

INTERLOCAL AGREEMENT**Developing tools for implementing and monitoring adopted SMPs***Enhancing Shoreline Protection: Measuring & Achieving No Net Loss (ESP-NNL)*

This Interlocal Agreement is entered into as of August 1, 2011 by and between **Clallam County**, a political subdivision of the State of Washington, having offices for the transaction of business at 223 East 4th Street, Port Angeles, Washington 98362, hereinafter referred to as "Clallam County," and **Jefferson County**, a political subdivision of the State of Washington, having offices for the transaction of business at 1820 Jefferson Street, Port Townsend, Washington 98368, hereinafter referred to as "Jefferson County," and jointly hereinafter referred to as the "parties."

- A. RCW 90.58.080 requires each county to initiate planning for the Shoreline Master Program (SMP). WAC 173-26-186(8) directs that updated master programs "include policies and regulations designed to achieve no net loss of those ecological functions."
- B. Clallam County has received funding from US Environmental Protection Agency ("EPA") to supplement and augment its Shoreline Master Program (SMP) update to enhance protection of Puget Sound. Clallam County is required to develop policies and regulations that achieve "No Net Loss" (NNL) of ecological functions and seeks to create a framework for assessing and tracking impacts of development using indicators of ecological function.
- C. Included in the EPA grant is funding for developing tools for implementing and monitoring adopted SMPs in Clallam County and elsewhere in the Puget Sound basin (Component 3/Task 5). An adjacent and comparable jurisdiction, Jefferson County is much further along in its effort to adopt an updated SMP. Clallam County intends to implement this element of the EPA grant in collaboration with Jefferson County to assist in effectively applying the principles of No Net Loss to Shoreline Master Program preparation and implementation.

NOW, THEREFORE, the parties agree as follows:

1. Through this agreement under RCW 39.34, Jefferson County will collaborate with Clallam County to accomplish the scope of work described for Component 3, 'Develop Tools for Implementing and Monitoring Adopted SMPs' in US Environmental Protection Agency Cooperative Agreement PO J08801 dated June 23, 2010, or as amended thereafter. The agreement is included for reference as **Exhibit A**.

2. Jefferson County agrees to provide the following:
 - A. Participate in quarterly calls between EPA, Clallam County, and Jefferson County.
 - B. Provide quarterly update reports on activities associated with this project.
 - C. Coordinate and collaborate with Clallam County and Ecology to support completion of Components 1 and 2.

3. Clallam County agrees to provide the following:
 - A. Manage the EPA grant
 - B. Reimburse expenses identified in Component 3.
 - C. Obtain written concurrence from Jefferson County prior to amending Component 3 of the grant.

4. Designation of Key Staff. The Clallam County Board of County Commissioners and Jefferson County Board of County Commissioners will oversee the progress of the collaborative work and will set the overall direction for further discussion and action, consistent with the terms of this Interlocal Agreement.

The activities performed under the Agreement shall be jointly administered for each of the respective parties under RCW 39.34.030(4)(a) by the following representatives:

- For Clallam County by Clallam County Department of Community Development Planning Director Steve Gray, 223 East 4th Street, Suite 5, Port Angeles WA 98362 (360.417.2520; Fax: 360.417.2443); and
 - For Jefferson County by Jefferson County Department of Community Development Director, Al Scalf, 621 Sheridan St., Port Townsend, WA 98368 (360.379.4450; Fax: 360.379.4451).
5. Scope of Services. Following consultation and approval of the Clallam County Department of Community Development, Jefferson County will adhere to all administrative and programmatic provisions in performing the scope of services as described by **Exhibit A**, attached hereto and made a part hereof, for all purposes to assist Clallam County in SMP update planning and to further an understanding of the concept of No Net Loss of Ecological Function.

The parties, by mutual written agreement, may revise the Cooperative Agreement and its attached scope of services.

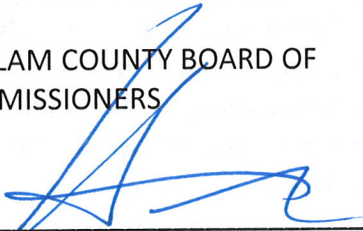
6. Timelines and Tasks. The parties agree to exercise good faith and best efforts to comply with the assignments and deadlines leading to the completion of the identified tasks. Description of tasks and the project timeline may be found in **Exhibit B**, attached hereto and made a part hereof, for all purposes to assist Clallam County in SMP update planning and to further an understanding of the concept of No Net Loss of Ecological Function. The parties agree to extend the foregoing deadlines from time to time as is reasonably necessary and for good cause.

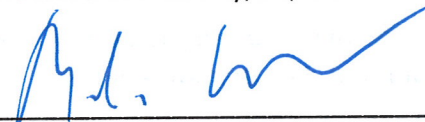
This Interlocal Agreement shall be effective as of July 1, 2010 and expire on the expiration date of US Environmental Protection Agency Cooperative Agreement PO J08801.

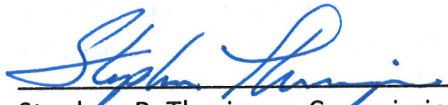
7. Dispute Resolution. Any dispute between the parties that cannot be resolved between the parties shall first be submitted to the County Administrators for Jefferson and Clallam County. If submission to the County Administrators does not resolve a dispute between the parties, then either party may submit the dispute to arbitration with the concurrence of the other party. The provisions of Chapter 7.04A RCW shall be applicable to any arbitration proceeding. The parties shall have the right to designate one person each to act as an arbitrator. The two persons chosen as arbitrators shall jointly choose a third arbitrator in order to form a three-person arbitration panel. The decision of the arbitration panel shall be binding on the parties and shall be subject to judicial review as provided for in Chapter 7.04A RCW. The costs of the arbitration panel shall be equally split between the parties.
8. Right to Terminate. This Interlocal Agreement may be terminated by any party at any time upon not less than sixty (60) days written notice.
9. Effect. This Interlocal Agreement shall be binding upon the parties and the parties shall be held responsible to the agreed upon deadlines.
10. Personal property. The parties to this Agreement may after expiration of this grant and in a manner consistent with Section 17 of the US Environmental Protection Agency Cooperative Agreement PO J08801 retain any personal property purchased with these EPA grant funds.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed effective the date and year first mentioned hereinabove.

CLALLAM COUNTY BOARD OF COMMISSIONERS


Howard V. Doherty, Jr., Chair

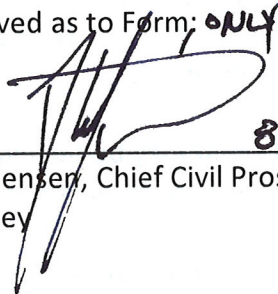

Mike Chapman, Commissioner
Michael C.


Stephen P. Tharinger, Commissioner

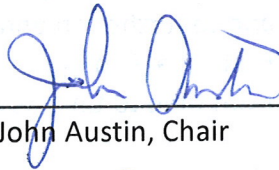
Attest:



Trish Holden, Clerk of the Board, *CMC*

Approved as to Form: *ONLY*


Doug Jensen, Chief Civil Prosecuting Attorney
8-11-11

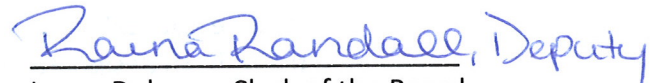
JEFFERSON COUNTY BOARD OF COMMISSIONERS


John Austin, Chair


David Sullivan, Commissioner


Phil Johnson, Commissioner

Attest:


~~Lorna Delaney~~, Clerk of the Board
Raina Randall

Approved as to Form:

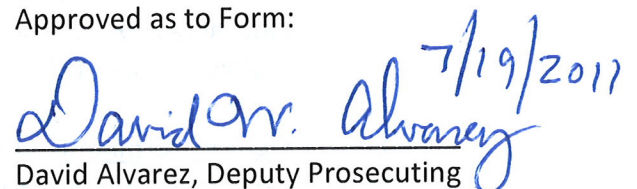


David Alvarez, Deputy Prosecuting Attorney
7/19/2011

Exhibit A.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	ASSISTANCE ID NO.			DATE OF AWARD 06/23/2010	
		PRG	DOC ID	AMEND#		
		PO - 00J08801 - 0				
		TYPE OF ACTION New			MAILING DATE 06/30/2010	
PAYMENT METHOD:			ACH# X0554			
RECIPIENT TYPE: County		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423				
RECIPIENT: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362 EIN: 91-6001298		PAYEE: Clallam County 223 E 4th Street, Suite 5 Port Angeles, WA 98362				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Cathy Lear 223 E 4th Street, Suite 5 Port Angeles, WA 98362 E-Mail: clear@co.clallam.wa.us Phone: 360-417-2361		Michelle Wilcox 300 Desmond Drive S.E., WOO Lacey, WA 98503 E-Mail: Wilcox.Michelle@epa.gov Phone: 360-753-9543		Tony Fournier 1200 Sixth Avenue, Suite 900, OMP-145 Seattle, WA 98101 E-Mail: Fournier.Tony@epa.gov Phone: 206-553-1838		
PROJECT TITLE AND DESCRIPTION Enhancing Shoreline Protection Clallam County is updating its Shoreline Master Program (SMP) and is required to develop policies and regulations to achieve "no net loss" (NNL) of ecological functions. Through this work the County will create a more meaningful, collaborative, and defensible framework for assessing and tracking development impacts using ecological function indicators. The framework will yield critical information for shoreline management strategies and better permit decisions. This work is part of a larger interconnected effort to use ecological indicators to inform management decisions for Puget Sound. THIS AGREEMENT IS PARTIALLY FUNDED IN THE AMOUNT OF \$499,958. SEE ADMINISTRATIVE CONDITION 15 FOR ADDITIONAL INFORMATION.						
BUDGET PERIOD 05/01/2010 - 12/31/2012		PROJECT PERIOD 05/01/2010 - 12/31/2012		TOTAL BUDGET PERIOD COST \$1,329,915.00	TOTAL PROJECT PERIOD COST \$1,329,915.00	
NOTICE OF AWARD Based on your application dated 04/07/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$499,958. EPA agrees to cost-share 37.59% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$499,958. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			U.S. EPA, Region 10 Office of Ecosystems Tribal and Public Affairs 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Armina K. Nolan, Manager - Grants and Interagency Agreements Unit			DATE 06/23/2010	
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE Howard V. Doherty, Jr., Chair, Board of Clallam County Commissioners			DATE	

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 499,958	\$ 499,958
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 330,000	\$ 330,000
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 829,958	\$ 829,958

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.120 - Puget Sound Watershed Management Assistance	Clean Water Act: Sec. 320 FY 2009 Omnibus Appropriations Act (PL 111-8)	40 CFR PTS 31 & 35 SUBPT P

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1010UQG031	0910	B	10U0CKH	403B68EP7	4183			499,958
									499,958

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$151,957
2. Fringe Benefits	\$48,626
3. Travel	\$3,938
4. Equipment	\$101,927
5. Supplies	\$0
6. Contractual	\$751,884
7. Construction	\$0
8. Other	\$226,193
9. Total Direct Charges	\$1,284,525
10. Indirect Costs: % Base	\$45,390
11. Total (Share: Recipient <u>62.41</u> % Federal <u>37.59</u> %.)	\$1,329,915
12. Total Approved Assistance Amount	\$999,915
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$499,958
15. Total EPA Amount Awarded To Date	\$499,958