



Snohomish County Council

Committee: Conservation, Sustainability, and Recreation **Analyst:** Nicole Gorle
ECAF: 2023-0126 **Date:** February 13, 2023
Motion: 23-069

Consideration:

Authorize the Executive to Execute a restrictive covenant for Diking Improvement District (DID) 5 Advance Wetland Mitigation Site.

Background:

The Smith Island Restoration Project's purpose is to "re-establish historic tidal marshlands that provide critical habitat for threatened Chinook salmon, as well as other salmon species, in the Snohomish River basin."¹ This is a large, ongoing project, that involves multiple stakeholders, including DID 5.

On December 17, 2020 the Department of Ecology and DID 5 executed Agreed Order #19517. Under Section IV, Subsection B.7. it states that DID 5 will sign and record a restrictive covenant, the order, and site maps from the Mitigation Plan with the County Auditor.

As stipulated under Ordinance 14-066, an ILA between the County and DID 5, the County holds the deed to the diking corridor underlying the remnant dike. Under the Agreed Order between DID 5 and the Department of Ecology this corridor would become a wetland mitigation site.

Current Proposal:

Scope: Approve a restrictive covenant for the diking corridor which the County holds the deed for, with DID 5 and the County (Declarants) and the Department of Ecology and US Army Corps of Engineers (Beneficiaries).

Under the covenant, the property will stay in a natural, open space and scenic condition for the purpose of conservation and habitat restoration. The purpose of the covenant will confine what activities are allowed and what are not on the property moving forward.

Duration: Perpetuity

Fiscal Implications: None – while the project itself has a fiscal impact, the action of entering into the covenant does not.

2023 Budget: No

Future Budget Impact: No

Handling: Normal

Approved-as-to-form: No

¹ <https://snohomishcountywa.gov/1150/Smith-Island-Restoration-Project>

Risk Management: No

Executive Recommendation: Approve

Attachment: None

Amendments: None

Request: Move to GLS on March 8th for Council consideration.