**ESRP APPROVAL Of TIME and SCOPE AMENDMENT for 20-1461 Livingston Bay**

**November 15, 2023**

**From:** Alberich, Jason (DFW) <[Jason.Alberich@dfw.wa.gov](mailto:Jason.Alberich@dfw.wa.gov)>   
**Sent:** Wednesday, November 15, 2023 4:05 PM  
**To:** Caromile, Kay (RCO) <[Kay.Caromile@rco.wa.gov](mailto:Kay.Caromile@rco.wa.gov)>; Conway-Cranos, Tish L (DFW) <[Tish.Conway-Cranos@dfw.wa.gov](mailto:Tish.Conway-Cranos@dfw.wa.gov)>  
**Cc:** Warinner, Bob (RCO) <[bob.warinner@rco.wa.gov](mailto:bob.warinner@rco.wa.gov)>  
**Subject:** RE: ADDITIONAL INFORMATION PROVIDED RE: Livingston Bay Time Extension and Scope Change

I am fine with it. I vote we approve.

**From:** Caromile, Kay (RCO) <[Kay.Caromile@rco.wa.gov](mailto:Kay.Caromile@rco.wa.gov)>   
**Sent:** Wednesday, November 15, 2023 3:28 PM  
**To:** Alberich, Jason (DFW) <[Jason.Alberich@dfw.wa.gov](mailto:Jason.Alberich@dfw.wa.gov)>; Conway-Cranos, Tish L (DFW) <[Tish.Conway-Cranos@dfw.wa.gov](mailto:Tish.Conway-Cranos@dfw.wa.gov)>  
**Cc:** Warinner, Bob (RCO) <[bob.warinner@rco.wa.gov](mailto:bob.warinner@rco.wa.gov)>  
**Subject:** FW: ADDITIONAL INFORMATION PROVIDED RE: Livingston Bay Time Extension and Scope Change

Hi Jason and Tish.  The project sponsor got back to me with further details on the easement (please see his email below).  Based on his response, I am comfortable with both the time extension and scope change requests.  I don’t feel the Livingston Bay Community Association easement (instead of whole purchase) compromises the future restoration project in any way.

Please let me know if you approve the amendments or if you have any further questions or concerns.  Thank you, Kay

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**Kay Caromile** |Salmon Grants Manager

Washington State Recreation and Conservation Office

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RCO

**From:** Kurt Schlimme <[kurt@wclt.org](mailto:kurt@wclt.org)>   
**Sent:** Wednesday, November 15, 2023 9:39 AM  
**To:** Caromile, Kay (RCO) <[Kay.Caromile@rco.wa.gov](mailto:Kay.Caromile@rco.wa.gov)>; Warinner, Bob (RCO) <[bob.warinner@rco.wa.gov](mailto:bob.warinner@rco.wa.gov)>  
**Cc:** Carrie Viers <[carrie@wclt.org](mailto:carrie@wclt.org)>; Ryan Elting <[ryan@wclt.org](mailto:ryan@wclt.org)>; Mallory Bello <[mallory@wclt.org](mailto:mallory@wclt.org)>  
**Subject:** RE: ADDITIONAL INFORMATION REQUESTED RE: Livingston Bay Time Extension and Scope Change

External Email

Hi Kay,

Good to hear that you all are supportive of the scope change.  I’m happy to provide some additional information.  Yes, the red outlined area is where the easement would be placed…it would not just cover the tidelands.  Our expectation would be that the easement would prevent road building or any development and that it would have the ability written in that restoration could be undertaken (but not required).  LBCA residents could undertake passive recreation (walking/hiking, fishing, non-commercial harvest in tidelands) but it would not allow general public access. I believe the easement will be a buffer between the restoration area but we also would anticipate a setback dike along its northern and eastern boundaries.  Surface or hydrologic alterations (including filling, dredging, excavating, mining, etc) would be prohibited aside from those needed as part of the larger restoration project or needed to maintain existing drainage channels through the CE (prevent flooding of LBCA houses).  Plant harvesting would not be allowed aside from the removal of non-native species.

That’s what I have off the top of my head.  Basically, it would be treated as a natural area with very limited human alteration allowed, and those alterations would be for larger benefit of the conservation values of the easement.

Let us know if you have any other questions.

Thanks,  
  
Kurt

**Kurt Schlimme**

*Whidbey Camano Land Trust*

360. 222.3310| [kurt@wclt.org](mailto:kurt@wclt.org)

**From:** Caromile, Kay (RCO) <[Kay.Caromile@rco.wa.gov](mailto:Kay.Caromile@rco.wa.gov)>   
**Sent:** Wednesday, November 15, 2023 6:20 AM  
**To:** Kurt Schlimme <[kurt@wclt.org](mailto:kurt@wclt.org)>; Warinner, Bob (RCO) <[bob.warinner@rco.wa.gov](mailto:bob.warinner@rco.wa.gov)>  
**Cc:** Carrie Viers <[carrie@wclt.org](mailto:carrie@wclt.org)>; Ryan Elting <[ryan@wclt.org](mailto:ryan@wclt.org)>; Mallory Bello <[mallory@wclt.org](mailto:mallory@wclt.org)>  
**Subject:** ADDITIONAL INFORMATION REQUESTED RE: Livingston Bay Time Extension and Scope Change

Hi Kurt.  I met with ESRP staff yesterday.  We support the time extension and tentatively support the scope change, but we’d like to be sure we fully understand the extent and scope of the proposed easement before approving the scope change.  Are we correct in understanding the easement would be over everything circled in red (basically, everything but the housing development)—it wouldn’t just cover the tidelands?  I realize you haven’t yet negotiated the easement, but can you provide more information regarding the types of activities you anticipate would be permitted and prohibited within the easement area?  For instance, would the easement prevent road building and development and other impervious surfaces?  Would it permit restoration activities?  What kind of activities would or wouldn’t be allowed in the tidelands?  Do you envision the easement area as a buffer between the restored marsh and the community or might you locate a setback dike on the property?

We look forward to your response to help us finalize a decision regarding the easement.  RCO and the land trust are meeting on Friday to discuss funding for the Sherman acquisition and, if the outcome of that discussion is to consider further amendments, we can consider them at the same time as this scope change.

Please let me know if you have any questions.  Thank you, Kay

Map

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**Kay Caromile** |Salmon Grants Manager

Washington State Recreation and Conservation Office

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RCO

**From:** Caromile, Kay (RCO)   
**Sent:** Tuesday, November 14, 2023 2:02 PM  
**To:** Alberich, Jason (DFW) [Jason.Alberich@dfw.wa.gov](mailto:Jason.Alberich@dfw.wa.gov); Conway-Cranos, Tish L (DFW) [Tish.Conway-Cranos@dfw.wa.gov](mailto:Tish.Conway-Cranos@dfw.wa.gov)  
**Cc:** Warinner, Bob (RCO) [bob.warinner@rco.wa.gov](mailto:bob.warinner@rco.wa.gov)  
**Subject:** Seeking ESRP approval of Time & Scope amendment for 20-1461 Livingston Bay

Hi Jason and Tish.  The Whidbey Camano Land Trust requested a scope change and time extension for 20-1461 Livingston Bay Protection and Restoration Planning project.  The project is to develop a preliminary design to restore 317 acres of critical salmon and wildlife habitat in Livingston Bay on Camano Island and seize upon current acquisition opportunities if restoration is deemed feasible. The 317 acres targeted for restoration planning includes over three quarters of a mile of Livingston Bay shoreline and 25 acres of tidelands.

Current Project Status:  The land trust investigated the feasibility of restoring former tidal estuary and wetland habitat that is currently managed as diked farmland.  They determined restoration is feasible and the land trust has since been working to acquire 4 properties.  Two acquisitions (Leque and Roberge) are expected to close by January 2024 (they are just wrapping up a boundary line adjustment).  A third (Livingston Bay Community Association) is in process and a fourth (Sherman property) just became available after the passing of the landowner.

Scope Change:  The land trust is requesting to amend the agreement so that the Livingston Bay Community Association property acquisition is for an easement rather than a fee simple acquisition.  The reason for the request is that the intended that particular acquisition to be an easement all along, but mistakenly entered it into the application as fee simple.  So, there was no change of mind, just seemingly the wrong box was checked during the grant process. The easement would prevent negative degradation of the LBCA owned open space while allowing recreation by the LBCA residents. The easement would help to facilitate future restoration.  The easement will be a donation from the community.

Time Extension: The land trust is requesting a time extension from December 31, 2023 to June 30, 2025.  This extension will allow them to close on at least the Leque, Roberge, and Livingston Bay Association properties.  The Sherman property acquisition is funding-dependent. We are meeting later this week to discuss funding options and may lead to additional amendment requests.

Please see the attached amendment request.  I support both amendments.  The land trust has moved steadily towards completing their scope of work; they completed the feasibility study and two and are poised to complete 2 of the acquisitions.  The time extension will give them time to complete the work.  The change from fee simple to an easement makes sense, considering its value is being donated.  We always knew they were not acquiring the residences, just the open space.  The easement will help to facilitate future restoration and prevent habitat degradation adjacent to the other newly acquired properties.  RCO will negotiate the terms of the easement with the sponsor to ensure the conservation values of the property are preserved..

Please let me know if you have any questions or concerns or would like to discuss this further, Kay

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