



SEATTLE CITY COUNCIL

Legislative Summary

CB 118708

Record No.: CB 118708

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125072

In Control: City Clerk

File Created: 05/04/2016

Final Action: 07/08/2016

Title: AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase parcels of land and acquire other real property rights in accordance with the federal license for the City's Boundary Hydroelectric Project; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Lynn.Best@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	05/31/2016	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	05/31/2016	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	06/03/2016	sent for review	Energy and Environment Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Energy and Environment Committee						
	Notes:						

- 1 Full Council 06/20/2016 referred Energy and Environment Committee
- 1 Energy and Environment Committee 06/28/2016 pass Pass
- Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 3 Chair Sawant, Vice Chair Juarez, Member González
Opposed: 0
- 1 Full Council 07/05/2016 passed Pass
- Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Sawant
Opposed: 0
- 1 City Clerk 07/07/2016 submitted for Mayor's signature Mayor
- Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 07/08/2016 Signed
- Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 07/08/2016 returned City Clerk
- Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 07/08/2016 attested by City Clerk
- Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE 125072

COUNCIL BILL 118708

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase parcels of land and acquire other real property rights in accordance with the federal license for the City's Boundary Hydroelectric Project; and ratifying and confirming certain prior acts.

WHEREAS, pursuant to Ordinance 123229, the City entered into a comprehensive Settlement Agreement dated March 9, 2010 (the "Settlement Agreement") with the Bureau of Indian Affairs ("BIA"), the National Park Service ("NPS"), the US Fish and Wildlife Service ("USFWS"), the US Forest Service ("USFS"), the Kalispel Tribe ("Tribe"), the Washington Department of Fish and Wildlife ("WDFW"), the Washington State Department of Ecology ("Ecology"), the Public Utility District No. 1 of Pend Oreille County, Washington ("PUD"), the Selkirk Conservation Alliance ("SCA"), American Whitewater, and The Lands Council (collectively, the "Parties") that establishes the terms and conditions for settlement of disputed issues between the Parties and before the Federal Energy Regulatory Commission ("FERC") associated with the relicensing of the Boundary Hydroelectric Project (FERC Project No. 2144); and

WHEREAS, pursuant to Ordinance 123940, City Light accepted a new license from the FERC to operate the Boundary Hydroelectric Project, as provided in the FERC License Order dated March 20, 2013 ("License Order"), which requires City Light to acquire approximately 158 acres of Project Habitat Lands, bring the acquired lands into the FERC Project boundary, and develop parcel-specific habitat objectives and implementation tasks for the long-term management of the lands; and

1 WHEREAS, the License Order outlines the geographic range within which the Project Habitat
2 Lands must be located and the habitat qualities the lands must possess, and directs City
3 Light to acquire the lands in consultation with the Boundary Terrestrial Resources Work
4 Group, a group comprised of signatories to the Settlement Agreement; and

5 WHEREAS, the License Order requires City Light to acquire title in fee or the right to use in
6 perpetuity all lands, other than lands of the United States, necessary or appropriate for the
7 construction, maintenance, and operation of the Boundary Hydroelectric Project; and

8 WHEREAS, the License Order requires City Light to add small areas of land around the Project
9 reservoir into the Project boundary as shown on the FERC-approved drawings for the
10 Project, and requires City Light to acquire real property rights to these lands, inclusive of
11 mining rights, either in fee title or by perpetual easement, for purposes of maintaining a
12 mining safety zone; and

13 WHEREAS, City Light determined through relicensing studies that the operation of the
14 Boundary Hydroelectric Project may nominally increase water levels above natural flood
15 levels on rare occasions during high-flow events, and that this additional increment of
16 water may affect some private landowners along the Project reservoir in Metaline and
17 Metaline Falls, and City Light has committed to acquiring flood easements from any such
18 private landowners who are willing to grant such easements to the City, and restricting
19 building, filling, or excavating in the acquired easement areas; and

20 WHEREAS, it is efficient to obtain a single authorization for the acquisition of land and land
21 rights required by the new FERC license for the Boundary Hydroelectric Project; NOW,
22 THEREFORE,

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

1 Section 1. The General Manager and Chief Executive Officer of City Light is hereby
2 authorized, within and subject to appropriation authority, to negotiate for and purchase parcels of
3 land and flood easements, and to acquire other real property rights in accordance with the
4 Federal Energy Regulatory Commission license for the Boundary Hydroelectric Project.

5 Section 2. The General Manager and Chief Executive Officer of City Light is hereby
6 authorized to execute all documents necessary or desirable to accomplish the acquisition of the
7 land, easements and other real property rights authorized in Section 1.

8 Section 3. As soon as practicable after acquiring any parcels of land or property rights
9 pursuant to the authority of this ordinance, City Light shall submit to the City Council a deed
10 acceptance ordinance for such parcels of land or real property rights acquired.

11 Section 4. Any act pursuant to the authority of and prior to the effective date of this
12 ordinance is hereby ratified and confirmed.
13

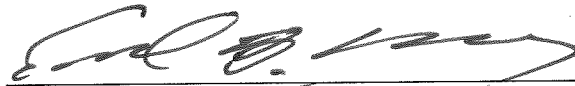
Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 5th day of July, 2016,
and signed by me in open session in authentication of its passage this 5th day of July, 2016.



President _____ of the City Council

Approved by me this 8th day of July, 2016.



Edward B. Murray, Mayor

Filed by me this 8th day of July, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle City Light	Lynn Best/6-4586	Greg Shiring/386-4085

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase parcels of land and acquire other real property rights in accordance with the federal license for the City's Boundary Hydroelectric Project; and ratifying and confirming certain prior acts.

Summary and background of the Legislation: City Ordinance 123940, passed July 30, 2012 authorized City Light to accept the new Federal Energy Regulatory Commission (FERC) license for the Boundary Hydroelectric Project and to enter into related agreements necessary to implement the license. The acquisition of the following property rights are required by the license:

1. Purchase of up to 158 acres of Project Habitat Lands which satisfy certain habitat values. City Light is in the process of identifying the properties which best meet these criteria before approaching potential sellers.
2. The acquisition of certain property rights within 200 feet of the reservoir.

Additionally, for those properties that are incrementally affected by the operation of Boundary on reservoir flood levels, City Light has committed to acquiring flood easements from property owners who are willing to grant them. This legislation would authorize City Light to pursue all of the above purchases of land and real property rights. Since 2013 CIP Project 6987 has been budgeted to implement license requirements. This legislation authorizes the purchase of land and real property rights with funds that have already been appropriated and budgeted.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation does not have direct financial implications.

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?**

The legislation authorizes the purchase of land and real property rights with funds that have already been appropriated and budgeted. The acquisition of the property rights is

required by the Federal Energy Regulatory Commission (FERC) license for the operation of Boundary. City Ordinance 123940, passed July 30, 2012 authorized City Light to accept the new FERC license and to enter into related agreements necessary to implement the license. Since 2013 CIP Project 6987 has been budgeted to implement license requirements.

b) Is there financial cost or other impacts of not implementing the legislation?

The impact of not implementing the legislation would be non-compliance with the Federal Energy Regulatory Commission's license for Boundary. Such non-compliance would lead to penalties from the FERC.

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

No.

d) Is a public hearing required for this legislation?

No.

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

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?

The legislation potentially affects a number of properties. The Boundary license requires the purchase of approximately 158 acres of Project Habitat Lands which satisfy certain habitat values, including approximately 13,000 linear feet of aquatic habitat. City Light is in the process of identifying the properties which best meet these criteria before approaching potential sellers. Additionally, corrections to the Project Area as defined by the FERC require the acquisition of property rights within small areas within 200ft of the reservoir. Finally, for those properties that are incrementally affected by the operation of Boundary on reservoir flood levels, City Light has committed to acquiring flood easements from property owners who are willing to grant them. This legislation would authorize to pursue these purchases, consistent with the license requirements.

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

We are not aware of any perceived implication for the principles of the Race and Social Justice Initiative from this legislation, nor does it impact vulnerable or historically disadvantaged communities.

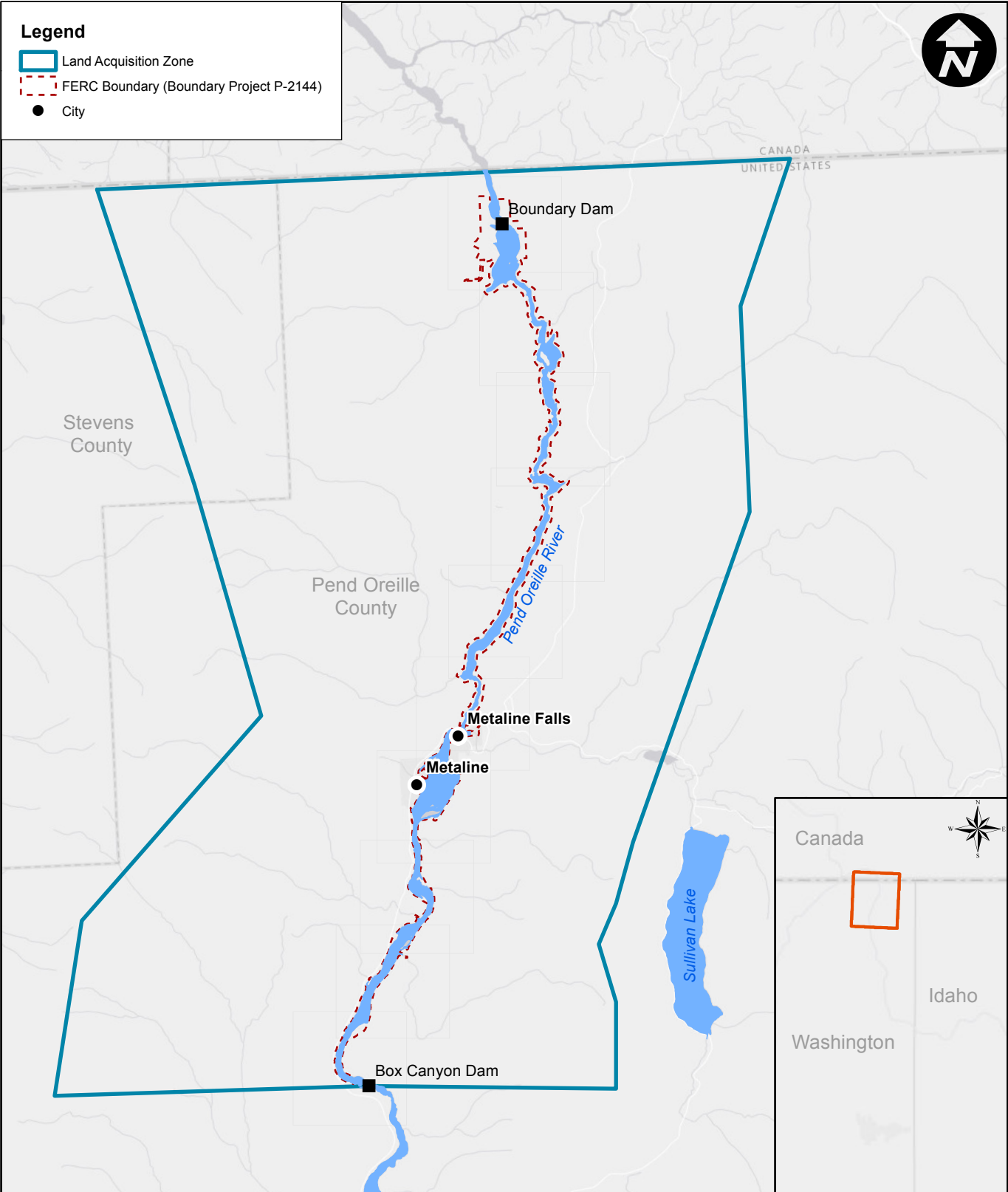
i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how

this legislation would help achieve the program's desired goals.
N/A

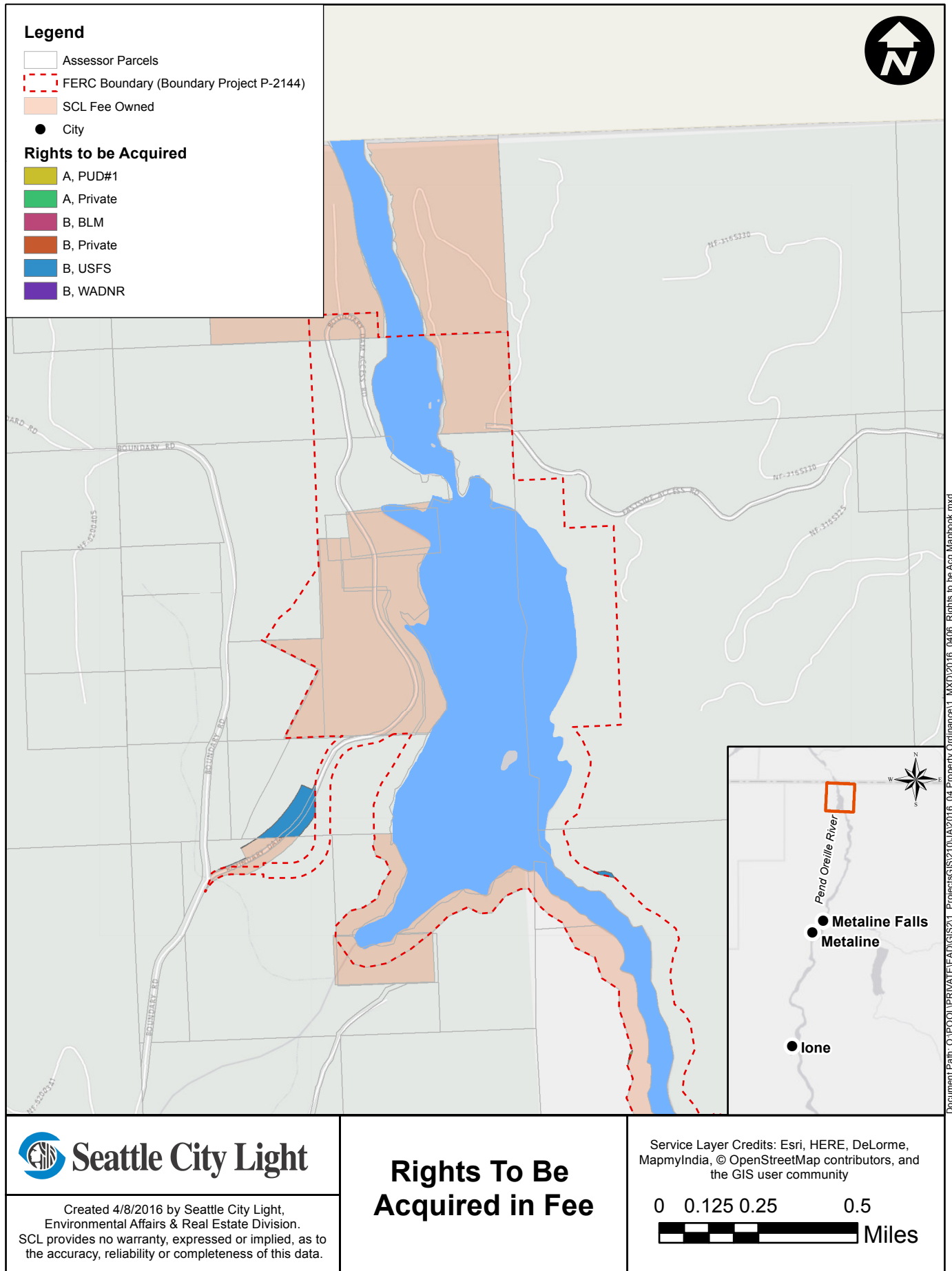
j) Other Issues:

List attachments/exhibits below:

Summary Att A - Area for Habitat Land Acquisition
Summary Att B - Rights to Be Acquired in Fee
Summary Att C - Flowage Easements



 Seattle City Light Created 4/8/2016 by Seattle City Light, Environmental Affairs & Real Estate Division. SCL provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of this data.	Area for Habitat Land Acquisition	Service Layer Credits: Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community 0 0.75 1.5 3 Miles
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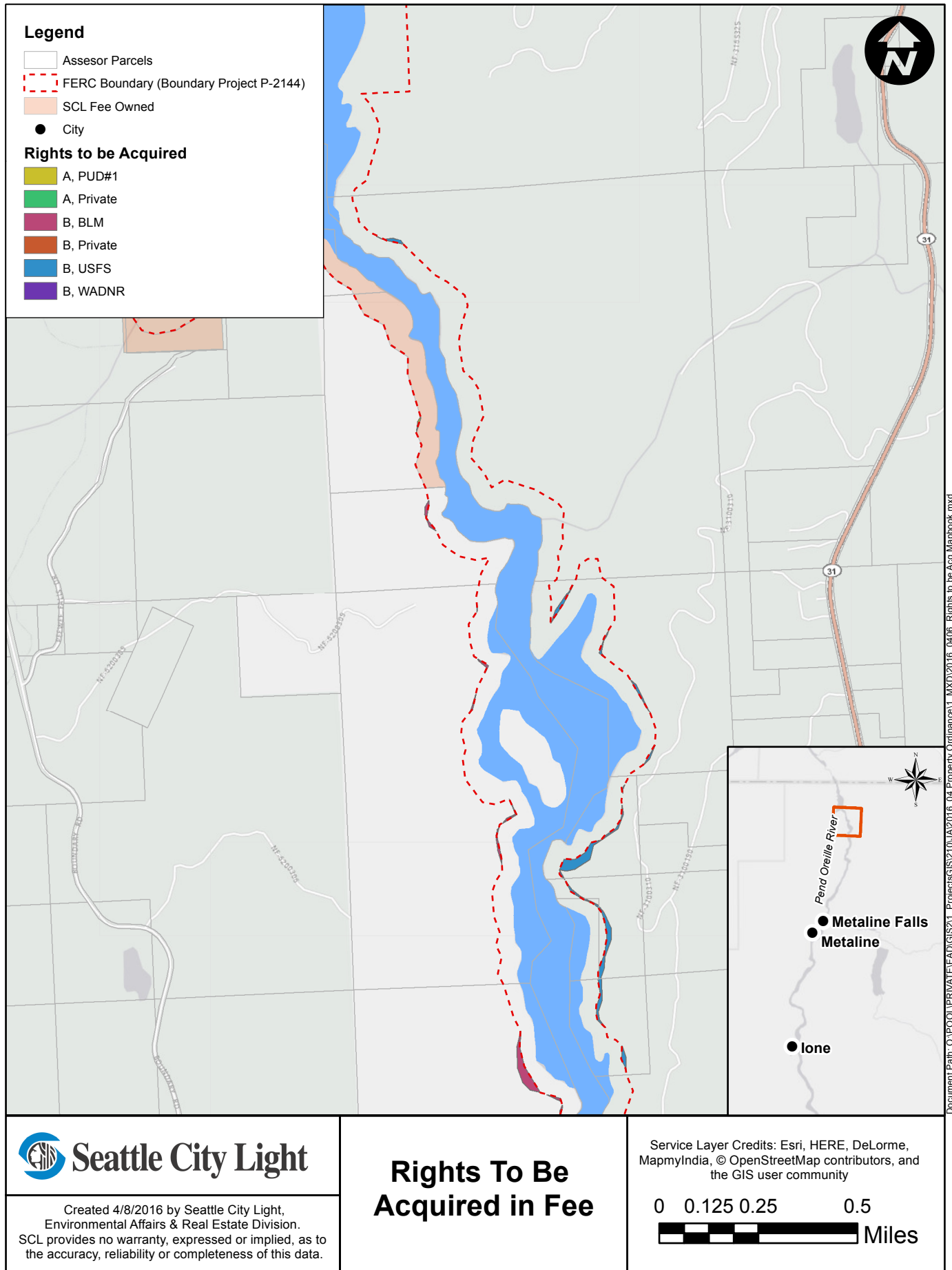


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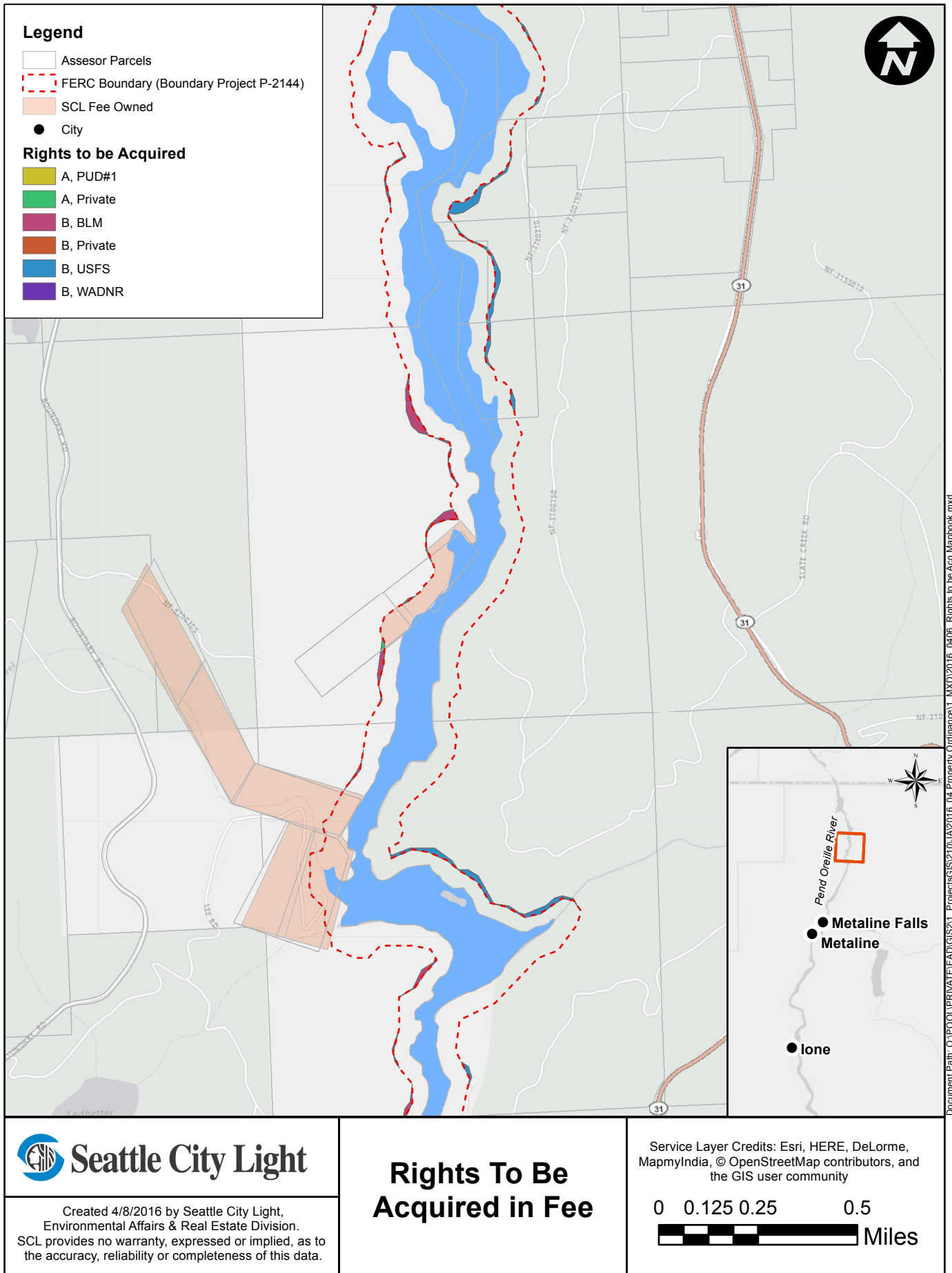


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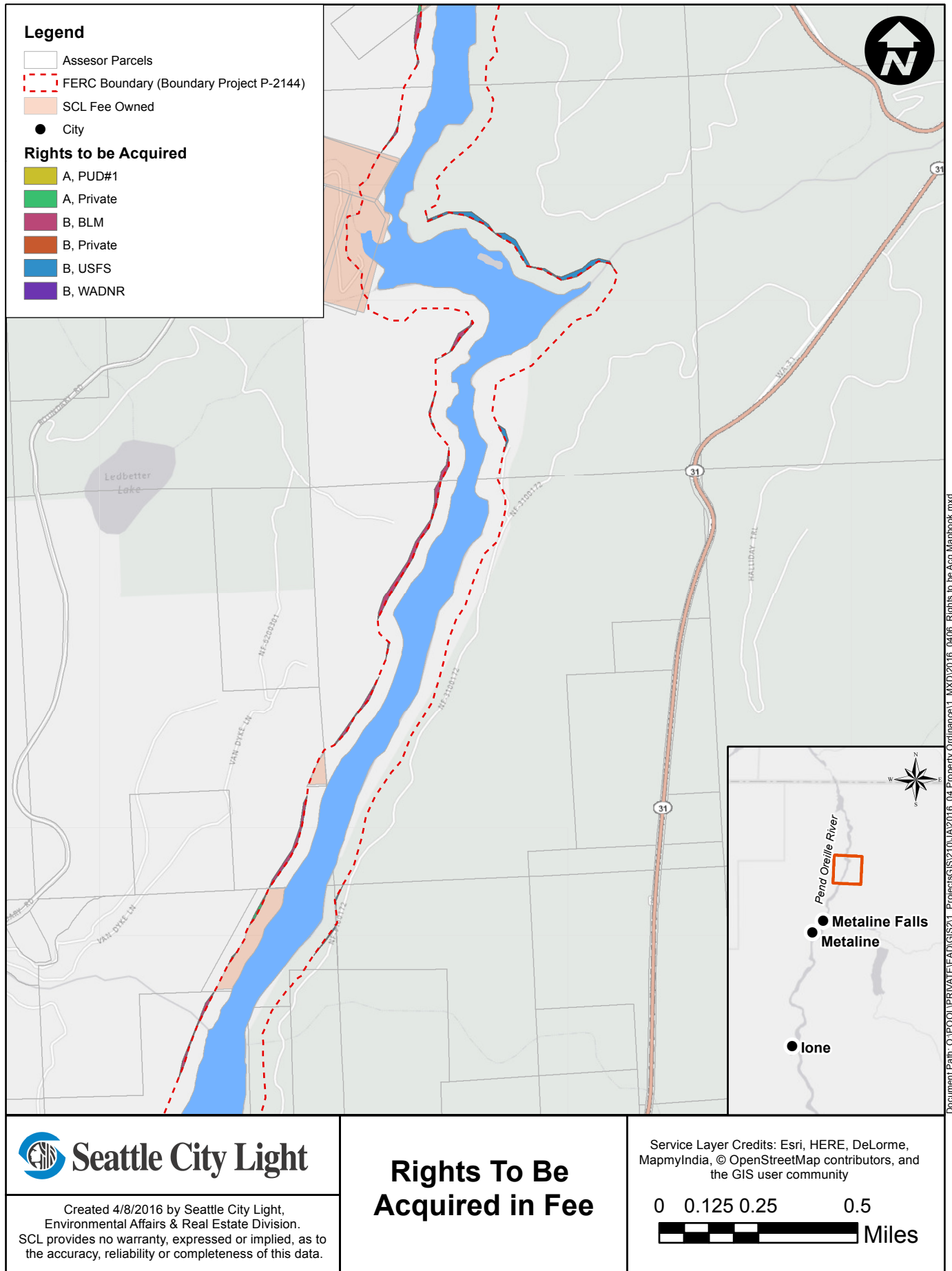
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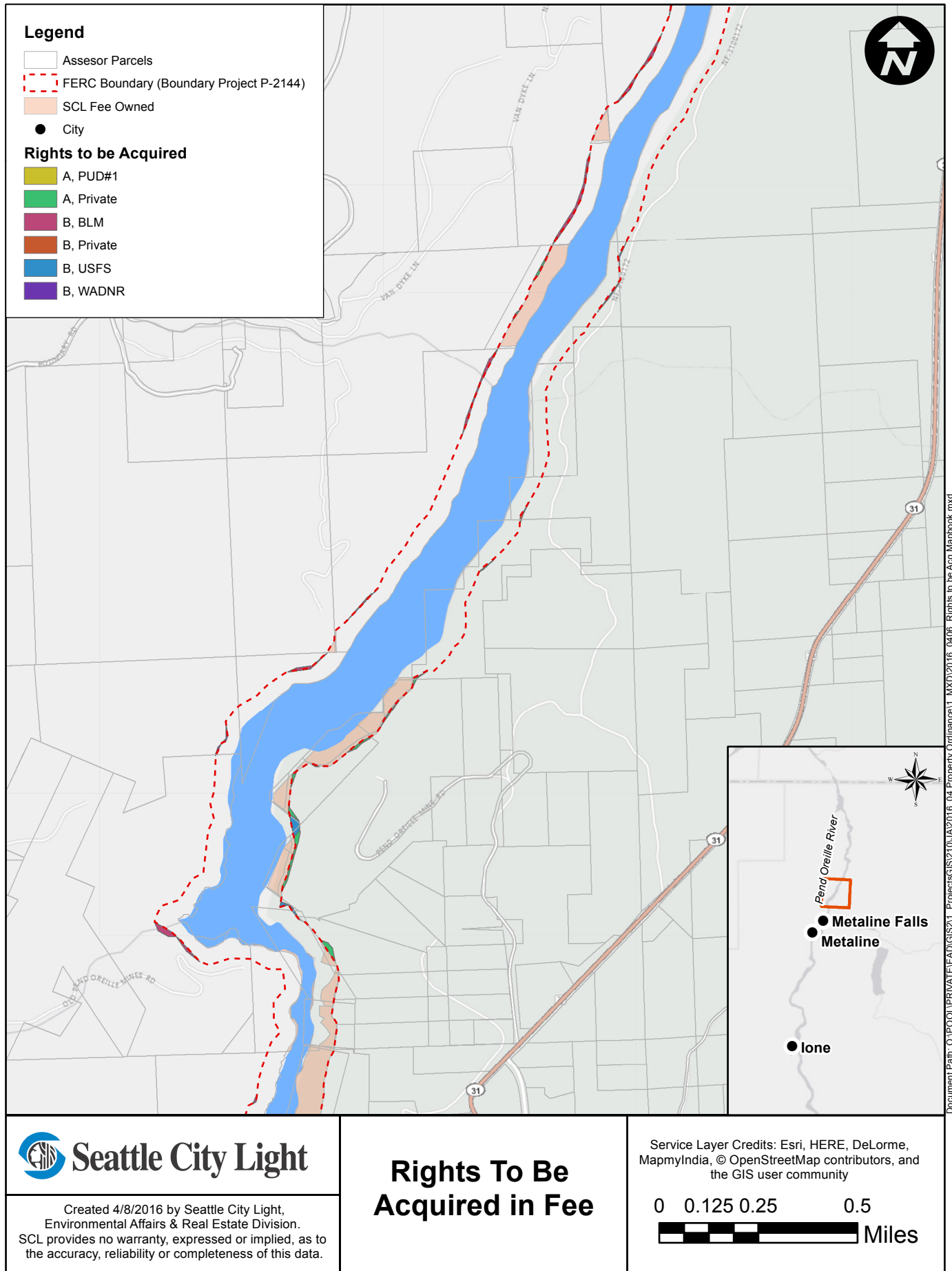


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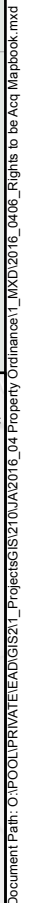


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