

Amendment No. 2 to
Cooperative (Local Public Agency) Agreement No. PR508-24-063

This Amendment is made and entered into on _____, between the State of Nevada, acting by and through its Department of Transportation, hereinafter referred to as the "DEPARTMENT", and the City of Ely, 501 Mill Street, Ely, NV 89301, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, on August 2, 2024, the parties entered into Agreement No. PR508-24-063 to design, adjust and/or relocate utility facilities, advertise, award, and manage construction of sidewalk, curb and gutter, and lighting; and

WHEREAS, on September 16, 2025, the parties entered into Amendment No. 1 to Agreement No. PR508-24-063 to include Congressionally Designated Spending (CDS) Funding, and add a right-of-way (ROW) phase to the project for the acquisition of ROW due to the unanticipated need for ROW; and

WHEREAS, this amendment is needed to update the additional CITY funding from Construction to Preliminary Engineering; and

WHEREAS, the Parties hereto desire to make certain amendments to Agreement No. PR508-24-063.

NOW, THEREFORE, the parties agree as follows:

- A. Article III, Paragraph 5, is amended by deleting it in its entirety and inserting in its place:

"5. The following is a summary of the estimated PROJECT costs and available funds:

Total Estimated PROJECT Costs:

DEPARTMENT Preliminary Engineering Costs:	\$ 5,000.00
CITY Preliminary Engineering Costs:	\$ 228,540.00
DEPARTMENT Right-of-Way Costs:	\$ 787,517.00
DEPARTMENT Construction Engineering Costs:	\$ 5,000.00
City Construction Engineering Costs:	\$ 53,962.00
Construction Costs:	<u>\$ 846,297.00</u>

Total Estimated PROJECT Costs: **\$1,926,316.00**

Available Funding Sources:

Federal TAP Funds:	\$ 937,000.00
Federal CDS Funds:	\$ 893,000.00
CITY Match Funds:	<u>\$ 96,316.00</u>

Total PROJECT Funding: **\$1,926,316.00***

- B. All of the other provisions of Agreement No. PR508-24-063 dated August 2, 2024, and Amendment No. 1 dated September 16, 2025, shall remain in full force and effect as if fully set forth herein.

IN WITNESS WHEREOF, the above-named Parties have hereunto set their hands and executed this Amendment on the date first written above.

City of Ely

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Nathan Robertson
Mayor

On behalf of Director

Attest:

Approved as to Legality & Form:

Jennifer Lee
City Clerk

Deputy Attorney General

Approved as to Form:

Chris Arabia
City Attorney



RE: Fw: 74588 Ely - Campton St Improvements - Bio Monarch Butterfly Temp Agreement

From Kelgard, Jacob <JKelgard@dot.nv.gov>

Date Thu 8/27/2026 2:27 PM

To Jennifer Lee <CityClerk@cityofelynv.gov>

Cc Mike Cracraft <PublicWorks@cityofelynv.gov>; Kanegsberg, Philip <PKanegsberg@dot.nv.gov>

Hi Jennifer,

Thank you for sharing this. The biological surveys, including those for monarch butterflies, migratory birds, bats, and noxious weeds are required by FHWA, so unfortunately we do not have flexibility regarding these obligations. The scope of work outlined by Sanbell's consultant appears consistent with what other contractors and agencies typically perform for comparable projects.

As for the additional costs, if this work was not part of the original scope, then NAS's proposal for additional payment would make sense. You could consider negotiating those costs if it makes sense to do so. As an option, if Ely is concerned with the additional expenses, we could request shifting some of the construction funding into the preliminary engineering to cover this and we would just amend the agreement again.

Does this help? Hopefully I answered your questions, let me know if not.

Thanks,



Jake Kelgard, P.E.
LPA Coordinator
Design Division
Nevada Department of Transportation
o 775.888.7595
e jkelgard@dot.nv.gov | w dot.nv.gov

NDOT LPA Manual: <https://www.nevadadot.com/home/showdocument?id=1541>

FHWA LPA Information: <https://www.fhwa.dot.gov/federal-aidessentials/indexofvdeos.cfm>

From: Jennifer Lee <CityClerk@cityofelynv.gov>

Sent: Wednesday, August 26, 2026 8:48 AM

To: Kelgard, Jacob <JKelgard@dot.nv.gov>

Cc: Mike Cracraft <PublicWorks@cityofelynv.gov>; Kanegsberg, Philip <PKanegsberg@dot.nv.gov>

Subject: Fw: Fw: 74588 Ely - Campton St Improvements - Bio Monarch Butterfly Temp Agreement

Jake:

We received an initial proposal from Sanbell's enviro consultant last year for the mitigation of adverse impacts to Monarch butterflies during construction (see attached "monarch spec" you sent me last year), but the proposal had errors. Sanbell sent Ms. Santos' revised proposal (attached pdf) yesterday and she's added work for migratory birds, bats and noxious weeds, asserting NDOT now requires it (see attached 74588 Bio Review). **Is this the case?** As stated in the attached monarch mitigation measures, "The LPA shall be responsible for all costs related

to monarch mitigation measures.", which is doable at \$5,000 - monarchs only - but not at over \$20,000. Please advise.

Thank you.

Jennifer Lee, MBA
City Clerk
City of Ely
501 Mill Street
Ely, Nevada 89301
Office: (775) 289-2430
Mobile: (775) 293-1395
CityClerk@cityofelynv.gov

Please note my new email address.

**CHANGE ORDER AUTHORIZATION NO. 2**

Date:	8-24-26	Sanbell Job #	250444-83397
Name of Client:	City Of Ely	Company:	City Of Ely
Address:	501 Mill St	City, State, Zip:	Ely, NV 89301
Phone:	775-289-2430	Fax:	
Ordered by:			
Name:	Nitin Bhakta	Title:	Engineer Manager

Order Received by: ☐ In Person ☐ Telephone ☐ Letter ☒ Email**Description of Work**

Technical Proposal for the Migratory Birds, Bats, Monarch Butterflies and Noxious Weeds.
\$20,126.00 plus our 15% mark up \$3018.90 for a total of \$23,144.90.
Additional Hydrology & Right Of Way Design \$9670.00.

This change order:	\$ 32,814.90
Original Contract	\$200,725.00
Revised Contract:	\$ 233,539.90

In order to initiate this service, Sanbell will require this letter to be executed as an addendum to the Standard Agreement for Consulting Services, dated 8-21-26, by signing this acceptance. All accounts are due and payable 30 days after the invoice date. Interest shall accrue at a rate of 18% per annum on all past-due invoices. Nothing herein shall create any contractual relationship with any party not outlined in the Standard Agreement for Consulting Services.

ALL PROVISIONS OF THE STANDARD AGREEMENT FOR CONSULTING SERVICES (WHICH ARE EXPRESSLY HEREBY INCORPORATED BY REFERENCE) SHALL APPLY TO THIS CHANGE ORDER AUTHORIZATION AND ALL SERVICES PERFORMED HEREUNDER.

Accepted by:


Owner/Contractor Representative

Public Works Director 8-28-2026
Title Date

Summit Engineering Corporation
DBA Sanbell

Title

Date

NAS Environmental Consulting, LLC

Nitin Bhakta, P.E.
Sanbell
5405 Mae Anne Avenue
Reno, Nevada 89523

August 17, 2026

SUBJECT: TECHNICAL PROPOSAL AND COST ESTIMATE CAMPTON STREET IMPROVEMENT PROJECT, ELY NV – BIOLOGICAL RESOURCES

Mr. Bhatka:

Please find below, for your review and use, the technical proposal / cost estimate for Campton Street Improvement Project, Ely NV – Biological Resources (see attachment).

1. SCOPE OF WORK

NAS Environmental Consulting, LLC (NAS) will provide Sanbell with a Nevada Department of Transportation (NDOT) approved biologist that will carry out required biological resource surveys and reports as identified under Section 108.04 – Migratory Birds, Bats, Monarch Butterfly, and Section 637.01.04 Noxious Weed Management. A detailed Scope of Work (SOW) is described in Project Tasks 1 through 5 below.

2. PROJECT TASKS

TASK 1. MIGRATORY BIRDS (INCLUDING RAPTORS)

Construction activities shall be conducted in compliance with the Migratory Bird Treaty Act (50 CFR 10.13), the Bald and Golden Eagle Protection Act (16 U.S.C. 668(a); 50 CFR 22), Nevada Administrative Code 503.050, and NRS 503.620. Disturbances shall be conducted in a manner that avoids impacts to protected birds that may be actively utilizing land, vegetation, or structures for nesting.

Task 1.1 Biologist Selection

NAS will provide submit the resume / curriculum vitae to NDOT's Environmental Division before the preconstruction meeting. The qualified biologist, approved by NDOT, will be experienced in bird identification, general nesting behavior, nest and egg identification, and knowledge of habitat requirements for migratory birds.

Task 1.2 Surveys, Pre-Construction, Construction, & Post-construction Activities

A nesting bird survey will be conducted during the avian nesting season (January 1 through September 30), by a NDOT approved biologist. Surveys will be conducted no more than seven days prior to the start of any construction activities including mobilization, land disturbance, vegetation removal, and structure disturbance. If temporary suspensions or disruptions to construction activities are greater than seven days, a new nesting survey will be conducted prior to resuming construction activities. Nesting survey results will be documented in survey reports

and submitted for approval by the Nevada Department of Transportation (NDOT), Environmental Services Division (ESD) prior to the commencing land, vegetation, or structure disturbances.

Any active nest found within the project limits will require a buffer area, to be determined by NDOT, ESD. The buffer area will be flagged as an avoidance area. Construction activities including foot traffic, shall not occur within the flagged area while the nest is active.

1.3 Task Assumptions

- *3 survey mobilizations required, one each pre-construction, construction, and post-construction for raptors (January through May) and migratory song birds (June through July).*
- *A report will be prepared following the completion of each survey effort.*

TASK 2. BATS

All bat species are protected by Nevada Administrative Code 503.030. Construction activities shall be conducted in a manner that prevents harm to roosting bats, maternal roosts, and immobile young.

Task 2.1 Biologist Selection

NAS will provide submit the resume / curriculum vitae to NDOT's Environmental Division before the preconstruction meeting. The qualified biologist, approved by NDOT, will be experienced in identifying signs of bat presence.

Task 2.2 Surveys, Pre-Construction, Construction, & Post-construction Activities

Bat surveys will be conducted, by a NDOT approved biologist, as needed prior to pre-construction, construction, and /or post-construction activities to ensure construction activities will not harm roosting bats, maternal roosts, and immobile young. Bat surveys will be conducted no more than 7 days prior to tree trimming, tree removal, and structure disturbance, including culverts with a diameter or height 36 inches or greater. If temporary suspensions or disruptions to construction activities are greater than seven days, a new bat survey will be conducted prior to resuming construction activities. Bat survey results will be documented in survey reports and submitted for approval by the Nevada Department of Transportation (NDOT), Environmental Services Division (ESD) prior to the commencing land, vegetation, or structure disturbances.

If immobile young or a maternity colony are observed during initial inspections, seasonal avoidance measures will be put in place until it is determined all the young are mobile, typically in late July. Once all young are mobile, construction activities and associated disturbances within 150 feet of the maternal roost colony are restricted to between the hours of 7:00pm and 7:00am. Hourly restrictions may be removed once the bats have moved out of the roost, typically in late October.

If adult bats or recent signs of bat presence are observed, exclusionary measures will be required. A copy of proposed exclusionary measures will be submitted to NDOT, ESD prior to implementation. Once exclusionary measures are installed, the approved biologist will visit the site no more than seven days prior to construction activities, to inspect exclusionary measures for effectiveness and conduct inspection training for construction personnel. Daily inspections will be conducted and maintained through the duration of construction activities, or until work on the trees and structures is completed. Exclusionary measures are only permitted when young-of-year are not present on the tree or structure, typically late October.

If inactive swallow nests are observed, and it is outside the avian nesting season (January 1 through September 30), nests shall be inspected for bats prior to removal. The inspecting biologist will can remove each nest in accordance with the nest removal requirements once the nest has

been cleared.

If bats appear onsite after work has started, and may be disturbed during work activities, a 150-foot avoidance area would be enforced. The project Engineer shall be contacted and coordination with NDOT, ESD / Nevada Department of Wildlife (NDOW) will occur to get proper guidance.

2.3 Task Assumptions

- 3 survey mobilizations required, one each pre-construction, construction, and post-construction. Mobilization may include installation of exclusionary measures, training for construction personnel, and installation of avoidance area(s).
- A report will be prepared upon completion of each survey effort.

TASK 3. MONARCH BUTTERFLY (SUBSTITUTE THE TEMP CCAA COVERAGE LPA LANGUAGE IF ACCEPTED)

The monarch butterfly (*Danaus plexippus*) is proposed for protections under the Endangered Species Act (16USC 1531-1544). Construction activities shall be conducted in compliance with the Nationwide Candidate Conservation Agreement with Assurances (Monarch CCAA), and the following requirements to minimize harm to the monarch butterfly species and potential habitat.

Additional information on the Monarch CCAA can be found at https://rightofway.erc.uic.edu/wp-content/uploads/Final_CCAA_Signed-4.7.20.pdf

Task 3.1 Biologist Selection

NAS will provide submit the resume / curriculum vitae to NDOTs Environmental Division before the preconstruction meeting. The qualified biologist, approved by NDOT, will be experienced in the identification of milkweed (*Asclepias* spp.) and nectar plant species; and monarch butterflies (*Danus plexippus*) in their immature and adult life stages.

Task 3.2a Field Survey, Preconstruction Phase

The approved NAS biologist will conduct a plant and habitat survey within the Campton Street Improvement Project Limits, no more than 7 days before any land or vegetation disturbance, including staging and parking areas. The biologist will:

- Identify and map all milkweed plants.
- Delineate a 60-foot radius around each milkweed plant with a high-visibility marker as a restricted work area.
- Inspect milkweed for monarch eggs and larvae.

A survey findings report will be submitted to NDOTs Environmental Division via Sanbell, with a copy to the City of Ely.

Task 3.2b Field Survey, Construction Phase

Restricted Work Area (RWA) Management

Construction activities / disturbances will avoid RWAs during the monarch breeding season (March 15 - November 30).

If disturbance is unavoidable the following items are required:

- Obtain written approval from NDOTs Environmental Division to manage milkweed.
- Cutback milkweed plants weekly during the breeding season to prevent growth. Ely City Public Works, in coordination with NAS, will conduct weekly cutbacks of any milkweed plants.
- Do not use chemical treatment in RWAs.

- Use manual or mechanical methods for vegetation control.

Task 3.3 Post-Construction Phase

Task 3.3a Habitat Restoration

Disturbed habitat must be restored to functional condition using (as appropriate):

- Nectar plants with staggered bloom times (spring, summer, and fall),
- Narrowleaf milkweed (*Asclepias fascicularis*), and
- Showy milkweed (*Asclepias speciosa*).

The City of Ely will conduct the planting of approved nectar plants, including milkweeds, in coordination with NAS.

Task 3.3b Annual Reporting

Submit annual report to NDOT's Environmental Division by **December 1 each year**, including: **number of acres** of potential habitat modified, **GIS shapefile** of disturbance limits, and **brief narrative** of activities in disturbed areas.

If coverage is only for one year, include all of this with the final report.

Task 3.3c Final Project Reporting

Upon project completion, NAS will submit the following:

- Summary of activity,
- Revegetation plan (types and quantities of plants), and
- Details of noxious / invasive weed control measures.

Task 3.4 General Requirements

These requirements include monitoring CCAA expiration.

- CCAA expires **December 31, 2026**.
- Notify NDOT immediately if project is cancelled or if additional time is needed beyond expiration (in consultation with the City of Ely).

Task 3.5 Ensure Compliance

- Failure to complete revegetation or reporting will result in disqualification of coverage from NDOT CCAA.
- City of Ely is responsible for all costs related to monarch mitigation measures.

Task 3.6 Task Assumptions

- Phase 1: Habitat for the monarch butterfly occurs within project limits.
- Phase 1: Preconstruction survey includes identification of noxious / invasive weeds.
- Monarch butterfly habitat is no more than one acre, within project limits.
- Phase 2 and Phase 3: Dependent on monarch butterfly habitat identified in Phase 1.
- One mobilization is required for construction Phase 1. No further NAS mobilizations would be required with the City of Ely conducting any Phase 2 required milkweed cutbacks and Phase 3 nectar plant restoration work.
- Conduct biological surveys 2027 or 2028.
- Annual and Final Reports are combined.

TASK 4. NOXIOUS WEEDS

Prepare a Noxious Weed Management Plan to prevent the spread and establishment of Nevada

state listed noxious weeds detailed in NRS Chapter 555 and Nevada Administration Code (NAC) Chapter 555. The plan must be submitted to and approved by the Nevada Department of Agriculture (NDA), prior to staging, mobilization, and ground disturbance activities.

Task 4.1 Biologist Selection

NAS will provide submit the resume / curriculum vitae to NDOTs Environmental Division before the preconstruction meeting. The qualified biologist, approved by NDOT, will be familiar with the identification and mapping of noxious weeds.

Task 4.2 Weed Survey

Conduct a survey of the project limits including all areas scheduled for ground disturbance, material sites, shoulders where construction vehicles and machinery may park, and staging areas. All noxious weeds will be documented and collected coordinate locations for individual plants and populations. A 48-hour notice will be provided to the Engineer in advance of performing the initial survey. Subsequent surveys and reassessments may be required if the initial survey is completed outside the primarily observed noxious weed growing season.

Task 4.3 Weed Management Plan

The plan will be developed to select control or treatment methods appropriate for each species observed and submitted to the engineer for further coordination with NV Department of Agriculture. Identify timing of proposed treatments, applicator information, safety measures, environmental concerns, follow-up treatments, monitoring, and rehabilitation and/or revegetation practices post treatment. Chemical treatments must be conducted in accordance with laws, regulations, and policies governing the landowner and must be documented and reported to the Engineer within 30-days post treatment.

4.4 Task Assumptions

- *One mobilization for noxious weed survey (June or later in growing season).*
- *Noxious weed management plan will be coordinated with Sanbell and NDOT.*

3. PROJECT ASSUMPTIONS

- *NAS biologist is approved by NDOT to support all biological survey requirements.*
- *All reports will be submitted to NDOTs Environmental Division through Sanbell, with a copy to the City of Ely.*
- *Survey efforts for all wildlife and weeds will be conducted with combined mobilizations to the fullest extent possible.*

4. COST ESTIMATE

This cost estimate outlined in Table 4.1 below is based on the SOW as described in the NDOT Environmental Requirements and NAS knowledge and experience with similar projects. Any increase in the SOW will require a revised SOW and cost estimate.

Table 4.1: Cost Estimate Biological Surveys

TASK NO.	TASK NAME	COST
1	Migratory Birds	\$6,250
2	Bats	\$3,125
3	Monarch Butterfly	\$1,875
4	Noxious Weeds	\$4,250
	Total Direct Cost	\$15,500
	Indirect Costs (travel, accommodations, per diem, and supplies)	\$3,076
	Admin Fee (10% of Direct Costs)	\$1,550
	Total Cost Estimate	\$20,126

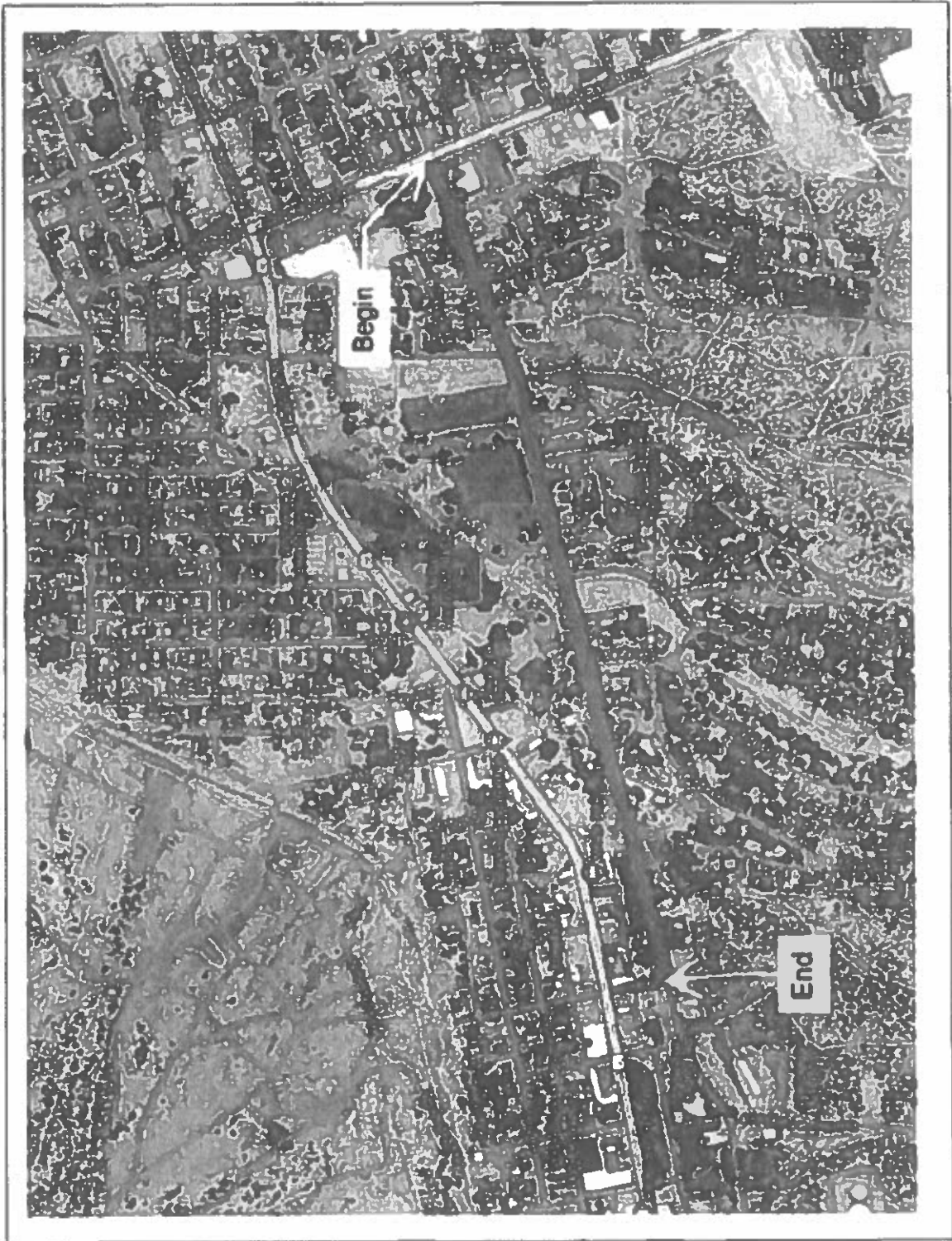
I am pleased to answer any questions you might have. I can be reached at (775) 830-6396 or nancy.santos828@gmail.com. I look forward to working with you.

Sincerely,

Nancy Santos

Nancy Santos, Principal Scientist

ATTACHMENT 1





Jennifer Lee, MBA, City Clerk
City of Ely
501 Mill Street
Ely, Nevada 89301
Office: (775) 289-2430
Mobile: (775) 293-1395
CityClerk@cityofelynv.gov

60% PLAN SETS ADDITIONAL HYDROLOGY & RIGHT-OF-WAY DESIGN CHANGE ORDER

- Addition, modification and revision to existing drainage structures at multiple location along the south side of Campton Street.
- Preparation drainage calculations for Inlet capture & capacities
- Modification to civil sheets relation to drainage improvements.
- Additional Right-of-Way mapping for NDOT geometrics with station & offsets on sheets depicting all parcels, boundaries, right-of-way lines, and respective areas of anticipated acquisition or easement conflicts

60% CHANGE ORDER FOR CIVIL DESIGN.....\$9,670

Sincerely,

New Blake

Nitin I. Bhakta, PE, Principal
Public Works Group Manager

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Outlook

RE: Campton St Agreement PR508-24-063 Amendment 2 Draft

From Kelgard, Jacob <JKelgard@dot.nv.gov>

Date Tue 9/22/2026 5:31 PM

To Jennifer Lee <CityClerk@cityofelynv.gov>; Mike Cracraft <PublicWorks@cityofelynv.gov>

Cc Kanegsberg, Philip <PKanegsberg@dot.nv.gov>

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Sounds great, thank you. I don't believe NDOT is requiring the drainage design, however it was strongly recommended that modifications were made to the drainage design to optimize flow conveyance.



Jake Kelgard, P.E.
LPA Coordinator
Design Division
Nevada Department of Transportation
o 775.888.7595
e jkelgard@dot.nv.gov | w dot.nv.gov

NDOT LPA Manual: <https://www.nevadadot.com/home/showdocument?id=1541>

FHWA LPA Information: <https://www.fhwa.dot.gov/federal-aidessentials/indexofvideos.cfm>

From: Jennifer Lee <CityClerk@cityofelynv.gov>

Sent: Tuesday, September 22, 2026 4:59 PM

To: Kelgard, Jacob <JKelgard@dot.nv.gov>; Mike Cracraft <PublicWorks@cityofelynv.gov>

Cc: Kanegsberg, Philip <PKanegsberg@dot.nv.gov>

Subject: Re: Campton St Agreement PR508-24-063 Amendment 2 Draft

Jake:

Thank you for Amendment 2; its changes coincide with Sanbell's Change Order No 2 for enviro and drainage design. I'm placing Amendment 2 on the Council's October 8th for approval and will let you know their decision. **NDOT is requiring the additional drainage design, correct?** See page 9 in attached Sanbell Change Order No 2.

Thanks!

Jennifer Lee, MBA

City Clerk

City of Ely

501 Mill Street

Ely, Nevada 89301

Office: (775) 289-2430

Mobile: (775) 293-1395

CityClerk@cityofelynv.gov

Please note my new email address.

From: Kelgard, Jacob <JKelgard@dot.nv.gov>

Sent: Tuesday, September 22, 2026 2:58 PM

To: Jennifer Lee <CityClerk@cityofelynv.gov>; Mike Cracraft <PublicWorks@cityofelynv.gov>

Cc: Kanegsberg, Philip <PKanegsberg@dot.nv.gov>

Subject: Campton St Agreement PR508-24-063 Amendment 2 Draft

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Secured by Check Point

Good afternoon,

We have an agreement amendment drafted for the Campton St project to shift funding from construction to preliminary engineering to cover the additional environmental expenses. Please look this over and if you're good with what is outlined, then I will send it out to NDOT Legal for their approval before signatures.

Thank you,



Jake Kelgard, P.E.

LPA Coordinator

Design Division

Nevada Department of Transportation

o 775.888.7595

e jkulgard@dot.nv.gov | w dot.nv.gov

NDOT LPA Manual: <https://www.nevadadot.com/home/showdocument?id=1541>

FHWA LPA Information: <https://www.fhwa.dot.gov/federal-aidessentials/indexofvideos.cfm>

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