

RESOLUTION NO. M-2383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OLYMPIA AND THE STATE OF WASHINGTON DEPARTMENT OF ENTERPRISE SERVICES, THE STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES, THE SQUAXIN ISLAND TRIBE, THURSTON COUNTY, THE CITY OF TUMWATER, THE LOTT CLEAN WATER ALLIANCE AND THE PORT OF OLYMPIA FOR GOVERNANCE AND FUNDING OF A RESTORED ESTUARY

WHEREAS, in 2018, the Washington State Department of Enterprise Services (DES) began a process to prepare an Environmental Impact Statement (EIS) to evaluate the potential impacts and benefits of long-term management alternatives for the Capitol Lake – Deschutes Estuary; and

WHEREAS, this process included an effort to evaluate conceptual options for shared funding and governance of a future management plan, in accordance with Engrossed Substitute House Bill 2380; and

WHEREAS, in 2022, DES identified the Estuary Alternative as the long-term management plan that would best meet the project goals. This decision was made following careful consideration of a broad range of technical analyses conducted for the EIS, by soliciting feedback from key stakeholders, and after reviewing public comments; and

WHEREAS, Estuary restoration will complement other efforts among state, tribal, and local governments, public entities, and private organizations to restore the Deschutes River watershed and improve the health of Budd Inlet; and

WHEREAS, to explore and develop long-term management options for the Capitol Lake – Deschutes Estuary, a Funding and Governance Work Group (FGWG) was created with the following members (FGWG Members), each of which appointed a representative:

State of Washington, Department of Enterprise Services
State of Washington, Department of Natural Resources
Squaxin Island Tribe
Thurston County
City of Olympia
City of Tumwater
LOTT Clean Water Alliance
Port of Olympia

and

WHEREAS, the FGWG Members have reached preliminary consensus on a range of topics as outlined in a Memorandum of Understanding for Governance and Funding of a Restored Estuary (MOU). This MOU is not a binding agreement among the FGWG Members. Instead, it is a description of the progress made to date toward a potential binding agreement, documenting areas of broad conceptual agreement, describing remaining issues, and indicating the shared commitment to good faith discussion to reach agreement on the remaining issues; and

WHEREAS, the FGWG Members intend to work to develop an Interlocal Agreement (ILA) that will govern long-term management of the restored estuary. Any ILA will require the approval of each FGWG Member's governing body or administrative head, and no ILA will be binding on a FGWG Member until approval is obtained and the ILA is duly executed. Any reference in the MOU to an ILA, an "agreement," or similar words or phrases refers only to a conceptual, tentative agreement regarding a potential ILA by the FGWG Member representatives, who are not authorized to bind their respective entities. Similarly, any reference in the MOU to specific terms or provisions in a future ILA refers only to terms or provisions that will be discussed for possible inclusion in a potential ILA and does not indicate any FGWG Member's agreement to the specific provisions or agreement to an overall ILA.; and

WHEREAS, the Olympia City Council wishes to join the other FGWG Members in signaling local support, including financial support, toward the implementation of the Estuary Alternative;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Memorandum of Understanding between the City of Olympia and the State of Washington Department of Enterprise Services, the State of Washington Department of Natural Resources, the Squaxin Island Tribe, Thurston County, the City of Tumwater, the LOTT Clean Water Alliance and the Port of Olympia for Governance and Funding of a Restored Estuary.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Memorandum of Understanding for Governance and Funding of a Restored Estuary, and any other documents necessary to execute said Memorandum of Understanding, and to make any amendments or minor modifications as may be required and are consistent with the intent of the MOU, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this 18th day of October 2022.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY