

AGREEMENT # G9471041127, MODIFICATION # 0001
Between the
USDI – NATIONAL PARK SERVICE
And the
WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION #GCA4106-1

Cooperator: Washington State Dept.
of Transportation (WSDOT) NW Region
Cooperator's Address: 1043 Goldenrod Rd.,
Suite 101, Burlington, WA 98233

Agreement # G947104127
Dated: June 3, 2004
Modification # 0001
Effective Date: Date of Final Signature

Project Title: Mitigation of Rock Fall Hazards @ Mile Post (MP) 121.5

1. GENERAL:

This modification to the original AGREEMENT is entered into by and between the National Park Service, (NPS), and the Washington State Department of Transportation (WSDOT).

This AGREEMENT is amended to include Exhibit C per the original AGREEMENT, extend the final date on the original, accomplish a lump sum advance payment for all work required on Exhibit C, to require the NPS to submit a Statement of Completion showing the environmental work that will be accomplished under this AGREEMENT, to require the NPS to provide a copy of the results of the completed bryophyte survey, vascular and non-vascular plant surveys and mapping; and to change the names and contact information of the NPS Contracting Officer and the NPS Environmental contact.

This AGREEMENT is modified as follows.

ARTICLE III – STATEMENT OF WORK is modified to add **Paragraph A. 6.** A Statement of Completion shall be accomplished by the NPS showing the environmental work accomplished under this AGREEMENT within 45 days of project completion.

Replace **Section B.3** to read as follows

The total estimated direct and related indirect costs of the work to be performed by NPS under this Modification is defined in Exhibit C, Attachment No. 1. The WSDOT agrees to make an advance payment of the total estimate of \$170,373.00 to NPS for work to be performed in 2006, 2007, 2008, 2009, and 2010. NPS agrees to provide to the WSDOT an itemized invoice showing the work actually performed, including labor and material costs sufficient to support the advance payment, and subject to the provisions of **ARTICLE III. A. 5** of the AGREEMENT.

ARTICLE IV – TERM OF AGREEMENT is modified to clarify and change the end date of this AGREEMENT as follows: "This AGREEMENT shall remain in force until **06/03/2011**. If continued services are required at the end of this AGREEMENT period, an amended AGREEMENT will be negotiated and put in place."

ARTICLE V – KEY OFFICIALS is modified to replace Barbara Rolph as the Contracting Officer for NPS. Barbara has retired and is being replaced by Joyce E. Bolin, NPS’ new Contracting Officer. Joyce’s address and contact information remain the same as Barbara’s. Dan Allen, the NPS Resource Management Specialist, has retired. The contact for the NPS is now Mignonne Biven, NPS Plant Ecologist, North Cascades National Park Service Complex, 7280 Ranger Station Road, Marblemount, WA 98267. Her phone number is 360-873-4590 ext. 58.

ARTICLE IX – REPORTS AND/OR DELIVERABLES, Exhibit C. Attachment No. 1 is hereby attached and made a part hereof (including estimated COLA totaling \$170,373).

ARTICLE XI – STANDARD CLAUSES is modified to include a mandatory clause now required:

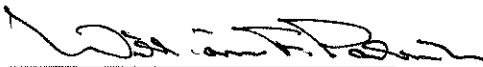
D. ESTABLISHMENT OF RESPONSIBILITY. This AGREEMENT is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

ARTICLE XI – AUTHORIZING SIGNATURES is now modified to be titled “AUTHORIZED REPRESENTATIVES” as shown below. This is now a mandatory clause required for this AGREEMENT.

All other terms and conditions of the original AGREEMENT shall remain in full force and effect, except as modified by this Modification #0001.

AUTHORIZED REPRESENTATIVES By signature below, the parties certify that the individuals listed in this document as representatives are authorized to act in their respective areas for matters related to this AGREEMENT.

For the NATIONAL PARK SERVICE

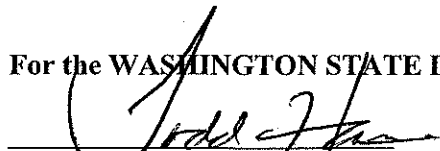


William F. Paleck, Superintendent
North Cascades National Park

9-26-06

Date

For the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

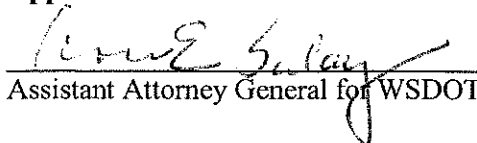


Todd Harrison, Assistant Regional Administrator
Northwest Region – Mount Baker Area

9/21/06

Date

Approved as to Form:


Assistant Attorney General for WSDOT

9-13-06

Date

Attachment No. 1**EXHIBIT C****SCOPE OF WORK AND ESTIMATE OF COST
SITE REVEGETATION AND OTHER MITIGATION
FALLS CREEK SITE
Mile Post 121.5****A. Introduction**

The purpose of the work outlined in this Exhibit is to mitigate impacts resulting from the Washington State Department of Transportation Falls Creek project. The Falls Creek project will disturb approximately three acres of land within the Ross Lake National Recreation Area. The scope of work to be completed by National Park Service (NPS) personnel involves the revegetation of SR-20 roadside areas at about mile post (MP) 121.5, along with other areas in the SR-20 corridor plus additional surveys for the presence of rare plant species in the Skagit River gorge, between the town of Newhalem and the town of Diablo, in the vicinity of SR-20 within the Ross Lake National Recreation Area.

The work involves (1) collection of native seeds, hardwood cuttings, and salvaged plants, (2) propagation of the collected plant material, (3) installation of the propagated plant material, (4) 5-years of maintenance of the installed plant material, and (5) surveys for rare vascular and non-vascular plants.

Collection of the native plant material, seeds, hardwood cuttings, and plant salvage, would occur during the calendar years of 2005-2007. Work will include; seed collection in July-September; plant salvage during October-March. Propagation of hardwood cuttings in November will begin in calendar year 2005. All material will be collected by NPS personnel, within a one mile radius of the of the specific restoration site. Plants will be propagated and grown for up to two years.

Installation of the collected and propagated plant material will occur between November and March as outlined below.

Following plant installation, NPS personnel will maintain all revegetation areas specified for a period of five years. Maintenance of the site includes replacement of plant material, weed removal and reseeding when necessary. At the end of the 5-year maintenance period, all planting areas will meet a minimum standard of 75% native vascular plant cover with a maximum of 20% non-native invasive species, such as tansy (*Tanacetum vulgare*), St. Johnswort (*Hypericum perforatum*), foxglove (*Digitalis purpurea*), knapweed (*Centurea difussa* and *C. maculosa*), oxeye daisy (*Luecanthemum vulgare*), and herb Robert (*Geranium roberiantum*). Maintenance will include, but not be limited to, watering, removal of non-native invasive plants, and mulching.

NPS will determine plant community composition and species quantities for each site. Exact plant quantities per species are dependent on seed and cutting availability and propagation success rates.

The north side of the Skagit River Gorge from approximately Afternoon Creek to Stetattle Creek will be surveyed for the presence of rare vascular and non-vascular plants. Any plants listed by the U.S. Fish & Wildlife or the State of Washington will be identified and their locations mapped.

B. Proposed Mitigation

1. SR-20 FALLS CREEK ROADSIDE PLANTING AREAS

The roadside planting areas are located on the berm between SR-20 and the rock catchment area at Falls Creek and along the bank of the Skagit River as shown on Map 2. Physical completion of rock removal in this area and construction of the berm are expected in the Spring of 2006. Plant installation will occur in two phases. The first phase will occur between November 2006 and March 2007 following completion of the rock removal and berm. The second phase will begin November 2007 and be completed March 2008. The work for the roadside involves the installation of the collected and propagated plant material, seeding with native plant seed and placement of bark or wood chip mulch. The total area of the roadside planting is approximately 0.28 acres).

Plant number needs for the Falls Creek berm: This estimate is based on the completed berm 0.28 acres of plantable area.

<u>Plant Type</u>	<u>Spacing</u>	<u>#/acre</u>	<u>Req. for 0.28 Acres</u>
Large Shrubs	5' x 5'	848	237
Small Shrubs	3' x 3'	4,710	1,318
Trees	5' x 5'	848	237
			Total 1,793
Seed	12/ft sq	20lbs/acre	5.6lbs

Listed below are examples of native plants which will be used in the planting. This is only a partial list; other species may also be salvaged or propagated from seeds or cuttings.

Small shrub species will include:

<u>Species</u>	<u>Common name</u>
Arctostaphylos uva-ursi,	Kinnikinnick
Berberis aquifolium	tall Oregon grape
Berberis nervosa	low Oregon grape
Paxistima myrsinites	Oregon boxwood
Penstemon davidsonii var. menziesii	David's penstemon
Ribes sanguineum	red flowering current

Rosa gymnocarpa	wood rose
Rosa nutkana var. nutkana	nootka rose
Rubus parviflorus	thimbleberry
Rubus ursinus	California blackberry
Salix scouleriana	Scouler's willow
Spiraea betulifolia var. lucida	birch leaved spirea
Symphoricarpos albus	snowberry

Large shrub species will include:

<u>Species</u>	<u>Common name</u>
Acer glabrum,	Douglas maple
Holodiscus discolor	ocean spray
Physocarpus capitatus	ninebark
Philadelphus lewisii,	mock orange

Tree species will include:

<u>Species</u>	<u>Common name</u>
Acer macrophyllum	big leaf maple
Alnus rubra	red alder
Betula papyrifera	paper birch
Pinus contorta var. latifolia	lodgepole pine
Psuedotsuga menziesii	Douglas fir

Herbaceous species include:

<u>Species</u>	<u>Common name</u>
Achillea millefolium var. occidentalis	yarrow
Anaphalis margaritacea	pearly everlasting
Aruncus dioicus var. vulgaris	goat's beard
Eriophyllum lanatum var. lanatum	wooly sunflower
Festuca occidentalis	western fescue
Fragaria vesca var. crinita	wild strawberry
Frittilaria affinis var. affinis	chocolate lily
Lonicera ciliosa	honeysuckle
Penstemon serrulatus	penstemon
Solidago canadensis var. salebrosa	goldenrod

Estimated Cost

1. Plant Collection, Propagation, Site Prep & Planting	\$30,200
2. Plant Propagation & Planting	\$13,000
3. 1st year Plant Establishment	\$10,000
4. 2nd year Plant Establishment	\$ 8,000
5. 3rd year Plant Establishment	\$ 5,000
6. 4th year Plant Establishment	\$ 5,000

7. 5th year Plant Establishment	<u>\$ 5,000</u>
Total	\$76,200

Advance Payment Breakdown by Year:

2006: \$38,200	
Plant Collection, Propagation, Site Prep and Planting,	\$30,200
Plant Prop and Planting (partial),	\$8,000
2007: \$23,000	
Remaining Plant Prop and Planting	\$5,000
1 st Year Plant Establishment,	\$10,000
2 nd Year Plant Establishment,	\$8,000
2008: \$5,000	
3 rd Year Plant Establishment,	\$5,000
2009: \$5,000	
4 th Year Plant Establishment,	\$5,000
2010: \$5,000	
5 th Year Plant Establishment,	<u>\$5,000</u>
Total:	\$76,200.

2. Diablo Lake Overlook Site

Diablo Lake Overlook is the most frequently visited site for visitors passing through the North Cascades National Park Service Complex on SR-20. This site offers panoramic view of Diablo Lake as well as the Thunder Creek Valley and surrounding peaks. The Overlook has a large parking area with islands of vegetation. Some of these islands are vegetated with native trees however most of the plants in these islands and the surrounding vegetated parking lot edges are non-native weeds. The NPS would like to enhance these islands by removing non-native vegetation and establishing native plants.

The overlook site is a very harsh environment. It is hot and dry in the summer months and windy throughout the year. Traci Degerman, a landscape architecture graduate student at Washington State University, is developing a landscape plan for the site. North Cascades National Park plant propagation personnel will collect, propagate, and plant native plants based on a NPS approved plan developed by Traci Degerman. This project will replace the non-native plants with natives thereby reducing the seed source of exotics to adjacent park areas.

This effort will also serve as an educational opportunity to introduce the flora of North Cascades National Park to visitors that seldom have this opportunity.

Estimate Of Cost

1. Support for development of site plan.....	\$28,173
2. Plant Collection, Propagation, Site Prep & Planting.....	\$19,000
3. 1st year Plant Establishment	\$15,000
4. 2nd year Plant Establishment.....	\$ 8,000
5. 3rd year Plant Establishment	\$ 3,000
6. 4th year Plant Establishment	\$ 3,000
7. 5th year Plant Establishment	<u>\$ 3,000</u>
Total	\$79,173

Advance Payment Breakdown by Year:

2006: \$50,000	
Staff support including plan development and seed collection.	\$28,173
Plant Prop and Planting (partial),	\$19,000
2007: \$23,000	
1 st Year Plant Establishment,	\$15,000
2 nd Year Plant Establishment,	\$8,000
2008: \$3,000	
3 rd Year Plant Establishment,	\$3,000
2009: \$3,000	
4 th Year Plant Establishment,	\$3,000
2010: \$3,000	
5 th Year Plant Establishment,	<u>\$3,000</u>
Total	\$79,173

3. Gorge Creek Site

The Gorge overlook site is another popular stop for visitors. From the parking area visitors can overlook the “gorge” and Gorge Lake via pedestrian walkways on both sides of the SR-20 bridge that spans the gorge. Visitors can also access a nature trail via the Gorge Overlook parking area. The area for both bridge and trail approach is primarily devoid of vegetation and the sparse vegetation that does occur is non-native. This site was identified by the NPS as a site that needed improved vegetated cover. This funding would provide the materials needed to improve the site.

Estimate Of Cost

2. Plant Collection, Propagation, Site Prep & Planting.....	\$ 3,000
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3. 1st year Plant Establishment	\$ 1,000
4. 2nd year Plant Establishment.....	<u>\$ 1,000</u>
Total	\$5,000

Bryophyte survey –A bryophyte (lichens and mosses) survey was conducted in the Falls Creek/afternoon Creek area prior to the activity by WSDOT. In the survey, 7 species of moss, liverwort and lichen were identified that are on the Washington State Natural Heritage program as special status species. Many other species that were identified are uncommon but not recognized by the state to date. NPS policy requires “protection and perpetuation of federally, state, or locally listed species”. Due to the urgency of the project none of the species could be salvaged. It is important for the NPS to know the extent of the species identified in the initial survey in near by areas with in the gorge. A survey would be conducted by NPS staff, in similar habitats within the gorge to determine if these species occur in other areas of the gorge and if so, the extents of these populations. The gorge is defined in this document to be that area east of the town of Newhalem and the spur road that leads to the town of Diablo (see map 1). Collections of bryophytes would be processed and submitted to the NOCA herbarium in Marblemount. North Cascades National Park will provide a copy of the results of the completed bryophyte survey, vascular and non-vascular plant surveys and mapping to WSDOT.

Estimate Of Cost

Survey of the gorge for bryophytes, collection and processing of specimens

Total \$10,000.00

Final Breakdown of costs & expenditures:

	Year					Total
	2006	2007	2008	2009	2010	
Falls Creek	\$39,925	\$21,275	\$5,000	\$5,000	\$5,000	76,200
Diablo Overlook	48,587	21,586	3,000	3,000	3,000	79,173
Gorge Overlook	3,000	1,000	1,000			5,000
Bryophyte survey	10,000					10,000
Total by Year	101,512	43,861	9,000	8,000	8,000	170,373

***Total Advance Lump Sum received will be: \$170,373.**

* The amounts and years shown above clearly show how these funds will be allocated throughout the years of this AGREEMENT.

GCA 4106-1

Map 1

Bryophyte survey area for the Falls/Afternoon Creeks Mitigation

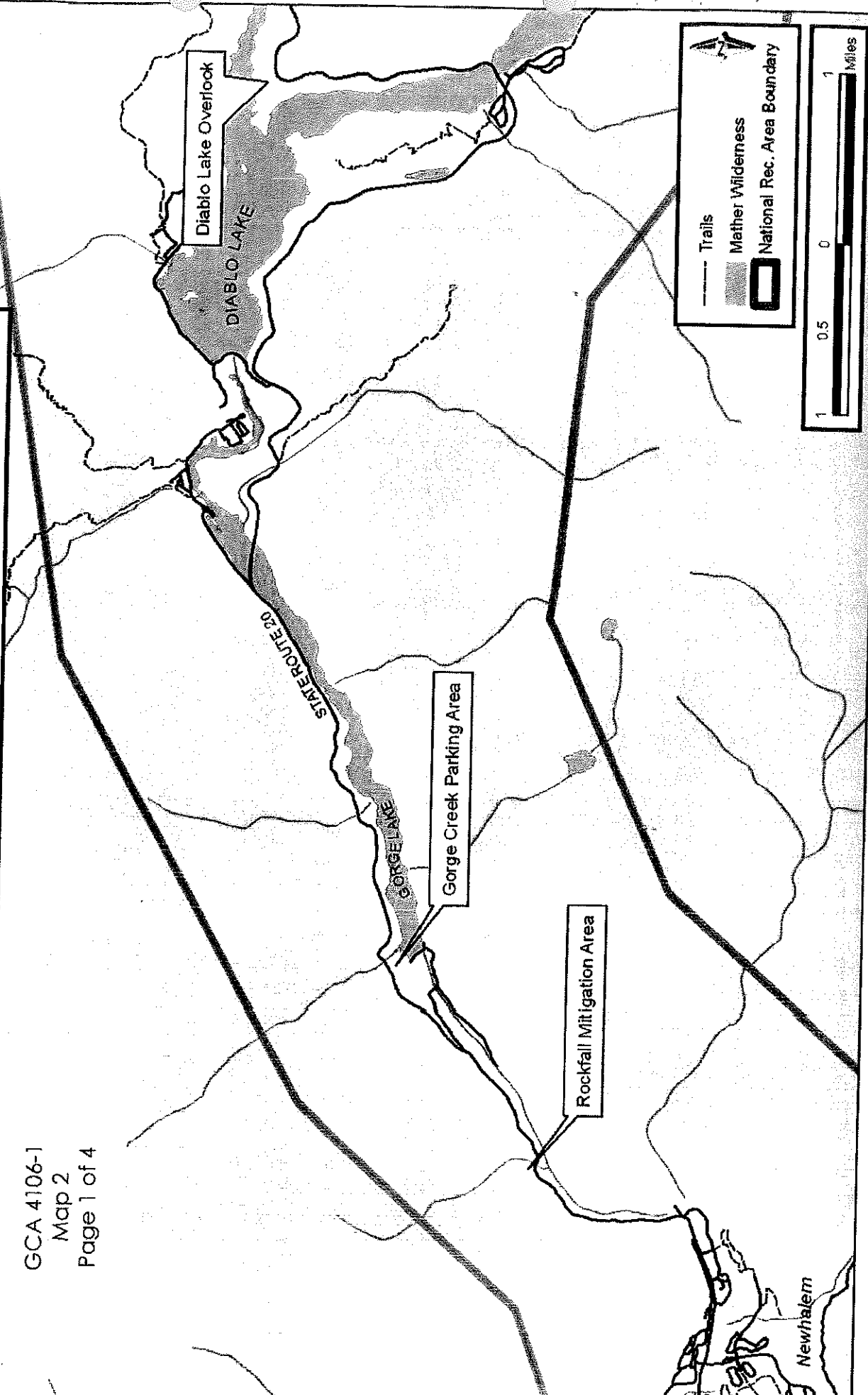
Dialto Lake

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FALLS CREEK MITIGATION PROJECT North Cascades National Park Service Complex

Sites include: Rockfall Mitigation Area, Gorge Creek Parking Area, and Diablo Lake Overlook
Bryophyte survey to be conducted at random locations in highway corridor

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Map 2
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Legend:

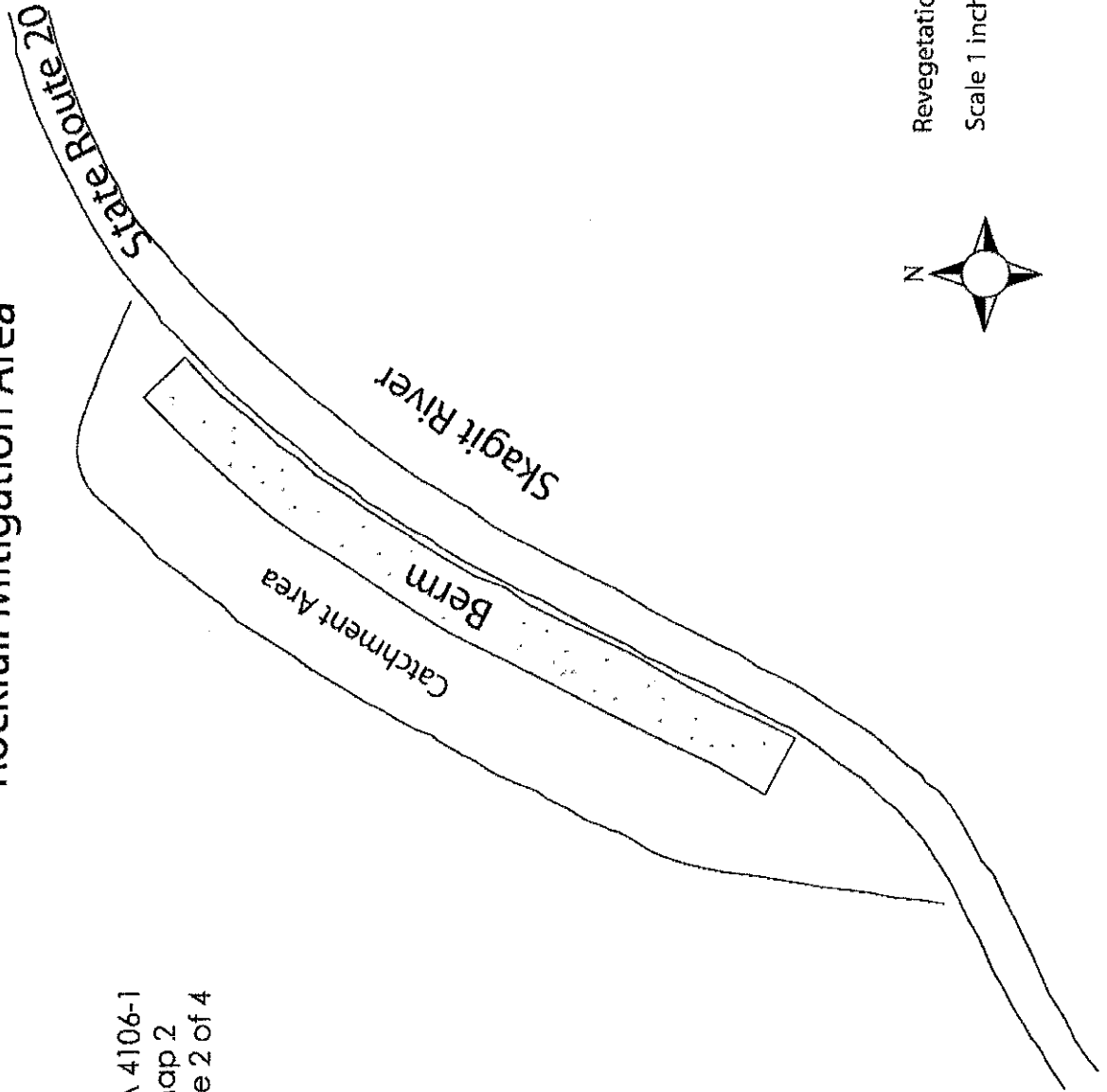
- Trails
- Mather Wilderness
- National Rec. Area Boundary



Newhalem

Falls Creek Mitigation Project Rockfall Mitigation Area

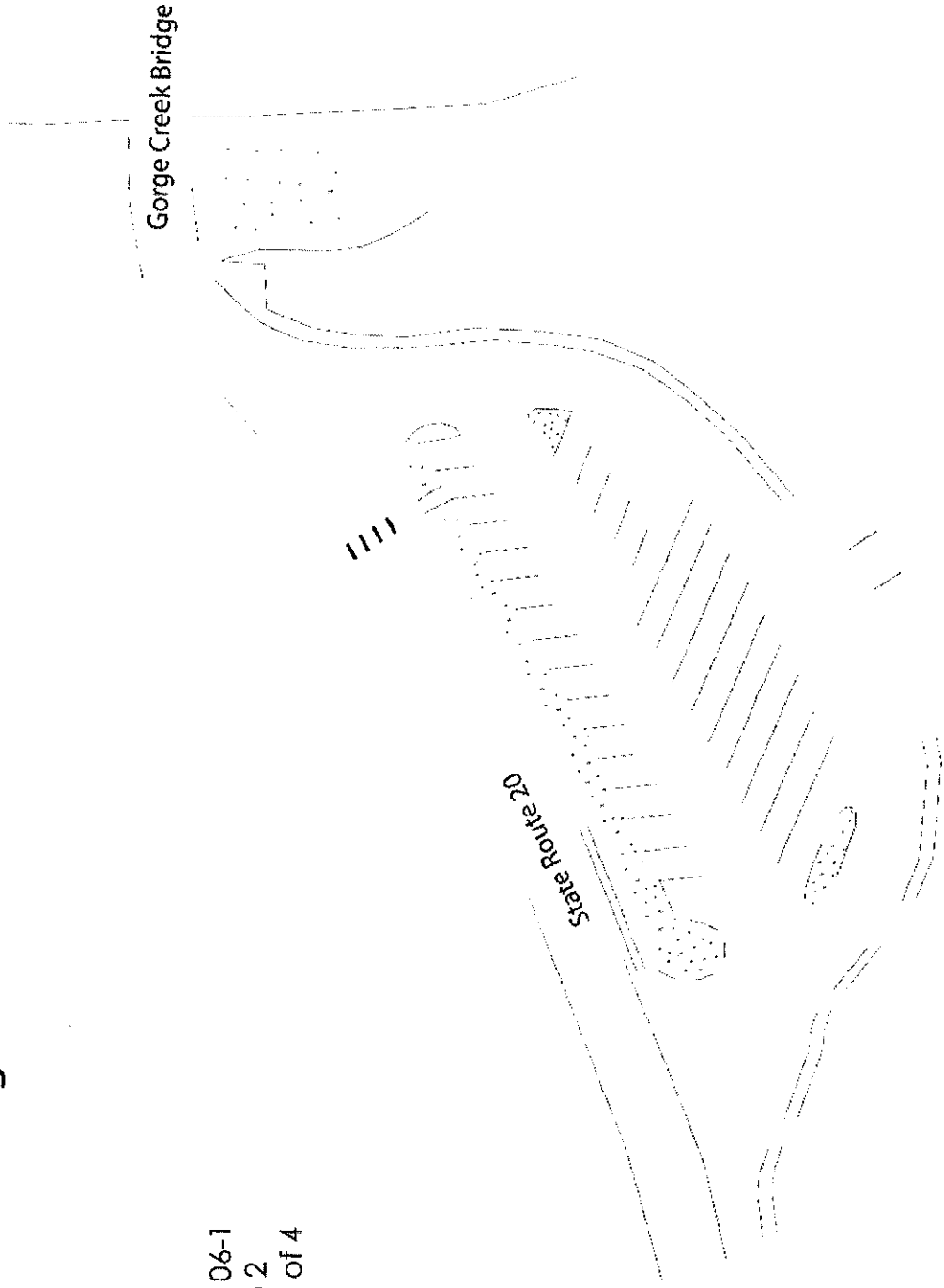
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Map 2
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Revegetation Area
Scale 1 inch = 80 feet

Falls Creek Mitigation Project Gorge Creek Parking Area

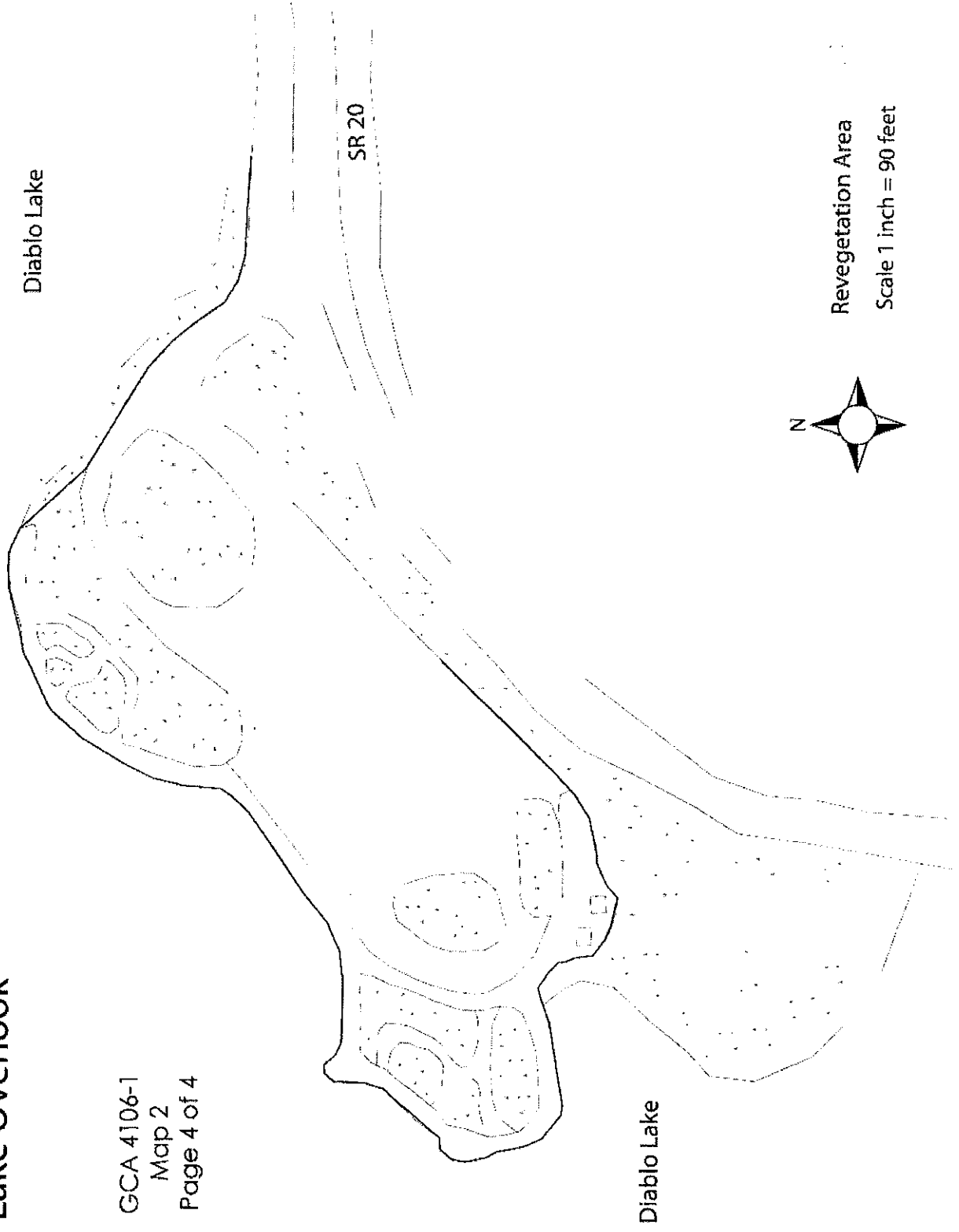
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Revegetation Area
Scale 1inch = 80 feet

Falls Creek Mitigation Project Diablo Lake Overlook

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Map 2
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Revegetation Area

Scale 1 inch = 90 feet