



Headwaters Corporation  
4111 4<sup>th</sup> Avenue, Suite 6  
Kearney, NE 68845  
TIN# 26-0298666  
DUNS # 00-350-3758

Nebraska Community Foundation  
PO Box 83107  
Lincoln, NE 68501-3107  
FEIN 47-0769903

#### FOURTH AMENDMENT

**To the 2019 – 2023 Agreement Between the Nebraska Community Foundation, Acting as the Contracting Agent of the Governance Committee of the Platte River Recovery Implementation Program and Headwaters Corporation, Private Consultant.**

#### Executive Director's Office (EDO)

This Fourth Amendment to the 2019 – 2023 Agreement between the Nebraska Community Foundation, acting as the contracting agent of the Governance Committee of the Platte River Recovery Implementation Program and Headwaters Corporation ("Consultant"), a private consultant of Kearney, Nebraska is made effective January 1, 2023.

The purpose of this amendment is to:

- (1) Amend Exhibit A to incorporate the scope of services and staffing plan for the period of January 1, 2023, to December 31, 2023.
- (2) Amend Exhibit B to incorporate hourly rate and reimbursable expenses price schedules for 2023. The 2023 project budget for the scope of work in Exhibit A is \$2,705,000.

All other terms of the original agreement remain in effect as originally written.

The following parties agree to the terms of this Amendment:

#### NEBRASKA COMMUNITY FOUNDATION

\_\_\_\_\_  
Jason D. Kennedy  
Chief Financial and Administrative Officer

\_\_\_\_\_  
Date

#### HEADWATERS CORPORATION

\_\_\_\_\_  
Bridget M. Barron, Ph.D.  
President

\_\_\_\_\_  
Date



## EXHIBIT “A” SCOPE OF SERVICES

### Platte River Recovery Implementation Program Executive Director’s Office (EDO)

#### **Program Administration**

Headwaters will maintain the Office of the Executive Director (EDO) in Central Nebraska (4111 4<sup>th</sup> Avenue, Suite 6, Kearney, Nebraska 68845) and provide the managerial, administrative, and technical assistance required of the Governance Committee (GC) to implement the Platte River Recovery Implementation Program (PRRIP). This includes providing the Executive Director (ED) and staff to perform all PRRIP functions as directed by the GC.

#### ***Program administrative duties include:***

- Coordinate, attend, and provide support for scheduled meetings of Governance and Finance Committees, Land, Water, Technical, and Independent Science Advisory Committees, and other ad hoc committees or working groups as they occur.
- Coordination and communication among Program participants.
- Distribution of materials to Program committee members.
- Communication with state, federal, and local organizations as appropriate.
- Outreach and communication with the various stakeholder groups and various publics touched by the Program.
- Prepare work plan and budget for review by the Finance Committee and approval by the Governance Committee.
- Prepare agreements/contracts and amendments.
- Process contractor invoices.
- Coordination with Nebraska Community Foundation on contractual and financial matters.
- Coordination with Platte River Recovery Implementation Foundation on land interest holding matters.
- Prepare and provide outreach/public education activities for the Program.
- Provide a review of Program tasks and periodically report on the status and progress of each task to the Governance Committee.
- Advise GC on science policy and governance issues.
- Coordinate ISAC activities and facilitate the selection of new ISAC members.
- Coordinate activities of special advisor activities related to Structured Decision Making (SDM) and other aspects of GC decision-making.
- Maintain a library and archive of generated materials generated, collection may include hard and electronic copies. The materials in the archive/library will include documents and other items from the Cooperative Agreement, the First Increment, and the First Increment Extension.



## **Land Plan Implementation**

### ***Land Plan Administrative duties include:***

- Manage Land Advisory Committee activities and ensure that Land Plan implementation activities are carried out in accordance with the direction of the GC.
- Provide contractor oversight during the design and construction of habitat/engineering projects.
- Coordinate Recreation Access Sub-Committee activities.
- Assist in evaluation of potential habitat parcels and develop land restoration and management plans for new acquisitions.
- Oversee land management budget development, procurement process and implementation of land-related activities performed by EDO and contractors.
- Oversee development of agricultural leases and coordination with tenants and farm management land special advisors.
- Represent the Program in regional invasive species control efforts including participation in the Platte Valley Weed Management Area and Platte River Resilience Fund.
- Evaluate Program activities to ensure they are consistent with the Good Neighbor Policy.
- Oversee land acquisition including initial landowner contacts, procurement of contractor services associated with appraisals and negotiations, presentation of potential acquisitions to committees, negotiation of acquisition terms, and completion and execution of contacts.
- Oversee annual payment of property taxes.

### ***Land Plan Technical duties include:***

- Develop habitat restoration engineering designs, plans, and specifications.
- Remote sensing analysis.

## **Water Plan Implementation**

### ***Water Plan Administrative duties include:***

- Manage Water Advisory Committee activities and ensure that Water Plan implementation activities are carried out in accordance with the direction of the GC.
- Water Action Plan updates.
- Annual water leasing and accounting activities.
- Oversight and coordination of Scoring Sub-Committee.
- Oversee procurement and implementation tasks associated with WAP project engineering design and construction administration carried out by Program contractors.
- Oversee Water Plan special advisor activities related to WAP project implementation.
- Develop hydrologic conditions report monthly or in prescribed time period blocks.
- Choke point investigations and project design, permitting, and implementation activities.
- Operation of recapture wells and other water related facilities.

### ***Water Plan Technical duties include:***

- Water supply planning and permitting.
- Groundwater and surface water hydrologic modeling and data analysis.



- Wet meadows hydrology investigations including installation and maintenance of hydrologic instrumentation.
- Development of operations modeling and tools in support of Adaptive Management Plan update and implementation.
- Water project construction administration.
- Implementation of economic practices and processes for analyses of program related economic issues. Focus of Program efforts on developing fair market values for water and cash flow/financial analyses of water action plan projects.
- Uncertainty and risk analyses of management actions, employing statistical methods and Monte Carlo techniques.

### **Science Plan Implementation**

#### ***Science Plan Administrative duties include:***

- Manage the Technical Advisory Committee and ensure that Extension Science Plan (Science Plan) implementation activities are carried out in accordance with the direction of the GC.
- Manage the Adaptive Management Working Group and ensure Science Plan development activities are carried out in accordance with the direction of the GC.
- Oversee implementation of monitoring and research protocols implemented by the EDO and contractors.
- Oversee implementation of physical process monitoring and research by the EDO and contractors.
- Coordinate activities of special advisor activities related to geomorphology and other areas of expertise as necessary for implementation of adaptive management on behalf of the Program.
- Coordinate ISAC activities and facilitate the selection of new ISAC members.

#### ***Science Plan Technical duties include:***

- Design of research and monitoring protocols and compilation and analysis of project-specific data.
- Manuscript preparation, review and publication.
- Assist in protocol development, experimental design and implementation of experiments.
- Analysis of Program data with emphasis on statistical analyses.
- Coordination, planning and implementation of least tern and piping plover monitoring protocol including maintenance of tern and plover monitoring database, statistical analysis of tern and plover monitoring data, and development of annual monitoring report.
- Collection of surface and groundwater measurements and maintenance of monitoring equipment.
- Coordination, planning and implementation of whooping crane monitoring protocol including maintenance of whooping crane monitoring database, statistical analysis of whooping crane monitoring data, and development of annual monitoring report.
- Coordination, planning and implementation of camera technology in relation to Program implementation. This includes applications related to tern and plover predation as well as in support of geomorphic investigations.



- Drone usage in support of Program activities.
- Develop sediment augmentation plans, and specifications and oversee augmentation operations and associated monitoring.
- Coordination, planning and implementation of geomorphology and vegetation monitoring protocol including data collection, analysis, and development of annual monitoring report.
- Hydraulic and sediment transport modeling for water supply conveyance and geomorphology aspects of Program research and monitoring.
- Coordination and implementation of phragmites research.

This scope of work will be completed by a team of 20 staff members (14.8 full-time equivalent<sup>1</sup>) functioning as the Program EDO. Headwaters staff categories and organization of the EDO correspond to the central components of the Program: Program/Project Administration, Water Plan, Land Plan, and Science Plan. Headwaters will continue to maintain the central office in Kearney, NE; support offices in Lakewood, CO and Fort Collins, CO; the Program library; and all equipment, electronic records, and other materials necessary for the continued management and implementation of the Program.

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<sup>1</sup> One full-time equivalent equals 2,080-hour work year.



## STAFFING PLAN - POSITION DESCRIPTIONS

### PROGRAM ADMINISTRATION

#### **Executive Director (J. Farnsworth, BCES)**

**[Admin/Tech: Administrative PRRIP Hrs.: 1,800 Labor Category: Executive Director ]**

#### Responsibilities:

- Integrate Executive Director's Office, contractor and committee activities to ensure that the Program is being implemented in accordance with the Program Document and is consistent with the vision, goals and direction of the Governance Committee (GC).
- Oversight of Executive Director's Office (EDO) staff including direct supervision of Coordinators.
- Communication with local governments, the public, media, and federal/state agencies.

#### **Executive Office Manager (A. Uribe)**

**[Admin/Tech: Administrative PRRIP Hrs.: 1,440 Labor Category: Administrative: Senior ]**

#### Responsibilities:

- Oversee PRRIP public outreach and education activities.
- Coordinate PRRIP disbursement request and reconciliation process.
- General office management.

#### **Administrative Assistant (J. Liakos, B.S.)**

**[Admin/Tech: Administrative PRRIP Hrs.: 1,008 Labor Category: Administrative: Junior ]**

#### Responsibilities:

- Responsible for daily office operations, file maintenance, correspondence, scheduling and arranging meeting logistics, maintaining contractor and sub-contractor contract files.
- Assist in the processing of contractor payments.
- Processing employee and client paperwork.

**LAND****Land Plan Coordinator (T. Tunnell, M.S., CERP)****[Admin/Tech: Administrative PRRIP Hrs.: 1,800 Labor Category: Scientist: Senior ]****Responsibilities:**

- Responsible for Program adherence to the Good Neighbor Policy.
- Oversee land management budget development, procurement process and implementation of land-related activities performed by EDO and contractors.
- Oversee development of agricultural leases and coordination with tenants and farm management land special advisors.
- Represent the Program in regional invasive species control efforts including participation in the Platte Valley Weed Management Area.
- Oversee annual payment of property taxes.
- Develop and oversee construction of habitat restoration projects on Program lands.

**Engineering/CO Coordinator (J. Brei, B.S., P.E.)****[Admin/Tech: Administrative PRRIP Hrs.: 1,080 Labor Category: Engineer: Senior ]****Responsibilities:**

- Manage Colorado staff in the implementation of administrative and technical work associated with Water Plan implementation and engineering/geomorphology-related aspects of Science Plan implementation.
- Provide contractor oversight during the design and construction of habitat/engineering projects.
- Develop habitat-related engineering designs, plans, and specifications.
- Serve as the staff resource for analysis and program development with respect to GIS, CAD, and related applications.

**Water Resources Engineer (E. Weschler)****[Admin/Tech: Technical PRRIP Hrs.: 1,080 Labor Category: Engineer: Junior ]****Responsibilities:**

- Assist senior engineering staff in technical analyses, development of engineering design documents, and construction observation.

**WATER****Water Plan Coordinator (S. Turner, M.S., P.E.)****[Admin/Tech: Administrative PRRIP Hrs.: 1,800 Labor Category: Engineer: Senior ]****Responsibilities:**

- Lead in developing, revising, and communicating Water Action Plan to committees.
- Meet with ED and other Coordinators and support technical staff to ensure that land and water implementation activities are carried out in accordance with the direction of the GC
- Oversee annual water leasing and accounting activities.
- Oversee and coordinate activities of Scoring Sub-Committee.
- Assist in water supply planning and permitting.
- Hydrologic modeling, system operations modeling, conformance with environmental regulations.
- Data synthesis, report writing, and providing technical leadership and quality control review for water resources-oriented tasks.

**Geohydrologist (K. Cognac, M.S., Ph.D. Candidate)****[Admin/Tech: Technical PRRIP Hrs.: 720 Labor Category: Scientist: Mid-Level ]****Technical Responsibilities:**

- Lead for groundwater modeling and data analysis.
- Oversee wet meadows hydrology investigations including installation and maintenance of hydrologic instrumentation.



**SCIENCE****SCIENCE ADMINISTRATION****Science Policy Coordinator (C. Smith, Ph.D., M.P.A.)**

[**Admin/Tech:** Administrative **PRRIP Hrs.:** 900 **Labor Category:** Scientist: Senior ]

**Responsibilities:**

- Advise ED and GC on development and implementation of the Extension Science Plan.
- Advise ED and GC on science policy and governance issues.
- Oversee independent science review process including facilitation of ISAC candidate selection process and facilitation of annual work of the ISAC.

**Science Plan Coordinator (M. Henry, Ph.D.)**

[**Admin/Tech:** Administrative **PRRIP Hrs.:** 1,980 **Labor Category:** Scientist: Senior ]

**Responsibilities:**

- Manage Technical Advisory Committee activities and support technical staff in the implementation of administrative and technical work.
- Meet with ED and other Coordinators and support technical staff to ensure that Science Plan implementation activities are carried out in accordance with the direction of the GC.
- Oversee design of research and monitoring protocols and compilation and analysis of project-specific data.
- Manuscript preparation, review and publication.

**TARGET SPECIES****Species Monitoring Coordinator (J. Bruggeman, Ph.D.)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,800 **Labor Category:** Scientist: Senior ]

- Assist in protocol development, experimental design and implementation of target species research and monitoring.
- Oversee implementation of target species monitoring and research protocols implemented by the EDO and contractors.
- Target species manuscript preparation, review and publication.

**Statistical Ecologist (P. Farrell, M.S.)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,800 **Labor Category:** Scientist: Mid-Level ]

**Technical Responsibilities:**

- Assist in protocol development, experimental design and implementation of experiments.
- Lead data analysis efforts with emphasis on statistical analyses.
- Assist in manuscript preparation, review and publication.

**Whooping Crane Biologist (M. Jaymes, M.S.)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,800 **Labor Category:** Scientist: Junior ]

**Responsibilities:**

- Field-lead for implementation of whooping crane monitoring protocol.
- Assist Land Manager in completion of land stewardship activities.
- Assist in implementation of least tern and piping plover monitoring protocol.

**Spatial Biologist (K. Keldsen, M.S.)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,800 **Labor Category:** Scientist: Junior ]

**Responsibilities:**

- Responsible for coordination, planning and implementation of camera technology in relation to Program implementation. This includes applications related to tern and plover predation as well as in support of geomorphic investigations.
- Licensed drone pilot responsible for use of drone in support of Program activities.
- Assist in implementation of least tern/piping plover and whooping crane monitoring protocols.

**Biological Technician (M. Steele)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,494 **Labor Category:** Scientist: Technician ]

**Responsibilities:**

- Assist biologists in protocol implementation and data analysis.
- Assist Land Coordinator in general land management activities.

**Biological Technician (J. Wentz)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,800 **Labor Category:** Scientist: Technician ]

**Responsibilities:**

- Assist biologists in protocol implementation and data analysis.
- Assist Land Coordinator in general land management activities.

**RIVER SCIENCE****Hydraulic Engineer (L. Casavant, M.S.)**

[**Admin/Tech:** Technical **PRRIP Hrs.:** 1,440 **Labor Category:** Engineer: Mid-Level ]

**Responsibilities:**

- Lead hydraulic and sediment transport modeling for water supply conveyance and geomorphology aspects of Program research and monitoring.
- Assist in manuscript preparation, review and publication.

**Geospatial Analyst (H. Davis, M.S.)****[Admin/Tech: Technical PRRIP Hrs.: 1,800 Labor Category: Scientist: Mid-Level ]****Responsibilities:**

- Remote sensing and GIS lead.
- Oversight of system-scale geomorphology and vegetation monitoring implementation and assessment.
- Coordinate and assist in geospatial analysis tasks associated with land, water, and science implementation and assessment activities.

**Fluvial Geomorphologist (S. Hinshaw, Ph.D.)****[Admin/Tech: Technical PRRIP Hrs.: 1,620 Labor Category: Scientist: Mid-Level ]****Responsibilities:**

- Assist in coordination, planning and implementation of geomorphology and vegetation monitoring protocol.
- Oversight of sediment augmentation research.
- Assist in manuscript preparation, review, and publication.

**Riparian Ecologist (M. Volke, Ph.D.)****[Admin/Tech: Technical PRRIP Hrs.: 1,800 Labor Category: Scientist: Mid-Level ]**

- Oversight and implementation of phragmites research.
- Assist in assessment of system-scale geomorphology and vegetation monitoring.
- Assist in manuscript preparation, review and publication.

**Summary of Headwaters Corporation Staff Serving as the PRRIP EDO and their Titles.**

Name	Title	Time Category	Hours
J. Farnsworth	Executive Director	Admin	1,800
A. Uribe	Executive Office Manager	Admin	1,440
J. Liakos	Administrative Assistant	Admin	1,008
T. Tunnell	Land Plan Coordinator	Admin	1,800
J. Brei	Engineering/CO Coordinator	Admin	1,080
E. Weschler	Water Resources Engineer	Tech	1,080
S. Turner	Water Plan Coordinator	Tech	1,800
K. Cognac	Hydrogeologist	Tech	720
C. Smith	Science Policy Coordinator	Admin	900
M. Henry	Science Plan Coordinator	Admin	1,980
J. Bruggeman	Species Monitoring Coordinator	Tech	1,800
P. Farrell	Statistical Ecologist	Tech	1,800
M. Jaymes	Whooping Crane Biologist	Tech	1,800
K. Keldsen	Spatial Biologist	Tech	1,800
M. Steele	Biological Technician	Tech	1,494
J. Wentz	Biological Technician	Tech	1,800
L. Casavant	Hydraulic Engineer	Tech	1,440
H. Davis	Geospatial Analyst	Tech	1,800
S. Hinshaw	Fluvial Geomorphologist	Tech	1,620
M. Volke	Riparian Ecologist	Tech	1,800
<b>TOTAL</b>			<b>30,762</b>

Focus Area	Administrative Time	Technical Time	Total Time
Program Administration	4,248	-	4,248
Land	2,880	1,080	3,960
Water	1,800	720	2,520
Science	2,880	17,154	20,034
<b>TOTAL</b>	<b>11,808</b>	<b>18,954</b>	<b>30,762</b>
<b>PERCENTAGE</b>	<b>38.4%</b>	<b>61.6%</b>	<b>100%</b>

**NOTE:** Resumes for all Headwaters Corporation staff serving as the PRRIP EDO follow in Exhibit "D".



**EXHIBIT “B”**  
**HOURLY RATE AND REIMBURSABLE EXPENSES PRICE SCHEDULE**

2023 Labor					
Labor Category	Admin. Hours	Tech. Hours	Admin. Cost (\$)	Tech. Cost (\$)	Total Cost (\$)
Program Administration	4,248	-	\$409,195	\$0	\$409,195
Land Plan Implementation	2,880	1,080	\$248,623	\$61,214	\$309,838
Water Plan Implementation	1,800	720	\$199,386	\$46,238	\$245,624
Science Plan Implementation	2,880	17,154	\$329,512	\$1,011,885	\$1,341,397
<b>Subtotal Labor</b>	<b>11,808</b>	<b>18,954</b>	<b>\$1,186,716</b>	<b>\$1,119,338</b>	<b>\$2,306,055</b>

2023 Other Direct Costs (ODC)			
Item	Unit Rate	Months or Units	Cost (\$)
Office Rent	\$17,100	12	\$205,200
IT, Computers & Software	\$7,000	12	\$84,000
General Expenses (equip, supplies, shipping)	\$1,500	12	\$18,000
Services (payroll, legal)	\$530	12	\$6,360
Professional & Civic (registrations, dues)	\$600	12	\$7,200
Program Travel	\$6,500	12	\$78,000
<b>Subtotal Other Direct Costs</b>			<b>\$398,760</b>

<b>Rounded Total 2023 EDO Budget (Labor Costs + ODC)</b>	<b>\$2,705,000</b>
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Average Hourly Rate by Labor Category	
Category	Average 2023 Billing Rates (\$)
Executive Director	\$153
Administrative: Senior	\$62
Administrative: Junior	\$44
Engineer: Senior	\$106
Engineer: Mid-Level	\$84
Engineer: Junior	\$57
Scientist: Senior	\$92
Scientist: Mid-Level	\$69
Scientist: Junior	\$46
Scientist: Technician	\$37

**Note:** Direct costs such as rent, utilities, and insurance shown above represent the proportionate share of total such costs attributable to PRRIP based primarily on fee distribution amongst all of Headwaters Corporation’s clients. In the case of shared resources, proportionate factors which provide a



conservative buffer to all clients is used to ensure that no client pays a disproportionate share of billable direct costs.

Labor rates include salary, vacation, holiday, professional development, health insurance, dental insurance, vision insurance, life insurance, FICA, retirement, unemployment insurance and other similar items, and profit.

#### **Reimbursable Expenses Price Schedule**

All direct costs will be supported by invoice and billed at actual cost. There will be no computer usage charges. The Program may be charged for big ticket IT-related equipment like data servers with prior approval of the Finance and/or Governance Committees. Travel-related mileage will be charged at the IRS approved rate for Business.



# EXHIBIT "C"

## CERTIFICATION REGARDING LOBBYING

The undersigned certifies, on behalf of Consultant, that to the best of his or her knowledge and belief:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of Consultant, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
2. No registrant under the Lobbying Disclosure Act of 1995 has made any lobbying contacts on behalf of the Consultant with respect to the federal grant or cooperative agreement under which the Consultant is receiving monies.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who makes an expenditure prohibited by Section 1 above or who fails to file or amend the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### HEADWATERS CORPORATION ("CONSULTANT")

By:

\_\_\_\_\_  
Bridget M. Barron, Ph.D.  
President

\_\_\_\_\_  
Date



1 **EXHIBIT “D”**  
2 **RESUMES FOR HEADWATERS CORPORATION STAFF SERVING AS THE PRRIP EDO**