



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 15328

Proposed No. 2018-0458.2

Sponsors Dembowski

1 A MOTION requesting that the executive develop and
2 transmit an initial report and a compliance report
3 regarding remedies to existing fish passage barriers for
4 King County.

5 WHEREAS, salmon are vital to Washington's economy, culture, and diet, and

6 WHEREAS, fifteen salmonid populations in Washington state are designated as
7 federally threatened or endangered under the Endangered Species Act, and

8 WHEREAS, the Governor's 2016 State of Salmon in Watersheds report found
9 migratory salmon species are in decline due loss of habitat, manmade structures that
10 block their natural runs, pollution and changing environmental factors, and

11 WHEREAS, fishing has historically served as an important source of livelihood
12 for indigenous Salish inhabitants of the Pacific Northwest and the right of harvesting fish
13 in perpetuity was secured to the tribes in the Stevens Treaties, and

14 WHEREAS, the state of Washington and other agencies have a treaty-based duty
15 to preserve fish runs, including a right to habitat sufficient to support fish, and

16 WHEREAS, the Ninth Circuit Court of Appeals ruled *Washington v. United*
17 *States*, 853 F.3d 946 (2016) that Washington state has constructed numerous culverts that
18 blocked salmon from spawning grounds and other critical habitat to an extent that
19 violated treaty rights. On June 11, 2018, the United States Supreme Court affirmed per

20 curiam the Ninth Circuit court's ruling (584 U.S. ___ (2018)) and

21 WHEREAS, King County is responsible for protecting and stewarding the
22 county's environmental resources and critical areas, and

23 WHEREAS, while King County is not a party to or directed to take any action
24 under this recent case, King County constructs, maintains and operates road, trail and
25 similar facilities that necessitate culverts, bridges and dams to cross, divert and manage
26 streams, rivers and fish and wildlife habitat conservation areas, and

27 WHEREAS, the impact of King County's culverts, bridges, dams and similar
28 facilities on fish passage and habitat has not been adequately determined, and

29 WHEREAS, King County spends significant resources on habitat restoration to
30 support salmon recovery;

31 NOW, THEREFORE, BE IT MOVED by the Council of King County:

32 A. The council requests the county executive develop and transmit a fish passage
33 barrier compliance plan and evaluation report to the council that:

34 1. Inventories and characterizes all culverts, bridges, dams and similar facilities
35 owned or maintained by King County as to size, age, location and whether they pose a
36 human-made or caused barrier to fish passage;

37 2. Identifies existing countywide plans, policies, standards and regulations that
38 adversely affect salmon habitat and restoration efforts, including identification of specific
39 references to the impacts of culverts, bridges, dams and similar facilities on fish passage
40 and makes recommendations for changes to the plans, policies, standards and regulations;

41 3. Provides a detailed summary and timeline of past and current practices and
42 actions taken by King County to address fish passage barriers, including specific actions

43 taken to remedy culverts, bridges, dams and similar facilities impacting fish passage;

44 4. Prepares a work plan that outlines and prioritizes steps and actions necessary
45 to address culverts, bridges, dams, and similar facilities posing blockages to fish passage
46 in light of Washington v. United States;

47 5. Creates a timeline and estimated cost projection to remedy fish passage
48 barriers owned or maintained by King County consistent with the scope of actions taken
49 by the state of Washington on similar facilities in complying with the ruling in
50 Washington v. United States;

51 6. Provides a financial analysis on the county's estimated costs of remedying
52 identified fish passage barriers, including funding options and cost sharing opportunities;

53 7. Identifies opportunities to partner with other jurisdictions and tribes to
54 facilitate the work plan required by this motion; and

55 8. Assess whether organizational changes are appropriate or necessary to ensure
56 prioritization and expeditious completion of the work plan required by this legislation.

57 B. The executive should transmit an initial report providing a status update of the
58 inventory including, but not limited to, blockages identified in the inventory to date, and
59 estimated costs to remedy those identified blockages by October 31, 2019, in the form of
60 a paper original and an electronic copy with the clerk of the council, who shall retain the
61 original and provide an electronic copy to all councilmembers, the council chief of staff,
62 the policy staff director and lead for the mobility and environment committee.

63 C. The executive should transmit the report required in section A. of this motion
64 by December 31, 2020, in the form of a paper original and an electronic copy with the
65 clerk of the council, who shall retain the original and provide an electronic copy

66 to all councilmembers, the council chief of staff, the policy staff director and lead for the

67 mobility and environment committee.

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Motion 15328 was introduced on 9/24/2018 and passed by the Metropolitan King County Council on 2/27/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Rod Dembowski, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



Attachments: None