

Amendment to Project Agreement

mj
10/31/14

Project Sponsor: Tulalip Tribe
Project Title: Qwulooft Estuary Restoration - Construction

Project Number: 09-1277R
Amendment Number: 10

Amendment Type:

Cost Change

Amendment Description:

This amendment 1) increases the project agreement to total \$1,906,780.05 with the addition of \$400,000 of 09-11 return PSAR funds and \$400,000 sponsor match to afford rising construction costs, and 2) expands the scope of work to include the full estuary restoration project, as proposed in the original grant application, all as approved by the SRFB subcommittee on September 4, 2014.

Project Funding:

The total cost of the project for the purpose of this Agreement changes as follows:

	Old Amount		New Amount	
	Amount	%	Amount	%
RCO - ALEA	\$456,780.05	41.27%	\$456,780.05	23.96%
RCO - PSAR	\$650,000.00	58.73%	\$1,050,000.00	55.07%
Project Sponsor	\$0.00	0.00%	\$400,000.00	20.98%
Total Project Cost	\$1,106,780.05	100%	\$1,906,780.05	100%
Admin Limit	\$0.00	0.00%	\$0.00	0.00%
A&E Limit	\$184,463.34	20.00%	\$317,796.68	20.00%

Agreement Terms

In all other respects the Agreement, to which this is an Amendment, and attachments thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this Amendment.

**State Of Washington
Recreation and Conservation Office**

Tulalip Tribe

BY: *Kaleen Cottingham*
Kaleen Cottingham

AGENCY: *[Signature]*

BY: Vice Chairman

TITLE: Director

TITLE: *[Signature]*

DATE: 9/9/14

DATE: 10.20.14

Pre-approved as to form:

BY: /s/
Assistant Attorney General

RECEIVED

OCT 31 2014

Amendment Agreement Description

Project Sponsor: Tulalip Tribe

Project Number: 09-1277 R

Project Title: Qwuloolt Estuary Restoration - Construction

Amendment Number: 10

Agreement Description

The Tulalip Tribes, with the US Army Corps of Engineers (Corps), will complete the Qwuloolt Estuary Restoration Project, a broad-based interagency and community effort to restore historic tidal processes and a functioning estuary intertidal marsh system to 400 acres of isolated floodplain within the lower Snohomish River estuary, in Marysville, WA. The project will also restore natural hydrologic connection and functions to two stream systems and provide unrestricted fish access to 16 miles of upstream spawning and rearing habitat. Restoration work includes channel excavation and ditch filling, treatment of invasive reed canary grass, restoration of more than 1 mile of historic and new creek channel with riparian plantings, construction of approximately 4,000 feet of the west setback levee, and breaching the Ebey Slough levee, as well as project permitting, design, and management tasks. These funds will supplement tribal funds to meet a 35% local cost-share obligation for working with the Corps under the Puget Sound and Adjacent Waters Program. Construction project cost is estimated to be \$11,800,000 with total project costs exceed \$19,000,000 including land acquisition.

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Amendment Eligible Scope Activities

Project Sponsor: Tulalip Tribe
Project Title: Qwuloolt Estuary Restoration - Construction
Program: Puget Sound Acq. & Restoration

Project Number: 09-1277
Project Type: Restoration
Amendment #: 10

Project Metrics

Sites Improved

Stream miles restored:	1.00	<i>Approximately 1 mile will be restored upon breach of Ebey Slough levee. This will be completed in subsequent phases of the project.</i>
Project acres to be restored:	400.00	

Restoration Metrics

Worksite #1, Qwuloolt

Targeted salmonid ESU/DPS:	Chinook Salmon-Puget Sound ESU, Chum Salmon-Puget Sound/Strait of Georgia ESU, Coho Salmon-Puget Sound/Strait of Georgia ESU, Pink Salmon-Odd year ESU, Steelhead-Puget Sound DPS
Targeted species (non-ESU species):	Bull Trout, Cutthroat
Project Identified In a Plan or Watershed Assessment:	Snohomish River Basin Salmon Conservation Plan, 2005
Type Of Monitoring:	None

Estuarine / Nearshore Project

Total Amount Of Estuarine / Nearshore Acres Treated:	400.0
Channel modification	
Yards of Channel Modified/Created:	750
	<i>constructed about 6500 ft of channel (stream and tidal)</i>
Acres of Estuary Treated:	400.0
Dike Or berm modification / removal	
Miles Of Dikes Removed:	0.33
Acres of Habitat Made Available To Salmonids through dike or berm modification/removal:	400.0
Estuarine/nearshore planting	
Acres of estuarine / nearshore planted:	20.0
Fill placement	
Acres of Estuary Treated with fill placement:	8.0
	<i>5 acres ditch filling, 3 acres berms</i>

General restoration activities

Restoration signs	
Number of signs installed:	2

Cultural Resources

Cultural resources

Permits

Obtain permits

Architectural & Engineering

Architectural & Engineering (A&E)

Amendment Special Conditions

Project Sponsor: Tulalip Tribe
Project Title: Qwuloolt Estuary Restoration - Construction

Project Number: 09-1277 R
Amendment Number: 10

Special Conditions

A. Sponsor Matching Fund Commitments:

- 1) The \$490,649.52 of ALEA-required sponsor match associated with Project No. 06-1604 is not added to this project agreement because it is exceeded and satisfied by the \$500,000.00 PSAR program funding.
- 2) The \$90,000.00 PSAR required sponsor match associated with Project No. 09-1277 is removed from this project agreement because it is exceeded and satisfied by the \$456,780.05 of ALEA program funding.
- 3) The balance of \$366,780.05 in ALEA funds exceeds the \$27,000 match (15%) required for the additional increment of PSAR funds awarded through this Amendment No. 7.
- 4) A balance of \$339,780.05 in ALEA funds remains available to match future RCO funding.
- 5) On September 4, 2014, the SRFB subcommittee approved Amendment 10 to increase project funding by \$400,000 of 09-11 PSAR, and requires the sponsor to provide at least a 1:1 match of \$400,000 to afford an additional 42,000 CY of structural fill necessary to complete setback levee construction. Further, in order to reserve excess PSAR funding for return to the Puget Sound Partnership at the close of the project, the sponsor is required to first apply all other funding that is secured for this cost increase (e.g., NRCS, Tulalip Tribe, FPbD, NEP, etc.) towards payment of the materials contract, before requesting reimbursement of the PSAR funding.

B. The 06-1604 agreement will be changed to "Closed Not Complete" and restoration work will be completed under this 09-1277 project agreement.

C. In order to facilitate closing the 07-1624 Qwuloolt Design project agreement with submittal of 95% Draft Designs, the final design deliverables will be completed under this 09-1277 project agreement. As per SRFB Policy Manual 18b, Appendix E: Assessments and Designs - Standard Stages of Project Development Defined. Final Project Design

The final design process should address and resolve all substantial issues that may have been raised in the permitting and stakeholder review process, so that all stakeholders agree on the final plans. As with the preliminary design work, preparation of the final design should be done under the supervision of a licensed professional engineer. Final Design tasks typically include the following:

1. Revision of preliminary design drawings
2. Preparation of additional detailed drawings as needed to clarify the design of specific work items
3. Preparation of technical specifications to fully describe each part of the work.
4. Preparation of a final construction cost estimate
5. Preparation of contract bidding documents and general contract conditions
6. Permits and cultural resource review.

Final Project Design would conclude with a comprehensive and detailed set of project drawings, technical specifications, and contract documents (if the project is to be advertised for contractor bidding). An "Engineer's Estimate" of construction cost should also be prepared by the designer, for comparison with estimates provided by general contractors (bids).

Amendment Milestone Report

Project Number: 09-1277 R
Project Name: Qwuloolt Estuary Restoration - Construction
Sponsor: Tulalip Tribe
IAC Project Manager: Elizabeth Butler

Amendment Number: 11

X	!	Milestone	Target Date	Comments/Description
X		Project Start	10/16/2009	
X	!	Cultural Resources Complete	10/16/2009	Completed in 2008
X	!	Applied for Permits	03/01/2010	Federal permits were submitted in 2009
X	!	Progress Report Submitted	03/15/2011	
X	!	Annual Project Billing	03/15/2011	and at least once per year thereafter
X	!	Progress Report Submitted	09/30/2011	
X	!	Progress Report Submitted	03/16/2012	
X		RFP Complete/Consultant Hired	05/30/2012	was 07/01/2011
X	!	Annual Project Billing	07/31/2012	
X	!	Progress Report Submitted	07/31/2012	
X		Permits Complete	09/21/2012	
X		Bid Awarded/Contractor Hired	09/24/2012	
X	!	Progress Report Submitted	12/31/2012	
X		Restoration Started	02/13/2013	USACE portion
X	!	Progress Report Submitted	04/30/2013	
X	!	Final Design to RCO	07/31/2013	Per Special Condition to Grant Agreement
X	!	Progress Report Submitted	09/30/2013	
X	!	Progress Report Submitted	12/31/2013	
X	!	Progress Report Submitted	03/31/2014	
	!	Annual Project Billing	11/30/2014	
	!	Progress Report Submitted	12/31/2014	
	!	Progress Report Submitted	06/01/2015	
	!	Progress Report Submitted	09/30/2015	
		Restoration Complete	10/31/2015	Setback Levee
	!	Agreement End Date	12/31/2015	
		Final Report in PRISM	12/31/2015	
		Final Billing to RCO	02/28/2016	
	!	Final Design to RCO	02/28/2016	As-built