

Refined Scope of Work

Environmental Science Associates (ESA) and the California State Coastal Conservancy (the “Conservancy”) entered into Agreement No. 16-135 on June 16, 2017 for ESA to provide environmental services in connection with the preparation of an Environmental Impact Report (EIR) for the Malibu Coastal Access Public Works Plan (PWP) (the “Agreement”). In accordance with the terms of the Agreement, all services are to be performed in close consultation with Conservancy and Mountains Recreation and Conservation Authority (MRCA) staff. The Conservancy and the MRCA are the CEQA Lead Agencies for purposes of this scope of work. This scope of work refines each of the initial tasks, clarifies assumptions and understandings, and updates the anticipated cost and schedule to complete the CEQA process for this project. Additional details are provided in the sections that follow.

Refined Costs

The initial contract was based on high-level assumptions up to an initial sum of \$150,000 with the shared expectation that the cost and associated effort would be refined once more information became available. Job-to-date as of December 22, 2018, \$126,793.35 remains on the current contract, including a \$2,275.30 overage on Task 1 (Project Management) and a \$1,931.35 overage on Task 2 (Review of Existing Materials). ESA understands that the Conservancy intends to fund an additional \$50,000 toward the completion of work under Agreement No. 16-135 and that the remaining sum would come from MRCA sources. **Table 1**, Cost Summary, identifies by task the initial contract amount, the total amount estimated to be required to complete the refined scope of work, the amount remaining as of December 22, 2018, and allocates the total amount of this Modification Request 2 (\$173,039.65) between the Conservancy and the MRCA. A detailed cost proposal for the project as a whole is included as **Attachment A**.

Refined Schedule

Table 2 identifies anticipated timing of project milestones. A detailed schedule is included as **Attachment B**.

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TABLE 1: COST SUMMARY

Task		Initial Contract Amount	Estimate Total Scope of Work	Remaining as of 12/22/18		Needed to Complete Refined Scope		\$50k Mod 2 Request from Conservancy	Mod 2 Request from MRCA
1	Project Management	\$ 13,455.00	\$ 45,155.00	\$ (2,275.30)		\$ 47,430.30		\$ 20,000.00	\$ 27,430.30
2	Review of Existing Materials	\$ 3,440.00	\$ 7,680.00	\$ (1,931.35)		\$ 9,611.35		\$ 9,611.35	\$ -
3	Scoping	\$ 7,740.00	\$ 18,040.00	\$ 6,820.00		\$ 11,220.00		\$ 11,220.00	\$ -
4	Administrative Draft EIR	\$ 108,310.00	\$ 165,500.00	\$ 107,125.00		\$ 58,375.00		\$ 9,168.65	\$ 49,206.35
5	Draft EIR	\$ 5,375.00	\$ 9,440.00	\$ 5,375.00		\$ 4,065.00			\$ 4,065.00
6	Comment Review, Assessment	\$ 6,880.00	\$ 11,140.00	\$ 6,880.00		\$ 4,260.00			\$ 4,260.00
7	Responses to Comments	\$ -	\$ 18,830.00	\$ -		\$ 18,830.00			\$ 18,830.00
8	Final EIR	\$ -	\$ 9,720.00	\$ -		\$ 9,720.00			\$ 9,720.00
9	Decision Support	\$ -	\$ 10,380.00	\$ -		\$ 10,380.00			\$ 5,580.00
10	Administrative Record Support	\$ 4,800.00		\$ 4,800.00		\$ (4,800.00)			
11	Reimbursable Expenses	\$ -	\$ 4,028.00			\$ 4,028.00			\$ 4,028.00
	Total	\$ 150,000.00	\$ 299,913.00	\$ 126,793.35		\$ 173,119.65		\$ 50,000.00	\$ 123,119.65

TABLE 2: MILESTONE SCHEDULE

Milestone	Anticipated Complete
Review of Existing Materials Complete	February 18, 2019
30-day Scoping Period	March 21-April 22, 2019
Draft EIR issued	September 2019
Final EIR issued	March 2020

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Task 1: Project Management

Lead Agency Coordination

The initial scope of work assumed that progress review/coordination calls would occur every other week until October 31, 2018, each to last an average of 30 minutes. Calls were to begin the week after the kickoff meeting and end prior to the end of October 2018 (all work under the contract was to be complete by that date).

Anticipated participants would include MRCA, Conservancy, ESA and, if agreed appropriate by the project management team, Commission staff.

The refined scope anticipates that 35 half-hour calls will be held among Conservancy, MRCA, and ESA staff between December 2018 and the end of March 2020, when the current Agreement terminates. Projected costs assume that one person, ESA's project manager (PM), will participate in each call, and that calls would include only Conservancy and/or MRCA staff: ESA would not be involved in interagency coordination with Coastal Commission or other agencies' staff as a regular project management function.

Multi-agency Coordination

The initial scope of work did not include coordination with Responsible, Trustee, and Consulting agencies.

The refined scope understands that close coordination will be needed for a successful CEQA process to assure that all agencies that could need to rely on the CEQA analysis will find it to include what they need. **Responsible Agencies** will include the Coastal Commission (for certification of PWP, maybe also for funding) and may include Caltrans (perhaps for an encroachment permit for Site 8 [Wildman/Mancuso]) and CDFW (Streambed Alteration Agreement to cross the drainage at Site 7 [Clark]). **Trustee Agencies** may include: CDFW and State Lands Commission (perhaps for project elements/activities that may affect public trust lands; a lateral easement also may belong to this agency).

The only **Consulting Agency** for this project would be the City of Malibu. Pursuant to the Coastal Act (Pub. Res. Code §30605), the proposed PWP "shall be approved by the commission only if it finds, *after full consultation with the affected local governments*, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works." This scope assumes that "full consultation" includes seeking input from the City of Malibu at designated milestones in the Lead Agencies' CEQA process and giving due consideration to any input received as part of the CEQA process regarding the PWP's consistency with the City's Local Coastal Program (LCP). This scope assumes that MRCA has prepared or will prepare a chart or other demonstration of consistency of the PWP with the City of Malibu's approved LCP. ESA will rely on the consistency analysis in the Land Use and Planning analysis within the EIR.

This scope of work assumes that the Lead Agencies alone would be responsible for coordinating with these Responsible, Trustee and Consulting agencies.

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General Project Management

The initial scope of work included general project management tasks over the initial term of the contract. Such tasks include, but are not limited to, schedule and budget maintenance, invoicing support, and the preparation and circulation of agendas and notes as needed.

The refined scope extends project management support through March 2020 and reflects greater-than-anticipated administrative time needed for invoice support and management.

Task 1 Deliverables

- Coordination call agendas and notes
- Regular schedule and budget updates (or upon request)
- Invoicing packages prepared in accordance with contract terms

Task 2: Review of Existing Materials

The initial scope of work assumed (without information in hand) that review of existing materials would require up to 2 days (16 hours) of PM review. The actual volume of available materials is quite substantial. Its review has required additional time.

The refined scope assumes that an additional four days (32 hours) at the PM's billing rate will be needed to review, organize, and prepare existing information (including new information available since 2017), for efficient use by EIR technical authors.

Task 3: Scoping

Pre-scoping

The initial scope of work did not include a pre-scoping subtask.

The refined scope, as initially proposed, anticipated that ESA would: 1) generate and maintain a project-specific distribution list for the CEQA process; 2) prepare an Initial Study checklist consistent with the Natural Resources Agency's November 2018 update to the CEQA Guidelines, including to the Appendix G checklist¹; 3) prepare and submit a Notice of Preparation (NOP), the Initial Study, and a Notice of Completion (NOC) to the State Clearinghouse as recommended by the Governor's Office and Planning Research²; and 4) provide notice by mail to the project-specific distribution list and via posting on a project-specific webpage. The refined scope, as revised, anticipates that the Lead Agencies will be responsible for these tasks.

This refined scope assumes that the EIR will rely on the Initial Study to screen out resources (e.g., Agriculture and Forestry Resources and Mineral Resources) or issue areas within resources (e.g., relating to air traffic, airports, and the displacement of housing or people) where the proposed project would result in no impact. All impacts conclusions for which a less than significant or potential significant impact is identified will be carried

¹ The final adopted text of the 2018 CEQA Guidelines is available online: <http://resources.ca.gov/ceqa/>

² OPR's recommendations regarding the submittal of CEQA documents to the State Clearinghouse are available online: <http://opr.ca.gov/clearinghouse/ceqa/document-submission.html>

forward into the EIR for more detailed analysis. ESA would review the initial study prior to its being finalized by the Lead Agencies to inform the Administrative Draft EIR.

Scoping

The scoping process will be the Lead Agencies' and ESA's first opportunity to engage meaningfully with agency and public stakeholders. Positive early engagement of potential project opponents also can be viewed as part of a larger litigation risk management strategy. A successful scoping process will set expectations, educate, inform, and engage people toward optimizing the effectiveness of participation in the process. For the benefit of the schedule, the scoping process will proceed in parallel with initial EIR drafting.

Public Scoping

The initial scope of work assumed that a public scoping meeting would be held approximately halfway into the scoping period.

The refined scope clarifies that the Lead Agencies will arrange for meeting space and related logistics, including the availability of audio/video and projection equipment and way-finding signage. ESA will develop and present a PowerPoint presentation, will facilitate the receipt of oral comments, and will arrange for a court reporter to prepare a transcript of any oral comments received. ESA also will prepare other meeting materials, including sign-in sheets and speakers' cards. ESA's Project Manager and one other ESA team member would attend the meeting. The proposed schedule assumes that the Lead Agencies will be the designated recipient of agency and public comments and will timely transmit them to ESA.

Agency Scoping

The initial scope of work assumed that an in-person scoping meeting with Coastal Commission staff would occur. Per CEQA Guidelines 15096(b), "A responsible agency shall respond to consultation by the lead agency in order to assist the lead agency in preparing adequate environmental documents for the project. By this means, the responsible agency will ensure that the documents it will use will comply with CEQA." Responsible agencies have 30 days after receipt of the NOP to provide requested input as to scope and content of the EIR; however, more active outreach (including advance notice and closer coordination with the Commission) is recommended for this project. Anticipated agenda items would include the characterization and inclusion of subject matter in the EIR specifically to address Commission needs, potentially including the identification and analysis of any areas of the sites that might qualify as environmentally sensitive habitat areas (ESHA), climate change-related sea level rise, and environmental justice considerations in accordance with Coastal Act requirements.

The refined scope of work, as initially proposed, broadened this assumption to include all Responsible, Trustee, and Consulting agencies to participate in agency-specific scoping. Consistent with the revised assumptions in Task 1, this scope of work assumes that the Lead Agencies will coordinate with Responsible, Trustee and Consulting agencies for purposes of Scoping without ESA's participation, and that the data, studies, and/or other supporting information needed to address these agencies' concerns in the EIR will be coordinated or made available by the Lead Agencies or by the Responsible, Trustee and Consulting agencies. This refined scope further assumes that such input will be suitable for reliance as provided, and will not require supplementation to provide accurate, adequate support for the CEQA analysis.

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Targeted Agency Outreach

The initial scope of work anticipated that ESA would, early the scoping period, contact local emergency services providers and other agencies as appropriate with requests for information to document baseline conditions, service ratios and response times, and to develop the cumulative scenario.

The refined scope clarifies that ESA assumes this outreach will occur via email and by phone, and that no in-person meetings will be needed. Email communications would be tailored to elicit specific information and be accompanied by relevant figures to clarify requests.

Scoping Report

The initial scope of work anticipated that a draft Scoping Report would be submitted for Lead Agency review within seven days after the conclusion of scoping period.

The refined scope clarifies the timing of submittal. Given the more substantive agency engagement and more informative NOP Package, a greater volume of early participation in the CEQA process is expected. ESA will prepare a draft Scoping Report for Lead Agency review within 14 days of the close of the scoping period assuming copies of State Clearinghouse transmittals, newspaper advertisements, all comments received, the public meeting transcript, information regarding agency-to-agency scoping, and any other documentation necessary for preparation of the report is timely provided. The draft Scoping Report will summarize input received from agencies and others, document all participation in the process at this early stage, advise participants about how their input will be incorporated or addressed in the CEQA process, and inform the development of the EIR. The Scoping Report will be organized for maximum efficiency in use by preparers of the EIR. Point-by-point responses to scoping input is not required, and is not proposed. ESA proposes that the Lead Agencies post the final, Lead Agency-approved Scoping Report on the project website.

Task 3 Deliverables

- Email communications and records relating to targeted agency outreach;
- PowerPoint presentation, sign-in sheets, and speakers' cards;
- A proposed-final Scoping Report. ESA will provide one electronic copy of the proposed-final Scoping Report (in Word) for the Lead Agencies' information. Costs assume that no substantive revisions would be required. ESA will provide one electronic copy of the final Scoping Report for the Lead Agencies to upload to a project-specific webpage.

Task 4: Administrative Draft EIR

The initial scope of work assumed that work on the administrative draft EIR would begin with submittal of the NOP and end with submittal of Administrative Draft EIR for Lead Agency review. The initial scope further assumed that all technical studies necessary to support analysis in the EIR have been completed and are suitable for the intended purpose.

The refined scope of work provides initial drafts of the Cover, Title Page, and an annotated Table of Contents for the Draft EIR as **Attachment C** to show anticipated organization of the material for efficient handing to CEQA purposes. In tone and content, ESA will develop the Draft EIR in recognition that the documentation could have several different audiences, each with its own purpose: 1) Responsible and Trustee agencies that will need to

rely on the analysis it contains in subsequent permitting and related processes, 2) members of the community who may be interested only in how implementation of the project could affect them as they go about their daily lives, 3) project opponents and potential litigants that may seek to further delay the provision of coastal access to the general public via pathways adjacent to their homes, and 4) perhaps a court if called up to resolve a dispute about the adequacy or accuracy of the CEQA process.

The following paragraphs highlight key elements of the proposed approach, which first and foremost will satisfy the requirements of CEQA and then will endeavor to balance agency coordination, public outreach, and other aspects of the process. In other words, answers to the questions “is it required?” followed by “would it be helpful?” will guide the document development process. At the highest level, ESA is committed to providing a fact-based, scientifically supported analysis that complies with both the substantive and procedural requirements of CEQA and informs decision-makers and members of the public about the environmental consequences of the project.

Project Description

ESA will rely on the PWP itself as the full, most-detailed version of the project description and anticipates that it would be provided together with the Draft EIR as a companion document so that any who may wish more detail will have it readily at hand. The Project Description to be included in Draft EIR Chapter 2 (see proposed Table of Contents) will be accurate, stable and consistent, and will contain sufficient specific information to inform a complete analysis of the potential environmental consequences of project. To do this, the Project Description will provide the context necessary to foster an understanding of the proposal. Maps, figures, and clear, concise descriptions will be provided, with an emphasis on those aspects of the project that are likely to drive impact conclusions or affect mitigation requirements. The Project Description will not provide encyclopedic reiteration of the PWP, and the inclusion of narrative that does not further the analysis of potential impacts will be minimized. Existing graphics will be used wherever reasonable and efficient to do so, to manage costs and build on rather than repeat prior efforts.

Identification of Potential Alternatives

ESA will work collaboratively with the Lead Agencies to build on known information and input from Responsible and Trustee agencies and others during the scoping process to develop a reasonable range of feasible alternatives. For this project, ESA anticipates that the EIR will describe a No Project Alternative and one other alternative that would meet most of the basic objectives of the project and be reasonable, feasible, and reduce or avoid potential significant impacts of the project. The No Action Alternative will assume continuation of the status quo, including coastal access where it exists on or about the date of the NOP, and otherwise speculative or uncertain resolution of disputed access ways. The “action” alternative is expected to meet CEQA’s criteria for a valid alternative and to include a design variation based on existing preliminary engineering. The EIR also will describe alternatives considered but not carried forward for more detailed review, and the rationale for not carrying them forward.

Environmental Setting

ESA will maximize the efficient use of the wealth of existing site-specific and project specific environmental information to describe the existing environment in the area that could be affected by the project from both a local and regional perspective. Because the PWP also intends to provide public access and recreation

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opportunities on a statewide scale, the description of the environmental setting will describe the larger geographic context where it is reasonable and informative to do so.

Development of the Cumulative Scenario

ESA will aggregate a list of potential cumulative projects based on desktop research and agency outreach for each of the resource areas to be evaluated in detail in the EIR. As part of the Targeted Agency Outreach process in Subtask 3.2, ESA will submit formal requests for agency input. Past, other present, and reasonably foreseeable probable future projects will be evaluated on a resource-by-resource basis to determine whether they would cause impacts that could combine with the incremental impacts of the project to cause or contribute to significant cumulative effects. The analysis also will use a plan-based approach to the analysis of cumulative effects to the extent it would be helpful and informative.

Environmental Justice and Social Equity Considerations

As part of the revised scope of work, as initially proposed, ESA would have prepared a technical appendix for inclusion in the Draft EIR to address the Coastal Commission-driven environmental justice and social equity considerations. However, because the Commission's authority to consider environmental justice when making permit decisions is separate from CEQA's requirements, this scope of work removes that effort from the proposal.

Task 4 Deliverables

- Administrative Draft EIR. ESA will provide an electronic copy of the Administrative Draft EIR (in Word).

Task 5: Draft EIR

The initial scope of work did not identify any specific assumptions about preparation of the Draft EIR. The refined scope clarifies basic understandings.

Agency Comments on the Administrative Draft EIR

For efficiency and budget management purposes, ESA requests that the Lead Agencies coordinate between themselves (and with any Responsible, Trustee, and Consulting agencies that the Lead Agencies may invite to participate in review of the Administrative Draft EIR) to provide a single set of consolidated, non-conflicting comments using a combination of the tracked changes function and comment bubbles options found in Word. Input provided in a spreadsheet, chart, list, or other separate document is more time-consuming to integrate, track, and address and so is not proposed for budgetary reasons. Given the close coordination that will occur with the Lead Agencies throughout the development of the Draft EIR, ESA assumes that one round of administrative review will be sufficient, and that no more than budgeted amount of effort would be needed to address the agencies' input and comments.

Screencheck Draft EIR

ESA will revise the Administrative Draft EIR in accordance with input received, respond to questions and other agency input that has been provided in comment bubbles, and provide a redline for the Lead Agencies' ease in assuring that proposed and requested revisions have been made. ESA can facilitate a virtual "page turn" via conference call and shared-screen technology to walk through revisions together with the Lead Agency

representatives if it would be helpful to do so. In addition to confirming redline, ESA will prepare and provide a clean electronic “screen check” version of the Public Draft EIR for the Lead Agencies’ approval in advance of publication. ESA assumes no substantive revisions will be requested at this stage.

Public Notices

This refined scope of work assumes that the Lead Agencies will prepare the Notice of Completion of the Draft EIR and Notice of Availability (NOA). This scope further assumes that the Lead Agencies will coordinate publication of the NOA in a newspaper of general circulation in the area affected by the proposed project.

Draft EIR for Public Review

ESA will conduct final internal quality assurance/quality control, editing and word processing and will complete the production process for the Draft EIR. ESA also will submit electronic copies of all reference materials relied upon in the Draft EIR to the Lead Agencies so that they may be made available for public inspection upon release of the Draft EIR, including at the offices of the Lead Agencies during normal business hours and/or online via upload to the project-specific website. This refined scope of work assumes that the Lead Agencies will coordinate distribution of the Draft EIR and/or notice of its availability to: 1) Tribes, Responsible, Trustee and Consulting agencies; 2) others on the project-specific distribution list; and 3) the general public by posting the Draft EIR and reference materials on a project-specific webpage and by making review copies available at the Malibu Community Library or another branch of the public library system serving the project area.

Task 5 Deliverables

- Screencheck Draft EIR. ESA will provide two electronic versions for the Lead Agencies’ review (one with tracked changes, one clean).
- To each Lead Agency: 1) Up to five (5) printed copies of the Draft EIR (with appendices and reference materials included on a CD or USB device enclosed inside the front cover of all printed copies); 2) up to 20 electronic copies of the Draft EIR on CDs or USB devices, and 3) separate electronic transmittal of any reference materials that may be protected from public disclosure. This scope does not anticipate that printed copies of appendices or reference materials will be provided to any recipient of the Draft EIR.

Task 6: Comment Review and Assessment

Public Review Period

The initial scope of work did not identify any specific assumptions about the public review period. The refined scope clarifies ESA’s expectation that the review period will be 45 days and that any extension of the review period voluntarily granted by the Lead Agencies would not cause the remaining project schedule to extend beyond the contract period established in Amendment 2.

Public Comment Meeting

Following publication of the Public Draft EIR, ESA expects that there would be one public meeting during a 45-day comment period on the Draft EIR. ESA assumes the meeting would be held with at least 10 days remaining in the comment period. The initial scope of work and costs did not allocate any staff time for meeting preparation or participation.

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The refined scope assumes, as it does for the Scoping Meeting, that the Lead Agencies will be responsible for public meeting location logistics and that ESA will prepare and present a PowerPoint presentation, facilitate the receipt or oral comments, and arrange for a court reporter to prepare a transcript of oral comments. ESA's Project Manager and one other ESA team member would attend the meeting.

Receipt, Cataloguing, and Tracking of Comments Received

The Lead Agencies will review all comments received on the Draft EIR and will identify and delineate those that merit a substantive response. The Lead Agencies will lead the response to comments effort, assigning technical comments to ESA to prepare responses up to the amount budgeted for this task.

Task 6 Deliverables

- PowerPoint presentation, sign-in sheets, and speakers' cards

Task 7: Response to Comments

The initial scope of work assumed at this point that ESA would estimate the level of effort and confirm the projected schedule for providing administrative draft responses to comments.

This refined scope assumes that the Lead Agencies and ESA would collaborate on the drafting of responses to comments such that consultant effort would be capped at \$30,000 allocated across any necessary resource expertise. The Lead Agencies would be responsible for drafting responses to comments outside of what ESA can accomplish within this budget. Allocations of drafting responsibility would be discussed and agreed upon as part of Task 6. ESA is committed to making cost-efficient staffing choices (i.e., choices that balance expertise, experience and billing rates) at every opportunity, and to organizing the document for maximum efficiency in responding to substantive comments. The administrative draft Response to Comments document will clearly identify any proposed revisions to the text of the Draft EIR.

Task 7 Deliverables

- Administrative Draft Responses to Comments. ESA will provide an electronic copy of this deliverable (in Word).

Task 8: Final EIR

The initial scope of work assumed at this point that ESA would estimate the level of effort and confirm the projected schedule based on actual input received.

Administrative Draft Final EIR

The Response to Comments document and the Draft EIR together will constitute the Final EIR. The refined scope assumes that ESA will revise the Administrative Draft Responses to Comments in accordance with input received, respond to questions and other agency input that has been provided in comment bubbles, and provide a redline for the Lead Agencies' ease in assuring that proposed and requested revisions have been made. ESA can facilitate a virtual "page turn" via conference call and shared-screen technology to walk through revisions together with the Lead Agency representatives if it would be helpful to do so. This "screen check" of responses to comments would be provided in the context of the overall Final EIR. ESA assumes no substantive revisions will be requested at this stage.

Notices

The refined scope of work assumes that the Lead Agencies will prepare a Notice of Completion of the Final EIR.

Final EIR

ESA will conduct final internal quality assurance/quality control, editing and word processing and will complete the production process for the Final EIR. ESA also will submit electronic copies of all reference materials relied upon in the Final EIR to the Lead Agencies so that they may be made available for public inspection upon release of the Final EIR, including at the offices of the Lead Agencies during normal business hours and/or online via upload to the project-specific website.

Task 8 Deliverables

- Administrative Draft Final EIR. ESA will provide two electronic versions for the Lead Agencies' review (one with tracked changes, one clean).
- To each Lead Agency: 1) Up to 10 printed copies of the Response to Comments document (with the Draft EIR, all appendices and all reference materials included on a CD or USB device enclosed inside the front cover of all printed copies); 2) up to 50 electronic copies of the Final EIR on CDs or USB devices, 3) a separate CD or other transmittal of any reference materials that may be protected from public disclosure; and 4) an electronic version of the Final EIR in a format suitable for the Lead Agencies to upload to a project-specific website. This scope does not anticipate that printed copies of appendices or reference materials will be provided to any recipient of the Final EIR.
- To State Clearinghouse: although not required, ESA recommends following the Office of Planning and Research's "advisory" guidance by submitting for distribution to state agencies for informational purposes, the NOC and 15 electronic copies of the Final EIR on CDs.
- To Tribes, Responsible, Trustee and Consulting agencies on the project-specific distribution list: The NOC, and Final EIR on CD or USB device.
- To all others on the project-specific distribution list, including non-agency entities who submitted oral or written comments on the Draft EIR: The NOC and information about where responses to comments and the rest of the Final EIR will be available for review, including on the project-specific website and the Malibu Community Library or another branch of the public library system serving the project area.
- To the general public: ESA will provide two printed copies of the Final EIR (with appendices and reference materials included on a CD or USB device enclosed inside the front cover of the printed copy) to the Malibu Community Library or another branch of the public library system serving the project area.

Task 9: Decision Support

The initial scope of work did not propose the preparation of a Mitigation Monitoring and Reporting Program (MMRP), CEQA Findings and (if needed) a Statement of Overriding Considerations, or a Notice of Determination (NOD) for the project. This refined scope of work does so.

Mitigation Monitoring and Reporting Program (MMRP)

The MMRP would identify each proposed mitigation measure that could, if adopted, avoid or reduce the severity of potential significant impacts. In addition to the measures, the MMRP would identify required implementation activities and schedule, the party responsible for monitoring implementation, and the required monitoring and reporting activities and schedule. Projected costs assume that ESA will use its own template for this purpose,

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and that one round of review by the Lead Agencies would occur. Because the MMRP would be based on information provided in the EIR's Executive Summary, this scope further assumes that no substantive revisions would be needed.

CEQA Findings and Statement of Overriding Considerations

ESA will support the Lead Agencies' decision-making process by preparing draft CEQA Findings (including a Statement of Overriding Considerations if one is needed). The format and content of the CEQA Findings would satisfy the requirements of CEQA (including by identifying the bases for findings and by supporting the findings with evidence in the record) and would not provide non-necessary details or explication (e.g., no findings would be made for impacts that the EIR concludes are less than significant). Submittal of an Administrative Draft and Draft of the CEQA Findings, including a Statement of Overriding Considerations, would be anticipated. All submittals would be made electronically. Since most lead agencies rely on standard templates to draft resolutions of approval or denial, ESA assumes the Lead Agencies would prepare these.

Notice of Determination

ESA will prepare a draft Notice of Determination (NOD) for Lead Agency review, refinement, and filing.

Task 10: Administrative Record Support

As initially proposed, the refined scope of work included an Administrative Support task. In light of the Lead Agencies litigation experience with these sites and the likelihood of the existence of an established template or preferred format for indexing project documents, this scope of work assumes that the Lead Agencies would continue to organize project materials in the ordinary course as they have done so to-date. ESA will provide all deliverables (including copies of all reference materials relied upon in the EIR) in electronic format for ease in inclusion with administrative record materials.

Task 11: Non-labor Expenses

The initial scope of work did not identify any non-labor expenses. This refined scope does, and proposes to include them as a separate task for ease in tracking.