

CLERK'S OFFICE

APPROVED

Date:

3-14-06

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Office of Planning, Development,
& Public Works
For Reading: February 28, 2006

ANCHORAGE, ALASKA
AR NO. 2006-48

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE APPROPRIATING TWO HUNDRED THIRTY-THREE THOUSAND DOLLARS (\$233,000) IN GRANT FUNDS FROM THE U. S. FISH AND WILDLIFE SERVICE TO THE FEDERAL GRANT FUND (241), PROJECT MANAGEMENT & ENGINEERING DEPARTMENT, FOR CHESTER CREEK AQUATIC RESTORATION, PROJECT NO. 01-05.

WHEREAS, the U. S. Fish and Wildlife Service has offered funding to the Municipality of Anchorage for Aquatic Habitat Restoration to Chester Creek within the Chester Creek basin; and

WHEREAS, the Administration has reviewed the grant offered by the U. S. Fish and Wildlife Service; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. That a grant in the amount of Two Hundred Thirty-three Thousand Dollars (\$233,000) is hereby appropriated from the U. S. Fish and Wildlife Service to perform aquatic habitat restoration to Chester Creek in the Chester Creek basin.

Section 2. That the grant funds are appropriated to the Federal Grants Fund (241), Project Management & Engineering Department.

Section 3. This resolution shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 14th day of March, 2006.

Acting Chair

ATTEST:

Municipal Clerk

Department of Appropriation:
Project Management & Engineering \$233,000



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 125-2006

Meeting Date: February 28, 2006

FROM: Mayor

SUBJECT: Appropriation of Grant Funding from the U. S. Fish and Wildlife Service to the Federal Grant Fund (241) for Chester Creek Aquatic Habitat Restoration, Project No. 01-05 (\$233,000)

The accompanying resolution appropriates a grant from the U. S. Fish and Wildlife Service to perform engineering, design and construction work for a fish passage project within the Chester Creek basin, known as the Chester Creek Aquatic Habitat Restoration Project.

The work is to be completed on or before November 30, 2006. Accounting detail is as follows:

Revenue

| | | |
|----------------------|------------------------------|-----------|
| 9331.241.72796G.2006 | Misc. Federal Appropriations | \$233,000 |
|----------------------|------------------------------|-----------|

Expense

| | | |
|----------------------|-----------------------|-----------|
| 3101.241.72796G.2006 | Professional Services | \$224,590 |
| 6091.241.72796G.2006 | OMB | 1,460 |
| 6095.241.72796G.2006 | Purchasing | 610 |
| 6103.241.72796G.2006 | Central Accounting | 4,630 |
| 6105.241.72796G.2006 | Accounts Payable | 970 |
| 6109.241.72796G.2006 | Cash Receipts | 20 |
| 6110.241.72796G.2006 | PeopleSoft Support | 720 |

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE RESOLUTION APPROPRIATING \$233,000 IN GRANT FUNDS FROM THE U. S. FISH AND WILDLIFE SERVICE FOR THE CHESTER CREEK AQUATIC HABITAT RESTORATION PROJECT.

Prepared by: Howard C. Holtan, Director, Project Management & Engineering Department

Fund Certification: Jeffrey E. Sinz, Chief Fiscal Officer

9331.241.72796G.2006 \$233,000

Designated USF&WS Federal Grant – FY2006

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully submitted, Mark Begich, Mayor

FWS Agreement Number: 701815K412
DCN: 701815K412
Charge Code: N/A this document
Amount Obligated: \$0.00

MEMORANDUM OF AGREEMENT

between

U.S. Fish and Wildlife Service, Region 7
1011 East Tudor Road
Anchorage, Alaska 99503-6199

and

Municipality of Anchorage
Post Office Box 196650
Anchorage, AK 99519-6650

I. AUTHORITY

This Memorandum of Agreement between the U.S. Department of Interior, Fish and Wildlife Service (hereinafter referred to as the "Service") and the Municipality of Anchorage (hereinafter referred to as "MOA") is entered into under the authority of the Fish and Wildlife Coordination Act, 16 USC 661 to 666C.

II. BACKGROUND

The Chester Creek Aquatic Habitat Restoration Project, a Corps of Engineer's initiative, focuses on restoring fish passage and aquatic habitat within the Chester Creek basin. The project is championed by the Municipality and receives support from other state, federal and non-governmental partners, and the public. To support the project, the Service wrote for and received a successful National Fish and Wildlife Foundation grant to further benefit the MOA and Corp's efforts to improve fish passage at the mouth of Chester Creek. In 2004, the scope was expanded to include other restoration activities on Chester Creek

Currently, fish entering the mouth of Chester Creek at Knik Arm in Anchorage must pass through two, 84-inch culverts in an earth embankment supporting the Alaska Railroad track, then pass through additional culverts - a total of nearly 500 feet of underground passage - before reaching a weir and obsolete fish ladder emptying into Westchester Lagoon.

Prior to 1942, Chester Creek supported healthy wild runs of chinook, coho, chum, and pink salmon, as well as abundant numbers of Dolly Varden and rainbow trout. Historic salmon runs have been essentially eliminated as the original wooden trestle for the Alaska Railroad track was replaced with an earthen fill in 1934, followed by the construction of a dam on Chester Creek in 1971 to create Westchester Lagoon. A concrete weir was constructed to control the lagoon elevation and drain the lagoon in emergency situations. Later a fish ladder was constructed, but did not function as anticipated. Installation of culverts under the railroad embankment allowed filling of the creek channel between the dam and the railroad embankment. Sewer lines were added in the embankment fill in 1972 and 1984; petroleum pipelines were added in the embankment in 1976 and 1998.

To address fish passage blockage and other aquatic habitat issues along the Chester Creek Corridor, the US Army Corps of Engineers contracted a feasibility study related to Section 206 of the Water Resources Development Act (as amended). This study identified numerous areas in need of restoration, the largest single project being the fish passage project between Westchester Lagoon and the Chester Creek outlet into Knik Arm. The restoration here includes the relocation of pipelines, the construction of a culvert or railroad trestle, and the reconstruction of a creek channel. The final project will allow fish to access Westchester Lagoon at most tidal stages.

As of 2004, the fish passage project at Westchester Lagoon has had an environmental assessment, most permits and 35% design completed. In 2005 the Corps received enough funding to finalize construction design. Currently, MOA wants to move the utilities for the project to proceed, should the Corps receive construction funds for 2006.

The Service is working to assist the Municipality in carrying out the Westchester Lagoon fish passage project by providing both technical assistance and funds during project design and/or construction phases. *This Memorandum of Agreement will ensure continued technical assistance by the Service to the MOA.*

III. PURPOSE AND OBJECTIVES

The goal of the project is to return fish passage to Chester Creek and alternatively, provide restoration of other parts of Chester Creek. The project has these objectives:

- Restore fish passage to Chester Creek
- Restore stream hydrology for sustainable flood control and long term habitat protection.
- Enhance aquatic and terrestrial wildlife habitat
- Protect and maximize anadromous fish runs
- Create urban open space and amenities

IV. RESPONSIBILITIES OF THE PARTIES

A. The Service shall:

1. Administer the National Fish and Wildlife Foundation Grant that has been conveyed to this project through a separate contractual arrangement with the Service. Materials and services purchased with the NFWF Grant will include contractual services to implement the fish passage project.
3. Provide a single point of contact for the project. Hydrologist William Rice from the Anchorage Ecological Services Field Office will be the primary contact at (907) 271-1798 to provide technical assistance to MOA.

B. MOA shall:

1. Conduct the activities listed in Section C, or coordinate all subcontracting related to the Anchorage Wastewater and Water Utility and/or Tesoro Alaska Petroleum Company utility lines design, construction and relocation aspect of the Westchester Lagoon fish passage project.

2. Coordinate with and receive written consent from the Service on how funds not used for utility line relocation work related to this agreement will be used.
3. Submit a letter stating the match to be used for the NFWF funding, the project, and the nonfederal nature of the match.
4. Present a detailed spending plan for the utility line relocations to the Service. This spending plan shall incorporate a narrative and incorporate a Standard Form 424-C (Budget Information Construction Programs) which may be obtained from the following web-site: <http://www.whitehouse.gov/omb/grants/index.html>

C. Project Work Tasks

1. Ensure the utility line design, permitting and relocation construction occurs in a timely manner and that it is completed on or before November 30, 2006.
2. Work with project partners to ensure the fish passage project remains on task and that a scope of work and budget for other Chester Creek restoration projects is developed with Service concurrence for any funds not utilized for the fish passage project. Any remaining funds are to be expended and billed before December 15, 2006.
3. Ensure any and all work paid for under this amended agreement is in compliance with the terms and conditions set forth in the National Fish and Wildlife Foundation Grant, Dams and Rivers Program (Chester Creek Fish Passage, Project #00-231), attached as <http://www.nfwf.org/> and as the agreement between the Service and NFWF.

V. PERIOD OF PERFORMANCE

The overall period of performance of this agreement is a period beginning on the date of last signature below. Within this period, all funding determined by the NFWF grant and its nonfederal match will be expended and billed within the period of performance ending **December 15, 2006**. Submission of a final report detailing work performed during the period of performance by December 31, 2006 will conclude the scope of this agreement.

VI. AWARD AMOUNT

The Service will contribute \$ 0 cash through this Memorandum of Agreement for the period of performance identified above (See Attachment 1). MOA shall submit billing to the Service for approval, and payment will be made directly from NFWF to MOA. No reimbursements will be made until documentation of matching funds is received and are in accordance with NFWF requirements.

VIII. ADMINISTRATIVE OFFICER

- | | |
|---|---|
| A. U.S. Fish and Wildlife Service Gary Goldberg, Contracting Officer 1011 East Tudor Road (MS-171) Anchorage, Alaska 99503-6199 (907)786-3408 FAX (907)786-3923 | B. Howard C. Holtan, P.E., Municipal Engineer Municipality of Anchorage 4700 South Bragaw St. Anchorage, AK 99519-6650 (907) 343-8058 |
|---|---|

IX. PROJECT OFFICERS

- | | |
|---|---|
| A. U.S. Fish and Wildlife Service William Rice 605 W. 4 th Avenue Anchorage, AK 99501 (907) 271-1798 | B. Kristi Bischofberger Municipality of Anchorage 4700 South Bragaw St. Anchorage, AK 99519-6650 (907) 343-8058 |
|---|---|

X. DELIVERY REQUIREMENTS

- A. Recipient shall forward to the Service Project Officer and the Service Administrative Officer in writing a final report (at or before November 1, 2006), which summarizes all project accomplishments under this award.

XII. MODIFICATION

Amendments or renewals may be proposed at any time during the period of performance by either party and shall become effective only when reduced to writing and signed by both parties. The Service Administrative Officer (Contracting Officer) is the only person authorized to sign modifications on behalf of the Service. All modifications will have all expenditures, billing and final reporting completed by December 15, 2006.

XIII. SPECIAL PROVISIONS

- A. The results of any studies or investigations accomplished under this agreement may be published jointly by the parties or by either party separately. Appropriate credits to the United States Department of Interior, Fish and Wildlife Service, shall be included in any formally published article, provided that the Service does not otherwise deem it appropriate to issue a disclaimer. Authorship shall not imply any privileges of copyright or permit other restrictions on distribution.
- B. Any research data collected under this agreement shall be jointly owned by the parties to this agreement. Both parties shall have complete and unlimited access to all such data.
- C. News releases and other publicity issued by either party concerning this agreement and its activities are subject to approval before release by the Service's Regional Public Affairs Office. Any approved publicity shall give due credit to all parties to this agreement and it shall mention the amount of Federal funding provided.
- D. No member of, or delegate to, Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit that may rise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

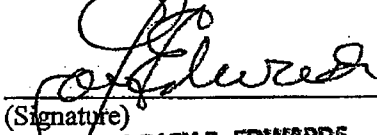
- E. Seat Belt Policies and Program: Recipients of grants/cooperative agreements and or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally-owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

XIV. TERMINATION

A partner's participation in this agreement may be terminated at any time by giving thirty days advance written notice to the Service and to any other parties. After giving such notice, the recipient shall bring its activities to a prompt and orderly close avoiding new costs to the extent possible. The recipient shall submit a final summary of costs (and invoice, if appropriate) for approval of the Service. Project property shall be disposed of in accordance with the property terms of this agreement, if any, or, in the absence of such terms, as agreed by the parties in a termination settlement.

The parties hereto have caused this Memorandum of Agreement 701815K412 to be executed as of the date of last signature below.

U.S. FISH AND WILDLIFE SERVICE


(Signature)

GARY B. EDWARDS

Ats
Regional Director (Printed Name)

(Date)

11 Aug 05

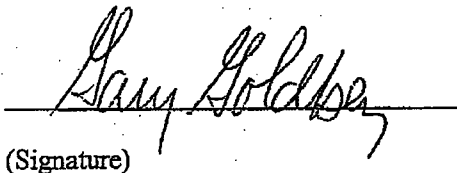
MUNICIPALITY OF ANCHORAGE


(Signature)

Howard C. Holtan, P.E., Municipal Engineer
(Printed Name)

(Date)

8-8-05


(Signature)

Gary Goldberg, FWS 79-012
Federal Assistance Specialist

(Date)

8-10-05

Attachment 1. Budget for Westchester Lagoon Utility Relocation

| Type of In Kind Services | Work Type | Total |
|--------------------------|---|-----------|
| MOA Matching Funds | <u>Westchester Fish Passage Project</u> - Utility Relocation Funds or - Bonds funds or Other | \$233,000 |
| NFWF Grant | <u>Westchester Fish Passage Project</u> - Utility Relocation - Other Part of Project - As Coordinated with the Service | \$233,000 |
| Total: | | \$466,000 |

Non-federal match will be calculated based on the time and salaries of non-federal staffs, including MOA staff, spent on the project. Non-federal match will also include any money, materials or supplies that are donated to the project, according to the provisions of NFWF.

Content Information

Content ID : 003714

Revision: 0

Type: AR_FundsApprop - Funds Approp Resolution

Title: A Resolution Appropriating Grant Funding from the U. S. Fish and Wildlife Service to the Federal Grant Fund (241) to the Project Management & Engineering Department for Chester Creek Aquatic Habitat Restoration, Project No. 01-05 (\$233,000)

Author: rerkosp

Initiating Dept: PME

Select Routing: Standard

Review Depts:

Description: A Resolution Appropriating Grant Funding from the U. S. Fish and Wildlife Service to the Federal Grant Fund (241) to the Project Management & Engineering Department for Chester Creek Aquatic Habitat Restoration, Project No. 01-05 (\$233,000)

Keywords:

Date Prepared: 2/15/06 1:53 PM

Director Name: Howard C. Holtan

Addnl Dept Review ?: No

Addnl Review Depts:

Mayor Review?: No

Requested Assembly Meeting Date MM/DD/YY:

Requested Public Hearing Date MM/DD/YY:

Workflow History

| <u>Workflow Name</u> | <u>Action Date</u> | <u>Action</u> | <u>User</u> | <u>Security Group</u> | <u>Content ID</u> | <u>Revision</u> |
|--------------------------|--------------------|---------------|-------------|-----------------------|-------------------|-----------------|
| FundsAppropWorkflow | 2/15/06 2:06 PM | Checkin | rerkosp | Public | 003714 | 0 |
| FundsAppropWorkflow | 2/15/06 3:46 PM | Reject | holtanhc | Public | 003714 | 0 |
| FundsAppropWorkflow | 2/15/06 4:08 PM | Checkin | rerkosp | Public | 003714 | 0 |
| PME_SubWorkflow | 2/15/06 5:10 PM | Approve | holtanhc | Public | 003714 | 0 |
| OMB_SubWorkflow | 2/16/06 3:13 PM | Approve | mitsonjl | Public | 003714 | 0 |
| Finance_SubWorkflow | 2/17/06 10:57 AM | Approve | sinzje | Public | 003714 | 0 |
| MuniManager_SubWorkflow | 2/18/06 1:41 PM | Approve | leblancdc | Public | 003714 | 0 |
| MuniMgrCoord_SubWorkflow | 2/20/06 2:07 PM | Approve | abbottmk | Public | 003714 | 0 |