1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

June 27, 2005

Motion 12151

Proposed No. 2005-0283.2 **Sponsors** Phillips

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.

Motion 12151 was introduced on 6/13/2005 and passed by the Metropolitan King County Council on 6/27/2005, by the following vote:

Yes: 11 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 2 - Ms. Lambert and Mr. Hammond
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

Attachments A. Exhibit A, B. WRIA 8 Steering Committee-Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan-Volumes I, II and III Dated February 25, 2005

Exhibit A

King County, Water Resource Inventory Area (WRIA) partners and volunteers have completed the following items as part of the Endangered Species Act (ESA) response to the listing of Chinook salmon and overall fish habitat restoration. King County is also committed to implementing (as indicated) additional projects, programs and regulatory actions in the future. These actions are consistent with the goals and policies of the Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan (Plan). King County actions and commitments to contribute to the recovery of Chinook salmon and Bull trout are also described in *Conserving Salmon: King County Accomplishments and Action Plan* (August 2002).

PROJECTS AND STUDIES

The following projects were completed primarily by the Water and Land Resources Division (WLRD) of the King County Department of Natural Resources and Parks (DNRP) and volunteers in Division programs. The Parks and Recreation Division of DNRP and the King County Department of Transportation also manage fish habitat restoration projects (see *Conserving Salmon* for more information).

1) Shaw-Landsburg Habitat Protection and SRFB 2005: $376,264 was raised to acquire 27.89 acres that includes 4,200 linear feet of river frontage. A notable feature of the target site is the gravel-studded high bank which functions as the most significant supply of gravel for both immediate and distant downriver areas.

2) Natural Lands Program Acquisitions as of June 2005: This program has protected approximately 1,450 acres in WRIA 8 through acquisition. These acquisitions directly or indirectly contribute towards long-term protection of salmonid habitat.

3) Capital Improvement and Open Space Projects 2004-2005: WLRD includes several programs that accomplish fish habitat restoration projects each year (see program descriptions in this Exhibit below). The Capital Improvement Projects (CIP) Section constructed 5 large capital projects for fish habitat restoration during 2004, at a cost of $1.16 million, and plans to construct 9 such projects in 2005. The Drainage and Habitat Improvement Program constructed 4 fish habitat restoration projects in 2004, at a cost of $350,000, and plans to construct 2 such projects in 2005. The Rapid Response, Opportunity, and Emergency CIP Program constructed 3 fish habitat restoration projects in 2004, at a cost of $240,000, and plans to construct 2 such projects in 2005. The Small Habitat Restoration Program constructed 29 projects in 2004, at a cost of $391,000, and plans to construct 50 projects in 2005.

4) Lions Club Partnership Project 2003-2005: Salmon Recovery Funding Board (SRFB) funding and County funds have been used to produce a design for side channel restoration on Lions Club property and adjoining King County property. The project includes substantial floodplain reforestation over about 10 acres in addition to siting three separate side channels totaling 2,000 linear feet. The side channels will be initially formed through light excavation

and allowed to reach a final shape and form through periodic naturally occurring high flow conditions.

5) Ricardi Reach/Cedar Rapids Acquisition and Restoration Projects and SRFB 2000-2005: $1,612,000 was raised in the last five years to accomplish 3 distinct phases at this site: 1) acquisition of 16 acres of the reach including riparian forested floodplain, 1,700 feet of river frontage along both banks and the mouth and lower reaches of a spring-fed tributary all on the right bank; 2) additional acquisition and design of a floodplain restoration project over entire ~ 21-acre site, and 3) construction to remove levee, reforest floodplain, control invasive species, and re-establish natural flood and riverine processes.

6) Lower Taylor Creek Floodplain Restoration 1999-2005: This project consists of extensive stream and floodplain restoration covering three parcels along Taylor Creek, a tributary of the lower Cedar River basin. The project elements include relocating 800 feet of stream away from a roadway, restoring 5 acres and creating 3 acres of floodplain wetlands and off-channel habitat.

7) Open Space Acquisitions 2004: King County spent $33.5 million to purchase 89,800 acres and facilitate the transfer of development credits. These acquisitions directly or indirectly contribute to the protection of salmonid habitat.

8) Native Plant Salvage Program 2004: This program continues to salvage, hold, and propagate native plants for use in surface water and KCDOT Capital Improvement Projects and programs where re-establishing native vegetation is desirable or required. In conjunction with WLR's Public Involvement staff, ESU held six volunteer-staffed events throughout King County during 2004. Approximately 10,900 native plants were salvaged from development sites in 2004 and approximately 5,500 plants were salvaged by landowners for re-establishing native vegetation and habitat in their own yards. About 10,054 plants were replanted at project sites during the fall and winter dormant periods.

9) Biological Inventories/Ecological Assessments 2004: These assessments are being conducted on some of the King County's Ecological Lands, including Log Cabin Reach Natural Area in the Issaquah Creek Basin and at Mouth of Taylor Reach Natural Area in the Cedar River Basin. These inventories will be used to develop management plans to designate appropriate uses and protect critical resources.

10) Capital Improvement Program Monitoring 2004: This program creates and implements project-monitoring plans in order to assess project performance and to meet regulatory monitoring requirements. In 2004, ESU monitored 16 previously constructed projects. Fourteen of these projects required the preparation of yearly monitoring reports that were submitted to regulatory agencies (the King County Department of Development and Environmental Services, the Washington State Department of Fish and Wildlife, and the US Army Corps of Engineers) in compliance with permit conditions.

11) Core Areas Project – A Framework for Identifying Critical Habitat for Salmon 2004: The Core Areas Project report describes river and watershed features favorable to salmon survival to guide efforts that protect and help recover depleted stocks. The habitat report

describes river and watershed features favorable to salmon survival, to guide efforts that protect and help recover depleted stocks.

12) Lower Cedar River Habitat Conservation Plan, USFWS grant 2003-2004: $2,500,000 was raised to augment the King County Cedar River Legacy program and the Seattle Habitat Conservation Plan. An additional 125 acres along the Cedar mainstem can be purchased for protection and future restoration projects.

13) Surface Water Engineering and Environmental Services Capital Projects 2001-2004: WLRD includes several programs that accomplish fish habitat restoration projects each year. Since 2001, the Surface Water Engineering and Environmental Services Section has initiated and/or completed 18 habitat-related capital projects that contribute to the recovery of salmonids.

14) Jones Bend Habitat Protection and SRFB 2003: $255,000 was raised for acquisition of approximately 7.5 acres within the overall 35-acre reach which extends from RM 8.4 to 9.2. Chinook surveys conducted in 1999, 2000, and 2001 documented Chinook redds throughout this reach. A 75-acre protected area exists opposite the target parcels and through additional land acquisition, this project helps further the goal of protecting habitat-forming processes.

15) Open Space Acquisitions 2003: King County spent $16 million to purchase 658 acres and facilitate the transfer of development credits. These acquisitions directly or indirectly contribute to the protection of salmonid habitat.

16) Volunteer Kokanee Project through 2003: This project on Lake Sammamish tributaries focuses on monitoring the abundance of spawning kokanee salmon with the help of highly skilled volunteers. The extinction of the early-run race of kokanee has been documented and concerns have been raised over the decline of late-run race with other agencies and the public. In 2003, a report was released that summarizes findings.

17) Salmonid Species Composition, Timing, Distribution, and Diet in Nearshore Marine Waters of Central Puget Sound 2001-2002: This report documents the use of marine nearshore areas by salmonids over most of the year and looks at migration routes and diets. Two WRIA 8 marine nearshore boat tours were undertaken in 2004 as part of outreach and education on associated issues within the WRIA.

18) Open Space Acquisitions 2001: King County spent $11.6 million to purchase 1,400 acres and facilitate the transfer of development credits. These acquisitions directly or indirectly contribute to the protection of salmonid habitat.

19) Open Space Acquisitions 2000: King County spent $9 million to purchase 1,740 acres and facilitate the transfer of 203 development credits. These acquisitions directly or indirectly contribute to the protection of salmonid habitat.

20) Bull Trout Sampling Study 2000: King County implemented a Bull Trout Sampling Program to identify existing Bull trout populations and habitats in King County waters. In King County, known populations of self-sustaining native char occur in the Cedar basin. King County began a pilot sampling program for the purpose of detecting native char in King County waters using a highly specialized protocol developed specifically for the detection of these species in areas where the occurrence may be rare.

21) Mouth of Taylor Habitat Protection and SRFB 1999: $200,000 was raised to acquire approximately 7 acres of forested riparian floodplain on the Cedar mainstem including 1,000 feet of mainstem channel, nearly 1,300 feet of the lowermost reach and mouth of Taylor Creek, and one of the largest remaining floodplain wetlands adjacent to the mainstem.

22) Cedar River Basin Plan 1997: King County adopted the Basin Plan, including a variety of stewardship activities, capital projects, and programmatic recommendations addressing habitat, flooding, and water quality problems that were subsequently implemented.

REGULATORY ACTIONS

King County has completed or is in the process of completing the following regulatory updates:

1. King County adopted three ordinances in 2004 that together provide some of the strongest protections for critical areas in the State. The three ordinances, including a clearing and grading ordinance, a stormwater management ordinance and a critical areas ordinance, are based on best available science and also meet the County's obligations under the WA Growth Management Act and the County's NPDES municipal stormwater permit. They are intended to protect critical areas in general and salmon dependent habitat and functions in particular. Significant protections are provided to aquatic features, their buffers and to proper functioning of hydrologic systems at the watershed scale.

2. Consistent with the stormwater management ordinance described above, the County is updating the Surface Water Design Manual and Stormwater Pollution Prevention Manual in 2005.

3. The County has been participating in the development and implementation of the Regional Road Maintenance Program, approved by NOAA Fisheries, since 2000.

4. Preparation of a new Shoreline Master Program was initiated in 2004 and is scheduled to be completed in 2008.

ONGOING PROGRAMMATIC ACTIONS

1. King County will continue to participate on the WRIA 8 Steering Committee throughout the implementation, evaluation, and adaptive management process.

2. King County will continue to participate in the Tri-County Salmon Coalition process to seek funding for fish habitat restoration projects and programs.

3. King County will continue to accommodate growth within its identified Urban Growth Areas (UGA), as mandated by the WA State Growth Management Act, and limit expansions of the UGA to least amount necessary to accommodate future growth allocations.

4. King County will continue to refine application of critical areas regulations through development of flexible implementation programs such as Rural Stewardship, Farm and Forest Planning that allow site specific modifications to fixed standards to achieve equal or better protection of the critical areas. Development also is nearing completion on a pilot program to permit fee-in-lieu contributions by developers or utilities for off-site environmental mitigation when there is no feasible alternative for mitigating development impacts on-site. Contributed fees would be targeted at restoration or enhancement projects located as closely as possible to the impact site and with the highest environmental benefit and chance of success.

5. King County will continue to implement and require that best management practices be required for all public and private development permits as feasible to reduce impacts on remaining habitat.

6. King County capital programs will continue to prioritize and implement capital projects that are identified in basin plans through special studies as well WRIA plans and other sources, in cooperation with other jurisdictions and the public.

7. WLRD will continue to manage the Washington Conservation Corps (WCC) crew for use on numerous habitat restoration and maintenance projects. Crews provide extensive construction support for stream and wetland restoration projects and for projects where work in sensitive areas requires the extensive use of hand labor. Besides offering a low impact method to construct projects in sensitive areas, the use of the WCC crew results in considerable cost savings to the County. In return, crewmembers receive training and job experience in the field of ecological restoration.

8. The Freshwater Monitoring Program will continue to monitor stream and lake water quality, stream flows, instream habitat and biotic conditions in order to assess the overall health of freshwater systems in King County and evaluate the impacts of plan implementation over time.

9. King County will continue to implement the Chinook Survey Program in Cedar River, North Creek, Bear Creek, and Issaquah Creek Basins is an on-going Chinook monitoring program that identifies important habitats, abundance, productivity, and collects biological information from returning adult salmon in WRIA 8. Data on genetic origin, pre-spawning mortality, and presence of hatchery origin fish on the spawning ground are important in monitoring the effectiveness of recovery efforts. Funding has been provided by the King Conservation District (2000-2005) and Wastewater Treatment Division (1998 and 1999). Partners include the WDFW, Seattle Public Utilities, and the Muckelshoot Indian Tribe.

10. The Bull Trout Program produced a technical report in 2004 to summarize available information on Bull trout (Salvelinus confluentus) distribution and life history strategies within King County. This report provides information essential to completing Biological Assessments for federally-linked projects and various efforts to conserve and recover the species in local watersheds. This report also includes a recommended sampling protocol for gathering additional information regarding Bull trout populations in King County, Washington. Water and Land Resources Division staff are working closely with stakeholder groups in King County to use the recommended sampling protocol and other means to gather information necessary to Bull trout conservation and recovery efforts.

11. King County will continue to implement the Salmon Watcher Program that educates and trains watershed residents in salmon life history and identification. After attending a two-hour training workshop, volunteers record salmonid presence information biweekly at stream sites throughout the Lake Washington Watershed and streams in the WRIA 8 nearshore during the salmon-spawning season (September-December). Volunteers submit monthly data sheets documenting their observations. These volunteer data augment existing technical data collected by the sponsoring resource agencies. Resource managers use the information to help identify fish passage barriers and focus professional surveys. The data are also used to identify yearly fish run timing and spawning activities, document the extent and diversity of adult spawning salmonids, and provide insight on the effectiveness of local restoration projects. Additionally, volunteers may call their regional contact to report anything unusual or illegal they observe while watching. This cooperative program was initiated in 1996 and has spawned sister programs in Snohomish County, Hylebos Watershed, and Vashon Island. Each year, approximately 300-400 adults and children attend the workshops, and 150-200 volunteers return fish data.

12. Ongoing Normative Flow Studies and an anticipated Water Supply Planning process will enhance our understanding of the relationship between river and stream flow patterns with ecological parameters, climate change and human water use. This understanding will be used to develop a stream assessment methodology and analytical tools that will help King County to evaluate the effects of management actions (such as water reuse, stormwater management, and flood hazard management) in protecting or restoring a flow regime that supports ecosystem health and salmon conservation goals.

13. An ongoing Inventory and Assessment of Current and Historic Beach Feeding Sources/ Erosion and Accretion Areas for WRIAs 8 and 9 will help direct process based restoration and protection actions in the marine nearshore areas within King and South Snohomish County.

14. The ongoing Bull Trout Tracking Study on Puget Sound is a collaborative effort with the US Army Corps of Engineers and focuses on the timing, distribution, and diet of Bull trout in Puget Sound using acoustic telemetry. Results to date show the use of King County marine shorelines as common for Bull trout and the importance of forage fish in the diets of Bull trout.

15. King County will continue to update its policies, programs and regulations in general, as indicated in the Plan and this Exhibit.