

April 15, 2025

Hamid Bahadori
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: *Proposal to Provide Continued Environmental Consulting Services for the Loma Alta Creek Mouth Maintenance Program, City of Oceanside, California*

Dear Mr. Bahadori:

Dudek is pleased to present this proposal to provide continued environmental consulting services to the City of Oceanside (City) for the Loma Alta Creek Mouth Maintenance Project (project), located at the mouth of Loma Alta Creek on Buccaneer Beach in the City of Oceanside, California. The following cost proposal and scope of services presented herein was developed following direction received from Austin Williams with the U.S. Army Corps of Engineers (USACE) in an email dated February 28, 2025, in which he determined that the effects of the proposed channel maintenance program would exceed minimal thresholds established under the Nationwide Permit Program, thereby requiring the City to prepare and process an Individual Permit, rather than a Nationwide Permit, with the USACE. In the original scope and fee Dudek identified the following:

"While Dudek finds that a Nationwide Permit approach would be a natural fit for the context and intention of this project, Dudek identifies the following potential limitations that may force the project into an Individual Permit:

- The current iteration of Nationwide Permit 3 expires on March 14, 2026, at which point USACE will need to process a nationwide renewal of the larger Nationwide Permit program. However, project-specific Nationwide Permit verifications do not automatically renew with renewal of the nationwide program. Re-verification requests would need to be prepared and processed for annual maintenance that occurs after March 14, 2026.*
- Nationwide Permits may be suited for repeated maintenance if the impacts are considered cumulatively minor and the project description clearly specifies the details of the maintenance plan; however, the term "minor" can be subjective amongst agency personnel*

If an Individual Permit permitting pathway becomes necessary due to changes in the maintenance design or due to differing direction from USACE, Dudek can amend this scope of work to accommodate that approach."

Based on our understanding of the City's originally desired budget and our experienced review of the minimal impacts of the proposed project, the NWP approach was a reasonable and prudent approach. This initial approach has resulted in amiable conversations with the agencies about use of a NWP given the scale of the project and the balance of impacts. However, there are certain technicalities and ongoing maintenance activities with the project that the agencies have expressed concern over, tipping the balance towards the current requirement to undertake an Individual Permit (IP) for the project rather than the NWP.

Some recent changes to the project description include removal of the intentional berming of the Loma Alta Creek mouth during the summer months, which was determined no longer necessary and as such has been removed from the project. Because of this, the existing technical studies including the Biological Resources Survey Letter Report (August 2024) and Engineering Design Report (August 2024) need to be revised to remove this project element. The application for Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB) and the application for a Coastal Development Permit (CDP) from the California Coastal Commission (CCC) also need to be updated to reflect this important beneficial change.

Existing remaining budget associated with the contract has been taken into consideration with the development of this cost proposal. Dudek's detailed scope of work is provided below.

TASK 1 PROJECT MANAGMEENT

With the protracted duration associated with the larger undertaking of an IP vs the intended NWP, more meetings and project management services would be associated. Dudek will reduce the frequency to no more than once a month and cancel any meetings for which no updates are available (such as during agency review of materials). Assumed duration is 16 months from the time of permit submittal and total number of meetings is 10 half hour meetings.

It is assumed that the initial application submittal will receive a notice of incompletion, and that additional information will be required to process this request. Dudek will provide that additional information to USACE.

Assumptions

- Maximum 10 coordination meetings.
- 16 months duration.

Deliverables

- Meetings
- Monthly billings

Total for Task 1..... \$5,255.00

TASK 2 BIOLOGICAL RESOURCES SURVEYS

To be consistent with recent modifications to the project description, the Biological Resources Survey Letter Report, dated August 2024, will need to be updated to remove all references to the intentional berming of the Loma Alta Creek mouth to support operation of the ultraviolet (UV) treatment facility and to enhance public beach use during the summer months.

Assumptions

- No rounds of review necessary.

Deliverables

- Updated Biological Resources Survey Letter Report

Total for Task 2..... \$800.00

TASK 3 ENGINEERING DESIGN STUDY

To be consistent with recent modifications to the project description, the Engineering Design Report, dated August 2024, will need to be updated to remove all references to the intentional berming of the Loma Alta Creek mouth to support operation of the ultraviolet (UV) treatment facility and to enhance public beach use during the summer months.

Assumptions

- one round of revisions.

Deliverables

- Updated Engineering Design Report

Total for Task 3..... \$1,200.00

TASK 4 ADDITIONAL REGULATORY PERMITTING SERVICES

Task 4.1 Section 404 Individual Permit

Under this task, Dudek will begin preparing the additional items that are necessary to support an Individual Permit for the proposed channel maintenance program including the preparation of a Section 404(b)(1) Alternatives Analysis, a Public Notice, and an Environmental Assessment to document compliance with the National Environmental Policy Act (NEPA). Overall permit processing and coordination typically takes 12-14 months from the time of permit submittal.

Dudek will first prepare an application for a USACE Individual Permit using the USACE’s ENG 4345 form for City review and signature. The following elements will be included in the application:

- Applicant contact information
- Name, location, and description of project or activity
- Dredged and/or fill material to be discharged
- Addresses of adjoining property owners, lessees, and/or other entities whose property adjoins the waterbody (to be provided by the City)
- List of other certifications or approvals/denials received from other federal, state, or local agencies for the work described in the application

It is assumed that the initial application submittal will receive a letter of incomplete notification and that additional information will be required to process this request. Dudek will provide that additional information to USACE.

Assumptions

- The City will review the application twice and provide two rounds of comments.
- USACE will issue two notices of incompleion.

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- The City will review Dudek responses to the notice of incompleteness twice, and Dudek will respond to two rounds of City comments.

Deliverables

- Draft MS Word version of the Individual Permit application (electronic copy)
- Compiled Final PDF version of the application with figures (electronic copy)
- Draft MS Word version of the response to the notice of incompleteness (electronic copy)
- Compiled Final PDF version of the response to the notice of incompleteness with figures (electronic copy)

Public Notice

Dudek will prepare the Public Notice on behalf of USACE. It is assumed that USACE will provide Dudek with a template Public Notice in Word prior to preparation of the Public Notice for the project. In general, the Public Notice will include the following items:

- Applicant and contact
- Location
- Activity
- Discussion of submittal of public comments
- Evaluation factors
- Preliminary review of selected factors
- Proposed activity for which a permit is required
- Additional project information
- Proposed special conditions

In 1998, the United States Congress amended the Rehabilitation Act of 1973 to require federal agencies to make their electronic and information technology (EIT), also referred to as information and communication technology (ICT), accessible to people with disabilities. To ensure compliance with Section 508 of the Rehabilitation Act of 1973, as amended, Dudek will apply ICT Accessibility 508 Standards and Section 255 Guidelines to the final digital draft Public Notice to ensure accessibility. We will be prepared to distribute the Public Notice to all adjacent property owners and relevant parties on the USACE's behalf in an effort to streamline this task and promote efficiency.

Following public circulation of the Public Notice for a 30-day public review period, Dudek will respond to the comments received during the USACE public notice period. Dudek will summarize the non-substantive comments briefly in an introductory paragraph. For the substantive comments, Dudek will bracket the comment letters and respond to each comment individually. Dudek will require support from the City to respond to comments, but will take the lead on drafting the responses. The cost estimate assumes one round of review by the City and one round of review by USACE.

Assumptions

- USACE will review the Public Notice twice and provide two rounds of comments.

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- The City will review the Public Notice once and Dudek will provide responses to one round of City comments.
- USACE will review the responses to comments (prepared by Dudek) once and provide one round of comments.
- The City will review the responses to comments (prepared by Dudek) once and provide one round of comments.

Deliverables

- Draft MS Word version of Public Notice with PDF of figures (electronic copy)
- Compiled PDF of Public Notice with figures (electronic copy)
- Draft MS Word letter with responses to comments/comments letter on the Public Notice (electronic copy)
- Final PDF of responses to comments/comments letter on the Public Notice (electronic copy).

Environmental Assessment

Issuance of a 404 authorization by USACE is considered an action that is subject to the NEPA, and projects that require an Individual Permit are subject to a project-specific NEPA analysis. It is assumed that an Environmental Assessment (EA) will be the appropriate document for the project, and that the USACE EA checklist will be prepared and adopted.

As the NEPA lead agency, USACE is responsible to prepare and adopt the EA. However, due to staffing shortages and burdensome agency workloads, we anticipate preparing the draft EA checklist on behalf of the USACE and for its review.

We do not anticipate that a scoping meeting or public outreach meeting will be required prior to issuance of the Section 404 Individual Permit. Such meetings are typically held at the request of the applicant, by request of the public during the public comment period, or if the project involves highly controversial activities.

It is assumed that USACE will provide example EAs, using the most recent EAs as guidance for preparing the project EA. However, in general the following elements will be included:

- Description of the proposed project
- Authority
- Scope of analysis
- Alternatives (see below)
- Environmental consequences
- Cumulative impacts
- Evaluation of compliance with 404(b)(1) Guidelines (see below)
- Effects, policies, and other laws
- Compensation and other mitigation actions
- General evaluation criteria under the public interest review
- Determinations

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- References

Assumptions

- USACE will review the EA once and Dudek will provide responses to one round of comments.
- The City will review the EA once and Dudek will provide responses to one round of comments.

Deliverables

- MS Word draft version of the EA with PDF of figures (electronic copy)
- Compiled PDF of the EA with figures (electronic copy)

Alternatives Analysis

Under Section 404(b)(1) and pursuant to U.S. Environmental Protection Agency (EPA) Section 404(b)(1) guidelines, USACE may only issue an authorization under Section 404 for the Least Environmental Damaging Practicable Alternative (LEDPA). A practicable alternative is one that is “available and capable of being done after taking into consideration costs, existing technology, and logistics.” As part of the Individual Permit process, the LEDPA is determined through development of an alternatives analysis prepared in accordance with the EPA’s Section 404 (b)(1) guidelines.

The 404 (b)(1) alternatives analysis will be prepared as part of the EA and submitted to the USACE to support findings in accordance with Section 404(b)(1) of the federal Clean Water Act. The analysis will include a summary of the 404(b)(1) criteria, a description of the impacts to jurisdictional waters from the proposed project, a description of the project’s overall purpose, an evaluation of criteria used for screening and determining the practicability of the alternatives, and the LEDPA conclusion. The criteria used for the determination will include the following:

- Ability of the alternative to achieve the overall project purpose
- Availability of the alternative to the project proponent
- Technological limitations
- Logistic limitations
- Cost limitations.

It is assumed that up to four alternatives will be analyzed in the 404(b)(1) analysis, including the “no project” alternative, the preferred alternative, and two other on-site alternatives, with concurrence from the USACE.

Assumptions

- USACE will review the alternative analysis once and Dudek will provide responses to one round of comments.
- The City will review the alternatives analysis once and Dudek will provide responses to one round of comments.
- The assumptions in this scope are based on the current regulatory setting and procedures. If regulatory law, staffing or agency function changes at the federal level, this scope may need to be amended to reflect the new requirements and process.

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Deliverables

- MS Word draft version of the alternatives analysis with PDF of figures (electronic copy)
- Compiled PDF of the alternatives analysis with figures (electronic copy)

Included in this fee is \$250 in overhead direct costs to process the Individual Permit including the filing fee to file the Individual Permit and associated postage and supplies needed to distribute the Public Notice on behalf of the USACE.

Total for Task 4.1..... \$65,075.00

Task 4.2 Continued Coastal Development Permitting

To allow for revisions to the CDP application to reflect the project description changes, re-submit the associated revised Biological Resources Letter Report and Engineering Design Study, and subsequent additional conversation with the CCC as well as protraction of time frame for coordination with CCC additional service is necessary.

Total for Task 4.2..... \$4,200.00

Task 4.3 Continued Section 401 Water Quality Certification Permitting

To allow for revisions to the Section 401 Water Quality Certification application to reflect the project description changes, re-submit the associated revised Biological Resources Letter Report and Engineering Design Study, and subsequent additional coordination with the Regional Water Quality Control Board (RWQCB) as well as protraction of time frame for coordination with RWQCB in support of permit issuance.

Total for Task 4.3..... \$9,500.00

Total for Task 4..... \$78,775.00

TASK 5 CEQA

No additional services are necessary under this task.

Assumptions

- No services.

Deliverables

- NA

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Estimated Fees

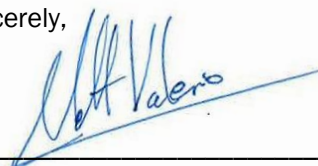
Table 1 presents Dudek's time-and-materials, not-to-exceed cost estimate to complete the tasks outlined in the preceding scope of work. Invoices will be submitted only for actual time and expenses incurred. The cost assumes conformance with the schedule provided in Table 1 and all other assumptions presented throughout the scope of work.

Table 1. Estimated Fees

Task	Original \$	\$ Remaining	\$ Additional	\$ Total
1.Project Management	\$9,940	(\$2,405)	\$5,255	\$17,600
2.Biological Resources	\$12,530.10	\$3,080	\$800	\$10,250.10
3.Engineering Design	\$15,040	(\$173)	\$1,373	\$16,586
4.Permitting	\$52,138	\$14,356	\$78,775	\$116,557
5.CEQA	\$15,310	\$3,676	\$0	\$11,634.00
6.Maintenance	\$15,040	\$9,830	\$0	\$5,210.00
Total	\$119,998.10	\$28,364	\$86,203	\$177,837

Dudek appreciates your review and consideration of this proposal and we are eager to shepherd the regulatory permits across the finish line. Should you have any questions, please do not hesitate to contact our project manager, Matthew Valerio, at 760.479.4145 or mvalerio@dudek.com.

Sincerely,



Matthew Valerio
Project Manager