

Summary

Meeting dates:	January 8, 2016
Agenda item:	Item A - Land Transaction (Fir Island Farms)
Presenter(s):	Bob Everitt, Region 4 Director
<p>Background summary: The purpose of this briefing is to provide the Commission with an update on the status of the Fir Island Farm Restoration Project and consult with the Commission prior to entering into an agreement with the Skagit County Consolidated Diking and Drainage Improvement District No. 22 (DD22) to modify existing easements on the property. The easements will be modified once the dike construction is complete and technical performance standards have been met. At a future meeting, the Commission will be asked to approve any changes to such easements before they can be made permanent.</p> <p>The Fir Island Farm Restoration project is located on the Washington State Department of Fish and Wildlife (WDFW) Snow Goose Reserve on Fir Island in the Skagit River Delta. The project will set back approximately 5,500 feet of an existing dike and restore 131 acres of tidal marsh. The Chinook Recovery Plan identifies loss of rearing habitat in the delta as the primary habitat factor limiting recovery of Skagit River Chinook populations. This project will significantly contribute to the recovery of Skagit Chinook salmon and is expected to generate approximately 5 percent of the recovery goal for new smolts production in the Skagit. Funding and support for this project have been provided by WDFW, NOAA, TNC, PSP, USFW, PSAR, and RCO.</p> <p>Project construction began in summer 2015 and is on track to be completed in the fall of 2016. Year 2 construction will begin in mid-April 2016 when the Snow Goose protection window closes and will include installation and testing of the pump station, final completion of the setback dike (includes import of dike select fill to make up for settlement, and top-dressing with gravel), construction of an estuarine berm for erosion protection, installation of the final tidegate, native marsh plant seeding, and removal of the existing (historic) dike.</p> <p>In March 2015, during final design, WDFW signed two landowner agreements with DD22. These agreements, (1) The Fir Island Farm Dike, Tidegates, Drainage Storage Pond Agreement and (2) The Fir Island Farm Pump Station Agreement, are binding agreements that set forth the parties' roles and responsibilities in developing and maintaining flood and drainage infrastructure, specifically the new marine dike, tidegates, drainage storage pond, the pump station, and a power line associated with the pump station. These agreements describe the standards for construction of the new dike, tidegates, storage pond, and pumps, and generally describe a process for transfer of responsibility for operating those facilities to DD22, once construction is complete and the system performs as designed.</p> <p>WDFW's property at the Snow Goose Reserve is burdened by existing easements to DD22 for diking and drainage purposes. DD22 uses approximately 9.39 acres for interior drainage and approximately 6.97 acres for diking purposes. In order to satisfy the original grant source funding requirements, and allow continued flood protection to the surrounding farmland, WDFW and DD22 will modify the location of the existing Right of Way held by the Diking District to accurately reflect the location of the new dike and drainage infrastructure.</p> <p>The parties are developing an agreement that will outline the terms of a permanent amendment to DD22's existing easements, and will spell out the precise terms under which DD22 will assume responsibility to maintain and operate the new diking and drainage facilities. In that "Right of Way Amendment," DD22 will relinquish the portions of the existing 1946 rights of way that are no longer needed as a result of the project and WDFW will provide DD22 with</p>	

replacement rights of way that will authorize the same activities that were authorized in the 1946 rights of way, but for the new structure. As noted, WDFW will seek future Commission approval of the Right of Way Amendment.

The Commission has delegated authority for the Director to enter into this type of agreement, but requires consultation during the process.

Policy issue(s) you are bringing to the Commission for consideration: Consultation with the Commission prior to WDFW entering into an agreement with DD22 requiring future execution of a Right of Way Amendment once construction is complete and the project meets technical performance standards.

Public involvement process used and what you learned: This project is funded in part by the Puget Sound Acquisition and Restoration Fund (PSAR), which is a program initiated by the Legislature in 2007 to improve salmon habitat in Puget Sound. Throughout the project there has been extensive stakeholder outreach including public meetings, establishment of a Steering Committee, site tours and a website.

Action requested: No action requested - briefing only

Draft motion language: N/A

Justification for Commission action: N/A

Communications Plan: N/A

Form revised 12/5/12