



# Snohomish County Council

## Legislation Details (With Text)

<b>File #:</b>	2023-0130	<b>Version:</b>	1
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved
<b>File created:</b>	2/6/2023	<b>In control:</b>	Public Hearings
<b>On agenda:</b>	3/22/2023	<b>Final action:</b>	3/22/2023
<b>Title:</b>	Ordinance 23-014, approving and authorizing the Snohomish County Council to ratify and confirm termination of ABC Agreements with the United States Army Corps of Engineers		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance 23-014, 2. Staff Report, 3. Ordinance Introduction Slip, 4. Hearing Notice, 5. Enactment Notice & Affidavit of Publication		

Date	Ver.	Action By	Action	Result
3/22/2023	1	Public Hearings	Approved	Pass
3/1/2023	1	General Legislative Session	Set time/date for Public Hearing	
2/28/2023	1	Conservation, Sustainability and Recreation Committee	Moved to the GLS Regular Agenda	
2/21/2023	1	Administrative Session	Assigned	

## Executive/Council Action Form (ECAF)

### ITEM TITLE:

Ordinance 23-014, approving and authorizing the Snohomish County Council to ratify and confirm termination of ABC Agreements with the United States Army Corps of Engineers

**DEPARTMENT:** Conservation and Natural Resources

**ORIGINATOR:** Aaron Kopp

**EXECUTIVE RECOMMENDATION:** Approved by Lacey Harper 2/10/23

**PURPOSE:** The purpose of this ECAF is to request County Council to affirm that 5 levees long-since abandoned, are no longer the County's obligation to maintain and that the US army Corps can terminate the "ABC agreements." These agreements are known to exist for years 1949-1965 though there may be agreements for other years.

### BACKGROUND:

Snohomish County (the "County") entered a Resolution to Assume Obligations of Local Participation (ABC agreements) with the US Army Corps of Engineers (USACE) for the purpose of assuming levee operations and maintenance after construction. The five levees in the ABC Agreements are referred to as:

- Fern Bluff Levee on the Skykomish River
- Crabb's Dike on the Snohomish River

- Marshland levee on the Snohomish River
- Robe Hill levee on the South Fork Stillaguamish River
- Schlamp Dike on the Snohomish River

These levees appear to have been abandoned since the late 1960's with no record of maintenance in over 30 years, except for repairs of the Schlamp levee in 1995. Additionally, the levees also provide a private benefit in the form of protecting private property and do not serve a direct public purpose in the form of protection of public facilities or infrastructure (i.e. county roads and bridges). Finally, these levees were built before the Endangered Species Act (ESA) and existing State and Federal permit requirements make it very challenging to operate and maintain levees along private property at the expense of a public interest like habitat for ESA listed salmon and reducing flood hazards further downstream.

SWM and Public Works have spoken with the Corps about terminating these agreements. SWM will need to send a letter to the Corps with the following:

- Identification of the ABC Agreement
- Explanation that they have been abandoned and do not serve a direct public purpose.
- Request to terminate the agreements in the letter.

Because the 1960 agreements were entered into via council approval (see Exhibit A attached ABC Agreement or their reference documentation, a map is included as Exhibit B), ordinance **XXXXXX** authorizes the termination of those agreements for the reasons listed above.

#### FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
<b>TOTAL</b>			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
<b>TOTAL</b>			

**DEPARTMENT FISCAL IMPACT NOTES:** None

#### CONTRACT INFORMATION:

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

#### Contract Period

ORIGINAL	START	END
AMENDMENT	START	END

**OTHER DEPARTMENTAL REVIEW/COMMENTS:** Reviewed/approved by: Finance (Nathan Kennedy 2/10/23)