



Legislation Text

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Clerk 07/01/2014

AN ORDINANCE authorizing the King County executive to execute a funding agreement by and among the King County flood control zone district, the contributing parties identified in the funding agreement and King County in order to provide funding for the implementation and completion of the countyline levee setback project.

STATEMENT OF FACTS:

1. King County functions as the service provider under an interlocal agreement between the county and the King County flood control zone district, and in this capacity has been in the process of designing, planning, and implementing the countyline levee setback project.
2. The countyline levee setback project will consist of a setback levee and biorevetment along the White river in the vicinity of the cities of Pacific, Auburn and Sumner, Washington, between river mile 5.0 and 6.3 ("the countyline project").
3. The countyline project will have significant flood control and flood protection benefits to help protect lives and residential properties in the city of Pacific and the commercial properties in the city of Sumner that are in the vicinity of this portion of the White river.
4. Addressing flood protection for the properties within the city of Pacific is a high priority in the adopted 2006 King County Flood Hazard Management Plan, as amended by the 2013 Flood Hazard Management Plan Update.
5. The flood district has included significant funding for the countyline project in its six-year

capital improvement program.

6. While the flood district has been and continues to be a significant source of funding for the countyline project, other entities have provided or will provide funds for design, property acquisitions and construction, including the salmon recovery funding board, and Pierce county through a commitment to provide five hundred thousand dollars and real property interests in the form of an easement on a tract owned by Pierce county.

7. King County has completed design drawings at the sixty percent level for the countyline project and has submitted applications for federal, state and local permits.

8. The countyline project is listed as one of the highest priorities in the salmon habitat protection and restoration strategy for the Puyallup and Chambers/Clover Creek watersheds in the National Marine Fisheries Service's Puget Sound salmon recovery plan, and directly addresses limiting factors identified in the recovery plan by restoring and providing off-channel rearing habitat for fall and spring chinook, coho and steelhead.

9. The countyline project has significant environmental and ecological benefits, as it will allow the White River to meander through the floodplain complex, thus providing increased flood conveyance and storage and rearing and refuge habitat for juvenile salmonids.

10. The county, through the water and land resources division of the department of natural resources and parks, has sought additional funding sources to make up the balance of the funding needed for project implementation and completion.

11. Defendants in a lawsuit, United States of America v. Advance Ross, et al., in the United States District Court of Western District of Washington ("the contributing parties"), may have potential liability for claims asserted against them by the Commencement Bay Natural Resource Trustees under the Comprehensive Environmental Response, Compensation and Liability Act for natural resource damages related to historical contamination of the Thea Foss and Wheeler-

Osgood waterways on Commencement bay in Tacoma, Washington.

12. The contributing parties wish to resolve their potential liability related to the waterways, in part, by contracting with the county and the flood district for performance and implementation of the countyline project.

13. It is anticipated that the project will provide benefit to natural resources, for which the contributing parties wish to obtain credit, measured in or calculated as habitat, resource or wetlands restoration, mitigation or preservation credits (collectively referred to in this ordinance as "discounted ecological service acre-years credit").

14. In exchange for obtaining discounted ecological service acre-years credit from the project, the contributing parties are willing to provide four million seven hundred seventy-five thousand dollars towards implementation and construction of the project.

15. The proposed funding agreement, Attachment A to this ordinance, obligates the flood district and the county to fund, implement and complete the countyline project and obligates the contributing parties to pay four million seven hundred seventy-five thousand dollars in funds towards completion of the project.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The executive is authorized to execute on behalf of King County a funding agreement, substantially in the form of Attachment A to this ordinance, by and among the King County flood control zone district, the defendants in the lawsuit, United States of America v. Advance Ross, et al., in the United States District Court of Western District of Washington and King County in order to provide four million seven hundred seventy-five thousand dollars of funding for the implementation and completion of the countyline levee setback project.