

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2009-69

**Property Agreement for the Sounder Commuter Rail
Permitting/Environmental Mitigation Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	8/6/09	Discussion/Possible Action	Eric Beckman, Capital Projects Rail Program Manager Ellie Ziegler, Sr. Environmental Planner	(206) 398-5251 (206) 398-5135

Contract/Agreement Type:	<input checked="" type="checkbox"/>	Requested Action:	<input checked="" type="checkbox"/>
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	<input checked="" type="checkbox"/>
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate	<input checked="" type="checkbox"/>	Property Acquisition	

PROJECT NAME

Sounder Commuter Rail Permitting/Environmental Mitigation Project.

PROPOSED ACTION

Authorizes the chief executive officer to amend an agreement with Mr. Dan Christofferson to allow him to sell his property to the City of Marysville or to one of the Trustees of the Qwuloolt restoration project.

KEY FEATURES of PROPOSED ACTION

- The existing Agreement states that Mr. Christofferson will sell his property to the City of Marysville who will then in turn transfer the property to the Trustees. Mr. Christofferson wishes to amend the agreement so he can sell to the City of Marysville or directly to one of the Trustees.
- This change does not affect Sound Transit's obligations under the Agreement.
- The City of Marysville has no objection to this amendment.

BUDGET IMPACT SUMMARY

Current Project Phase: Construction
Projected Completion Date: 2011

BUDGET and FINANCIAL PLAN DISCUSSION

The proposed action authorizes a minor amendment to the agreement. This action does not authorize any expenditure of the project budget. There will be a separate board action for this after the project has gone out for bid.

BUDGET TABLE

Not applicable to this action.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

In 2003, Sound Transit entered into agreements for the purchase of commuter rail easements from the BNSF Railway Company to allow Sounder service between Everett and Seattle. One of the obligations under those agreements was that Sound Transit would provide for the offsite wetland mitigation requirements that resulted from track and signal improvements constructed by BNSF to accommodate Sounder service.

After conducting an extensive search for locations to implement a restoration project in the estuary, Sound Transit has partnered with the trustees of the Qwuloolt Estuary Restoration Project (QERP) in Snohomish County to fulfill Sound Transit’s mitigation requirements. The Trustees include representatives from the National Oceanic and Atmospheric Administration, Tulalip Tribes of Washington, U.S. Fish and Wildlife Service, and the Washington State Department of Ecology (DOE). The Trustees are constructing an estuarine restoration project that comprises over 300 acres within the Snohomish River Estuary to compensate for environmental injury caused by a large landfill and superfund site in the estuary. Part of this restoration includes purchasing private property in the floodplain and restoring estuarine habitat by removing dikes, relocating streams, and planting native vegetation. Environmental permitting agencies, such as the Corps of Engineers and the DOE identified the Snohomish River estuary as an appropriate location for Sound Transit to conduct compensatory mitigation for project related impacts.

As part of this partnership, Sound Transit has already arranged for the purchase of three properties, comprising a total of approximately 15 acres at the QERP. Prior Finance Committee action authorized an agreement with the City of Marysville to purchase the properties on behalf of Sound Transit as the properties are outside of Sound Transit’s service area. These properties have been transferred to the trustees who will incorporate them into the overall restoration project. The Washington State DOE required Sound Transit to implement an alternative restoration project on those three properties in the event that the QERP was not permitted by March 2008. Implementation of the QERP has been pushed past the March date due to difficulties the trustees have had in purchasing one particularly key piece of property, the Christofferson property. The Christofferson property is an integral piece in the overall QERP because unless the property can be purchased, a large, expensive system of levees will need to be built to protect the Christofferson property from flooding that will result from the restoration activities. Sound Transit was able to renegotiate with the DOE to eliminate the permit contingency to build an independent mitigation project in exchange for Sound Transit’s participation in the purchase of the Christofferson property.

In compliance with the renegotiated condition of the DOE permit, Sound Transit will design and build a one-acre fill pad on the Christofferson Property and in exchange, Mr. Christofferson will sell over four acres of the floodplain portion of his property to the Trustees.

Prior Board/Committee Actions

Motion or Resolution Number and Date	Summary of Action
M2008-103 11/6/08	Authorized CEO to execute an agreement with Mr. Christofferson to build a fill pad on his property in exchange for his agreement to sell his remaining property located in the Snohomish River floodplain to the City of Marysville as part of the wetland mitigation package for the Sounder Commuter Rail Everett to Seattle Project

CONSEQUENCES of DELAY

While it is important to move this agreement forward, a delay of two weeks would not have a significant impact on the project schedule.

ENVIRONMENTAL COMPLIANCE

SSK 7-30-09

LEGAL REVIEW

JW 7/30/09

SOUND TRANSIT

MOTION NO. M2009-69

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to amend an agreement with Mr. Dan Christofferson to allow him to sell his property to the City of Marysville or to one of the Trustees of the Qwuloolt restoration project.

Background:

In 2003, Sound Transit entered into agreements for the purchase of commuter rail easements from the BNSF Railway Company to allow Sounder service between Everett and Seattle. One of the obligations under those agreements was that Sound Transit would provide for the offsite wetland mitigation requirements that resulted from track and signal improvements constructed by BNSF to accommodate Sounder service.

After conducting an extensive search for locations to implement a restoration project in the estuary, Sound Transit has partnered with the trustees of the Qwuloolt Estuary Restoration Project (QERP) in Snohomish County to fulfill Sound Transit's mitigation requirements. The Trustees include representatives from the National Oceanic and Atmospheric Administration, Tulalip Tribes of Washington, U.S. Fish and Wildlife Service, and the Washington State Department of Ecology (DOE). The Trustees are constructing an estuarine restoration project that comprises over 300 acres within the Snohomish River Estuary to compensate for environmental injury caused by a large landfill and superfund site in the estuary. Part of this restoration includes purchasing private property in the floodplain and restoring estuarine habitat by removing dikes, relocating streams, and planting native vegetation. Environmental permitting agencies, such as the Corps of Engineers and the DOE identified the Snohomish River estuary as an appropriate location for Sound Transit to conduct compensatory mitigation for project related impacts.

As part of this partnership, Sound Transit has already arranged for the purchase of three properties, comprising a total of approximately 15 acres at the QERP. Prior Finance Committee action authorized an agreement with the City of Marysville to purchase the properties on behalf of Sound Transit as the properties are outside of Sound Transit's service area. These properties have been transferred to the trustees who will incorporate them into the overall restoration project. The Washington State DOE required Sound Transit to implement an alternative restoration project on those three properties in the event that the QERP was not permitted by March 2008. Implementation of the QERP has been pushed past the March date due to difficulties the trustees have had in purchasing one particularly key piece of property, the Christofferson property. The Christofferson property is an integral piece in the overall QERP because unless the property can be purchased, a large, expensive system of levees will need to be built to protect the Christofferson property from flooding that will result from the restoration activities. Sound Transit was able to renegotiate with the DOE to eliminate the permit contingency to build an independent mitigation project in exchange for Sound Transit's participation in the purchase of the Christofferson property.

In compliance with the renegotiated condition of the DOE permit, Sound Transit will design and build a one-acre fill pad on the Christofferson Property and in exchange, Mr. Christofferson will sell over four acres of the floodplain portion of his property to the Trustees.

Motion:


It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to amend an agreement with Mr. Dan Christofferson to allow him to sell his property to the City of Marysville or to one of the Trustees of the Qwuloolt restoration project.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 6, 2009.



Aaron Reardon
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator