



## Legislation Text

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**File #:** CB 118708, **Version:** 1

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### CITY OF SEATTLE

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

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

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

WHEREAS, the License Order outlines the geographic range within which the Project Habitat Lands must be

located and the habitat qualities the lands must possess, and directs City Light to acquire the lands in consultation with the Boundary Terrestrial Resources Work Group, a group comprised of signatories to the Settlement Agreement; and

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

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

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

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

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

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

Section 2. The General Manager and Chief Executive Officer of City Light is hereby authorized to

execute all documents necessary or desirable to accomplish the acquisition of the land, easements and other real property rights authorized in Section 1.

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

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

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 \_\_\_\_\_ day of \_\_\_\_\_, 2016, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Monica Martinez Simmons, City Clerk

(Seal)