

Ordinance No. 12114

Council Bill No. 114498

AN ORDINANCE relating to the City Light Department and Seattle Public Utilities; authorizing the Superintendent of City Light and the Director of Seattle Public Utilities to purchase land in the Skagit and the Tolt Snoqualmie watersheds, to be set aside as salmonid habitat.

CF No. \_\_\_\_\_

Date Introduced: <u>MA 10 2003</u>	Energy & Environmental Policy Committee	
Date 1st Referred: <u>MA 10 2003</u>	To: (committee)	<u>Water &amp; Health Committee</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>4-7-03</u>	Full Council Vote: <u>6-0</u>	
Date Presented to Mayor: <u>4-7-03</u>	Date Approved: <u>4/17/03</u>	
Date Returned to City Clerk: <u>4/17/03</u>	Date Published: <u>3/18</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CO- \_\_\_\_\_ PAGE \_\_\_\_\_

Water & Health: Margaret Pyle

Committee Action:

4/3/03 passed 4-0

4-7-03 Passed 6-0

(Excused: McLean, Paganon)

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

LAW DEPARTMENT

Law Dept. Review

OMP Review

(y)  
City Clerk Review



ORDINANCE 121114

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AN ORDINANCE relating to the City Light Department and Seattle Public Utilities; authorizing the Superintendent of City Light and the Director of Seattle Public Utilities to purchase land in the Skagit and the Tolt/Snoqualmie watersheds, to be set aside as salmonid habitat.

WHEREAS, Puget Sound chinook and Puget Sound bull trout have been listed as threatened species under the federal Endangered Species Act, and the City has responded to these listings, in part, through the development and implementation of an Early Action Program, approved by Resolution 29905; and

WHEREAS, by Ordinance 120618, the City authorized the acquisition of various habitat lands in the Skagit and Tolt/Snoqualmie watersheds as part of the Early Action Program, and the majority of these properties have been purchased; and

WHEREAS, by Ordinance 120355 the City Council approved the acceptance of grant funds in the amount of \$900,000 from the National Fish and Wildlife Foundation and by Ordinance 120359 approved the acceptance of grant funds in the amount of \$145,000 from the Washington Salmon Recovery Funding Board for habitat projects, including property acquisition within the Early Action Program; and

WHEREAS, criteria for selecting property for purchase under the Early Action Program, as well as certain specific properties, have been identified; and

WHEREAS, there is efficiency to be gained in a single authorization of land purchases for a single program and effectiveness to be gained in the ability to complete transactions in a timely manner;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Superintendent of City Light and the Director of Seattle Public Utilities, or their designees, are hereby authorized, within and subject to appropriation authority and based on appraised market value, to negotiate for and purchase parcels of land to be set aside as salmonid habitat pursuant to the City's Early Action Program. Each such purchase shall meet all of the following criteria: (a) the property purchased is located in the Skagit or the Tolt/Snoqualmie watersheds; (b) the purchase is consistent with at least one of the purposes of the Early Action Program (to prevent degradation of otherwise pristine land, to enhance prime habitat that would

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1 otherwise not be enhanced, or to help build a network of prime habitat locations in partnership  
2 with other interested parties for purposes of salmon recovery in the Skagit and the  
3 Tolt/Snoqualmie watersheds) and (c) the property purchased is wholly or partially in a floodplain  
4 or floodway location (as defined by the Federal Emergency Management Act or local authority),  
5 wetland (an area subjected to periodic inundation, usually with soil and vegetative characteristics  
6 that separate it from adjoining non-inundated areas), salmonid spawning habitat, salmonid  
7 rearing habitat, salmonid off-channel habitat (a body of water, not part of the active channel, but  
8 connected to the main stream by a short channel), or environment that supports channel  
9 formation, water quality and the supply/retention of large wood. Properties that may be  
10 purchased in the Skagit Basin also shall be compatible with the Skagit Watershed Council  
11 Habitat Protection and Restoration Strategy. Examples of such properties are identified in  
12 Attachment A to this Ordinance. Properties that may be purchased in the Tolt/Snoqualmie Basin  
13 also shall be compatible with the Snohomish River Basin Chinook Salmon Near Term Action  
14 Agenda. Examples of such properties are identified in Attachment B to this Ordinance.  
15 Section 2. Property acquired pursuant to this Ordinance shall be placed under the  
16 jurisdiction of the City Light Department, if purchased through the Light Fund, or Seattle Public  
17 Utilities, if purchased through the Water Fund.  
18 Section 3. The City Light Department and Seattle Public Utilities shall report annually to  
19 Council during the third quarter about the habitat acquisitions accomplished pursuant to this  
20 Ordinance.  
21 Section 4. Any act pursuant to the authority of and prior to the effective date of this  
22 Ordinance is hereby ratified and confirmed.  
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1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 7<sup>th</sup> day of April, 2003, and signed by me in open  
5 session in authentication of its passage this 7<sup>th</sup> day of April, 2003.

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8 Heidi Liles  
President of the City Council

9 Approved by me this 17<sup>th</sup> day of April, 2003.  
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11 Gregory J. Nickels  
Gregory J. Nickels, Mayor

12 Filed by me this 17<sup>th</sup> day of April, 2003.  
13  
14 Judith E. Pappin  
City Clerk

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16 (Seal)

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22 Attachment A: Chinook Salmon Conservation in the Skagit River Basin  
23 City of Seattle Habitat Acquisition Targets

24 Attachment B: Chinook Salmon Conservation in the Tolt/Snoqualmie River Basin  
25 City of Seattle Habitat Acquisition Targets  
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Attachment A

**Chinook Salmon Conservation in the Skagit River Basin  
City of Seattle Habitat Acquisition Targets**

- Esrah Buller Property located on the upper Skagit River near Rockport.
- Fohn Land II LLC Property (P15661), Fir Island, North Fork Skagit River. This property is 40 acres in size and adjacent to Washington Department of Fish and Wildlife (WDFW) and Skagit County river front properties. This property would be acquired as a key component to an estuary restoration project.
- "Forest Land Service" Property located at the confluence of the Suiattle River and Tenas Creek. This 80- acre property provides important habitat to Suiattle spring chinook salmon, and is a cold-water refuge area for adult bull trout.  
Korthuis / Clear Valley LLC Property, Nookachamps River Subbasin, lower Skagit River. The acquisition of this 796-acre property is currently being explored through partners including The Nature Conservancy, Trust for Public Lands, and WDFW as it contains important lowland chinook and coho spawning and rearing habitat.
- Jack Martin Property located on the upper Skagit River between Barnaby and Illabot sloughs
- Panama Pacific Property located on the lower Sauk River, a tributary to the Skagit, near Rockport
- Peterson Property located on the upper Skagit River near Marblemount.
- Vandesar Property located on the middle Skagit River. 135 acres located on Ross Island Slough, one of the largest and most diverse off-channel habitat areas on the mainstem Skagit for rearing and spawning by chinook, coho, chum, pink salmon, and steelhead trout. Seattle City Light, the US Forest Service, WDFW, and the Washington Department of Natural Resources protect the lands adjacent to this property under public ownership.

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Attachment B

**Chinook Salmon Conservation in the Tolt/Snoqualmie River Basin  
City of Seattle Habitat Acquisition Targets**

- Chinook Bend Properties. These properties (042507-9011 through 042507-9015) are located on the Snoqualmie River just downstream from the mouth of the Tolt River. This is an area in which King County, WDFW, and Cascade Land Conservancy are working to obtain critical salmon habitat.
- Johnson Property. 15.03 acres with approximately 1200 feet of Tolt River frontage. The entire property is located within a floodplain. Most of the property is considered a wetland and a portion of the property has a Class 2 Stream suitable for salmonids to utilize. The vegetation on the property consists of a canopy of conifers, hardwoods, and cottonwoods with an understory of ferns, salal, Oregon grape, and other native vegetation.
- Lower Tolt Floodplain Properties. Southernmost Property 142507-9030. Northernmost Property 142507-9047. These 18 properties range in size from .2 to 13.41 acres and are located almost entirely in the 100-year floodplain.
- Robertson Property. 13.41 acres with no river frontage. The entire property is located within the 100-year floodplain. This property contains a significant portion of the Class 2 stream that enters the Tolt River on the Johnson Property.
- Tolt River Chalet Tracts. Southernmost Property 865680-0120. Northernmost Property 865680-0090. Recreational properties ranging in size from .28-.51 acres with approximately 300 feet of river frontage combined. These are undeveloped properties in the active floodplain and are adjacent to three properties already purchased by Seattle City Light.
- Undeveloped Properties. Southernmost Property 112507-9045. Northernmost Property 122507-9031. There are 18 properties ranging in size from .21 to 1.2 acres, located in King County on the left (downstream) bank of the Tolt River and nearly entirely in the floodplain. Most properties are vacant lots zoned residential.
- Developed Properties. Southernmost Property 112507-9062. Northernmost Property 112507-9027. Range .17-6.16. These 32 properties are located in King County on the right bank of the Tolt River, across the river from the undeveloped residential properties described above and are nearly entirely in the floodplain. Approximately half the properties contain some type of residential dwelling, although typically a mobile home.

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Ordinance 12114

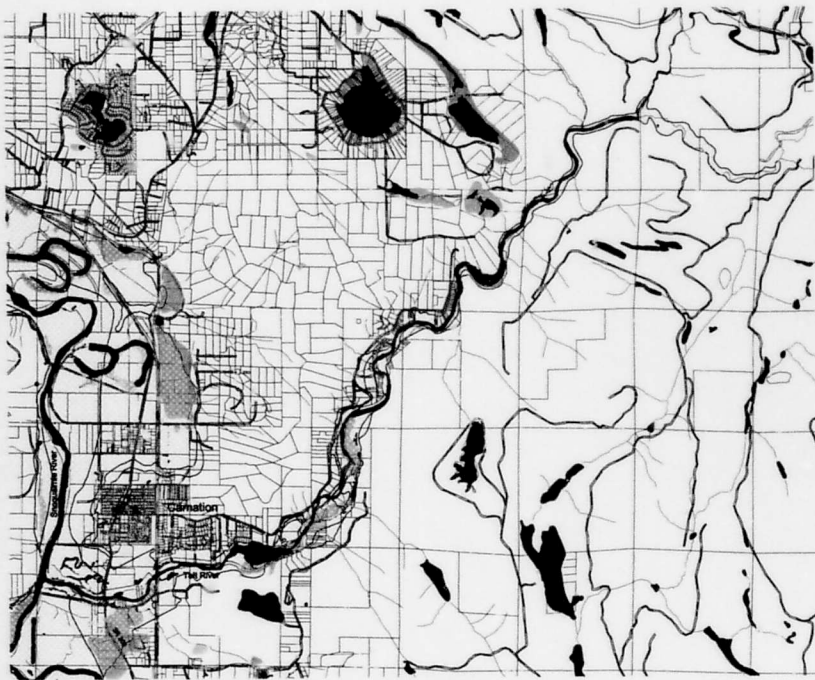
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





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# Lower Tolt River



-  Streams/Rivers
-  Major Waterbody
-  Parcels
-  Roads
-  100-yr Floodplain
- Wetlands**
-  NWI
-  Open Water
-  KC Wetland



# Tolt River (RM 1.7 - 4.0)



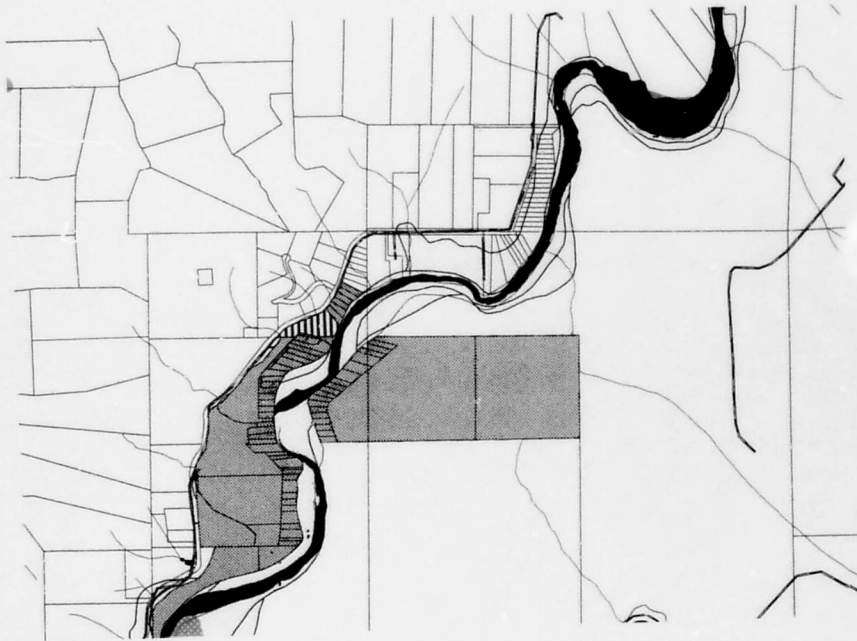
- Target Parcels
- County-owned Land
- City of Seattle Land
- Land Under Negotiation by King County
- Streams/Rivers
- Major Waterbody
- Parcels
- Roads
- 100-yr Floodplain
- Wetlands
  - NW1
  - Open Water
  - KC Wetland















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# Tolt River (RM 3.9 - 6.4)



-  Target Parcels
-  County-owned Land
-  City of Seattle Land
-  Land Under Negotiation by King County
-  Streams/Rivers
-  Major Waterbody
-  Parcels
-  Roads
-  100-yr Floodplain
- Wetlands**
-  NWI
-  Open Water
-  KC Wetland

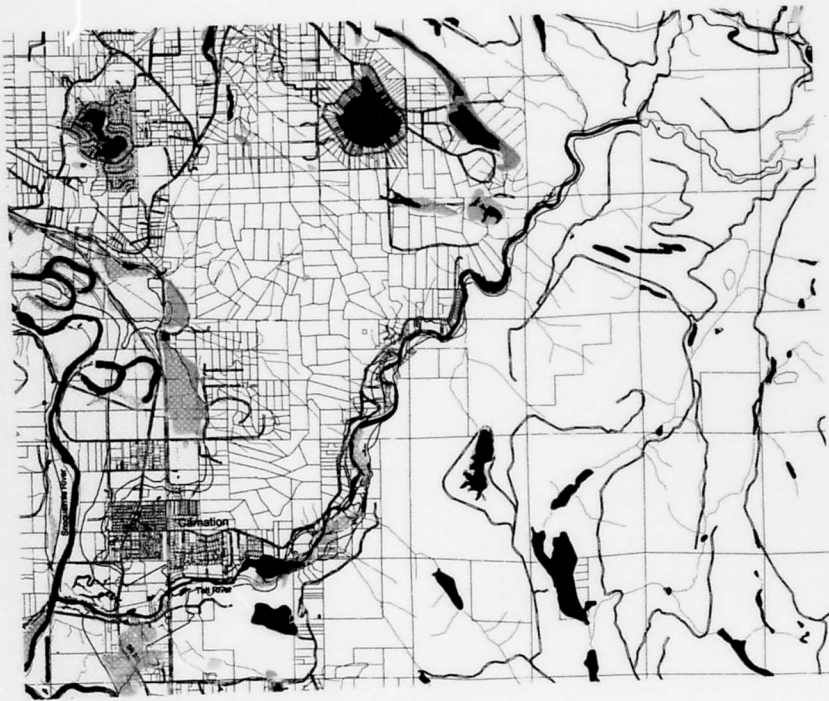










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# Lower Tolt River















-  Streams/Rivers
-  Major Waterbody
-  Parcels
-  Roads
-  100-yr Floodplain
- Wetlands**
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-  Open Water
-  KC Wetland



# Tolt River (RM 1.7 - 4.0)



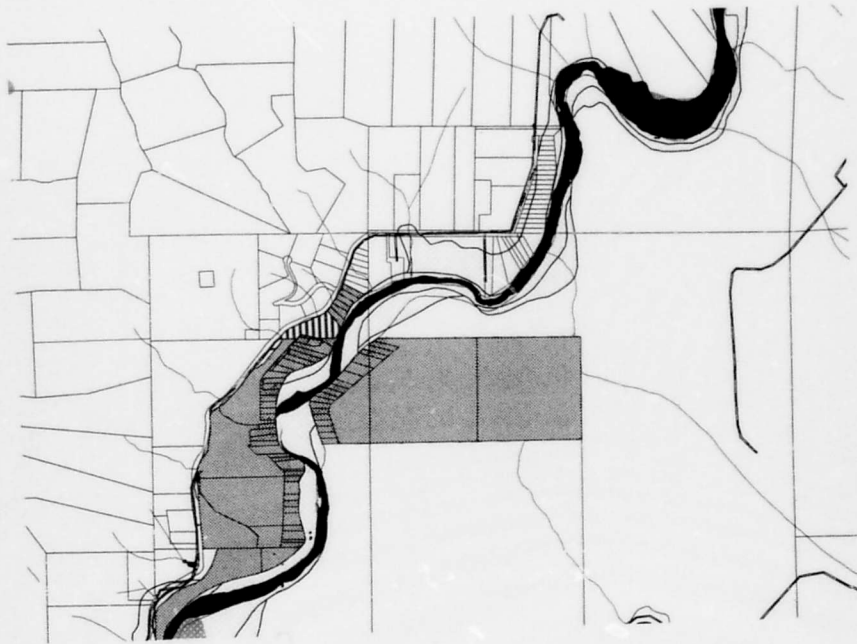
-  Target Parcels
-  County-owned Land
-  City of Seattle Land
-  Land Under Negotiation by King County
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







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# Tolt River (RM 3.9 - 6.4)



-  Target Parcels
-  County-owned Land
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# Skagit Watershed

## City of Seattle Salmon Habitat Projects and Wildlife Lands 1991-2002

In the Skagit River Basin, Seattle operates the Skagit Hydroelectric Project, which includes three dams. These facilities provide 25% of the electricity used in the Seattle service territory.

**HABITAT IMPROVEMENT PROJECTS**

- Completed
- Underway

WA Highways

Major Rivers

Wildlife Mitigation Lands

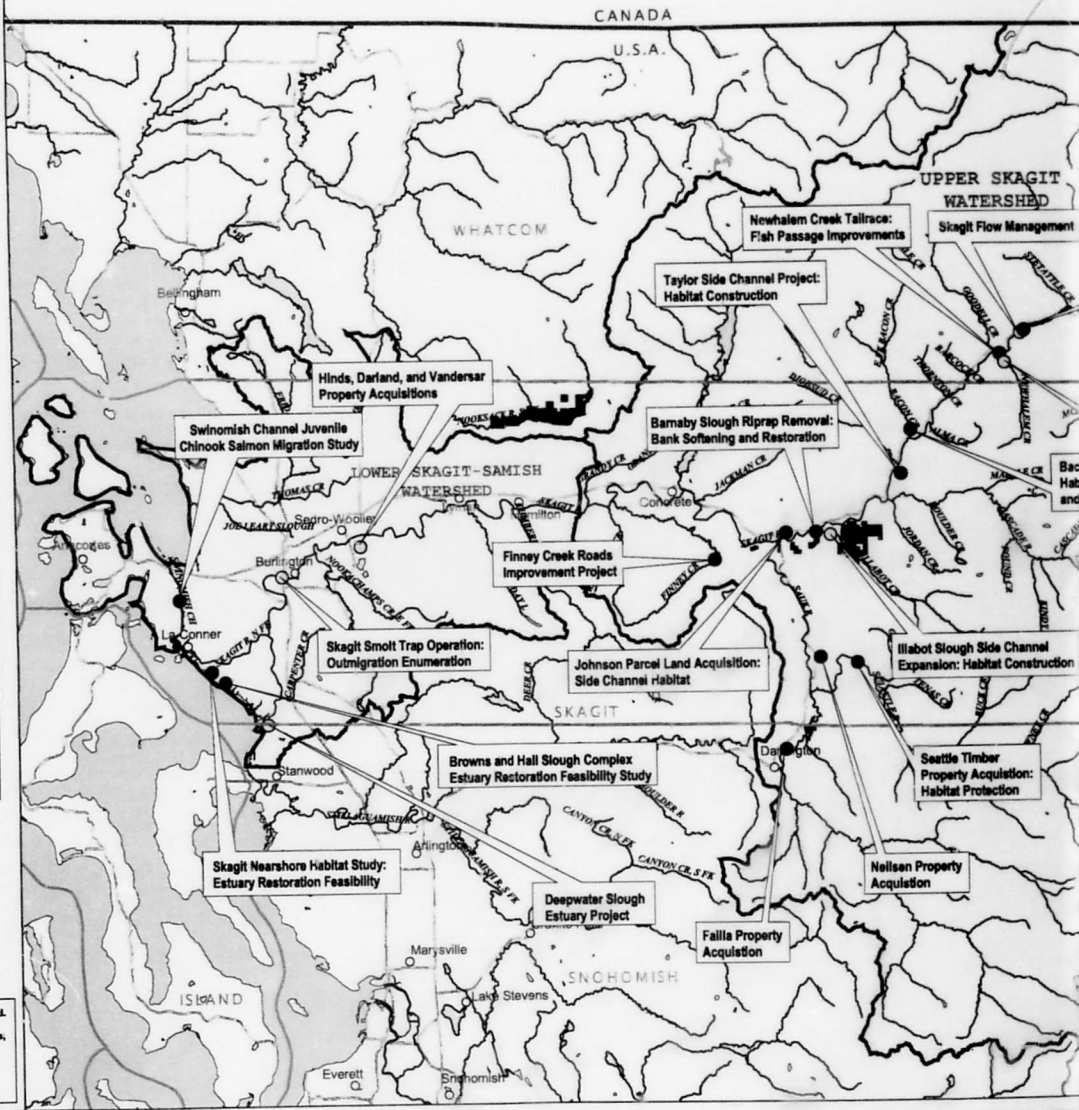
Watershed

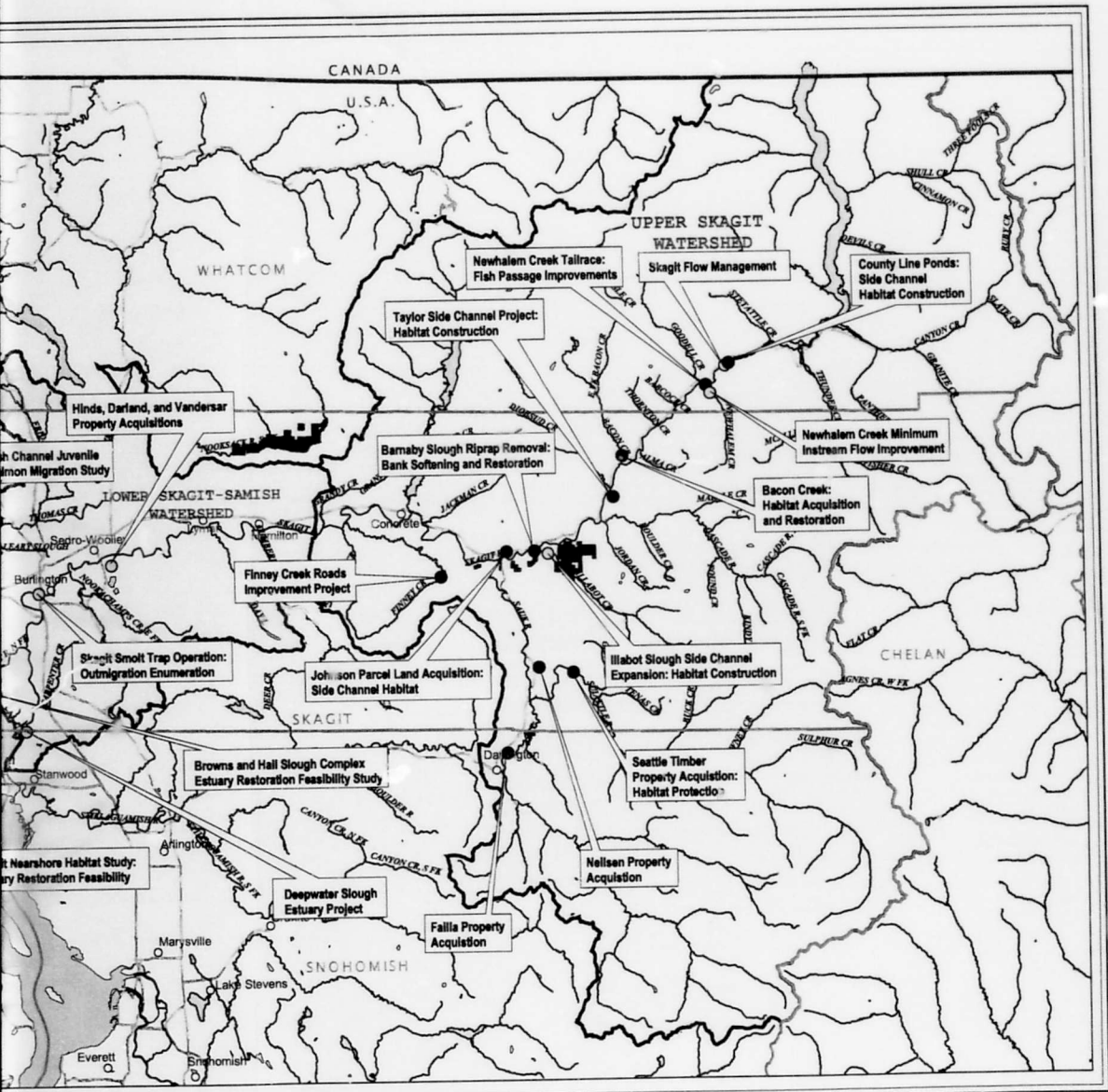
Lower Skagit (WRIA 3)

Upper Skagit (WRIA 4)



THE CITY OF SEATTLE, September 25, 2002. All rights reserved.  
No guarantee of any sort implied, including accuracy, completeness, or fitness for use.  
Lower Skagit-Samish and Upper Skagit watershed boundary are from the Department of Ecology's WRIA data.  
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## City of Seattle

Gregory J. Nickels, Mayor

### Office of the Mayor

February 21, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

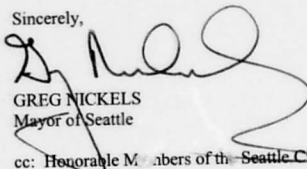
The attached ordinance authorizes Seattle City Light and Seattle Public Utilities to negotiate for and purchase parcels in the Skagit and Tolt/Snoqualmie watersheds for salmonid habitat. The City committed to habitat acquisition in Ordinance 120618 as one of the elements of the City's ESA Early Action Program in response to the listing of Puget Sound Chinook salmon as threatened under the Endangered Species Act. To the extent that available funds will allow, the City will acquire properties from the list of prospective acquisitions identified in Attachments A and B to the proposed ordinance.

The legislation also places the lands under the jurisdiction of the City Light Department or Seattle Public Utilities based upon which fund is used for the land purchase. Purchases would be made through existing budget authority.

City Light purchases are funded in part by a matching grant from the National Fish and Wildlife Foundation accepted by the City in Ordinance 120355.

Thank you for your consideration of this legislation. Should you have questions please contact Lynn Best at 386-4586.

Sincerely,

  
GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 12<sup>th</sup> 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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STATE OF WASHINGTON - KING COUNTY

--SS.

157576  
City of Seattle, Clerk's Office

No. TITLE ONLY ORDINANCE

**Affidavit of Publication**

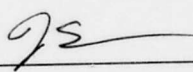
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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

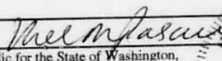
CTOT:ORDINANCE 121114-19

was published on

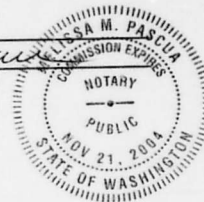
4/24/2003

  
Subscribed and sworn to before me on

4/24/2003

  
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**

**TITLE-ONLY PUBLICATION**

The full text of the following ordinances, passed by the City Council on April 7, 2003, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 694-8344.

**ORDINANCE NO. 121119**

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

**ORDINANCE NO. 121114**

AN ORDINANCE relating to the City Light Department and Seattle Public Utilities; authorizing the Superintendent of City Light and the Director of Seattle Public Utilities to purchase land in the Slagi and the Tolt-Snoqualmie watersheds, to be set aside as salmonid habitat.

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, April 24, 2003.  
424(187878)

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**Seattle City Clerk's Office**

**Comptroller File**

**Large Map/Document Enclosed**

**121114**

12114

# Skagit Watershed

## City of Seattle Salmon Habitat Projects and Wildlife Lands 1991-2002

In the Skagit River Basin, Seattle operates the Skagit Hydroelectric Project, which includes three dams. These facilities provide 25% of the electricity used in the Seattle service territory.

### HABITAT IMPROVEMENT PROJECTS

- Completed
- Underway
- WA Highways
- Major Rivers
- SCL Wildlife Mitigation Lands
- Major Waterbodies
- Lower Skagit-Samish Watershed (WRMA 3)
- Upper Skagit Watershed (WRMA 4)



THE CITY OF SEATTLE, September 25, 2001. All rights reserved.  
 No guarantee of any sort implied, including accuracy, completeness, or fitness for use.  
 Lower Skagit-Samish and Upper Skagit watershed boundary are from the Department of Ecology's WRMA data.  
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