

### 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: 12/31/2024

Progress Report Status: Accepted 03/14/2024

#### Report Period

From 10/01/2023    To 12/31/2023

#### 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.

No

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

The Tulalip Tribes acquired both the Leque and Roberge properties at the end of 2023. The Roberge property was purchased on December 20th. The Leque property had its title transferred to the Tulalip on December 1. At the request of the landowner, grant funds will not be transferred to the Leques until January 2024. After the title transfer of the Leque property, we discovered a boundary line issue with the adjacent Nelson property that will be addressed in the first half of 2024.

#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:

Yes

We have approximately \$600,000 remaining of RCO grant funding. Approximately \$400,000 of this funding is earmarked for future restoration preliminary design work. However, because we are not progressing with restoration work at this point due to the results of the feasibility study, we would like to request a scope change that would allow us to use the remaining grant funds on the purchase of the Sherman property, which is located in between the Roberge and Leque properties. The Sherman family is interested in selling and the grant funds in hand would cover a good portion of the appraised value for the property.

#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.

Grant funds for the Leque property will transfer in the next reporting period. We will also work with the Tulalip Tribes and Roger Nelson to remedy the boundary line issue. We also plan on getting an appraisal for the Sherman property and begin negotiations with that landowner.

## Progress Report, Project 20-1461

### Milestones

Milestone	Target Date	Completed	Delayed	New Target Date	Progress/Reason for Delay
Progress Report Due	09/01/2024	<input type="checkbox"/>	<input type="checkbox"/>		
RCO Final Inspection	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Acquisition Closing <i>All Properties</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Recorded Acq Documents to RCO <i>All Properties: Recorded Deed, Deed of Right</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Recorded Land Survey to RCO	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Stewardship Plan to RCO <i>All Properties</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Agreement End Date <i>PROJECT CLOSING. All expenditures must be prior to this date.</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		Need amendment to change
Other <i>All Properties: Legal description and Property Map to RCO to include in Deed of Right</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Other <i>All Properties: Final Title Insurance Policy</i>	12/31/2024	<input type="checkbox"/>	<input type="checkbox"/>		
Funding Acknowl Sign Posted <i>All Properties</i>	02/28/2025	<input type="checkbox"/>	<input type="checkbox"/>		
Final Report Due	02/28/2025	<input type="checkbox"/>	<input type="checkbox"/>		
Final Billing Due	02/28/2025	<input type="checkbox"/>	<input type="checkbox"/>		
Special Conditions Met <i>Ensure compliance with Statement of Work</i>	02/28/2025	<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.					

# Progress Report, Project 20-1461

## 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
	02/15/2024	Progress report	Progress Report February 15 2024 Project 20-1461.pdf.PDF	LaurenM	Progress Report February 15 2024 Project 20-1461.pdf.pdf, 597402 Progress Report, 03/14/2024, Accepted	✓

## Certify & Submit

Status History			
Report Status	Date	User	Note
Accepted	03/14/2024	Bob Warinner	Thank you for the update, looking forward to more progress during the next couple years.
Submitted	03/06/2024	Kurt Schlimme	Here is the progress report for Livingston Bay Protection and Restoration Planning. RCO# 20-1461
Draft	02/15/2024	Lauren McCaskill	