

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-336

APPROVAL OF AN AGREEMENT TO ALLOW INUNDATION OF COUNTY PROPERTY
DUE TO DIKE REMOVAL FOR BLUE HERON SLOUGH RESTORATION PROJECT

WHEREAS, the Port of Everett and Wildlands of Washington LLC are the owners of real property located adjacent to County owned property currently protected from inundation by an agricultural dike located on the adjacent private property; and

WHEREAS, the Port of Everett and Wildlands have obtained permits for the Blue Heron Slough Restoration Project (Restoration Project) to remove portions of the agricultural dike located on private property for mitigation bank purposes; and

WHEREAS, the County owns an access easement over a portion of the adjacent private property for the purpose of accessing the County owned Property. The County owned Access Easement crosses a remnant slough rendering the County Property accessible by boat only, and has not been utilized by the County for this reason; and

WHEREAS, in connection with the development of the Restoration Project, Wildlands intends to construct four (4) dike breaches on private property to connect the restored estuary on the Restoration Site to Steamboat Slough and Union Slough; and

WHEREAS, the Restoration Site and the County Property were historically part of the Snohomish Estuary; and

WHEREAS, upon completion of the breaching of the dikes, the County Property and a larger portion of the Access Easement will be inundated and restored to estuarine habitat; and

WHEREAS, the County Property and the Access Easement were originally purchased by the County using Aquatic Land Enhancement Account ("ALEA") funds from the State Recreation and Conservation Office ("RCO"), Project number AL-31, for the purpose of protecting and restoring wetlands; and

WHEREAS, the purpose of the Restoration Project is estuarine wetland restoration, the Restoration Project and its effect on the County Property and the Access Easement have been determined by RCO, to be consistent with the stated purposes of the original acquisition grant used to purchase the County Property and Access Easement; and

WHEREAS, RCO Manual 7 Long Terms Obligations prohibits conveyance of a property interest to a third party not eligible to receive grants from the program that

funded the original County land acquisition, the Land Use Agreement between the parties is in lieu of the granting of a Flowage Easement; and

WHEREAS, Wildlands and the County desire to enter into this Land Use Agreement for the purpose of setting forth the terms and conditions on which Wildlands will inundate the County Property and Access Easement, and compensate the County for said inundation caused by Wildlands' breaching of the dikes; and

WHEREAS, the negotiated amount to be paid to the County for the Land Use Agreement affecting approximately 4 acres of diked property is \$4,400.00; and

WHEREAS, the County Council finds it is in the public interest to enter into this Agreement in substantially in the form included herein;

NOW, THEREFORE, ON MOTION, the Council approves the Property Officer of the Department of Facilities Management Property Management Division to sign said Land Use Agreement on behalf of Snohomish County.

PASSED this 14th day of August, 2022

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council