



## Legislation Text

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Clerk 06/22/2005

A MOTION expressing support for the Water Resource Inventory Area (WRIA)

8 Chinook Salmon Conservation Plan.

WHEREAS, The King County region is blessed with a remarkable regional resource in its rich and bountiful environment, embraced and cherished by the citizens and leadership of the region for the unique quality of life and cultural heritage that it bestows, and

WHEREAS, King County has acknowledged this natural blessing by accepting responsibility for custodianship of the environment, through caring for ecosystem health, and maintaining a legacy for future generations, and

WHEREAS, King County has a long history of leadership in the effective conservation and management of natural resources, including protection of water quality, preservation and restoration of habitat and open space, flood hazard reduction and salmon conservation, and

WHEREAS, these leadership efforts include the groundbreaking environmental initiative of early King County leaders and citizens to restore the water quality of Lake Washington prior to the adoption of the federal Clean Water Act or the formation of the federal Environmental Protection Agency or state Department of Ecology, and

WHEREAS, King County further undertook environmental protection efforts such as the surface water management program, instituted in 1987, that implemented comprehensive watershed-oriented capital, regulatory and incentive-based actions to protect basins from flooding and erosion and restore ecological health, and the Waterways 2000 program which supported acquisition and protection of critical natural

resources, and

WHEREAS, King County's 1994 Regional Needs Assessment process engaged the county, Seattle, Bellevue and suburban cities in discussions that acknowledged that fish habitat, water quality, and flood control must be managed at the watershed level to be effective, resulting in the establishment of inter-jurisdictional fora to manage planning and an action agenda to respond to identified needs, and

WHEREAS, the WRIA 8 Steering Committee was established in 1999 under the Washington Salmon Recovery Act (RCW 77.85) to develop a plan to recover listed species in the watershed, and has managed a complex multijurisdictional planning effort, with extensive input from the public, environmental interests, business, scientists, utility districts, and state and federal agencies, and

WHEREAS, the WRIA 8 Forum, including 27 member municipal jurisdictions, supported the planning work of the steering committee through leadership and funding, and approval of the draft plan, and

WHEREAS, in March 1999, the National Oceanic and Atmospheric Administration ("NOAA") Fisheries listed the Puget Sound Chinook salmon evolutionary significant unit as a threatened species under the Endangered Species Act ("ESA"), and

WHEREAS, in November 1999, the United States Fish and Wildlife Service ("USFWS") listed the Puget Sound bull trout distinct population segment as a threatened species under the ESA, and

WHEREAS, under the ESA, it is illegal to take a listed species and the ESA defines the term "take" to include actions that could harm listed species or their habitat, and

WHEREAS, actions that are directly or indirectly authorized by local governments could potentially expose local governments to civil or criminal penalties under the ESA, and

WHEREAS, under the ESA, Section 4(f), NOAA Fisheries (for Chinook salmon) and USFWS (for bull trout) are required to develop and implement recovery plans to address the recovery of the species, and

WHEREAS, an essential ingredient for the development and implementation of an effective recovery program is coordination and cooperation among federal, state and local agencies, tribes, businesses,

researchers, nongovernmental organizations, landowners, citizens and other stakeholders as required, and

WHEREAS, Shared Strategy for Puget Sound, a regional nonprofit organization, has assumed a lead role in the Puget Sound response to developing a recovery plan for submittal to NOAA Fisheries and the USFWS, and

WHEREAS, Shared Strategy for Puget Sound intends that its recovery plan will include commitments from all participating jurisdictions and stakeholders, and

WHEREAS, local jurisdictions have authority over some habitat-based aspects of Chinook survival through land use and other policies and programs; and the state and tribes, who are the legal comanagers of the fishery resource, are responsible for addressing harvest and hatchery management in WRIA 8, and

WHEREAS, in WRIA 8, habitat actions to significantly increase Chinook productivity trends are necessary, in conjunction with other recovery efforts, to avoid extinction in the near term and restore WRIA 8 Chinook to viability in the long term, and

WHEREAS, King County supports cooperation at the WRIA level to set common priorities for actions among partners, efficient use of resources and investments and distribution of responsibility for actions and expenditures, and

WHEREAS, twenty-seven local governments in WRIA 8 jointly funded development of The WRIA 8 Steering Committee Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan ("the plan"), published February 25, 2005, following public input and review, and

WHEREAS, while the plan recognizes that salmon recovery is a long-term effort, it focuses on the next ten years and includes a scientific framework, a start list of priority actions and comprehensive action lists, an adaptive management approach and a funding strategy, and

WHEREAS, it is important to provide jurisdictions, the private sector and the public with certainty and predictability regarding the course of salmon recovery actions that the region will be taking in the Lake Washington/Cedar/Sammamish Watershed, including the Puget Sound nearshore, and

WHEREAS, if insufficient action is taken at the local and regional level, it is possible that the federal government could list Puget Sound Chinook salmon as an endangered species, thereby decreasing local flexibility;

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

A. King County hereby ratifies The WRIA 8 Steering Committee Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan, dated February 25, 2005, which is Attachment B to this motion. Ratification is intended to convey the county's approval and support for the following:

1. The following goals for the plan:

a. the plan mission statement to conserve and recover Chinook salmon and other anadromous fish, focusing on preserving, protecting and restoring habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning Chinook salmon; and

b. the multiple benefits to people and fish of implementation of the plan including: water quality improvement; flood hazard reduction; open space protection; and maintaining a legacy for future generations, including commercial, tribal and sport fishing, quality of life and cultural heritage;

2. Continuing to work collaboratively with other jurisdictions and stakeholders in the Lake Washington/Cedar/Sammamish Watershed ("WRIA 8") to implement the Plan;

3. Using the scientific foundation and the conservation strategy as the basis for local actions recommended in the plan and as one source of best available science for future projects, ordinances, and other appropriate local government activities;

4. Adopting an adaptive management approach to plan implementation and funding to address uncertainties and ensure cost-effectiveness by tracking actions, assessing action effectiveness, learning from results of actions, reviewing assumptions and strategies, making corrections where needed and communicating progress. Developing and implementing a cost-effective watershed-wide monitoring program and coordinating

with the Puget Sound regional monitoring program as part of the adaptive management approach;

5. Using the comprehensive list of actions, and other actions consistent with the plan, as a source of potential site specific projects and land use and public outreach recommendations. Jurisdictions, agencies, and stakeholders can implement these actions at any time;

6. Using the start list to guide priorities for regional funding in the first ten years of Plan implementation, and implementing start list actions through local capital improvement projects, ordinances and other activities. The start list will be revised over time, as new opportunities arise and as more is learned through adaptive management;

7. Using an adaptive approach to funding the plan through both local sources and by working together, within WRIA 8 and across Puget Sound, to seek federal, state, grant and other funding opportunities. The long-term ultimate goal is to fund the Plan through a variety of sources at the current 2004 level plus fifty percent, recognizing that this resolution cannot obligate future councils to financial commitment and that the funding assumptions, strategies and options will be revisited periodically; and

8. Forwarding the plan to appropriate federal and state agencies through Shared Strategy for Puget Sound, to be included in the Puget Sound Chinook salmon recovery plan.

B. King County recognizes that negotiation of implementation commitments and assurances with appropriate federal and state agencies will be an iterative process. Full implementation of the plan is dependent on the following:

1. NOAA Fisheries will adopt the plan as an operative element of its ESA Section 4(f) recovery plan for Puget Sound Chinook salmon;

2. NOAA Fisheries and USFWS will:

a. take no direct enforcement actions against King County under the ESA for implementation of actions recommended in or consistent with the plan;

b. endorse the plan and its actions and defend King County against legal challenges by third parties;

and

c. reduce the regulatory burden for King County activities recommended in or consistent with the plan that require an ESA Section 7 consultation; and

3. Federal and state governments will:

a. provide funding and other monetary incentives to support plan actions and monitoring activities;

b. streamline permitting for projects implemented primarily to restore salmonid habitat or where the actions are mitigation that further plan implementation;

c. offer programmatic permitting for local jurisdiction actions that are consistent with the plan;

d. accept the science that is the foundation of the plan and support the monitoring and evaluation framework;

e. incorporate actions and guidance from the plan in future federal and state transportation and infrastructure planning and improvement projects; and

f. direct mitigation resources toward plan priorities.

C. This motion does not obligate the King County council to future appropriations beyond current authority.