



Legislation Text

File #: 2009-0344, **Version:** 1

Clerk 05/21/2009

AN ORDINANCE authorizing the county executive to enter into a Project Partnership Agreement with the United States Army Corps of Engineers and the Washington state Department of Natural Resources for the construction of the North Wind's Weir Intertidal Restoration Project.

STATEMENT OF FACTS:

1. In 1994, King County and sixteen cities in the Duwamish/Green Watershed, also known as Water Resource Inventory Area 9 ("WRIA 9"), initiated cooperative work with the United States Army Corps of Engineers ("the corps") on the large-scale, multiphase Duwamish/Green Ecosystem Restoration Project ("D/G ERP"), to restore the ecosystem of the watershed through planning and construction of significant habitat restoration projects.
2. The D/G ERP Feasibility Report was completed in October 2000 and recommended forty-five sites in the watershed for habitat restoration, among them the North Wind's Weir Intertidal Restoration Project ("the project"), officially referred to by the corps as the Duwamish/Site 1 Ecosystem Restoration Project, the project's original name. The project is located on the Duwamish river at approximately river mile 6.3 in Tukwila and is intended to create over two acres of restored intertidal estuary, including a backwater slough and marsh areas, as off-channel habitat. Such habitat is critical to juvenile fish for growth and strength prior to their ocean migration.
3. Also in 2000, the seventeen WRIA 9 jurisdictions formalized their participation in the WRIA

9 Forum to jointly fund, plan, prioritize and conduct watershed planning and protection efforts, especially those aimed at protecting endangered Puget Sound Chinook salmon. Through the Forum's scientific work, the North Wind's Weir Project site was identified in the WRIA 9 Salmon Habitat Plan, completed in 2005, as one of the top priorities for acquisition and restoration due largely to its location in the Duwamish estuary transition zone, which is the critical area where juvenile salmon are preparing to make their migration out to sea via the river.

4. In 2001, the county acquired the 2.6 acres of the project site through an interjurisdictional effort that leveraged state and regional funding with moneys from the county, city of Seattle and city of Tukwila.

5. In 2004, in anticipation of the project construction, the county initiated necessary removal of hazardous materials present at the site. This cost is not eligible for federal cost-sharing.

6. In 2006, the county council authorized the executive to enter into a similar agreement for the project. The agreement could not be executed as authorized, as additional hazardous materials were identified on the site. This finding necessitated a major cleanup effort by King County.

This effort, funded primarily by a Salmon Recovery Funding Board grant, was completed during 2007-2009, and the necessary Certificate of Cleanliness for the project site has been issued and accepted by the corps.

7. The corps and King County have prepared a Project Partnership Agreement for construction, post-construction monitoring, adaptive management, and long-term responsibility for the project. The proposed Project Partnership Agreement defines estimated total project costs and allocates costs shares at sixty-five percent for the corps and thirty-five percent for the county.

Estimated project costs and cost shares are as shown on Attachment B to this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to negotiate a final version of, and to

enter into, a Project Partnership Agreement on behalf of King County with the United States Army Corps of Engineers and the Washington state Department of

Natural Resources in substantially the same form as Attachment A to this ordinance, for the design and construction of North Wind's Weir Intertidal Restoration Project.