

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

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| <b>AGENDA TITLE:</b> | <b>Resolution #232 to Ratify the <i>Water Resource Inventory Area (WRIA) 8 Chinook Salmon Conservation Plan</i></b> |
| <b>DEPARTMENT:</b>   | Public Works                                                                                                        |
| <b>PRESENTED BY:</b> | Paul Haines / Rika Cecil / Jerry Shuster                                                                            |

**PROBLEM/ISSUE STATEMENT:**

In 1999, the federal government listed Puget Sound Chinook salmon as threatened under the Endangered Species Act (ESA). Salmon have historically been, and continue to represent, a vital part of the culture and economy of the Lake Washington / Cedar / Sammamish Watershed, also known as Water Resource Inventory Area 8 (WRIA 8). The City of Shoreline is located within the watershed boundaries of WRIA 8, and Chinook salmon are found within Shoreline in McAleer Creek.

Under the ESA, the National Oceanic and Atmospheric Administration (NOAA) Fisheries is required to develop and implement a plan to address the recovery of the species. Since previous recovery plans were developed solely by federal agencies with little or no input from the communities responsible for implementing the plan, 27 municipalities (including the City of Shoreline) and 2 counties signed an inter-local agreement (ILA) to create the WRIA 8 Forum and jointly fund the development of a conservation plan.

To guide the development of the draft Plan, the WRIA 8 Steering Committee was formed from city and county elected leaders, concerned citizens, scientists, and representatives from business and community groups, water and sewer districts, and state and federal agencies. The Steering Committee's *WRIA 8 Chinook Salmon Conservation Plan* is the result of these collaborative efforts. It is a science-based plan that contains recommendations for prioritized actions to restore and protect salmon habitat, and a collaborative approach for implementing these actions over the next ten years.

In May 2005, the Forum approved the *WRIA 8 Chinook Salmon Conservation Plan* and submitted it to Shared Strategy, a diverse and collaborative group, which has assumed a lead role in the Puget Sound-wide need to develop a regional Chinook recovery plan to submit to NOAA Fisheries. The Shared Strategy group is endorsed by NOAA Fisheries, U.S. Fish and Wildlife Service, the Governor's Office, Puget Sound Tribes, state natural resources agencies, local governments, and key non-government organizations.

In order to continue its participation in the WRIA 8 Forum and, thereby meet the requirements of the ESA, the City of Shoreline will need to approve Resolution #232 to ratify the *WRIA 8 Chinook Salmon Conservation Plan*. A copy of the full three volume report has been placed in the Council office for review.

**BACKGROUND:**

Chinook salmon are found in McAleer Creek within the City of Shoreline. Since January 2001, when the Council approved the Interlocal Agreement for WRIA 8 watershed planning and conservation, the City has shared in the annual costs and participated in the WRIA 8 process that has directed the development of the *WRIA 8 Chinook Salmon Conservation Plan*.

Several of the goals and policies in the City Council 2005 Comprehensive Plan support the preservation and recovery of salmonid species, such as Chinook salmon. These include the following:

- Goal EN III: Protect, enhance and restore habitat of sufficient diversity and abundance to sustain existing indigenous fish and wildlife populations. Balance the conditional right of private property owners to develop and alter land with the protection of native vegetation and critical areas.
- Goal EN VI: Preserve, protect, and where feasible, restore wetlands, shorelines, surface water, and ground water for wildlife, appropriate human use, and the maintenance of hydrological and ecological processes.
- Policy ENh: Solutions to stream habitat problems should focus on those types of problems that first protect and preserve existing habitat, then enhance and expand habitat in areas where wild anadromous fish are present, and lastly, enhance and expand habitat in areas where other wild fish are present.
- Policy EN61: The City shall work with citizen volunteers, state and federal agencies, and Indian tribes to identify, prioritize, and eliminate physical barriers and other impediments to anadromous fish spawning and rearing habitat.

**ALTERNATIVES ANALYZED:**

1. If the City ratifies Resolution #232 and consequently approves the *WRIA 8 Chinook Salmon Conservation Plan*, then the City meets the requirements of the ESA.
2. If the City chooses not to ratify Resolution #232 and consequently does not approve the *WRIA 8 Chinook Salmon Conservation Plan*, then the City will need to develop its own Chinook recovery plan that will meet the ESA requirements.
3. If the City chooses not to ratify Resolution #232 and consequently does not approve the *WRIA 8 Chinook Salmon Conservation Plan*, and chooses not to develop its own salmon recovery plan, then the City will be open to legal action from its citizens and conservation organizations.

**FINANCIAL IMPACT:**

1. Adoption of Resolution #232 to ratify this Plan does not obligate the City to fund or implement Plan recommendations. Adoption of the resolution allows the City to participate in the regional WRIA 8 Forum at the same cost share amount that has been paid annually since 2001, which is estimated to be \$15,800 in 2006. This estimated amount will be included in the 2006 Public Works / Surface Water & Environmental Services budget, which will be presented to Council during the annual budget process.

2. If the City chooses to develop its own Chinook recovery plan to meet ESA requirements, a variety of consultants would need to be contracted at an estimated cost of \$200,000.
3. If the City chooses to do nothing, the cost of lawsuits could be extensive and dampen economic development efforts in Shoreline.

### **RECOMMENDATION**

Staff recommends that Council adopt Resolution #232 to ratify the *Water Resource Inventory Area (WRIA) 8 Chinook Salmon Conservation Plan*.

Approved By: City Manager

City Attorney

## **RESOLUTION NO. 232**

### **A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON 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 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, the City of Shoreline 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 Shoreline 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;

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; and

WHEREAS, the City of Shoreline 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;

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; and

WHEREAS, ratification of the Plan does not obligate the Shoreline City Council to future appropriations beyond current authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SHORELINE AS FOLLOWS:**

**Section 1. Ratification.** The City of Shoreline hereby ratifies *The WRIA 8 Steering Committee Proposed Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan*, dated February 25, 2005 (the Plan) and filed in the City Clerk's Office under Clerk's Receiving No. 3484. Ratification is intended to convey the City'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.
  - 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 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 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 of Shoreline 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 of Shoreline 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 Shoreline against legal challenges by third parties, and
  - c) reduce the regulatory burden for City of Shoreline 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.

**ADOPTED BY THE CITY COUNCIL ON JULY 25, 2005.**

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Mayor Ronald B.Hansen

**ATTEST:**

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Scott Passey, City Clerk

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