RESOLUTION No. 31372

A Resolution relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

4/24/12 Adopt - Mike O'Brien, Sally Clark, Nick Licata

Introduced: 4.23.12	By:
Referred:	To: [redacted]
Referred:	To: Energy + Environment
Reported:	
Passed: April 30, 2012	Signed: April 30, 2012
Filed: 5.8.12	Published: Title

US5171

April 30, 2012 Full Council Adopted 8-0 (excused: Conlin)

Law Department

Smead 107 YSP17704

RESOLUTION 31372

A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

WHEREAS, under the provisions of the Aquatic Lands Enhancement Account (ALEA), state grant assistance is made available to aid in financing the cost of land acquisition and restoration; and

WHEREAS, the Seattle City Council considers it in the best public interest to complete the project described in the application; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The Director of Seattle Public Utilities (SPU) is authorized to make formal application to the Recreation and Conservation Office for grant assistance.

Section 2. Any grant assistance received will be used for direct costs associated with implementation of the Belmondo Reach Property Acquisition and Restoration project, which includes acquisition of the parcels identified in Exhibit A attached hereto, and restoration of these parcels for the benefit of fish habitat.

Section 3. The Seattle City Council hereby certifies that the City's matching share of project costs will be funded from SPU's Water Fund appropriations and that SPU will be responsible for supporting all non-cash commitments to this project should they not materialize.

Section 4. Seattle City Council acknowledges that the grant assistance, if approved, will be paid on a reimbursement basis, meaning SPU will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to SPU vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

Section 5. Seattle City Council acknowledges that any property acquired or restored and/or facility developed through grant assistance from the Recreation and Conservation

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Funding Board must be reasonably maintained and made available to the general public unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board.

Section 6. Seattle City Council acknowledges that any property acquired or restored and/or facility developed with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public purposes and be retained and maintained for perpetuity unless otherwise provided and agreed to by our organization and the Recreation and Conservation Funding Board.

Section 7. Seattle City Council acknowledges that any property acquired for future development using Recreation and Conservation Funding Board assistance must be developed within five years of the completion of the acquisition project.

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Section 8. This resolution becomes part of a formal application to the Recreation and Conservation Office for grant assistance.

Section 9. The City has provided appropriate opportunity for public comment on this application.

Adopted by the City Council the 30th day of April, 2012, and signed by me in open session in authentication of its adoption this 30th day of April, 2012.

President _____ of the City Council

THE MAYOR CONCURRING:

_____

Michael McGinn, Mayor

Filed by me this 8th day of May, 2012.

Monica Martinez Simmons, City Clerk

(Seal)

Exhibit A – Property Legal Descriptions

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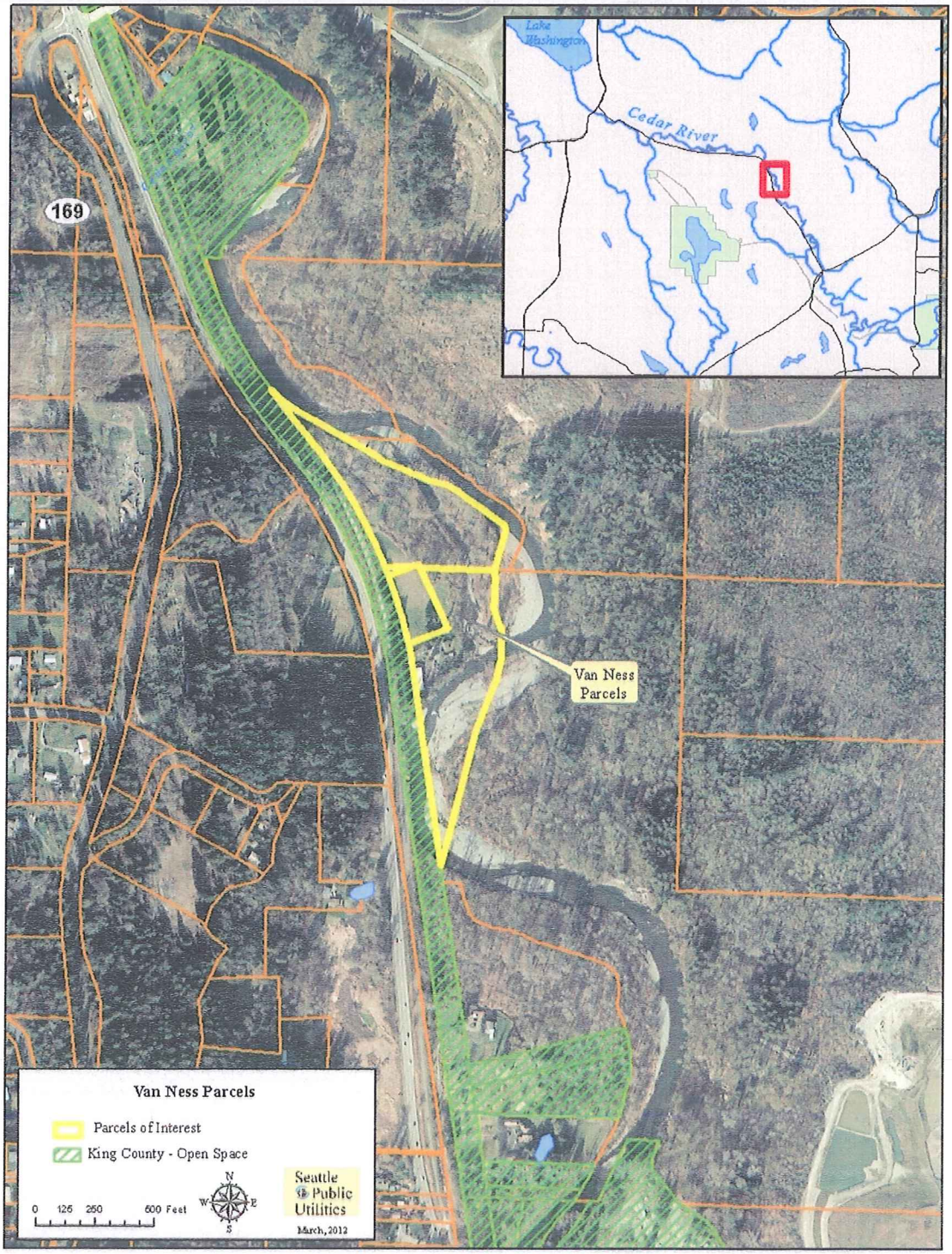
Cyndy Holtz
SPU ALEA Grant RES
March 27, 2012
Version #1

ATTACHMENT 1



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Form revised: December 6, 2011

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Cyndy Holtz/6-1990	Karen Grove/4-5805

Legislation Title: A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

Summary and background of the Legislation: The proposed resolution would authorize the Director of Seattle Public Utilities to apply for $325,000 in state Aquatic Lands Enhancement Account (ALEA) grant funding to purchase and restore property on the lower Cedar River under the Cedar River Watershed Habitat Conservation Plan (HCP). The City committed in the HCP to expend $5.5 million to protect and restore fish habitat along the lower Cedar River below its municipal watershed ownership boundary. SPU has secured grant funding to leverage the HCP financial commitment in the lower Cedar River to spread its commitment dollars further and increase the effectiveness of its habitat protection and restoration efforts, without increasing the burden to Seattle's drinking water customers.

The Belmondo Reach parcels, which total 12.65 acres, are a high priority for salmon habitat protection and restoration, and are included in the Watershed Resource Inventory Area 8 (WRIA 8) Chinook Salmon Conservation Plan's Start List. If this proposal is successful, the grant would fund fifty percent of acquisition and restoration costs. The preliminary cost estimate for acquisition and restoration is $650,000 ($500,000 acquisition, $150,000 restoration).

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Downstream Fish Habitat*	C1607	Township 23 North, Range 6 East, Section 29	April 1, 2012	December 31, 2013

*The Belmondo Reach Acquisition project is part of the 2012 Adopted CIP allocation for Downstream Fish Habitat. Dates refer to the Belmondo Reach Acquisition only.

Please check any of the following that apply:

____ **This legislation creates, funds, or anticipates a new CIP Project.**

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

_X_ **This legislation has financial implications.**

If awarded, this grant from the state Aquatic Lands Enhancement Account would provide $325,000, or half of the total cost estimate of $650,000, for the implementation of the Belmondo Reach Property Acquisition and Restoration project. The project includes acquisition of the

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property and restoration of these parcels for the benefit of fish habitat. The remaining funding would come from the adopted 2012 allocation for the Downstream Fish Habitat project (C1607) within the Habitat Conservation Program BCL (C160B) in SPU's Water Fund (Fund 43000). SPU is currently seeking federal grant monies that, if received, could appropriately be used to fund the City's $325,000 match.

The Aquatic Lands Enhancement Account grant assistance would allow SPU greater flexibility in its overall HCP commitment and increase the effectiveness of its habitat and restoration efforts. The grant will be paid on a reimbursement basis, meaning Seattle Public Utilities will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to our vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
SPU will be required to maintain the property. The incremental costs of maintaining the Belmondo Reach property are very modest, however. The City has a long-term contract through 2050 with Forterra (formerly Cascade Land Conservancy) to provide ongoing stewardship and maintenance for all HCP-protected property. The contract includes reasonable annual inflators and provides certainty about the maintenance costs over the next several decades. The 2012 amount the City would pay Forterra for maintenance of the Belmondo Reach property is $3,727.

b) **What is the financial cost of not implementing the legislation?**
Without the legislation, SPU cannot apply for the ALEA grant, and therefore will not have the opportunity to leverage HCP commitment dollars. The HCP commits SPU to expend a specified dollar amount for each HCP activity. Without grant dollars to supplement HCP commitment dollars, SPU would implement a reduced scope of restoration and protection.

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?**
SPU could apply for grants that do not require an authorizing resolution. SPU is applying for a Salmon Recovery Funding Board (SRFB) grant for the same project in order to improve the probability of receiving grant funding.

e) **Is a public hearing required for this legislation?**
Yes, and will occur during the Council Committee meeting.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

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g) Does this legislation affect a piece of property?
Yes, this resolution relates to acquisition of three parcels totaling 12.65 acres on the lower Cedar River in unincorporated King County. See attached map.

h) Other Issues:

List attachments to the fiscal note below:

Attachment 1 – Vicinity Map

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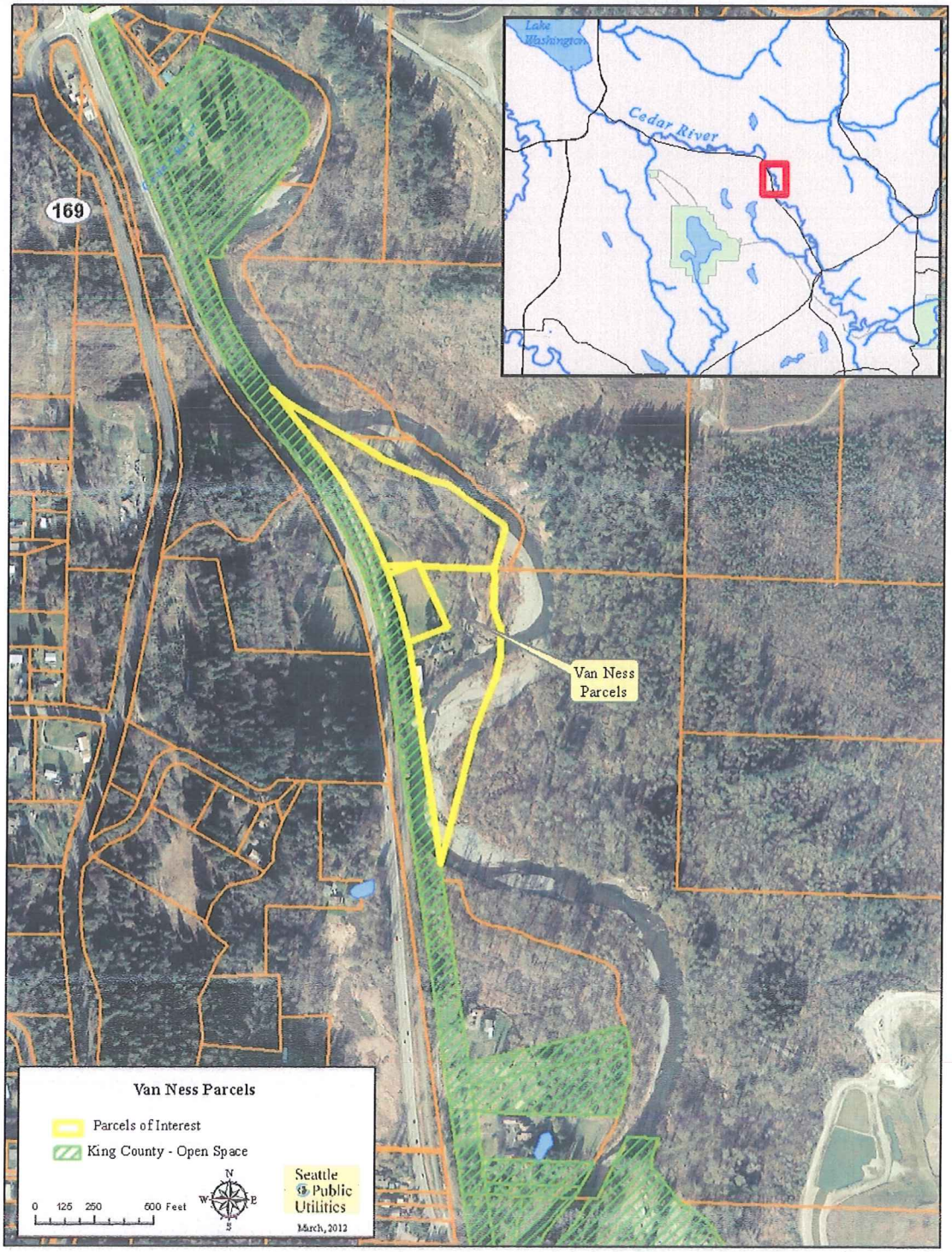
Cyndy Holtz
SPU ALEA Grant ATT 1
March 27, 2012
Version #1

ATTACHMENT 1



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Form No. 1068-2
ALTA Plain Language Commitment

Commitment No.: **4209-1836628**
Page 12 of 12

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March 26, 2012
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FIRST AMERICAN TITLE INSURANCE COMPANY
Exhibit "A"

Vested Owner: William G. Van Ness, as his sole and separate property

Real property in the County of King, State of Washington, described as follows:

THAT PORTION OF GOVERNMENT LOTS 3, 6 AND 7, SECTION 29, TOWNSHIP 23 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC COAST RAILROAD RIGHT OF WAY.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Tax Parcel Number: 292306-9008-07, 292306-9013-00 and 292306-9071-09

Situs Address: 16919 Renton-Maple Valley Road S.E., Maple Valley, WA 98038

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2. Map-Customer Map

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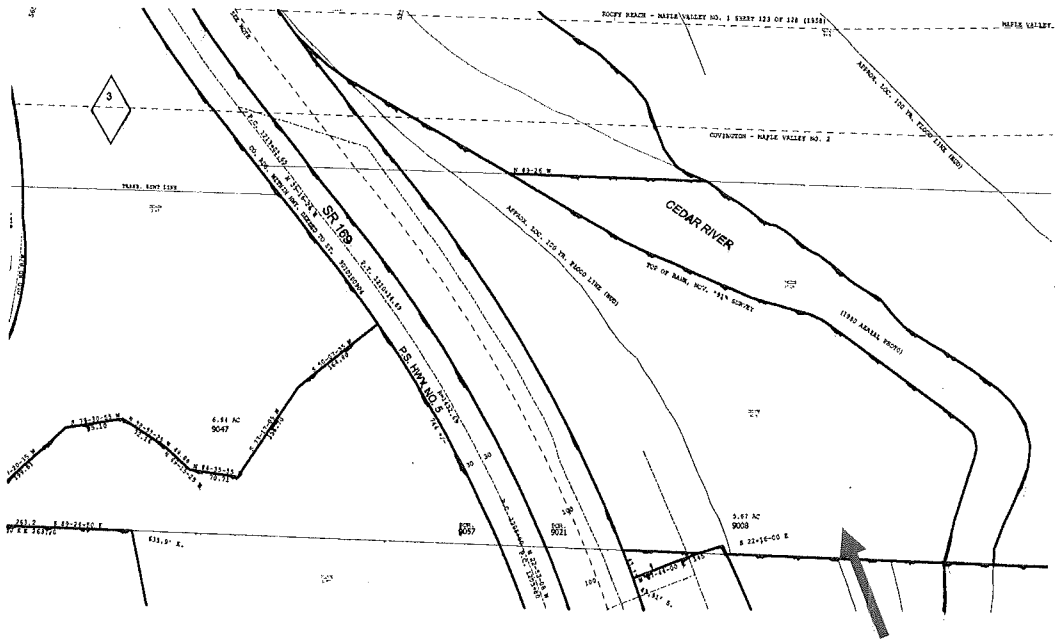
March 26, 2012
Version #1



N

Order No. *1836628*

IMPORTANT: This is not a Plat of Survey. It is furnished as a convenience to locate the land indicated hereon with reference to streets and other land. No liability is assumed by reason of reliance hereon.

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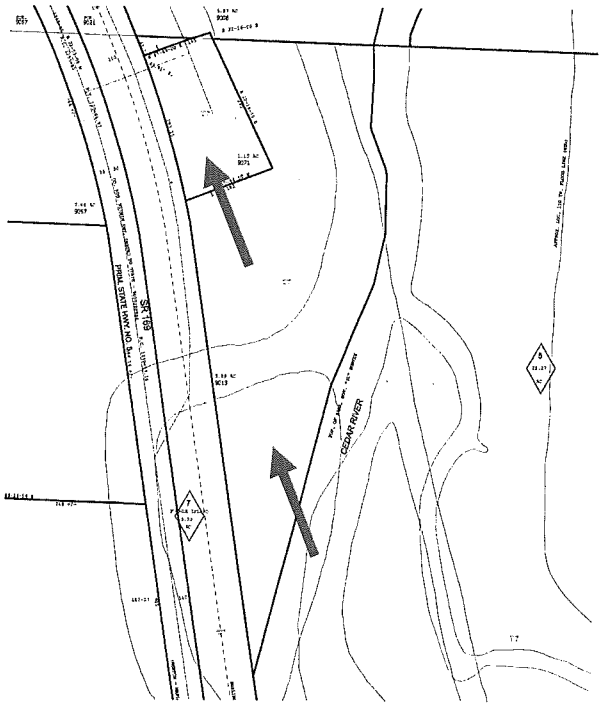
Cindy Holtz
SPU ALEA Grant RES
March 26, 2012
Version #1



N

Order No. *1836628*

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City of Seattle
Office of the Mayor

April 3, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Resolution that would authorize Seattle Public Utilities to apply for a $325,000 grant from the state Aquatic Lands Enhancement Account (ALEA).

These grant funds would provide a 50 percent match for the acquisition and restoration of 12.65 acres of riparian lands on the lower Cedar River. This project is part of the City of Seattle's Cedar River Watershed Habitat Conservation Plan (HCP). The grant would supplement HCP expenditures and expand the scope of the restoration possible under this program.

SPU has acquired and restored more than 36 acres of habitat along the lower Cedar River to benefit fish species dependent on healthy riverine, riparian and upland ecosystems. The utility's financial commitment under the HCP for lower Cedar River protection and restoration of $5.5 million has already been leveraged by $3.2 million is outside grant funding. SPU hopes to continue this successful track record by securing ALEA grant funds in the upcoming grant cycle.

Thank you for your consideration of this legislation. Should you have questions, please contact Cyndy Holtz at 386-1990.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

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