



Legislation Text

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Clerk 03/02/2005

A MOTION expressing council support for the implementation of the Snohomish Basin Salmon Conservation Plan and related commitments and conditions.

WHEREAS, in March of 1999, the National Oceanographic and Atmospheric Administration ("NOAA") Fisheries listed the Puget Sound Chinook salmon evolutionarily significant unit as a threatened species under the Endangered Species Act ("ESA"), and

WHEREAS, the United States Fish and Wildlife Service ("USFWS") listed the Puget Sound bull trout distinct population segment as a threatened species under the ESA in November of 1999, 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, certain federal court opinions may be interpreted to suggest that "take," if caused by 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 ESA Section 4(f), NOAA Fisheries (for Chinook salmon) and the USFWS (for bull trout) are required to develop and implement recovery plans to address the recovery of the species, and

WHEREAS, the most essential ingredient for the development and implementation of effective recovery programs is coordination and cooperation among federal, state, and local agencies, tribes, academic researchers, nongovernmental organizations and private citizens, and

WHEREAS, NOAA Fisheries and the USFWS can provide certain regulatory assurances to jurisdictions that have committed to a recovery plan, 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 stakeholders, and

WHEREAS, King County is a party to a five-year interlocal agreement with the cities of Duvall, Carnation, Snoqualmie and North Bend, through the Snoqualmie Watershed Forum to jointly fund planning for watershed health and restoration of salmonid habitat, and

WHEREAS, King County is a member of the Snohomish Basin Salmon Recovery Forum and assisted in the development of the Draft Snohomish Basin Salmon Conservation Plan, and

WHEREAS, King County values ecosystem health, the protection of salmonids, water quality and flood hazard reduction and maintaining a legacy for future generations, including commercial, tribal and sport fishing, aesthetic quality of life and cultural heritage, and

WHEREAS, King County has consistently implemented habitat restoration and protection projects over the past five years, including but not limited to such projects as: the purchase of development rights on ninety thousand acres of the Snoqualmie Forest, acquisition and establishment of Chinook Bend Natural Area, Fall City Natural Area, Tolt Natural Area and Raging River Natural Area; the design of the Lower Tolt River Floodplain Reconnection Project and the Raging River Preston Reach Levee Removal Project; and the completion of restoration work along thousands of feet of the Snoqualmie river and other important streams in the watershed, and

WHEREAS, King County, together with the other jurisdictions of the Snoqualmie Watershed Forum, have conducted a joint regulatory review as directed under the Snohomish Basin Near Term Action Agenda, and updated policies and local regulations to address consistency with recommendations necessary for salmonid recovery and watershed health, and

WHEREAS, King County supports regional cooperation to set common priorities for action among partners, efficient use of resources and investments and distribution of responsibility for action and expenditures, and

WHEREAS, it is important to provide jurisdictions, the private sector and the public with certainty and predictability that the Snohomish Basin Salmon Conservation Plan ("the Plan") represents the course of salmon recovery actions that we as a region will be taking in the Snohomish river basin;

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

A. The council hereby indicates its approval of and support for:

1. The goal of the Snohomish Basin Salmon Recovery Forum to protect, restore and enhance the productivity of all wild salmon stocks in the Snohomish basin to a level that will sustain fisheries and non-consumptive salmon-related cultural values;

2. The long-term vision of the Plan; and

3. The ten-year habitat improvement milestones in the Plan, which provide a clear path to make significant progress towards salmon recovery.

B. The council further indicates its support of continued work with NOAA Fisheries, the USFWS and Shared Strategy for Puget Sound, or a future Puget Sound regional recovery organization, to implement the Plan, such as:

1. Continuing to participate on the Snoqualmie Watershed Forum and Snohomish Basin Salmon Recovery Forum to support Plan implementation, evaluation, and management;

2. Implementing restoration and protection projects in unincorporated King County consistent with the Plan;

3. Facilitating the achievement of forty to sixty percent of the Plan's mainstem habitat condition milestones in the King County portion of the watershed;

4. Implementing policies, programs and regulations consistent with the intent of the Plan and

necessary to achieve salmon recovery needs and goals;

5. Providing technical assistance, stewardship, education and incentives to agriculture, forestry and rural residential landowners to protect and restore critical habitat; and

6. Providing technical resources for monitoring and evaluation of habitat actions and overall plan implementation.

C. The support of the King County Council is conditioned upon the following:

1. If King County commits to plan implementation, then NOAA Fisheries and the USFWS will each adopt the Plan as an operative element of their separate ESA §4(f) recovery plans for the Puget Sound Chinook salmon and the Puget Sound bull trout;

2. If King County commits to implementing the plan and is making progress, then NOAA Fisheries and the USFWS:

a. shall take no direct enforcement actions against King County under the ESA; and

b. shall endorse the Plan and its actions, and shall defend them against legal challenge by third parties;

3. If King County commits to implement the Plan, then the federal and state governments will reward commitments through:

a. direct funding and other monetary incentives to cover the majority of costs of implementation; and

b. streamlined permitting of King County projects implemented primarily to restore salmonid habitat; and

4. To the extent that the commitments described in Subsection B. of this motion require future appropriations beyond current appropriation authority, then the commitments are conditioned upon future appropriations by the King County council.

none