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PROJECT: 19-1632 PLAN, GEORGE DAVIS CREEK FISH PASSAGE DESIGN (KING CO)

Sponsor: Sammamish City of Program: FBRB Coordinated Pathway Status: Active  
Project Start Date: 07/01/2019 Agreement End Date: 12/31/2024

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Progress Report Status: Accepted 01/31/2023

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**Report Period**

From 03/15/2022 To 09/30/2022

**Questions**

#1: Describe the work accomplished during this reporting period.

Continue to pursue property acquisition necessary for project.

Met with Technical Review Team ("TRT") to discuss design team response to initial TRT review cycle. Identified continued TRT concerns and developed follow-up strategy. The City is expected to amend the design consultant agreement in October 2022 to address the following: (1) TRT comments, (2) tree retention and environmental investigation, (3) coordination with King County in response to ongoing project delays, (4) increased design complexity of earth retention systems, and (5) range of miscellaneous items borne of the project delay and increasing complexity. Developed preliminary utility agreement to ensure timely relocation of franchise utilities. Completed initial costs assessment of temporary and permanent easement requirements.

#2: Are there any significant challenges that might hinder progress or keep you from meeting your project milestones? If so, please tell us about them.

Yes

Continue to pursue property right through legal channels to resolve issues with adjacent property owners. City remains committed to advancing and completing final design while legal process continues. Available information suggests the City can expect resolution of the legal proceedings in Q3 2023. City's intent is to have design completed at this time; project schedule reflects this expectation.

#3: Tell us about work planned for the next reporting period.

Continue to pursue resolution of current legal efforts to obtain property right. Respond to un-addressed TRT comments and work toward resolution of all outstanding issues. Where necessary, modify design in response to TRT feedback and pursue 90% design documents. Finalize temporary and permanent easement requirements and develop preliminary offers to adjacent property owners. Work with King County staff to integrate County's temporary trail mitigation plan into the final design. Negotiate all utility agreements with franchise utilities. Pursue remaining permits following resolution of property rights.

#4: Do you anticipate you will need to request a modification to your project agreement in the next six months (time extension, cost change, scope change, etc.)? If yes, please explain:

Yes

Seeking 2-year time extension to accommodate both known and potential delays in obtaining property right.

## Progress Report, Project 19-1632

### Milestones

Milestone	Target Date	Completed	Delayed	New Target Date	Progress/Reason for Delay
Annual Project Billing Due	12/01/2022	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/01/2022	Sequence billing with schedule adjustment proposed herein.
Agreement End Date <i>PROJECT CLOSING. All expenditures must be prior to this date.</i>	12/31/2022 <i>Need amendment to change</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/31/2024	Continued efforts to obtain property rights delaying project. Because resolution of matter is outside of City control, included a 6-month buffer to the projected Q2 end date.
Other <i>Respond to TRT comments provided on 3/31/2022</i>	12/31/2022	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/31/2022	Initial response generated comments from TRT. Subsequent response will require additional work by consultant that is not within current contract. Consultant's contract amendment expected October 2022.
Other <i>BAFBRB WDFW approves proceeding to final design</i>	03/01/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	03/01/2023	Anticipating 6-to-8 week lag between design team response to TRT, and TRT's authorizing movement to final design. Allows for TRT review, comment and design team response.
Applied for Permits <i>PAUE, SEPA, HPA</i>	08/01/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/01/2023	Project is exempt from both PAUE and SEPA. HPA application requires 90% plans which are expected to be completed 4 months after BAFBRB authorization to proceed with final design.
Other <i>Update on the Court date. Timeframe for resolving realignment.</i>	09/30/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	09/30/2023	Court has not scheduled appeal but conservative estimate of appeals court decision expected in Q3, 2023.
Other <i>Landowner Acknowledgement Form from Starkey</i>	10/31/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/31/2023	Will not pursue landowner authorization from any party until property right acquisition is resolved, tentatively anticipated Q3 2023.
Special Conditions Met <i>WDFW FBRB Reviews and Approves Final Design</i>	10/31/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/31/2023	Anticipating 90% plans completed July-August 2023. This follows 03/01/2023 "GO" by FBRB. Also allows up to 3 months for design team and TRT to work through any lingering concerns with design approach presented by 90% design.
Other <i>Landowner Certification Forms for properties within the restoration project area.</i>	10/31/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/31/2023	Will not pursue landowner certifications until property right acquisition is resolved, tentatively anticipated Q3 2023.
Final Design to RCO <i>Provide Final Design deliverables as described in RCO Manual 22, Appendix C-3 to WDFW FBRB Technical Review Team Lead.</i>	11/30/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/30/2023	One month lag following FBRB approval of Final Design
Permits Complete	12/31/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/31/2023	Based on 5-month lag from permit applications
Final Billing Due	11/30/2024	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/30/2024	One month before revised end date as identified by contract extension request.
Final Report Due <i>Drafted in PRISM (when project is complete and final invoice is submitted).</i>	12/01/2024	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/01/2024	One month before revised end date as identified by contract extension request.

### Special Conditions

#### Archaeological, Historic, and Cultural Resource Consultation

This agreement requires compliance with Executive Order 05-05 and/or Section 106 of the National Historic Preservation Act. No ground disturbing activities may be initiated until the sponsor has received notice from RCO that the appropriate cultural resource review process has been completed.

#### WDFW Design Review

Preliminary and Final designs completed to Manual 22 Appendix C specifications must be submitted to RCO and WDFW approved by WDFW's FBRB Technical Review Team Lead. Allow up to 30 days for review.

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### Permits

Permits and Reviews	Issuing Organization	Applied Date	Received Date	Expiration Date	Permit #
Archeological & Cultural Resources (EO 05-05)	DAHP	06/04/2020			NWS-2020-594
		<b>Note:</b> If ground disturbing activities are proposed before the Corps permit is initiated. Submitted with the JARPA.			
Clear & Grade Permit	City/County				
		<b>Note:</b> Project will submit for permit once construction timelines can be anticipated.			
Cultural Assessment [Section 106]	DAHP	06/04/2020			
		<b>Note:</b> Cultural resources survey attached, 3/14/2022.			
Hydraulics Project Approval [HPA]	Dept of Fish & Wildlife				
		<b>Note:</b> Project will submit for permit once construction timelines can be anticipated.			
Nationwide Permit	Army Corps of Eng.	06/04/2020		06/21/2022	NWS-2020-594
		<b>Note:</b> Project completed one round of permit review. Planning to update and obtain permit after 90% plans are complete.			
		Received COE permit June 21, 2022. Anticipating permit modifications may be necessary to accommodate potential design changes			
SEPA	Local or State				
		<b>Note:</b> Project anticipated to be exempt from SEPA. Project will submit for exemption once construction timelines can be anticipated.			

### Attachments

PHOTOS (JPG, GIF)

Photos (JPG, GIF)

#### PROJECT DOCUMENTS AND PHOTOS

Project Documents and Photos

File Type	Attach Date	Attachment Type	Title	Person	File Name, Number Associations	Shared
	12/14/2022	Amendment request	19-1632 Amendment Request 2022.12.14.pdf	TobyC	19-1632 Amendment Request 2022.12.14.pdf, 544612 Progress Report, 01/31/2023, Accepted	✓
	09/30/2022	Permit	20220621-NWPVerifLtr-NWS-2020-594.pdf	TobyC	20220621-NWPVerifLtr-NWS-2020-594.pdf, 532170 Progress Report, 01/31/2023, Accepted	✓

## Progress Report, Project 19-1632

### Certify & Submit

#### Status History

Report Status	Date	User	Note
Accepted	01/31/2023	David Caudill	Hi Tobey. Sorry for the late reply but with all of the back and forth it didn't make sense to review this. Of course now that the milestones have changed its old news. All is good and let's see where it goes. Thanks. Dave
Submitted	12/14/2022	Toby Coenen	This represents a resubmittal for the most recent progress report. In evaluating this progress report, please consider the following general responses that to the comments included with the rejection of the previous progress report.: 1) A formal request for a time extension has been submitted. This was also emailed to the grant manager. 2) As requested, plans have been submitted. Due to file size, the plans were uploaded to WDFW via their file sharing utility. Contact Amber Martens for information. 3) TRT comment responses are in the works. These responses will require additional consultant time, a cost that was not included with our current consultant agreement. The contract amendment for these services required Council approval which was granted in November. 4) The City acknowledges that we were likely premature in seeking permits. Permit application schedules are always a balancing act that attempt to have permits issued shortly before project bidding. We recognize permits will require revisions to accurately reflect any proposed design changes.
Returned	10/03/2022	Elizabeth Butler	Thank you for the progress report, but as we discussed we need you to resubmit with the following attachments. a. a response to BAFRB Technical comments, b. updated designs (requested in your email last week) And, as a side note it appears that the city applied for permits, which seems to have gotten ahead of the project review. While the city can apply for permits when they wish, it does increase the city's risk, as now the city has a permit for plans which are unlikely to be what is actually built. The BAFBRB needs to agree to the preliminary designs, before they advance to final. Permits will need to be secured for the designs that are approved by BAFRB for construction.
Submitted	09/30/2022	Toby Coenen	
Draft	09/28/2022	Elizabeth Butler	