



Legislation Details (With Text)

File #: CB 119958 **Version:** 1 **Name:** CB 119958
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 1/4/2021
Final Action: 1/8/2021 **Ord. No.** Ord 126267

Title: AN ORDINANCE relating to the Cedar River Watershed; authorizing two years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 3, 4, and 10, Township 21, North, Range 10, East, W.M., and Section 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.

Sponsors: Alex Pedersen

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Att A – Proposed Ecological Thinning 2021-2022, 3. Presentation, 4. Muckleshoot Support Letter, 5. Sierra Club Support Letter, 6. Signed Ordinance 126267, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
1/8/2021	1	City Clerk	attested by City Clerk	
1/7/2021	1	Mayor	returned	
1/7/2021	1	Mayor	Signed	
1/7/2021	1	City Clerk	submitted for Mayor's signature	
1/4/2021	1	City Council	passed	Pass
12/16/2020	1	Transportation and Utilities Committee	pass	Pass
12/2/2020	1	Transportation and Utilities Committee	discussed	
11/30/2020	1	City Council	referred	
11/24/2020	1	Council President's Office	sent for review	
11/23/2020	1	City Clerk	sent for review	
11/23/2020	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Cedar River Watershed; authorizing two years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 3, 4, and 10, Township 21, North, Range 10, East, W.M., and

Section 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 of Seattle ("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 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 clarifies certain differences between the forest management policies contained in the Secondary Use Policies (adopted by Ordinance 114632) and those contained in the HCP; prohibits the harvesting of trees for commercial purposes on City-owned land within the Watershed; authorizes the cutting of trees for certain limited non-commercial reasons, including ecological thinning; provides limited authority for the sale of logs resulting from such non-commercial cutting; and dedicates 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, authorizing two ecological thinning projects under the HCP, which were completed in 2003 and 2008, respectively; 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 were completed in 2017; and

WHEREAS, in 2015, the City Council passed Ordinance 124853, which provided authority for ecological thinning projects over a five-year period (2015-2020) under the HCP, and those projects were planned to be completed in 2020; and

WHEREAS, Seattle Public Utilities designed ecological thinning projects to meet HCP commitments located in Sections 8 and 9, Township 22, North, Range 8, East, W.M.; Sections 3, 4, and 10, Township 21, North, Range 10, East, W.M.; and Section 33, Township 22, North, Range 10, East, W.M., that were scheduled to receive ecological thinning on approximately 225 acres and result in up to 3,000,000 board feet of merchantable logs from among the vegetation that would be cut in 2020; and

WHEREAS, these ecological thinning projects will not be implemented in 2020 due to the COVID-19 pandemic and unfavorable market conditions, and are recommended to receive ecological thinning treatment in 2021 and 2022; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager/CEO 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 8 and 9, Township 22, North, Range 8, East, W.M.; Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M.; and Section 33, Township 22, North, Range 10, East, W.M., and consisting of approximately 225 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 General Manager/CEO 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 of Seattle’s (“City”) needs. The General Manager/CEO 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 _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

_____ by me this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)