

## 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 09/24/2024

### Report Period

From 01/01/2024    To 07/31/2024

### 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 grant funds for the Leque property were transferred in January. Recording of the Deed of Right was delayed due to a boundary line issue that was discovered after title for the Leque property transferred to the Tulalip Tribes. Upon discovery, we worked with the Tribes and the adjacent landowner, Roger Nelson, to address the issue. After discussing the issue, all parties agreed that the best solution would be to move forward with a Boundary Line Adjustment (BLA) that would transfer approximately 1.04 acres of the Tulalip Tribes property to the Nelson property. The BLA area was identified, legally described, and then excluded from the legal description in the Deed of Right. No impact on value was found due to the reduction in property size by the appraiser or review appraiser. The Deed of Right was recorded on May 20. We are currently facilitating the BLA and hopefully resolving the issue by the end of 2024.

We began the appraisal process and negotiations with the landowners of the Sherman property in early 2024, and entered into a Purchase and Sale Agreement on July 26th for the appraised, fair market value of \$1,253,000. The anticipated closing date for the Sherman property is September 30th.

We applied for a \$750,000 SRFB Riparian grant through the WRIA 6 Lead Entity to help with the purchase of the Sherman property. We anticipate hearing whether we received the grant in late September.

#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

A grant scope change is going to be submitted because we are not progressing with restoration work at this point due to the results of the feasibility study. The scope change will have us stopping with the feasibility study and not progressing to the preliminary design work. The funds earmarked for the preliminary design will instead be used to help the Tulalip Tribes purchase the Sherman 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.

In the next reporting period we will close on the Sherman property, and assign the agreement and the rights to purchase the property to the Tulalip Tribes prior to closing. We will also continue to work with the Tulalip Tribes and Roger Nelson to complete the BLA.

## Progress Report, Project 20-1461

### Milestones

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

### 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
No attachments match filter criteria						

Certify & Submit

Status History

Report Status	Date	User	Note
Accepted	09/24/2024	Bob Warinner	
Submitted	09/19/2024	Kurt Schlimme	
Draft	09/12/2024	Lauren McCaskill	