

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle City Light	Lynn Best (386-4586)	Saroja Reddy (615-1232)

**Legislation Title:**

A RESOLUTION approving the proposed budget of the Skagit Environmental Endowment Commission for fiscal year 2014.

**Summary of the Legislation:** This Resolution describes the planned use of the Skagit Environmental Endowment Fund between April 1, 2014 and March 31, 2015 and approves the resulting budget of the Skagit Environmental Endowment Commission. The Endowment Fund is not part of the City of Seattle’s annual budget, but City Council approval is required by the 1984 High Ross Treaty between the US and Canada, as it references the associated Agreement between the City of Seattle and British Columbia. Similar Resolutions have been presented to the Council on an annual basis since 1985.

**Background:** The Skagit Environmental Endowment Fund was jointly established by Seattle City Light and BC Hydro during the period 1985-89, as a result of the 1984 High Ross Treaty and Agreement. The Fund is managed by the Canadian Imperial Bank of Commerce to maintain capital and produce revenue. The Skagit Environmental Endowment Commission expends proceeds from the fund according to a budget developed through its own financial policies and program needs.

The Treaty and Agreement require Seattle City Light to supplement the fund by an annual, inflation-adjusted payment based on a fixed amount of power purchase. In 2013 the payment was \$131,886.26. Seattle City Light’s payments are anticipated in the City’s 2014 Adopted Budget in the Purchased Power Budget Control Level.

Please check one of the following:

**X This legislation does not have any financial implications.**

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

The legislation helps to fulfill Seattle's obligations and secure ongoing benefits under the High Ross Treaty and Agreement. Seattle City Light pays into the fund, as described in the background presented above, and provides staff support to the Commission as needed.

**b) What is the financial cost of not implementing the legislation?**

The legislation fulfills City obligations under the High Ross Treaty and Agreement and produces no additional cost to the City. Not implementing the legislation could have financial costs relating to the operation of the Skagit Hydroelectric Project, to business practices of SEEC, and to legal relations involving the Treaty and Agreement.

**c) Does this legislation affect any departments besides the originating department?**

No.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

None known.

**e) Is a public hearing required for this legislation?**

No.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**g) Does this legislation affect a piece of property?**

No.

**h) Other Issues:**

The Commission continues to operate in a fiscally responsible manner and to conduct valuable public programs in collaboration with a number of partners.

**List attachments to the fiscal note below:**

Exhibit 1: Briefing Paper for Skagit Environmental Endowment Commission 2014 Budget

Exhibit 2: 2013 Annual Report: Skagit Environmental Endowment Commission

## BRIEFING PAPER

### SKAGIT ENVIRONMENTAL ENDOWMENT COMMISSION

### 2014 BUDGET

- The Commission was established by treaty between the United States and Canada as part of the settlement of the High Ross Dam controversy in 1984. Half of the Commission members are appointed by the Mayor of Seattle; the other half by the Premier of British Columbia.
- As part of the treaty, an endowment fund was created to protect the wilderness and wildlife values, and to enhance recreational opportunities, in the upper Skagit watershed above Ross Dam.
- The Treaty stipulated that Seattle and British Columbia would contribute to an endowment fund that the Commission administers. This was initially accomplished in 1985-89. The Treaty also requires Seattle City Light and BC Hydro to make supplemental payments to the fund, based on the value of certain power sales, on an annual basis.
- The endowment fund is **not** part of Seattle's annual budget, but approval of the budget by the Seattle City Council and the British Columbia Minister of Forest Land and Natural Resource Operations is required. The SEEC fiscal year begins April 1.
- Since 2005, the fund has been managed by the Canadian Imperial Bank of Commerce to preserve capital and produce investment income. Within this structure, about 40% is managed in a US account and 60% in a Canadian account. As of September 30, 2013, the fund was valued at \$US 10,377,607. SEEC policy is to preserve the corpus of the fund over time, accounting for inflation.
- The SEEC annual budget is developed by estimating an average expected return on investments, reserving amounts for management fees and inflation, and then adding expected supplemental payments. For fiscal year 2014, these are estimated as: projected return (\$622,656), management fees (\$57,077), reserve for inflation (\$207,522), and supplemental payments (\$205,000). The SCL supplemental payment in 2013 was \$131,926.50.
- In 2013, the Commission undertook a 5-year work-planning process in collaboration with its public agency and non-governmental partners. The Commission continues to organize its work around initiatives for education, ecosystem science, recreation and land issues. For the 2014 5-year plan, a separate, budgeted category of "communications" was created.

- The 2014-15 budget also reflects these initiative categories, with funds for education (\$215,000), ecosystems (\$118,500), recreation (\$121,870) and communications (\$58,000).
- The Commission often budgets a modest contingency fund to account for unforeseen needs and opportunities. This year, as need was high and programs were thoroughly planned, only a small contingency of \$2,657 was reserved. Also, the Commission continues to set-aside \$1,000,000 in contingent appropriation for two specific purposes. First is authority to move unprotected areas of the upper Skagit watershed in British Columbia into protected status. The second is targeted support for grizzly bear recovery in the upper Skagit area, should opportunities arise.

# **ANNUAL REPORT *Calendar Year 2013***

## **INTRODUCTION**

This Annual Report summarizes the activities of the Skagit Environmental Endowment Commission (SEEC) during the calendar year 2013. It is prepared in fulfillment of the provisions of Article II, Appendix D of the British Columbia–Seattle Agreement (March 30, 1984) regarding the High Ross Dam. Budget information is based on the Commission’s fiscal year which begins on April 1.

## **BACKGROUND**

The Commission was established in 1984 as a result of the Ross Lake/Seven Mile Reservoir Treaty between Canada and the United States (High Ross Treaty). Along with the Treaty, British Columbia and the City of Seattle established the Skagit Environmental Endowment Fund to be administered by the Commission. Seattle and British Columbia contributed US \$4 million and US \$1 million respectively to the Fund. Per terms of the Treaty, both Seattle City Light and BC Hydro make annual supplemental payments to the Fund, based on power sales and production.

As of September 30, 2013 the market value of the Endowment Fund was US\$ 10,377,607, with the principal held in separate US and Canadian investment portfolios in Canada. This value represents a 7% increase over 2012, inclusive of expenditures. The Fund resides and is managed completely outside of the consolidated revenue of both the BC Provincial and Seattle City governments.

The primary purposes of the Fund, per the Agreement, are to:

- (A) conserve and protect wilderness and wildlife habitat;
- (B) enhance recreational opportunities in the Skagit Valley;
- (C) acquire mineral or timber rights consistent with conservation and recreational purposes;
- (D) conduct studies of need and feasibility of projects;
- (E) plan for and construct hiking trails, foot bridges, interpretive displays and the like; and
- (F) cause the removal of stumps and snags in Ross Lake and on the shoreline as deemed appropriate and the grooming and contouring of the shoreline, consistent with wildlife habitat protection

Expenditures of the Fund are limited to projects located in or related to the Skagit River drainage upstream of the Ross Dam in both Washington State and British Columbia. The intent of the Agreement is that the majority of the expenditures from the Fund, averaged over an extended period, be made in Canada. Details of the Fund are outlined in Appendix D of the Agreement (page 38) dated 1984. Annual expenditure levels are developed within established guidelines, considering investment income during the year, and averaging about 4 per cent of the Fund value.

The Commission created to manage the Fund consists of eight members, four of whom are appointed by the Mayor of Seattle and four appointed by the Premier of British Columbia. Both countries also have four alternate Commissioners for a total of sixteen volunteers that serve the Commission. Per the Agreement, SEEC is a non-profit, tax-exempt entity.

### **2013 COMMISSIONERS AND STAFF**

A complete roster of the Commission is attached to this annual report (Appendix A). During the year:

- The Seattle Mayor re-appointed Larry Campbell, of the Swinomish Indian Tribal Community to a second term as Commissioner.

By terms of the Agreement, Seattle City Light and the BC government designate Secretaries to support the Commission. Chris Tunnoch, of the BC Ministry of Forests Lands and Natural Resource Operations serves as the Canadian staff, and Scott Powell, SCL Environmental Affairs and Real Estate Division, is the US staff member.

### **2013 ACTIVITIES AND PARTNERSHIPS**

SEEC completed the implementation of a Five-year Workplan developed at its 2008 annual retreat. The Commission is working with established partners with a focus on the following initiatives:

- Land Management
- Ecosystem Management
- Education
- Recreation
- Communications

### Meetings and Retreat

The Commission met in April, June, September, and December 2013. The September meeting was a retreat held over three days at Manning Park Resort in British Columbia. The retreat included a field trip to Sunshine Village and adjacent Crown forest lands in the upper Sumallo River, tributary to the Skagit. The retreat built upon consideration of a new 5-Year Plan that had occurred over the prior year.

Key retreat outcomes embodied in the 2014 budget and the draft 5-Year Plan included:

- The 5-Year Plan will continue to be structured around selected partnerships with agencies and non-profit entities working in the upper Skagit. The Commission will endeavor to reserve some component of the annual budget as an “opportunity fund” to respond to emerging needs.
- The Plan will maintain similar proportional investment in projects relating to Education, Ecosystems, and Recreation initiative areas. Activities under the “Lands” Initiative primarily involve staff and member effort, although they could include budgeted projects in the future. “Communications” is included as a separate budgeted initiative, to be implemented by commission members, staff, and consultants.
- The Plan will include, among its guiding values and core strategies, SEEC commitments to respectful engagement with First Nations and Tribes and to programs reflecting the emerging diversity of Skagit neighbors and audiences.
- The Commission will explore and will encourage its partners to pursue opportunities to leverage funding support with outside resources.
- Partners will be required to develop and implement performance measures for their programs and to report annually on program accomplishments and attainment of performance goals.
- As to substantive issues, the Commission will: continue to explore opportunities to foster grizzly bear recovery; increase effort to monitor proposals for developing mineral resources in the “Donut Hole”; and continue to foster conditions supporting the transboundary character of the watershed.

## 2009 – 2013 Program Activities

The Commission is pleased to have completed implementation of its first formal 5-Year Plan in 2013. Total program expenditures over the 5 years were approximately \$2.5 million. SEEC had a role in funding and supporting each of the following activities.

*Education* – Continued presentation of public programs and school programs by Hope Mountain Centre for Outdoor Learning (HMCOL). During the 5-year period, HMCOL significantly increased its program and organizational capacity and balanced youth and family oriented programs. The North Cascades Institute continued to build on the success of its Mountain School, expanding the use of SEEC funds to reach more students and to leverage funds for a range of youth leadership program elements. North Cascades National Park and BC Skagit Valley Park rangers continued presentation of a unique international interpretation program at Hozomeen.

*Recreation* – Trail enhancements were accomplished each year by the Student Conservation Association, now approaching its 28<sup>th</sup> year of partnership with SEEC. This also is a unique international program, where students from the US and Canada spend a full 30 days in the back country each year, working on trail and camp repair and enhancement projects at the direction of the parks agencies. Also, potential future trail routes were explored and old trails renovated in BC. At the “Winnebago Flats” campground at Hozomeen, National Parks staff made substantial progress in formalizing the campground structure as an aid to managing visitor use of the facility.

*Ecosystem Management* – For terrestrial species, work continued to track wolverines and other species in the upper Skagit. SEEC supported a “Go-Grizz” phone call-in line for citizen to report bear sightings in BC. The Commission reiterated its willingness to support specific meaningful actions to recover upper Skagit grizzlies in either the US or Canada. The National Park Service continued its suite of “vital signs” monitoring work, focusing mostly on aquatic conditions and species. Biologists focused effort on understanding the impacts of invasive red-side shiners on valued rainbow and bull trout populations. Also, following the Commissions interest in development risks in the upper watershed, HMCOL monitored water quality according to a benthic invertebrates sampling protocol. Finally, as to vegetation, BC Parks completed an invasive plant survey and a wildlife study and initiated a white-bark pine monitoring effort. These actions, in part, set the stage for future collaboration across the border on vegetation study and management.

*Land Management* – During the 5-year period, SEEC purchased a last remaining private parcel linked to historical mining claim in the provincial park area of the watershed. The land was deeded to the Province and subsequently converted into Class A park. Also, the Commission began to engage in communication with Imperial Metals, which owns and intends to develop the Giant Copper mineral claim in the watershed. Leading up to and including its 2013 retreat, the Commission also increased its knowledge of forest harvest and road maintenance practices on Crown lands, as well as residential development and recreational uses in the upper Sumallo drainage. As one element of follow-up, HMCOL will conduct informational programs at Sunshine Village in 2014, about appropriate use of forest roads by off-road vehicles. The Commission continues to monitor US Customs and Border Protection planning and actions at the international border, with the intent of protecting ecological integrity and the visitor experience at this unique wilderness border crossing.

*First Nations Relations* - The Commission was very pleased to host an event involving First Nation and Tribal interests in Canada and the U.S. in 2009. The event, titled "A Gathering at Hozomeen: Sharing What We Know", was very successful. Members of several tribes and bands participated in planning and in presentations and sharing during the course of two days. The first day focused on tribal perspectives and the second on high-altitude archaeology that continues to discover and document traditional uses of the area. There was consensus to continue dialogue and repeat the event in future years. Another exciting outcome of this work was the successful recruitment and appointment of Swinomish tribal member Larry Campbell as a U.S. Commissioner.

*Communications* – At multiple meetings and retreats, the Commission discussed the value and need to expand its efforts to tell the story of the upper Skagit to diverse audiences. Devoting concerted effort to communications is consistent with the Commission's intent to set and work toward its own goals, instead of simply granting funds to others. The group believes that communications strategies, coupled with a diversity of substantive programs, are the best way to stimulate ongoing appreciation for this resource and build toward future generations of watershed stewards. For these reasons, "communications" was identified and funded as a specific program area. In addition to developing a menu of web-based and social media, a pilot "campaign" was initiated featuring the presence and study of the elusive wolverine in the watershed.

## **FINANCIAL**

### *Fund Management*

The Commission's fiscal year runs from April 1st to March 31st. The Endowment Fund is held and managed by the Canadian Imperial Bank of Commerce (CIBC) and entails investment portfolios in both US and Canadian funds (40% and 60% respectively). CIBC charges an annual fee of 0.055 % of the fund balance. According to CIBC's 2013 Third Quarter Financial Update, the combined Fund showed a balance of approximately US \$10.38 million. This represents nearly a 7% increase in value over 2012, including expenditures from the fund. As required by the High Ross Agreement, Seattle City Light and BC Hydro supplement the fund annually with payments based on power purchases.

In 2013, the Commission worked with CIBC to evaluate its strategy with respect to socially responsible investing (SRI). About one-third of the Canadian portfolio is managed according to an SRI screen. The US portfolio had not been managed according to SRI, and CIBC proposed that the US equities asset class could be transferred to a Global Equities fund to accomplish this goal. Following presentation and review, the Commission directed the fund manager to place half of the US equities into this screen on a trial basis for further evaluation after one year. This means that about 40% of the fund overall is now subject to an SRI screen, and this may increase in future years.

Per terms of the High Ross Agreement, the Commission is required to have its operation audited each year. In 2013, the Commission shifted its audit account to Manning Elliott Chartered Accountants of Abbotsford, BC.

### *Use of Funds*

SEEC continues to operate according to a 5-year budget plan, with the long-term goal of maintaining the principal of the Fund and keeping pace with inflation. This policy was reviewed and affirmed in 2013.

For the following discussion, "program" expenditures support activities, products, or audience experiences and are distinguished from "administrative" costs and from "fund management" fees. Some elements below are estimates, pending final accounting and audit.

<b>Expense Category</b>	<b>2013-14 Fiscal Year</b>	<b>2009-2013 Plan Period</b>
<b>Program Expenditures</b>	\$434,447	\$2,492,234
<b>Administrative Costs</b>	\$43,710	\$218,550
<b>Fund Management Fees</b>	\$49,230	\$246,151
<b>TOTAL Expenditure</b>	<b>\$527,387</b>	<b>\$2,956,935</b>

<b>Program Component</b>	<b>Percent of Program Expenditures</b>	
	<b>2013-14 Fiscal Year (of \$0.434 M)</b>	<b>2009-2013 Period (of \$2.49 M)</b>
<b>Education &amp; Youth Support</b>	50	43
<b>Ecosystems</b>	26	22
<b>Recreation</b>	15	13
<b>Communications &amp; Events</b>	9	8
<b>Land Acquisition</b>	0	13

## **ATTACHMENTS**

- Appendix A 2013 Commission Roster
- Appendix B SEEC Budget - Fiscal Year 2013

## APPENDIX A

### 2013 COMMISSION ROSTER

G	Name	Term Expires	Appointed	Appointment/ authority	Commission Field/ Profession
<b>US Commission</b>					
M	Larry Campbell	7-11-17	7-12-13	Commissioner/ Mayor	Swinomish Indian Tribal Community; Historic Preservation Officer
F	Michelle Connor (US Co-chair)	8-11-16	8-10-12	Commissioner/ Mayor	ForTerra; Natural resource conservation, non-profit organizational development
M	James Hattori	9-20-15	9-20-11	Commissioner/ Mayor	Financial and non-profit management; outdoor recreation
F	Jennifer Watkins	8-11-16	8-10-12	Commissioner/ Mayor	Conservation Northwest, natural resource conservation
M	Leo Bodensteiner	8-11-16	8-10-12	Alternate/ Mayor	Environmental Science, Education, fly fishing
M	Gerry Cook	8-11-16	8-10-12	Alternate/ Mayor	Recreation facility design, education, National Park Service retired
M	James Davis	9-19-15	9-20-11	Alternate/ Mayor	Non-profit management; environmental and outdoor recreation; American Alps
F	Alison Studley	7-1-13	11-4-09	Alternate/ Mayor	Skagit Fisheries Enhancement Group, natural resource conservation
M	Scott Powell		3-13-07	US Secretary/ SCL	Seattle City Light Environmental Affairs & Real Estate Division
<b>CAN Commission</b>					
M	Laurence French	2-1-16	2-1-12	Commissioner/ Premier	Municipal government; recreation
M	Kerry Grozier	2-1-16	2-1-12	Commissioner/ Premier	Land Management; Ministry of Forests (retired)
M	Shaun Hollingsworth (CAN Co-Chair)	11-1-16	11-1-11	Commissioner/ Premier	Environment; BC Wildlife Federation, BC Conservation Foundation, Salmon Enhancement
F	Nancy Wilkin	11-1-15	11-1-11	Commissioner/ Premier	Government; Assistant Deputy Minister, Environment (retired); Royal Roads University
M	Tom Curley	2-1-16	2-1-12	Alternate/ Premier	Human Resources
F	Gail Ross	2-1-16	2-1-12	Alternate/ Premier	Park interpretation and management, BC Parks (retired), UNBC instructor
	VACANT				
	VACANT				
F	Chris Tunnoch		1-15-00	Canadian Secretary / Minister	BC Ministry of Forests, Lands & Natural Resource Operations

## APPENDIX B

### SEEC BUDGET PLAN\* - FISCAL YEAR 2013

#### Partnership Workplan Support

TITLE	(US \$)
<b>National Park Service—North Cascades</b> <i>International Interpretive Program; Youth involvement.</i>	\$40,000
<b>BC Ministry of Environment:</b> <i>International Interpretive Program; Youth involvement.</i>	\$40,000
<b>North Cascades Institute</b> <i>Mountain School</i>	\$80,000
<b>Hope Mountain Centre for Outdoor Learning:</b> <i>Capacity building; Education programs; Fraser Cascade School programs</i>	\$60,000
<b>TOTAL PARTNERSHIP WORKPLAN SUPPORT</b>	<b>\$220,000</b>

#### Partnership Joint Projects

TITLE	(US \$)
<b>Ecosystem Management</b>	\$91,000
<b>Recreation Projects (incl Student Conservation Assn)</b>	\$60,000
<b>Land Management/Outreach Coordinator</b>	\$35,000
<b>TOTAL PARTNERSHIP JOINT PROJECTS</b>	<b>\$171,000</b>

<b>ADMINISTRATION AND FUND MANAGEMENT</b>	<b>\$101,000</b>
<b>WORKPLAN CONTINGENCY</b>	<b>\$61,000</b>
<b>GRAND TOTAL SEEC WORKPLAN</b>	<b>\$568,000</b>
CONTINGENCY FUND FOR LAND PURCHASE AND/OR GRIZZLY BEAR RECOVERY	\$1,000,000

\*For simplicity, amounts are rounded and do not account for currency exchange.