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| January 14, 2020 | FCD Motion 2020-03 A MOTION authorizing the chair to enter into a Letter of Agreement between the King County Flood Control District and Muckleshoot Indian Tribe regarding the Lower Russell Road Levee Setback Project in Kent, WA | Materials   1. FCD Motion 2020-03 |

**Staff Report**

FCD Motion FCD 2020-02 authorizes the chair to enter into a Letter of Agreement with the Muckleshoot Indian Tribe regarding the Lower Russell Road Levee Setback Project located in Kent, WA.

The King County Flood Control District's ("District") Lower Russell Road Levee Setback Project ("Project") is the District's largest multi-benefit flood risk reduction project to date. The District broke ground on Phase 1 of the Project in 2019. However, the District cannot begin Phase 2, the majority of the project including a setback levee and habitat restoration, without a permit from the US Army Corps of Engineers ("Corps"). The Lower Green River generally, and the Project location in particular, is culturally significant to the Tribe. As a result, the District has been consulting with the Corps and the Tribe since November 2017 in order to obtain the necessary Corps permits to construct Phase 2. As a result of this consultation, the Tribe agreed to send a non-objection letter to the Corps if the Tribe and the District enter into a formal agreement memorializing the District's commitment to honor the Tribe's federal treaty rights. The terms of the Letter of Agreement are as follows:

1. Eddy Sites for Fishing: As partial mitigation for two successful existing eddy sites, the District will construct six eddy sites as indicated in the plan set submitted to the Corps as part of the application for the necessary permits. The District will monitor, maintain, and replace these eddy sites if necessary.
2. Access to Eddy Sites: In consultation with the Tribe, the District will construct trails to the eddy sites. Additionally, the Tribe will have access to the eddy sites on both sides of the river during construction of the Project.
3. Signage: In consultation with the Tribe, the District will work with the Tribe to provide adequate signage for the eddy sites.
4. Boat Access: The Tribe will have access to the Project's new boat launch.
5. No Objection Letter: Within five days of the execution of the Letter of Agreement, the Tribe will send a letter to the Corps stating the Tribe does not oppose the issuance of the necessary Corps permits.

**Attachment:** FCD Motion FCD2020-03