

ESRP Amendment Request Information

Amendment Type (Check box for type(s) of amendment requested.)

- ☒ Scope (change of location, change in metrics)
- ☐ Time extension
- ☐ Cost (increase, decrease, match change)

Project name:	Livingston Bay Protection and Restoration planning
Project number	20-1461
Date of request	August 13, 2024
Sponsor(s)	Whidbey Camano Land Trust
Current end date	12/31/2024

Funding (Grants manager may need to provide information for this section)

	Current Amount	Share	Biennium/ Year of Funding	Amount Remaining	Proposed Funding Amount ¹	Proposed Share
ESRP	\$2,145,117.00	80.19%		\$	\$	%
Sponsor match	\$529,883.00	19.81%		\$	\$	%
Project total	\$2,675,000.00	100.00%		\$	\$	

All Requests

- Brief project summary: The Whidbey Camano Land Trust and partners will 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 Land Trust will investigate the feasibility of restoring the former tidal estuary and wetland habitat that is currently managed as diked farmland, and protect those lands and adjacent nearshore habitat to benefit coho, chum, pink and Endangered Species Act-listed Puget Sound Chinook salmon and Puget Sound steelhead. The 317 acres targeted for restoration planning includes over three quarters of a mile of Livingston Bay shoreline and 25 acres of tidelands directly adjacent to over 7,500 acres of protected habitat within Port Susan Bay and the Stillaguamish River Delta. At present, at least two properties and up to 200 acres are available for acquisition. The Livingston Bay Protection and Restoration Planning project will advance process-based restoration efforts prioritized by the Puget Sound Nearshore Ecosystem Restoration

¹ Fill out only if requesting a change in RCO funding or match.

Project (PSNERP) by building off of the conceptual design work already completed and securing a portion of that project footprint.

- Current project progress: *(what tasks are complete and timeline for remaining tasks)*

The Livingston Bay restoration feasibility study was completed in December 2022, and it found that the restoration project was not deemed feasible without having willing sellers for all five landowners within the Livingston Bay Project Area: Leque, Roberge, Sherman, Nelson, and Washington DOT. Thus, the Land Trust has not gone forward with getting a preliminary design for the restoration.

The Land Trust did help facilitate the fee title acquisition of the Leque and Roberge properties by the Tulalip Tribes, the secondary sponsor on this grant, in December 2023 as the partnership takes the long view approach toward restoration. Around the same time that those projects closed, we received word from the Estate of Ernest Sherman that the landowners were interested in selling the Sherman property, which forms a vital connection between the Leque and Roberge properties and is integral for future restoration. Since that time, we have been working to get the Sherman property under a purchase & sale agreement, which finally happened at the end of July. We are now working on acquisition due diligence, with the intention to assign the purchase and sale agreement to Tulalip Tribes in early September and close on the property on September 30th.

Finally, we are also still in discussions with the Livingston Bay Community Association (LBCA) about placing a conservation easement on their property. Progress on the potential easement has been slow and there is enough community opposition to doing an easement that we might not be able to complete this task. We hope to have more information on this in the next month.

Scope Changes

- Description of, and reason for, scope change:

A scope change is necessary because the project partners are not moving forward with preliminary design work under this grant agreement. The most feasible and cost-effective restoration scenario involves the acquisition of all five properties located within the project area. Acquisition of the Leque, Roberge, and Sherman properties takes us a big step closer toward restoration, and the Tulalip Tribes are working with WSDOT to acquire that 2-acre parcel. But without the Nelson property, which is the largest in the project area, restoration is still not feasible, thus there is no current need for preliminary design work. We request a grant scope change that preliminary designed be removed as grant objective. We will instead pursue preliminary design in the future when Nelson

becomes a willing seller or agrees to include his property as part of a restoration design study.

Because we are not progressing with restoration work at this point, we would additionally like to request a scope change to allow us to acquire the Sherman property using the remaining ESRP funding from Project Number 20-1461. We have applied for a SRFB grant to cover \$750,000 of this \$1,253,000 property purchase and we would like to use our ESRP grant funds to fill the remaining gap. The Sherman property was identified as an alternate in our original grant application, so the intention was to use the grant funds to purchase the property if the opportunity presented itself. Given that preliminary design work is being postponed due to not having acquired enough of the project area, purchase of the Sherman property feels consistent with the larger goals of our grant application.

