



**AMENDMENT NUMBER ONE  
TO  
AGREEMENT NUMBER MA-299-13011172  
WITH  
IRVINE RANCH CONSERVANCY TO RESTORE AND  
ENHANCE HABITAT IN THE AGUA CHINON WASH  
AREA OF LIMESTONE-WHITING WILDERNESS PARK**

This Amendment Number One (“**Amendment**”) to Agreement Number MA-299-13011172 to restore and enhance habitat in the Agua Chinon Wash area of Limestone-Whiting Wilderness Park (“**Agreement**”) is made and entered into upon execution of all necessary signatures between the County of Orange, a political subdivision of the State of California, by its OC Waste & Recycling department (“**County**”) and **Irvine Ranch Conservancy**. (“**Contractor**” or “**IRC**”), located at 4727 Portola Parkway Irvine, CA 92620-1914. County and Contractor are collectively referred to as “Parties.”

**RECITALS**

WHEREAS, the County Board of Supervisors authorized the Director of OC Waste & Recycling (“**OCWR**”) to enter into an Agreement with Contractor to provide the services to restore and enhance habitat in the Agua Chinon Wash area of Limestone-Whiting Wilderness Park to meet compensatory mitigation obligations as required by federal and state regulations in connection with the Frank R. Bowerman Landfill expansion, for a ten-year period, effective January 1, 2013 through June 30, 2023, in an amount not to exceed \$2,832,000; and

WHEREAS, County and Contractor entered into Agreement MA-299-13011172 for implementation of management of a habitat restoration project in Agua Chinon Wash (“**Project**”) as compensatory mitigation for the needed removal of native habitat within drainages associated with landslide remediation and future landfill development phases at the Frank R. Bowerman Landfill; and

WHEREAS, major fire damage to the Agua Chinon Project was sustained from the Silverado Fire on October 26, 2020; and

WHEREAS, in response to fire damage, the U.S. Army Corps of Engineers (ACOE), which issued the permit requiring the Project as compensatory mitigation required the preparation of and adherence to an Adaptive Management Plan (AMP) to address fire damage and ensure the Project is restored to meet final permit-required performance standards; and

WHEREAS, an AMP was prepared identifying required repairs, restoration activities, monitoring and maintenance to address fire damage, and adherence to the AMP to meet final permit-established performance standards has necessitated an extension of the Agreement and additional funding. Completion of the Project will require an additional two and a half (2.5) years to reach final performance standards due to required repairs of damage sustained from the Silverado Fire; and

WHEREAS, County now desires and Contractor agrees, to revise the Scope of Management Services, including Exhibit A – Scope of Management Services by Year, and extend the Agreement for two and a half (2.5) years, effective July 1, 2023 through December 31, 2025, with an additional \$220,000 in funds for a revised cumulative Agreement total not to exceed \$3,052,000;

NOW, THEREFORE, the Parties agree as follows:

1. Agreement Number MA-299-13011172 shall be extended for two and a half years, effective July 1, 2023 through December 31, 2025, with an additional \$220,000 in funds for a new cumulative Agreement total not to exceed \$3,052,000.
2. Scope of Management Services of Agreement Number MA-299-13011172 shall now

include the following additions to Section 4.1

- Due to substantial fire damage sustained to the project during the 2020 Silverado Fire, and pursuant to the Adaptive Management Plan (AMP) subsequently required and approved by the ACOE, the Irvine Ranch Conservancy shall implement the additional maintenance outlined below to meet final performance standards in adherence to the AMP:
  - Year 11 (July 2023 – June 2024): Maintenance and Monitoring. Includes, but may not be limited to, focused local site-scale maintenance and weed control, targeted invasive weed control throughout sub-watershed, oak tree maintenance and irrigation, field data collection and analysis, supplemental seeding, project management, and reporting.
  - Year 12 (July 2024 – June 2025). Includes, but may not be limited to, focused local site-scale maintenance and weed control, targeted invasive weed control throughout sub-watershed oak, tree maintenance, field data collection and analysis including a CRAM analysis, supplemental seeding, project management, and reporting.
  - Year 13 (July 2025 – December 2025). Includes, but may not be limited to, final report preparation, final oak tree survey, final flora and fauna surveys as required by Performance Standards, and coordination related to mitigation project sign-off from regulatory agencies.

3. Exhibit A, Scope of Services and Cost by Year of Agreement Number MA-299-13011172 shall now include the following additions:

<b>Year 11 (July 2023 – June 2024)</b> <ul style="list-style-type: none"> <li>• Weeding</li> <li>• Oak Maintenance</li> <li>• Oak irrigation (through summer 2023)</li> <li>• Field data collection and analysis</li> <li>• Supplemental Seeding</li> <li>• Target invasive control in sub-watershed</li> <li>• Project management and reporting</li> </ul>	<b>\$100,000</b>
<b>Year 12 (July 2024 – June 2025)</b> <ul style="list-style-type: none"> <li>• Weeding</li> <li>• Oak Maintenance</li> <li>• Field data collection and analysis (including CRAM)</li> <li>• Supplemental Seeding</li> <li>• Target invasive control in sub-watershed</li> <li>• Project management and reporting</li> </ul>	<b>\$100,000</b>
<b>Year 13 (July 2025 – December 2025)</b> <ul style="list-style-type: none"> <li>• Final report preparation</li> <li>• Final oak tree survey</li> <li>• Coordination related to sign-off from regulatory agencies</li> </ul>	<b>\$20,000</b>

4. Except as amended herein, all remaining terms and conditions of the Agreement shall remain in full force and effect.

