



SEATTLE CITY COUNCIL

Legislative Summary

CB 118484

Record No.: CB 118484

Type: Ordinance (Ord)

Status: Passed

Version: 1

124853

In Control: City Clerk

File Created: 07/30/2015

Final Action: 09/11/2015

Title: AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning 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 Habitat Conservation Plan implementation.

Notes:

Date
Filed with City Clerk: 9/11/2015

Mayor's Signature: 9/11/2015

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/11/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk Notes:						
1	City Clerk	08/11/2015	sent for review	Council President's Office			

Action Text: The Council Bill (CB) was sent for review. to the Council President's Office
Notes:

1 Council President's Office 08/12/2015 sent for review Seattle Public
Utilities and
Neighborhoods
Committee

Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1 Full Council 08/17/2015 referred Seattle Public
Utilities and
Neighborhoods
Committee

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1 Seattle Public Utilities and 08/20/2015 pass 09/08/2015 Pass
Neighborhoods
Committee

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 3 Chair Bagshaw, Vice Chair Sawant, Member Harrell
Opposed: 0

1 Full Council 09/08/2015 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember
Godden, Councilmember Harrell, Councilmember Licata, Councilmember
O'Brien, Councilmember Okamoto, Councilmember Rasmussen,
Councilmember Sawant
Opposed: 0

1 City Clerk 09/10/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1 Mayor 09/11/2015 Signed

Action Text: The Council Bill (CB) was Signed.
Notes:

1 Mayor 09/11/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 Mayor 09/11/2015 Signed

Action Text: The Council Bill (CB) was Signed.
Notes:

1 Mayor 09/11/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1 City Clerk 09/11/2015 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE
ORDINANCE 124853
COUNCIL BILL 118484

AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning 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 Habitat Conservation Plan implementation.

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

WHEREAS, the HCP describes, among other subjects, the City's planned forest management practices, including the use of ecological thinning on 2,000 acres of second-growth forests to accelerate development of old-growth conditions, improve habitat for species dependent on older forest, and control risks of catastrophic events in certain existing densely-stocked second-growth stands; and

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

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

11 WHEREAS, in 2002 and 2005, the City Council passed Ordinances 121039 and 121793,
12 respectively, which authorized two ecological thinning projects under the HCP, which
13 were completed in 2003 and 2008; and

14 WHEREAS, in 2012, the City Council passed Ordinance 124068, which provided authority for
15 ecological thinning projects over a five year period (2013-2017) under the HCP, and
16 those projects will be completed in 2017; and

17 WHEREAS, following field surveys and other technical considerations, Seattle Public Utilities
18 staff have recommended additional ecological thinning to meet HCP commitments
19 located in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M.,
20 Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11,
21 Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North,
22 Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M.,
23 and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; that consists of

1 approximately 800 acres of second-growth forest that will receive ecological thinning
2 treatment between 2016 and 2020; and

3 WHEREAS, this ecological thinning over five years is estimated to result in up to 7,000,000
4 board feet of merchantable logs from among the vegetation that would be cut; NOW,
5 THEREFORE,

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

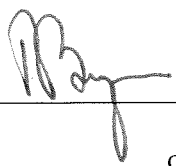
7 Section 1. The Director of Seattle Public Utilities is hereby authorized to contract,
8 pursuant to applicable City contracting or surplus property sale procedures for the service of
9 ecological thinning of second-growth forest stands located in Sections 15, 16, 21 and 22,
10 Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East,
11 W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35,
12 Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10,
13 East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; and consisting
14 of approximately 800 acres of second-growth forest that will receive ecological thinning
15 treatment under the principles and procedures described in the Cedar River Watershed Habitat
16 Conservation Plan (HCP), which contract may provide for the sale and removal of merchantable
17 logs down as a result of ecological thinning. The Director of Seattle Public Utilities shall, no
18 later than March 31 of each year, submit to the Mayor and City Council a report for the previous
19 calendar year describing the timber volumes sold and the proceeds derived from sales authorized
20 by this section, an estimate on what tree cutting is anticipated in the next year, and an analysis of
21 the cumulative effects of these projects. A public hearing having been held, the logs resulting
22 from ecological thinning authorized by this ordinance are hereby declared to be surplus to the
23 City's needs. The Director of Seattle Public Utilities is further authorized to conduct all related

1 monitoring, surveys, and other such activities as may be required by the City's commitments in
2 the HCP and by applicable permit requirements.

3 Section 2. All proceeds from the sale of logs authorized by Section 1 of this ordinance
4 shall be deposited in the Water Fund (43000) and further dedicated for the exclusive purpose of
5 offsetting the costs of implementing the HCP, including the projects, programs and activities
6 described in the HCP documents and those that educate the public about them.

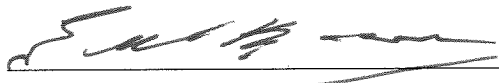
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 8th day of September, 2015, and signed by me in open session in authentication of its passage this 8th day of September, 2015.



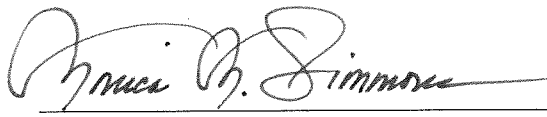
President _____ of the City Council

Approved by me this 11th day of September, 2015.



Edward B. Murray, Mayor

Filed by me this 11th day of September, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Public Utilities	Amy LaBarge/3-9777	Aaron Blumenthal/3-2656

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning 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 Habitat Conservation Plan implementation.

Summary and background of the Legislation:

This ordinance would authorize the sale of surplus timber from ecological thinning conducted under the Cedar River Watershed Habitat Conservation Plan (HCP). The ecological thinning would occur from 2016-2020, and involve approximately 800 acres of second-growth forest. Up to 7,000,000 board feet of merchantable logs are expected to be cut. The ordinance would declare these logs to be surplus, authorize their sale, and direct the deposit of the sale proceeds to the Water Fund for the purpose of offsetting costs of the HCP.

The City in 2002 adopted Ordinance 121040, prohibiting commercial timber harvest in the watershed and authorizing limited non-commercial timber harvesting, including ecological thinning, to make forest habitat improvements. The ordinance allows for the sale of merchantable logs up to 250,000 board feet without additional ordinance authority, provided the proceeds be deposited in the Water Fund and dedicated for the exclusive purpose of offsetting the costs of implementing the HCP. Subsequently, two ordinances 121039 and 121793, authorized surplus log sales from two ecological thinning projects, which were completed in 2003 and 2008, respectively, and Ordinance 124068 authorized surplus log sales from ecological thinning projects implemented from 2013-2017, which will be completed by 2017. This ordinance seeks authority for five additional years (2016-2020) of ecological thinning and associated sale of surplus timber, to support efficient project planning and implementation to meet ecological objectives and HCP commitments.

2. CAPITAL IMPROVEMENT PROGRAM

 This legislation creates, funds, or amends a CIP Project.

Project Name: Project I.D.: Project Location: Start Date: End Date: Total Cost:

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3. SUMMARY OF FINANCIAL IMPLICATIONS

 X This legislation has direct financial implications.

Budget program(s) affected:				
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2015	2016	2015	2016
Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2015	2016	2015	2016
				\$10,000-\$100,000 annually
Positions affected:	No. of Positions		Total FTE Change	
	2015	2016	2015	2016
Other departments affected:				

3.a. Appropriations

 This legislation adds, changes, or deletes appropriations.

Fund Name and number	Dept	Budget Control Level Name/##	2015 Appropriation Change	2016 Estimated Appropriation Change
TOTAL				

Appropriations Notes:

Existing appropriations in the 2016-2020 spending plan cover SPU operating costs of this program. Costs are approximately \$80,000 annually and include project planning, permitting, contract administration and compliance monitoring. Average annual costs of implementing this program since 2001 have been approximately \$150,000, with labor averaging 85% and non-labor averaging 15% of the expenditures. Future expenditures will be at the spending plan amount, as staff continue to seek efficiencies to reduce program costs. The specific activity is C100027, in the Water Fund's Habitat Conservation Plan sub-BCL (C160). The ecological thinning contracts to implement the projects include tree felling, log yarding to roads and log transportation, and contract costs are fully offset by revenues from the sale of surplus timber. Ecological thinning

conducted pursuant to this ordinance would begin in the fall of 2016 and continue through the fall of 2020.

3.b. Revenues/Reimbursements

 X This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2015 Revenue	2016 Estimated Revenue
Water Fund 43000	SPU	Sale of surplus logs from ecological thinning		\$10,000-\$100,000 annually
TOTAL				

Revenue/Reimbursement Notes:

SPU estimates up to 7,000,000 board feet of merchantable logs will be declared surplus and sold as a result of ecological thinning from 2016-2020. Proceeds from the sales will depend on timber quality and volume at each site as well as bids received and market conditions at the time of implementation. Proceeds from the sale of these logs could range from \$10,000 to over \$100,000 per year, after logging costs, depending on the factors just mentioned. All timber revenues will be deposited into the Water Fund to offset costs of HCP implementation.

4. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

This legislation supports the long-term forest restoration program in the Cedar River Municipal Watershed, as described in the HCP, to improve complex habitat development as well as forest resilience.

b) Is there financial cost or other impacts 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 the City made in the HCP. 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 potential revenue from sale of surplus logs to offset HCP costs.

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

No

d) Is a public hearing required for this legislation?

Yes, given that this ordinance would authorize the sale of surplus property with potential value exceeding \$50,000 (per RCW 39.33.020). Public hearings have been and will be held for all ecological thinning ordinances requesting to sell timber as surplus property.

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

Yes.

f) Does this legislation affect a piece of property?

Yes, see Attachment A.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation provides authority to sell timber as surplus from ecological thinning projects in the Cedar River Municipal Watershed. The only perceived implication for historically disadvantaged communities is positive, which would be improved habitat and plant diversity and therefore improved potential for hunting and gathering by Native American Tribal members.

h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

Not applicable.

i) Other Issues:

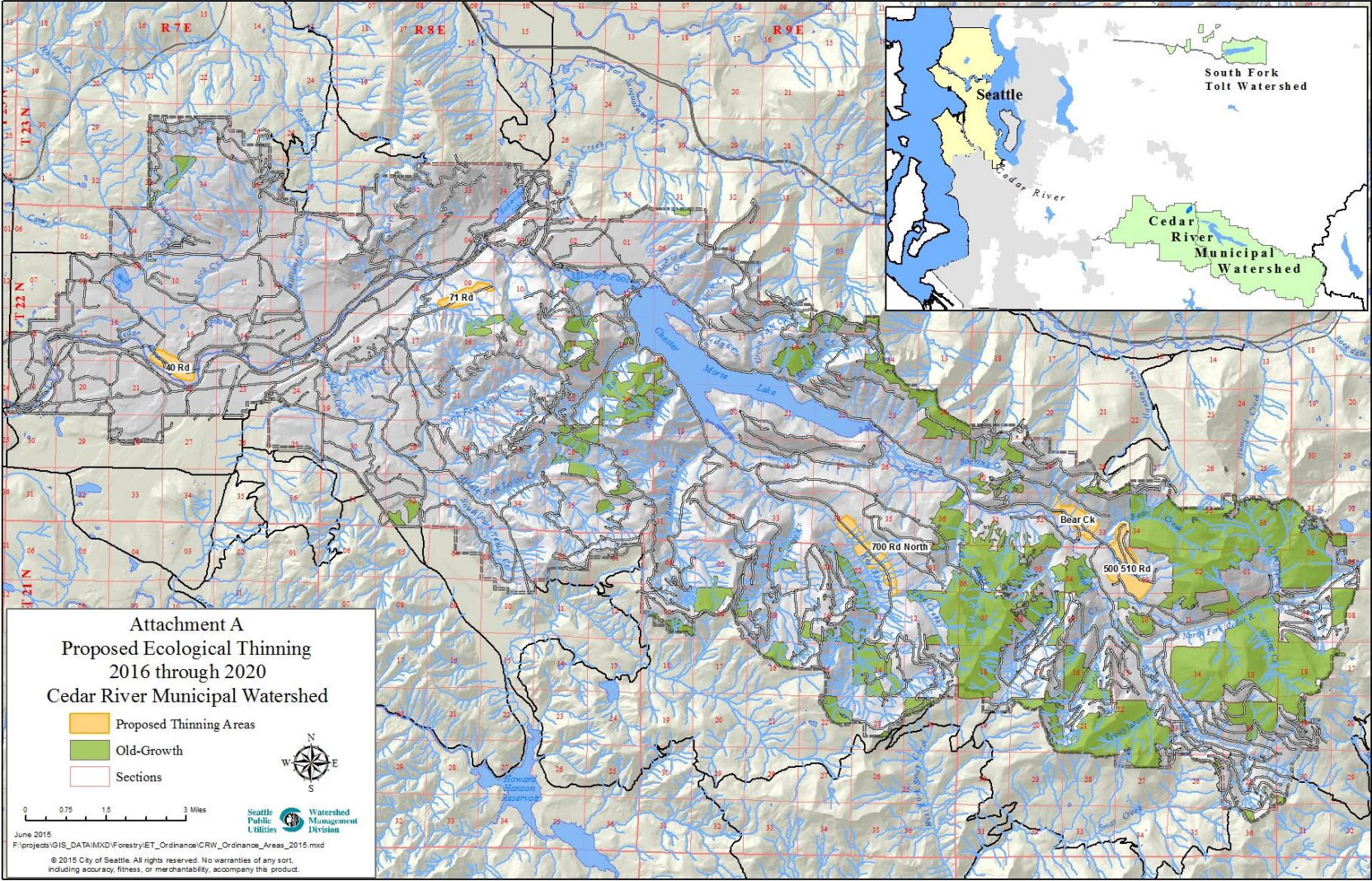
Ecological thinning is intended to improve habitat conditions for species listed in the HCP and is designed to meet those objectives. Additional benefits of ecological thinning is the maintenance and improvement of forest health such that the forests are resilient to climate change and continue to protect the high quality drinking water supply function of the Cedar River Municipal Watershed.

List attachments below:

Exhibit A – Proposed Ecological Thinning 2016 through 2020: Cedar River Municipal Watershed

Summary Ex A – Proposed Ecological Thinning 2016-2020
V3

Exhibit A



STATE OF WASHINGTON -- KING COUNTY

--SS.

328688

No. 124855,854,853,852,851

CITY OF SEATTLE, CLERKS OFFICE

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.

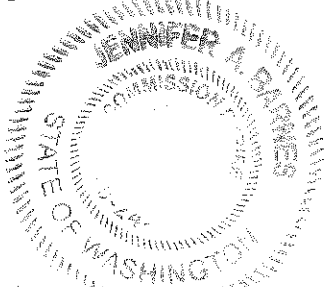
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

09/24/15

The amount of the fee charged for the foregoing publication is the sum of \$116.25 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/24/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 8th, 2015, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124855

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Ordinance 124854

AN ORDINANCE relating to the management of the South Fork Tolt River Municipal Watershed; authorizing ecological forest thinning projects in accordance with the South Fork Tolt River Watershed Management Plan in Sections 25, 26, 27, 29, 30, 32, 33, 34, and 35, Township 26 North, Range 9 East, W.M.; declaring the logs resulting from said projects 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 use of the proceeds therefrom to fund Plan implementation.

Ordinance 124853

AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning 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 Habitat Conservation Plan implementation.

Ordinance 124852

AN ORDINANCE relating to the Cedar River Municipal Watershed and amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide Imazapyr to treat invasive knotweed species.

Ordinance 124851

AN ORDINANCE relating to the Landmark Preservation Board; amending Section 25.12.270 of the Seattle Municipal Code to change the qualifications for members of the Board, and making technical corrections.

Date of publication in the Seattle Daily Journal of Commerce, September 24, 2015.
9/24(328688)