

1 Sponsored by: Councilmember  
2 Requested by: County Council  
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## 6 **RESOLUTION NO. R2022-**

### 7 8 9 **A Resolution of the Pierce County Council Approving and Authorizing the** 10 **Pierce County Executive to Execute an Interlocal Agreement** 11 **with Port of Tacoma (Port) to Support the Completion of Two** 12 **Capital Improvement Projects; Clear Creek Habitat** 13 **Restoration and Clear Creek Floodgate, Included in the Pierce** 14 **County Planning and Public Works Surface Water** 15 **Management Improvement Plan (SWIP).** 16

17 **Whereas**, Chapter 39.34 of the Revised Code of Washington (RCW) allows local  
18 governments to make the most efficient use of their powers by enabling them to  
19 cooperate with other localities on a basis of mutual advantage; and  
20

21 **Whereas**, Ordinance No. 2021-96 adopted the 2022-2027 Surface Water  
22 Improvement Program (SWIP) which includes the Clear Creek Habitat Restoration and  
23 Clear Creek Floodgate projects; and  
24

25 **Whereas**, the Commencement Bay Natural Resource Trustees have agreed to  
26 contribute funding to these two projects to promote off-channel habitat improvements  
27 essential to salmon recovery within the Puyallup River watershed; and  
28

29 **Whereas**, Resolution R2021-177 authorized the acceptance of these funds for  
30 the purpose of constructing these projects.  
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32 **Whereas**, these projects support Pierce County objectives to preserve and  
33 enhance surface water resources including salmon recovery, and provide flood risk  
34 reduction improvements to the Clear Creek area; and  
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36 **Whereas**, the Port has a long-standing commitment to environmental  
37 stewardship along Clear Creek, and in the interest of partnership and collaboration this  
38 agreement seeks to advance those goals; and  
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40 **Whereas**, said Surface Water Management (SWM) capital improvement projects  
41 are located on, and adjacent to, Port property and Port owned floodgate infrastructure,  
42 as shown on Exhibit A; and  
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44 **Whereas**, both operational efficiency and system reliability will be increased if  
45 both the Clear Creek floodgates are owned by Pierce County and managed as a single  
46 system; and  
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1       **Whereas**, the Clear Creek Habitat Restoration project is located on both Port of  
2 Tacoma and Pierce County properties; and  
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4       **Whereas**, the purpose of the Agreement is to document the transfer of  
5 ownership for certain equipment from the Port to Pierce County including existing  
6 floodgate infrastructure, the temporary transfer of certain real property interests to  
7 Pierce County via access easements for the construction and monitoring of the Clear  
8 Creek Habitat Restoration Project, and the transfer of maintenance responsibilities for  
9 the Clear Creek Habitat Restoration Project from Pierce County to the Port following a  
10 specified monitoring period, all described in Exhibit B; **Now Therefore**,  
11

12       **BE IT RESOLVED by the Council of Pierce County:**  
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14       Section 1. The Pierce County Council approves and authorizes the Pierce  
15 County Executive or designee to enter into an interlocal agreement, substantially in the  
16 same form as Exhibit B, which is attached hereto and incorporated herein for reference,  
17 with the Port of Tacoma.  
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19       **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
20

21       ATTEST:  
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23                                   **PIERCE COUNTY COUNCIL**  
24                                   Pierce County, Washington  
25

26       \_\_\_\_\_  
27       **Denise D. Johnson**  
28       Clerk of the Council  
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\_\_\_\_\_  
**Derek Young**  
Council Chair

