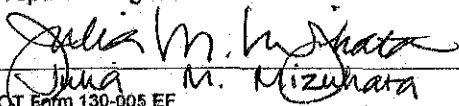




Return this form and original executed agreement to HQ Accounting Services

Agreement Review <input checked="" type="radio"/> Region Approved and Executed <input type="radio"/> HQ Agreement Review Transmittal Required		Agreement Number GCA5765		Supplement Number 1	
Agreement Retention <input checked="" type="radio"/> Retain Agreement for six (6) years after closure <input type="radio"/> Retain Agreement for Twenty-Five (25) years after closure <input type="radio"/> Agreement requires permanent retention (75 years)		Agreement Manager Robyn Boyd		Region Northwest	
Payor/Payee Name and Address Stillaguamish Tribe 3439 Stoluckquamish Lane P.O. Box 277 Arlington, WA 98223		Org. Code 410011		All Reports will be sent to this Organization Number	
		Start Date 9/17/2008		Vouchers will not be paid for work performed before this date	
Federal Employer ID Number OR Social Security Number FED0315-2B R		End Date 12/31/2017		Vouchers will not be paid for work performed after this date	
Project Title SR 532 Corridor Improvements - Wetland Mitigation					
Project Description The performance of site monitoring in accordance with assigned tasks.					
DESIGN OFFICE JAN 14 2010 RECEIVED					
Payable Agreement Work by Others to be PAID by WSDOT			Reimbursable Agreement Work by WSDOT to be REIMBURSED by OTHERS		
Maximum Amount Payable \$3,792,448.85			Amount Reimbursable to WSDOT		
Management Reserve Fund (Funds setup when requested) 0			Reciprocal Overhead Agreement Number (If applicable)		
Allowed Overrun Percent 0			Allowed Overrun Percent		
Preparer's Signature  Julia M. Mizuhata		Date 1/11/2010		Phone 425-225-8763	

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL RESOURCES SITE EVALUATION AND EXPERTISE Amendment No. 1 REPORTS AGREEMENT AGREED UPON AMOUNT		ORGANIZATION AND ADDRESS: Stillaguamish Tribe 3439 Stoluckquamish Lane P.O. Box 277 Arlington, WA 98223
AGREEMENT NUMBER GCA 5765	MAXIMUM AMOUNT PAYABLE: \$3,792,448.85	PROJECT TITLE AND DESCRIPTION OF WORK: SR 532 Corridor Improvements – Wetland Mitigation The performance of site monitoring in accordance with assigned tasks.

THIS AMMENDMENT No. 1 is made and entered into between the Washington State Department of Transportation, hereinafter the "WSDOT", and the Stillaguamish Tribe hereinafter the "STILLAGUAMISH TRIBE", collectively "PARTIES" and individually "PARTY".

WHEREAS, the WSDOT and STILLAGUAMISH TRIBE entered into the original Agreement, GCA 5765, on September 17, 2008, and

WHEREAS, Section 10, Agreement Amendment, of the original Agreement authorizes the PARTIES to amend the Agreement by written amendment, and

WHEREAS, soon after executing the original Agreement, the PARTIES decided to change portions of the Scope of Work and some of the quantities of materials to be used, and reduce the dollar amount of the Agreement,

NOW, THEREFORE, by virtue of RCW 39.34 and in consideration of the terms, conditions, covenants, and performances contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. The Maximum Amount Payable of \$4,064,465.26 is hereby deleted and replaced with \$3,792,448.85 as is shown in Exhibit "C-1" attached.
2. Section 3.2 is revised to read as follows:
 - 3.2 The WSDOT agrees to pay the STILLAGUAMISH TRIBE the agreed upon amount of Three Million, Seven Hundred Ninety Two Thousand, Four Hundred Forty Eight Dollars and Eighty Five Cents (**\$3,792,448.85**) over a ten (10) year period.
3. Exhibit "B", Scope of Work, Schedules 14 and 15 are revised to read as follows:
 14. The STILLAGUAMISH TRIBE shall procure plants as identified on the planting plan / plant materials list and coordinate with LA for approval of plants.
Schedule- November 2008 – July 2010
 15. The STILLAGUAMISH TRIBE shall schedule planting crew and plant the site per the planting plan. The Tribe shall coordinate with LA to approve planting methods. All planting areas shall be weed free at the time of planting.

Schedule- November 2008 – July 2010

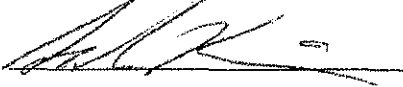
The STILLAGUAMISH TRIBE shall convene IDT to approve final planting. Final planting shall include all plants and plant species as identified on the planting plan.

Schedule- July 2010

4. Exhibit "C", Scope of Work Items 12, 13, 14, 15, and 17 are hereby deleted and replaced, attached hereto with Exhibit "C-1" and by this reference made a part of.
5. For the following Items listed, within Standard Item Number 6447, within Exhibit "C" – Quantity Backup Data, the Total Quantity, Total Item Cost, and Lump Sum Cost have been deleted and replaced, attached hereto with Exhibit "C-1":
 1. Fine Compost
 2. Bark, Wood Chip Mulch, OR Arborist Chips
 3. Planting, 1 Gal. Container
 4. Planting, Live Stakes
6. Two Items have been added to Standard Item Number 6447, within attached Exhibit "C-1" – Quantity Backup Data. Includes Total Quantity, Cost Per Unit, Total Item Cost, and Lump Sum Cost. Items read as follows:
 1. Emergents and Aquatics
 2. Emergents and Aquatics Type Yellow Pond Lily

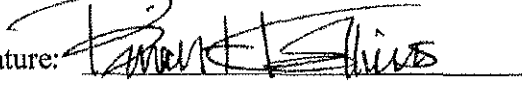
IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT as of the date last written below.

STILLAGUAMISH TRIBE

Signature: 
Printed name: Sandra Klineburger
Title: Chairwoman

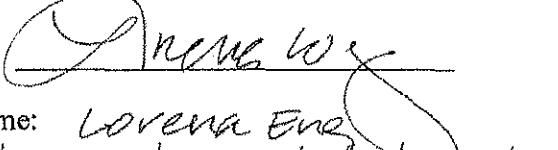
Date Signed: NOV 23, 09

APPROVED AS TO FORM:

Signature: 
Name (print): BRIAN H. COLLINS


Date Signed: NOV. 25, 2009

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION

Signature: 
Printed name: Lorena Eng
Title: NW Region Administrator

Date Signed: 11/24/09

APPROVED AS TO FORM:

Signature: 
Name: Elizabeth Lagerberg
Assistant Attorney General

Date Signed: 11-20-09

**SR 532 Corridor Improvements - Wetland Mitigation
 AGREEMENT NUMBER - GCA 5765
 Amendment No. 1
 Stillaguamish Tribe Agreement
 Exhibit C-1**

Scope of Work Item	Unit	Description	Item Total including Overhead and Mobilization (See note 1)	Scope of Work Total Cost
1,2,3,6,7,10,13,17		Overhead and Mobilization		\$0.00
		This item is incidental to each major construction item listed below and consists of; creation of an IDT Team to measure and monitor site development through construction, plan development, project management, place a restrictive covenant on deed to protect site from development in perpetuity, perform property management and site security, provide traffic control and traffic safety management as needed, meet with IDT team regarding final site grading, finalize planting plan, and monitor site until the site has met the Standards of Success as written in the Wetland Mitigation Plan.		
4		Prepare Archaeological Report		\$13,500.00
	L.S.	Prepare Archaeological Report (106 Study)	\$13,500.00	
5		Site Clean up		\$47,250.00
	L.S.	Clearing and Grubbing	\$29,700.00	
	L.S.	Removal of man-made Material, Buried or Unburied	\$6,750.00	
	L.S.	Abandonment of Piezometers	\$10,800.00	
8		Erosion Control		\$149,498.43
	L.S.	Crushed Surfacing Base Course	\$1,350.00	
	L.S.	Stabilized Construction Entrance	\$5,128.11	
	L.S.	Street Cleaning	\$21,520.32	
	L.S.	Erosion/Water Pollution Control	\$121,500.00	
9		Construct Mitigation Site		\$938,587.50
	L.S.	Hog Fuel Road	\$27,000.00	
	L.S.	Mitigation Excavation Including Haul	\$533,250.00	
	L.S.	Mitigation Excavation	\$123,187.50	
	L.S.	Landscape Grading Adjustment	\$106,650.00	
	L.S.	Brush Pile, Raptor Perch, Logs w/ Rootwad	\$121,500.00	
	L.S.	Surveying and GPS	\$27,000.00	

11		Selective Clearing, Grubbing and pruning		\$44,550.00
	L.S.	Selective Clearing, Grubbing and Pruning	\$44,550.00	
		Compost Procurement and Composting		\$485,676.00
12	L.S.	Fine Compost	\$195,291.00	
	L.S.	Bark, Wood Chip Mulch or Arborist Chips	\$290,385.00	
14,15		Plant Procurement and Planting		\$783,386.91
	L.S.	Planting 1 Gallon Container	\$487,500.66	
	L.S.	Planting, Live Stakes	\$91,427.40	
	L.S.	EMERGENTS AND AQUATICS	\$193,657.50	
	L.S.	EMERGENTS AND AQUATICS TYPE YELLOW POND LILY	\$10,801.35	
17		Plant Establishment Years 2 to 10		\$1,330,000.00
	L.S.	Plant Establishment - 2nd year	\$270,000.00	
	L.S.	Plant Establishment - 3rd year	\$270,000.00	
	L.S.	Plant Establishment - 4th year	\$126,400.00	
	L.S.	Plant Establishment - 5th year	\$126,400.00	
	L.S.	Plant Establishment - 6th year	\$126,400.00	
	L.S.	Plant Establishment - 7th year	\$110,600.00	
	L.S.	Plant Establishment - 8th year	\$110,600.00	
	L.S.	Plant Establishment - 9th year	\$94,800.00	
	L.S.	Plant Establishment - 10th year	\$94,800.00	
		Total Contract Price		\$3,792,448.85

Note 1 - This column consists of the bid item cost plus overhead and mobilization from the Exhibit "A-2" - quantity backup data

**SR 532 Corridor Improvements – Wetland Mitigation
 AGREEMENT NUMBER - GCA 5765
 Amendment No. 1
 Stillaguamish Tribe Agreement
 Exhibit C-1 Quantity Backup Data**

STD. ITEM NO.	UNIT	ITEM	TOTAL QUANTITY	Cost Per Unit	TOTAL ITEM COST (\$)	(Note 1) LUMP SUM COST (\$)	ASSUMPTIONS
		PREPARATION					
	S.Y.	HOG FUEL HAUL ROAD	2,500	8.00	20,000.00	27,000.00	access to both north and south end of site
0025	ACRE	CLEARING AND GRUBBING	11	2,000.00	22,000.00	29,700.00	estimation of 11 acres of removing minimum of 12" sod, 10 acres of no clearing and grubbing and/or sod removal, herbicide weed control only
	ACRE	SELECTIVE CLEARING, GRUBBING, AND PRUNING	11	3,000.00	33,000.00	44,550.00	estimation of 11 acres of clearing of noxious and undesirable species, spot applications herbicide weed control
	EST	REMOVAL OF MAN-MADE MATERIAL, BURIED OR UNBURIED	1	5,000.00	5,000.00	6,750.00	
		GRADING					
	C.Y.	MITIGATION EXCAVATION INCL. HAUL	79,000	5.00	395,000.00	533,250.00	material hauled off site
	C.Y.	MITIGATION EXCAVATION / LANDSCAPE GRADING	18,250	5.00	91,250.00	123,187.50	material used on site as fill
7115	EST	ADJUSTMENT			79,000.00	106,650.00	fine grading first or second year
		DRAINAGE					
	TON	CRUSHED SURFACING BASE COURSE			1,000.00	1,350.00	at entrance, after construction completed
		EROSION CONTROL AND PLANTING					
6468	S.Y.	STABILIZED CONSTRUCTION ENTRANCE	195	19.48	3,798.60	5,128.11	
6470	HR	STREET CLEANING	166	96.03	15,940.98	21,520.32	
	EST	EROSION/WATER POLLUTION CONTROL			90,000.00	121,500.00	to include any TESC necessary (to include silt fence, compost sock or berm, wattle, straw bales)
	ACRE	WET NATIVE SEEDING AND MULCHING	24	5,280.00	124,080.00	167,508.00	all areas except riparian buffer/225' from Pilchuck Creek to be applied before Oct 1, seed specifications to be provided by WSDOT (assumes some areas will be

							seeded more than once over construction period)
	ACRE	DRY NATIVE SEEDING AND MULCHING	8	1,787.00	14,296.00	19,299.60	riparian buffer or 225' from Pilchuck Creek, to be applied before Oct 1, seed specifications to be provided by WSDOT (assumes some areas will be seeded more than once over construction period)
6447	C.Y.	FINE COMPOST	4,822	30.00	144,660.00	195,291.00	apply STA pre-approved compost, 3" depth to all exposed soil, for entire site. Quantities revised based on Soil Prep sheet submitted 7/29/2009
	C.Y.	BARK, WOOD CHIP MULCH OR ARBORIST CHIPS	8,604	25.00	215,100.00	290,385.00	Apply bark, wood chip mulch or arborist chips, 3" depth to all areas (after compost application) outside of flood limits or areas identified by ID Team (excluding emergent plantings). Quantities revised based on Soil Prep sheet submitted 7/29/2009
	EACH	PLANTING, 1 GAL CONTAINER.	46,535	7.76	361,111.60	487,500.66	estimated 28.83 acres, planting at 4' on center, planting plan to be provided by WSDOT (some areas to be seed only). Revised based on planting plan 8/18/2009
	EACH	PLANTING, LIVE STAKES	16,931	4.00	67,724.00	91,427.40	estimated 28.83 acres, 25% of material to be live stake (some areas to be seed only). Revised based on planting plan 8/18/2009
	EACH	EMERGENTS AND AQUATICS	71,725	2.00	143,450.00	193,657.50	New Bid Item, planting 18" oc, see planting plan dated 8/18/2009
	EACH	EMERGENTS AND AQUATICS TYPE YELLOW POND LILY	1,143	7.00	8,001.00	10,801.35	New Bid Item, planting 18" oc, see planting plan dated 8/18/2009
	EST	BRUSH PILE, RAPTOR PERCH, LOGS W/ ROOTWAD - LWD	200	7.00	90,000.00	121,500.00	
	L.S.	ABANDONMENT OF PIEZOMETERS	9		8,000.00	10,800.00	9 to be removed, 2 piezos to remain in place
	EST	SURVEYING & GPS			20,000.00	27,000.00	

	LS	Archaeological Report -106 STUDY			10,000.00	13,500.00
6606	EST	PLANT ESTABLISHMENT - SECOND YEAR			200,000.00	270,000.00
6608	EST	PLANT ESTABLISHMENT - THIRD YEAR			200,000.00	270,000.00
6608	EST	PLANT ESTABLISHMENT - FOURTH YEAR			93,629.63	126,400.00
6608	EST	PLANT ESTABLISHMENT - FIFTH YEAR			93,629.63	126,400.00
6608	EST	PLANT ESTABLISHMENT - SIXTH YEAR			93,629.63	126,400.00
6608	EST	PLANT ESTABLISHMENT - SEVENTH YEAR			81,925.93	110,600.00
6608	EST	PLANT ESTABLISHMENT - EIGHTTH YEAR			81,925.93	110,600.00
6608	EST	PLANT ESTABLISHMENT - NINTH YEAR			70,222.22	94,800.00
6608	EST	PLANT ESTABLISHMENT - TENTH YEAR			70,222.22	94,800.00
		SUBTOTAL			2,809,221.37	3,792,448.85
		OVERHEAD & MOBILIZATION	35%		983,227.48	0.00
		TOTAL (Tribe)			3,792,448.85	3,792,448.85

Note 1 - This lump sum cost includes required mobilization and overhead costs distributed over the required items of work. The overhead and mobilization costs cover all of the scope of work elements in items 1, 2, 3, 6, 7, 10, 13, and 17.