



Legislation Text

File #: 2002-0293, **Version:** 2

Clerk 10/09/2002

A MOTION authorizing an interlocal agreement between King County, the city of Burien, the city of SeaTac, the Port of Seattle and the state of Washington Department of Transportation for the purpose of preparing a basin plan for the Miller and Salmon creek basins.

WHEREAS, King County, the city of Burien, the city of SeaTac, the Port of Seattle and the state of Washington Department of Transportation ("the parties") share jurisdiction in or have other interests in the Miller and Salmon creek basins ("basin") and recognize that it contains important natural resources, including streams, lakes and wetlands that are vital to promote water quality, fish habitat, recreation and flood storage, and

WHEREAS, the stability and function of the basin's natural resources are threatened by existing and proposed development within the basin, and

WHEREAS, the parties manage stormwater within the basin and desire to cooperate to develop cost-effective solutions for stormwater management, and

WHEREAS, the parties agree on the importance of resolving existing drainage, flooding, erosion and sedimentation, and water quality problems in the basin that cross jurisdictional boundaries, and

WHEREAS, the parties recognize that a cooperative effort to identify and address problems in the basin will promote cost savings to the public and the most effective protection of the natural resource system, and wish to jointly develop a cooperative interjurisdictional basin plan, and

WHEREAS, the parties have each previously conducted stream gauging, resource inventory,

engineering, hydrologic modeling and water sampling activities in the basin, all of which they wish to contribute to a basin planning effort, and

WHEREAS, area citizens have raised questions concerning whether the interlocal agreement will facilitate the Port of Seattle's Third Runway Project and, in particular, whether aspects of plans or facilities contemplated under the interlocal agreement will facilitate directly or indirectly the Port of Seattle's separate obligation to construct stormwater facilities under the Third Runway Project's Clean Water Act section 401 certification, and

WHEREAS, it is not the county's intention in entering into this interlocal agreement to contemplate, authorize, facilitate, support, oppose, or clear the way for the Third Runway Project and it is not the county's intention that its participation in this interlocal agreement be used directly or indirectly to contemplate, authorize, facilitate, support, oppose, or clear the way for the Third Runway Project, and

WHEREAS, this motion does not reflect support or opposition to the third runway, but rather reflects support for the basin planning process and a recognition of the fact that the process will be derailed if it becomes entangled directly or indirectly in the third runway controversy, and

WHEREAS, it is the county's intention to support the basin planning process by assuring that the planning process and the basin plan resulting from the process will not be used to substitute for or satisfy the Port's individual obligation or responsibility relating to the Third Runway Project, and

WHEREAS, the interlocal agreement provides, in part, that a party may end its participation in the basin planning project and withdraw from the interlocal agreement by providing 30-day written notification to all other parties and by paying its share of costs for the project to the end of the quarter in which that party's participation ends; and

WHEREAS, the parties desire to have the King County water and land resources division assist in preparing a basin plan by providing staff and expertise under the direction of a management team composed of representatives of the parties, and

WHEREAS, under chapter 39.34 RCW, the interlocal cooperation act, the parties are each authorized to enter into an agreement for cooperative action;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The county executive is hereby authorized to enter into an interlocal agreement, in substantially the same form as Attachment A to this motion, with the parties to prepare a basin plan for the Miller and Salmon creek basins. No action or plan of action resulting from this basin plan shall substitute for or satisfy the Port's individual obligation or responsibility relating to the Third Runway Project. The county shall withdraw from the interlocal agreement if any party attempts to include 401 certification or 404 permit issues concerning the Port of Seattle's Third Runway Project in the basin planning project or to cite or rely on the interlocal agreement as an element of compliance with the 401 certification, 404 permit or any other permit for the Port of Seattle's Third Runway Project.