



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118708

Record No.: CB 118708

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125072

In Control: City Clerk

File Created: 05/04/2016

Final Action: 07/08/2016

**Title:** 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.

Date

**Notes:**

Filed with City Clerk:

Mayor's Signature:

**Sponsors:** Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:**

**Drafter:** Lynn.Best@seattle.gov

**Filing Requirements/Dept Action:**

**History of Legislative File**

Legal Notice Published:  Yes  No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	05/31/2016	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b>		The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk				
	<b>Notes:</b>						
1	City Clerk	05/31/2016	sent for review	Council President's Office			
	<b>Action Text:</b>		The Council Bill (CB) was sent for review. to the Council President's Office				
	<b>Notes:</b>						
1	Council President's Office	06/03/2016	sent for review	Energy and Environment Committee			
	<b>Action Text:</b>		The Council Bill (CB) was sent for review. to the Energy and Environment Committee				
	<b>Notes:</b>						

- 1 Full Council 06/20/2016 referred Energy and Environment Committee
- 1 Energy and Environment Committee 06/28/2016 pass Pass  
**Action Text:** The Committee recommends that Full Council pass the Council Bill (CB).  
In Favor: 3 Chair Sawant, Vice Chair Juarez, Member González  
Opposed: 0
- 1 Full Council 07/05/2016 passed Pass  
**Action Text:** The Council Bill (CB) was passed by the following vote and the President signed the Bill:  
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Sawant  
Opposed: 0
- 1 City Clerk 07/07/2016 submitted for Mayor's signature Mayor  
**Action Text:** The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
**Notes:**
- 1 Mayor 07/08/2016 Signed  
**Action Text:** The Council Bill (CB) was Signed.  
**Notes:**
- 1 Mayor 07/08/2016 returned City Clerk  
**Action Text:** The Council Bill (CB) was returned. to the City Clerk  
**Notes:**
- 1 City Clerk 07/08/2016 attested by City Clerk  
**Action Text:** The Ordinance (Ord) was attested by City Clerk.  
**Notes:**
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CITY OF SEATTLE

ORDINANCE 125072

COUNCIL BILL 118708

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

1 WHEREAS, the License Order outlines the geographic range within which the Project Habitat  
2 Lands must be located and the habitat qualities the lands must possess, and directs City  
3 Light to acquire the lands in consultation with the Boundary Terrestrial Resources Work  
4 Group, a group comprised of signatories to the Settlement Agreement; and

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

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

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

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

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

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

5           Section 2. The General Manager and Chief Executive Officer of City Light is hereby  
6 authorized to execute all documents necessary or desirable to accomplish the acquisition of the  
7 land, easements and other real property rights authorized in Section 1.


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

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

13

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 5<sup>th</sup> day of July, 2016,  
5 and signed by me in open session in authentication of its passage this 5<sup>th</sup> day of  
6 July, 2016.

7 

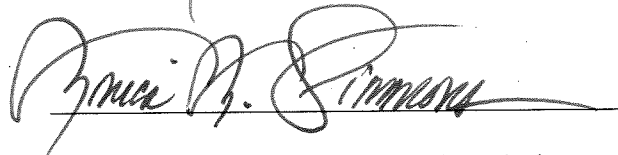
8 President \_\_\_\_\_ of the City Council

9 Approved by me this 8<sup>th</sup> day of July, 2016.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 8<sup>th</sup> day of July, 2016.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)