

## PROJECT: 20-1461 PLAN, ACQ, LIVINGSTON BAY PROTECTION AND RESTORATION PLANNING

Sponsor: Whidbey Camano Land Trust    Program: Estuary & Salmon Restoration    Status: Active  
Project Start Date: 07/01/2021    Agreement End Date: 12/31/2023

Progress Report Status: Accepted 06/12/2023

### Report Period

From 05/11/2022    To 06/01/2023

### Questions

#1: 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

The feasibility study found that the restoration project was not deemed feasible without additional willing sellers within the Livingston Bay Project Area. This means that we will not be going forward with getting preliminary design for the restoration. We are proceeding with the acquisition of the Leque and Roberge properties which should close this summer. The conservation easement on the Livingston Bay Community Association property is going slower than expected. We hope to see resolution in the not too distant future. One note, is that LBCA property on the original application was shown accidentally as a fee purchase project. It should have been marked as a conservation easement project.

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

The conceptual restoration design was completed at the end of 2022. That plan deemed that restoration is feasible but not without additional willing sellers. Appraisals were completed for the Leque and Roberge properties and offers were made to both landowners. The Roberge property is now under a purchase and sale agreement, with the Leque property likely going to be under agreement in the next month. The Leque property would likely already been under a PSA if the natural berm on that property had not breached during the December King Tides. Due diligence on both acquisitions has been done, including initial survey work. We have also continued to build our partnership with the Tulalip Tribes, the ultimate owner of the property.

#3: 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:

No

At this point we don't anticipate requesting a modification but might need to if the Livingston Bay Community Association conservation easement does not progress.

#4: If not identified in the milestones, provide property name(s) and closing date(s) for property acquired, but not yet billed to RCO.

n/a

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

We are plan that both Leque and Roberge will be under a purchase and sale agreement that will be assigned to the Tulalip Tribes and that the Tribes will have acquired those properties.

### Milestones

Milestone	Target Date	Completed	Delayed	New Target Date	Progress/Reason for Delay
Funding Acknowl Sign Posted <i>All Properties</i>	07/01/2023	<input type="checkbox"/>	<input type="checkbox"/>		
Stewardship Plan to RCO <i>All Properties</i>	07/01/2023	<input type="checkbox"/>	<input type="checkbox"/>		
Purchase Agreement Signed <i>All Properties</i>	07/05/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07/05/2023	Roberge signed a PSA, waiting on Leque
Environmental Assess Complete <i>All Properties: Hazardous Substances Certification and supporting Environmental Site Assessment or RCO Property Assessment Checklist</i>	07/31/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07/31/2023	Waiting on both properties being under a PSA.
Other	08/15/2023	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/15/2023	Survey is delayed until both properties under a PSA

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Milestone	Target Date	Completed	Delayed	New Target Date	Progress/Reason for Delay
<i>All Properties: Legal description and Property Map to RCO to include in Deed of Right</i>					
RCO Final Inspection	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
Acquisition Closing	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
<i>All Properties</i>					
Recorded Acq Documents to RCO	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
<i>All Properties: Recorded Deed, Deed of Right</i>					
Recorded Land Survey to RCO	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
Cultural Resources Complete	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
<i>Survey required, see special condition #1. Survey must include historic property assessment of any structures over 50 years old (if applicable) and archaeological investigation to address planned ground disturbance including all infrastructure removal an</i>					
Other	09/01/2023	<input type="checkbox"/>	✓	09/01/2023	Closing delayed
<i>All Properties: Final Title Insurance Policy</i>					
Progress Report Due	09/30/2023	<input type="checkbox"/>	<input type="checkbox"/>		
Final Report Due	12/31/2023	<input type="checkbox"/>	<input type="checkbox"/>		
Agreement End Date	12/31/2023	<input type="checkbox"/>	<input type="checkbox"/>		
<i>PROJECT CLOSING. All expenditures must be prior to this date.</i>					
Special Conditions Met	12/31/2023	<input type="checkbox"/>	<input type="checkbox"/>		
<i>Ensure compliance with Statement of Work</i>					
Final Billing Due	02/29/2024	<input type="checkbox"/>	<input type="checkbox"/>		

### Special Conditions

#### Special Condition #1: Cultural Resources-Survey Required

This agreement requires compliance with Executive Order 21-02. RCO has completed the initial consultation for this project and a cultural resources survey is required to address the acquisition area and any associated ground disturbing actions, as well address any areas slated for future development/restoration actions. The Sponsor must submit to RCO the survey and receive from RCO a notice of cultural resources completion before any ground disturbing activities can begin. Final payment for the acquisition will be withheld until special conditions have been satisfied. In the event that archaeological or historic materials are discovered while conducting ground disturbing activities, work in the immediate vicinity must stop and the Sponsor must ensure compliance with the provisions found in this agreement. All cultural resources work must meet reporting guidelines outlined by the Department of Archaeology and Historic Preservation.

#### Special Condition #2: Project Funding

The Puget Sound Acquisition and Restoration Program (PSAR) awarded \$594,871 of 21-23 funds to this project through RCO project 20-1134 in 2020 to acquire the Leque Property and Livingston Bay Community Association property (this awarded amount was less than that requested). In 2021, PSAR awarded an additional \$30,000 in 21-23 funds and the Salmon Recovery Funding Board awarded \$20,246 of 2021 funds to RCO project 20-1134 to complete those same acquisitions. The Estuary and Salmon Restoration Program awarded \$1,500,000 to this project through project 20-1461 to acquire those same properties. In addition, the ESRP award is to acquire the Roberge and/or the Sherman properties and to complete a preliminary design to restore critical salmon and wildlife habitat. These grant awards are being combined into a single contract 20-1461 for efficiency. PSAR/SRFB???'s required match is \$145,000, which is fully met by the ESRP award. ESRP???'s required match is \$1,175,000 (including some non-state funding), which is partially met by the PSAR and SRFB awards, leaving a remaining \$529,883 in additional sponsor match.

#### Special Condition #3: Incorporate "Attachment A" - Statement of Work (PRISM Attachment #486180) by reference here as an attachment to the project Agreement.

#### Special Condition #4: Co-sponsor Roles.

The Whidbey-Camano Island Land Trust is responsible for the planning portion of this project's scope of work and for acquisition due diligence. The Tulalip Tribe will hold title to acquired properties.

#### Special Condition #5: Upon the effective date of this agreement, the Agreement titled ???Livingston Bay Protection and Restoration Planning??? (RCO project 20-1461) executed by Whidbey Camano Land Trust, by and through Patricia Powell on November 8, 2021, and the Recreation and Conservation Office, executed by and through Megan Duffy on November 18, 2021 (the ???ORIGINAL AGREEMENT???), shall be terminated. All of the scope of work completed on this project under the ORIGINAL AGREEMENT shall be the sole responsibility of the Whidbey Camano Land Trust and the RCO, in their respective roles and responsibilities.

### Permits

Permits and Reviews	Issuing Organization	Applied Date	Received Date	Expiration Date	Permit #
None - No permits Required					
Note: Have not applied.					

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### 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
	06/01/2023	Purchase and Sale Agreement	Roberge PSA_Fully Executed_12.29.22.pdf	KurtS	Roberge PSA_Fully Executed_12.29.22.pdf, 564584 Progress Report, 06/12/2023, Accepted	
	06/01/2023	Notice of Just Compensation	Leque_LJC_unsigned .pdf	KurtS	Land Trust - Grant form .pdf, 564583 Progress Report, 06/12/2023, Accepted	
	06/01/2023	Notice of Just Compensation	Roberge_LJC_signed.pdf	KurtS	Complete_with_DocuSign_Roberge_L... 564582 Progress Report, 06/12/2023, Accepted	
	06/01/2023	Plans and Bid Specifications	Livingston Bay Feasibility Study - Final for Deliverable - F	KurtS	Livingston Bay Feasibility Study - Final for Deliverable - Full Appendixes.pdf, 564581 Progress Report, 06/12/2023, Accepted	✓

### Certify & Submit

#### Status History

Report Status	Date	User	Note
Accepted	06/12/2023	Bob Warinner	
Submitted	06/01/2023	Ryan Elting	Thanks Bob and Kay!
Draft	06/01/2023	Kurt Schlimme	