



## Legislation Text

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**File #:** CB 118484, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

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

WHEREAS, in 2000, the City received the incidental take permit and executed the HCP and related

agreements; and

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

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

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

WHEREAS, following field surveys and other technical considerations, Seattle Public Utilities staff have recommended additional ecological thinning to meet HCP commitments located 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.; that consists of approximately 800 acres of second-growth forest that will receive ecological thinning treatment between 2016 and 2020; and

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

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

Section 1. The Director of Seattle Public Utilities is hereby authorized to contract, pursuant to applicable City contracting or surplus property sale procedures for the service of ecological thinning of second-growth forest stands located 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.; and consisting of approximately 800 acres of second-growth forest that will receive ecological thinning treatment under the principles and procedures described in the Cedar River Watershed Habitat Conservation Plan (HCP), which contract may provide for the sale and removal of merchantable logs down as a result of ecological thinning. The Director of Seattle Public Utilities shall, no later than March 31 of each year, submit to the Mayor and City Council a report for the previous calendar year describing the timber volumes sold and the proceeds derived from sales authorized by this section, an estimate on what tree cutting is anticipated in the next year, and an analysis of the cumulative effects of these projects. A public hearing having been held, the logs resulting from ecological thinning authorized by this ordinance are hereby declared to be surplus to the City's needs. The Director of Seattle Public Utilities is further authorized to conduct all related monitoring, surveys, and other such activities as may be required by the City's commitments in the HCP and by applicable permit requirements.

Section 2. All proceeds from the sale of logs authorized by Section 1 of this ordinance shall be deposited in the Water Fund (43000) and further dedicated for the exclusive purpose of offsetting the costs of implementing the HCP, including the projects, programs and activities 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 \_\_\_\_ day of \_\_\_\_\_, 2015, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Monica Martinez Simmons, City Clerk

(Seal)