

Ordinance No. 121793

Council Bill No. 115228

AN ORDINANCE relating to the Cedar River Watershed; authorizing an "ecological thinning" project, in accordance with the Cedar River Watershed Habitat Conservation Plan (HCP), in Sections 27, 28, 33 and 34, Township 22, North, Range 9, East, W.M.; declaring the logs resulting from said project to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the HCP implementation.

CF No. _____

Date Introduced:	<u>4-18-05</u>	
Date 1st Referred:	<u>4-18-05</u>	
Date Re - Referred:	To: (committee) <u>Utilities and Technology</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>5/10/05</u>	
Date Returned to City Clerk:	Date Published: <u>3/8/05</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: [Signature]
Councilmember

Committee Action:

JC: YES

5-2-05 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 121793

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3 AN ORDINANCE relating to the Cedar River Watershed; authorizing an “ecological thinning”
4 project, in accordance with the Cedar River Watershed Habitat Conservation Plan (HCP),
5 in Sections 27, 28, 33 and 34, Township 22, North, Range 9, East, W.M.; declaring the
6 logs resulting from said project to be surplus to the City’s needs; authorizing the sale of
7 such logs pursuant to applicable City contracting and surplus property sale procedures;
8 and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the
9 HCP implementation.

10 WHEREAS, in 1999, following several years of technical studies, negotiations with federal and
11 state agencies and review by public groups and individuals, the City Council adopted
12 Resolution 29977 authorizing the Mayor to submit the Final HCP and other related
13 documents for federal review and issuance of an “incidental take permit” under the
14 federal Endangered Species Act, and to execute on behalf of the City the HCP and related
15 agreements, which together establish the City's long-term commitments regarding
16 watershed habitat protection and mitigation for impacts resulting from the presence and
17 operation of certain City-owned facilities; and

18 WHEREAS, the HCP describes, among other subjects, the City’s planned forest management
19 practices, including the use of “ecological thinning” to accelerate development of old-
20 growth conditions, improve habitat for species dependent on older forest, and control
21 risks of catastrophic events in certain existing densely-stocked second-growth stands; and

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

24 WHEREAS, in 2002, the City Council passed Ordinance 121040, which clarified certain
25 differences between the forest management policies contained in the Secondary Use
26 Policies (adopted by Ordinance 114632) and those contained in the HCP; prohibited the
27 harvesting of trees for commercial purposes on City-owned land within the Watershed;
28 authorized the cutting of trees for certain limited non-commercial reasons (including
ecological thinning); provided limited authority for the sale of logs resulting from such
non-commercial cutting; and dedicated the proceeds from such sales for the purpose of
offsetting the costs of the HCP; and

WHEREAS, in 2002, the City Council passed Ordinance 121039, which authorized the first
ecological thinning project under the HCP, which was completed in 2003; and

WHEREAS, following field surveys and other technical considerations, Seattle Public Utilities
staff have recommended for the second ecological thinning project under the HCP a



1 second-growth stand located in Sections 27, 28, 33 and 34, Township 22, North, Range 9
2 East, W.M., and consisting of approximately 477 acres, of which approximately 358 acres
will receive ecological thinning treatment; and

3 WHEREAS, this planned ecological thinning project is estimated to result in approximately
4 2,800,000 board feet of merchantable logs, among the vegetation that would be cut;
5 NOW, THEREFORE,

6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. The Director of Seattle Public Utilities is hereby authorized to contract,
8 pursuant to applicable City contracting or surplus property sale procedures, and subject to the
9 right of first refusal granted to Mountain Tree Farm Company by the 1962 Cedar River
10 Watershed Cooperative Agreement, for the service of ecological thinning of a second-growth
11 forest stand located in Sections 27, 28, 33 and 34, Township 22 North, Range 9 East, W.M., and
12 consisting of approximately 477 acres, of which approximately 358 acres will receive ecological
13 thinning treatment under the principles and procedures described in the Cedar River Watershed
14 Habitat Conservation Plan (HCP), which contract may provide for the sale and removal of
15 merchantable logs down as a result of such ecological thinning. A public hearing having been
16 held, the logs resulting from the ecological thinning project authorized by this ordinance are
17 hereby declared to be surplus to the City's needs. The Director of Seattle Public Utilities is
18 further authorized to conduct all related monitoring, surveys, and other such activities as may be
19 required by the City's commitments in the HCP and by applicable permit requirements.
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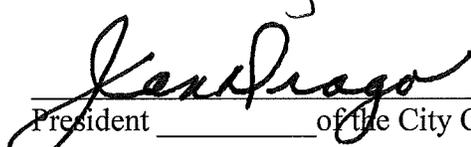
23 Section 2. All proceeds from the sale of logs authorized by Section 1 of this ordinance
24 shall be deposited in the Water Fund (43000) and further dedicated for the exclusive purpose of
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1 offsetting the costs of implementing the HCP, including the projects, programs and activities
2 described in the HCP documents and those that educate the public about them.

3 Section 3. Any act taken pursuant to the authority and prior to the effective date of this
4 ordinance is hereby ratified and confirmed.

5 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
8

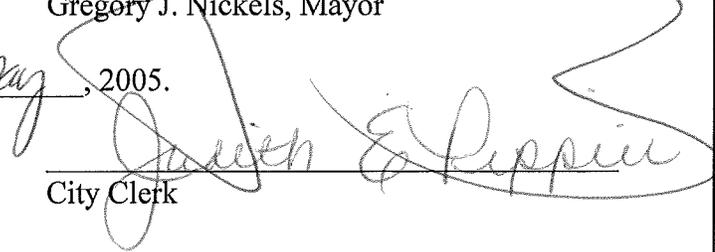
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10 Passed by the City Council the 2nd day of May, 2005, and signed by me in open
11 session in authentication of its passage this 2nd day of May, 2005.
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13
14 
President _____ of the City Council

15 Approved by me this 10th day of May, 2005.

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17 
18 Gregory J. Nickels, Mayor

19 Filed by me this 11th day of May, 2005.

20
21 
22 City Clerk

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25
26
27
28 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Amy LaBarge/ 733-9777	Barbara Gangwer/ 615-0768

Legislation Title:

AN ORDINANCE relating to the Cedar River Watershed; authorizing an “ecological thinning” project, in accordance with the Cedar River Watershed Habitat Conservation Plan (HCP), in Sections 27, 28, 33 and 34, Township 22, North, Range 9, East, W.M.; declaring the logs resulting from said project to be surplus to the City’s needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds there from to the Water Fund for the purposes of the HCP implementation.

• **Summary of the Legislation:**

This ordinance authorizes the second ecological thinning project under the HCP. It would be located in the upper watershed on approximately 477 acres, about 358 of which would receive some level of ecological thinning treatment, with approximately 2,800,000 of merchantable logs expected to be among the vegetation that would be cut. The ordinance declares these logs to be surplus, authorizes their sale as part of the project, and directs the deposit of the sale proceeds to the Water Fund for the purpose of offsetting costs of the HCP.

• **Background:**

Ordinance 121040, passed in December 2002, amended the previously-adopted “Secondary Use” policies (Ord. 114632) to reflect the HCP decision prohibiting commercial timber harvest in the watershed, specified the limited non-commercial reasons for cutting trees in accordance with the HCP and allowed the sale of any merchantable logs down as a result of these non-commercial reasons, provided that the proceeds of such sales be deposited in the Water Fund and dedicated for the exclusive purpose of offsetting the costs of implementing the HCP. Companion legislation, Ordinance 121039, authorized the first ecological thinning project, which was located in the lower watershed on approximately 321 acres, with about 157 acres receiving some level of ecological thinning treatment. This project was completed in 2003.

- *Please check one of the following:*

This legislation does not have any financial implications.

This legislation has financial implications



Appropriations: None

Fund Name and Number	Department	Budget Control Level*	2005 Appropriation	2006 Anticipated Appropriation
			None	None
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes: This project is expected to commence in the summer of 2005 and continue through the fall of 2006. Because of the project's elevation and other site conditions, activities must be confined to relatively short operating seasons. Existing appropriations in the 2005-2006 budget are intended to cover implementation costs, including staff time for administering the project.

Anticipated Revenue/Reimbursement: Resulting From This Legislation:

Fund Name and Number	Department	Revenue Source	2005 Revenue	2006 Revenue
Water Fund (43000)	Seattle Public Utilities	Sale of logs from ecological thinning		\$885,000
TOTAL				\$885,000

Notes: SPU's Watershed Management Division staff estimates that approximately 2,800,000 board feet of merchantable logs will be declared surplus and sold as a result of this project. Proceeds realized will depend on bids received and market conditions at the time of project implementation. The net proceeds from the sale of these logs is estimated at about \$10,000, most of which will be realized in 2006. Proceeds result from timber value removed (projected at \$885,000), which nearly approximates the cost of log removal (projected at \$875,000).



Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE

Impact: None

Position Title and Department*	Fund Name	Fund Number	Part-Time/ Full Time	2005 Positions	2005 FTE	2006 Positions**	2006 FTE**
None							
TOTAL							

Notes:

- **Do positions sunset in the future?**
-

Spending/Cash Flow: None

Fund Name and Number	Department	Budget Control Level*	2005 Expenditures	2006 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes: See notes on the sections titled Anticipated Revenue/Reimbursement above.

- **What is the financial cost of not implementing the legislation?** Not implementing the legislation would impair multi-year plans for ecological thinning, which is an important element of the forest restoration commitments made in the HCP and part of the requirement for the incidental take permit. Multi-party agreements associated with the HCP provide the City with certainty on a number of key issues related to its water supply operations on the Cedar River. Failure to meet HCP commitments, such as ecological thinning, would put us out of compliance with the permit conditions and may have ecological and financial costs. Finally, without this legislation SPU would lose the opportunity to receive an estimated \$10,000 dedicated to HCP implementation.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** An option for consideration could be to fall the trees but not remove them from the project site. This alternative would meet only a limited array of ecological objectives and would increase financial costs for subsequent thinning and impede movement of certain wildlife species. Delay is another alternative within a given time frame (e.g. one or two months). However, a longer delay would impair SPU's ability to



meet HCP commitments and would be similar to the impacts described above for not implementing the legislation. Delaying the project into future years would hamper the ability to improve habitat for wildlife species dependent upon late-successional forest conditions and may have ecological and financial costs.

- **Is the legislation subject to public hearing requirements:** A public hearing is proposed in connection with the Council's consideration of this ordinance.
- **Other Issues** (*including long-term implications of the legislation*):

Please list attachments to the fiscal note below:





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 29, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

The attached ordinance authorizes the second ecological thinning project in the Cedar River Watershed. These projects are designed to accelerate the forest's return to old growth conditions in selected areas.

One of the key policies in the Cedar River Watershed Habitat Conservation Plan (HCP) is to manage the forest to accelerate natural processes supporting greater habitat diversity and the eventual development of old growth conditions. One method being used is thinning some of the more homogenous and dense second-growth forest stands to create openings in the canopy, increasing the size and diversity of the vegetation. When such thinning includes cutting trees that exceed about thirty years in age, it is called "ecological thinning."

Ordinance 121040, passed in December 2002, specified the limited non-commercial reasons (including ecological thinning) for permitting tree cutting in accordance with the HCP. Companion legislation, Ordinance 121039, authorized the first ecological thinning project, which was completed in December, 2003. This second ecological thinning project is located in the upper Cedar River Watershed on approximately 477 acres; ecological thinning would occur on about 358 acres. The thinning is expected to produce an estimated 2,800,000 board feet of merchantable logs. This ordinance includes a declaration of surplus and authorizes the sale of such logs for an estimated \$885,000 as part of the ecological thinning project. Proceeds from the sale of these logs are expected to cover the project implementation cost, projected at \$875,000, resulting in net revenue of approximately \$10,000 over 2005 and 2006. More details are provided in the accompanying fiscal note.

Thank you for your consideration of this legislation. Should you have questions, please call Amy LaBarge, Senior Forest Ecologist, at 733-9777.

Sincerely,

A large, handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

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

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STATE OF WASHINGTON – KING COUNTY

--ss.

185896
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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.

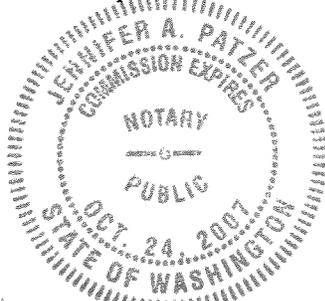
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121793 & 121794

was published on

05/20/05

The amount of the fee charged for the foregoing publication is the sum of \$ 46.38, which amount has been paid in full.



Affidavit of Publication

A handwritten signature in cursive script, appearing to be "M. J. ...", written above a horizontal line.

Subscribed and sworn to before me on

05/20/05

A handwritten signature in cursive script, appearing to be "Jennifer Patzer", written above a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on May 2, 2006, 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 684-8344.

ORDINANCE NO. 121794

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

ORDINANCE NO. 121798

AN ORDINANCE relating to the Cedar River Watershed; authorizing an "ecological thinning" project, in accordance with the Cedar River Watershed Habitat Conservation Plan (HCP), in Sections 27, 28, 33 and 34, Township 22, North, Range 9, East, W.M.; declaring the logs resulting from said project to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the HCP implementation.

Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of publication in the Seattle Daily
Journal of Commerce, May 20, 2006.
6/20/06(185996)