RESOLUTION NO. 307

A RESOLUTION OF THE CITY OF NEWCASTLE RATIFYING THE
WATER RESOURCE INVENTORY AREA (WRIA) 8
CHINOOK SALMON CONSERVATION PLAN

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

WHEREAS, Shared Strategy for Puget Sound, a regional non-profit 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 intends that its recovery plan will include
commitments from 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 co-managers of the fishery resource, are responsible for
addressing harvest and hatchery management in WRIA 8; and

WHEREAS, in WRIA 8, habitat actions are necessary, in conjunction with
effective harvest and hatchery management and favorable natural conditions, to avoid
extinction of Chinook in the near term and recover Chinook in the long term; and
WHEREAS, the City of Newcastle 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; and

WHEREAS, the City of Newcastle supports cooperation at the WRIA level to set common priorities for actions among partners, ensure efficient use of resources and investments, and distribute responsibility for actions and expenditures;

WHEREAS, 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; and

WHEREAS, 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 consisting of potential funding options; and

WHEREAS, the City of Newcastle 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; 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;

THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

**Section A:** The City Council ratifies the WRIA 8 Steering Committee Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan, dated February 25, 2005 (the Plan). For purposes of this resolution, “ratifies” means the City Council approves and supports the following:

1. The following goals:
   a) The long-term regional goal to recover Chinook salmon, and the goal of the Plan to contribute to recovery by preserving, protecting and restoring Chinook salmon habitat within WRIA 8.
   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 further Plan implementation.

3. Using the Plan as guidance, and 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. Using an adaptive management approach to Plan implementation and funding, including a cost-effective regional monitoring program, 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.

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 funding in the first ten years of Plan implementation. The start-list will be revised over time, as new opportunities arise and as more is learned through adaptive management.

7. Working together (within WRIA 8 and Puget Sound) to seek federal, state, grant, and other funding opportunities in addition to available local sources. The long-term goal is to fund the Plan through a variety of sources at a level that exceeds the current level of funding, 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 B: The City of Newcastle recognizes that negotiation of commitments and assurances/conditions with appropriate federal and state agencies will be an iterative process. Continued City of Newcastle support for 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 the City of Newcastle 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 of Newcastle against legal challenges by third parties, and 
c) reduce the regulatory burden for City of Newcastle 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) 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.

**Section C:** This resolution does not obligate the City of Newcastle to future funding beyond current authority.

Attachment A: City of Newcastle Habitat-Related Activities

**Adopted by the Newcastle City Council on July 5, 2005**

[Signature]

John D. Dulcich, Mayor

ATTEST:

[Signature]

Laura Hathaway, City Clerk
Attachment A

Actions Taken, Underway or Planned by the City of Newcastle to Protect and Restore Salmon Habitat, Consistent with the WR1A 8 Chinook Salmon Conservation Plan

Actions Taken by the City of Newcastle

- Completed an Endangered Species Act (ESA) gap analysis, and have taken – and continue to take – actions to implement recommendations.

- Signed an Interlocal Agreement with King County and the City of Renton to protect and enhance fish and wildlife habitat and water quality in May Creek Basin, based on the recommendations of the 2001 May Creek Action Plan.

- Placed woody debris in May Creek in cooperation with King County and the City of Renton.

- Completed a Plan for the restoration and management of Boren Creek, a tributary to May Creek.

- Completed a stream inventory and analysis of all the streams in the City of Newcastle and incorporated that information into the recently updated City of Newcastle Comprehensive Plan. Comprehensive Plan policies and corresponding code sections emphasize the need to protect and restore salmon habitat.

- One of first cities to adopt and implement Regional Road Maintenance ESA Program Guidelines for maintaining existing roads and drainage systems.

- Participated in the previous Lake Washington/Cedar River Watershed Forum and has been actively participating in the WR1A 8 Forum since its inception. Newcastle’s representative has been co-chair of the WR1A 8 Forum and on the WR1A 8 Management Committee for the past year.

- In late 1999 adopted a City of Newcastle Storm and Surface Water Comprehensive Plan, as well as a Capital Improvement Program to implement the plan.

- Adopted a Surface Water Management Code that goes beyond the requirements of the King County Surface Water Design Manual to include Level 2 flow control or higher throughout the city and enhanced water quality treatment, i.e. metal removal, within the May Creek Basin.

Actions Underway or Planned by the City of Newcastle

- Currently reviewing and amending the City's Critical Areas Ordinance in light of the 2005 Department of Ecology standards and requirements, which incorporates Best Available Science.


- In future updates of the City's policies, programs and regulations, will continue to incorporate Best Available Science and Best Management Practices to protect and restore salmon habitat; and will continue to enforce such regulations for all public and private development.

- Will encourage low-impact development through regulations, incentives and education.

- Will cooperate with King County and the City of Renton to plant conifers in the riparian areas of May Creek canyon and Boren Creek.

  - Will continue to coordinate with the County's May Creek Basin stewardship on water quality in May Creek and implement actions to maintain and improve water quality.

- Will continue to support the King County Lake Stewardship Program for water quality monitoring in Lake Boren.

- Will remove invasive plant species from Lake Boren.

- Will encourage voluntary stewardship efforts to protect and restore salmon habitat.

- Will continue to work collaboratively with other jurisdictions and stakeholders in the Lake Washington/Cedar/Sammamish Watershed (WR1A 8) to further Plan implementation.