



USDA Forest Service

WHATCOM COUNTY
CONTRACT NO.
202205004-1

OMB 0596-0217
FS-1500-19

MODIFICATION OF GRANT OR AGREEMENT

PAGE 1 OF PAGES 10

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 22-LE-11060500-015; Baker Lake Recreation Area Patrols		2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY: 202205004	3. MODIFICATION NUMBER: 001
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Mt. Baker-Snoqualmie National Forest 2930 Wetmore Avenue, Suite 3A Everett, WA 98201		5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): Mt. Baker-Snoqualmie National Forest 2930 Wetmore Avenue, Suite 3A Everett, WA 98201	
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): Whatcom County 311 Grand AVE STE 503 Bellingham, WA 98225-4050		7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only): N/A	

8. PURPOSE OF MODIFICATION

CHECK ALL THAT APPLY:	This modification is issued pursuant to the modification provision in the grant/agreement referenced in item no. 1, above.
<input type="checkbox"/>	CHANGE IN PERFORMANCE PERIOD:
<input checked="" type="checkbox"/>	CHANGE IN FUNDING: Adds funding in the amount of \$21,900.00
<input type="checkbox"/>	ADMINISTRATIVE CHANGES:
<input checked="" type="checkbox"/>	OTHER (Specify type of modification): Incorporates the 2023 Operating and Financial Plan

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):

10. ATTACHED DOCUMENTATION (Check all that apply):

<input type="checkbox"/>	Revised Scope of Work
<input type="checkbox"/>	Revised Financial Plan
<input checked="" type="checkbox"/>	Other: 2023 Operating and Financial Plan (Exhibit A); U.S. Forest Service Fire Emergency Language & Billing Protocol Coop Law Enforcement Agreements/Operating & Financial Plan (Addendum A); Statement of Work (Addendum B)

11. SIGNATURES

AUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.

11.A. WHATCOM COUNTY SIGNATURE 	11.B. DATE SIGNED 02/03/23	11.C. U.S. FOREST SERVICE SIGNATURE JODY WEIL Digitally signed by JODY WEIL Date: 2023.03.09 12:13:45 -08'00'	11.D. DATE SIGNED
(Signature of Signatory Official)		(Signature of Signatory Official)	
11.E. NAME (type or print): BILL ELFO	11.F. NAME (type or print): JODY L. WEIL		
11.G. TITLE (type or print): Sheriff, Whatcom County	11.H. TITLE (type or print): Forest Supervisor, Mt. Baker-Snoqualmie National Forest		



11.I. WHATCOM COUNTY SIGNATURE <i>Approved via email 5/21/20</i> (Signature of Signatory Official)	11.J. DATE SIGNED <i>1/12/23</i>	11.K. U.S. FOREST SERVICE SIGNATURE C. Andrew Coriell Digitally signed by C. Andrew Coriell Date: 2023.02.24 12:46:27 -08'00' (Signature of Signatory Official)	11.L. DATE SIGNED
11.M. NAME (type or print): BRANDON WALDRON		11.N. NAME (type or print): ANDY CORIELL	
11.O. TITLE (type or print): Civil Deputy Prosecuting Attorney, Whatcom County		11.P. TITLE (type or print): Special Agent in Charge, U.S. Forest Service Pacific Northwest Law Enforcement and Investigations	
11.Q. WHATCOM COUNTY SIGNATURE <i>[Signature]</i> (Signature of Signatory Official)	11.R. DATE SIGNED <i>2/22/23</i>		
11.S. NAME (type or print): <i>Carol Frazey</i>			
11.T. TITLE (type or print): <i>Executive, Whatcom County (Pro Tem)</i>			
12. G&A REVIEW			
12.A. The authority and format of this modification have been reviewed and approved for signature by: Ben Martin Digitally signed by Ben Martin Date: 2023.01.12 08:29:09 -08'00' BEN MARTIN (22-LE-11060500-015 Mod 001) U.S. Forest Service Grants & Agreements Specialist			12.B. DATE SIGNED

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 30 minutes 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



FS Agreement No. 22-LE-11060500-015

Cooperator Agreement No. 202 2050 04

EXHIBIT A

**COOPERATIVE LAW ENFORCEMENT OPERATING & FINANCIAL PLAN
Between
WHATCOM COUNTY
And the
USDA, FOREST SERVICE
MT. BAKER-SNOQUALMIE NATIONAL FOREST**

2023 OPERATING AND FINANCIAL PLAN

This Financial and Operating Plan (Operating Plan) is hereby made and entered into by and between Whatcom County, hereinafter referred to as "Whatcom County," and the United States Department of Agriculture (USDA), Forest Service, Mt. Baker-Snoqualmie National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #22-LE-11060500-015. This Operating and Financial Plan is made and agreed to as of the last signature date on the Cooperative Law Enforcement Agreement and is in effect through December 31, 2026 unless modified during the annual review.

CY23 Total Operating Plan: \$21,900.00

I. GENERAL:

- A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

Principal Cooperator Contacts:

Whatcom County Program Contact	Whatcom County Administrative Contact
Bill Elfo, Sheriff Whatcom County Sheriff's Office 311 Grand Avenue Bellingham, WA 98225-4078 Telephone: (360) 778-6600 Email: belfo@co.whatcom.wa.us	Doug Chadwick, Undersheriff Whatcom County Sheriff's Office 311 Grand Avenue Bellingham, WA 98225-4078 Telephone: (360) 778-6600 Email: dchadwic@co.whatcom.wa.us



Dawn Pierce, Senior Administrative Assistant
 Whatcom County Sheriff's Office
 311 Grant Avenue
 Bellingham, WA 98225-4078
 Telephone: (360) 778-6606
 Email: dpierce@co.whatcom.wa.us
 Email: SheriffAccounting@co.whatcom.wa.us

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
James V. Griffin, Patrol Captain PNW R6 LEI, NWWZ 2930 Wetmore Avenue, Suite 3A Everett, WA 98201 Telephone: (425) 783-6090 Email: james.griffin@usda.gov	Cindy Orlando, Program Assistant PNW R6 LEI, NWWZ 1835 Black Lake Blvd SW Olympia, WA 98512 Telephone: (360) 956-2286 Email: cindy.orlando@usda.gov
	U.S. Forest Service Grants and Agreements Contact Cynthia Moscoso Grants Management Specialist 215 Melody Lane Wenatchee, WA 98801 Cynthia.moscoso@usda.gov

B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

IRS 2023 Standard Mileage Rate/mile patrolled

Wages and benefits will be billed at **actual overtime rates plus associated payroll costs. Rates will vary based on officer experience level.**

Approximate wages for a new deputy at the prevailing overtime rate of \$55.71/hour plus fringe benefits of \$8.98/hour for a total rate of \$64.69/hour.

Approximate wages for a senior deputy/sergeant at the prevailing overtime rate of \$88.31/hour plus fringe benefits of \$13.25/hour for a total rate of \$101.56/hour.

II. PATROL ACTIVITIES:



A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both Whatcom County and the U.S. Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

1. Patrol on following U.S. Forest Service roads:

- a. Baker Lake Road from the county line north to the end, this should include checks at roadside dispersed campsites.
- b. Forest Road 1106 to Kulshan campground and boat launch, continue across the dam for a couple miles
- c. Spur road of Forest Road 1106 to Depression Lake
- d. Forest Road 1122 to area of Lower Sandy recreation area
- e. Forest Road 1130 to Hot Springs
- f. Forest Road 1152 across from Shannon Creek Campground for approximately 1 mile.

2. Patrol in the following campgrounds, developed sites, or dispersed areas:

- a. Horseshoe Cove Campground
- b. Bayview Campground
- c. Boulder Creek Campground
- d. Panorama Point Campground and Boat Launch
- e. Park Creek Campground
- f. Swift Creek Campground and Boat Launch
- g. Shannon Creek Campground
- h. Dispersed recreation sites adjacent to Baker Lake.

B. Patrol services shall be provided from May 26, 2023 through September 30, 2023. Officers should use discretion when the weather is bad, or the activity level is otherwise low to adjust or even shorten their shift accordingly.

C. Reports relating to incidents or crimes that have occurred on National Forest Systems (NFS) lands should be collectively submitted to the U.S. Forest Service Law Enforcement on a quarterly basis. Reports relating to severe or major crimes should also be submitted individually, as soon as possible.

Total reimbursement for this category shall not exceed the amount of: **\$21,900.00.**

III. SPECIAL ENFORCEMENT SITUATIONS:

A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.



B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any reimbursement being authorized. Requests for funds should be made to the U.S. Forest Service designated representative listed in Item I-A of this Operating Plan. The designated representative will then notify Whatcom County whether funds will be authorized for reimbursement. If funds are authorized, the parties will then jointly prepare a revised Operating Plan.

1. Drug Enforcement: This will be handled on a case-by-case basis. The request will normally come from the patrol Captain; however, it may come from the Special Agent in Charge or their designated representative. Reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.
2. Fire Emergency: During emergency fire suppression situations and upon request by the U.S. Forest Service pursuant to an incident resource order, the Cooperator agrees to provide special services beyond those provided under Section II-A, within the Cooperator's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The Cooperator will be compensated at the rate specified in Section I-B; the U.S. Forest Service will specify times and schedules. Upon concurrence of the local patrol Captain or their designated representative, an official from the Incident Management Team managing the incident, Cooperator personnel assigned to an incident where meals are provided will be entitled to such meals.
3. Group Gatherings: This includes but is not limited to situations which are normally unanticipated, or which typically include very short notices, large group gatherings such as rock concerts, demonstrations, and organization rendezvous. Upon authorization by a U.S. Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.

IV. BILLING FREQUENCY:

See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.

- A. Whatcom County will submit invoices on a quarterly basis for *reimbursement* of services provided under Section II of this Operating Plan, and as outlined in *Cooperative Law Enforcement Agreement Provisions II-H and III-B*.

Submit invoices by Email to: SM.FS.asc_ga@usda.gov
Copy to U.S. Forest Service Contacts (See Section I.A.)



- B. The following is a breakdown of the total estimated costs associated with this Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Patrol Activities	\$21,900.00	N/A
Training	N/A	N/A
Equipment	N/A	N/A
Special Enforcement Situations	N/A	N/A
Total	\$21,900.00	N/A

- C. Any remaining federally appropriated funding (this does not apply to funding from FERC license which is limited to one-year availability) in this Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or deobligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-C.*

Addendum A

U.S. Forest Service Fire Emergency Language & Billing Protocol Coop Law Enforcement Agreements / Operating & Financial Plan

Fire Emergencies:

During fire emergencies, the U.S. Forest Service will reimburse the County for actual costs incurred while the County is providing assistance requested by either the Agency Administrator or Incident Commander.

Reimbursement for personnel wages and services are based upon the information in the resource order and must identify the number of roadblocks, number of personnel required, hours and time frame required and must be ordered by the Incident Commander or Agency Administrator. A copy of the resource order generated for the request for assistance will be provided by the U.S. Forest Service dispatch to the County. It is critically important that the Incident Management Team, Agency Administrator, and the Sheriff /County Official agree to what emergency services are needed and listed in the Resource Order and Incident Action Plans for each day until this resource is no longer required.

Upon request of the Agency Administrator or Incident Commander, a County designated Liaison(s) to the fire incident(s) may be established. The liaison will be requested via an incident resource order. The liaison(s) primary duties, on behalf of the County Sheriff, will be to attend public meetings, planning and Incident Command meetings. Eligible costs for reimbursement will include personnel time.

If meals and lodging are required for county officials, authorization must be documented using the standard fire meals and lodging authorization forms provided by the host fire unit. Cooperator personnel directly assigned to the incident by a resource order will be entitled to meals that are provided on the incident.

Administrative support (e.g. posting incident time, delivering meals, bill preparation, etc.) will be reimbursed on an actual cost basis. The County will prepare and submit an itemized accounting of actual cost as part of the reimbursement request.

What is not eligible for reimbursement?

1. Law enforcement duties that are within the normal jurisdictional responsibilities such as enforcement, patrols, evacuation. 2. Automotive repairs, tires, and services are covered in the prevailing wage rate as identified in the OP Provision I. B.

Billing Protocol:

Documentation required to be submitted by the County to the FS for payment processing:

- Resource Order. Resource order will state what kind of assistance is ordered, how many people requested, and the time period for the services as ordered by the IC or Agency Administrator.
- Copy of Cooperative Law Enforcement Agreement and Operating & Financial Plan.
- UEI number.
- Active status in System for Award Management (SAM).
- Tax ID number.
- Breakout of actual costs:
 - Salary – Daily Crew Time Reports, Payroll summary by hours per day or timesheets of personnel.
 - Supplies – Copies of receipts with date and description of items purchased and FS authorization (S# or FS Signature) for purchase.
 - Mileage – Summary by day by vehicle and personnel using the vehicle.

- Incident Action Plans – copies of plans that document assignment to that incident.
- Map of roadblock locations.

BILLINGS ARE NOT TO BE SUBMITTED TO THE SM.FS.ASC GA@USDA.GOV UNDER THE OBLIGATION ESTABLISHED THROUGH THE COOPERATIVE LAW ENFORCEMENT AGREEMENT.

Please coordinate remittance of billings to the Albuquerque Service Center, Incident Finance Branch through the local Fire Incident Business Specialist:

Jessica McAloon
Administrative Support Coordinator
810 State Route 20
Sedro-Woolley WA 98284
jessica.mcaloon@usda.gov
360-854-2602

Invoices must include the information identified above in the Billing Protocol section in order to be processed in a timely manner.

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Addendum B

Statement of Work

This agreement is to ensure protection of Government property and the general safety of the public on Forest Service lands during peak periods of public use. This agreement is for Whatcom County Sheriff's Office law enforcement patrol services in the Baker Lake Recreation Area.

Objectives for Law Enforcement Patrols (LEP) in Baker Basin: Address issues that arise because of visitors attracted to the reservoir and its immediate environs because of the existence of the Baker Hydro Project.

Provide adequate law enforcement coverage during the prescribed period of time in an effort to increase the presence and visibility of law enforcement within the project area. By having a variety of law enforcement resources assigned to work the project area; the ability to actively patrol, educate, deter, and investigate violations of Federal and State laws and regulations increases the likelihood of gaining compliance from the visiting public. Additionally, with a collaborative approach to enforcement operations, coverage within the project area is sufficient to meet the needs of the LEP.

Law enforcement operations include but are not limited to handling a variety of criminal complaints, illegal drug and alcohol use, traffic violations, public health and safety issues, medical resource protection, public education and fire.

Furthermore, the collaborative efforts will address the increased visitation and attendant effects of sockeye season to include:

1. Traffic, parking
2. Boater/camper use and timing conflicts
3. Crowding and safety on and off the water
4. Emergencies, especially on the east side and on the water, which may be time sensitive
5. Resource impacts – general use and misuse of developed and dispersed facilities
6. Boats anchoring in the lake in the dark w/o lights
7. Boaters travelling to fast
8. Boats not using the correct ramp for their size. i.e. only Kulshan and Swift Creek are appropriate for large boats and trailers.
9. Boats coming from a wide area: invasive species inspections and education
10. Trash, human waste, bear and wildlife management
11. Violations of state boating and fishing regulations
12. Enforcement of delineated no-wake zones, swim areas, loon platforms