

**SOUND TRANSIT  
STAFF REPORT  
MOTION NO. M2006-75**

**Agreement with the City of Marysville to Acquire Mitigation  
Properties in the Snohomish Estuary**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	11/2/06	Discussion/Possible Action	Eric Beckman, Rail Program Manager Capital Projects <b>Chris Townsend, Project Manager</b>	(206) 398-5251  (206) 398-5135

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	✓
Sole Source		Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)	✓	Budget Amendment	
Real Estate		Property Acquisition	

**PROJECT NAME**

Permitting/Environmental Mitigation - Everett to Seattle Track and Signal.

**PROPOSED ACTION**

Authorizes the Chief Executive Officer to execute an agreement with the City of Marysville to purchase mitigation properties in the Snohomish River Estuary and to compensate the City of Marysville for transaction costs for a total authorized agreement amount not to exceed \$990,000.

**KEY FEATURES of PROPOSED ACTION**

- Sound Transit is required by permits from the Corps of Engineers and others to purchase approximately 15 acres of land in the Snohomish River Estuary as partial compensation for marine fill impacts associated with the Third Easement of the Everett to Seattle Commuter Rail project.
- The partnership with the City of Marysville (City) is the best option for purchasing property outside of the Sound Transit district. Sound Transit will compensate the City for necessary acquisition expenses such as real estate services and surveys.
- The City shall agree to provide the Tulalip Tribes with a permanent easement within the floodplain and its regulatory buffer to construct and maintain an estuarine and buffer restoration project, according to the terms of Sound Transit's mitigation commitments.
- Sound Transit shall retain control over the easement until such time as the Tulalip Tribes implement its restoration project.
- The City shall retain ownership of the remainder of the properties purchased and agree to use them for low-impact recreational uses such as trails and natural open space.
- Sound Transit and the City have authority under chapter 39.34 RCW, the Interlocal Cooperation Act, to enter into an interlocal agreement to jointly and cooperatively exercise their powers.

## **BUDGET IMPACT SUMMARY**

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

## **BUDGET and FINANCIAL PLAN DISCUSSION**

The Board-adopted budget for this project is \$10,288,098 with a Right of Way phase budget of \$1,967,248. The proposed action is to purchase mitigation properties and to compensate for transaction costs in an amount not to exceed \$990,000. This action will leave a remaining Right of Way phase balance of \$833,506 and a project balance of \$8,067,518.

There are sufficient funds to complete this action. Committing these funds will not endanger any other project elements that are to be funded out of the overall project.

## **BUDGET TABLE**

Summary for Board Action (Year of Expenditure \$000)

Project 131 - Permitting/Environmental Mitigation

	2006 Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 664	\$ 2	\$ -	\$ 2	\$ 663
2 Preliminary Engineering	1,820	903	-	903	918
3 Final Design	380	-	-	-	380
4 Right of Way	1,967	144	990	1,134	834
5 Construction	4,456	182	-	182	4,273
7 Contingency	1,001	-	-	-	1,001
8 Total Current Budget	\$ 10,288	\$ 1,231	\$ 990	\$ 2,221	\$ 8,068

Phase Budget Detail

9 Right of Way	\$ 1,967	\$ 144	\$ 990	\$ 1,134	834
10 Misc.	-	-	-	-	-
11 Total Phase	\$ 1,967	\$ 144	\$ 990	\$ 1,134	\$ 834

Contract Budget	Current Approved Agreement (F)	Committed to Date (G)	Proposed Action (H)	Amended Total Agreement Value (I)
12 City of Marysville Agreement	\$ -	\$ -	\$ 990	\$ 990
13 Contingency	-	-	-	-
14 Total	-	-	990	990
15 Percent Contingency	0%		0%	0%

### **Notes:**

Committed to-date amount includes actual outlays and commitments through July 17, 2006.  
Project budget is located on page 98 of the Adopted 2006 Budget book.

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

Not applicable to this action.

## **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

Sound Transit plans to provide an additional daily Sounder commuter train between Everett and Seattle) on Burlington Northern Santa Fe Railway (BNSF) tracks. Implementation of this Everett-to-Seattle commuter rail project requires mitigation of unavoidable impacts to near-shore marine habitats and freshwater wetlands resulting from proposed track improvements necessary to provide a third easement.

Sound Transit conducted near-shore marine surveys, wetland delineations, functional assessments, and an analysis of potential impacts to near-shore marine habitats, wetlands, and streams in the vicinity of the project. Preliminary design information indicates that approximately 4 acres of near-shore marine habitat and 0.58 acres of freshwater wetlands at eight locations would be eliminated as a result of the project.

Sound Transit identified the Qwuloolt restoration project site as the most suitable location for mitigation of near-shore marine and freshwater wetland impacts. This site is part of a project stewarded by an inter-governmental group of trustees including the Tulalip Tribes, National Oceanic and Atmospheric Administration (NOAA) Fisheries, U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW), and the U.S. Army Corps of Engineers (USACE), collectively known as the Trustees.

In consultation with the USACE Regulatory Branch and the Trustees, Sound Transit has developed a preferred mitigation approach that involves securing key properties adjacent to the Qwuloolt Restoration Project for additional restoration. The City of Marysville is prepared to enter into an agreement with Sound Transit to acquire the required properties.

This action will implement environmental commitments made to and approved by several federal, state, and local jurisdictions.

## **PRIOR BOARD/COMMITTEE ACTIONS ON THIS PROJECT**

Not applicable to this action.

## **CONSEQUENCES of DELAY**

Sound Transit is required by a permit from the Washington State Department of Ecology to purchase the properties in the estuary by the end of 2007. A delay on this action may compromise Sound Transit's ability to fulfill the terms of the 401 permit which could delay provision of commuter rail service on trains three and four.

## **PUBLIC INVOLVEMENT**

Not applicable to this action.

## **ENVIRONMENTAL COMPLIANCE**

PW 9/5/06

## **LEGAL REVIEW**

JW 10/25/06

## **SOUND TRANSIT**

### **MOTION NO. M2006-75**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute an agreement with the City of Marysville to purchase mitigation properties in the Snohomish River Estuary and to compensate the City of Marysville for transaction costs for a total authorized agreement amount not to exceed \$990,000.

#### **Background:**

Sound Transit plans to provide an additional daily Sounder commuter train between Everett and Seattle) on Burlington Northern Santa Fe Railway (BNSF) tracks. Implementation of this Everett-to-Seattle commuter rail project requires mitigation of unavoidable impacts to near-shore marine habitats and freshwater wetlands resulting from proposed track improvements necessary to provide a third easement.

Sound Transit conducted near-shore marine surveys, wetland delineations, functional assessments, and an analysis of potential impacts to near-shore marine habitats, wetlands, and streams in the vicinity of the project. Preliminary design information indicates that approximately 4 acres of near-shore marine habitat and 0.58 acres of freshwater wetlands at eight locations would be eliminated as a result of the project.

Sound Transit identified the Qwuloolt restoration project site as the most suitable location for mitigation of near-shore marine and freshwater wetland impacts. This site is part of a project stewarded by an inter-governmental group of trustees including the Tulalip Tribes, National Oceanic and Atmospheric Administration (NOAA) Fisheries, U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW), and the U.S. Army Corps of Engineers (USACE), collectively known as the Trustees.

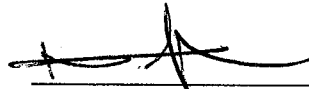
In consultation with the USACE Regulatory Branch and the Trustees, Sound Transit has developed a preferred mitigation approach that involves securing key properties adjacent to the Qwuloolt Restoration Project for additional restoration. The City of Marysville is prepared to enter into an agreement with Sound Transit to acquire the properties.

This action will implement environmental commitments made to and approved by several federal, state, and local jurisdictions.

**Motion:**

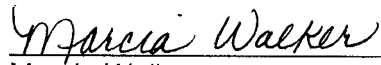
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to execute an agreement with the City of Marysville to purchase mitigation properties in the Snohomish River Estuary and to compensate the City of Marysville for transaction costs for a total authorized agreement amount not to exceed \$990,000 .

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 2, 2006.



Fred Butler  
Finance Committee Chair

ATTEST:



Marcia Walker  
Board Administrator