

Interlocal Agreement and Easements between Pierce County and the Port of Tacoma:

Clear Creek Flood Gate Retrofit and Habitat Restoration Projects

Jenn Stebbings
Environmental Project Manager
Port Biologist



1. ILA – Port and Pierce County Requested Action



(1) Request authorization for the Executive Director or his designee to enter into an Interlocal Agreement (ILA) with Pierce County, pursuant to the Interlocal Cooperation Act (RCW Chapter 39.34). This Agreement is for the Port of Tacoma and Pierce County to cooperatively enhance salmon habitat, reduce flood risk, and improve fish access at the Port's Lower Clear Creek Habitat Mitigation Site. Total financial commitment by the Port of Tacoma shall not exceed \$25,000.

2. Easement to Pierce County for Parcel 67 Requested Action (cont.)



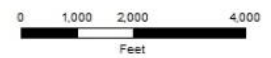
(2) Request authorization for the Executive Director or his designee to convey a temporary access easement and a permanent access easement to Pierce County on Port Parcel 67, the Lower Clear Creek Habitat Mitigation Site, necessary to implement the ILA.

Background

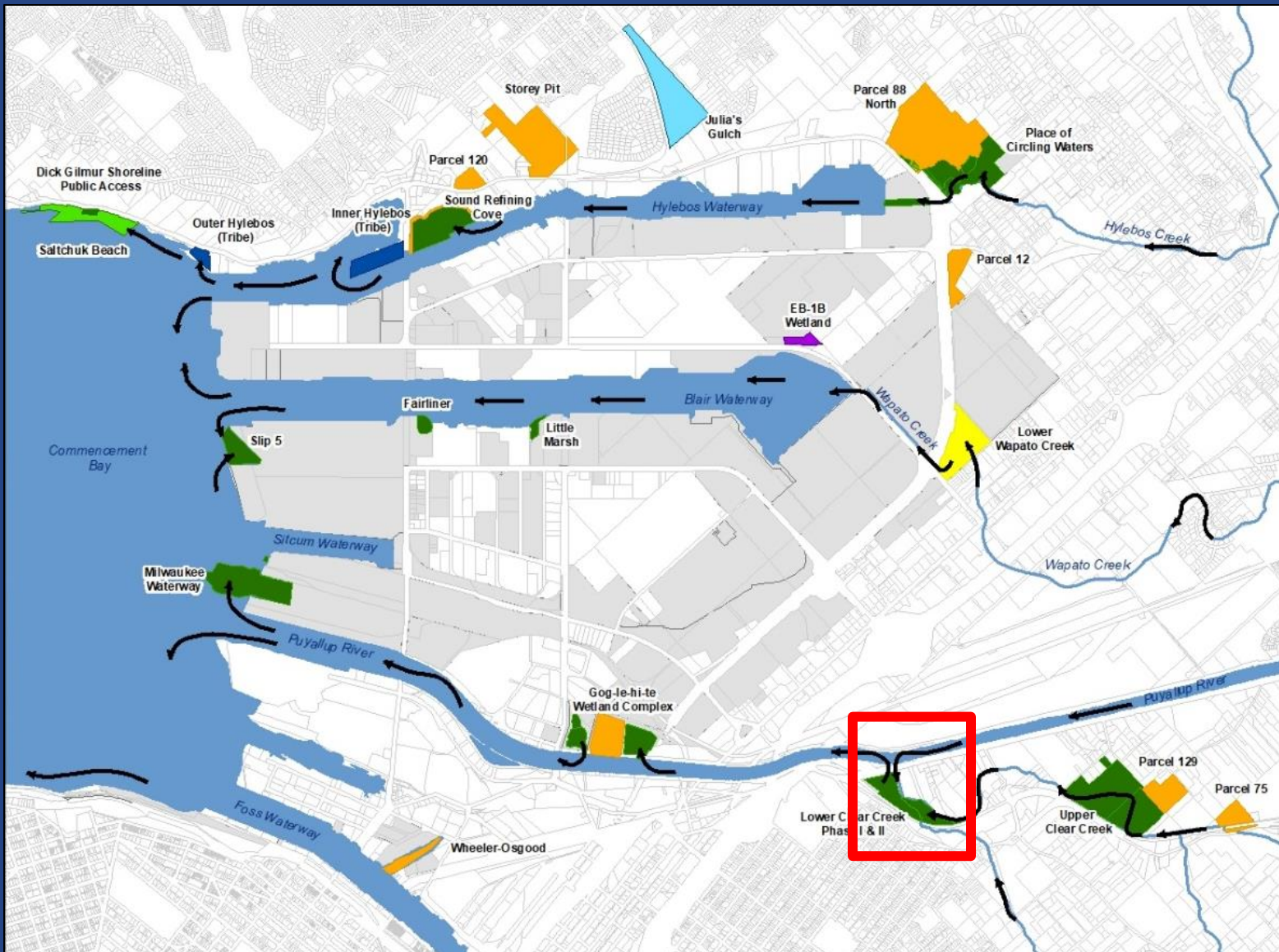
Port of Tacoma Habitat Mitigation Sites 2022

Habitat Mitigation Site

- Current Site
- In Design
- Potential Site
- In Construction
- Preservation Site
- Restoration Site
- Non-Port Action
- Waterbody
- Tax Parcel
- Port Parcel
- Juvenile Salmonid Migration



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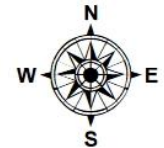


Background (cont.)

Port of Tacoma Lower Clear Creek Phase I and II

Legend

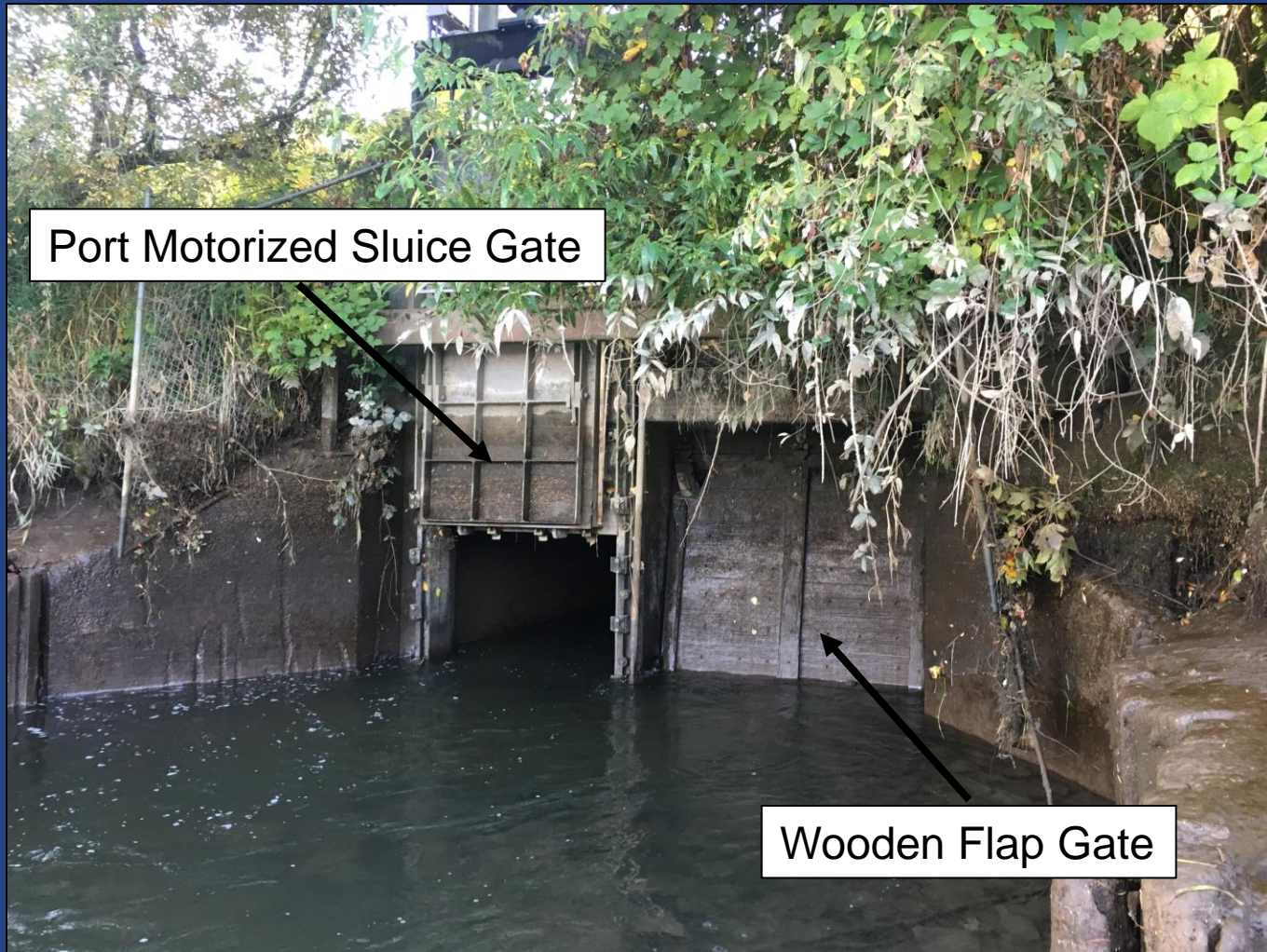
- Clear Creek Phase I
- Clear Creek Phase II
- ClearCreekCulvert
- Waterbody
- Port Parcel



0 120 240 480
Feet



Background (cont.)



Background (cont.)

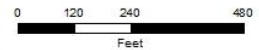
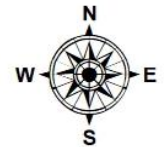


Background (cont.)

Port of Tacoma Lower Clear Creek Phase I and II Pierce Co. Project

Legend

- Clear Creek Phase I
- Clear Creek Phase II
- Pierce Co. Project Limits
- Clear Creek Box Culvert
- Belly Cut Bottoms
- Waterbody
- Port Parcel



Scope of the ILA with Pierce County



Port/County partnership consistent with EL-4, A-2
of the Strategic Plan

Scope of ILA includes:

- County constructs Clear Creek Flood Gate Retrofit Project and Clear Creek Habitat Restoration Project.
- Port conveys temporary and permanent easements to County.
- County takes over ownership, operations, and maintenance of the new integrated flood gate system and the upstream debris barrier.
- Port transfers an amount not to exceed \$25,000 to County for equipment deficiencies.

Scope of the ILA with Pierce County (cont.)



Scope (cont.):

- County operates and maintains new integrated flood gate system consistent with the consent decree with EPA (No. C93-5462 RJB).
- County and Port collectively monitor project elements for the initial 5-year period.
- County responsible for monitoring and maintaining habitat project area for 5 years.
- Port incorporates habitat project into its long-term stewardship program after the 5-year period.

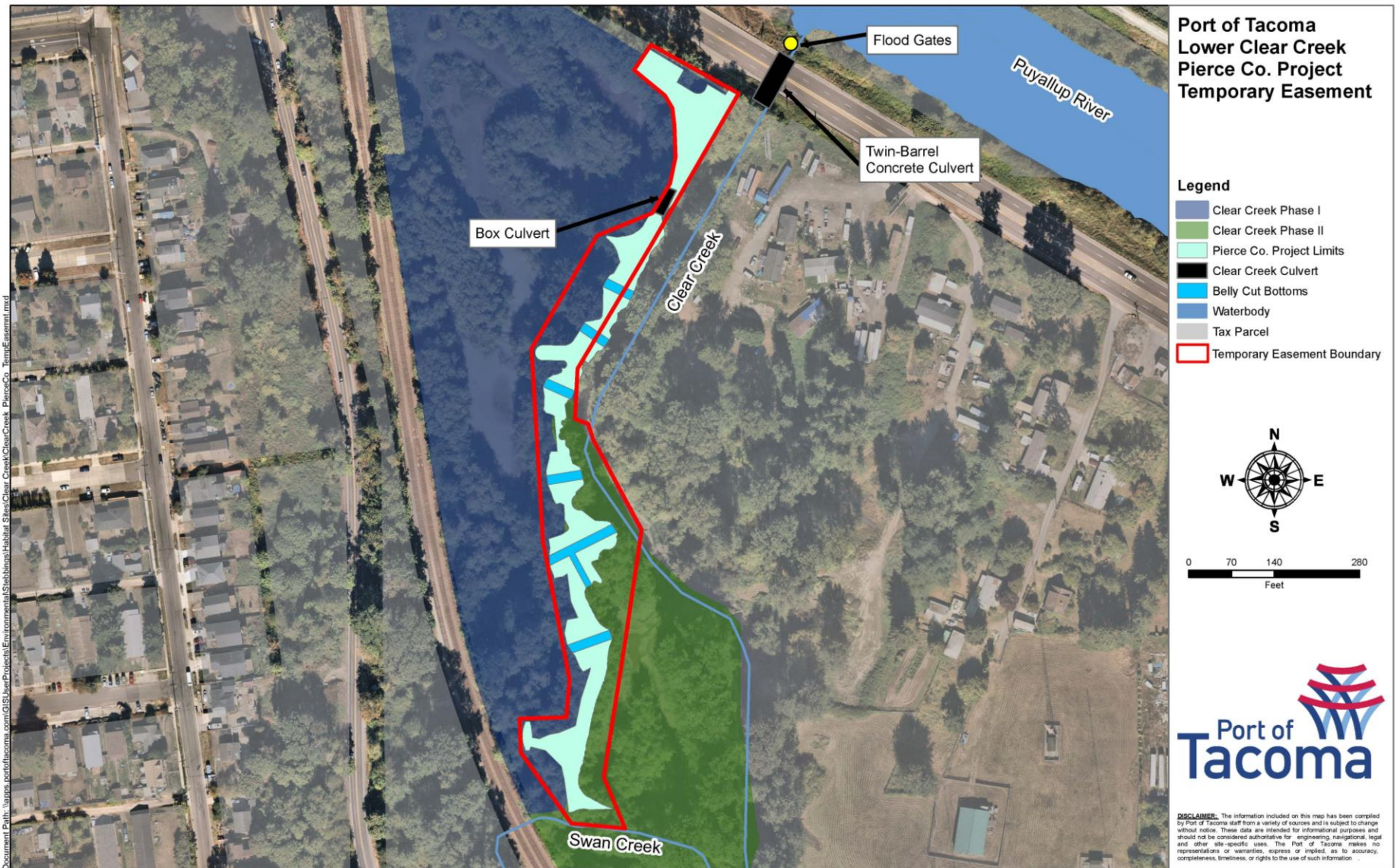
Scope of the Easements with Pierce County



Scope of the temporary and permanent easements include the following:

- Port conveys access to County to construct and monitor the restoration project for a period of five (5) years.
- Port conveys access to County to maintain the upstream debris barrier in perpetuity or until such time the upstream debris barrier is no longer needed.

Scope of Temporary Easement with Pierce County



Scope of Permanent Easement with Pierce County



Duration of ILA with Pierce County



The ILA is effective upon the last day of execution of both parties and will continue through the completion of the project construction, the monitoring period, and the transfer of property (equipment).

The maintenance, operation, and monitoring obligations are continuing obligations and survive expiration of the Agreement.

Duration of Easements with Pierce County



The temporary easement is effective upon the last day of execution of both parties and will continue through the completion of the project construction, the monitoring period, and the transfer of property (equipment). The monitoring period will be for five (5) years.

The permanent easement is effective upon the last day of execution of both parties and will continue in perpetuity or until such time the upstream debris barrier is no longer needed, whichever comes first.

Financial Summary ILA with Pierce County



Source: Funding for the ILA would come from the non-operating budget, as an unallocated expense.

ITEM	BUDGET ESTIMATE	EXPENDITURE TO DATE	ANTICIPATED FUTURE EXPENDITURES
Pierce County ILA	\$0	\$0	\$25,000

Economic Impacts ILA with Pierce County



This ILA will:

- Significantly reduce flood risk in Clear Creek floodplain,
- Eliminate Port's spill response liability associated with generator and fuel tank's proximity to Puyallup River, and
- Create temporary construction jobs.

Environmental Impacts/Review ILA with Pierce County



Permitting: County responsibility. Port provides assistance, if necessary.

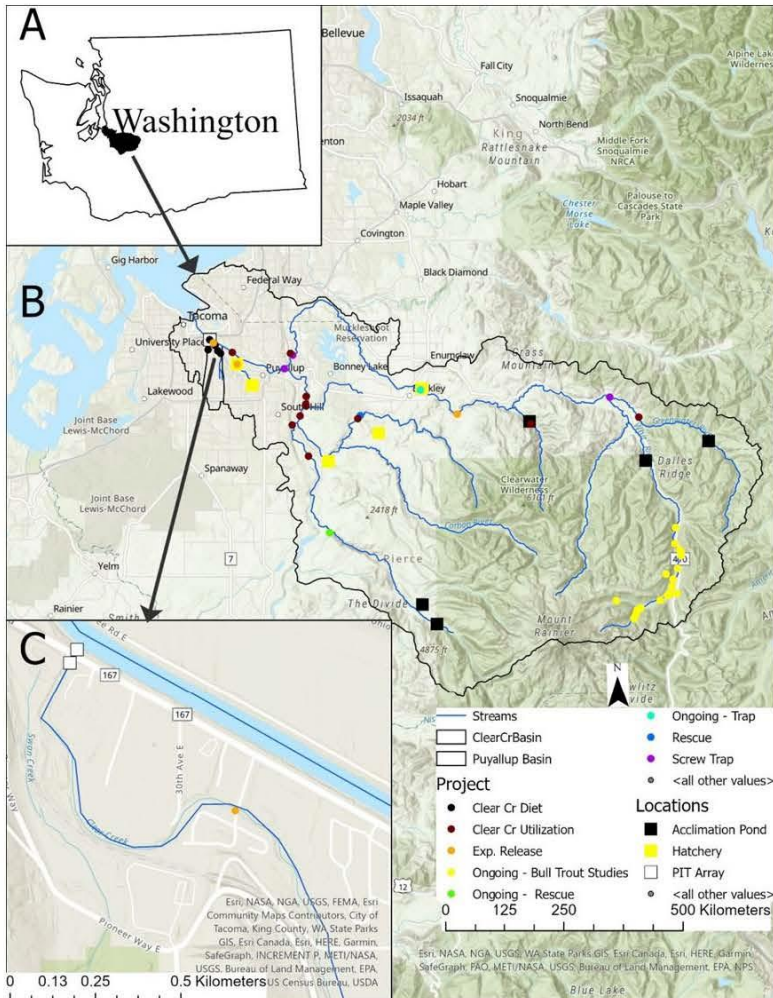
Remediation: No impacts.

Stormwater:

- County responsible for Construction Stormwater General Permit
- Section 401 Water Quality Certification, if applicable.

Air Quality: No impacts.

Salmonid Utilization of Clear Creek



2022 Floodplain Fish Sampling and Utilization Studies

Table 3 (from R. Peters IP). Summary of the number of PIT tagged fish detected on the Clear Creek arrays from July 2020 and June 15, 2021. One additional tag was detected from an adult Chinook salmon PIT tagged off the west coast of Vancouver Island by Canadian DFO (Cameron Freshwater, personal communication).

Location	Chinook	Coho	Cutthroat	<i>O. Mykiss</i>	Bull Trout	Trout	Total
31 st (Exp. Release)	84	0	0	0	0	0	84
Buckley	0	0	0	0	5	0	5
Culvert (Exp. Release)	101	0	0	0	0	0	101
Dagobah	0	4	1	0	0	0	5
Diru	0	0	0	5	0	0	5
Fennel DS	0	0	1	1	0	0	2
Fennel US	0	1	1	0	0	0	2
Fryingpan	0	0	0	0	7	0	7
Gay Road	0	0	1	1	0	0	2
LCC	18	9	2	2	1	0	32
Mainstem	0	0	0	0	1	0	1
S. Prairie Preserve	0	0	0	1	0	0	1
SmoltTrap_PR	0	7	0	5	0	1	13
SmoltTrap_WR	0	2	0	0	5	0	7
Squally	0	1	1	0	0	0	2
Tribe	3	12	0	0	0	0	15
Total	206	36	7	15	19	1	284

ESA-Listed Salmonid Species Found in Clear Creek



1. ILA – Port and Pierce County Conclusion



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2. Easement to Pierce County for Parcel 67 Conclusion



(2) Request authorization for the Executive Director or his designee to convey a temporary access easement and a permanent access easement to Pierce County on Port Parcel 67, the Lower Clear Creek Habitat Mitigation Site.