CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 13, 2018

AGENDA ITEM:	
Landowner Agreement for Stream Restoration at Jennings Park	
PREPARED BY:	**DIRECTOR APPROVAL:**
Matthew Eyer, Storm/Sewer Supervisor	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
Two (2) original copies of the Landowner Agreement	
BUDGET CODE:	**AMOUNT:**
N/A	N/A

SUMMARY:

The Jennings Park, Allen Creek Stream Corridor Project represents an opportunity for restoration grant funding due to the open areas available for buffer plantings and the fact that these areas are owned by the City. This Landowner Agreement capitalizes on this opportunity and will allow the Snohomish Conservation District to perform approximately $240,846 of Department of Ecology grant funded stream restoration work at Jennings Park at no cost to the City of Marysville. Snohomish Conservation District will be contributing $80,282 of an in-kind match for this project consisting of plants, staff time, etc.

This grant was applied for in 2015 as part of the Financial Year 2017 State grant funding. It was included in the draft award list January 2017 as part of the Financial 2018 Draft grant awards list. Subsequently it was not funded until the passing of the State 2017-2019 Capital Budget in January 2018. This project and grant was highlighted in the SCD October 2, 2017 Council presentation.

The work performed under this Agreement will include removing invasive species and planting approximately 15 acres of native riparian forest along 2,500 linear feet of Allen Creek. The objective of this work is to reduce stream water temperature, establish a natural buffer to pollutants, provide habitat for native fauna, and stabilize eroding stream banks.

Several community outreach and education events will be planned around the restoration project, including four youth field trips, two volunteer planting events, and a septic workshop for local landowners. The purpose of these events is to build community and landowner awareness and support for needed water quality improvements in Allen Creek.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign the attached Landowner Agreement with the Snohomish Conservation District.

Centennial Clean Water / 319 Funds

APPLICATION AND AGREEMENT
for
COST-SHARING ASSISTANCE

Section 1. Landowner/Cooperator

Landowner/Cooperator Name: City of Marysville Address: 80 Columbia Ave. Marysville WA 98270

Landowner Contact: Jessie Balbiani Contact Phone: 360-363-8144 Contact Email: jbalbiani@marysvillewa.gov

Section 2. Environmental quality problems; proposed Best Management Practices (BMP); and environmental benefits expected *(attach additional sheets if needed)*

A. *DESCRIPTION AND LOCATION OF ENVIRONMENTAL QUALITY PROBLEM(S).* *Please include a legal description of the property where environmental quality problem(s) are located and where needed BMP(s) will be installed. Please include maps and photos of site(s)*

The Jennings Park property is located at 6915 Armar Rd Marysville WA 98270 (see attached map).

Allen Creek flows through Jennings park and empties into the Qwuloot Esturary near the mouth of the Snohomish River. Allen Creek is on the 303(d) list for fecal coliform bacteria and dissolved oxygen impairment. The proposed riparian restoration and outreach activities are identified as priority actions in the Lower Snohomish River Tributaries Fecal Coliform TMDL Detailed Implementation Plan (2003), the Puget Sound Action Agenda, the Quil Ceda/Allen Watershed Management Plan (1999), and the Snohomish River Basin Salmon Conservation Plan (2005).

The propsed riparian forest buffer practice will be installed in the southern portion of Jennings park along Allen Creek. This area is mostly dominated by invasive reed canary grass.

B. *BEST MANAGEMENT PRACTICES (BMP) OR CONSERVATION PRACTICES NEEDED TO CORRECT THE IDENTIFIED ENVIRONMENTAL QUALITY PROBLEM(S) AND FOR WHICH COST-SHARING ASSISTANCE IS REQUESTED. PRACTICES SHOULD BE IN ORDER OF LOGICAL IMPLEMENTATION.*

Riparian Forest Buffer (NRCS Practice 391) – A minimum of 15 acres will be planted along 2,500 feet of Allen Creek. Buffers will be planted to a minimum of 100 feet in width. The average buffer width will be 130 feet. Plantings will consist of live cuttings, bare root, and container stock. Plantings will be completed using shovels and other hand tools, along with small power equipment (i.e. gas powered augers).

C. DESCRIPTION OF ENVIRONMENTAL QUALITY BENEFITS THAT ARE EXPECTED TO BE PRODUCED BY THE PRACTICES INSTALLED.

Riparian planting will achieve water quality improvements and restore habitat processes. Numerous studies have documented that riparian planting and riparian forest buffers reduce stream temperatures through shading, improved groundwater recharge and summer baseflows, improves channel migration and increases in-stream complexity. Cooler streams hold higher levels of dissolved oxygen. For fecal coliform and other pollutants, including contaminated sediment, riparian buffers act as a filter to adjacent land-use, slowing water, infiltrating it, breaking down pollutants, and adsorbing nutrients and contaminants to the soil so they don't contaminate surface waters. Excess nutrients in streams encourage algae growth and decomposition, which reduces dissolved oxygen in the water. Re-vegetation of riparian areas results in greater forest cover, which improves the hydrologic function of the landscape to reduce peak flow events and stormwater runoff, all of which then reduces the amount of pollutants and sediment that are transported to waterways during storm events.

D. DESCRIPTION OF THE MAINTENANCE REQUIREMENTS AND ANNUAL PROOF OF PERFORMANCE DOCUMENTATION METHOD AGREED TO BY THE GRANT RECIPIENT AND THE LANDOWNER.

The Snohomish Conservation District will use grant funds throughout the duration of the grant period to conduct maintenance on riparian buffer plantings. At the end of the grant funding period, the Snohomish Conservation District will determine if the project needs continued annual maintenance, or if the plantings have reached the free-to-grow stage where they are no longer threatened by the presence of invasive plants. If it's determined that the project requires further maintenance, then the Snohomish Conservation District, if funding allows, will continue the maintenance practices.

Habitat Specialists from the Snohomish Conservation District will conduct annual site checks to document the progress of the project for 10 years after installation. Determinations of maintenance needs will be made from these site checks.

Section 3. Planned BMP and Calculation of Cost-Share Assistance

Description of Planned BMP or Conservation Practice *(cost-sharing is based on NRCS specifications as a minimum; the cost differential for practices installed to higher specifications shall be the responsibility of the cooperator)*	***NRCS Practice Code***	***Implementation Timeline***	***Total Value of Practice***	***Landowners Contribution***	***Cost-Sharing From Other Sources***	***Eligible Cost-Share Requested***
Riparian Forest Buffer	391	5/2018-4/2021	$268,620	0%	25%	75%
Total Eligible Cost-Share						

Cost-Share Assistance Provided by Grant No. WQC-2018-SnohCD-00218
(be sure to use the complete grant number)

Section 4. Application and Agreement

The Snohomish Conservation District (Grant Recipient) requests cost-share assistance using Centennial Clean Water Funds to install the best management/conservation practices described in the attached plans and summarized in Section 2B above. These practices are needed to solve the water quality problems described in Section 2A.

The City of Marysville (City) understands the obligation of the Grant Recipient to install and maintain the best management/conservation practices described in Section 2A-2D is contingent on the availability of funds through legislative appropriation and allotment by the Washington Department of Ecology. The City further understand the failure to appropriate or allot such funds shall be good cause to terminate this contract.

If sufficient cost-sharing funds are made available to the Grant Recipient by Department of Ecology, and if this application is approved for the practice(s) requested;

- The City will be notified by the Grant Recipient of the approval and funding status of this cost share assistance request within 30 days of the application, or by _____ (date) as agreed to by myself and the Grant Recipient.
- The City agrees to ensure that all applicable local, state, and federal permits are obtained for installation of the practice(s) requested, and understand that practice implementation and subsequent cost share reimbursement will not occur until evidence of obtained permits is made to the Grant Recipient.
- The Grant Recipient agrees to install the practice(s) identified in Sections 2B and 3 to NRCS standards and specifications.
- The City agrees to preserve the practice(s) for its design life as determined by the Grant Recipient. The design life of practices implemented as part of this project are 10 years unless otherwise agreed upon in section 2D.
- The Grant Recipient agrees to maintain planting of native vegetation if it is a practice implemented as part of this project for a minimum of three years. Maintenance shall include watering, weeding, and other strategies which are necessary to improve survival.
- The City agrees to permit, for the duration of its design life, on reasonable notice and request from the Grant Recipient, the inspection of the location, maintenance, and monitoring of the long-term condition of the practice(s).
- The City understands other plans could be required to receive grant funds. These plans may address stream restoration, grazing, manure management, water development, or other BMPs. Required plans will be identified in the Grant Recipient's agreement with the Department of Ecology.
- The City agrees to maintain ownership of the property on which the BMPs are installed for its remaining design life.

As Mayor, I am aware that this project is being proposed on the City's property. If the grant is successfully awarded, Jessie Balbiani will be contacted and asked to engage in negotiations. My signature does not represent authorization of project implementation.

Signature of Landowner – Mayor Jon Nehring	Date	Signature of Cooperator *(if Cooperator is Lessee)* [1]	Date
Application Prepared By District Staff	Date	Application Approved By District Chair	Date

Section 6. Agreement Completion Certification

I hereby certify that implementation of the above described BMP or conservation practices have been completed as of the date shown below, and that they meet the established NRCS specifications and the grant agreement requirements. If cost-share payment is needed prior to completion of one or more practices, the Grant Recipient or Ecology must verify that the practices have been completed or installed within the timeframe agreed to by the cooperator. This agreement is made in consideration of the mutual covenants set forth herein.

Implementation Checked	Grant Recipient [2]	Date	Final Implementation Check *(if needed)*	Grant Recipient [2]	Date
Cooperator		Date	Department of Ecology *(if needed)*		Date