



**AMENDMENT NO. 1
TO AGREEMENT NO. WQC-2022-Tumwat-00092
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
CITY OF TUMWATER**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and City of Tumwater (RECIPIENT) for the Pioneer Park Restoration (PROJECT).

Due to a lengthy permitting process, a time extension is needed to complete deliverables under this agreement. This amendment extends the agreement expiration date from October 14, 2024, to October 14, 2025. Because of increased design and permitting costs this amendment also reduces the scope of work including reduced permit submittal and planting scope and elimination of streambank stabilization work and construction management. It retains the design and implementation of floodplain channel enhancement in the outer portion of the site. Streambank stabilization and remaining riparian planting will be completed under the upcoming 2025 agreement. This amendment also shifts funds between tasks to reflect budget changes.

The task budget is modified as shown below.

Task 1. Grant and Loan Administration remains the same at \$5,000.

Task 2. Designs Plans, Specifications and Permitting is increased by \$181,278.08, from \$49,627.71 to \$230,905.79.

Task 3. Construction Management is decreased by \$14,875.54, from \$14,875.54 to \$0.00.

Task 4. Streambank Stabilization and Buffer Restoration is decreased by \$166,402.54, from \$381,278.08 to \$214,875.54.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Cost:

Original: 450,781.33 Amended: 450,781.33

Total Eligible Cost:

Original: 450,781.33 Amended: 450,781.33

Effective Date:

Original: 10/15/2021 Amended: 10/15/2021

Expiration Date:

Original: 10/14/2024 Amended: 10/14/2025

Project Short Description:

Original:

The RECIPIENT will design and construct a riparian restoration project along the Deschutes River at River Mile 2.0, which is

impaired for bacteria, temperature, and dissolved oxygen. The RECIPIENT will stabilize a 1,000-foot section of eroding bank and increase channel complexity to reduce erosion. The RECIPIENT will also plant 0.86 acres of riparian buffer along 375 feet of the stabilized right bank to reduce stream temperature and bacteria and increase dissolved oxygen.

Amended:

This first phase of a riparian restoration project along the Deschutes River at River Mile 2.0 which is impaired for bacteria, temperature, and dissolved oxygen, the RECIPIENT will design and implement a floodplain channel enhancement and riparian planting in the outer part of the site. Under a 2025 grant, the project will stabilize a 1,000-foot section of eroding bank and complete remaining plantings to create a riparian buffer along 376 feet of the stabilized bank to reduce pollutants.

Project Long Description:

Amended:

This project is the first phase of a riparian restoration project to stabilize the slope and improve riparian conditions along the Deschutes River at River Mile 2.0, located in Pioneer Park. In this first phase, the RECIPIENT will complete the design and implementation of floodplain channel enhancement and riparian planting in the outer part of the site.

The second phase, under grant agreement WQC-2025-Tumwat-00054, will design and construct the in-water features along 1,000 feet of the Deschutes River, and install final plantings.

Numerous studies have shown the Deschutes River has critical stocks of Coho salmon and suffers from poor water quality. The project site has been identified in the Deschutes River TMDL as needing a 46 percent reduction in fine sediment loading. The site currently contributes over 2,380 cubic yards of fine sediment every year to the Deschutes River. In addition, the site has been identified as needing a 50 percent increase in shading, highlighting the need for substantial riparian restoration work along this reach. This project, along with the subsequent project, will address these pollution problems by reducing sediment inputs caused by accelerated erosion, reducing water temperature by re-establishing the shade provided by native riparian forest, and restoring aquatic habitat by increasing in-stream complexity within the project area.

Work for this project began in 2010, with conceptual designs including hydraulic modeling, geomorphic assessments, topographic survey data, and public use surveys. In 2014, the South Puget Sound Salmon Enhancement Group (SPSSEG) received a Salmon Recovery Funding Board grant (#14-1405) from the Washington State Recreation and Conservation Office (RCO). The outcome of that grant was a preliminary design report for bank stabilization, riparian zone establishment along 1,000 linear feet of bank, increased channel complexity using large woody debris and rock barbs and directed water into the main channel during low flows to help protect swimmers and tubers. In the four years since the preliminary designs were originally conceived, the river has changed dramatically. On average, the Deschutes River channel through Pioneer Park migrates 9.4 feet per year. Due to this large change, the core plans from the preliminary designs are no longer functional. This phase of the project will complete designs, permitting, and plantings for the outer portion of the site.

Overall Goal:

The goal of this grant is to complete designs, permitting, and planting for the outer portion of a site on the Deschutes River at Pioneer Park. Once this two-phase project is completed, it will decrease mobilization of fine sediments, 2,380 cubic yards of which are currently entering the system every year. The project will re-establish native riparian forest to improve impaired riparian conditions and lower summer water temperatures while maintaining a safe environment for boaters, tubers, swimmers, and other users of the Deschutes River and Pioneer Park.

CHANGES TO THE BUDGET

Funding Distribution EG220270

Funding Title: Centennial Clean Water
 Funding Type: Grant
 Funding Effective Date: 10/15/2021 Funding Expiration Date: 10/14/2025
 Funding Source:

Title: Centennial-SFY22
 Fund: FD023N
 Type: State
 Funding Source %: 100%
 Description: The Centennial Clean Water Program provides grants for nonpoint source pollution control activity projects and wastewater projects.

Approved Indirect Costs Rate: Approved State Indirect: 0%
 Recipient Match %: 25%
 InKind Interlocal Allowed: Yes
 InKind Other Allowed: No
 Is this Funding Distribution used to match a federal grant? No

Centennial Clean Water	Task Total
Grant and Loan Administration	\$ 5,000.00
Design Plans, Specifications and Permitting	\$ 230,905.79
Construction Management	\$ 0.00
Streambank Stabilization and Buffer Restoration	\$ 214,875.54

Total: \$ 450,781.33

CHANGES TO SCOPE OF WORK

Task Number: 1 **Task Cost:** \$5,000.00

Task Title: Grant and Loan Administration

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: Maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; the EAGL (Ecology Administration of Grants and Loans) recipient closeout report; and a two-page outcome summary report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be available upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

* Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page outcome summary report.

* Properly maintained project documentation.

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form)	
1.3	Two-page Outcome Summary Report	

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CHANGES TO SCOPE OF WORK

Task Number: 2 **Task Cost:** \$230,905.79

Task Title: Design Plans, Specifications and Permitting

Task Description:

A. The RECIPIENT will develop a project Design Package. Projects must be designed in accordance with the SFY22 Funding Guidelines and the WDFW Stream Habitat Restoration Guidelines. Project designs must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement. The RECIPIENT will upload a digital copy of the items listed below to EAGL for ECOLOGY review. Ecology review may take up to 45 days. Reduce design figures to 11x17 inches in size and ensure they are legible.

1. Design Report. Develop design report in accordance with Nonpoint Design Deliverables guidance provided by the ECOLOGY Project Manager (PM). Submit to ECOLOGY for 45-day review. The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent design. Design elements will include a plan to meet the Deschutes River TMDL goals of reducing fine sediment by 46 percent (1,095 cubic feet/year) and increasing shade by 50 percent along approximately 1,000 linear feet of stream channel in the Deschutes River (River Mile 2.0). The design may include one riffle, constructed rock/boulder barb(s), and revegetating the stabilized bank using soil wraps to be seeded and planted with willow stakes.

2. 90 Percent Design Package. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost including a schedule of eligible costs, project construction schedule, and bid insert provided by the ECOLOGY PM. The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding to Final Design.

3. The RECIPIENT will submit a digital copy of the Final Bid Package to ECOLOGY for review and acceptance prior to advertising the project. The Final Bid Package includes: project plans, specifications, engineer's opinion of cost including a schedule of eligible costs, and project construction schedule.

B. The RECIPIENT will complete the following planning activities and submit all required documents to the ECOLOGY PM for review and approval, and upload to EAGL, prior to signatures (where required), and beginning work:

1. An Ecology Cultural Resources Review Form and an Inadvertent Discovery Plan (IDP) for each project site. The RECIPIENT will not initiate any work on the project site until consultation is completed and a written notice to proceed is received from ECOLOGY.

2. All permitting and State Environmental Policy Act (SEPA) required by federal, state, and local laws and ordinances and documentation that these requirements have been met.

3. A Riparian Planting and Maintenance Plan for all work implemented using a template approved by the ECOLOGY PM. This Plan will include maintenance and monitoring of installed riparian vegetation short-term (5-year minimum) and

long-term (10-year minimum) activities after implementation. The RECIPIENT will update and submit the Final Plan after implementation (as needed).

4. An ECOLOGY BMP Approval Form. The form will include, or be submitted with, all site-specific plans/designs, maps, and other supporting documents.

Task Goal Statement:

The RECIPIENT will complete all planning, 90 percent design, environmental review, and permitting tasks related to the project. The RECIPIENT will also submit the associated deliverables to ECOLOGY and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the appropriate planning, design, environmental review, and permitting requirements set forth by ECOLOGY design standards, and all other applicable federal, state, and local laws and regulations.

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Deliverables

Number	Description	Due Date
2.1	Contract documents. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.2	Cultural resource review requirements. Submit the Ecology Cultural Resources Review Form and any supplemental cultural resource documentation, including surveys, to the ECOLOGY PM. Upload an Inadvertent Discovery Plan for each site to EAGL, prior to project installation. Do not upload any other cultural resource related documents to EAGL.	
2.3	Required permitting. Upload documentation to EAGL for each site that shows all permit requirements are met for each site, prior to project installation.	
2.4	Riparian Planting Plan. Upload an approved, signed plan to EAGL for each site, prior to project installation.	
2.5	Maintenance Plan. Submit draft plan to ECOLOGY PM for review and approval prior to implementation. Upload Final Stewardship Plan to EAGL after implementation.	
2.6	BMP Approval Form. Complete and submit to ECOLOGY PM for each implementation site with associated site plans, maps, and supporting documentation. Upload an approved, signed copy to EAGL, prior to BMP installation.	
2.7	Design Report. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.8	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.9	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.10	60 Percent Design Package. Upload to EAGL and notify ECOLOGY when complete.	
2.11	Responses to ECOLOGY 60 Percent Design Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.12	60 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.13	90 Percent Design Package. Upload to EAGL and notify ECOLOGY when complete.	

2.14	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.15	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.16	Final Bid Package. Upload to EAGL and notify ECOLOGY when upload is complete.	

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CHANGES TO SCOPE OF WORK

Task Number: 3

Task Cost: \$0.00

Task Title: Construction Management

Task Description:

This task is removed via amendment 1.

Task Goal Statement:

This task is removed via amendment 1.

Task Expected Outcome:

This task is removed via amendment 1.

Deliverables

Number	Description	Due Date
3.1	This task is removed via amendment 1.	

CHANGES TO SCOPE OF WORK

Task Number: 4 **Task Cost:** \$214,875.54

Task Title: Streambank Stabilization and Buffer Restoration

Task Description:

A. The RECIPIENT will employ infill planting to augment sparse areas of existing native vegetation starting 250 feet from the current bank and plant toward the riverbank for the first 100 to 150 feet of the riparian buffer. This phase of the planting will occur along 375 feet of the Deschutes River and be in accordance with the requirements found in Appendix J of the SFY 2022 Funding Guidelines. This will give plants time to start establishing before conducting streambank stabilization work and the remaining riparian buffer is planted under a 2025 agreement.

B. The RECIPIENT will conduct project effectiveness monitoring and provide appropriate maintenance in accordance with the Riparian Planting and Maintenance Plan.

Task Goal Statement:

Install the first part of a riparian buffer to be completed with funding that has been awarded by ECOLOGY for a SFY 2025 agreement.

Task Expected Outcome:

A 100-to-150-foot buffer along 375 of the Deschutes River with increased riparian vegetation and separated from the river by approximately 100 feet to allow for streambank stabilization work to take place with future funding.

Deliverables

Number	Description	Due Date
4.1	Riparian buffer implementation. Conduct invasive weeds control and install native trees and shrubs along 375 linear stream feet of the Deschutes River to form a 100-to-150-foot riparian buffer set away from the bank by 100 feet. Report progress in progress reports and final results in the Recipient Closeout Report (Task 1).	
4.2	Vegetation and monitoring and maintenance. Provide effectiveness monitoring and maintenance to achieve objectives in accordance with the Riparian Planting and Maintenance Plan. Provide results in progress reports and final plant survival and density in the Recipient Closeout Report (Task 1).	

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
Centennial Clean Water	25 %	\$ 112,695.33	\$ 338,086.00	\$ 450,781.33
Total		\$ 112,695.33	\$ 338,086.00	\$ 450,781.33

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