

8.1 INTRODUCTION

This chapter provides an overview of the proposed approach and elements for implementation of the Habitat Plan for the Green/Duwamish and Central Puget Sound Watershed (Water Resource Inventory Area 9 [WRIA 9]). It provides background on the organizational structure of WRIA 9 salmon habitat planning and governance, some basic history of the WRIA 9 planning effort that has a bearing on the proposed approach to Plan implementation, and information about the linkages of the WRIA 9 plan to the regional Puget Sound Salmon Recovery Plan and federal assurances. This chapter also includes policies (in italics and indicated by an I-prefix) that establish the implementation strategy for this Habitat Plan.

Implementation Functions of Local Governments

Implementing the Habitat Plan by local governments will include consideration of the following functions:

- Establishing and managing a watershed-scale institutional structure, decision process, participant norms, and rules governing watershed-wide decision-making;
- Identifying, prioritizing, refining, and implementing projects and programs;
- On-the-ground project and program operations and maintenance and guidance to project/program sponsors;
- Coordinating and integrating with other conservation, restoration, and development activities in the watershed, and coordinating and integrating local projects and programs into the watershed Habitat Plan and watershed projects and programs into the regional Puget Sound Salmon Recovery Plan;¹
- Protecting habitat through local regulations (adopting, administering, and enforcing them) and voluntary conservation programs;
- Educating and outreach to citizens on both regional and local projects and programs and encouraging citizen participation in and ownership of both the WRIA 9 Habitat Plan and the Puget Sound Salmon Recovery Plan;
- Monitoring effectiveness of actions;
- Tracking and reporting results, developing appropriate indicators related to projects and watershed improvements, conducting progress assessments, and issuing final reports;
- Communicating, cooperating, and negotiating with the state and Puget Sound regional recovery plan implementation body, other governments, and project sponsors; and
- Fundraising to support both local and watershed-wide project and program priorities, including monitoring and adaptive management.

To act on the recommendations of this Plan, this chapter proposes the implementation commitments and efforts appropriate for local governments of WRIA 9.

8.2 AUTHORITY AND RESPONSIBILITY FOR IMPLEMENTATION

Federal agencies are required to ensure that any actions they fund, permit, or carry out are not likely to jeopardize species that are listed under the Endangered Species Act (ESA). Federal agencies must consult with the listing agency (NOAA Fisheries or U.S. Fish and Wildlife Service) regarding actions they take that “may affect” the listed species or its critical habitat. Actions that may affect but are “not likely to adversely affect” the species undergo an informal consultation, while those that are likely to adversely affect the species or its critical habitat must undergo more lengthy formal consultation. The ESA also prohibits the “take” of listed species, either through Section 9 (for an endangered species) or through Section 4(d) (for threatened species).

Citizens, landowners, businesses, and local governments all can be affected by the federal consultation requirement or the Endangered Species Act prohibition of take. For example, ESA consultations can affect the time it takes to issue a permit, fund a project, or complete an action when a federal agency is involved. Consultation might also affect the conditions on a permit or funding or the manner in which a project is completed. The take of a listed species can occur as a result of many of the everyday activities carried out in a watershed, resulting in an ESA violation.

1. The Puget Sound Salmon Recovery Plan includes the WRIA 9 Salmon Habitat Plan by reference.

In WRIA 9, local, state, and federal agencies, environmental groups, businesses, and other stakeholders developed this Habitat Plan primarily to guide and prioritize efforts over the next 10 years to improve watershed health and habitat conditions for listed fish species. (The ecosystem approach adopted in the Plan, however, should benefit all salmonid species, not just those currently listed under the ESA.) The WRIA 9 Habitat Plan also is included as a chapter of the Puget Sound Salmon Recovery Plan. As such, commitments from local participants to implement provisions of the WRIA 9 Habitat Plan are also contributing to implementation of the Puget Sound Salmon Recovery Plan.

8.3 LOCAL COMMITMENTS AND FEDERAL ASSURANCES

Local governments and other WRIA 9 stakeholders have an impressive history of working together to protect and restore salmon habitat. The broad level of commitment that already exists can be shown in the following three examples:

- Seventeen local governments jointly funded the development of the WRIA 9 Habitat Plan through an interlocal agreement. Prior to the interlocal agreement and the listing of Chinook salmon and bull trout, the 17 local governments had already been working together for two years on salmon habitat planning and project implementation;
- The local governments and the U.S. Army Corps of Engineers have been cooperating in the Green/Duwamish Ecosystem Restoration Project for eight years; and
- Local governments have used their own funds and regionally-pooled funds (e.g., from a conservation district-wide assessment) to implement habitat projects and programs and to prepare technical studies that support the recommendations of this Plan.

In order for the watershed to reach its habitat goals, local governments and other potential implementing entities must make commitments to implement the actions recommended by the Habitat Plan. Commitment can come in several forms and at varying levels.

Potential implementers will want to know what benefits they will receive by making commitments and what federal and state agencies will do to support commitments. The nature of specific commitments and potential benefits is an iterative discussion that will continue beyond approvals of this Habitat Plan.

From the federal agency standpoint, the ability to provide certainty and regulatory relief to local governments and other implementers is based on several considerations including:

- Comprehensiveness, level of detail, and scientific certainty of results;
- Comprehensiveness and certainty of commitments;
- Demonstrated progress in implementing actions; and
- Documented improvements in the viable salmonid population parameters for listed species.

In the case of both technical and policy reviews of the March 10, 2005 *draft* WRIA 9 Habitat Plan conducted in spring 2005 by federal agencies, integration of habitat, hatcheries, and harvest factors of decline was noted as missing, not only in the WRIA 9 Habitat Plan but in those for many watersheds throughout Puget Sound and in the Puget Sound Salmon Recovery Plan. The federal agencies indicated that the results of proposed habitat actions will be more certain to achieve results when harvest and hatchery actions are integrated into the habitat plans. To help facilitate integration, the Washington State Department of Fish and Wildlife has committed to working with others to tailor an approach to integrating harvest and hatcheries in habitat plans throughout Puget Sound, including WRIA 9.

In exchange for making commitments to implement the Plan, local governments may want to negotiate benefits and legal assurances with federal and state regulating agencies, either through direct negotiations or potentially through regional efforts (the Puget Sound region-wide approach to and roles in implementation, if any, are unknown at this time). Whatever approach is taken, WRIA 9 local governments have neither the resources nor the responsibility to fully recover the populations of its federally-listed fish populations. Recovery will take a long-term partnership with federal, state, and local governments, including significant financial support from federal and state sources.

Expectations for Potential Benefits that Could be Negotiated with Regulating Agencies

It is not clear at this time exactly what assurances — whether legal, funding, regulatory, or other — the federal government could or will provide for implementing salmon habitat plans at the watershed and local governmental levels. Several options should be considered by federal agencies as incentives for implementing habitat plans (particularly if federal agencies determine that the habitat plans meets any recovery plan requirements and other federally-recommended recovery criteria) including:

- Consultation on the issuance of the recovery plan so that the review of subsequent actions by federal agencies is expedited;
- A policy statement that federal agencies will not initiate enforcement actions against parties that are making reasonable good faith efforts consistent with the Puget Sound Salmon Recovery Plan and its component watershed habitat plans;
- Adopt reasonable “may affect” and “not likely to adversely affect” thresholds for Endangered Species Act (ESA) consultations on actions consistent with the Puget Sound Salmon Recovery Plan. For example, federal agencies could adopt a policy that small land development projects that are covered by federal Clean Water Act requirements and are consistent with the recovery plan would be presumed not to have more than minimum effects on ESA-listed species and, therefore no ESA consultation on the project proposal is needed; and/or
- Adopt a policy that projects consistent with the Puget Sound Salmon Recovery Plan that “may affect” salmon are presumed to be “not likely to adversely affect” Endangered Species Act-listed salmon unless federal agencies find that extraordinary circumstances may cause significant adverse effects.

There may be new types of legal assurances that the federal government could develop and offer as well.

Assurances and grants in return for commitments to implement the Habitat Plan may be appropriate through federal laws other than the Endangered Species Act, as well as through state laws and programs. Effective implementation by local governments of the provisions of the Clean Water Act is an example of an effort for which local governments should be

given credit. Local governments with effective land use plans, regulations, and programs that are consistent with the recovery plan should receive credit for their efforts to integrate habitat recovery needs with state planning requirements.

Opportunities to receive federal and state grants through the Salmon Recovery Funding Board should be linked to Puget Sound Salmon Recovery Plan implementation. Other funding programs, such as the Centennial Clean Water Fund and the Washington Wildlife and Recreation Program, should offer bonus points for projects that implement the recovery plan.

Participation by Other Entities

Local governments have neither the means nor the authority to implement all the actions necessary to protect and restore salmon habitat in WRIA 9. Recovery of salmon must be undertaken by a broad partnership that reaches beyond local governments. To advance participation of other entities in Plan implementation, public-private partnerships, contracts between local governments and utilities, funding and assistance from foundations, and funding from the state and federal governments should be pursued.

Other possible tools to facilitate Plan implementation by others besides local governments include:

- Letters of understanding that consider the WRIA 9 Habitat Plan as guidance when fulfilling related responsibilities;
- Commitments to implement Habitat Plan actions;
- Legislative or regulatory changes that are recommended by the Habitat Plan;
- Budget and work program line items that implement Habitat Plan actions;
- Letters to appropriate potential partners from the WRIA 9 Forum;
- Negotiations through the Puget Sound Shared Strategy (or its successor) among federal and state regulating agencies, co-managers, local governments, and other partners;
- Working with state legislators and members of Congress; and
- Requests from citizens, community groups, business, and other non-government partners to appropriate potential partners.



WRIA 9 partners have been working hard to develop long-term relationships needed for Habitat Plan implementation. Here, Senator Patty Murray, the commanding officer of the Seattle District of the U.S. Army Corps of Engineers, and local elected officials celebrate federal funding for the initial projects of the Green/Duwamish Ecosystem Restoration Project. February 2004 photo.

This list is not definitive, but rather begins to generate ideas in building broad support and partnerships to implement the Habitat Plan.

As evidenced in various policies and programs in this Plan, a significant role is also envisioned for the many citizens who depend on a healthy watershed. Increased citizen understanding, support, and volunteerism should increase the likelihood that both local governments and other entities receive the support needed to be active implementers of the recommendations of this Plan.

Type and Level of Commitments Recommended For Local Governments to Implement the Plan

Local governments and other potential implementers of the WRIA 9 Habitat Plan will be expected to make commitments to implement actions and monitoring over the next 10 years. In addition, longer term actions (10-20 years out) that do not have commitments now need to be lined up for commitments in the future.

Pursuant to an interlocal agreement among all local governments of WRIA 9, commitments to implement the Habitat Plan must follow approval of the Plan by the WRIA 9 Watershed Forum and ratification of the Plan by parties to the interlocal agreement. Indeed, these two steps must occur before the Habitat Plan can be officially transmitted to the state and federal

governments “as may be required for further action.” Nonetheless, WRIA 9, Puget Sound Shared Strategy, and state and federal agencies already have acknowledged the importance of working together on the Habitat Plan iteratively and consequently much substantive discourse and helpful feedback has occurred among these entities over the course of the development of this Plan. As discussed above, conversations and negotiations with regulating agencies for potential negotiated benefits and assurances will occur as part of the state and federal approval processes for the Puget Sound Salmon Recovery Plan, which includes the WRIA 9 Habitat Plan. It is critical that local governments be integral to the discussions about and negotiations over the type and level of commitments expected from them.

Puget Sound Shared Strategy defined commitment as “a statement of the willingness of an entity or person to implement an action or set of actions within a designated timeframe.” Examples of ways to demonstrate commitments include:

- Demonstrating a history of commitments to actions that have contributed to salmon recovery;
- Adopting a clear action plan describing how and by whom selected projects will be implemented;
- Budgeting for specific projects and programs;
- Incorporating salmon recovery actions into local capital improvement programs (CIPs);
- Passing a formal resolution pledging to take actions consistent with salmon recovery goals; and
- Passing regulations that are consistent with local salmon habitat recovery goals.

Local governments of WRIA 9 will need to determine their role in and commitments to implementation, including their continued regional and watershed collaboration on planning, tracking, assessing, evaluating, and communicating implementation progress and securing funding, implementing programmatic and site-specific habitat projects and other policy recommendations, and monitoring of projects. The level and type of commitments can range from no formal commitments to signed concurrence plans. Generally, when there are no formal commitments, implementation is difficult to track and less successful. Formal commitments generally increase the likelihood of implementation. The extent to which a WRIA entity might either receive regulatory relief or assurances against take liability will likely depend on the extent to

which the entity commits to taking certain specific actions that implement the WRIA 9 Habitat Plan.

Provisions of the Puget Sound Salmon Recovery Plan

The WRIA 9 Salmon Habitat Plan is included as a chapter of the Puget Sound Salmon Recovery Plan by reference. The Puget Sound-wide plan suggests that assurances be based on milestones for reviewing and evaluating progress. The crafters of the regional recovery plan believe that both its watershed chapters and the regional elements together meet Section 4(f) recovery requirements of the Endangered Species Act as well as recovery criteria recommended by federal agencies.

As a first step to providing assurances, upon the adoption of the Puget Sound Salmon Recovery Plan by federal agencies (both its watershed chapters and the regional elements), a conservation agreement would be signed by the federal agencies and the State of Washington for the conservation and recovery of listed salmon. The agreement would provide a means to formalize shared understanding of commitments that would support implementation of this Habitat Plan.

The conservation agreement would acknowledge that the Puget Sound Salmon Recovery Plan is the agreed-upon approach for achieving recovery. It would identify key measures that would be monitored for success, the process for adapting to new information, and the initial milestones over a 10 year period during which progress and results would be evaluated. The agreement also would state the intention of the state and federal agencies to jointly pursue funding for local communities to use in implementing the watershed habitat plans. The agreement would indicate the support of the recovery plan actions as the appropriate solution for the area in the event of third-party lawsuits and identify review points at specific time intervals. At each review point, the progress would be evaluated for each watershed, fish population, and the whole Puget Sound Evolutionarily Significant Unit. The federal agencies would determine if additional assurances or regulatory relief would be provided.²

Commitments from Local Governments

Table 8-1 provides local governments with a range of commitment options that are not mutually exclusive (it is the assumption that the state and federal governments will make solid funding commitments to local governments in tandem with any local governmental commitments).

Option 1 is probably insufficient to obtain the desired level of assurances in return for commitments. Option 3 is in all likelihood a minimum commitment to participate. Option 2, combined with either Option 4 or 5, would demonstrate the most definitive commitments, in turn likely resulting in the greatest level of assurances from the federal regulatory agencies.

Next Steps

The background information provided above is a starting point for discussing expectations for and commitments to implementing the WRIA 9 Habitat Plan. Decisions about roles, responsibilities, commitments, and assurances will be made over the course of the next several months as this Habitat Plan is considered by the WRIA 9 Forum and local governments for approvals and ratification, respectively, and as the Puget Sound Salmon Recovery Plan is reviewed by federal and state agencies.

The remaining sections of this chapter provide specific information about priority projects and funding strategies to implement the Habitat Plan and the governance structure for overseeing and making implementation decisions. The funding strategies and governance structure are key elements to establishing commitments to implement the Habitat Plan.

2. Shared Strategy Summit 2005, Draft Platform Statement, Federal Assurances under the Endangered Species Act. January 20, 2005.

TABLE 8-1: Local Government Commitment Options

Option 1	Option 2	Option 3	Option 4	Option 5
Local governments implement the Plan as they choose; no formal commitments to actions or regional process	Local governments continue coordinated watershed-wide decision-making process and pooled funding for operating needs and capital investments, possibly through an interlocal agreement	City/county councils pass resolutions to formally consider the Plan as guidance and best available science for capital improvement programs, critical areas ordinances, comprehensive plan updates, National Pollutant Discharge Elimination System permits, and shoreline management plans	City/county councils formally commit to implementing particular actions by signing concurrence plan or interlocal agreement. Actions could be undertaken: <ul style="list-style-type: none"> • By individual jurisdiction (e.g., specific habitat projects) • Cooperatively by sub-basin (e.g., joint hiring of basin steward) • Watershed-wide (e.g., collaborative analysis of effectiveness monitoring) 	City/county councils ratify or adopt entire Plan as policy and implement through local ordinances and capital improvement programs

Notes: Table 8-1 provides local governments with a range of commitment options that are not mutually exclusive; (it is the assumption that the state and federal governments will make solid funding commitments to local governments in tandem with any local governmental commitments).

Option 1 is probably insufficient to obtain the desired level of assurances in return for commitments. Option 3 is in all likelihood a minimum commitment to participate. Option 2, combined with either Option 4 or 5, would demonstrate the most definitive commitments, in turn likely resulting in the greatest level of assurances from the federal regulatory agencies.

8.4 PRIORITY PROJECTS FOR THE NEXT 10 YEARS

This Habitat Plan includes a wide variety of actions that focus on habitat recovery for Chinook salmon, bull trout, and other salmonids for the next 10 years. Due to the large number of important projects and the cost of implementing them, this Plan provides further prioritization to guide efforts to recover the Green River Chinook population. This prioritization is based on the provisions of management strategy MS1 (Chapter 5 – Section 5.7) and the tier 1 conservation hypotheses. The prioritized habitat projects are listed in Table 8-2.

8.5 FUNDING STRATEGY FOR HABITAT PROJECTS AND PROGRAMS

This section describes the funding strategy for implementing the WRIA 9 Habitat Plan.

The foundation of the funding strategy is based on four important provisions of the Habitat Plan that put WRIA 9 on the path to habitat recovery in 10 years:

- Biological needs of the fish;
- Ecological economics analysis;
- Cost estimates of actions; and
- Prioritization of actions.

TABLE 8-2: Summary of Priority Projects

Strategies for Funding Actions in the First Ten Years

The following strategies are intended to maximize both funds available over the first 10 years of the Plan and the effectiveness with which they are used:

- Apply funds to the 10-year priority watershed projects identified in the Habitat Plan (see Table 8-2: Summary of Priority Projects);
- Maximize existing salmon funding sources and draw on additional existing sources that could be, but have not been, used for salmon recovery priorities;
- Use funds generated in the watershed;
- Aggressively pursue appropriate use of mitigation funds;
- Track success of overall funding, sources, and distribution against desired results; and
- If funds fall short of goals, explore alternative sources or change the Habitat Plan implementation approach.

Proposed Funding Level

The funding needed in the first 10 years to implement the Habitat Plan priority projects is estimated to be \$164 to \$333 million. This amount is based on the 10-year priority projects listed in Table 8-2.

In addition, 15% of the total capital investment, or \$25 to \$50 million over ten years, is recommended by Puget Sound Shared Strategy to be allocated toward monitoring, adaptive management, and other key operational tasks associated with implementation.

Sources of Funds in the First Ten Years

The following funding source goals would partially contribute to meeting funding needs. Regional, state, and federal funding to make up the balance is discussed in Section 8.6 below.

State Salmon Recovery Funding Board

Goal: Maintain a minimum of \$1.45 million in annual grant appropriations to WRIA 9.

The cornerstone of funding salmon recovery in Washington State is the state Salmon Recovery Funding Board (SRFB). The mission of the SRFB is to distribute state and federal funds for salmon habitat projects to local watersheds through “lead entities.” Currently, there is no other mechanism in the state that serves this vital function.

State law, enacted in 1998, required counties, cities, and tribal governments to jointly designate the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list to the SRFB for funding. Shortly after enactment of these requirements, King County was nominated as the lead entity for WRIA 9. The planning area of WRIA 9 initially was the Green/Duwamish River Watershed and the direct drainages to Puget Sound, including Elliott Bay and its drainages. Over the years, agreements were reached with other watershed groups and communities to include Vashon/Maury Island and the Puget Sound drainages of Federal Way in the WRIA 9 salmon habitat planning area. Today, the planning area of WRIA 9 encompasses 664 square miles, including all of the area of WRIA 9 and portions of WRIs 8, 10, and 15 (Figure 1-1 of Chapter 1).

Under the Salmon Recovery Fund Board funding construct, the WRIA 9 Steering Committee has provided a citizen-based evaluation of the projects and assessments proposed to protect and restore salmon habitat in WRIA 9. Since 1999, the WRIA 9 Steering Committee has secured over \$7.3 million in SRFB grants for 16 habitat projects. These SRFB-funded projects have been matched by over \$4.2 million of local funds. An additional estimated \$10.8 million of leveraged funding is anticipated as restoration work advances on the 16 projects. Table 8-3 contains the projects that have been implemented through the SRFB funding mechanism in WRIA 9.



Policy 11:

State Salmon Recovery Funding Board funds shall be targeted toward the highest habitat priorities for the recovery of salmon in WRIA 9 in accordance with the acquisition and project priority system established in Policy MS1, and guided by the technical habitat management strategies of Chapter 5.

Table 8-3: Salmon Recovery Funding Board Funded Projects in WRIA 9*

Project Name	Project Sponsor	Year	SRFB Funds Awarded	Local Match	Total Project Cost
O' Grady Park Stream Restoration	King County	1999	\$100,000	\$122,000	\$222,000
Porter Levee Section 1135 Project	King County	1999	\$40,000	\$150,000	\$190,000
North Fork Newaukum Creek Habitat	King County	1999	\$40,000	\$81,019	\$121,019
Site 1/Acquisition	King County	2000	\$500,000	\$1,411,000	\$1,911,000
Big Spring Creek Acquisition	King County	2000	\$525,000	\$95,000	\$620,000
Metzler Park Side Channel Acquisition	King County	2000	\$450,000	\$90,000	\$540,000
Kanaskat North Acquisition	King County	2000	\$515,000	\$95,000	\$610,000
Seahurst Park Sea Wall Assessment	City of Burien	2000	\$82,000	\$18,000	\$100,000
Kanaskat Reach Acquisition	King County	2001	\$795,000	\$400,000	\$1,195,000
Middle Green Reach Acquisition	King County	2001	\$1,011,000	\$179,000	\$1,190,000
Habitat Inventory & Utilization	City of Seattle	2002	\$300,000	\$90,000	\$390,000
Lower Green River Acquisition	City of Kent	2002	\$975,000	\$230,000	\$1,205,000
Kanaskat Reach (Phase 3)	King County	2002	\$596,000	\$105,000	\$701,000
Seahurst Park Nearshore Restoration	City of Burien	2004	\$190,500	\$897,500	\$1,088,000
Piner Point Acquisition on Maury Island	King County	2004	\$398,980	\$71,000	\$469,980
Newaukum Creek Restoration	King County	2004	\$788,581	\$150,000	\$938,581
Total			\$7,307,061	\$4,184,519	\$11,491,580

*Includes projects submitted in 1999 to the Interagency Committee's precursor of the Salmon Recovery Funding Board.

King Conservation District

Goal: Double the current assessment per parcel from \$5 to \$10, and allocate the revenue as follows:

- Double the appropriation to the WRIA Forums.
- Double the appropriation to participating local governments.
- Double the appropriation to the King Conservation District.

Since 1949, the King Conservation District (KCD) has helped citizens manage and protect natural resources in King County. The KCD is a non-regulatory agency that provides technical assistance and education to citizens about sustainable agriculture and livestock management practices, stream and wetland habitat protection and restoration, and water quality protection and improvement.

The activities of the King Conservation District are funded primarily through a \$5 per-parcel assessment on properties of member jurisdictions within its boundaries (most of King County). (At the time of publication of this Plan, discussions were under way about increasing the assessment to \$10 per parcel beginning in 2006 and how to allocate the revenue.) Currently, 20% of the assessment (about \$575,000) is used for operations, programs, and projects of the KCD, 20% (\$575,000) is distributed to the originating local governments for natural resource management and conservation projects and programs, and 60% (about \$1,725,000) is distributed through grants to the Watershed (WRIA) Forums for the Green/Duwamish and Central Puget Sound (\$690,000), Lake Washington/



Grants from the Salmon Recovery Funding Board have allowed the protection through acquisition of high value habitat such as this shown here near river mile 39. May 2005 photo.



WRIA 9-endorsed King Conservation District grant applications are often used as a match to leverage funds from other sources, as was done for the Olson Creek restoration in Auburn. Photo courtesy of City of Auburn.

Cedar/Sammamish (\$690,000), and Snoqualmie (\$345,000) Watersheds. The Forums make recommendations to the KCD Board of Supervisors about how to allocate the grants to a wide range of natural resource conservation and management projects and programs, many of which are oriented toward salmon habitat needs and priorities. The WRIA 9 Watershed Forum recommends a significant portion of its KCD grant to advance the Green/Duwamish Ecosystem Restoration Project (described below).



Policy 12:

The King Conservation District assessment allocated and split among the Watershed Forums, as well as the portion of the allocation to local governments, will be a primary source of funding to implement the habitat actions of the Habitat Plan during the first 10 years of implementation. The WRIA 9 Watershed Forum and the King Conservation District should work together to integrate the habitat project and program priorities of the two entities.

Green/Duwamish Ecosystem Restoration Project

Goal: Receive targeted federal budget appropriations of at least \$2.5 million per year.

The Green/Duwamish Ecosystem Restoration Project (ERP) is the result of eight years of collaborative efforts to improve fish and wildlife habitat. Over the years, all of the local governments of WRIA 9 have worked with the U.S. Army Corps of Engineers, the Muckleshoot Indian Tribe, and others on this project that identified 45 restoration sites to improve ecosystem conditions in the watershed. In 2004, Congress provided an initial appropriation of \$500,000 to begin construction. An additional \$1.25 million was appropriated in 2005, with the local governments having committed to the local funding requirements of the program. It is estimated that \$113 million is needed to fully implement all 45 projects, many of which are focused on Chinook salmon habitat restoration. Chinook salmon-focused ERP projects and their locations are included in Chapter 7 of this Plan.



Policy 13:

The Chinook salmon-focused Green/Duwamish Ecosystem Restoration Projects will be included among the priority habitat capital projects for implementation during the first 10 years of the Habitat Plan. The primary funding source for these projects will be direct federal appropriations, matched by local funds primarily through value of land and King Conservation District funds allocated to the WRIA 9 Watershed Forum.

Local Government Contributions

Goals:

- Demonstrate historical, current, and future commitments to a collaborative, inclusive planning and implementing process for improving watershed health and recovering listed species;
- Establish strong partnerships with state and federal governments to fund significant shares of the priority actions identified in the Habitat Plan; and
- Document and receive credit for the significant financial and other contributions that local governments have made and will make to watershed health and salmon habitat recovery in the development of the Habitat Plan and Near-Term Action Agenda and implementation of early actions. Early actions would include, for example, matching funds for the Green/Duwamish Ecosystem Restoration Project, matching funds for state Salmon Recovery Funding Board projects, King Conservation District funding, and other city and county projects and programs.

Early in 2000, guided by the Tri-County Model Conservation Planning Effort, local governments of WRIA 9 entered into an interlocal agreement (ILA) to establish a governance, planning, decision making, and funding structure for developing, adopting, and ratifying a comprehensive salmon habitat plan. The 17 local governments that signed the ILA are: Algona, Auburn, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Federal Way, Kent, Maple Valley, Normandy Park, Renton, SeaTac, Seattle, Tacoma, Tukwila, and King County.

The WRIA 9 Watershed Forum is the central component of the interlocal agreement governance structure. Each of the 17 member governments is represented on the Forum by either an elected official or senior manager. The Forum functions as the—“board of directors” in implementing the provisions of the ILA, primarily the development of this WRIA-based Habitat Plan to address habitat needs for federally-listed fish species. The Forum (with the addition of the U. S. Army Corps of Engineers at the table) also functions as an executive committee for the Green/Duwamish Ecosystem Restoration Project (described above). The Forum has a chair and vice-chair who are annually selected by its member representatives. The chair of the Forum functions as the chief executive officer, providing day-to-day direction on watershed matters.



North Wind's Wier off-channel habitat construction in Tukwila is one of the first projects of the Green/Duwamish Ecosystem Restoration. Cleanup of contaminated soils began in 2004. November 2004 photo.

The Watershed Forum is supported by a seven-member Management Committee. The Management Committee functions as the executive committee to the Forum, developing the annual budget proposal and making management recommendations to the Forum for decision. It is chaired by the Forum chair.

Pursuant to the WRIA 9 interlocal agreement, the WRIA 9 Steering Committee functions as a multiple-stakeholder planning commission that oversaw the development of this Habitat Plan. (The Steering Committee also functions, under state law, as the citizen-based committee that identifies habitat projects and assessments for funding by the state Salmon Recovery Funding Board as discussed above.) The Steering Committee has overseen the development of several major planning and technical documents – WRIA 9 Habitat Limiting Factors and Reconnaissance Assessment (Kerwin and Nelson 2000); the Strategic Assessment (King County Department of Natural Resources and Parks et al. 2004); and the Near-Term Action Agenda (WRIA 9 Watershed Coordination Services 2002) — on its journey towards the ultimate product authorized by the ILA, this comprehensive Habitat Plan. The Steering Committee is led by co-chairs who function as facilitators of the planning process.

The Steering Committee has received support from several subcommittees in developing the above planning documents, including the Planning Work Group, Technical Committee, Public Outreach Work Group, and most recently the Science Panel (see Chapter 2 – Section 2.5 for additional information on the roles and responsibilities of these committees). It

has been supported by a Project Selection and Evaluation Committee in its work to identify Salmon Recovery Funding Board projects and the Project Management Committee in its work to advance the Green/Duwamish Ecosystem Restoration Project.

The WRIA 9 interlocal agreement creates a funding mechanism for the above functions of its governance and decision making structure. Each member local government provides a cost share that is based on its population, geographic area, and the assessed value of property in the jurisdiction. The total cost-shared amount to support staff and operations is approximately \$470,000 annually. About \$70,000 is provided annually by the Washington State Department of Fish and Wildlife for operating expenses associated with the Salmon Recovery Funding Board project identification function of the Steering Committee. King Conservation District grants match interlocal agreement operating funds with \$60,000 to \$250,000 annually, primarily to support planning, education, and stewardship.

Operating funds are used primarily to support five staff members who are employees of the King County Department of Natural Resources and Parks, which functions as the service provider and fiscal agent of the interlocal agreement (ILA). While employed by King County, the ILA staff, referred to as the Watershed Coordination Services Team, work on behalf of all the partners to the ILA. King County provides personnel management of these staff members, but the primary direction of their work occurs through a memorandum of understanding among the ILA cost-sharing partners. King County executes the memorandum of understanding through the Director of the King County Department of Natural Resources and Parks, but the Forum acts in its “board of directors” capacity through the Forum chair.

The memorandum of understanding establishes the specific services and staff to be provided by the King County Department of Natural Resources and Parks. The services include:

- Forum, Management Committee, and Steering Committee coordination;
- Development of the WRIA 9 Habitat Limiting Factors and Reconnaissance Assessment, Strategic Assessment, Near-Term Action Agenda, and this Habitat Plan;
- Public outreach; project identification and funding;

- Green/Duwamish Ecosystem Restoration Project coordination; and
- Program management and administration.

The following policies are intended to identify and support the cooperative and individual roles of the local governments implementing the Habitat Plan:



Policy I4:

The WRIA 9 Watershed Forum shall consider the interlocal agreement for the Watershed Basins within Water Resource Inventory Area 9 as the primary implementing governance and decision making structure of the WRIA 9 Habitat Plan. In so doing, the Forum should first consider roles and tasks associated with implementation, thereupon Forum members should consider one of more of the following service provisions required to support the implementation of the Habitat Plan:

- A. Service provision under contract (existing arrangement);
- B. Creation of a non-profit organization; and
- C. Shared service provision for WRIAs 8 and 9.

An initial evaluation of services should occur in year two or three following approval of services to make sure the initial course is correct. Subsequent evaluation may occur on a six-year time frame.



Policy I5:

Local governments shall consider the habitat project and program priorities of the WRIA 9 Habitat Plan as each updates, develops, implements, and enforces land use regulations.



Policy I6:

Local governments shall consider the priority habitat projects and programs of the WRIA 9 Habitat Plan as each develops and implements local capital improvement programs.



Policy I7:

Local governments shall consider the priority habitat projects and programs of the WRIA 9 Habitat Plan as each develops and implements land use, community development, and public facility plans.



Policy I8:

Discussion:

The purpose of Policy I8 is to retain established land use, zoning, and habitat project provisions on unincorporated lands that were enacted by King County to protect habitat. On occasion, these provisions have been removed as a condition of annexation.

Policy:

Local governments shall execute annexation and incorporation agreements that are consistent with and support the priority habitat projects and programs of the WRIA 9 Habitat Plan.



Policy I9:

Local governments should coordinate Habitat Plan implementation with other large-scale programs and initiatives including but not limited to the Green/Duwamish Ecosystem Restoration Project, the Puget Sound Nearshore Ecosystem Restoration Project, the Washington State Department of Natural Resources and Tacoma Public Utilities Habitat Conservation Plans, hatchery and genetic management plans, the Hatchery Scientific Review Group recommendations, the Forest Legacy Program and Cascade Foothills Initiative, King County Noxious Weed Program to reduce invasive species, King County Flood Hazard Reduction Program, the Lower Duwamish Waterway Superfund cleanup, Vashon Forest Stewards, and the Urban Forest Program for Ecological Restoration. This coordination will focus on the best use and timing of WRIA 9 habitat projects, programs, and other actions in relation to these other programs and initiatives.



Policy I10:

Local governments should promote the cross-jurisdictional sharing of innovative and proven approaches for implementing Habitat Plan actions.



Policy I11:

Implementers should maintain vegetation at habitat restoration and protection projects. Maintenance at both types of projects consists of control of noxious weeds and other non-native invasive plants and deterrence of undesired uses such as dumping and occupancy that can damage habitat value.

8.6 ALIGNING FUNDING OF WRIA 9 PRIORITIES WITH THE PUGET SOUND SALMON RECOVERY PLAN

The costs of recovery actions in WRIA 9 are high. It is estimated that the funding needed to implement the priority capital project actions identified in Table 8-2 will range from \$198 to \$291 million over the first 10 years of implementation. Appendix I contains the estimated cost of each capital project action, the total cost of projects in each subwatershed, and the rolled-up estimated costs of all projects over the next 10 years. Costs have not yet been estimated for recommended programs.

In the past several years, WRIA 9 has managed, through the funding sources described above, to secure from \$1.4 to \$2.5 million annually to implement priority habitat actions (of the Near-Term Action Agenda and pursuant to existing technical guidance). While existing funding from the Salmon Recovery Funding Board, King Conservation District, and other state and federal programs, together with current local funds used for fish and habitat management actions such as the Conservation Futures Tax program, has been adequate to put WRIA 9 on the road to recovery, current sources and amounts are not enough to achieve implementation of the actions of Chapter 7 in 10 years. It is widely acknowledged that it will be more difficult to raise even current funding levels from existing sources in the near future as environmental funding is shrinking or stagnant at every level of government.

A funding strategy was developed for the Puget Sound Salmon Recovery Plan to fund priority actions in Puget Sound. A leadership group that was convened by Shared Strategy provided guidance on several key issues and recommended that partners:

- Aim for a doubling from combined current local, state, and federal funding levels in Puget Sound (estimated to be about \$60 million per year) to an average of \$120 million per year over 10 years (with the greatest increases in funding from the state and federal governments);
- Maximize existing salmon funding sources and draw on additional existing sources that could be used for salmon recovery priorities such as mitigation dollars, federal farm programs, and public and private grant programs;
- Redirect a portion of mitigation funding toward recovery plan priorities, especially in highly

urbanized watersheds that have the greatest opportunities for mitigation;

- Distribute funds across Puget Sound to address both scientific and policy issues; and
- Maintain the contributions to salmon recovery of local governments.

It is not known which priority actions of WRIA 9 will be considered as priorities cross-Puget Sound. It is likely, however, that the \$120 million per year target for Puget Sound offers meaningful funding opportunities for WRIA 9. A smaller group of regional leaders, including representatives from WRIA 9, will continue to address the many issues associated with the regional funding strategy.

With the likely funding need cross-Puget Sound so high — indeed with the cost of habitat recovery so high in WRIA 9 alone — it behooves WRIA 9 to examine its own dedicated funding sources to implement the priority actions of the Habitat Plan. The ecological economics analysis that was performed for WRIA 9 (Asia-Pacific Environmental Exchange 2005) demonstrates a vast amount of value provided by the Green/Duwamish and Central Puget Sound Watershed to its citizens. Moreover, the analysis suggests that salmon restoration in WRIA 9 will enhance at least 23 highly valuable ecosystem services. Chapter 6, Ecological Economics Foundation, provides more information on how the ecological economics analysis that was performed in WRIA 9 can help substantiate funding for implementing the Habitat Plan.

The following policies address how to fund Habitat Plan implementation and complement policies I1, I2, and I3 described above:



Policy I12:

Local governments will support examining funding options and a financing strategy for identifying priority habitat projects and programs throughout Puget Sound. The WRIA 9 Watershed Forum will seek representation on the regional leadership group and its subcommittees that will be tasked with the examination of options and identification of priorities.



Policy I13:

During the first year of implementation, local governments shall develop and consider a menu of funding ideas for implementing priority habitat actions of the WRIA 9 Habitat Plan.



Policy I14:

During the first three years of the Habitat Plan, federal, state, regional, and local governments will align appropriate funding sources with the priority habitat projects and programs of the Habitat Plan. When applicable, other stakeholders, including businesses, corporations, land trusts, conservancies, and non-profits, are strongly encouraged to align funding with the recommendations of the Habitat Plan. Local governments will seek untapped or underused funding sources for salmon projects.



Policy I15:

Pursuant to monitoring and adaptive management recommendations of the Habitat Plan, progress on implementation should be coordinated among federal, state, regional, and local governments and other stakeholders. Open communication and honest assessment of progress will be used to ensure that the public understands and supports Plan implementation and that implementation stays on track.



Policy I16:

An appropriate level of mitigation funding should be re-directed (either on-site or off-site, whichever is applicable) toward Habitat Plan priority actions in the distinct habitats outlined in Policy MS1 in Chapter 5 (Duwamish Estuary transition zone habitat; Middle Green River, Lower Green River, Duwamish Estuary, and Marine Nearshore rearing habitat; and Middle Green River and upper Lower Green River spawning habitat).

Approach to Habitat Project Implementation in the Agricultural Production Districts of WRIA 9

Agriculture is a critically important land use and commercial enterprise system that must be preserved in tandem with salmon recovery in WRIA 9. Indeed, one only need float the Green River between Flaming Geyser State Park to Highway 18 (an area that is wholly within a King County Agricultural Production District) to gain a sense of how agriculture has already contributed to salmon recovery (see Chapter 2—Section 2.6 for discussion of the role of the agricultural community in salmon habitat recovery). This reach of the river is remarkably undeveloped, with broad sweeps of unfragmented habitat and room for the river to move. While the Habitat Plan documents factors of decline in the Middle Green River and it lists many capital projects to restore and augment natural features and processes that will help salmon in the Middle Green, the fact remains that this portion of the river has benefited from agricultural zoning and farming when compared to alternative land zoning and uses.

For the first 10 years of the Habitat Plan, the construction of the priority habitat rehabilitation projects identified by the Middle Green “Blueprint” (Chapter 7) for the mainstem Green River shall be sequenced as follows:

- 1) Projects located on existing public land shall be implemented first;
- 2) Project located within the Rural and Urban Growth Areas shall be implemented second; and

- 3) Projects that are within the Agricultural Production District, but not on farmland that is within the Farmland Preservation Program, shall be implemented third and shall follow the principles of Habitat Plan Policy I18 (below).

During the second 10 years of the Habitat Plan, proposed projects that negatively affect tillable surface may be reconsidered. Reconsideration shall happen after there has been an evaluation of the results of the agricultural restoration projects that have occurred without negatively affecting existing tilled soils. This evaluation shall occur as a part of the adaptive management process.

Cities benefit from farming and the products that farming near the cities provides. Cities also benefit from the low-density requirements in farming and rural areas that complements the density directed to the Urban Growth Area. It behooves cities to do what they can to help the County administer programs that help keep agricultural land and farming in WRIA 9.



Policy I17:

Implementation of the King County Livestock Management ordinance should be supported by cities. This ordinance, which is implemented by King County, seeks to improve and protect riparian areas in agricultural areas through setbacks, compliance monitoring, and cost sharing.



The Upper Green Agricultural Production District, located between river miles 43 and 34, ensures continued agricultural land uses adjacent to the Middle Green. September 2002 photo.



Policy 118:

Jurisdictions shall protect, enhance, and restore high quality salmon habitat in the Agricultural Production Districts while retaining the agricultural lands zoned for protecting and maintaining the viability of agriculture. Jurisdictions and agencies shall work with agricultural landowners in the Agricultural Production Districts to:

- Correct water quality problems resulting from agricultural practices, including:
 - Implementing best management practices for livestock and horticulture.
 - Planting riparian corridors as needed where temperature is a water quality issue for salmonids.
- Prevent any further removal of forested riparian buffers.
- Continue riparian plantings, levee and revetment setbacks, relocation of channels and construction of off-channel refugia, limiting the scope of projects such that future farming on non-forested acreage is not precluded through acquisition unless:
 - Projects are on lands that are not farmed or deemed as farmable; or
 - Projects also present benefits for farmland such as reducing bank erosion.
- Encourage landowners to pursue voluntary sustainable actions for fish, farms, and soils.