EXHIBIT A-R1

NOBLE CONSULTANTS | GEC

201 Alameda Del Prado, Suite 301
Novato, CA 94949
(415) 884-0727 Fax (415) 884-0735
Ronald M. Noble, P.E., President

ENR TOP 500 DESIGN FIRMS

July 8, 2019

Michael Roberts, P.E.
Senior Civil Engineer
Public Works Department
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

Re: **Proposal: Estimated Additional Fee**
Responses to Regulatory Permitting Comments
For Shoreline Protection of Point Emery
Emeryville, CA

Dear Mike:

Our estimated additional fee proposal is in response to Ryan O'Connell's email of July 3, 2019 to provide additional regulatory permitting services for shoreline protection at Point Emery. These services include responses to the additional review comments from the regulatory agencies such as San Francisco Bay Conservation and Development Commission (BCDC), U.S. Army Corps of Engineers (USACE), and San Francisco Bay Regional Water Quality Control Board (RWQCB).

Scope of Services

Our proposed scope of services consists of the following:

Task 1: Responses to BCDC Comments contained in their 7/01/2019 Email

We submitted our responses on May 30, 2019 to BCDC's May 20, 2019 review comments. We also performed a site visit and discussions with BCDC staff and the City of Emeryville on June 21, 2019. Subsequent to this meeting, we received additional comments, questions, and requirements from BCDC on July 1, 2019 (see attachment). The work for Task 1 consists of the following sub-tasks:

1. Responses to BCDC's July 1, 2019 comments.
2. Revision to the project description and plans based on BCDC's comments.

3. Follow-up with BCDC and responses to further comments by BCDC.

Task 2: Responses to Additional Comments by Other Regulatory Agencies

We have discussed with RWQCB their comments, and submitted our responses on May 30, 2019 to USACE's May 28, 2019 review comments. We will respond to additional comments that are expected from these two agencies. We will also consult with other local, state and/or federal agencies, if necessary, for their input in the permitting process.

Notes

Please note that we require the following inputs from the City to complete our permitting services:

1. The City will clarify what the involvement for the Alameda County of Environmental Health (ACDEH) will entail in this project and if ACDEH requires discretionary approvals, and provide those approvals if they are required. It is noted that Point Emery is a landfill site regulated by ACDEH. We ask that the City obtain more information from ACDEH about this landfill site, including whether it includes toxic or hazards substances. This input and information is requited in Item 6 of BCDC's comments dated July 1, 2019.
2. If applicable to the project site, the City will provide the project approval from the Department of Toxic Substances Control. This is required in Item 7 of BCDC's comments dated July 1, 2019.
3. A portion (westernmost end) of the proposed project appears to be owned by the McLaughlin Eastshore State Park of the East Bay Regional Park District (EBRPD). The City shall provide documentation that is signed by EBRPD as co-applicant to demonstrate EBRPD has adequate legal interest in this property. This is required in Item 8 of BCDC's comments dated July 1, 2019.

It is noted at this time our estimated additional fee does not include any additional work that the regulatory agencies may require from our biological and geotechnical sub-contractors. We will consult with the agencies and will prepare responses to BCDC's comments regarding biological assessment (such as eelgrass) and geotechnical evaluations, mainly included in Items 5 and 6 of BCDC's comments dated July 1, 2019. However, if additional biological or geotechnical work is still deemed necessary by the agencies, these services will be performed at additional cost.

It is also noted that our above scope of work does not include any regulatory agency permitting fees that would be paid directly by the City.

Current Project Summary

Attached is a current project summary through Friday June 28, 2019. We have highlighted in yellow our contract project tasks, total contract dollar amounts, job to date billings through 6/28/19, and job to date balances. It shows that we are under budget by $3,214 for Tasks 1 and 2 (Field Investigation and Preliminary Plan). We have not started any of the design contract documents tasks (Tasks 4, 5 and 6) as we will not initiate this work until receiving regulatory permit approvals. Therefore these task budgets remain unused at this time. The attached project summary also shows that we are currently over budget by $3,160 for Task 3, which includes all regulatory permit processing. Therefore this over budget is currently covered by our under budget for Tasks 1 and 2.

Estimated Additional Fee

We propose to perform this additional regulatory permitting work on a time and expense basis in accordance with our attached Schedule of Charges. Our estimated fee is an additional $25,120 above our current contract fee, which we would not exceed without your prior authorization. Attached is a spreadsheet showing the breakdown of this estimated additional fee.

* * * * *

We appreciate the opportunity to provide our permitting services to the City for this Point Emery Shoreline Protection project. Please call me if you would like to discuss any aspects of our proposal.

Sincerely,

NOBLE CONSULTANTS, INC.

Ronald M. Noble, P.E., D.CE, D.PE, D.WRE
President

RMN/WQ
Attachments

cc: Ryan O'Connell, City of Emeryville

From:	Deppe, Walt@BCDC
To:	Ron Noble
Cc:	Michael Roberts; Aarreberg, Arn@Wildlife; Ben Botkin
Subject:	Point Emery, BCDC Permit Application No. 2019.002.00, 2nd Response
Date:	Monday, July 01, 2019 2:17:39 PM

Dear Mr. Noble:

Thank you for your response dated and received in this office on May 31, 2019, for the proposed shoreline protection revetment at Point Emery, in the City of Emeryville, Alameda County. Also, thank you for conducting a site visit with us on June 21, 2019. It was very helpful. Mr. Roberts, from the City, has reached out regarding exploring options with phasing and to better understand the major/minor permit thresholds. We will link up with him to discuss further.

We understand some of the following items will require some discussions with other agencies before they can be finalized. We would be happy to have smaller discussions on some of those individual points as you work through that process. Our review of the application has determined that it remains incomplete pending the submittal of the following outstanding items:

1. **Total Project and Site Information.** Thank you for providing revisions to the project description. Please verify whether the proposed project has been described accurately and in full as revised below:

   In the Commission's Bay and 100-foot shoreline band jurisdictions and in the "East Shore State Park-Berkeley Waterfront" Waterfront, Beach Park Priority Use Area:

   a. Excavate and grade sections of the shoreline, clear rubble and debris from the work area, and dispose of removed material outside of the Commission's jurisdiction; and

   b. Construct, use, and maintain in-kind, a rip rap revetment consisting of rock, gravel, planting soil, and geotextile fabric, including approximately 15,000 square feet (500 cubic yards) of fill in the Bay and approximately 25,300 square feet (2,800 cubic yards) of fill within the 100-foot shoreline band, including:

      i. Along approximately 260 linear feet in two segments on the northern shoreline, east and west of the existing revetment; and

      ii. Along approximately 570 linear feet on the southern shoreline.

   Please provide any missing details and additional project information (such as mitigation or public access amenities proposed) if any further changes to the project are made and provide updated plan sets to reflect any such changes.

2. **Shoreline Protection**

   a. **Life of Project.** It is important for us to understand the expected life of the proposed project to determine its consistency with the Bay Plan's shoreline protection policies which state, in part, that new shoreline protection projects and the maintenance and reconstruction of existing projects must be properly engineered to provide erosion control and flood protection for life of the project based on a 100-year flood event and sea level rise.

Please provide the expected life of the project and explain how the proposed revetment is designed for the potential impacts of flooding and erosion with projected future sea level rise at the site.

b. **Erosion and Flooding.** From our resources, it appears that the current FEMA Base Flood Elevation (BFE) at the site is between 12 and 13 feet NAVD88 for the northern and southern shores of Point Emery, respectively. Given that the current and proposed top of bank elevations at Point Emery are below the BFE for the site, please provide information about what effects a 100-year storm with wave action would be expected to have at the site following the proposed project. Please explain if significant flooding or erosion would be expected to occur during such extreme events, if the design of the proposed project and its maintenance plan would be able to provide resilience and safety at the site, and whether plantings at the tops of banks could be used as an erosion control measure. Please explain if the proposed new revetments would be expected to intensify erosion at adjacent areas, including the beach at the northeast corner of the spit.

c. **Sea Level Rise.** It appears that the still water elevation at the site would likely be higher than the 10-foot NAVD88 elevation of the proposed revetment at the west end of the site in a 100-year flood event for projected sea level rise for the year 2030, and in as little as a 5-year flood event for projected sea level rise for the year 2050 based on medium-to high risk aversion from the Ocean Protection Council's 2018 Sea Level Rise Guidance. With those projections, the west end of the site would experience flooding with King Tides by the year 2060. Please explain how the project is designed to be resilient to erosion and flooding at the site for the expected life of the project.

d. **Alternatives Analysis.** The newly released "San Francisco Bay Shoreline Adaptation Atlas" by the San Francisco Estuary Institute (https://www.sfei.org/documents/adaptationatlas) identifies Point Emery (in Operational Landscape Unit #17, East Bay Crescent) as an area with conditions suitable for beaches along a fortified shoreline, and, on the southern side of the spit only, for nearshore reefs. Please explain if these shoreline protection concepts would be feasible at the site for the life of the proposed project or for future adaptation measures.

3. **Public Access.** We appreciate the discussions we were able to have at the site regarding maximum feasible access associated with the project. Please explain if there are any opportunities to enhance public access at the site or in adjacent areas that will be included as part of the proposed project, such as some of the ideas for amenities and trail improvements that we discussed.

4. **Mitigation for Fill.** Thank you for discussing potential mitigation ideas on our site visit and for indicating that the mitigation to be proposed will be further informed by discussions with other agencies. We look forward to hearing your proposals and would be happy to discuss them with you before they are finalized.

   Bay Plan policies on mitigation state that, "[p]rojects should be designed to avoid adverse environmental impacts to Bay natural resources such as to water surface area, volume, or circulation," and that "measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required…" Therefore, if the project cannot avoid a

net increase in Bay fill, please consider and describe options to compensate for the proposed Bay fill, such as removal of debris or other Bay fill in order to help offset the impacts of the proposed project.

5. **Eelgrass.** Given that eelgrass is known to occur in the vicinity of the project site, please consult with the California Department of Fish and Wildlife (CDFW) and provide information on whether additional measures would be employed to avoid or minimize potential eelgrass impacts. I spoke with Arn Aarreberg of CDFW (707-576-2889; Arn.Aarreberg@wildlife.ca.gov), cc'd here, about the project and he said he would be available to consult with you regarding whether eelgrass surveys would be necessary and whether he would recommend any additional mitigation measures or best management practices besides the ones you have already proposed.

6. **Landfill Information.** Your application states that Point Emery is a landfill site regulated by the Alameda County of Environmental Health (ACDEH Facility #01-CR-0002). On our site visit, the representatives from the City of Emeryville mentioned that ACDEH was getting involved in the project. Please clarify what their involvement will entail and if they require and discretionary approvals, please provide those when they are available.

   We understand that the proposed project is intended to prevent further erosion of the fill, but we would like to have a better understanding of the nature of the site to ensure we have an understanding of any potential water quality issues there. Please provide more information about this landfill site, including whether it includes toxic or hazardous substances that could become mobilized by erosion and flooding during storm events or by groundwater and negatively impact water quality, especially over the life of the project with projected sea level rise at the site. Please provide any information about whether, during a seismic event, lateral spreading or liquefaction would be anticipated at the site and whether the proposed revetment would be expected to help contain the artificial fill. ACDEH may have some of this information available.

7. **Other Governmental Approvals.** Please provide a copy of the water quality certification or waiver thereof from the San Francisco Bay Regional Water Quality Control Board when it is available. In addition, please provide all consultation documentation and/or approvals from the all state and federal wildlife agencies, if applicable, when they are available. If applicable to the proposed project, we will also need to receive project approval from the Department of Toxic Substances Control. Our regulations prohibit us from filing an application prior to receiving this documentation.

8. **Proof of Adequate Property Interest.** Thank you for providing the grant deed of the City of Emeryville parcel. It appears from the map you provided for the interested parties, that a portion of the project site may be on property owned by the East Bay Regional Parks District (EBRPD).

   Please clarify if any of the proposed project would occur on property other than that owned by the City of Emeryville. If any portion of the project occurs on the parcel owned by EBRPD, they may need to sign on as a co-applicant for the project. If that is the case, please also submit documentation, such as a copy of a grant deed or lease which demonstrates that the co-applicant has adequate legal interest in the property.

9. **Processing Fee.** Your application appears to qualify for a major permit. Therefore, based on the estimated total project cost provided of $500,000, please submit the $1,200 application fee to enable the continued processing of the application.

10. **Public Notice.** Please post the "Notice of Application" so that it will be visible to the members of the public, complete the form that certifies that you have posted the Notice, and return the form to the Commission's office.

11. **Copies of Applications.** Since the project has been determined to qualify as a major permit, you will also need to provide us with seven (7) copies of your application, which will be distributed to the other primary federal and state regulatory agencies considering the proposed project. We recommend providing these copies once your application is filed as complete.

Until the above-mentioned information is submitted and reviewed for adequacy, your application will be held as incomplete.

Other Issues. In addition to the issues cited above, the following matters should be considered in submitting additional materials to us as part of the application process.

A. **Construction Plans.** One full size set of signed and stamped project plans must be submitted before the proposed project would be able to commence construction. You can either submit these plans now as part of your application for review and approval before the permit is issued or we can include review of these plans as special condition of the permit. These plans must include, at a minimum, a vicinity map, site plan, property lines, existing and proposed structures or improvements (including elevations and sections if necessary), the shoreline (Mean High Water, in this case), any marshes, wetlands or mudflats, the corresponding 100-foot shoreline band line, scale, north arrow, date and the name of the person who prepared the plans. Additional information may be needed on the plans depending upon the scope of the proposed project. A reduced set of plans will be used as exhibits in the staff reports which will be mailed to the Commission and interested parties, so they must be clean and legible.

B. **Construction Closures, Detours and Signage.** We plan to include a special condition that includes requirements for how construction closures, detours, signage, etc., should be handled. There will likely be a plan review condition related to that but the more information that you can provide now, the less will need to be handled by plan review. We would be happy to review any general information about the proposed publicly accessible areas proposed to be closed to public access during construction, including the locations and length of closures, and about the detours, signage, or alternative access locations, proposed to be provided during that time, and any information about how the Bay Trail, parking amenities, or pedestrian pathways, at the site would be impacted by construction activities. We may be able to provide suggestions for those plans that could make the plan review process post- permit issuance run more smoothly.

C. **Water Access.** We appreciate the discussions we were able to have with you and Ben Botkin from the SF Bay Area Water Trail and it was good to hear his input from the boardsailing community and others about the ways the water access is typically used at the site. Please explain if you intend to consider adding moving the large piece of driftwood to the proposed

project description in order to address the boardsailing community's concerns about its impacts on water access since its arrival.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Walt

Walt Deppe
Coastal Program Analyst
San Francisco Bay Conservation & Development Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102
415.352.3622
walt.deppe@bcdc.ca.gov

Project Summary

Wednesday, July 3, 2019
12:18:23 PM

Noble Consultants, Inc.

For the period 7/1/2019 - 7/31/2019

	Total Contract	JTD Billing	JTD Balance Billing	JTD Received	JTD Hours	Budget Hours	Budget Hours Billing	% Bud Exp	Balance Hours
Project Number: 9500.0000956.003 Shoreline Protection of Point Emery									
Phase Number: 1 Engineering Design									
Task Number: 1 Field Investigation									
Labor		3,866.00	2,774.00		15.00	24.00	6,640.00	58.22	9.00
Reimb. Exp.		15,952.69	32.31				15,985.00	99.80	
Total for 1	**22,625.00**	**19,818.69**	**2,806.31**	**19,818.69**	**15.00**	**24.00**	**22,625.00**	**87.60**	**9.00**
Task Number: 2 Preliminary Plan									
Labor		9,736.00	408.00		45.00	48.00	10,144.00	95.98	3.00
Total for 2	**10,144.00**	**9,736.00**	**408.00**	**9,736.00**	**45.00**	**48.00**	**10,144.00**	**95.98**	**3.00**
Task Number: 4 50% Construction Drawings									
Labor			11,164.00			58.00	11,164.00		58.00
Total for 4	**11,164.00**		**11,164.00**			**58.00**	**11,164.00**		**58.00**
Task Number: 5 90% Construction Drawings									
Labor			12,952.00			68.00	12,952.00		68.00
Total for 5	**12,952.00**		**12,952.00**			**68.00**	**12,952.00**		**68.00**
Task Number: 6 100% Construction Drawings									
Labor			7,780.00			40.00	7,780.00		40.00
Total for 6	**7,780.00**		**7,780.00**			**40.00**	**7,780.00**		**40.00**
Task Number: 7 Expenses									
Reimb. Exp.		33.84							
Total for 7	**345.00**	**33.84**		**33.84**					
Total for 1	65,010.00	29,588.53	35,076.47	29,588.53	60.00	238.00	64,665.00	45.76	178.00
Phase Number: 2 Regulatory Permit Processing									
Task Number: 3 City if JARPA Permits									
Labor		27,840.00	(9,100.00)		123.00	98.00	18,740.00	148.56	-25.00
Reimb. Exp.			5,940.00				5,940.00		
Total for 3	**24,680.00**	**27,840.00**	**(3,160.00)**	**26,698.00**	**123.00**	**98.00**	**24,680.00**	**112.80**	**-25.00**
Task Number: 7 Expenses									
Reimb. Exp.		55.40							
Total for 7	**345.00**	**55.40**		**22.05**					
Total for 2	25,025.00	27,895.40	(3,215.40)	26,720.05	123.00	98.00	24,680.00	113.03	-25.00
Final Totals	**90,035.00**	**57,483.93**	**31,861.07**	**56,308.58**	**183.00**	**336.00**	**89,345.00**	**64.34**	**153.00**

NOBLE
CONSULTANTS, INC.

SCHEDULE OF CHARGES

Labor (per hour)*

Senior Principal Engineer	$310	Construction Cost Estimator	$150
Principal Engineer	260	Senior Survey Engineer	150
Senior Associate Engineer	228	Staff Engineer III	146
Associate Engineer	212	Staff Engineer II	142
Associate Economist	212	Staff Engineer I	127
Senior Structural Engineer II	198	Surveyor II	122
Senior Structural Engineer I	184	Surveyor I	108
Senior Engineer II	198	Senior Construction Inspector	118
Senior Engineer I	184	CADD Designer/Operator	118
Structural Engineer	172	Assistant Engineer	113
Project Engineer II	162	Construction Inspector	108
Project Engineer I	150	Technician	93
Construction Manager	158	Word Processing / Clerical	84

* Depositions, mediations, arbitrations, and court appearance labor is two times the rate shown and billed in 1/2-day increments.

*Reimbursable Expenses***

In-house

Survey Vessel	$300 per day	CADD Plots	$2.00 per page
RTK-DGPS Surveying	375 per day	Imagenex Profiling Sonar	375 per day
Locus DGPS Surveying	275 per day	Imagenex Side Scan Sonar	375 per day
DGPS Navigation System	375 per day	Sparker Sub-bottom Profiler	400 per day
Gyro	25 per day	Uniboom Sub-bottom Profiler	350 per day
Motion Compensator	200 per day	3.5 Tuned Transducer System	250 per day
Precision Depth Sounder	75 per day	Marine Magnetometer	200 per day
Tide Gage	75 per day	Underwater Video System	125 per day
Theodolite/Total Station	150 per day	Truck	100 per day
Radios	15 per day	Generator	50 per day
Photocopying	0.30 per page	Inspector Boat	100 per day
Color Photocopy (8-1/2x11)	1.00 per page	Automobile	1.00 per mile
Color Photocopy (11x17)	1.25 per page		

Out-of-Pocket

Travel, Subconsultants, Printing, Communication, etc.

** In-house at scheduled rate plus 15%. Out-of-pocket at cost plus 15%.

Invoices

Bills are due and payable on presentation. Interest at 1.5% per month (but not exceeding the maximum rate allowable by law) is payable on any amounts not paid within 30 days.

Fee Estimate Spreadsheet

Project: **Point Emery Shoreline Protection**
Client: **City of Emeryville**

Date of Estimate: **8-Jul-19**

	Personnel -->	SPE	PE	AssocE I	PGM	GEG	WP	-	-	Totals	
	NCI Labor Rate -->	$310	$260	$212	$146	$150	$84			Hours	Dollars
Task 1	Responses to BCDC comments										
	Responses to BCDC comments dated July 1st, 2019	8	20							28	$7,680
	Revisions to project description and plans	4	16								$5,400
	Following-up with BCDC & responses to further comments	8	16								$6,640
Task 2	Responses to additional comments from other agencies	4	16							20	$5,400
Sub-Totals		24	68							92	$25,120
Subconsultants											
Total Subconsultants		Handling charge @		15%					Sub-total		
Expenses											
car											
Flight											
Expenses											
Reproduction											
Construction Phase Travel (Sim to breakout above)											
Total Reimbursable Expenses		Handling charge @		15%					Sub-total		
Grand Total											$25,120

Scope and Cost Summary:

Among the additional tasks that Noble will perform are review, research, response and design changes related to BCDC, USACE and RWQCB comments and coordination with City staff on obtaining East Bay Regional Park District, Alameda County Department of Environmental Health and the California Department of Toxic Substances review and approval.

FISCAL IMPACT

The First Amendment to the Noble Agreement for the amount of $32,620 includes a $7,500 contingency amount for unforeseeable additional work necessary to deliver the design and permitting for the project.