

# SCL South Fork Nooksack Land Exchange Ordinance

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<b>Supersedes</b>	n/a		
<b>Key Contacts</b>	<b>Name(s)</b>	<b>Phone</b>	<b>Short Title</b>
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<b>Council Action Required?</b>	<b>Y</b>	<b>If YES, within the next 3 months?</b>	<b>N</b>
<b>Public Hearing Required?</b>	<b>Y</b>		
<b>Presenters (if applicable)</b>	Lynn Best, Director, Environmental Affairs Division		

## Summary Statement

This legislation will authorize Seattle City Light to engage in a land exchange in the South Fork Nooksack River watershed in Skagit County, Washington for wildlife habitat protection purposes. The ordinance authorizes the transfer of 131.6 acres of City-owned land to Sierra Pacific Industries, Inc. (SPI) and Bloedel Timber (for the benefit of SPI), and a cash payment of \$208,000 to SPI in exchange for 349.9 acres of SPI-owned land for fair market value by Bargain and Sale Deed, and will place said lands under the jurisdiction of City Light.

## Background

In 1991, following several years of negotiations, City Light and 12 other parties reached settlement on all environmental issues related to a new federal license for the Skagit River Hydroelectric Project. On April 22, 1991, the Seattle City Council adopted a resolution authorizing submittal to the Federal Energy Regulatory Commission of Settlement Agreements in the areas of Fisheries, Wildlife, Recreation and Aesthetics, Erosion Control, Cultural Resources and Traditional Cultural Properties, together with an offer of settlement. These agreements were submitted, as a package, to the FERC and were intended to fully mitigate the Skagit Project's environmental impacts. On May 16, 1995, FERC issued a new 30-year operating license that incorporated most of the settlement agreements as license articles. An order on rehearing, issued on June 26, 1996, incorporated the remainder of the settlement agreements into the license.

City Light Issue Paper

Under the Wildlife Settlement Agreement, City Light agreed to make \$17 million (1990 dollars) available for the purposes of securing and preserving valuable wildlife habitat in the upper Skagit and Nooksack river basins. In addition, the Wildlife Settlement Agreement requires that City Light provide funding and facilities for wildlife and plant research within the North Cascades ecosystem. Decisions on land acquisition and research grants are made in collaboration with the stakeholders through the Wildlife Land Acquisition Group and the Wildlife Research Advisory Committee, respectively.

City Light currently manages approximately 10,081 acres of wildlife habitat under the Wildlife Settlement Agreement. Included in this total is a block of 4,241 acres of forestland along 8 miles of the South Fork Nooksack River that was purchased in 1991-1992. Since then, City Light worked to abandon unnecessary roads and restore stream and forest habitat. A 1.5-mile-long section of forest road on the City Light property is regularly used by neighboring private timber companies for hauling harvested timber from their lands and must remain open. To meet State of Washington Road Abandonment and Management Plan (RMAP) regulations, the City is obligated to conduct road repairs estimated to cost \$300,000 - \$400,000 and would also be responsible for additional maintenance actions on the road in the future. To maximize the wildlife habitat benefits and minimize costs to the City, City Light and the adjacent landowner, SPI negotiated a land exchange agreement that will exchange 131.6 acres of City-owned land that includes the forest road that needs repairs and \$208,000 in exchange for 349.9 acres of SPI-owned land that is not encumbered by road maintenance issues. City Light will retain a permanent access easement over the road through the 131.6 acre parcel that City Light will transfer in this exchange.

**Key Issues**

Once completed, the key City obligation will be to monitor the health of regenerating forests on the property acquired in the exchange.

**Next Steps**

City Light Environmental Affairs Division will monitor the property annually.