

**AMENDMENT NO: 13
TO AGREEMENT
BETWEEN
CITY OF MINOT AND PROGRAM ADMINISTRATOR**

This Amendment No: 13 is made and entered into this 7th day of June, 2019 to the Agreement between CDM Smith Inc. (CDM Smith) ("Program Administrator") and City of Minot ("OWNER") dated May 7, 2012, ("the Agreement").

WHEREAS, PROGRAM ADMINISTRATOR and OWNER entered into the Agreement for Community Development Block Grant Disaster Recovery Management Services, and

WHEREAS, the parties desire to amend the Agreement so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of OWNER; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Agreement as follows:

1. The Basic Services of PROGRAM ADMINISTRATOR as described in the Agreement are amended and supplemented as follows:

Refer to Scope of Services provided in Attachment #1 to this amendment.

2. The responsibilities of OWNER as described in the Agreement are amended and supplemented as follows:

No change.

3. The time periods for the performance of PROGRAM ADMINISTRATOR's services as set forth in the Agreement are amended and supplemented as follows:

The contract end date is extended to June 30, 2020.

4. The payment for services rendered by PROGRAM ADMINISTRATOR shall be as set forth below:

The contract upper limit is unchanged by this amendment. The upper limit remains at \$7,564,541.

5. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.



Program Administrator
Steven L. Wolsfeld, P.E.
Vice President
DATE:



City of Minot

Mayor

DATE: 6/6/19



City of Minot, ND
Community Development Block Grant Disaster Recovery
Management Services
Amendment No. 13 – Attachment No. 1
Scope of Services & Estimated Fee
CDM Smith
June 7, 2019

Task 1: Northern Sewer Project

Task 1.3 FAA Environmental Review Documentation

Background

The City of Minot (City), North Dakota was included in the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) Program for 2011 Disasters. In June 2011, the City of Minot suffered substantial damage due to flood waters from the Mouse River (also known as the Souris River). In accordance with the use of CDBG-DR funds, the City is the responsible entity for completing federally required environmental review per 24 CFR Part 58.

As part of the CDBG-DR Program, the City proposed the Northern Sanitary Sewer Project. An environmental assessment (EA) conforming to HUD National Environmental Policy Act (NEPA) requirements was completed and HUD issued an authorization to release funds on September 16, 2013. Due to a change in scope, a re-evaluation of environmental finding was completed on January 17, 2014. The re-evaluation found that the proposed project, as amended, remained in compliance with applicable statutes, executive orders and regulations. Therefore, the amendment was covered by the original environmental determination and the Finding of No Significant Impact (FONSI).

As of late 2017, the Northern Sanitary Sewer Project was near completion. However, new circumstances arose during project implementation and an addition of a new gravity sewer line and a change to an alignment are now proposed. The proposed alignment change would run through Minot International Airport (MOT) property, in an area with no established easement. As a result, coordination with the Federal Aviation Authority (FAA) is necessary.

Discussions with MOT and FAA were held in late 2017 and early 2018. In March 2018, a re-evaluation of environmental finding was initiated. The FAA suggested that consultation letters be sent to 48 federal, state and local agencies (instead of the 15 to be consulted as part of a normal HUD EA). In April 2018, MOT provided to the City and CDM Smith a copy of a class III cultural resource and tribal cultural inventory completed for the Airport in May 2017. The inventory showed that a portion of the proposed alignment would run through an area deemed Potentially Eligible for the National Register, and that further analysis and tribal consultation is warranted. MOT, per FAA, initiated a cultural resources report to investigate the potential eligibility of the site. This report is expected to be completed in January 2019.

Sheri Lares of the FAA, Dakota-Minnesota Airports District Office, stated in an email dated December 19, 2018, that an FAA Categorical Exclusion (CatEx) should be completed. In addition, due to the length of time since the release of funds for the Northern Sanitary Sewer Project, a new EA must be completed per HUD requirements. The CatEx will focus on the proposed changes to the Northern Sanitary Sewer Project ("Proposed Project") that are within MOT boundaries. The HUD EA will focus on the Proposed Project in its entirety, and therefore cannot be completed until the FAA signs off on the CatEx and determines that (for their purposes) no further NEPA review is required.

This task order proposal is related to the NEPA activities anticipated to be performed for the FAA, as summarized below.

Prepare FAA Categorical Exclusion

CDM Smith will prepare a documented Categorical Exclusion, per FAA Order 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions*, FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, the *Environmental Desk Reference for Airport Actions*, and all applicable federal, state and local statutes and policies. The Categorical Exclusion will be completed using available state and federal databases. No site visits will be conducted within the proposed project area. If site visits, species surveys, wetland delineation or other field documentation is required by any state or federal agency, then those services would be developed and conducted under a separate scope of services.

If the cultural resources study currently underway demonstrates that the Proposed Project would not impact cultural resources on site, then no changes to the proposed alignment are warranted. As a result, the agency consultation letters sent in March 2018 would still be accurate with regards to the project description and would be incorporated into the FAA CatEx and the HUD EA.

However, if the proposed alignment is revised, then new agency consultation letters will be sent. Agency letters will be sent with the understanding that if no response is received within 30 calendar days, a determination of "no effect" will be made.

It is assumed that, beyond these letters, no further agency consultation will be required and that, beyond the cultural resources study currently underway, no other studies will be warranted.

Though there is much overlap between FAA and HUD environmental reviews, an FAA CatEx includes several environmental resource sections not directly included in HUD EAs. Such sections include: Department of Transportation Act Section 4(f) and 6(f) resources, Fish and Wildlife Coordination Act, National Marine Sanctuaries, Wilderness Areas, and Light Emissions.

The remaining sections of the FAA CatEx will be adapted from what will be developed for the HUD EA.

This scope assumes that there will be one round of review of the draft CatEx by the MOT staff, with documents submitted by CDM Smith to MOT in electronic format, and then an additional two rounds of review by FAA Dakota-Minnesota Airports District Office, submitted to FAA by MOT in electronic format.

After all comments have been received and addressed, a final Categorical Exclusion will be submitted to MOT for submittal to FAA. CDM Smith will provide all the electronic files associated with the NEPA environmental document to MOT staff (as part of the administrative record).

Deliverables:

- Draft Categorical Exclusion:
 - 1st Administrative Draft Categorical Exclusion for MOT review
 - 1st Administrative Draft Categorical Exclusion for FAA Dakota-Minnesota Airports District Office review (submitted by MOT to FAA)
 - 2nd Administrative Draft Categorical Exclusion for FAA Dakota-Minnesota Airports District Office review (submitted by MOT to FAA)
- Final Categorical Exclusion
- All submittals will be electronically; no hard-copy deliveries of submittals are included in scope of work

Cost Estimate

Implementation of this task order will be conducted for an amount not to exceed \$13,000.

Schedule

CDM Smith will initiate work on this task order as soon as the following documentation is received:

- Notification to proceed;
- MOT's cultural resources study, map and supporting documentation; and
- Finalized project description.

It is anticipated that completion of the major tasks will be accomplished in approximately 11 weeks from the receipt of the above documents.

Task 2: Spot Blight Eradication Program

The scope of services for this task under Amendment 12 included housing demolition management services for up to 16 single family spot blight homes. Since only 6 homes are currently in this program, it is assumed that the overall remaining budget is sufficient for the additional task under the Northern Sewer Project task above.