

Ordinance No. 121040

Council Bill No. 114422

AN ORDINANCE relating to the Cedar River Watershed and implementing certain provisions of the Cedar River Watershed Habitat Conservation Plan (HCP), prohibiting the harvesting of trees for commercial purposes on City-owned land within the Watershed, authorizing the cutting and removal of trees in the Watershed for certain non-commercial reasons in accordance with the HCP and applicable drinking water source protection standards, declaring certain logs resulting from such cutting to be surplus to the City's needs and authorizing the sale of such logs in accordance with applicable City contracting or surplus property sale procedures, authorizing the application for certification of sustainable forest management, amending the Cedar River Watershed Secondary Use Policies as adopted by Ordinance 114632 relating to timber resources, and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP.

CF No. _____

Date Introduced: <u>11-25-02</u>		
Date 1st Referred: <u>11-25-02</u>	To: (committee) <u>Water & Health</u>	
Date Re - Referred: <u>12-10-02</u>	To: (committee) <u>moved; 2nd read to Full Council HW, McI, MP</u> <u>H2OPN passed 3-0</u> <u>as amended by HW; see thru stickie</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12-16-02</u>	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor: <u>12-17-02</u>	Date Approved: <u>12-20-02</u>	
Date Returned to City Clerk: <u>12-20-02</u>	Date Published: <u>1 P</u>	T.O. _____ F.T. <u>✓</u>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Marg

Committee Action:

12-16-02 Passed 7-0 (Excused: None)

This file is complete and ready for presentation to Full Council. Comm

LAW DEPARTMENT

Law Dept. Review

OMP
Review

City Clerk
Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Margaret Pauer

Councilmember

Committee Action:

12-1602 Passed 7-0 (Excused: Nicastro, Steinbrueck)

(E)

Health moved; Indied to Full Council HW, Mcl, MP as amended by BW; See thru. stickie in jacket.

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

LAW DEPARTMENT

Law Dept. Review

OMP
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City Clerk
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ORDINANCE 121040

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4 AN ORDINANCE relating to the Cedar River Watershed and implementing certain
5 provisions of the Cedar River Watershed Habitat Conservation Plan (HCP);
6 prohibiting the harvesting of trees for commercial purposes on City-owned land
7 within the Watershed; authorizing the cutting and removal of trees in the Watershed
8 for certain non-commercial reasons in accordance with the HCP and applicable
9 drinking water source protection standards; declaring certain logs resulting from
10 such cutting to be surplus to the City's needs and authorizing the sale of such logs in
11 accordance with applicable City contracting or surplus property sale procedures;
12 authorizing the application for certification of sustainable forest management;
13 amending the Cedar River Watershed Secondary Use Policies as adopted by
14 Ordinance 114632 relating to timber resources; and dedicating certain revenues for
15 the purpose of offsetting the costs of implementing the HCP.

16
17 WHEREAS, the Cedar River Watershed has been the primary source of water supply for the
18 City of Seattle and neighboring communities for approximately one hundred years;
19 and

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21 WHEREAS, beginning early in this one hundred year period the City has protected this
22 water supply source and minimized its water treatment requirements by actively
23 controlling activities, conditions and risks that can adversely affect source water
24 quality; and

25
26 WHEREAS, in 1989, Ordinance 114632 confirmed the production of high quality drinking
27 water as the "primary use" of the watershed and adopted policies governing the
28 management of timber resources, wildlife and botanical resources, education
29 opportunities, and other "secondary uses" of the City-owned lands in the watershed;
30 and

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32 WHEREAS, in 1996, the City acquired the remaining federally-owned lands in the
33 watershed in an exchange directed by the Cedar River Watershed Land Exchange
34 Act of 1992 (Public Law 102-453) and accepted by Ordinance 117928, thus
35 increasing City's ownership to approximately 90,500 acres, including almost all land
36 upstream of its water supply intake facilities; and

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38 WHEREAS, the Cedar River Municipal Watershed and the lower Cedar River are home to
39 many species of fish and wildlife, some of which are listed as endangered or
40 threatened under the federal Endangered Species Act (ESA); and

41
42 WHEREAS, in 1999, following several years of technical studies, negotiations with federal
43 and state agencies and review by public groups and individuals, the City Council
44 adopted Resolution 29977 authorizing the Mayor to submit the Final HCP and other
45 related documents for federal review and issuance of an "incidental take permit"
46 under the ESA, and to execute on behalf of the City the HCP and related agreements,
47 which together established the City's long-term commitments regarding watershed

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habitat protection and restoration and mitigation for impacts resulting from the presence and operation of certain City-owned facilities; and

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related agreements; and

WHEREAS, Resolution 29977 directs the preparation of legislation resolving certain differences between the previously-adopted Secondary Use Policies and the HCP, and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The harvesting of trees for commercial purposes on City-owned lands located in the Cedar River Watershed is hereby prohibited.

Section 2. The Director of Seattle Public Utilities is hereby authorized to allow the cutting and removal of trees on City-owned lands in the Cedar River Watershed in accordance with the provisions of the HCP and any applicable state or federal drinking water source protection standards for the following limited non-commercial purposes and reasons relating to the maintenance and improvement of the Watershed and the conduct of normal Watershed operations:

a) ecological thinning and restoration thinning, as described in the HCP;

b) construction projects in the approved Seattle Public Utilities Capital Improvement Program;

c) maintenance of roads, trails, utility rights of way, fences, facilities and landscaped grounds;

d) extraction of gravel and rock necessary for construction and maintenance of roads and other facilities in the Cedar River Watershed;

e) incidental and catastrophic salvage activities (including the removal of trees damaged or downed by storm, disease, insects, fire) pursuant to and subject to the limitations prescribed in the HCP;

f) removal of trees representing safety hazards, or those downed by timber trespass; and



1 g) such other non-commercial purposes or reasons as may be permitted under the
2 HCP and the restrictions in the deed to the former federal lands as accepted by Ordinance
3 117928.

4 Section 3. The Director of Seattle Public Utilities is hereby authorized to sell, under
5 applicable City contracting or surplus property sale procedures and subject to the right of
6 first refusal granted to Mountain Tree Farm Company by the 1962 Cedar River Watershed
7 Cooperative Agreement, any trees cut for non-commercial purposes as authorized by section
8 2 of this ordinance, provided that any such sale or sales executed under the authority granted
9 in this section shall not exceed the cumulative total of 250,000 board feet of timber in any
10 single calendar year, excluding sales specifically authorized by separate ordinance. Such
11 sale or sales may be included as a term in any contract awarded to carry out the activities
12 specified in Section 2 of this ordinance. A public hearing having been held, the logs
13 resulting from the trees cut for non-commercial purposes as authorized by this ordinance and
14 not exceeding the cumulative total of 250,000 board feet of timber in any single calendar
15 year, are hereby declared to be surplus to the City's needs. Any sales of such trees
16 exceeding 250,000 board feet must be authorized by separate ordinance. The Director of
17 Seattle Public Utilities shall, not later than March 31 of each year, submit to the Mayor and
18 City Council a report for the previous calendar year of the timber volumes sold and the
19 proceeds derived from sales authorized by this section and by any separate ordinance, and an
20 estimate on what tree cutting is anticipated in the next year, and an analysis of the
21 cumulative effects of these projects. Any proceeds derived from such sales authorized by
22 this section or by separate ordinance shall be deposited in the Water Fund and further
23 dedicated for the exclusive purpose of offsetting the costs of implementing the HCP,
24 including the projects, programs and activities described in the HCP documents and those
25 that educate the public about them.

26 Section 4. The Director of Seattle Public Utilities is hereby authorized to apply for
27 and accept from the Forest Stewardship Council, the Sustainable Forestry Initiative, and/or
28 other independent forest management auditing organizations certification that the forest in
29 the Cedar River Watershed under the terms of the HCP is sustainably managed.

30 Section 5. The Secondary Use Policies adopted by Ordinance 114632 relating to
31 Timber Resources and numbered 6-5 through 6-12, are hereby repealed and sections 1

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through 4 of this ordinance are hereby adopted in their place as Secondary Use Policies 6-5 through 6-8, respectively. To the extent that any other Secondary Use Policies adopted in 1989 by Ordinance 114632 conflict with the provisions of the HCP approved by Resolution 29977 in 2000, the provisions of the HCP shall prevail.

Section 6. Any net proceeds derived from the sale of lands declared by Resolution 29657 to be properties eligible for disposition shall be deposited in the Water Fund and further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP, including the projects, programs and activities described in the HCP documents and those that educate the public about them.

Section 7. Any act taken pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of December, 2002, and signed
by me in open session in authentication of its passage this 16th day of December,
2002.

[Signature]
President of the City Council

Approved by me this 20 day of December, 2002

[Signature]
Gregory J. Nickels, Mayor

Filed by me this 20th day of December, 2002

[Signature]
City Clerk

(SEAL)

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07/28/89

C.E. 07119 recommended by
Environmental Management
Committee (7/25/89)

SECONDARY USE POLICIES

Attachment 1:

Secondary Use Policies, Ordinance 114632

ORDINANCE 114632

AN ORDINANCE relating to the Water Department; revising Watershed Management Policies; establishing certain positions; and increasing expenditure allowances in the 1989 Budget of the Water Department by appropriation of balances accumulating in the Water Fund.

WHEREAS, on October 6, 1986, the Council enacted Ordinance 113103 adopting policies developed in the 1985 COMPLAN (Seattle Comprehensive Regional Water Plan) including interim policies for the management of the Cedar River Watershed; and

WHEREAS, the 1985 COMPLAN reaffirmed that the production of high quality drinking water is the "primary use" of the Cedar River Watershed and directed the Water Department to conduct an analysis of potential "secondary uses" that would be subservient to, but compatible with, the "primary use," and to develop long-range policies for the management of secondary uses in the Cedar Watershed; and

WHEREAS, in 1986, the Mayor and City Council appointed a Watershed Advisory Committee (WAC) to advise the City on appropriate "secondary uses" of the Cedar River Watershed; and

WHEREAS, the Watershed Advisory Committee (WAC) members provided review, advice and recommendations to the Water Department throughout the development of Secondary Use Policies; and

WHEREAS, in 1988 the Water Department prepared draft and final environmental impact statements on Secondary Use Alternatives, in compliance with the procedural requirements of the State and City; and

WHEREAS, the City Council finds that the policies, regulations and laws of the State of Washington and City of Seattle have been interpreted and administered in the accordance with the policies set forth in RCW 43.21C the State Environmental Policy and the City of Seattle SEPA Ordinance 105735; and

WHEREAS, the City Council's Environmental Management Committee completed its review of the Executive's recommended secondary use management policies for the Cedar River Watershed during the first half of 1989; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Cedar River Watershed Secondary Use Policies numbering 6-1 to 6-50, inclusive, in Attachment A hereto are hereby adopted, and the Superintendent of Water is hereby authorized and directed to implement these policies.

Section 2. The Watershed Management policies numbering 6-1 to 6-44, inclusive, as adopted by Ordinance 113103, Attachment A, are hereby repealed.

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ACTING
CITY
CLERK

ORDINANCE

Section 3. The following positions are established in the Water Department, Watersheds and Transmissions Program Category (CFMS Code 8930), at the salary rates provided for like positions in the Salary Ordinance:

Senior Planning and Development Specialist	One
Public Education Program Supervisor	One
Administrative Specialist I (Half-time position)	One

and the Superintendent of Water is authorized to fill the positions subject to civil service laws and rules.

Section 4. The expenditure allowances for the identified Objects of Expenditure in the 1989 Budget of the Water Department are increased by the appropriation of Thirty-four thousand and seventy-nine (\$34,079) from unexpended and unencumbered balances accumulating in the Water Fund to the appropriate expenditure accounts in said Fund, as a utility expenditure not contemplated in preparation of the 1989 Budget, as follows

<u>Program Category</u>	<u>Object of Expenditures</u>	<u>Amount</u>
Watersheds and Transmission (CFMS Code 8930)	51000-Personal Services	\$34,079

Section 5. Any act taken pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

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(To be used for all Ordinances except Emergency.)

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 7th day of August, 1959,
and signed by me in open session in authentication of its passage this 24th day of August, 1959.

Approved by me this 17th day of August, 1959.

Filed by me this 17th day of August, 1959.

Attest: Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published.....

By J. Feresa Dunbar
Deputy Clerk.

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7/28/89

ATTACHMENT A

(Policy numbers are used to provide consistency with the policies adopted in the 1985 COMPLAN)

CEDAR RIVER

WATERSHED MANAGEMENT OBJECTIVES

Primary Objective: To manage the Cedar River Watershed to ensure the supply of high quality water without requiring additional treatment.

Secondary Objective: To provide in the Cedar River Watershed a significantly large natural area, to protect all existing species, to provide opportunities for education and research that emphasize the unique features of the area, to pursue a habitat acquisition and preservation program, and to conduct a long-term timber harvest on designated City-owned second growth lands.

WATERSHED MANAGEMENT POLICIES

ADMINISTRATION

- 6-1: Only those activities approved by the Superintendent of Water will be allowed on City lands in the Cedar River Watershed. All individuals allowed entry into the Cedar River Watershed will be informed of the purpose of the Watershed and the rules governing activities within the Watershed. All activities will be supervised at a level determined by the Superintendent of Water.
- 6-2: The Seattle Water Department (SWD) will enforce trespass and other laws and regulations as appropriate on City ownership to prohibit activities not permitted by the Superintendent of Water.
- 6-3: SWD will work to establish effective deterrents to trespass and illegal activities within the Watershed. For example, SWD could work with the Washington Department of Wildlife to explore administrative or legislative mechanisms to close all lands within the Watershed to public hunting and fishing; or initiate legislation to increase the penalty for trespass on a municipal watershed.
- 6-4: SWD is responsible for the timely and effective development and implementation of programs to carry-out these Secondary Use Policies. The Mayor will recommend and the City Council will approve membership of a Program Review Committee (PRC) to work with SWD on an advisory basis during the program development phase for the adopted Secondary Use Policies. Prior to completion of SWD's work program outlined in Resolution 27916, the PRC will prepare a final report on its activities, which will include recommendations regarding implementation of the Secondary Use Policies. The PRC's functions will terminate upon completion of its final report, at which time consideration will be given to establishing advisory groups concerning secondary uses of the Watershed.

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AL
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Attachment A

TIMBER RESOURCES:

6-5: SWD will actively pursue its programs for acquiring all remaining federally owned land in the Cedar River Watershed and for acquiring and preserving "valuable" old-growth habitat and other special resource areas of significant habitat value in the City's watersheds. The first priority of the overall acquisition program is and will continue to be the federal land in the Cedar River Watershed. Acquisition and preservation of "valuable" Forest Service old-growth habitat in the Cedar River Watershed will be the first priority of the habitat acquisition program.

6-6: The SWD will actively negotiate with the U.S Forest Service for the acquisition and preservation of old-growth forest and other special resource areas in the Cedar River Watershed that have significant habitat value for plants and/or animals.

The habitat value of a stand of old-growth will be evaluated in relation to a number of characteristics, including the following:

- inherently high habitat quality for important indicator species or for rare, sensitive, threatened or endangered species;
- function in providing habitat connections between other mature and old-growth forests in the region;
- large areal extent;
- contiguity with or nearness to other valuable old-growth stands or the City's reserve forest;
- minimal fragmentation from past timber harvest or development of roads;
- unique or unusual ecological characteristics.
- likelihood that the acquired old-growth will remain standing over the longer-term.

The habitat value of special resource areas (wetlands, riparian areas, etc.) will be evaluated in relation to a number of characteristics in concert, including:

- rareness and/or uniqueness, locally or regionally;
- representation of rare or valued ecosystems;
- ability to support characteristic species or a high diversity of native species;
- ability to support rare, sensitive, threatened, or endangered species, or other species of concern;
- inclusion of unique plant or animal communities;
- proximity to surface water;
- adjacent to or near habitats having complementary value to their characteristic animal species;
- minimal human disturbance; and
- inclusive of unique potential for specific study or education.

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Attachment A

- 1 6-7: The City will set aside roughly 36,400 - 47,300 acres (50% -
2 65% of City-owned lands) as designated reserved lands on
3 which there will be no planned commercial timber harvest.
4 The exact boundaries and size of the reserve area will be
5 determined following negotiations with the U.S. Forest
6 Service regarding the acquisition of valuable old-growth
7 habitat and upon completion of a timber inventory and a
8 wildlife habitat inventory in the Cedar River Watershed.
9 Designated reserve areas are intended to protect water
10 quality and special resource areas, provide wildlife habitat
11 and enhance the visual and educational experiences of super-
12 vised visitors to the Watershed. Where feasible and com-
13 patible with other secondary uses, commercial thinning may be
14 conducted in the reserve area. No commercial thinning will
15 occur until a commercial thinning management prescription has
16 been prepared by SWD, with advice from the Program Review
17 Committee, and reviewed by the City Council.
- 18 6-8: City lands not set aside as a reserve area, a maximum of
19 approximately 36,400 acres (50% of City-owned lands), will be
20 managed to support a long-term program of planned commercial
21 timber harvest of second-growth forest. No planned commer-
22 cial timber harvest will occur until a forest inventory has
23 been completed and a timber harvest program has been deve-
24 loped by SWD, with the advice of the Program Review
25 Committee, and reviewed and approved by the City Council.
- 26 6-9: The long-term planned commercial timber harvest of City-
27 owned, second-growth forest will provide the economic
28 resources to acquire and preserve "valuable" old-growth habi-
tats and other special resource areas in the City's
watersheds. The most appropriate level/timing of Water
Department investments in the acquisition of valuable federal
old-growth and other special resource areas will be deter-
mined following negotiations with the U.S. Forest Service to
establish more accurate estimates of the cost/timing of City
acquisition of valuable federal old-growth habitats and upon
completion of the timber and habitat inventories in the Cedar
River Watershed.
- Until the Council approved land and habitat acquisition
program in the Cedar River Watershed is completed, all net
revenues from commercial thinning, salvage and timber harvest
will be used only to support the land and habitat acquisition
program.
- 6-10: The City will reserve all of its old-growth forest in the
Watershed and any additional "valuable" old-growth habitat
that is acquired. However, the City may exchange these spe-
cial resource lands for other comparable special resource
lands when such an exchange would enhance the quality of the
habitat being reserved or when it would promote other long-
term habitat preservation goals.
- 6-11: SWD will use "best management practices" in areas designated
for planned commercial timber harvest, including but not
limited to vegetation management, thinning, and reforesta-
tion, to assure compatibility with water quality requirements
and cost-effective and efficient use of the timber resource.
- 6-12: SWD may salvage timber in any area of the Watershed to pro-
tect water quality and the Watershed from the effects of
natural disasters such as fires, windstorms, disease, and
insect infestations, and to comply with applicable laws.



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VEGETATION MANAGEMENT

- 6-13: SWD will continue the herbicide moratorium, controlling undesirable vegetation with hand or mechanical methods.

FIRE MANAGEMENT

- 6-14: SWD will continue to aggressively pursue prevention and suppression of all wildfires in order to confine them to the smallest acreage possible.
- 6-15: With prior approval of the Superintendent of Water, SWD will continue to permit fire retardant materials to be used in case of fire emergency.
- 6-16: SWD will perform no broadcast burning on SWD land; and will request that the U.S. Forest Service do the same.

WILDLIFE AND BOTANICAL RESOURCES

- 6-17: Wildlife and habitat will be managed as necessary to protect water quality.
- 6-18: Wildlife and botanical resources will be evaluated as part of the planned wildlife habitat inventory to identify appropriate management efforts and opportunities for preservation, enhancement, or restoration programs.
- 6-19: Wildlife and botanical resource management programs in forested portions of the designated reserve area will focus on developing old-growth forest communities.
- In other portions of the reserve area, such as wetlands, habitat-specific programs may be developed and implemented if appropriate. The City will also work with the U.S. Forest Service to protect spotted owls and other old-growth dependent species, by dedicating habitat on City land in the east of the Watershed to complement habitat dedicated by the U.S. Forest Service.
- 6-20: Wildlife and botanical resources will be managed as necessary to preserve and protect endangered, threatened, and sensitive species listed by the federal or state government.

FISHERIES RESOURCES

- 6-21: SWD will continue to prohibit public access for fishing on City lands in the Watershed, except at Rattlesnake and Christmas lakes, where fishing will be allowed subject to City and Washington Department of Wildlife regulations.
- 6-22: Fisheries resources will be evaluated to identify appropriate management efforts and opportunities for restoration or enhancement programs.
- 6-23: Fisheries management will include Washington Department of Wildlife programs for Rattlesnake and Christmas lakes; allowing juvenile and adult steelhead above the Landsburg dam; and cooperative development of the residential fisheries resources as brood stock for use outside the Watershed, provided that the unique genetic characteristics of the existing populations are not significantly altered.



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EDUCATION

- 6-24: SWD will undertake education programs that emphasize individual responsibility for resource protection and conservation, and the history, cultural resources, biology, ecology, and water supply system in the Cedar River Watershed. Existing education and Watershed tour programs will be expanded.
- 6-25: Participants in any educational activities within the hydrographic boundary of the Watershed will be accompanied and supervised by an individual authorized by SWD.
- 6-26: All participants in educational activities will receive an orientation on the purpose of the Cedar River Watershed and the rules governing activity with the Watershed.
- 6-27: SWD will develop interpretive facilities at Cedar Falls. At a minimum, these facilities will include a visitor center with restrooms. These facilities will be designed to minimize negative impacts on the operation of the Watershed and the community of Cedar Falls.
- 6-28: SWD will consider a variety of ways to enhance the visitor's experience in the Watershed, such as the development of a working model of the Watershed. SWD will also consider methods for increasing educational opportunities for specific groups, such as urban school children and families, to visit the Watershed. The methods to be considered will include providing transportation for tour groups and offering scheduled group tours on weekends during the summer.
- 6-29: Prior to the development of additional educational facilities or programs, SWD will conduct an educational needs assessment in cooperation with other appropriate local, state, and federal agencies and representatives of the forest products industry to determine what programs or sites should be developed.
- 6-30: SWD will pursue the development of a Cedar River Watershed exhibit at the Seattle Aquarium or the Woodland Park Zoo in cooperation with appropriate staff from City departments, the U.S. Forest Service, appropriate American Indian Tribes, the Washington departments of Fisheries and Wildlife, and the forest products industry.

RECREATION

- 6-31: The only new access for recreational activities on City lands in the Watershed that will be allowed will be access for activities associated with educational programs, such as group nature study.
- 6-32: SWD will permit the continued public use of those sections of the Pacific Crest, McClellan Butte, and Rattlesnake Ledge trails that are on City land.
- 6-33: SWD will consider developing, in cooperation with other land owners, a north ridge trail outside of the hydrographic boundary of the Watershed. This trail could provide overlooks into the Watershed, at which interpretive information could be provided.

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2 6-34: SWD will continue the policy of not allowing access to City-
3 owned lands in the Watershed for public hunting, unless
hunting is deemed necessary by the Superintendent of Water to
protect quality.

4 6-35: Where appropriate, SWD will develop and maintain shelters,
5 launch areas, and other facilities to supplement the existing
recreational facilities at Rattlesnake Lake and Landsburg
Park.

6 6-36: SWD will prohibit petroleum powered boats on Rattlesnake and
7 Christmas lakes.

8 SCIENTIFIC RESEARCH

9 6-37: SWD will conduct research as necessary to protect water
quality and to meet the need of Watershed management.

10 6-38: SWD will allow research that is compatible with the protec-
11 tion of water quality, Watershed management objectives, and
the objectives and provisions of the Secondary Use Policies.

12 6-39: Research conducted by other agencies will require permission
from SWD and any other agency with jurisdiction.

13 6-40: SWD will encourage research projects that will take advantage
14 of the unique conditions and resources in the Watershed.
Research proposals will be evaluated on the basis of a set of
15 criteria including but not limited to whether similar
research sites or opportunities exist elsewhere.

16 6-41: The Thompson Research Center and Joe E. Monahan Findley Lake
17 Reserve and Research Area will continue to be set aside for
research and professional education associated with the
research being conducted. Public education programs related
18 to the research being conducted at these locations may be
developed where appropriate.

19 6-42: When appropriate, SWD will require researchers to provide
20 interpretive information for use in educational programs.

21 CULTURAL RESOURCES

22 6-43: In cooperation with appropriate American Indian Tribes, SWD
23 will develop and implement a cultural resources management
plan for the Watershed that will include resources inventory.
24 Management of individual sites may employ any of a variety of
approaches ranging in scope from limited to extensive inter-
vention. Decisions on the approach will be made on a site-
by-site basis.

25 6-44: SWD will coordinate with the State Office Archaeology and
26 Historic Preservation in developing the management plan and
regarding cultural resource inventories and evaluations of
cultural resources.

27 6-45: SWD will conduct site reconnaissance to evaluate cultural
28 resources prior to subsurface and others disturbances that
could adversely impact cultural resources. The scope of the
reconnaissance conducted will be based on the intended use of
the site and the potential for cultural resources to exist in
a given area.



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- 6-46: SWD will allow reasonable access to cultural resources for research.
- 6-47: Educational programs regarding cultural resources will focus on passive and interpretive activities, and could include supervised public access on some sites.
- 6-48: SWD will limit general public access to sites with cultural resources to those sites that are to be included in the educational program.
- 6-49: SWD will require cultural resource researchers to provide interpretive information or access to active research sites for use in educational programs.
- 6-50: In conjunction with appropriate American Indian Tribes and appropriate agencies, SWD could develop facilities to support cultural resource research and for storage of artifacts.

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 16, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance provides policy direction on watershed forest management. It is accompanied by another ordinance that provides specific authority for the first ecological thinning project under the Cedar River Watershed Habitat Conservation Plan (HCP) and for the sale of merchantable logs resulting from it.

Resolution 29977 adopted the final content of the HCP and authorized the Mayor to execute related documents and agreements. It also requested submittal of legislation to "amend Ordinance 114632 (Secondary Use Policies) to state that timber will not be harvested for commercial purposes in the Cedar River Municipal Watershed and that any net proceeds derived from ecological thinning be dedicated for the exclusive purpose of offsetting the costs of implementing the HCP." The 1989 Secondary Use Policies, a copy of which is attached for reference, provide for commercial harvest under certain circumstances; the HCP does not. The attached ordinance amends the Secondary Use Policies to resolve this difference. In doing so, it lists the very limited non-commercial reasons (including ecological thinning) under which trees may be cut in accordance with the HCP, declares the limited volume of logs resulting from such cutting to be surplus, and provides authority and a procedure for selling such logs with the proceeds being dedicated to HCP implementation. Finally, the ordinance similarly dedicates proceeds from certain property sales to HCP implementation as directed by Resolution 29977.

Thank you for your consideration of this legislation. Should you have questions please contact Jim Erckmann, Watershed Ecosystems Manager at 233-1512.

Sincerely,

GREG NICKELS
Mayor of Seattle



600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@ci.seattle.wa.us

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ORDINANCE

AN ORDINANCE relating to the Cedar River Watershed and implementing certain provisions of the Cedar River Watershed Habitat Conservation Plan (HCP); prohibiting the harvesting of trees for commercial purposes on City-owned land within the Watershed; authorizing the cutting and removal of trees in the Watershed for certain non-commercial reasons in accordance with the HCP and applicable drinking water source protection standards; declaring certain logs resulting from such cutting to be surplus to the City's needs and authorizing the sale of such logs in accordance with applicable City contracting or surplus property sale procedures; authorizing the application for certification of sustainable forest management; amending the Cedar River Watershed Secondary Use Policies as adopted by Ordinance 114632 relating to timber resources; and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP.

WHEREAS, the Cedar River Watershed has been the primary source of water supply for the City of Seattle and neighboring communities for approximately one hundred years; and

WHEREAS, beginning early in this one hundred year period the City has protected this water supply source and minimized its water treatment requirements by actively controlling activities, conditions and risks that can adversely affect source water quality; and

WHEREAS, in 1989, Ordinance 114632 confirmed the production of high quality drinking water as the "primary use" of the watershed and adopted policies governing the management of timber resources, wildlife and botanical resources, education opportunities, and other "secondary uses" of the City-owned lands in the watershed; and

WHEREAS, in 1996, the City acquired the remaining federally-owned lands in the watershed in an exchange directed by the Cedar River Watershed Land Exchange Act of 1992 (Public Law 102-453) and accepted by Ordinance 117928, thus increasing City's ownership to approximately 90,500 acres, including almost all land upstream of its water supply intake facilities; and

WHEREAS, the Cedar River Municipal Watershed and the lower Cedar River are home to many species of fish and wildlife, some of which are listed as endangered or threatened under the federal Endangered Species Act (ESA); and

WHEREAS, in 1999, following several years of technical studies, negotiations with federal and state agencies and review by public groups and individuals, the City Council adopted Resolution 29977 authorizing the Mayor to submit the Final HCP and other related documents for federal review and issuance of an "incidental take permit" under the ESA, and to execute on behalf of the City the HCP and related agreements, which together established the City's long-term commitments regarding watershed

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ACTING
CITY
CLERK

habitat protection and restoration and mitigation for impacts resulting from the presence and operation of certain City-owned facilities; and

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related agreements; and

WHEREAS, Resolution 29977 directs the preparation of legislation resolving certain differences between the previously-adopted Secondary Use Policies and the HCP, and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The harvesting of trees for commercial purposes on City-owned lands located in the Cedar River Watershed is hereby prohibited.

Section 2. The Director of Seattle Public Utilities is hereby authorized to allow the cutting and removal of trees on City-owned lands in the Cedar River Watershed in accordance with the provisions of the HCP and any applicable state or federal drinking water source protection standards for the following limited non-commercial purposes and reasons relating to the maintenance and improvement of the Watershed and the conduct of normal Watershed operations:

- a) ecological thinning and restoration thinning, as described in the HCP;
 - b) construction projects in the approved Seattle Public Utilities Capital Improvement Program;
 - c) maintenance of roads, trails, utility rights of way, fences, facilities and landscaped grounds;
 - d) extraction of gravel and rock necessary for construction and maintenance of roads and other facilities in the Cedar River Watershed;
 - e) incidental and catastrophic salvage activities (including the removal of trees damaged or downed by storm, disease, insects, fire) pursuant to and subject to the limitations prescribed in the HCP;
 - f) removal of trees representing safety hazards, or those downed by timber trespass;
- and

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1 g) such other non-commercial purposes or reasons as may be permitted under the
2 HCP and the restrictions in the deed to the former federal lands as accepted by Ordinance
3 117928.

4 Section 3. The Director of Seattle Public Utilities is hereby authorized to sell, under
5 applicable City contracting or surplus property sale procedures and subject to the right of
6 first refusal granted to Mountain Tree Farm Company by the 1962 Cedar River Watershed
7 Cooperative Agreement, any trees cut for non-commercial purposes as authorized by section
8 2 of this ordinance, provided that any such sale or sales executed under the authority granted
9 in this section shall not exceed the cumulative total of 250,000 board feet of timber in any
10 single calendar year, excluding sales specifically authorized by separate ordinance. Such
11 sale or sales may be included as a term in any contract awarded to carry out the activities
12 specified in Section 2 of this ordinance. A public hearing having been held, the logs
13 resulting from the trees cut for non-commercial purposes as authorized by this ordinance and
14 not exceeding the cumulative total of 250,000 board feet of timber in any single calendar
15 year, are hereby declared to be surplus to the City's needs. Any sales of such trees
16 exceeding 250,000 board feet must be authorized by separate ordinance. The Director of
17 Seattle Public Utilities shall, not later than March 31 of each year, submit to the Mayor and
18 City Council a report for the previous calendar year of the timber volumes sold and the
19 proceeds derived from sales authorized by this section and by any separate ordinance. Any
20 proceeds derived from such sales authorized by this section or by separate ordinance shall be
21 deposited in the Water Fund and further dedicated for the exclusive purpose of offsetting the
22 costs of implementing the HCP, including the projects, programs and activities described in
23 the HCP documents and those that educate the public about them.

24 Section 4. The Director of Seattle Public Utilities is hereby authorized to apply for
25 and accept from the Forest Stewardship Council, the Sustainable Forestry Initiative, and/or
26 other independent forest management auditing organizations certification that the forest in
27 the Cedar River Watershed under the terms of the HCP is sustainably managed.

28 Section 5. The Secondary Use Policies adopted by Ordinance 114632 relating to
29 Timber Resources and numbered 6-5 through 6-12, are hereby repealed and sections 1
30 through 4 of this ordinance are hereby adopted in their place as Secondary Use Policies 6-5
31 through 6-8, respectively. To the extent that any other Secondary Use Policies adopted in

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1 1989 by Ordinance 114632 conflict with the provisions of the HCP approved by Resolution
2 29977 in 2000, the provisions of the HCP shall prevail.

3 Section 6. Any net proceeds derived from the sale of lands declared by Resolution
4 29657 to be properties eligible for disposition shall be deposited in the Water Fund and
5 further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP,
6 including the projects, programs and activities described in the HCP documents and those
7 that educate the public about them.

8 Section 7. Any act taken pursuant to the authority and prior to the effective date of
9 this ordinance is hereby ratified and confirmed.

10 Section 8. This ordinance shall take effect and be in force thirty (30) days from and
11 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
12 (10) days after presentation, it shall take effect as provided by Municipal Code Section
13 1.04.020.

14 Passed by the City Council the ____ day of ____, 20__, and signed
15 by me in open session in authentication of its passage this ____ day of ____
16
17 20__.

18 _____
19 President _____ of the City Council

20 Approved by me this ____ day of ____, 20__.

21 _____
22 Gregory J. Nickels, Mayor

23 Filed by me this ____ day of ____, 20__

24 _____
25 City Clerk

26 (SEAL)
27
28
29
30

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STATE OF WASHINGTON - KING COUNTY

--SS.

153101
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

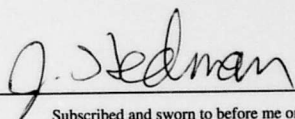
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

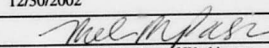
CT:ORDINANCE 121040

was published on

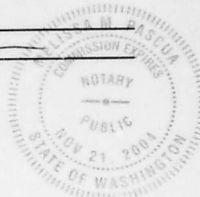
12/30/2002


Subscribed and sworn to before me on

12/30/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



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State of Washington, King County

City of Seattle

ORDINANCE 121040

AN ORDINANCE relating to the Cedar River Watershed and implementing certain provisions of the Cedar River Watershed Habitat Conservation Plan (HCP), prohibiting the harvesting of trees for commercial purposes on City-owned land within the Watershed, authorizing the cutting and removal of trees in the Watershed for certain non-commercial reasons in accordance with the HCP and applicable drinking water source protection standards; declaring certain logs resulting from such cutting to be surplus to the City's needs and authorizing the sale of such logs in accordance with applicable City contracting or surplus property sale procedures; authorizing the application for certification of sustainable forest management; amending the Cedar River Watershed Secondary Use Policies as adopted by Ordinance 114632 relating to timber resources; and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP.

WHEREAS, the Cedar River Watershed has been the primary source of water supply for the City of Seattle and neighboring communities for approximately one hundred years; and

WHEREAS, beginning early in this one hundred year period the City has protected this water supply source and minimized its water treatment requirements by actively controlling activities, conditions and risks that can adversely affect source water quality; and

WHEREAS, in 1989, Ordinance 114632 confirmed the production of high quality drinking water as the "primary use" of the watershed and adopted policies governing the management of timber resources, wildlife and botanical resources, education opportunities and other "secondary uses" of the City-owned lands in the watershed; and

WHEREAS, in 1996, the City acquired the remaining federally-owned lands in the watershed in an exchange directed by the Cedar River Watershed Land Exchange Act of 1992 (Public Law 102-451) and accepted by Ordinance 117928, thus increasing City's ownership to approximately 90,500 acres, including almost all land upstream of its water supply intake facilities; and

WHEREAS, the Cedar River Municipal Watershed and the lower Cedar River are home to many species of fish and wildlife, some of which are listed as endangered or threatened under the federal Endangered Species Act (ESA); and

WHEREAS, in 1999, following several years of technical studies, negotiations with federal and state agencies and review by public groups and individuals, the City Council adopted Resolution 29977 authorizing the Mayor to submit the Final HCP and other related documents for federal review and issuance of an "incidental take permit" under the ESA, and to execute on behalf of the City the HCP and related agreements, which together established the City's long-term commitments regarding watershed habitat protection and restoration and mitigation for impacts resulting from the presence and operation of certain City-owned facilities; and

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related agreements; and

WHEREAS, Resolution 29977 directs the preparation of legislation resolving certain differences between the previously adopted Secondary Use Policies and the HCP, and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The harvesting of trees for commercial purposes on City-owned lands located in the Cedar River Watershed is hereby prohibited.

Section 2. The Director of Seattle Public Utilities is hereby authorized to allow the cutting and removal of trees on City-owned lands in the Cedar River Watershed in accordance with the provisions of the HCP and any applicable state or federal drinking water source protection standards for the following limited non-commercial purposes and reasons relating to the maintenance and improvement of the Watershed and the conduct of normal Watershed operations:

- a) ecological thinning and restoration thinning, as described in the HCP;
- b) construction projects in the approved Seattle Public Utilities Capital Improvement Program;
- c) maintenance of roads, trails, utility rights of way, fences, facilities and landscaped grounds;
- d) extraction of gravel and rock necessary for construction and maintenance of roads and other facilities in the Cedar River Watershed;
- e) incidental and catastrophic salvage activities (including the removal of trees damaged or downed by storm, disease, insects, fire) pursuant to and subject to the limitations prescribed in the HCP;
- f) removal of trees representing safety hazards, or those downed by timber trespass; and
- g) such other non-commercial purposes or reasons as may be permitted under the HCP and the restrictions in the deed to the former federal lands as accepted by Ordinance 117928.

Section 3. The Director of Seattle Public Utilities is hereby authorized to sell, under applicable City contracting or surplus property sale procedures and subject to the right of first refusal granted to Mountain Tree Farm Company by the 1982 Cedar River Watershed Cooperative Agreement, any trees cut for non-commercial purposes as authorized by section 2 of this ordinance, provided that any such sale or sales executed under the authority granted in this section shall not exceed the cumulative total of 250,000 board feet of timber in any single calendar year, excluding sales specifically authorized by separate ordinance. Such sale or sales may be included as a term in any contract awarded to carry out the activities specified in Section 2 of this ordinance. A public hearing having been held, the logs resulting from the trees cut for non-commercial purposes as authorized by this ordinance and not exceeding the cumulative total of 250,000 board feet of timber in any single calendar year, are hereby declared to be surplus to the City's needs. Any sales of such trees exceeding 250,000 board feet must be authorized by separate ordinance. The Director of Seattle Public Utilities shall, not later than March 31 of each year, submit to the Mayor and City Council a report for the previous calendar year of the timber volumes sold and the proceeds derived from sales authorized by this section and by any separate ordinance, and an estimate on what tree cutting is anticipated in the next year, and an analysis of the cumulative effects of these proceeds. Any proceeds derived from such sales authorized by this section or by separate ordinance shall be used for the purpose of offsetting the costs of implementing the HCP.

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land in an exchange pursuant to the Cedar River Watershed Land Exchange Act of 1992 (Public Law 102-453) and accepted by Ordinance 117928, thus increasing City's ownership to approximately 90,500 acres, including almost all land upstream of its water supply intake facilities; and

WHEREAS, the Cedar River Municipal Watershed and the lower Cedar River are home to many species of fish and wildlife, some of which are listed as endangered or threatened under the federal Endangered Species Act (ESA); and

WHEREAS, in 1999, following several years of technical studies, negotiations with federal and state agencies and review by public groups and individuals, the City Council adopted Resolution 29977 authorizing the Mayor to submit the Final HCP and other related documents for federal review and issuance of an "incidental take permit" under the ESA, and to execute on behalf of the City the HCP and related agreements, which together established the City's long-term commitments regarding watershed habitat protection and restoration and mitigation for impacts resulting from the presence and operation of certain City-owned facilities; and

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related agreements; and

WHEREAS, Resolution 29977 directs the preparation of legislation resolving certain differences between the previously-adopted Secondary Use Policies and the HCP, and dedicating certain revenues for the purpose of offsetting the costs of implementing the HCP; NOW THEREFORE,

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- a) ecological thinning and restoration thinning, as described in the HCP;
- b) construction projects in the approved Seattle Public Utilities Capital Improvement Program;
- c) maintenance of roads, trails, utility rights of way, fences, facilities and landscaped grounds;
- d) extraction of gravel and rock necessary for construction and maintenance of roads and other facilities in the Cedar River Watershed;
- e) incidental and catastrophic salvage activities (including the removal of trees damaged or downed by storm, disease, insects, fire) pursuant to and subject to the limitations prescribed in the HCP;
- f) removal of trees representing safety hazards, or those downed by timber trespass; and
- g) such other non-commercial purposes or reasons as may be permitted under the HCP and the restrictions in the deed to the former federal lands as accepted by Ordinance 117928.

Section 3. The Director of Seattle Public Utilities is hereby authorized to sell, under applicable City contracting or surplus property sale procedures and subject to the right of first refusal granted to Mountain Tree Farm Company by the 1962 Cedar River Watershed Cooperative Agreement, any trees not for non-commercial purposes as authorized by section 2 of this ordinance, provided that any such sale or sales executed under the authority granted in this section shall not exceed the cumulative total of 250,000 board feet of timber in any single calendar year, excluding sales specifically authorized by separate ordinance. Such sale or sales may be included as a term in any contract awarded to carry out the activities specified in Section 2 of this ordinance. A public hearing having been held, the logs resulting from the trees cut for non-commercial purposes as authorized by this ordinance and not exceeding the cumulative total of 250,000 board feet of timber in any single calendar year, are hereby declared to be surplus to the City's needs. Any sales of such trees exceeding 250,000 board feet must be authorized by separate ordinance. The Director of Seattle Public Utilities shall, not later than March 31 of each year, submit to the Mayor and City Council a report for the previous calendar year of the timber volumes sold and the proceeds derived from sales authorized by this section and by any separate ordinance, and an estimate on what tree cutting is anticipated in the next year, and an analysis of the cumulative effects of these projects. Any proceeds derived from such sales authorized by this section or by separate ordinance shall be deposited in the Water Fund and further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP, including projects, programs and activities described in the HCP documents and those that educate the public about them.

Section 4. The Director of Seattle Public Utilities is hereby authorized to apply for and accept from the Forest Stewardship Council, the Sustainable Forestry Initiative, and/or other independent forest management auditing organizations certification that the forest in the Cedar River Watershed under the terms of the HCP is sustainably managed.

Section 5. The Secondary Use Policies adopted by Ordinance 114632 relating to Timber Resources and numbered 6-5 through 6-12, are hereby repealed and sections 1 through 4 of this ordinance are hereby adopted in their place as Secondary Use Policies 6-5 through 6-8, respectively. To the extent that any other Secondary Use Policies adopted in 1989 by Ordinance 114632 conflict with the provisions of the HCP approved by Resolution 29977 in 2000, the provisions of the HCP shall prevail.

Section 6. Any net proceeds derived from the sale of lands declared by Resolution 29607 to be properties eligible for disposition shall be deposited in the Water Fund and further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP, including the projects, programs and activities described in the HCP documents and those that educate the public about them.

Section 7. Any act taken pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of December, 2002, and signed by me in open session in authentication of its passage this 16th day of December, 2002.

PETER STEINBRUECK,
President of the City Council.
Approved by me this 20th day of December, 2002.

GREGORY J. NICKELS,
Mayor.

Filed by me this 20th day of December, 2002.

(Seal) SCOTT CLINE,
City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 30, 2002.
12-30-1531591

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