



King County

Wastewater Treatment Division

Department of Natural Resources and Parks

King Street Center
201 South Jackson Street
Seattle, WA 98104-3855

March 9, 2007

Hon. Dr. Gordon E. Hungar, Commissioner
Hon. Mr. William E. Currie, Commissioner
Hon. Mr. Timothy M. Davis, Commissioner
Mr. Roy Blackwell, District Manager
Lake Forest Park Water District
4029 N.E. 178th Street
Lake Forest Park, WA 98155

Re: Brightwater Mitigation Agreement

Dear Dr. Hungar, Mr. Currie, Mr. Davis and Mr. Blackwell,

In December 2003, the Lake Forest Park Water District ("District") executed a Memorandum of Agreement with King County ("County") regarding Mitigation for the Brightwater Project ("Agreement"). The County and the District have been working diligently to implement the terms of the Agreement. The parties have reached an important juncture concerning an important element of the Agreement -- the water supply replacement program. As discussed below, there are substantially changed conditions affecting the technical and legal feasibility of this element of the Agreement. Additionally, the County has been asked to pursue alternatives for a permanent water supply replacement plan which are outside of the Agreement. Therefore, we believe that the parties are at a point where we need to revisit the terms and intent of the existing Agreement and explore options which better reflect current realities. This revisit may lead to the amendment of the existing Agreement or the negotiation of a new Agreement.

Sections 1 through 4 of the Agreement set forth the hydro-geologic exploration and testing to be done during the design, construction and operation phases of the Brightwater project. Section 1 which entailed hydro-geologic exploration and testing during the tunnel design phase has been completed by the County. Section 2, which entailed tunnel bore and portal design criteria, has also been completed by the County. The County is preparing to complete sections 3 and 4 of the Agreement, which require groundwater level and water quality monitoring during and after construction, respectively.


Section 5 of the Agreement involves a water supply replacement plan and sets forth the possible mitigation measures which would be implemented in the unlikely event that the Brightwater project causes an adverse impact to the District's current water supply wells.

This section was meant to provide for an interim water supply as a stand-by emergency measure, and, if necessary, a permanent water supply replacement if the Brightwater project were to cause a permanent adverse impact to the District's current water supply wells. We believe the parties contemplated that the interim water supply would be provided by a new well located within the boundaries of the District or an upgrade of the existing intertie with the City of Seattle. Should a well be constructed it would require no change to the existing water right possessed by the District. From the discussions between the parties it appears that the District would like the County to consider drilling and developing a well water source and that it be located outside the boundaries of the District. Such a solution is clearly outside of the terms of the existing Agreement, and would require a new set of water rights for the District which the District is unlikely to secure within the life of the Brightwater project. If construction of such a new well is the District's desired mitigation measures we think it is appropriate to examine all available options again and negotiate a new Agreement or amend the existing one.

One such option to be considered is the use of an existing emergency backup intertie between the District and the Northshore Utility District located in the District's well head protection area. The County believes that, as an alternative, an interim, emergency water supply, as contemplated under the Agreement, can be assured by supplementing the existing 1987 Northshore Utility District/Lake Forest Park Water District Agreement to address an emergency.

The County believes that the potential for any adverse impacts to the District's current water supply wells from the Brightwater project is remote and if it were to occur it would be only temporary. A permanent water supply replacement, if needed, would be developed as set forth in the Agreement. The County believes development of a new well water source outside of the District and the related siting and water issues now present appear to warrant revisiting the Agreement. The County would like to meet with representatives of the District to discuss alternatives that appear available and could fulfill the intent of the existing Agreement and protect the interests of all parties. Gunars Sreibers, Brightwater Project Manager will be contacting you to arrange a meeting.

Sincerely,



Christie J. True
Manager, Major Capital Improvement Program

cc: Gunars Sreibers, Capital Project Managing Supervisor
Bob Peterson, Capital Project Manager
Verna Bromley, Prosecuting Attorney

Subject: RE: Follow up to March 9 letter on the Brightwater Mitigation Agreement
From: "Peterson, Bob" <Bob.Peterson@METROKC.GOV>
Date: Wed, 28 Mar 2007 06:38:07 -0700
To: "Roy@lfpwd" <roy@lfpwd.org>
CC: "Zweekhorst @LFPWD, Jackee" <jackee@lfpwd.org>, "Sreibers, Gunars" <Gunars.Sreibers@METROKC.GOV>, "Bromley, Verna" <Verna.Bromley@METROKC.GOV>

Hi Roy, just wanted to follow up on this note that I sent over last week....Any possible dates and time for us to meet? Obviously today the 28th won't work now so let me know what might work for you all....

Thanks!

Bob

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From: Peterson, Bob
Sent: Wednesday, March 21, 2007 6:49 AM
To: Roy@lfpwd
Cc: Zweekhorst @LFPWD, Jackee; Sreibers, Gunars; Bromley, Verna
Subject: Follow up to March 9 letter on the Brightwater Mitigation Agreement

Hi Roy, this will follow up the short voice mail message I left this morning for you. Gunars asked me to follow up on the March 9 letter from Christie true to you and the District Commissioners by arranging the meeting proposed in that letter.

A pdf of the letter is attached << File: 3 9 2007 letter to LFPWD ct.pdf >>

Gunars, Verna Bromley and I have the afternoon of Wednesday 3/28 available now and some other times early the next week. Could you look at your calendar and let us know what times would be convenient for you and your Commissioners.

Thanks!

Bob Peterson
Sr. Project Manager
Brightwater Conveyance Team

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