



Legislation Text

File #: 2002-0047, **Version:** 3

AN ORDINANCE authorizing the executive to enter into an agreement with the United States Army Corps of Engineers to implement Phase I of the preconstruction engineering and design portion of the Green/Duwamish river ecosystem restoration project, and declaring an emergency.

STATEMENT OF FACTS:

The King County council has determined that:

1. The Green/Duwamish river watershed ("watershed") in King County is an invaluable natural resource that is home to many fish and wildlife species, including Chinook salmon and bull trout, recently listed as threatened under the Endangered Species Act. Degradation of the watershed, due to urbanization, physical alterations, and other factors, is of concern to citizens, interest groups and governments sharing jurisdiction in or with a major interest in the watershed.
2. In recent years, governments with jurisdiction or interests in the watershed, with input and participation from other interested parties, have initiated significant cooperative efforts to evaluate habitat restoration needs in the watershed. Of particular note among these efforts is the multiphase Green/Duwamish river ecosystem restoration project ("ERP"), undertaken jointly among the United States Army Corps of Engineers ("USACE"), King County, and other jurisdictions in Water Resource Inventory Area ("WRIA") 9.
3. In 1998, through an interlocal agreement, jurisdictions in the watershed provided the required local sponsorship share for the ERP feasibility study. A primary product of this study, completed in 2000, was the identification of forty-five sites in the watershed with high potential for habitat

restoration. An environmental impact statement, completed in 2000, addressed potential effects of implementing the ERP.

4. The USACE, King County, and other WRIA 9 jurisdictions intend to initiate the next phase of the ERP to prepare designs and environmental documents for the restoration sites. This work will be completed through a series of preconstruction, engineering and design ("PED") agreements. The first of these agreements ("PED Phase I agreement"), which includes twenty of the forty-five sites, has been drafted by the USACE working in collaboration with King County and the other WRIA 9 jurisdictions. King County is proposed as the official local sponsor to sign the PED Phase I agreement. The estimated total cost for completing PED Phase I is three million dollars, of which twenty-five percent or approximately seven hundred fifty thousand dollars must come from local sponsorship.

5. In 2000, through an interlocal agreement, the WRIA 9 jurisdictions formalized their participation in the WRIA 9 forum to jointly undertake and fund watershed planning and protection efforts. The jurisdictions of the WRIA 9 forum wish to share local sponsorship responsibilities, including funding and management, for PED Phase I through the watershed planning interlocal agreement. On November 14, 2001, the WRIA 9 forum passed a resolution memorializing the forum's commitment to undertaking local sponsorship of the PED Phase I agreement.

6. Funding for the local sponsor portion of the PED Phase I agreement will be determined on an annual basis as part of the WRIA 9 forum's budgeting processes. It is envisioned that funding will be allocated from a variety of sources, including local government funds, King Conservation District assessment funding, and other grant funding.

7. PED Phase I is expected to extend into 2005. Construction of restoration sites will be

undertaken through separate project cooperation agreements ("PCAs") between the USACE and the jurisdiction in which the restoration is sited. Construction may begin upon completion of design and execution of PCAs; construction of PED Phase I restorations may begin as early as 2003. It is anticipated that additional PED phases to complete designs on the additional twenty-five sites identified will be undertaken.

8. Undertaking PED Phase I, along with subsequent ERP phases, is envisioned to greatly enhance the natural resources of the Green/Duwamish river watershed through implementation of comprehensively studied, planned and implemented habitat restoration projects throughout the watershed.

9. This ordinance is being adopted by emergency in order to secure federal funding that is believed to be at risk.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is authorized to enter into a design agreement between the Department of the Army and King County substantially in the form of the agreement attached hereto as Attachment A, for the preliminary engineering and design of twenty Green/Duwamish ecosystem restoration projects described more fully in an attachment to the agreement entitled "Project Management Plan Green/Duwamish River Ecosystem Restoration Project" dated November 15, 2001.

SECTION 2. The executive is directed to assure that projects pursued in agricultural areas are consistent with deed restrictions applicable to Farmland Preservation Properties that allow the conversion of not more than 5% of any FPP site to non-farming uses without Council approval.

SECTION 3. For the reasons set forth in finding 9 of this ordinance, the county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of

public peace, health, or safety or for the support of county government and existing public institutions.