

Resolution No. 1707

["Beginning August 1, 2004"]

CFN=1038 – Public Works
Passed – 8/16/05
WRIA 8
Chinook Salmon Conservation Plan

RESOLUTION NO. 1707

A RESOLUTION of the city council of the city of Kent, Washington, ratifying, with conditions, the Water Resource Inventory Area (WRIA) 8 Chinook Salmon Conservation Plan.

RECITALS

A. 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).

B. Under 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.

C. 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, non-governmental organizations, landowners, citizens, and other stakeholders as required.

D. Shared Strategy for Puget Sound, a regional non-profit organization, has assumed a lead role in the Puget Sound response to develop a recovery plan for submittal to NOAA Fisheries and the USFWS.

E. Shared Strategy intends that its recovery plan will include commitments from participating jurisdictions and stakeholders.

F. 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 co-managers of the fishery resource, are responsible for addressing harvest and hatchery management in WRIA 8.

G. In WRIA 8, habitat actions to significantly increase Chinook productivity trends are advisable and may be 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.

H. As it balances the complexity of accommodating and encouraging growth as it addresses protection of critical areas, the city values ecosystem health; 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.

I. The city 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.

J. Twenty-seven (27) 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.

K. While the Plan recognizes that salmon recovery is a long-term effort, it focuses on the next 10 years and includes a scientific framework, a start-list of priority actions and comprehensive action lists, an adaptive management approach, and a funding strategy.

L. The city has consistently implemented habitat restoration and protection projects, and addressed salmon habitat through its land use and public outreach policies and programs over the past five years.

M. 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.

N. 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, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – Ratification. The city hereby conditionally ratifies *The WRIA 8 Steering Committee Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan*, dated February 25, 2005 (the Plan). The Plan is incorporated into this resolution by this reference, and the city clerk will keep a copy of this ordinance and the Plan in his or her files and make it available for review. Ratification is intended to convey the city’s approval and support for the following.

1. **Plan Goals:**

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.

b. The multiple benefits to people and fish of Plan implementation 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 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 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 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 50 percent, recognizing that this resolution cannot obligate future councils to financial commitment and that the funding assumptions, strategies, and options will be revisited periodically.

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.

SECTION 2. – Implementation. The city recognizes that negotiation of commitments and assurances/conditions with appropriate federal and state agencies will be an iterative process. Full implementation of this 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 the City under the ESA for implementation of actions recommended in or consistent with the Plan;
 - b. endorse the Plan and its actions, and defend the City against legal challenges by third parties; and
 - c. reduce the regulatory burden for City activities recommended in or consistent with the Plan that require an ESA Section 7 consultation.

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. support the monitoring and evaluation framework;
 - e. incorporate, to the best of the government's ability, actions and guidance from the Plan in future federal and state transportation and infrastructure planning and improvement projects; and
 - f. to the extent feasible, direct mitigation resources toward Plan priorities.

SECTION 3. – Obligation. This resolution does not obligate the city council to future appropriations beyond current authority. Although the city is committed to furthering the work of WRIA 8 and the Plan, it also must balance its other goals and priorities, beyond funding limitations, under the state Growth Management Act to further economic development, enhance and accommodate growth, and protect property rights. As a result, this council action to ratify the Plan is conditioned on the city's fulfillment of these other needs and demands as well.

In particular, the city maintains a primarily aquifer-based water supply system, and the city will not implement any Plan requirement or goal if doing so would threaten or harm the city's ability to provide a safe, secure, and adequate water supply to its citizens, including future population increases, whether due to annexation or additional growth through infill. Specifically, and without limitation to the preceding conditions, the city cannot commit to restoring Rock Creek to pre-1969 levels (as referenced in the Plan, Volume II, Chapter 10, item C73), even though the City is committed, through its current Rock Creek Habitat Conservation Plan program, to

protecting and restoring salmonid habitat in that portion of Rock Creek, particularly in that portion of the creek that is within its jurisdiction while at the same time protecting and preserving its public water supply.

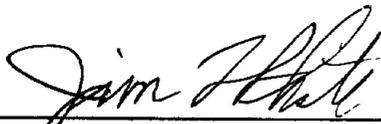
SECTION 4. – Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

SECTION 5. – Ratification. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

SECTION 6. – Effective Date. This resolution shall take effect and be in force immediately upon its passage.

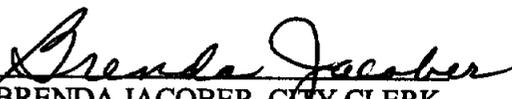
PASSED at a regular open public meeting by the city council of the city of Kent, Washington, this 16 day of August, 2005.

CONCURRED in by the mayor of the city of Kent this 16 day of August, 2005.



JIM WHITE, MAYOR

ATTEST:



BRENDA JACOBBER, CITY CLERK



APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

I hereby certify that this is a true and correct copy of Resolution No. 1707 passed by the City Council of the City of Kent, Washington, the 16 day of August, 2005.


BRENDA JACOBES, CITY CLERK

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