King County

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

December 7, 2010

Motion 13381

Proposed No. 2010-0600.1 **Sponsors** Phillips

A MOTION supporting clarification of federal jurisdiction under the Clean Water Act for streams and wetlands.

WHEREAS, for nearly thirty years, virtually all natural surface waters were "waters of the United States" and protected by the Clean Water Act, and

WHEREAS, despite the goals of the Clean Water Act, counties across the nation are facing increased flooding, surface water pollution, toxic blue-green algae outbreaks and contamination of their wetlands and estuaries, and

WHEREAS, it is a priority in Washington state and King County to protect high quality, diverse and interconnected habitats throughout our lands, river systems and marine water to aide in the restoration and recovery of the Puget Sound ecosystem, and

WHEREAS, for more than forty years, King County citizens have invested in the clean water by creating a centralized wastewater treatment system that cleaned up Lake Washington and vastly improved effluent discharges to Puget Sound and currently treats an average of one hundred seventy million gallons of sewage per day, and

WHEREAS, for over twenty years King County has invested in and continued to improve its programs to manage stormwater runoff to protect people, natural resources and wetlands from damage caused by pollutants and uncontrolled runoff, and

WHEREAS, King County's groundwater protection program seeks to protect the health and viability of drinking water for its residents and to preserve fish and wildlife habitat by ensuring groundwater replenishment of streams, lakes and wetlands, and

WHEREAS, King County has embraced and provided leadership in the groundbreaking collaborative efforts to protect and restore salmon runs through coordinated watershed planning and investments to restore and improve habitat by working with local citizens, tribes, technical experts and policy makers to make investments and leverage state and federal funding, and

WHEREAS, in a concurrent and complementary effort King County's small habitat restoration program has restored and improved streams and wetlands, and provided technical assistance to property owners, since 1995 resulting in hundreds of thousands of plants, trees and shrubs planted along of stream banks, in wetlands, and their buffer areas, and

WHEREAS, wetlands are among the most productive ecosystems in the world, providing habitats for many kinds of plants and animals, including more than one-third of the United States' threatened and endangered species and more than two hundred species of wildlife and many plant species in western Washington, and

WHEREAS, wetlands play an important role in providing a number of ecological services, including: flood protection and control; erosion and sedimentation prevention and control; surface water filtration; groundwater recharge; and support for economic activity that depends on healthy populations of fish and wildlife, and

WHEREAS, the Clean Water Act's jurisdiction over wetlands and all waters of the United States has been made uncertain by United States Supreme Court decisions in

Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers and related cases Rapanos v. United States and Carabell v. United States; thereby jeopardizing protection of an estimated twenty million acres of wetlands and fifty percent of all stream miles in the lower forty-eight states, and

WHEREAS, despite the issuance by the United States Corps of Engineers and the United States Environmental Protection Agency of supplementary guidance concerning Clean Water Act jurisdiction, confusion over federal jurisdiction under the Clean Water Act persists, adding substantial delays to valid permit actions and undermining the ability of the federal government and the states, whose wetland programs are legally intertwined with the Clean Water Act, to protect intermittent streams and isolated wetlands, placing many wetlands and streams at risk of pollution and destruction;

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

A. King County supports a consistent definition of federal jurisdiction for wetlands and waters of the United States, with reinstatement of the definition in existence prior to the Supreme Court decision on the Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers; and

B. Encourages Congress to act immediately to reestablish Clean Water Act jurisdiction to the full scope of waters protected prior to the Supreme Court decisions,

and to work in cooperation with King County and the Conservation Leaders Network and other interested organizations to resolve Clean Water Act jurisdiction issues.

Motion 13381 was introduced on 11/22/2010 and passed by the Metropolitan King County Council on 12/6/2010, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Robert W. Ferguson, Chair

ATTEST:

Anne Noris, Clerk of the Council

Attachments: None