



## Legislation Text

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Clerk 07/08/2010

AN ORDINANCE authorizing the executive to enter into an interlocal agreement with the Port of Seattle for the provision of surface water management services.

### STATEMENT OF FACTS:

1. The Port of Seattle ("the Port") must monitor stream flow in Miller, Walker and Des Moines creeks for a period of fifteen years, which is until 2023, as a requirement of Section 401 Certification for the airport's Master Plan Update Improvement projects. The Section 401 Certification is required by the Washington State Department of Ecology ("WSDOE") of any entity applying for a federal permit or license to conduct activities that might result in a discharge of dredge or fill material into water or non-isolated wetlands or excavation in water or non-isolated wetlands, in order to ensure conformance with state water quality standards and other state environmental regulations.
2. WSDOE has requested that an independent party with established experience conduct the required stream flow monitoring.
3. King County has been, and is currently, monitoring stream flows throughout King County as part of its comprehensive hydrologic assessment program.
4. Since 2004, King County provided stream flow monitoring services to the Port under a series of technical service agreements, which have expired.
5. King County has also provided basin stewardship and monitoring coordination services to jurisdictions in the Des Moines creek and Miller creek basins through a series of agreements.

6. In the future, the Port may wish to request that King County provide additional, not-yet-identified surface water services, which King County may wish to provide subject to available staffing and budget authority.

7. Through an interlocal agreement, King County is able to provide surface water management-related technical services to the Port on an ongoing year-to-year basis, and the Port wishes to enter into an interlocal agreement with King County for this purpose.

8. Under chapter 39.34 RCW, the Interlocal Cooperation Act, the parties are each authorized to enter into an interlocal agreement for cooperative action.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to enter into an interlocal agreement, in substantially the same form as Attachment A to this ordinance, with the Port of Seattle for the provision of surface water management services.