

BEFORE THE METRO COUNCIL

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| FOR THE PURPOSE OF AUTHORIZING |) | RESOLUTION NO. 18-4935 |
| METRO TO PARTICIPATE IN THE NORTH |) | Introduced by Chief Operating Officer |
| AMERICAN WETLAND CONSERVATION ACT |) | Martha Bennett in concurrence with |
| GRANT PROGRAM |) | Council President Tom Hughes |

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved Measure 26-80, the 2006 Natural Areas Bond Measure, in order to preserve natural areas and clean water and to protect fish and wildlife (the “Natural Areas Bond Measure”);

WHEREAS, the North American Wetlands Conservation Act, enacted December 13, 1989 (“NAWCA” or the “Act”), provides federal grant funding for wetlands conservation projects, in order to protect birds, including water fowl;

WHEREAS, Metro has, over the past 19 years, participated in numerous successful, multi-party NAWCA grants, pledging its non-federal, regional Natural Areas Bond Measure-funded acquisitions as match, resulting in approximately \$8.5 million dollars of federal investment for wetland conservation projects by Metro and its non-profit partners in the greater Portland region;

WHEREAS, pledging Metro property as non-federal match requires recording a federal Notice of Grant Requirements on the title to the pledged property, and according to recent interpretations of its regulations by the U.S. Fish and Wildlife service, such notice evidences Metro’s obligation to keep the property in conservation use or otherwise repay its “attributable share” of grant funds received (as this term is defined in the NAWCA Grant Standards);

WHEREAS, the obligation to pay the “attributable share” recorded against Metro property, as this term is interpreted by the U.S. Fish and Wildlife Service, could be considered the transfer of a real property interest, for which Metro Council approval is required under Section 2.04.050 of the Metro Code;

WHEREAS, in a letter dated August 24, 2018, the U.S. Fish and Wildlife Service stated that if Metro were to sell or otherwise dispose of property encumbered with a Notice of Grant Requirements, Metro may, with approval from the U.S. Fish and Wildlife Service, substitute property of equal or superior resource value, rather than repay its attributable share; and

WHEREAS, in order to help ensure continued investment in wetland conservation in the greater Portland region, Metro would like to continue to apply for and receive NAWCA grant funds, which in turn will require Metro to pledge additional Metro properties as non-federal match; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes Metro's prior and on-going participation the NAWCA grant program, and authorizes the Chief Operating Officer to execute and record Notices of Grant Requirements on the title to pledged Metro property, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this ____ day of December, 2018.

Tom Hughes, Council President

Approved as to Form:

Nathan A. S. Sykes, Acting Metro Attorney