

## 2010 Coastal Estuarine Land Conservation Program

### **Elk River Estuarine Lands**

*Grays Harbor County, Washington*



SUBMITTED BY: Washington State Department of Natural Resources  
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### Elk River Estuarine Lands

#### *Project Description/Scope of Work*

#### **Project Size and Relationship to the Coast and/or Estuary**

The Elk River Estuarine Lands Acquisition project site totals 300 acres and is entirely contained within the salt marsh and mudflat areas of the Elk River estuary, which forms the SW corner of the South Bay area of Gray Harbor. It is within 3 miles of the Pacific Coast and 4 miles from the Grays Harbor Bar. This estuary is the core of the Washington Department of Natural Resources (WADNR) owned and managed Elk River Natural Resources Conservation Area (NRCA). The Elk River NRCA is comprised of 5,000 acres of salt marshes, tidflats, upland forest, fresh water wetlands, and three major freshwater tributaries. If acquired, the priority parcels targeted for acquisition under this proposal will be added to and managed as part of the Elk River NRCA.

#### **Legal Rights to Be Acquired**

The Elk River Estuarine Lands Acquisition project is a fee simple purchase of seven tide land parcels (two owned by a private shellfish farmer and five owned by Grays Harbor County) for inclusion in the Elk River NRCA, see attached parcel list.

#### *Importance to CELCP Goals*

The **PRIMARY PURPOSE** of the Elk River Estuarine Lands Acquisition project is to **protect the ecological values** of a nationally significant estuary.

#### *Ecological*

The project site near the mouth of Beardslee Slough represents a large area of tidal channels, mudflats, and high quality salt marsh situated on low terraces, all located within the core of the 4,973 acre NRCA. Habitat types on the project site include:

**72 acres of High-elevation salt marsh** dominated by tufted hairgrass (*Deschampsia cespitosa*). Other common plants include Pacific silverweed (*Potentilla pacifica*), yarrow (*Achillea millefolium*), Lyngby's sedge (*Carex lyngbyei*) and fleshy Jaumea (*Jaumea carnosa*). This salt marsh habitat occurs in high intertidal areas at approximately mean high water. It is inundated less frequently than low elevation marsh, with relatively brackish water (<18ppt salinity). The high marsh is frequently used by elk herds for forage.

**10 acres of Low elevation salt marsh** characterized by pickleweed (*Salicornia virginica*), saltgrass (*Distichlis spicata*), and seaside arrow grass, (*Triglochin maritimum*). The low elevation marsh is inundated frequently, by higher salinity water ( $\geq 18$ ppt) than the high marsh habitat.

**218 acres of Intertidal mudflats**, supporting native eelgrass (*Zostera marina*), shellfish, and benthic communities. These mudflats provide important feeding area for shorebirds. The salt marsh terraces and mudflats are incised by a network of tidal and stream channels, providing important access to marsh habitats for aquatic species.

There are no significant infestations of invasive/exotic species within the project site. *Spartina alterniflora* is known from other portions of the Elk River estuary and in the greater Grays Harbor area, but is not found on the project site

The Elk River estuary is in excellent ecological condition and is a critical part of Grays Harbor estuarine habitat. The site is also of significant regional and national importance. In an evaluation of Pacific Northwest estuaries for the National Park Service National Natural Landmark Program, the Elk River estuary was recognized as the “largest, most diverse, and highest quality example” of coastal salt marsh on the entire Oregon-Washington coast. The estuary encompasses an expansive area of tidal channels, mudflats, salt marsh, and transition zone wetlands spanning a wide range of tidal influence, salinity, and substrate conditions. Approximately 1,000 acres of high quality salt marsh and 800 acres of associated tidal channels and mudflats are found within the estuary.

The Elk River NRCA is in close proximity to at least six other protected sites in the Grays Harbor area, including Washington Department of Fish and Wildlife’s John’s River Wildlife Area, Grays Harbor National Wildlife Refuge, WADNR North Bay Natural Area Preserve, Grays Harbor County Audubon’s North Bay preserve, and Oyhut Sink Wildlife Recreation Area. Local duck hunting clubs are also actively involved in managing wetland habitats in the area to promote waterfowl use. This combination of protected lands within the greater Grays Harbor area is required for the survival of species like the Roosevelt Elk and the Peregrine Falcon, whose habitat ranges are larger than any single landowner or conservation area encompass.

The Elk River Estuarine Lands Acquisition project directly protects important estuarine habitat for anadromous and other fish in Grays Harbor and the Chehalis River basin. The 1992 Washington State Salmon and Steelhead Stock Inventory identifies the presence of Coho, fall Chinook, winter Steelhead and Cutthroat trout in the Elk River and its associated streams. Juvenile anadromous fish use estuary inlets like Beardslee Slough to feed, shelter and make the transition to salt water. Sturgeon and pacific lamprey also use this habitat.

As part of the Pacific Flyway, the Elk River estuary is an important spring and fall stopover area for shorebirds and waterfowl. It supports regular large concentrations of shorebirds. Large numbers of waterfowl (including vulnerable aggregations of Trumpeter Swans) winter on the site. The priority parcels targeted for acquisition in this proposal contain critical shorebird and waterfowl foraging habitat within a well-protected surrounding landscape.

The Elk River NRCA provides support for populations of marbled murrelet (Federal and State Threatened), bald eagle (State Sensitive) and peregrine falcon (State Sensitive), all of which use the NRCA and surrounding areas. Marbled murrelets (Federal and State Threatened) nest within the Elk River drainage and feed in nearby marine waters. The NRCA and project site support this species by protecting potential foraging areas and estuarine habitats that support prey species. Forests adjacent to the estuary contain nest sites and the estuary itself provides foraging habitat for bald eagles. Grays Harbor is an important wintering area for peregrine falcons and the project site is within a portion of the harbor recognized as Priority Habitat for the species by WDFW. Mudflats without *Spartina* infestation, such as those on the project site, are important in providing forage for shorebirds which in turn are a primary prey species for the peregrine falcon. The large size and virtually undisturbed nature of this estuary as well as its connectivity to other protected lands, help to ensure habitat support and enhancement for viable populations of these imperiled species.

### *Conservation*

The Elk River ecosystem is part of a larger conservation plan and an important link among existing protected sites in Grays Harbor, noted above. The other federal, state and private conserved lands that ring Grays Harbor increase the viability of the site for migratory and ranging species. Acquisition of the priority parcels will complete a key piece of protection within the site.

The priority parcels will require minimal, if any, restoration. They are in functional, natural condition with high habitat value. Minor cleanup of PVC pipes, oyster netting, and very minor trash along shorelines will be needed. There is a small infestation of *Spartina alterniflora* in the greater estuary which is subject to an annual control program. There is no spartina on the priority parcels. On the nearly 5,000 acres of lands already in the Elk River NRCA, a number of restoration projects have been completed since 1998. Funding for restoration has been provided by grants from US Fish and Wildlife Service, WA Department of Ecology, DNR Aquatic Lands Program, and in large part by the Washington Wildlife and Recreation Program. More projects are planned, focusing on fish passage, stream and wetland restoration, and road abandonment, with secured restoration grant funds.

The Elk River estuary and Beardslee Slough exhibit a great synergy of values that contribute to a very strong project. Just north of the project properties, Bay City was an early settlement based on fishing, a whaling station, and logging. “Whalebone Way” leads to a boat launch directly across from the priority parcels at the mouth of Beardslee Slough. Resources on the NRCA remain important to the local community, which successfully lobbied to keep the site open for hunting when it was first established. The large Roosevelt elk herds are in excellent condition according to local wildlife managers, as the uplands generally have limited road access.

The aesthetic values of this site are undeniable: it is a spectacular, vast shallow water and marsh complex, where waterfowl and shorebirds congregate in great flocks, elk rest and feed in the lush salt marshes, surrounded by unbroken forested shorelines. The Elk River NRCA represents Washington’s ecological and historic legacy of coastal and estuarine resources, best visited by kayak, canoe or other small boat. Our volunteers are enthusiastic about paddling the site, as are

people that come to participate in the Elk River challenge paddle race. The priority parcels are a lynch pin of this protected ecosystem which is one the most ecologically functional and intact estuaries that remain on the west coast.

### ***Recreational***

The Elk River NRCA provides excellent opportunities for water-based recreation, such as canoe and kayak. It is a huge area, shallow and influenced by daily tides, not suitable for beginners but appealing to the paddler looking for a day long wilderness adventure. All three major arms of the estuary provide spectacular views of water, marsh and forest, while paddling far up into sinuous, winding stream channels. Forested uplands are mainly accessed by hiking in on old closed roads, and offer landscape views and wildlife viewing. Hunting is allowed on the NRCA and is very important to the local community, which helps build support for conservation in a rural area with significant economic challenges. Acquisition of the priority parcels under this proposal will further enhance coast-dependent and nature-based recreation opportunities.

*The WA CELCP plan states “CELCP interprets recreational access to land acquired under CELCP as allowed, and often desired, but not mandatory in all acquisition cases should the sensitivities of the resource preclude recreation due to degradation and/or loss of the features being conserved. (This implies that any recreational access that results in degradation or destruction of the conserved resource works against the purpose of investing in its conservation and thus wastes taxpayer dollars.) Washington will encourage, where possible, the integration of low-impact nonconsumptive human activities with natural settings, consistent with the state comprehensive outdoor recreation planning.”*

Low impact recreational use allowed in the NRCA fits well with the WA CELCP plan goal, while the primary management emphasis is to protect ecological features of the site. The Elk River NRCA is open year round by water and walk-in access. Paddling/boating experience is required as there are tidal changes to monitor, windy conditions, and open water. The priority parcels are only accessible by water although there is seasonal access to the larger NRCA by road. There are no developed public facilities.

### ***Historical***

The priority parcels are all wetland or mudflat, and show no evidence of historical structures. There could be cultural features such as shell middens that have not yet been identified, as these are common along shorelines where shellfish were abundant. Any intact cultural resources will be protected by the NRCA designation and by natural area and state policy. The Elk River NRCA has no formal historical designation.

The Bay City community overlooks the priority parcels and began as a whaling station, where street names still reflect the history of the area and the community has current and historical ties to a resource based economy. Upland areas of the NRCA contain considerable evidence of early railroad logging and spring board notches on massive western red cedar stumps.

### *Aesthetic*

The views at the Elk River NRCA are spectacular year round, and the priority parcels are part of a vast landscape view south of the Elk River bridge on Highway 107. Blue open water and mudflats stretch out to a mosaic of salt marsh wetlands and slough channels, backed by deep green forested hills. The priority parcels are interlocking puzzle pieces to the sweeping Elk River estuary view.

The Elk River NRCA is located along State Route 105, a scenic spur off of Highway 101. A Washington Department of Transportation corridor study was completed that makes a compelling case for designation of SR105 as a National Scenic Byway. This study mentions interpretive and viewing opportunities at Elk River as one of the scenic features of the corridor. “A Highway Between the Bays: a Management Plan for the State Route 105 Corridor.” Thousands of visitors to the popular beaches near Westport are treated to a spectacular view of the site from a large arching bridge that spans the mouth of the estuary.

Southwest Washington has considerable areas of coastal forest, dominated by intensively managed timber lands, with some farming and tourist attractions along the coast. The Elk River estuary represents one of the largest protected areas in this region, and in the future will support majestic old growth forests that protect the spectacular estuary and wetlands.

### *Washington State CELCP Plan*

The Elk River Estuarine Lands Acquisition project directly supports Washington State’s Coastal and Estuarine Conservation Program Plan emphasis on “*Sustainable biodiversity of coastal and estuarine resources with a focus on preservation of watershed/shoreline processes, functions, and connectivity of natural systems.*” This project meets all of the plan’s key goals by protecting a key part of a functional estuary and shorelines.

Addressing the Northwest Coast Ecoregion (see attached map), the plan states: “*Dominant land uses on Washington’s Pacific Northwest Coast are forestry, recreation use of the shoreline, and conservation within national park areas. Immediate threats to biodiversity in this region include: incompatibility of some timber management activities, low to medium density development in coastal areas, and non-native species invasion.*” (Page 10, WA CELCP, emphasis added) The Elk River NRCA protects the estuary from timber management activities through thousands of acres of protected forests with many roads and bridges removed and restored. Development, other than trails and interpretive facilities, is precluded within the DNR ownership of the NRCA. The top priority for state wide natural area management is invasive species detection and control, therefore considerable effort is applied to prevent and manage potential infestations.

The plan continues with priorities for the NW Coast Ecoregion: *Specific conservation needs of this area are: protection of inter-dunal wetlands (especially scarce natural forested bogs), coastal lagoons, estuarine and forested wetlands, riparian areas and sphagnum bogs.*” (Page 10, WA CELCP, emphasis added) In addition to protecting a large estuary, the Elk River NRCA also supports large forested wetlands, many freshwater wetlands and riparian wetlands along

three major tributaries to the estuary. These areas contribute significantly to the functional habitat for anadromous fish and amphibians, and the water quality of the estuary.

### *Other State/Local Plans*

#### **Washington Coastal Zone Management Plan**

The Elk River estuary and the priority parcels under this proposal are important parts of the Grays Harbor ecosystem and provide a major contribution to the values listed in Washington's Coastal Zone Management Plan, Managing Washington's Coast: *"Grays Harbor is one of three major estuaries on Washington's outer coast. The estuary is a nursery ground and passageway for a vast array of living resources and an important link in the migratory patterns of many fish and wildlife species. Grays Harbor is of critical importance to migrating shorebirds; the five most abundant species include the western sandpiper, dunlin, short-billed and long-billed dowitcher, and semi-palmated sandpiper. Grays Harbor is also one of the few areas on the West Coast where red knots (resembles a sandpiper) can be observed in any number. It is one of four major estuaries in North America that is a critical stopover area, supporting up to one million shorebirds during spring migration. Stopover areas allow shorebirds to rest, feed and replenish resources on their migration or in preparation for the coming breeding season."* Migratory shorebirds and waterfowl are evident in large numbers at the Elk River estuary in spring and fall, feeding on tide flats including the priority parcels.

#### **Grays Harbor Estuary Management Plan**

A Coastal Zone Management grant helped fund the Grays Harbor Estuary Management Plan (GHEMP) developed in 1986. In 1992, the GHEMP was approved as an amendment to the Washington Coastal Zone Management Program. The GHEMP describes Elk River estuary as a significant natural area in Grays Harbor and lists the site in Planning Area VII as **conservancy managed/natural**.

#### **Chehalis Basin Habitat Work Plan**

The *Chehalis Basin Salmon Habitat Restoration and Preservation Work Plan for WRIAs 22 and 23* (2007 update) list seven major strategies for restoring salmonids to the Chehalis Basin. One of strategies is to: **Restore, enhance, and protect the Grays Harbor estuary**. The strategy identifies the loss of near shore habitat and degraded water quality as the greatest problems that need work. The Elk River Estuarine Lands Acquisition project will protect near shore habitat and water quality.

#### **2007 Washington Natural Heritage Plan**

Seven priority community types are listed for Elk River in the 2007 Washington Natural Heritage Plan; three occur on the priority parcels, including a high marsh community, low marsh community, and mudflats/tidal channels. The project also addresses habitat needs highlighted in WDFW's "Management Recommendations for Washington's Priority Species" for peregrine falcon, bald eagles and shorebirds.

### **Other Local Planning Efforts**

This project is well-suited to meet the goals currently being developed by a new Marine Resource Committee (MRC) for Grays Harbor. All the relevant stakeholders, including shellfish growers, crab fisherman, resource agencies, the Port of Grays Harbor, conservation groups, Grays Harbor county, and land trusts are involved in this grassroots planning process that supports conservation and restoration of marine areas.

### ***Manageability of the Project Site***

The priority parcels are in excellent ecological condition and are primarily composed of tidelands and salt marsh. Three of the seven priority parcels are currently being used for oyster production which would be discontinued if WA DNR acquires the parcels. The land is not suitable nor zoned for development.

The Elk River estuary surrounds the priority parcels and includes approximately 1,000 acres of high quality salt marsh and wetlands. Appropriate management by DNR and access limited by natural conditions help protect the parcels. This NRCA was designated in order to protect and conserve sensitive ecological elements and plant communities as well as to provide low-impact public access/recreation opportunities. There is a small community, Bay City, north of the NRCA and the project site.

The native communities at this site are in excellent condition, with very limited, if any, impacts from non-native species. During a recent survey, non-native species were not detected on the priority parcels. The high marsh is dominated by the native tufted hair grass, which is better adapted to saline conditions than invasive pasture grasses. The invasive smooth cordgrass, *Spartina alterniflora*, is in the Grays Harbor estuary in very small patches which are being treated in a well-funded, systematic control program. No spartina is present on the project parcels.

There is no restoration needed for the priority parcels. Minor cleanup of PVC poles and incidental shoreline trash will be needed and will be funded by existing state matching funds for work at this site. There is a possibility of restoring the native Olympia oyster to the project area in collaboration with the Nature Conservancy.

No known environmental remediation has taken place or is needed on the project site.

### ***Long-term Use of the Site***

The Elk River NRCA and the priority parcels acquired under this proposal will be managed to protect the ecological values and also for compatible low-impact recreational use such as canoeing, kayaking, and small boats. Interpretive or hiking trails are possible on the uplands but currently none exist.

The proposed uses will help promote stewardship in the regional and local community and provide public access with minimum impact to the site. The area is well protected from direct vehicle access and will remain undisturbed under NRCA management.

NRCAs are established primarily to protect ecological values and to provide for low impact public use. The acquisition of the priority parcels plays a key role in the restoration sequencing at the Elk River NRCA. Large areas of natural and recovering forest have been protected and, major steps completed to restore ecological function in the uplands and riparian areas of this site, as well as conserving recreation and aesthetic values present. The long-term stewardship strategy for the Elk River NRCA includes:

- 1) Systematic invasive species survey and control guided by an integrated weed management plan and often carried out by volunteers. Invasive Japanese knotweed was removed from key areas of the NRCA through this program, and volunteers have surveyed *Spartina* annually.
- 2) Beginning in 2005, failing logging roads and bridges are being decommissioned and stream channel and wetlands restored in all the tributary watersheds of the estuary on NRCA property. This process is planned to be completed by 2012. Restored fish passage and hydrologic function has improved tributary creeks, and potential sediment delivery problems are being addressed.
- 3) A site management plan for the Elk River NRCA will be developed in 2009-10 to address all management needs including public use and restoration. WADNR plans to take significant steps to involve the public in development of the plan. Increasing local stewardship is a goal of this process.
- 4) If needed, cultural and archeological reviews and surveys will be carried out prior to any significant ground disturbing projects, including restoration projects. No ground-disturbing projects are planned for the priority parcels to be acquired under this proposal.
- 5) Washington State Fish and Wildlife officers are the most consistent enforcement presence in the area and coordinate with DNR law enforcement. There is minimal need for law enforcement at the project area at this time.

### ***Threat of Conversion***

The project area is not suitable for development nor is it zoned for development. Three of the subject parcels are presently in oyster production. More intensive aquaculture could take place including the use of pesticides (such as Carbaryl) and harrowing, and placement of plastic cultch bags and structures for shellfish farming.

Both landowners are willing to consider purchase offers from WADNR and are willing to hold their properties off the market while the state secures funding and completes its appraisal and purchase offer process.

### ***Project Readiness***

All priority parcels have been identified and the Elk River Estuarine Lands acquisition project is already underway using state matching funds. The priority parcels will be purchased once the project is fully funded. WADNR has contacted both landowners and has obtained letters documenting their readiness to sell, see attached. Once acquired, the parcels will be conveyed to WADNR for ownership, management, and stewardship as part of the greater Elk River NRCA.

Preliminary examination of title revealed no litigation or liens that would jeopardize project completion. Copies of title reports for the priority parcels are attached. WADNR has visited the parcels and has completed a Phase I environmental assessment, see attached. No contamination or environmental hazards were identified.

WADNR will contract a “yellow book” appraisal for both the subject and match parcels.

### ***Ability to Acquire Land***

WADNR has legal authority to acquire high priority conservation lands under the Natural Resources Conservation Act (RCW 79.71) as part of its system of statewide Natural Resources Conservation Areas. WADNR Special Lands Acquisition staffs have the expertise to complete acquisitions for long-term conservation directly or where appropriate, through partnerships with other organizations. Since 1987, WADNR has successfully acquired primarily fee interests in 93,855 acres, included and managed as part of its Natural Resources Conservation Areas.

### ***Ability to Manage Land***

WADNR manages acres in 31 Natural Resources Conservation Areas and 32,706 acres in 51 Natural Area Preserves. WADNR’s natural area system in Grays Harbor County includes Chehalis River Surge Plain NAP, North Bay NAP, Sand and Goose Islands NAP, and Whitcomb Flats NAP. WADNR natural areas managers are charged with management and stewardship of these critical areas. A permanent full time manager is assigned to manage 7 natural areas including the Elk River. Science staff in the state headquarters office provides support to develop ecological restoration and weed management plans. Through restoration grants and partnerships, seasonal staff carry out field work and volunteers participate in restoration and weed control.

***Photographs of the project site that document the values described above are attached.***

***Project Timeline***

Proposed Award Period: August 1, 2009 – February 1, 2011

***Benchmarks***

<u>Task/Benchmark</u>	<u>Schedule</u>
1. Identify site	Completed
2. Contact landowners	Completed
3. Ensure willingness to sell	Completed
4. Secure state funding	Completed
5. Obtain title opinion	Completed
6. Obtain appraisals and appraisal reviews	June 2009
7. Phase 1 environmental assessment	March 2009
8. Submit documentation to NOAA	August 2009
9. Secure federal funding	March 2010
10. Purchase property	June 2010

## **Elk River Estuarine Lands Acquisition**

### **Project Budget and Justification of Proposed Costs**

#### *Budget Narrative*

#### **Federal Share**

This proposal is a request for a CELCP grant in the amount of \$875,000 for the Elk River Estuarine Lands Acquisition project. Secured match for this acquisition is \$875,000 composed of Washington Wildlife and Recreation Program (WWRP) funds. The CELCP budget for this proposal is \$1,750,000. This federal request represents 50% of the total project cost. (See tables below for total budget and CELCP budget details).

The land acquisition cost was estimated using industry knowledge of oyster land values for the productive lands (140 acres) as well as estimating a value for the non-productive lands (160 acres). WADNR will contract a “yellow book” appraisal of all the parcels; values expect to be more precisely known by June, 2009. There are no other costs in this CELCP budget other than land acquisition costs.

This project is to acquire fee title of two private and five county-owned tideland parcels. CELCP funds and state matching funds will support acquisition of the two private parcels, held by the same landowner. State matching funds will support acquisition of the other five parcels owned by Grays Harbor County as well as cover all transaction costs including appraisals, staff time and closing costs. State matching funds are secured for the duration of the project.

If this project were to be partially funded or if an appraisal determined a market value above the funding available, WADNR would first acquire all or part of the private parcels as a Phase I acquisitions, as well as pursue additional fund sources to purchase the remaining portion of the private parcels in addition to the county parcels.

#### **Non-Federal Matching Funds**

This project has secured state matching funds from Washington Wildlife and Recreation Program (WWRP) in the amount of \$875,000. These matching funds are dedicated to land acquisitions at the Elk River NRCA and will be available for the duration of the project.

#### **Other**

One of the county parcels is currently leased for oyster production, however, the subject lessee (who also owns the two private priority parcels) will voluntarily surrender the lease before WADNR purchases the property. All parcels currently in oyster production will be appraised with the understanding that the current oyster crop will be harvested and operations terminated prior to closing.

The priority parcels are water-based and the public will not be charged a user fee for access to or activities on the subject parcels.

In June, 2009, WADNR plans to submit a land acquisition proposal for this project to the U.S. Fish and Wildlife Service for consideration under the National Coastal Wetlands Conservation Program. The Elk River NRCA has been successfully funded under this grant program in the past. This proposal would duplicate the CELCP proposal.

### CELCP Budget Table

Category	Federal Share from CELCP	State/Local Matching Share	Total	Funding Source (for Non-Federal share) <i>(Note whether funding is from cash or in-kind value of land or services)</i>	Funds Already Expended? <i>(yes/no) When?</i>
Land Acquisition	\$875,000	\$788,200	\$1,663,200	Cash – WWRP	No, expended at purchase
Admin		\$50,000	\$50,000	Cash - WWRP	No, expended during acquisition process
Title reports		\$800	\$800	Cash - WWRP	Yes, expended prior to grant submittal
Applicable taxes		\$200	\$200	Cash - WWRP	No, expended during acquisition
Survey		\$2,000	\$2,000	Cash - WWRP	No, expended during acquisition
Closing		\$1,500	\$1,500	Cash - WWRP	No, expended at closing
Signing		\$1,000	\$1,000	Cash - WWRP	No, expended after closing
Noxious Weed control		\$2,000	\$2,000	Cash – WWRP	No, expended after closing
Hazardous Waste Assessment		\$1,500	\$1,500	Cash – WWRP	Yes, expended prior to grant submittal
Appraisal		\$20,000	\$20,000	Cash - WWRP	No, expended during acquisition
Appraisal Review		\$7,800	\$7,800	WWRP – Natural Areas	No, expended during acquisition
<b>TOTAL:</b>	\$875,000	\$875,000	\$1,750,000		



**Eligibility of Project**

**6. Project Eligibility:** (Check all that apply)

The proposed project:

- is located in a coastal or estuarine area (that has been designated as part of a state’s approved coastal and estuarine land conservation (CELC) plan or within a state’s coastal watershed boundary);
- matches federal funds with non-federal funds at a ratio of at least 1:1;
- will be held in public ownership and provide conservation in perpetuity;
- will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection.
- protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- can be effectively managed and protected;
- directly advances the goals, objectives or implementation of state coastal management plan or program or NERR management plan approved under the Coastal Zone Management Act (CZMA), national objectives of the CZMA, or a local, regional or state watershed protection plan involving coastal states with approved coastal management programs
- is consistent with the state’s approved coastal management program.

**Land Acquisition**

**7. Location and Site Maps:** Site location maps are attached.  Yes  No

The applicant should attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.).

**8. Title Opinion and Appraisal:**

- a. Documentation of the current owner’s intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.)  Yes  No
- b. The applicant has obtained and attached an independent appraisal performed by a state certified appraiser.  Yes  No

The applicant will order “yellow book” appraisals for all of the parcels. The appraisals and subsequent appraisal reviews are expected to be completed by June, 2009.

c. A title opinion or title insurance report is attached.  Yes  No

**9. Public Benefit:**

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain.

Yes  No

b. The property will be accessible to the general public.  Yes  No

c. If the answer to the question above (10.b) is No, check any of the following reasons that apply and explain why access to the property will be limited.

Public Safety  Resource Protection  Geographically Isolated/Inaccessible

School Outings Only  Scientific Research  Other (please explain): \_\_\_\_\_

d. The property will be leased or rented.  Yes  No If yes, please explain.

\*One of the match properties is currently leased; subject lease will be voluntarily surrendered prior to closing.

e. The public will be charged a user fee for access to or activities on the proposed property.

Yes  No

If Yes, provide a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

**Compliance with Other Federal Authorities**

**10. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:**

a. The project will affect properties listed on the National Register of Historic Places ([www.cr.nps.gov/nr/](http://www.cr.nps.gov/nr/)), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act ([www2.cr.nps.gov/laws/NHPA1966.htm](http://www2.cr.nps.gov/laws/NHPA1966.htm)) or a similar State Preservation Act.  Yes  No

b. The Recipient has on file the SHPO's clearance.  Yes  No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

No development is planned as part of this project.

**11. National Flood Insurance Program:**

a. Is the project located in a designated special flood hazard area, floodway or "V" zone on a National Flood Insurance Program Floodway Map ([www.fema.gov/maps](http://www.fema.gov/maps))?  Yes  No (If No, go to 11)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program ([www.fema.gov/nfip](http://www.fema.gov/nfip)). \_\_\_ Yes X No

- 12. Coastal Barriers Resource Act:** The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act ([www.fws.gov/cep/cbrunits.html](http://www.fws.gov/cep/cbrunits.html)). \_\_\_ Yes X No

If the answer is Yes, provide a brief statement below or attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

- 13. Endangered Species Act:** May the proposed project adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? ([www.fws.gov/Endangered](http://www.fws.gov/Endangered)) or ([www.nmfs.noaa.gov/pr/species](http://www.nmfs.noaa.gov/pr/species)). \_\_\_ Yes X No

If the answer is No, provide a brief statement below explaining the basis for the conclusion. If the answer to 12 is Yes, provide a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. OCRM will not approve a project that USFWS or NMFS has determined will significantly adversely affect threatened or endangered species or critical habitat.

This project will help protect any occurrence of endangered species by protecting this important habitat. The only known listed species in the area is the marbled murrelet, which is likely to benefit from the project due to protection of potential foraging habitat and of habitat that supports prey species.

- 14. Magnuson-Stevens Fishery Conservation and Management Act.**

Does the proposed project include essential fish habitat for federally managed fish? \_\_\_ Yes X No \_\_\_ Not yet determined (please explain).

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish? \_\_\_ Yes X No

- 15. National Environmental Policy Act:**

a. The proposed project may significantly affect the human environment. \_\_\_ Yes X No

b. The proposed project involves unresolved conflicts concerning alternative uses of available resources. \_\_\_ Yes X No

c. This action would have significant adverse effects on public health and safety. \_\_\_ Yes X No

d. This action will have highly controversial environmental effects. \_\_\_ Yes X No

e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. \_\_\_ Yes X No

- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. \_\_\_ Yes  X  No
- g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. \_\_\_ Yes  X  No

If the answer to any one subpart of 13. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

**16. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.** If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

- Persons, \_\_\_ Yes  X  No  
Businesses, or \_\_\_ Yes  X  No  
Farm Operations? \_\_\_ Yes  X  No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

**17. Handicapped accessibility:** Will the proposed project be handicapped accessible?  
\_\_\_ Yes \_\_\_ No  X  N/A

If No or N/A, provide a brief explanation below (or attach separately) as to why the project does is not required to meet ADA handicapped accessibility requirements.

The site is composed of mudflats and wetlands with no road access. ADA access is not possible at this site.

**18. Environmental Justice.** Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? \_\_\_ Yes  X  No

**19. State, Local and Tribal Laws.** The project is consistent with state, local and tribal laws to protect the environment.  X  Yes \_\_\_ No

**20. Contamination/Environmental Hazards (CERCLA/RCRA)**

- a. Are there any known or suspected contaminants on the project site? \_\_\_ Yes  X  No

If yes, please discuss what type of contamination is on the site, or suspected to be on the site, and the status of clean-up activities.

**b.** Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example superfund site)?

Yes  No

If yes, please explain the basis for the designation, the status of clean-up activities, and whether there are any legal liens or judgments affecting the property.

## 21. Public Coordination

Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process?  Yes  No

In 1986, the Washington Natural Heritage Program recommended that the Elk River salt marsh ecosystem be protected as a state Natural Area Preserve (NAP) under Chapter 79.70 RCW. A Washington state board, the Natural Heritage Advisory Council (NHAC), approved the recommendation for the Elk River NAP in a public meeting. In 1992, the NHAC approved an expansion to the Elk River NAP in another public meeting. In 1997, the Washington Legislature changed the designation of the Elk River site from NAP to Natural Resources Conservation Area (NRCA) under Chapter 79.71 RCW. DNR has been successful since 1989 in securing state and federal grant funding for land acquisitions at the Elk River natural area site. The award of these state and federal grant funds is subject to public scrutiny.

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NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB #0648-0459. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.