task 5 of Aspen's scope of work involves preparing responses to comments received on the Draft SEIR. The scope of work includes an assumption that Aspen's team will need to prepare responses to no more than 350 individual comments. In total, about 500 individual comments were received on the Draft SEIR. For this reason, Aspen is requesting additional budget for the effort required to respond to this larger-than-expected number of comments. In addition, there were an unusually high number of technical and legal comments which will require the preparation of fairly substantial responses. For example, three letters were submitted law firms on behalf of their clients containing a combined total of 150 comments. Substantial effort will be required to prepare responses in defense of the Draft SEIR. A significant number of comments were also received on biological resource issues, primarily related to mitigation and alternatives. Again, we feel the Draft SEIR adequately evaluated the Project's impacts on biological resources and presented a robust mitigation program; however, additional effort will be needed to address the high volume of biological resource comments.

The additional costs associated with preparing responses to comments are presented in Task 5a (Additional Responses to Comments) on the attached spreadsheet. The amounts in this spreadsheet represent additional labor and expenses beyond what is included in Aspen's current budget for this task.

Schedule: It is estimated that it will take 8 days to complete the activities associated with this task.

Additional Cultural and Tribal Cultural Resources Support

New tribal cultural issues were raised by the Santa Ynez Band of the Chumash Indians in its comments on the Draft SEIR. During consultation with the tribe during preparation of the Draft SEIR, tribal representatives did not express any substantive concerns about the Project's impact on tribal cultural resources in the area. This led the County to decide that the Project would not have a significant impact on tribal cultural resources. The County is considering whether to recirculate just the cultural and tribal resources section of the Draft SEIR (Section 4.6) in order to present a revised conclusion on the significance of the Project's impact on tribal cultural resources.

Aspen's anticipates the need to provide the County with additional support in consultation with the Santa Ynez Band of Chumash Indians (SYBCI) to determine if the Draft SEIR tribal resources significance conclusion needs to be revised. The following tasks are anticipated in providing this support:

- Participation by Aspen's cultural resources specialist in two conference calls.
- Two meetings or site visits with tribal representative(s).
- Two hours of review and coordination time, as needed.

For cultural resources support, Aspen will undertake the following activities:

- Review and comment on the Applicant's Phase 2 testing plan for historic resources on the Project site and the Applicants' revisions to that plan.
- Aspen's cultural resources specialist will spend one day in the field during the Phase 2 testing to observe the Applicant's work.
- When the Phase 2 testing has been completed, Aspen's cultural resources specialist will review the results of the Phase 2 work and incorporate the results into the Final SEIR.

The additional costs associated with these tasks are presented in Task 3a (Tribal/Cultural Support) on the attached spreadsheet.

Schedule: It is estimated that it will take approximately 10 days to complete activities associated with this task.

Additional Simulations Addressing Cultural Resources Concerns

Visual Analysis add-on for simulations addressing Cultural Resources Concerns, include:

- **Digital terrain analysis.** This task covers the analysis of Project features from three known locations of concern (Window Cave, Swordfish Cave, and Tranquillon Peak). It also covers a broader analysis to assess Project visibility from unspecified coastal locations.
- **Up to four (4) additional visual simulations.** This task covers the preparation of visual simulations for a maximum of four (4) locations (Window Cave, Swordfish Cave, Tranquillon Peak, and one unspecified coastal location). However, only the actual number of simulations prepared will be invoiced (if less than four). If more than one coastal location with views of the Project are identified, consultations will be initiated to determine the appropriate location(s) for simulation.
- **Up to four existing view photos.** This task covers the preparation of four existing view photos as companions to the four post-Project visual simulations.
- **Field work for four simulations.** This task covers travel and field work for up to four simulations. Field activities include a preliminary reconnaissance to assess viewpoint visibility issues, select the appropriate location and view direction, image capture, and characterization of view characteristics and factors affecting Project visibility. This task will also include field verification of candidate coastal viewpoints (from which a maximum of one would be selected for Project simulation).
- **Agency consultations / coordination.** This task covers consultations and coordination with appropriate agency personnel to enable and facilitate field activities and address any issues arising from the field reconnaissance (e.g., coastal viewpoint selection).

The additional costs associated with these tasks are presented in Task 3c (Simulations for Cultural Concerns) on the attached spreadsheet.

Schedule: It is estimated that it will take approximately three to four weeks to complete activities associated with this task.

Recirculation of the Draft SEIR

Aspen would need to revise Section 4.6 of the recirculated Draft SEIR to show a revised significance conclusion for the impact on tribal cultural resources. No other portions of the Draft SEIR would be recirculated. Aspen would copy, bind, and deliver the revised document to the County for distribution.

Aspen would respond to comments received on the recirculated Draft SEIR. It assumed that only comments related to the recirculated materials (i.e. cultural and tribal cultural resources) would require responses. Ten hours are assumed for responding to these comments.

The additional costs associated with recirculation of Section 4.6 of the Draft SEIR are presented in Task 3b (Recirculated Draft SEIR) on the attached spreadsheet.

Schedule: It is estimated that it will take approximately 8 days to complete activities associated with this task.

Revision Letter

Aspen will prepare a Revision Letter to the Final SEIR that evaluates an alternatives or combination of alternatives to a project level of detail, if such an alternative is recommended by staff for approval. The SEIR alternatives address separate components of the Project (i.e., switchyard, transmission line, and turbine layout) that are not mutually exclusive and, therefore, one or more of them could be recommended by staff for approval. This Revision Letter will be similar to the letter prepared for the EIR for the ERG West Cat Canyon Revitalization Plan Project. No new analysis will be conducted for this letter; rather, the letter will utilize information and analysis contained in the Final SEIR. No new maps or graphics will be prepared to accompany the letter.

The additional costs associated with these tasks are presented in Task 8a (Revision Letter) on the attached spreadsheet.

Schedule: It is estimated that it will take approximately 5 days to complete this task.

Attendance at Planning Commission Hearings

Aspen's current budget includes attendance at two Planning Commission hearings and one Board of Supervisors hearing. Due to the controversy that has emerged regarding certain aspects of the Project, key Aspen team members will be available to attend up to three Planning Commission hearings. These hearings would be attended by Aspen's project manager, biologist, and cultural resources specialist.

The additional costs associated with these tasks are presented in Task 7a (Planning Commission Hearings) on the attached spreadsheet.

Schedule: This task will be completed within one day.

Total requested budget amount for the additional work described above is \$55,309. In addition, a contingency amount of \$18,386 has been added to replenish a portion of the contingency. Therefore, the total requested budget amendment amount with these contingencies is \$73,695, as detailed in the attached spreadsheet.



Strauss Wind Energy Project Supplemental EIR

July 2019

Budget Amendment Summary

	Task 3a	Task 3b	Task 3c	Task 5a	Task 7a	Task 8a	
	Tribal/Cultural Support	Recirculated Draft SEIR	Simulations for Cultural Concerns	Additional Responses to Comments	Planning Commission Hearings	Revision Letter	Total

ASPEN ENVIRONMENTAL GROUP

Aspen Labor	\$10,142	\$9,072	\$832	\$6,904	\$4,052	\$3,556	\$34,558
Aspen ODCs	\$259	\$756			\$108		\$1,123
Aspen Environmental Group Total	\$10,401	\$9,828	\$832	\$6,904	\$4,160	\$3,556	\$35,681

SUBCONTRACTORS

Michael Clayton & Associates			\$19,628				\$19,628
Subcontractor Total			\$19,628				\$19,628

Total Budget Per Task	\$10,401	\$9,828	\$20,460	\$6,904	\$4,160	\$3,556	\$55,309
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Total Amendment Amount with Contingency* **\$73,695**

* The contingency amount includes 15% of the amendment amount (15% of \$55,309 = \$8,296) plus 15% of the uninvoiced portion of Aspen's original budget (15% of \$67,269 = \$10,090).

Strauss Wind Energy Project Supplemental EIR

Budget Amendment

Prime Contractor: Aspen Environmental Group

Labor Costs

Category or Name	Role	Hourly Rate*	Task 3a		Task 3b		Task 3c		Task 5a		Task 7a		Task 8a		Total	
			Tribal/Cultural Support		Recirculated Draft SEIR		Simulations for Cultural Concerns		Additional Responses to Comments		Planning Commission Hearings		Revision Letter		Hours	Amount
			Hours	Amount	Hours	Amount	Hours	Amount	Hours	Amount	Hours	Amount	Hours	Amount	Hours	Amount
Jon Davidson	Project Manager	\$210.00	10	\$2,100	12	\$2,520	2	\$420	9	\$1,890	6	\$1,260	8	\$1,680	47	\$9,870
Stanley Yeh	Deputy Project Manager	\$170.00	1	\$170	12	\$2,040	2	\$340	6	\$1,020			5	\$850	26	\$4,420
Vida Strong	Project Advisor	\$195.00														
Scott White	Biological Resources	\$210.00						10	\$2,100	8	\$1,680				18	\$3,780
Jennifer Lancaster	Biological Resources	\$135.00						10	\$1,350				2	\$270	12	\$1,620
Associate Biologist	Biological Resources	\$127.00														
Will Walters	Air Quality, GHG	\$212.00						1	\$212				2	\$424	3	\$636
Brewster Birdsall	Noise, Air Quality	\$220.00														
Phil Lowe	Hydrology/WQ	\$175.00														
Michael Macko	Cultural Resources	\$130.00	60	\$7,800	18	\$2,340			2	\$260	8	\$1,040	2	\$260	90	\$11,700
Alison Jaqua	Cultural Resources	\$75.00														
Sarah Mace	Cultural Resources	\$58.00														
Joe Stewart	Paleontological Res.	\$135.00														
Tatiana Inouye	Land Use, Recreation	\$140.00														
Patrick Meddaugh	Pub. Services, Utilities	\$96.00														
GIS Specialist II	Mapping/Analysis	\$95.00														
Graphics Specialist	Graphics/Mapping	\$125.00														
Admin. Specialist	Accounting, Invoicing	\$72.00	1	\$72	1	\$72	1	\$72	1	\$72	1	\$72	1	\$72	5	\$432
Sr. Administrative III	Document Production	\$125.00			16	\$2,000									16	\$2,000
Sr. Administrative I	Clerical	\$100.00			1	\$100									1	\$100
TOTAL			72	\$10,142	60	\$9,072	5	\$832	39	\$6,904	23	\$4,052	20	\$3,556	218	\$34,558

* Including fringe benefits, overhead, and fee.

Non-Labor Costs

Direct Project Cost Item	Unit Cost							
Printing & CD reproduction	-			\$650				\$650
Mileage - 2 Wheel Drive (per mile)	\$0.54	\$240				\$100		\$340
Mileage - 4 Wheel Drive (per mile)	\$0.75							
Travel	-							
Postage/Delivery	-			\$50				\$50
Outside Services	-							
Document/Data Acquisition	-							
Miscellaneous	-							
Subtotal ODC Cost		\$240	\$700			\$100		\$1,040
Aspen Fee 8%		\$19	\$56			\$8		\$83
Total ODC Cost		\$259	\$756			\$108		\$1,123
Total Cost by Task		\$10,401	\$9,828	\$832	\$6,904	\$4,160	\$3,556	\$35,681

Strauss Wind Energy Project Supplemental EIR

Budget Amendment

Subcontractor: Michael Clayton & Associates

Labor Costs

Personnel	Role	Hourly Rate*	Task 3c Simulations for Cultural Concerns	
			Hours	Amount
Michael Clayton	Aesthetics, Visual	\$139.00	116	\$16,124
TOTAL			116	\$16,124

* Including fringe benefits, overhead, and fee.

Non-Labor Costs

Direct Project Cost Item	Unit Cost	
Printing & CD reproduction	-	
Mileage - 2 Wheel Drive (per mile)	\$0.65	
Mileage - 4 Wheel Drive (per mile)	\$0.75	
Travel	-	\$2,050
Postage/Delivery	-	
Outside Services	-	
Document/Data Acquisition	-	
Miscellaneous	-	
Total ODC Cost		\$2,050
Subtotal Cost by Task		
		\$18,174
Aspen Fee 8%		\$1,454
Total Cost by Task		\$19,628