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August 25, 2023

Nick Ducote  
Ducote Consulting, LLC  
PO Box 596  
La Grande, OR. 97850

**RE: Scope of Work for City of John Day Wastewater Treatment Plant Endangered Species Act Compliance Support – Additional Services**

Dear Mr. Ducote,

Mason, Bruce & Girard, Inc. (MB&G) is pleased to provide the following Scope of Work (SOW) amendment and cost estimate amendment for Endangered Species Act (ESA) compliance support for the City of John Day's (City) new wastewater treatment plant project (project). The City is building a new wastewater treatment facility to replace the old treatment system. The original system was constructed in 1949 with major renovations or additions completed in 1970 and 1978. Since 1978 the system has been expanded several times to address the City's demand. The new facility is expected to be online by 2024. The new system will serve the City's current 2,440 residents and the additional demand from the projected population growth through to 2042.

The project is receiving federal funding from the U.S. Department of Agriculture (USDA) which constitutes a federal nexus under the Section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Fisheries Conservation Act (MSA). As such, the project must demonstrate compliance with ESA and MSA. MB&G will review project plans, permit applications, and other relevant information, coordinate with the Oregon Department of Fish and Wildlife (ODFW), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS), and conduct a site assessment to prepare a Biological Assessment (BA) demonstrating project compliance with the ESA and MSA.

Specific MB&G services identified under this SOW are included below.

**Task 3. Biological Assessment – Additional Effort**

The project area occurs adjacent to the John Day River and Canyon Creek, and the project area supports ESA-listed steelhead of the Middle Columbia River Distinct Population Segment and bull trout of the Mid-Columbia Recovery Unit. The John Day River is designated as critical habitat for both species and is considered Pacific Salmon Essential Fish Habitat (EFH) under the MSA. Construction and operation of the new wastewater treatment plant could result in direct, indirect, or cumulative effects on listed fish and/or their habitat.

MB&G prepared a BA that describes the project, discusses conservation measures and best management practices to minimize impacts to ESA and MSA resources, describes potential project impacts on ESA and

MSA resources, and requests formal consultation with NMFS and USFWS to facilitate receipt of Biological Opinions (BO) from both agencies in late 2022, and revised the draft BA twice in 2023 based on NMFS and USFWS review comments. NMFS and USFWS have provided several rounds of review comments and requested several meetings with the City's project team and MB&G staff to discuss their review of three draft BA iterations. These efforts have resulted in MB&G exceeding our anticipated scope of work and budget estimate.

Under this amendment, MB&G shall revise the final draft BA per review comments provided to the project team on August 25, 2023. MB&G shall provide the final draft BA to the City for review and will revise the final draft BA per review comments and prepare a final document for delivery to NMFS and USFWS.

**Assumptions:**

- This SOW amendment includes up to three additional coordination meetings with the City, NMFS, and USFWS.
- This SOW amendment includes MB&G staff time to address additional comments that may arise during and after NMFS and USFWS BO issuance.

**Deliverables:**

- Final draft BA revisions per NMFS and USFWS August 25, 2023 comments, (one MS Word)
- Final BA, (one PDF copy)

**Task 4. Project Management – Additional Effort**

Project management includes quality control and statement of work oversight, as well as other duties such as budget tracking, coordination with City staff and project consultants, and development and maintenance of a project filing system.

**Assumptions:**

- No deliverables are associated with this task.

The cost to complete this SOW amendment as described above is \$8,494. MB&G looks forward to continuing to support the City with the project. Please do not hesitate to contact me at [smyers@masonbruce.com](mailto:smyers@masonbruce.com) or 503.417.5406 should you need any additional information or assistance.

Sincerely,



Stuart Myers  
Associate/Ecologist