PugetSoundPartnership

our sound, our community, our chance

Draft Action Agenda Comments

Interests

Nov. 6 - 20, 2008

Set 5 of 8

November 20, 2008

To: Puget Sound Partnership

From: American Rivers

Re: Draft Action Agenda

Thank you for the opportunity to comment on the draft Action Agenda, released on November 6, 2008. We appreciate the tremendous amount of work that has gone into developing this Agenda, and we support many of the initial actions that, if implemented, will go a long way toward recovering Puget Sound and the rivers feeding it by 2020.

American Rivers' mission is to protect and restore healthy rivers and the variety of life they sustain for the benefit of people, fish and wildlife. The Northwest office of American Rivers has been a leading river conservation and wild salmon recovery advocate in Washington, Oregon and Idaho since 1992. In Washington, American Rivers is deeply engaged in several major policy issues regarding river protection and restoration, climate change, salmon recovery, and water management.

The threats and stressors that burden Puget Sound require swift and decisive action. The likely impacts from climate change in our region only enhance the urgency to implement the Action Agenda in order to mitigate these impacts, build resilient communities, prepare for climate variability, and keep the Sound healthy and productive for generations to come.

American Rivers is pleased to see that the draft Action Agenda includes five essential elements that can and must be done to address the threats endangering Puget Sound and local rivers:

1. Protect remaining healthy places
2. Restore places to health
3. Prevent water pollution
4. Work together
5. Build and implement a new system based on science, monitoring, and accountability

While the Action Agenda is an important step in the right direction, it can be further improved with a few changes. We urge the Partnership to incorporate stronger

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accountability measures, indicators that measure success, targets for 2020 recovery, and a clear plan for funding and implementing the Agenda.

We look forward to working with the Partnership now and after the final Action Agenda is released to make implementation and recovery of Puget Sound and its rivers a success.

Thank you for your efforts and please don't hesitate to contact us with questions or clarifications.

Sincerely,

Darcy Nonemacher

PugetSoundPartnership
our sound, our community, our chance

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From: Darcy Nonemacher, American Rivers, Washington Environmental Council and Washington Rivers Conservancy

Comment: Thank you for the opportunity to comment on the draft Action Agenda (or "draft"). We appreciate the tremendous amount of work that has gone into developing this Agenda, and we support the strong list of measures that, if implemented, will go a long way toward recovering Puget Sound and the rivers feeding it by 2020.

The comments below are intended to identify areas in need of clarification or gaps in the draft. We – American Rivers, Washington Environmental Council and Washington Rivers Conservancy – hope to work with you now and after the final Action Agenda is released to make implementation and recovery of Puget Sound a success.

Thank you for your efforts and please don't hesitate to contact us with questions or clarifications.

General Comments

The draft Action Agenda does a good job of addressing "all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound," as required under RCW 90.71.310. The Partnership also identified the right "Strategic Priorities," including protection of intact ecosystem structures, functions, and processes; restoration of ecosystem structures, function and processes; prevention of water pollution at its source; coordination of the management and regulatory system; and creating a new system based on adaptive management.

In order to maximize these strategies, the language under "Human Well-Being" presents a 2020 target to protect a significant percentage of low elevation forest while also increasing "impervious land area not more than 20% from 2001 levels." While population growth and development pressures may lead to more impervious surface in the Puget Sound region, it is important for the Partnership not to appear as an advocate for an increase in impervious surface. This policy could undermine other actions in the Agenda to promote smart land use and habitat protection. The Partnership could focus instead on other quality of life measures (e.g., increased green space, improved water quality, etc.).

Funding

Without question, the draft Action Agenda is ambitious, but as the document points out, it can be accomplished with a commitment to fund and implement the Agenda. We look forward to working with the Partnership and other stakeholders to help secure funding for the Agenda's actions including water resource programs, habitat protection projects, etc.

The Financing Chapter provoked the following question and comment:

1. On p. 5 of the Financing Chapter, there appears to be a typo: should the $10 million from competitive state and federal grants be for the 2009-2011 biennium and not for 2010-2010?

2. We urge the Partnership to avoid seeking funds from the expansion of a water quality trading

framework as discussed on p. 5 of the draft Financing Chapter. These programs are fraught with problems that often require expensive oversight and other safeguards to ensure that the program is meeting its objectives without creating other problems.

Freshwater Resources

The near-term actions on water quantity presented in section A.3 of Question 3 are critically important to Puget Sound recovery. American Rivers, Washington Environmental Council, and Washington Rivers Conservancy strongly support the draft's call for completing and updating instream flow rules in watersheds around the Sound; establishing water masters to enforce water laws; addressing permit-exempt wells; and implementing the instream flow Protection and Enhancement Program under the Salmon Recovery Plan. We also support the Action Agenda's goal of developing coordinated watershed-based water management strategies.

We also support additional near-term actions that encourage the use of irrigation efficiency programs and market-based water transaction programs that have the opportunity to permanently enhance instream flows.

Funding for water resource programs is often a challenge, especially in today's economic climate. However, we urge the Partnership to invest in Ecology's water resource programs to avoid more costly and complicated problems associated with unsustainable water use in the future. This is especially true given the significant population growth projected for the Puget Sound region, the likely impacts of climate change in reducing snowpack and altering precipitation patterns, and the prevalence of "water critical" basins around the sound.

Instream Flows

In 2006, the National Marine Fisheries Service noted an "urgent and inescapable need" to address instream flows to support salmon recovery, and the Partnership's proposed actions on instream flows should be an urgent priority for the next biennium. We realize that accomplishing these initiatives will take a strong financial commitment, and we would like to work with the Partnership and the Department of Ecology to find solutions to advance these initiatives in the next biennium.

According to the Agenda, "The 2020 target is to have instream water flows in wet years that exceed established minimums in all watersheds." This target overlooks the fact that low flows in dry years harm fish and other aquatic species by contributing to abnormally high temperatures and harming fish passage, spawning, and rearing. We urge the Partnership to adopt a target to improve flows even in dry years. At the very least, the Partnership should require low flow events in dry periods to not increase in frequency by 2020.

Water Law Reform

On page 11 of Question 3, section A.3.2 discusses the need to "[r]eform state water laws to be more protective of instream flows and encourage conservation." We agree that state water laws need to be reformed to keep more water instream; however, section A.3.2.1 says, "Discourage

waste of water resources and protect instream flows by addressing water laws that deter conservation and efficiency" (emphasis added). We urge the Partnership to change the wording of this section to say, "Revise water laws that discourage conservation and efficiency measures in such a way that will result in more water dedicated to instream flows."

We offer our assistance in any efforts by the Puget Sound Partnership to support water rights adjudications in the Puget Sound area and statewide. We believe a full accounting of water rights will help substantially in understanding how water is used, when it can be used out-of-stream without harming rivers and fish, and the enforcement of water rights.

Habitat Protection

The draft identifies five "Strategic Priorities," perhaps the most important of which is protecting intact habitat and functional ecosystems. While there are many tools for protecting terrestrial habitat, two critical tools for aquatic habitat include Outstanding Resource Water (ORW) designation under the Clean Water Act and Wild and Scenic River designation. While the Agenda supports Wild and Scenic designation under section A.2, the draft does not call out the potential of ORW designation. We strongly support the inclusion of Wild and Scenic designation in the Action Agenda, but that tool alone is not enough to protect river reaches and other high quality water bodies that face threats from development or irresponsible land use decisions.

Outstanding Resource Waters

We urge the Partnership to include support for Outstanding Resource Water designation as one of the "Near Term Actions" under section A.2 on page 9 of Question 3. An ORW designation is an under-utilized but critically important and cost-effective tool that can directly helps the Partnership achieve its habitat protection priority and also supports the Partnership's priority to prevent water pollution.

As you know, an ORW designation (also known as a "Tier III" water designation) protects high quality rivers, lakes, wetlands, and marine waters from future degradation. ORW designations permanently protect high quality waters that are ecologically significant, provide cold water refuges for fish, and/or support important recreational values.

An ORW may occur in public lands, national parks, or in headwater reaches, but it may also apply lower in a watershed near population centers. An ORW designation does not explicitly require riparian protection like a Wild and Scenic designation, which means that issues with private landowners are often less prevalent in ORW designations.

The elevated water quality protection afforded by an ORW designation strengthens Ecology's authority to enforce against any point and nonpoint source pollution that degrades an ORW designated reach. While an ORW does not preclude future development, it requires local planners and developers to make responsible land use decisions that will protect water quality.

In its supplement to the Puget Sound Chinook Salmon Recovery Plan, the National Marine Fisheries Service endorsed the use of ORWs as a tool to protect critical salmon habitat. The Washington Department of Fish and Wildlife also endorsed the use of ORW designations in its

Steelhead Management Plan. An ORW designation is a tool the state needs to use to “stop the bleeding” and prevent future degradation of high quality water resources that face a threat from development or other activities that increase pollution to high quality waters.

American Rivers is working closely with local partners to obtain the state’s first ever ORW designations in the Puyallup/White watershed, a river system that provides important habitat to one of the most genetically distinctive stocks of spring chinook salmon in Puget Sound. Support of ORW designation from the Partnership would go a long way toward helping our petition be successful at protecting high quality reaches lower in the watershed. Many rivers in the Puget Sound region meet one or more of the criteria listed under WAC 173-201A-330, and are eligible for designation.

Wild and Scenic Rivers and Wilderness Designations

Another critical tool for protection of habitat is a federal Wild and Scenic River designation for the state’s last, best rivers. We applaud the Partnership for including support for Wild and Scenic and wilderness designations in the Action Agenda.

The table of actions in Question 4 lists Washington Wilderness Coalition and Sierra Club as the “Lead Agency” for wilderness and Wild & Scenic action. Both WWC and the Sierra Club are leaders in obtaining wilderness designation, but American Rivers is the leading organization working to obtain Wild and Scenic designations. For clarity, we request adding American Rivers to the “Lead Agency” in the final Action Agenda.

Critical Areas

Finally, we appreciate the Partnership's prioritization in Section A.4 of an effort to coordinate with the ongoing SSB 5248 dialogue hosted by the Ruckelshaus Center. The effectiveness of riparian habitat protections in critical areas is central to recovery of fish species and the overall health of Puget Sound. We believe that the Partnership can and should provide crucial direction in helping to define the indicators and ecosystem goals that must be considered in evaluating potential new approaches to critical areas management in the Puget Sound Region. Without such direction, it is all too possible that the Ruckelshaus negotiations could result in a compromise that fails to provide the protections necessary to meet that Partnership's recovery goals. To that end, we suggest that the Action Agenda clarify that the Partnership will provide information, assistance and advice to the SSB 5248 project to ensure that any new critical areas practices advance, rather than hinder, overall recovery goals.

• Coordinate with the SSB 5248 project by the Ruckelshaus Center that is working to resolve conflicts between agricultural activities and critical areas regulations.

Habitat Restoration

Elwha Dam Removal

Removal of the Elwha and Glines Canyon dams is one of the actions with the most benefit for several species of salmonids as well as southern resident orcas, and it promises immense

benefits to the northern Olympic Peninsula's economy. Therefore, we urge the Partnership to include a near-term action under section B.1 of Question 3 on p. 16 that says, "Evaluate opportunities to fund and initiate removal of the Elwha river dams in 2010."

For salmon and steelhead, removal of these two dams would open up over 70 miles of protected, high quality spawning and rearing habitat as pristine as any in the lower 48 states. And the recovery of hundreds of thousands of wild salmon and steelhead will help address a key factor behind the decline of southern resident orcas: malnutrition for a shortage of chinook salmon.

Especially during difficult financial times, finding opportunities for economic benefit and job creation is important. Removing the Elwha dams provides a tremendous opportunity for creating "green jobs" and numerous other economic benefits. According to the Final Environmental Impact Statement for the project,

Major long-term beneficial impacts would occur to the county's economic base. Over the 10-year pre-construction, construction and restoration period, an additional 1150-1240 jobs, $60-65 million in business activity, and $32-34 million in personal income would be generated in Clallam County. After restoration completed, 446 annual jobs, $4.6 million in annual payroll in the recreation/tourism sector, and an annual increase in local sales taxes of $296,000 would be generated.

Funding problems have delayed the restoration of the Elwha for too long – it is time to proceed with one of the world's great environmental restoration projects. We urge the Partnership to commit to funding that would leverage federal funding opportunities to allow for removal of the Elwha dams in 2010.

Climate Change

We applaud the Partnership for recognizing the immediate and long term threats to Puget Sound posed by climate change. The following comments are intended to help the Partnership incorporate climate change considerations throughout the draft.

Specifically, we recommend the following language changes in order to include climate change consistently throughout the draft:

QUESTION 3

• Question 3, Page 4, Guiding Principle "g": "Attempt to address threats at their origin instead of reacting after the damage has been done. Anticipate to prevent or mitigate problems, like those associated with climate change, before they occur."

• Question 3, Page 4, Guiding Principle "h": "Consider the linkages and interactions among strategies and threats, especially given the far reaching impacts from climate change."

PRIORITY A

• Page 5: Please add the following two bullets to the list under "Rationale for Action"

o Reduce the rate and extent of climate change
o Look at Puget Sound as a whole when designing a protection plan

• Page 6: Please include climate change in both bullets under "Improving actions and strategies over time."
o The first bullet on a "watershed scale study of changes in land use patterns as related to the condition of aquatic habitat" should include science on "the spatial and temporal variability of impacts from climate change and land use patterns."
o Regarding the second bullet: climate change variability must also be considered to get a better understanding of stressors in the Puget Sound region.

• Section A.1.1, Page 6: Please add, "Improve building codes to include best possible energy, water, and footprint conservation practices to reduce adverse impacts of increased population growth and other changes."

• Section A.1.3.1, Page 7: Any update and map of ecosystem processes, structures, and functions needs to include how these structures and functions are moving in response to climate change.

• A.1.3.3, Page 7: Please edit this point by adding an additional clause, "… refine local and regional acquisition strategies; reduce water pollution; accommodate growth and economic development; and prepare ecosystems and development for changes underway due to climate change."

• A.1 "Near-term Actions", Page 8: Each of the proposed actions need to include a climate change lens. For example, Near-term Action A.1.3 could say, "… Start with counties next in line to complete Shoreline Management Plan updates, especially considering the predicted increase in sea level rise."

• A.2 "Permanently protect the significant intact areas…", Page 8: Please add a new section stating, "Protect lands that will be crucial for climate change transitions: inland, upslope, and uprange."
o A.2.2, Page 9: "Update and implement regulatory programs related to growth and shoreline protection to increase levels of protection while increasing density in urban areas, with climate smart growth (out of floodplains, away from vulnerable shorelines, and with a lower extractive footprint)."

• A.3, Page 10:
o Please add at the end of the first paragraph, "These watersheds are being further impacted from climate change."
o At the end of the second paragraph, please add, "… natural hydrologic processes and associated habitats within Puget Sound watersheds and are not planning for future changes in water regime."
o Section A.3.1.1, Page 10: Consider adding, "instream flow rules are based on the most complete, current, and forward-looking science…"
o Section A.3.2.5, Page 11: "Change state water laws and policies to include climate change so the system is better designed to deal with long term change and increased variability."

• Section A.5.1, Page 14: This concept needs to include, “Consideration for neighboring species with ranges moving into Puget Sound due to climate change and consider response to these range changes.”

PRIORITY B

• “Rationale for action”, Page 15: Please add an additional question, “Will restoration help increase resilience of Puget Sound to climate change?”
o In the second paragraph under “Rationale for action”, please include a sentence like, “Restoration can also help protect human communities from storm surges and sea level rise.”

• Section B.2, Page 17: “Restoration and stewardship actions can remove obstacles to waterfront redevelopment and reduce new impacts from waterfront activities and can also be taken to reduce climate change variability.”

PRIORITY C

• Section C.1.1, Page 20: Please add
o C.1.1.6, Reconsider criteria pollutant and regulatory limits in light of climate change and associated changes in water temperature and chemistry
o C.1.1.7, Prepare for how toxic use patterns will change with climate change (e.g., pesticide use, etc.)

• Section C.2, “Near-term Actions”, Page 23: Each of these actions and decisions should integrate climate change considerations.

• Section C.3, Page 24: This section provides an opportunity to include an important investment protection concept that relates to climate change. For example, you could add, “C.3.5, Design wastewater treatment facilities so they are prepared for changes brought about by climate change during proposed lifetime of facility.”

• Section C.5 “Prioritize and continue to implement toxic clean up programs…”, Page 25: Climate change provides two relevant points for this opening paragraph:
o Climate change can enhance toxicity requiring lower levels to consider a site “clean”.
o Climate change can also mobilize a contaminant that we previously believed was sequestered (e.g., ice melt, acidification, or oxidized sediments/soils).

PRIORITY D

• Section D.1, Page 28: This section should be temporally expanded just as it has been spatially expanded to prepare for climate change impacts and long term variability.

• Section D.2, Page 29: We strongly support this section and want to work with the Partnership to identify ways to integrate climate change and adaptation strategies into existing programs. This section should be a theme throughout the Action Agenda.

• Section D.4, Page 33: Please add, "… at an ecosystem scale and over longer time frames" to the title of this section.

• Section D.5, Page 35-36: This section should include some language on how to facilitate and adapt governance to deal with climate change impacts.
o Section D.5.4, Page 37: Incorporating climate change and regional sustainability must be a key component to this process.

Conclusion

Again, despite our recommendations for improvements, we applaud the Partnership for a strong draft Action Agenda along with its overall leadership and commitment to Puget Sound recovery. American Rivers, Washington Environmental Council, and Washington Rivers Conservancy look forward to supporting the funding and implementation of the Action Agenda and helping the Puget Sound Partnership succeed at recovering the Puget Sound and its rivers.

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November 19, 2008

David Dicks, Executive Director
Puget Sound Partnership
P.O. Box 40900
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Dear David,

On behalf of American Whitewater and our affiliate clubs in Western Washington I am writing to provide our input on the Draft Action Agenda for the Puget Sound Partnership. We wish to express our appreciation for all the work you and your staff have invested in this planning effort to date and thank you for your commitment to develop an integrated vision for restoration and long-term stewardship of Puget Sound.

Interest of American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. One of our initial founding clubs was the Washington Kayak Club whose members have paddled the waterways of Puget Sound for decades. Today we have over 6,500 members and 100 local-based affiliate clubs, representing approximately 80,000 whitewater paddlers across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in rivers that flow into Puget Sound which provide world-class whitewater recreation and are a defining feature of the quality of life for our members who make their home here.

Whitewater paddlers traverse almost every sizable headwater stream in Puget Sound. Thanks to our spirit of adventure, the paddling community is in a unique position to witness human caused ecological changes at the top of our region's watersheds. Likewise, our community is often the first group to speak on the behalf of rivers, in defense of their ecological integrity and societal value.

Comments on the Draft Action Agenda

1) Wild and Scenic Rivers
Among the near term action items listed for protection of intact ecosystem processes is a recommendation to "advocate for proposed Wilderness designations: a) Support Alpine Lakes Wilderness addition and b) Pratt River Wild and Scenic Designation."[1] While we agree with this near-term action item we believe that the case for Wild and Scenic Rivers should be broadened in a document designed to spell out a vision for 2020. The Mt.

[1] Draft Action Agenda Question 3, Page 9

Baker Snoqualmie National Forest, Olympic National Forest, and Olympic National Park have reviewed rivers for eligibility as part of their most recent efforts.[2] Eligible rivers include the Elwha and Dungeness on the Strait of Juan de Fuca; Dosewallips, Duckabush, and Hamma Hamma on Hood Canal; the forks of the Nooksack, several tributaries of the Skagit River; the forks of the Stillaguamish; the Skykomish and several tributaries; the forks of the Snoqualmie; and the White and Carbon in the Puyallup River drainage. While Congressman Reichert is to be commended for his initiative in proposing legislation to protect the Pratt River, this is but one small part of the Puget Sound watershed that the Forest Service has specifically recommended for protection under the Wild and Scenic Rivers Act. Given the focus of the Action Agenda on watershed rather than political boundaries we believe it is appropriate to place the need for Wild and Scenic designation in a broader watershed context and not limit it to the boundaries of the 8th Congressional District.

There are several benefits to Wild and Scenic designation. First it protects these rivers from future water development projects. While those of us living in this region would likely not consider harmful projects that would degrade our investment in river restoration, outside developers can propose hydropower projects with limited local input given the federal authority of the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. As recently as 2002, FERC recommended construction of the Clearwater Hydroelectric Project in the Nooksack drainage which was proposed by an out-of-state developer. Following an extensive process under the National Environmental Policy Act (NEPA), FERC issued the Final Environmental Impact Statement on June 28, 2002.[3] While FERC determined that the project would be inconsistent with Washington Department of Natural Resources 1997 Habitat Conservation Plan and despite widespread public and agency opposition, FERC recommended development of the project as "in the public interest." While the developer was ultimately unsuccessful in securing financing for the project it points to the need to protect these places from any future consideration for development and protect our significant regional investment in watershed restoration.

An additional benefit of the Wild and Scenic Rivers Act is that it requires the agency to, within three years, develop a comprehensive management plan for the waterway. These management plans are designed to specifically protect and enhance the outstanding

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[2] See Page 4-95 and table 4-5 and 4-6 in Land and Resource Management Plan, Mt. Baker-Snoqualmie National Forest, 1990, <http://www.americanwhitewater.org/content/Document_view_documentid_535_>; Appendix F in Land and Resource Management Plan, Olympic National Forest, 1990, <http://www.americanwhitewater.org/content/Document_view_documentid_533_>; Designation of Eligible National Park Service Rivers into the National Wild and Scenic Rivers System, Olympic National Park Memo, 1993, <http://www.americanwhitewater.org/content/Document_view_documentid_364_>; and Elwha Wild and Scenic River Eligibility Report, Olympic National Park 2004, <http://www.americanwhitewater.org/content/Document_view_documentid_369_>.

[3] FERC eLibrary Accession 20020705-0121 <http://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=2294006>

resource values that make the river eligible for Wild and Scenic designation. With a clear management plan, federal resources often become available for land acquisitions, habitat restoration projects, and overall stewardship of the river. Through these plans, stewardship of the river becomes a primary agency responsibility.

With the vast majority of our region's river miles in headwater areas on public lands, protecting these waterways through Wild and Scenic designation is one of the most cost effective measures we can make to protect our investment in restoration efforts downstream. Our specific recommendation is that reference to Wild and Scenic Rivers be included in the introductory paragraph under section Q3.A.2 or as a program under A.2.2 that can help achieve the goals of increasing levels of protection.

2) Outstanding Resource Waters

Section A2 focuses on the need to permanently protect intact areas of the Puget Sound Ecosystem through protection tools that include regulatory programs[4] and Section A3 focuses on the need to conserve freshwater resources and proposes a fundamental realignment in policy and regulation.[5] Either or both of these sections should cite the need and opportunity to implement and improve existing regulatory tools with the designation of Outstanding Resource Waters serving as a prime example. We currently have the criteria and requirements for this designation in our water quality standards but unlike other states we are not using them to protect our high quality rivers, lakes, wetlands, and marine waters.[6] Outstanding Resource Waters must satisfy one or more of the following conditions: exist in relatively pristine condition, provide unique aquatic habitat, maintain regionally unique recreational value, have statewide ecological significance, or provide cold water refuge for aquatic species. This designation would serve as an excellent complement to Wild and Scenic Rivers designation for areas downstream of federally-managed headwater areas. With the standards already in place we provide the specific recommendation that designation and implementation the Outstanding Resource Waters program should be pursued as a near-term action item in Section A2 and/or A3.

2) Public Access to Waterways

On the question of the status of Puget Sound and human well-being, "shoreline access opportunities" is listed as a performance measure that could be used.[7] However the paragraph concludes with the statement that the "measure [of human well being] for the Action Agenda is the loss of forests and other natural land cover across the Puget Sound landscape" with the stated 2020 target goal of retaining "90% of the low elevation forest acres measured in 2001 and to increase the impervious land area not more than 20% from 2001 levels." We believe there are more appropriate measures for human well-being than endorsing the concept of increasing impervious surface area. Impervious surface area is a

[4] Draft Action Agenda, Question 3, Page 8
[5] Draft Action Agenda, Page 3, Question 10
[6] The legal basis for Outstanding Resource Waters is found in Clean Water Act §303, 40 C.F.R. §131.12 (Antidegradation Policy), and WAC 173-201A-330. See also Department of Ecology overview <http://www.ecy.wa.gov/programs/wq/swqs/antideg.html>.
[7] Draft Action Agenda, Question 2 Page 2

more appropriate measure of hydrologic function of the Puget Sound watershed and it is difficult to see how an increase by 20% could in any way be beneficial toward human well being.

We have two specific alternative suggestions for human well-being. These include proximity to parks and open space and access to both river and marine shorelines. The Cascade Agenda, proposes 30,000 acres of urban parks that will provide important ecosystem benefits for our region and greatly enhance human well being. We propose adoption of more appropriate measures as outlined in the Cascade Agenda as follows: 1) Provide a park within a half-mile walk of all urban residents or within an eighth mile of more densely populated areas, and 2) make water and shoreline access available at least every eight miles along our rivers and shorelines.[8]

As development pressure increases along our region's waterways the need for shoreline access increases. Parks and public access points along waterways can serve as a more ecologically friendly alternative to development. They also engage and connect citizens to aquatic resources which helps develop a sense of stewardship among members of the general public. For example this past year we worked with a group of stakeholders to develop a water trail map of the Duwamish River.[9] A primary goal was to make it easier for citizens of Seattle to experience and enjoy Seattle's river which is the focus of a major Superfund cleanup effort. A similar effort is in progress along the Green River through the National Park Service Rivers and Trails Conservation Assistance program[10] and we have a long-term vision of water trails along all the rivers in Puget Sound. By clearly identifying access points and making the rivers and Puget Sound shoreline more accessible we believe that individual citizens will develop a personal connection to the resource and become vested in stewardship. The State of Oregon has already recognized this through the recent publication of their Statewide Water Trail Plan[11] which is currently being implemented and we believe a similar visionary plan is needed for Puget Sound Waterways.

Under near term action items for stable funding there is a recommendation to "develop targeted procurement for a portion of the largest state environmental grant programs, including the Salmon Recovery Funding Board, Washington Wildlife and Recreation Program, Aquatic Lands Enhancement Account and Conservation Commission."[12] To the extent that this funding is focused on Puget Sound, we propose a watershed perspective that includes consideration of the hundreds of miles of rivers and streams in the watershed. We provide the specific recommendation that any targeted procurement explicitly include the rivers that flow into Puget Sound.

3) Transfer of Development Rights

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[8] At page 11 and 12, Cascade Agenda, <http://www.cascadeagenda.com/ourstory/files/cascade-agenda-report-downloads/clc_book.pdf>
[9] http://www.duwamishcleanup.org/uploads/MapOrderForm.pdf
[10] http://www.nps.gov/pwro/rtca/index.htm
[11] http://www.oregon.gov/OPRD/PLANS/docs/trails/water.pdf
[12] Draft Action Agenda, Question 3 Page 43

Under Section Q3.A.2.2.7 Transfer of Development Rights (TDR) is listed as an incentive to increase and improve redevelopment within urban growth areas.[13] and, in Q3.A.4.1 it is listed as a tool to allow working lands to stay viable.[14] As you are aware the state legislature has provide general authority for these programs under the Growth Management Act, chapter 36.70A RCW. With this authority in place the time is now to encourage adoption of TDR programs and this should be specifically noted as a near-term action item in section A.4.[15] The first action item in that section identifies the need to "purchase development rights". While we fully support this alternative the reality is the capital is simply not available for outright purchase of all lands that need protection. Any program to purchase development rights must be complemented by innovative market-based solutions such as TDR programs. Specific needs that could be accomplished by designating TDR programs as a near-term action item include market-based studies to generate interest from potential buyers and sellers and creation of banks or brokerages to facilitate transactions. These steps will help eliminate some of the technical barriers to implementation of the programs.

4) USDA Forest Service Roads and impacts on water quality

The Draft Agenda notes the need to build and sustain long-term capacity of partners to implement the agenda. As an example of model stewardship behavior the plan cites: "maintain, repair, and decommission roads and fish passage barriers on United States Forest Service and other federal lands."[16] As you are likely aware the Washington State Department of Ecology and U.S. Forest Service signed a Memorandum of Agreement (MOA) in November 2000 to deal with water quality issues associated with unmaintained Forest Service roads, however this can only be considered a model stewardship program if we make a commitment to funding this effort at a level that will achieve the objectives outlined in the MOA.[17] The agreement specifically states that by year five 20%-30% of road stabilization activities will be completed and by year ten 55% to 65% of road stabilization activities will be completed. Unfortunately however the basic inventory of the problem has only just begun and by its own estimates the Forest Service has said that it could take 100 years to fix the problem at the current rate of funding.

To address this issue, Congressman Norm Dicks introduced the Legacy Roads and Trails Remediation Initiative in FY 2008 with the following report language:

$40,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs

[13] Draft Action Agenda, Question 3 Page 9
[14] Draft Action Agenda, Question 3 Page 12
[15] Draft Action Agenda, Question 3, Page 13
[16] Draft Action Agenda, Question 3 Page 32
[17] http://www.ecy.wa.gov/programs/wq/nonpoint/ForestPractices.html

required due to recent storm events.[18]

Success from this program is already being realized as work is currently underway to remove unnecessary roads in the Suiattle River watershed.[19] We offer a specific recommendation for a near term action item to encourage funding and implementation of the Legacy Roads and Trails Remediation Initiative at a level that will bring Forest Service roads into compliance with the Clean Water Act in a timely fashion.

5) Restoring the Elwha

Section B1 of the Draft Action Agenda identifies a need to maintain priority ecosystem restoration projects and identifies three projects in the near-term action items: Nisqually Estuary, Snohomish River Estuary, and Dungeness River floodplain restoration.[20] Noticeably absent from this list is the Elwha River restoration. Although the Elwha River restoration is listed as a priority for the Strait of Juan de Fuca Action Area in the table at the end of the document it should be included in the list of near-term action items in Section B1 of the document. In 1992, Congress passed Public Law 102-495, the Elwha River Ecosystems and Fisheries Restoration Act. With the potential to restore salmon runs of over 400,000 fish, no single project in the Puget Sound basin offers as much opportunity as the Elwha.[21] The watershed represents more than 20% of the land area of Olympic National Park, most of it protected as wilderness, and this is unquestionably the most significant restoration opportunity in the Puget Sound basin. Investing in removal of the Elwha dams in 2010 also provides significant opportunities for "green jobs" and economic benefits.[22] Funding problems have delayed the restoration of the Elwha for long enough – it's time to proceed with one of the world's great environmental restoration projects.

Conclusion

Thank you for the opportunity to comment on the Draft Action Agenda for the Puget Sound Partnership. We believe this document represents an excellent starting point for the discussion on how to restore Puget Sound, a defining landscape feature of our region

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[18] House Interior Appropriations Bill (HR 2643), FY 2008
[19] See King 5 News Story, Demand for Green-Collar Jobs Growing <http://www.king5.com/video/environment-index.html?nvid=293235>
[20] Draft Action Agenda, Question 3, Page 15
[21] Final Environmental Impact Statement (EIS) on Elwha River Ecosystem Restoration Implementation <http://www.nps.gov/olym/naturescience/upload/ElwhaFinalEIS2.pdf>
[22] Final Environmental Impact Statement (EIS) on Elwha River Ecosystem Restoration Implementation <http://www.nps.gov/olym/naturescience/upload/ElwhaFinalEIS2.pdf>
("Major long-term beneficial impacts would occur to the county's economic base. Over the 10-year pre-construction, construction and restoration period, an additional 1150-1240 jobs, $60-65 million in business activity, and $32-34 million in personal income would be generated in Clallam County. After restoration completed, 446 annual jobs, $4.6 million in annual payroll in the recreation/tourism sector, and an annual increase in local sales taxes of $296,000 would be generated.")

whose health reflects the overall health of our region. Should you require any additional information on our suggestions please do not hesitate to contact me.

Sincerely,

Thomas O'Keefe
Pacific Northwest Stewardship Director

cc:

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Washington's State
Chamber of Commerce

VIA E-MAIL and REGULAR MAIL

November 19, 2008

Mr. David Dicks
Executive Director
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Mr. William D. Ruckelshaus
Chair, Leadership Council
Puget Sound Partnership
P.O. Box 40900
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Re: AWB comments on Draft Action Agenda

Dear Mr. Dicks and Mr. Ruckelshaus:

I'm writing today on behalf of the Association of Business (AWB). As you know, AWB is Washington's oldest and largest statewide business association, and includes more than 6,500 members representing 650,000 employees. AWB serves as both the state's chamber of commerce and the manufacturing and technology association. While our membership includes major employers like Boeing, Microsoft and Weyerhaeuser, 90 percent of AWB members employ fewer than 100 people and more than half of our members employ fewer than 10.

We appreciate your time and consideration of our comments in response to the Puget Sound Partnership's (PSP) draft 2020 Action Agenda, which was released on November 6, 2008. Similarly, we commend the work that you have done with this challenging task and appreciate the collaborative and open process that you have established. We also appreciate the inclusion of many of our recommendations in the draft Action Agenda.

We submit the following comments for your consideration.

I. General Comments

As the Partnership continues to prioritize the Action Agenda, as we believe it should, and narrow down the list of near-term actions, we believe it is critical that the PSP consider economic impacts and assess how various actions will affect our ability to accommodate the 1.4 million people expected to move to the Puget Sound in the next two decades. We are pleased to see the PSP's Guiding Principles for Ecosystem Management in Puget Sound call for using strategies that are cost effective in making efficient use of funding, personnel and resources. However, we believe more is needed to assess unintended consequences of various strategies on our ability to accommodate growth.

In addition, we would strongly encourage the PSP to consider the state-wide impacts of the Action Agenda recommendations. Many of the items in the Action Agenda recommend changes to existing laws, regulations, programs and funding that affect the entire state, not just the Puget Sound. The PSP must determine how the Action Agenda recommendations will affect those citizens, businesses and local jurisdictions outside of the Puget Sound region, which includes southwest Washington and all of eastern Washington east of the crest of the Cascade Mountains. While the recommendations in the Action Agenda may be appropriate for addressing Puget Sound protection and restoration, the Agenda must not have an adverse impact on the rest of the state.

Finally, we understand and appreciate the time constraints that PSP leadership and staff has been placed under to deliver a product by December 1, 2008. However, we're concerned that a plan of this magnitude and importance merits much more than a 14 day comment period. We do not believe AWB members (and all stakeholders for that matter) have been given sufficient time to fully digest and understand these recommendations.

II. Action Agenda Funding

As you know, our state presently faces very challenging economic times. For the 2009-10 biennium, the Legislature must address an approximate $5 billion state budget deficit. Our members are very concerned about a worsening economy and loss of additional jobs, particularly if the Legislature chooses to increase taxes to close the budget gap.

On July 14, 2008, PSP staff met with AWB's Puget Sound Partnership Subcommittee. At that meeting, PSP staff informed our members that more than $4 billion is spent annually on Puget Sound restoration, protection and mitigation projects. Of that $4 billion, approximately $500 million in state dollars is being spent annually on these and other related projects.

Given the enormous amount of money already being spent on Puget Sound-related recovery projects and our struggling economy, we believe that before the PSP receives any new state funding to address the items in the Action Agenda, existing monies must be evaluated, prioritized, reorganized and reallocated. This may mean elimination of existing programs that are not working. We have not yet seen a list of prioritized projects and those that may be eliminated as a result. Without elimination, there is no prioritization and adding new programs would be business as usual.

III. Action Agenda Items AWB Supports

Q1 pg. 3-4 – If toxics reduction is one of the primary goals, a list of completed projects and accomplishments should accompany the indicators to show what is being done. In addition, if growth is the main challenge, then population and demographics of this new growth around the Sound should be one of the items tracked and presented side-by-side with the other indicators.

A.1.1 and A.1.2 – Coordinate existing efforts to create and implement a Sound-wide vision for accommodating population and economic growth while protecting the ecosystem.

Comment: However, rather than convening regional ecosystem planning, set up funds for the conservation groups to merge their plans for Puget Sound. As a result, no new people or consultants will be needed; experienced professionals can pull a plan together.

We also need to increase incentives for conservation groups (local land trusts, Nature Conservancy, Trust for Public Lands, etc.) to do what they do best. The state doesn't need to compete with these private groups – it will do much better if it focuses on finding ways to support these groups buying up endangered lands.

A.2.2.6 – Resolve barriers that currently limit density and infill development in cities and within urban growth areas, such as annexation issues, revenue sharing and transportation concurrency.

In addition to increasing density and infill development, AWB strongly supports changes to existing transportation concurrency law under the GMA. Existing law gives local governments the ability to say no development if existing levels of service are not met – particularly inside the Urban Growth Areas (UGAs). This creates sprawl. A single land owner or developer can be required to pay a greatly disproportionate share of a transportation facility upgrade. Often being cost-prohibitive, the development simply doesn't happen.

A.2.2.7 – Use development incentives to increase and improve redevelopment within UGAs, including those for stormwater management upgrades and restoration. (Examples include flexible design standards such as setbacks, building height restrictions, parking and road design, etc.)

A.3.3.2 – Identify and address barriers to improve use and reuse of rainwater, graywater, stormwater and wastewater.

B.2 – Revitalize waterfront communities while enhancing marine and freshwater shoreline environments.

Comment: We believe it is important to balance the improvement of waterfront communities with enhancing the environment. "Revitalize waterfronts" should include increased public access to the water and retrofitting old docks, piers and waterfront facilities.

B.3 – Support stewardship incentive programs to increase private landowner's ability to undertake restoration projects.

C.1.1.1 – Conduct public outreach focused on reduction of pollutants and pharmaceuticals.

Comment: We agree with this recommendation as part of a larger strategy to prevent *unused* medicines from being introduced into the Puget Sound ecosystem. We strongly support educating patients about the proper disposal of unused prescription medicines.

C.2.1 – Establish a regional coordinated monitoring program for stormwater, working with the Monitoring Consortium of the Stormwater Work Group.

C.2.2.4 – Advance the use of low impact development approaches to stormwater management, including: a) resolve institutional barriers which limit use of LID for road construction and stormwater flow control projects, b) implement, assess and promote successful examples of LID techniques, c) develop incentives for using LID, d) develop focused training for contractors and developers and e) develop focused training for local government staff on areas best suited for LID and assist them in revising their regulations to allow, not mandate, LID.

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C.2.4 – Develop and implement LID development incentives. Work with regional experts to develop and implement incentives and remove barriers to the use of LID techniques on development projects.

C.2.2.6 – Prioritize and implement stormwater retrofits in urban areas. In the near term, develop high level prioritization criteria for the selection of new projects. Over the long-term, link retrofit priorities to coordinated watershed clean up and prevention strategies.

D.3.6 – Expand landowner participation in the voluntary incentive programs described in priorities, A, B, C.

Comment: We strongly support this recommendation and look forward to finding new ways to work with the PSP to achieve the 2020 goals.

D.3.7 – Grow and use the Foundation for Puget Sound (non-profit entity) to increase education and outreach efforts.

D.3 (7.) – Near-term Actions. Continue and expand outreach to, and collaboration with, private and NGO interests, including the Puget Sound Business Caucus, environmental caucus, agriculture groups, shellfish growers and private landowners in the implementation of the Action Agenda.

Comment: We strongly support this recommendation and look forward to finding new ways to work with the PSP to achieve the 2020 goals.

D.4.1. – Align federal, state and local agency regulatory programs in Puget Sound to improve coordination, efficiency and effectiveness of implementation. This means identifying overlapping authority and conflicts, and amending, realigning, or eliminating programs, laws and regulations that are not resulting in desired outcomes.

D.4.1.4 – Streamline and coordinate the environmental permit review process to improve the consistency and efficiency of decisions. Fund cities and counties to perform non-project, programmatic analyses under the state SEPA on lands included in UGA expansions. Exempt project actions performed in areas where programmatic SEPA review has already been conducted from complying with SEPA, except in limited circumstances.

Comment: We strongly support this recommendation. Project-level EIS should be voluntary for the builder/developer on an opt-in basis.

D.4.2.2 – Establish an implement a watershed-based approach to mitigation.

D.4.2.3 – Especially the Mitigation that Works forum in-lieu fee program for wetland mitigation and other MTW Forum recommendations.

D.4.6 – Develop, fund and implement a pilot in-lieu-fee mitigation program in one to three Puget Sound watersheds.

D.5 – Improve compliance with rules and regulations to increase the likelihood of achieving ecosystem outcomes.

E.4 -- Near-term Actions. The public outreach and education plan should focus at least, if not more than, as much on education as it does on advertising.

E.8 – Implement the WSU Beach Watcher Sustainability Plan.

Comment: However, we should include more than just the WSU beach watchers in this plan. There are several NGOs, such as the Port Townsend Marine Science Center, that have been working tirelessly on educating Puget Sound citizens (especially children). The plan needs to find ways to fund a wide variety of these groups to help educate their respective communities.

IV. Action Agenda Items AWB Opposes/Has Concerns With

Q1, pgs. 1-2 – "What is a healthy Puget Sound?"

Comment: A key element of the legislation is that Puget Sound needs to be recognized as an engine of the state economy as well as a significant habitat. This concept appears on page 1, paragraph 2. But in the elaboration on page 2, 6 legislative goals are discussed without any reference to the need to maintain a healthy economy as part of human well being.

Suggestion: Change "Human well-being" (Q1, p. 2) of the second sentence to read: "A healthy ecosystem *serves the interests of all people living and working in the Puget Sound area.* It provides aesthetic values, *opportunity for commerce, transportation* and recreation. . . ."

Q1, pg. 3 -- How will we hold ourselves accountable? Indicators and benchmarks.

Comment: In reference to the second provisional indicator (Land cover), we believe the wrong target/marker is being used and setting a standard which cannot be met. 2001-2007 were some of the fastest growing years in many of our more urban Puget Sound counties. We do not have the data background supporting the targets. In many cases, the 2008 cover is well in excess of the standard set. While a roll back of impervious surface is beneficial, most presently developed areas are not going to redevelop and we cannot dictate removal of lawfully existing structures, which are impervious.

We suggest the need to identify the fact that the plan contemplates up to 1.4 million people in the Puget Sound area by stating the target and goal as you do the communities best able to accommodate new growth and provide necessary treatment may have SEPA based moratorium. A better approach would be to drop the percent coverage and move the percent of storm water treated to 2008 standards. We believe the Action Agenda will be considered a statewide plan which can be referenced and adopted through SEPA to require conforming mitigation. We urge caution that the PSP not impose a standard which simply diverts new growth to areas less able to deal with it and fail to address the issue of upgrading storm water treatment.

Suggested alternative: Storm water and Nonpoint source control: Target - *Increase percentage of storm water and nonpoint runoff treatment in each action area to full Puget Sound water quality treatment standards to 90% by 2020.*

Q1, pg. 4 -- How will we hold ourselves accountable? Indicators and benchmarks.

Comment: In reference to the fifth provisional indicator (Percent exceedance of instream flows), we are concerned that the flow levels being established though regulation are in excess of actual physical

flows. Instream flows are certainly important to aquatic and species health, but we question the extent to which upland water resource issues directly affect the health of the Puget Sound.

Q2, pg. 2 – How healthy is Puget Sound? Human Well-Being.

Comment: We believe the Action Agenda should add to measures that could be used to indicate human well being, including: (1) brown fields restored to active use to permit redevelopment of industrial shoreline areas; and (2) percentage of impervious surface creating point and nonpoint source discharge without treatment changed to areas receiving full treatment prior to discharge.

Under Current condition, the following should be added: ". . . *90% of harmful contamination presently coming from developed areas without adequate storm water treatment* . . ."

A.2.2.2 -- Model planning policies to assist local governments improve the effectiveness of GMA and SMA programs should be advisory only, non-binding, and not serve as the basis for appeals to the Growth Management Hearings Boards.

A.2.2.3 – Amend the Shoreline Management Act statutes and rules to be more protective of nearshore environments. Several years ago, the Dept. of Ecology adopted revised Shoreline Guidelines that were appealed by a broad coalition of businesses and local governments. This appeal resulted in a settlement agreement and the new Guidelines took effect in 2004. Since these new Guidelines have not been incorporated in to local shoreline plans yet, it is too early for another new version of Shoreline Guidelines.

Comment: Instead of more regulations, the Partnership should recommend the use of incentives and other market-based measures to increase levels of protection for shorelines. Making SMA statutes and rules more restrictive raise many questions and concerns for shoreline property owners. More regulations will drive up costs for building, repairing and replacing docks, bulkheads and piers, while creating uncertainty for property owners and possibly infringing on private property rights. Furthermore, limiting the ability of property owners to replace and repair these structures could potentially damage their properties and ultimately prove to be much more costly.

A.2.2.4 – Work with FEMA and local governments to prevent further residential, commercial and industrial development in floodplains.

Comment: We oppose any measure that would restrict development or redevelopment on buildable lands inside designated urban growth areas. This runs counter to the goal of increasing density in urban areas. Our efforts should be focused on bringing levies up to code so that we can remove the floodplain designation of buildable lands inside UGAs. Where this is not possible, the Partnership needs to acknowledge property owners who lose all value to their property due to the floodplain designation. These property owners should be compensated. Additionally, the Partnership should support a no net loss of buildable lands policy inside UGAs.

A.2.2.5 – Limit density in rural areas.

Comment: While we agree most growth should be directed to urban areas, we must also recognize that a certain, limited amount of growth will continue to occur in rural areas. As such, our goal should be to identify sensible growth levels in these areas and to engage in a meaningful dialogue about how this growth should occur. Ultimately, we should maximize open space while concentrating density in smaller areas.

A.2.2.6 – Resolve barriers that currently limit density and infill development in cities and within UGA, such as annexation issues, revenue sharing and transportation concurrency.

Comment: We agree with all of these approaches, and particularly finding remedies to the transportation concurrency problem which is contributing to urban sprawl.

A.2 (7.) -- Near –term actions. Change SMA and regulations to require a shoreline conditional use permit for bulkheads and docks associated with residential development; new shoreline hardening, etc.

A.3.3.1. -- While AWB supports reused and reclaimed water, such water should not be required or mandated in statute, rule or by any other standard. The development and use of reclaimed water is expensive and the merits of a new reclaimed water facility should be considered on a case-by-case basis. In addition, the use of reclaimed water should not impair the rights of existing water right holders.

C.1.1.3. – This language should read: "Advocate for responsible management of products with hazardous materials and chemicals, and the reduction and reuse of materials where possible."

Comment: Advocating for specific chemical substitutions and micro-managing how collection, transportation, recycling and disposal programs are developed and paid for, including product take-back programs, have many unintended consequences, including jeopardizing consumer safety and increasing costs.

C.1.1.4 – This language should read: "Reduce, where feasible, Persistent Bioaccumulative Toxins in Puget Sound."

Comment: The current draft language in the Action Agenda is inconsistent with the Department of Ecology's PBT Rule.

C.1.2.2 – This language should read: "Promote efforts that reduce pollutants entering Puget Sound from roads and parking lots."

Comment: The current draft language in the Action Agenda inappropriately focuses on reducing the number of vehicles on the road, rather on pollutants.

C.1(2) – Near-term Actions. This language should read: "Implement Department of Ecology's Persistent Bioaccumulative Toxins (PBT) program to reduce and where feasible, eliminate releases of PBTs in the environment."

Comment: The current draft language in the Action Agenda is inconsistent with the Department of Ecology's PBT Rule.

C.1(3.) – Near-term Actions. Permanently fund a rescue tug at Neah Bay.

Comment: Unlike other recommendations in the Action Agenda, this recommendation lacks detail, basis and an established groundwork and determination as to why this should be an Action Agenda priority.

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C.2.2.4. – Stormwater runoff management through LID.

Comment: We are concerned that Low Impact Development (LID) is being offered as a silver bullet solution to storm water quality issues. We believe LID make sense and is beneficial in certain instances. However, absent an open discussion about the costs, applicability or effectiveness of LID, we believe use of this building and land use technique should remain voluntary and not be mandated.

D.1.2 – Integrate and coordinate implementation of existing Sound-wide local plans and programs.

Comment: This recommendation calls for coordination and integration of a multitude of planning processes across the Sound to ensure that Action Agenda goals are achieved. The various planning processes cited for coordination and integration derive from varied statutory authority and may or may not be applicable in all jurisdictions. Implementation of this objective will not be possible with uniform amendments to state laws and also appears inconsistent with long-standing tradition of planning and zoning decisions being made at the local level. The objective should be more specific with respect to the aspects of capital facilities plans, comprehensive plans, and other planning tools that require coordination and integration under this objective as it seems another way for the state to create and enforce standards through agency-created regulation and policy, as has become the case with Ecology and DCTED with respect to the local CAO adoption process under GMA. In addition, any requirement to examine a specific project's potential ecosystem-wide impacts would appear to open the door for studies, mitigation, and project conditions well beyond what may be considered reasonable under constitutional nexus and rough proportionality standards.

D.2.1. – Integrate the recommendations of the Land Use and Climate Change Advisory Committee.

Comment: There are several recommendations from the LUCC that we support, including SEPA streamlining and the use of voluntary programmatic EIS to encourage density, growth and development within the UGAs. We also support the transportation concurrency recommendation so long as it isn't used as a tool to continue prohibitions on growth and development within the UGAs, as well as developer assistance and incentives, among others.

However, we strongly oppose amending the GMA by adding a new goal, or amending an existing goal for climate change. We also oppose amending the County Wide Planning Policy statute and comprehensive plan requirement to consider climate change. Amending or adding a new GMA goal is unnecessary and will lead to lengthy and costly appeals. Puget Sound clean up and restoration is solely a state issue, unlike addressing climate change and reducing greenhouse gas emissions.

We believe the better approach is to identify overlapping authority and conflicts and amending, realigning or eliminating laws, regulations and programs that do not result in desired outcomes, such as in Action Agenda recommendations D.4.1.1.

D.2.2 – Integrate the recommendations of the West Coast Governor's Agreement and Western Climate Initiative with other State and local climate change initiatives.

Comment: The Climate Action Team did not endorse the WCI Initiative or the WCI cap and trade program. Accordingly, neither should appear in the Action Agenda.

In addition, this recommendation calls for coordination with the CAT recommendations and integration of those recommendations into the PSP action agenda. CAT recommendations, specifically changes to the GMA and SEPA, should be reconciled before being included. The same is true for other proposed changes to these statutes arising through other ongoing comment and revision processes, i.e. transportation concurrency.

We look forward to a continuing true working "partnership" with the PSP as the agency moves forward with implementation of the Action Agenda. Please do not hesitate to contact us with any questions or comments.

Sincerely,

Gary Chandler
Vice President of Governmental Affairs
Association of Washington Business

Cc: Sam Anderson, Master Builders Association King/Snohomish Counties and ECB co-chair
Bill Dewey, Taylor Shellfish Company and ECB member
Martha Neuman, PSP Action Agenda Director
Kathleen Drew, Governor's Executive Policy Office
Sen. Phil Rockefeller
Rep. Dave Upthegrove

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November 20, 2008

Mr. David Dicks, Executive Director
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Mr. William D. Ruckelshaus
Chair, Leadership Council
Puget Sound Partnership
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Subject: The Boeing Company comments on the Puget Sound Partnership Draft Action agenda

Dear Mr. Dicks and Mr. Ruckelshaus:

The Boeing Company appreciates the Partnerships' dedication to a transparent process in the development of the 2020 Puget Sound Action agenda over the last year. Many Boeing Company personnel have attended the public events to gauge the seriousness of the issues affecting the Sound and formulate our key concerns. The Boeing Company strongly acknowledges the Puget Sound is a valuable addition to the regional economy in multiple ways, several of which enhance our operations and ability to attract quality employees. We are acutely aware of Boeing's responsibility for stewardship in managing our discharges that could impact the health of the Puget Sound; to which end we maintain an aggressive waste water and storm water management program.

The Boeing Company also recognizes the serious challenges facing our eco-system and is committed to reducing the effect of its operations, products and services on the environment. Our greatest contribution to meeting the challenge is to pioneer new technologies for environmentally progressive products and services -- and to design, develop and build them in an environmentally responsible manner.

We have also has implemented aggressive targets for reducing our impact on the environment both for our operations and the lifecycle of our products. The Boeing Company has a record of commitment to regulatory compliance and a legacy of environmental performance improvements in its products and services. And by learning from and enabling its employees to drive change, we are embedding environmental thought and action into everything we do.

The release of the Puget Sound Action agenda provides an opportunity to comment on key concerns that have surfaced during the last year of activity. However, in these difficult economic times we need to be careful and mindful of the impacts relating to the State of Washington's overall business climate. We concur with the many valid issues that have been surfaced in the Association of Washington Businesses comment letter on the action agenda and will not repeat them here. Instead, we speak to the larger themes ahead that will determine if the Action Agenda, and by extension the fate of Puget Sound, will succeed.

First, the Action Agenda, and in effect the entire effort to restore the Sound, is based on the application of sound science in focusing the available resources. Boeing strongly supports the actions proposed in Priority E 1.2. and 3 which addresses the adaptive management systems to revise and adjust the Action Agenda and its implementation. These are the processes that must provide the accountability and transparency needed to allow for course corrections based on science, changes in the environment and funding options. These processes should be in place first before substantive actions on new programs in the Action Agenda. Specifically we support:

- An adaptive management approach to assessing progress and making revisions to plan based on better information.
- Accountability based on scientific results presented in understandable and defensible values (metrics).
- A focused scientific program to develop appropriate measurement of effectiveness in support of the accountability requirements.
- Flexibility to revise program funding based on the provisional indicators of progress and results, including cancelling a program failing to meet expectations.
- Support monitoring coordination efforts as delineated in sections E.3.1,2,3,6,11-15 as the most essential monitoring efforts. These provisions are the underpinning of the scientific selection programs and measuring their results.

Secondly, funding is the critical element in the success of the Puget Sound Partnership Action Agenda. During the 2009-2011 biennium the Partnership should focus on ways to coordinate and enhance the effectiveness of the substantial funds already being expended in Sound related protection & recovery efforts. These coordination efforts will require the Partnership to engage in extensive outreach beyond the normal government agencies. A concerted effort is needed to engage the general public, non-governmental organizations and business community in focusing their existing efforts in better protecting the Sound. It is decidedly premature for the Partnership to consider the development of additional revenue sources, such as a regional improvement district, until a strong case can be made that existing funding

sources are already being well utilized. Among the efforts in assessing funding structures is a need to create a stable and sufficient source for the underlying scientific effort that is declared as the basis for Action Agenda decision. Uncoordinated and fluctuating funding in the sciences will jeopardize the legitimacy and value of data collected; making decision hard to make and even harder to support to fee and tax payers.

Thirdly; the regulatory structures at all levels of government have stifled the ability of many to conduct good works for the Sound. The shorelines management act, critical areas ordinance, growth management act, and other land use and pollution control laws are well intentioned efforts that have become so cumbersome as to actually hinder environmental protection. The Partnership should immediately explore the major environmental laws to identify inconsistencies, conflicts and bureaucracy that work against protecting the Sound. These regulatory burdens need to be cleared up to maximize the effectiveness of funding available now and in the future. Further, the Partnership should develop recommendations to the legislature that support innovative thinking such as pollution trading, wetlands banking and alternative approaches to in-water remediation that will allow resources to be transferred within the Sound to where they can do the most good.

The Boeing Company is committed to the Puget Sound region and its people, resources and environment. Thank for the allowing us the opportunity to provide input on your draft 2020 action agenda, we appreciate your collaborative and open approach to the process thus far. We look forward to working with the Puget Sound Partnership to successfully implement its charter to protect and restore the sound while maintaining a viable business environment.

Sincerely,

David Schumacher

David Schumacher, Director
State & Local Government Relations
The Boeing Company

cc:
Fred Kiga, Vice President, State & Local Government Relation and Global Corporate Citizenship, The Boeing Company

Mary Armstrong, Vice President, Environmental Health & Safety,
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November 21, 2008

Mr. David Dicks
Executive Director
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Dear Mr. Dicks,

I am writing to provide comment on the Puget Sound Partnership's Action Agenda. I applaud the effort by the Puget Sound Partnership and Governor Gregoire to establish an action-oriented blueprint that will protect and restore the ecosystem functions that keep Puget Sound healthy and productive. The BP Cherry Point Refinery prides itself on its long history of marine stewardship and its dedication to being an active partner in efforts to ensure the long-term environmental, commercial and recreational viability of the waters and natural resources of Puget Sound. In keeping with our commitment to active participation, we provide the following comments on the Action Agenda.

BP supports the Action Agenda's focus on Pollution Prevention and the need to reduce the introduction of un-regulated discharges into the environment. We particularly applaud the focus on urban stormwater runoff which is widely acknowledged as the most significant source of oil pollution into the marine environment. BP strongly opposes the wholesale endorsement of recommendations of the state's Oil Spill Advisory Council (OSAC), as stated in item C.1.2.1 of the Action Agenda. Many of the recommendations made by the OSAC over its 2-year history have been made with little or no regard for the input of the regulated marine industry representative appointed to the OSAC by Governor Gregoire. Likewise, many of the OSAC's recommendations have not been supported by the scientific literature, nor by the broader response community – including state and federal regulatory agencies. While BP is a very strong supporter of maintaining a world-class spill prevention, preparedness and response capability within Puget Sound, we encourage the Puget Sound Partnership to look to more balanced regulatory and advisory bodies that have a demonstrated track record of delivering tangible improvements in spill prevention and response throughout Puget Sound, rather than a wholesale adoption of the often divisive recommendations of the OSAC.

BP draws the Partnership's attention that the Priority Action Area Strategies identified for the Whatcom Action Area. These strategies erroneously suggest that Whatcom County has not already completed implementation of Critical Areas Ordinance updates and incorrectly suggests that Whatcom County has not already completed its Shoreline Management Program updates. Whatcom County has, in fact, completed its Shoreline Management Program updates and those updates have been approved by the Washington Department of Ecology. The Whatcom County Shoreline Management Program recognizes special status for the Cherry Point Management Area, designating the Cherry Point Management Area as the preferred location for heavy industrial development within Whatcom County, with a special preference for water-dependent industrial uses. As part of this designation, the Shoreline Management Program imposes specific regulatory requirements for all shoreline development activities this geographic sub-region. This has specific implications relative to the

Action Agenda's recommendations for a so-called Cherry Point Marine Managed Area, as called for in the Priority Action Area Strategies for the Whatcom Action Area. Any efforts to integrate and coordinate nearshore and marine protection and restoration efforts, as supported in the Priority Action Area Strategies, should ensure consistency with existing regulation of the Cherry Point Management Area and acknowledge the importance of these regulations and the coordinated way in which they ensure both the environmental protection and economic sustainability of the reach. The existing process that has evolved under the Shoreline Management Program has resulted in Cherry Point being looked to as a regional model for how heavy marine-industrial use can be done in a manner that protects the marine environment. BP strongly suggests that the Partnership reinforce the existing model for management of marine resources at Cherry Point, which continues to work well, rather than supporting alternate management frameworks.

While BP is generally supportive of many of the recommendations made in the Action Agenda, the level of engagement with the regulated industrial community within Whatcom County – particularly the large water-dependent industries located along the Cherry Point reach – is of concern. BP strongly believes that we and other industries like ours will need to be integral partners in efforts to address the protection and restoration of Puget Sound if the Partnership's goals are to be met. The lack of engagement with our community during the Action Agenda development process has been disturbing, particularly given the potential for Agenda items to have a direct impact on our operations and, in some cases, our direct economic viability. We are committed to being part of the solution to the problems facing Puget Sound, but cannot bring our resources to bear if we are not included in your processes in a meaningful way.

Thank you for your attention to this input; BP applauds the progress being made and looks forward to working with you and your staff more closely in the coming years.

Best Regards,

Scott McCreery
Environmental Manager, Dock EIS
BP Cherry Point Refinery

PugetSoundPartnership
our sound, our community, our hand

Building Industry Association of Washington

Post Office Box 1909 • Olympia, WA 98507 • 1-800-228-4229 • FAX (360) 352-5332 • www.biaw.com

November 20, 2008

Leadership Council
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Written comments on draft Action Agenda

I. Introduction

The Building Industry Association of Washington (BIAW) appreciates this opportunity to submit comments regarding the Puget Sound Partnership's Draft 2020 Action Agenda. Comments were also submitted in person at the Partnership's meeting on November 11 by BIAW staff member Jeff Sax.

BIAW is the largest trade association in the state representing over 13,500 members involved in various aspects of the homebuilding industry. The typical BIAW member builds five to 15 homes per year. Unlike large, out of state conglomerate developers or commercial developers, such builders operate on much smaller budgets and have much fewer resources to navigate the costly and onerous maze of land use and environmental regulations. Ultimately, more overlapping regulations lead to higher operating costs for builders that exacerbate the housing affordability crisis in Washington.

For the most part, the following comments focus on the *near-term* actions proposed in the Agenda.

II. General Comments on Draft Action Agenda

First, to the extent that the Agenda promotes measures such as streamlining of the permitting process, reforming existing overlapping rules and regulations, and providing incentives for urban development, BIAW supports and encourages these ideas. BIAW is particularly encouraged by the suggestion laid out in D.4.1 which says the Partnership should "Conduct an institutional analysis of local, state and federal agencies with regulatory authority over upland terrestrial and aquatic habitats, species protection and water quality. Provide recommendations to implement actions to resolve overlapping and conflicting authorities by amending, realigning, or eliminating programs, laws and regulations consistent with the Puget Sound ecosystem decision-making framework."

Currently, homebuilders must comply with more than 60 overlapping and redundant water quality regulations. The permitting process is cumbersome and unpredictable in many cases. And look no further than the front page of the newspaper to find that the home buying public and home building industry needs incentives, not more mandates which only drive up the cost of housing in a difficult economy.

BIAW believes that the mere existence of such a sweeping broad based agenda is an indictment of current efforts by state, local and federal authorities to clean up the Sound. More than $700 million is now spent by local, state and federal agencies every year to improve fish, habitat and water quality in the Puget Sound region. Shouldn't any comprehensive agenda start with a preamble that takes specific inventory of failing policies and wasted tax dollars? More specifically, why aren't the country's most stringent stormwater regulations doing enough to improve water quality? (The construction stormwater permit requires a contractor to send an application form to Ecology, develop a lengthy stormwater plan, install on-site stormwater controls (e.g., silt fences, gravel berms, detention ponds), employ an on-site erosion specialist, regularly inspect the site, record inspections, take weekly samples of the water coming off the site, submit monthly reports, and fill out several forms to transfer and/or terminate your permit. This is just one example of the heavy regulatory burden that has led to the affordable housing crisis in our state.)

While everyone wants to protect Puget Sound, the majority of the draft Action Agenda raises serious concerns for the home building industry. The Agenda is dominated by proposals for new programs, bureaucracy, unfunded mandates and seizing of private property. Any proposal of this magnitude should also include a thorough economic analysis of each proposed regulatory change – especially in the current economic climate.

III. Specific concerns with Draft Action Agenda provisions and funding

Specifically, BIAW views many of the Agenda proposals as ways to restrict growth and stop development. Government acquisition of private property; forcing development into dense, compact cities; pushing local governments to adopt low impact development stormwater codes for development and re-development, "updating" instream flow rules; purchasing more development right and conservation easements; mandating septic system management plans in each Puget Sound county, and asking the federal government for *more* oversight are all proposals included in the draft Agenda that will increase the burden on the building industry and the home buying public.

Further, the Agenda is full of proposals for additional funding and more bureaucracy, the costs of which will undoubtedly be passed on to the home buyer. BIAW is especially concerned with Agenda items that include: Providing funding and establishing "local water masters"; establishing a new regional coordinated monitoring program for stormwater; establishing a Federal government Puget Sound office; providing "additional state compliance inspectors"; supporting "state water quality fee revisions and short term funding to maintain existing and if possible enhance additional compliance staff at

Department of Ecology"; providing additional staff at the Department of Ecology; and numerous other references to "providing funding" for new programs and regulations.

The Agenda consistently proposes to "develop, fund and implement" new programs and regulatory schemes. Although these plans are not accompanied by specific proposals for funding, BIAW is aware of the recently-circulated matrix of new fees and taxes the Partnership is considering to pay for these proposals. Despite the fact that this list was not included in the Agenda itself, the document clearly lays out the need to "raise new sources of funding" -- even mentioning new taxes which would require voter approval. In addition, the Agenda proposes leveraging current funding accounts such as the Public Works Trust Fund. Any new taxes and fees would be met by loud opposition by the home building industry and the business community in general – not to mention the public.

IV. Partnership regulatory authority

Last, BIAW seeks to remind the Partnership that it was not given regulatory authority by the Legislature. The Agenda seems to do an end-run around this by proposing to develop a reporting system to identify and track actions that are "inconsistent with the Action Agenda" and "negotiate performance agreements" to ensure that violations do not go unpunished. BIAW sees this as the Partnership wandering into the regulatory arena, despite the fact that it lacks statutory authority to do so.

In conclusion, BIAW believes the Action Agenda in its current form will add significantly to the housing affordability crisis in this state.

Thank you for your consideration.

Sincerely,

Julie Nichols
BIAW Legal Counsel

PugetSoundPartnership
our sound, our community, our chance

From: Jeff Sax, Building Industry Association of Washington

Verbal Comment: BIAW Comments on Puget Sound Partnership Action Agenda
Thank you for the opportunity to provide feedback on the Puget Sound Partnership's draft 2020 Action Agenda.

BIAW is the largest trade association in the state representing over 13,000 members involved in various aspects of the homebuilding industry. The typical BIAW member builds five to 15 homes per year. Unlike large, out of stat conglomerate developers or commercial developers, such builders operate on much smaller budgets and have much fewer resources to navigate the costly and onerous maze of land use and environmental regulations. Ultimately, more overlapping regulations lead to higher operating costs for builders that exacerbate the housing affordability crisis in Washington.

For the most part, the following comments focus on the near-term actions proposed in the Agenda.

First, to the extent that the Agenda promotes measures such as streamlining of the permitting process, reforming exiting overlapping rules and regulations, and providing incentives for urban development, BIAW supports and encourages these ideas. BIAW is particularly encouraged by the suggestion laid out in D.4.1 which says the Partnership should "Conduct an institutional analysis of local, state and federal agencies with regulatory authority over upland terrestrial and aquatic habitats, species protection and water quality. Provide recommendations to implement actions to resolve overlapping and conflicting authorities by amending, realigning or eliminating programs, laws and regulations consistent with the Puget Sound ecosystem decision-making framework."

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Specifically, BIAW views many of the Agenda proposals as ways to restrict growth and stop development. Government acquisition of private property; forcing development into dense, compact cities; pushing local governments to adopt low impact development stormwater codes for developments and re-development, "updating" instream flow rules; purchasing more development right and conservation easements; mandating septic system management plans in each Puget Sound county; and asking the federal government for more oversight are all proposals included in the draft Agenda that will increase the burden on the building industry and the home buying public.

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In conclusion, BIAW believes the Action Agenda in its current form will add significantly to the housing affordability crisis in this state.
Thank you for your consideration.

Comments on Puget Sound Partnership Action Agenda

November 20, 2008

Comments submitted by
Gene Duvernoy, President
Cascade Land Conservancy
615 Second Ave, Suite 600
Seattle, WA 98104

The Cascade Land Conservancy applauds the work of the Puget Sound Partnership in developing the draft Action Agenda to clean up Puget Sound. We recognize the extraordinary time deadlines the Partnership has faced, and the complexity of your charge from the Legislature. We appreciate the opportunity to provide comments and look forward to working with the Partnership to finalize and implement the Action Agenda.

There is a strong linkage between the Cascade Agenda and the effort to clean up Puget Sound. From our standpoint, the health of Puget Sound is inextricably linked to the economic and environmental well-being of the Puget Sound region. Restoring the health of Puget Sound is critical to the long term viability of our region and is closely linked to the ways in which we develop, conserve and steward our landscape.

The Action Agenda appropriately highlights compact, low-impact development and upland conservation as priority strategies for achieving the Partnership's goals by 2020. The following comments on the Action Agenda are modifications which we believe would strengthen and provide more specific guidance for these strategies. Again, we congratulate the Partnership on putting forward a comprehensive approach to Puget Sound restoration and are committed to supporting the Leadership Council of the Puget Sound Partnership in implementing the Action Agenda.

CLC believes first and foremost that the Partnership must prioritize innovative approaches to addressing land use and rural growth and minimizing the development or conversion of additional rural and working resource lands. We want to highlight ways to strengthen the Agenda in regards to the following issues:

1. Find new approaches to rural growth;
2. Make Transfer of Development Rights (TDR) work by endorsing TDR Policy Advisory Committee findings; and
3. Endorse and implement Mitigation That Works Forum recommendations.

<u>1. Find New Approaches to Rural Growth</u>

Near Term Action A.1.1 addresses the critical need to bring stakeholders together in a regional planning forum. CLC looks forward to partnering with other stakeholders on implementing this action step. The Agenda should also ensure that a regional planning

forum will include specific examination of development pressures on rural and resource lands.

CLC proposes that the rural component of such a forum could include the following steps:

1. Fact finding and issue identification;
2. Identify opportunities to address challenges;
3. Identify alternative approaches to growth on rural and resource lands that:
    a. Accommodate the expected demand for growth on rural and resource lands;
    b. Lead to the permanent conservation of forest, farm or natural areas through TDR or other programs;
    c. Consider village, cluster and/or LID type development connected with permanent conservation of forest, farm or natural areas; and
    d. Respect the rights of landowners.
4. Evaluate the potential impact of each alternative on:
    a. Meeting the state's goals for greenhouse gas reduction and restoration;
    b. Meeting the expected demands for population growth;
    c. Fish and wildlife habitat; and
    d. Water supply and demand.

The following are specific suggested Action Agenda edits:

Modify A.1.1.1 to read "Coordinate and convene existing regional planning groups and collaborative growth process to create a consistent vision for Puget Sound and avoid duplication of effort, <u>including specific examination of development pressure on rural and resource lands</u>."

Modify Near-term Action A.1.1 to read "Convene a regional planning forum to create a coordinated vision for guiding growth at an ecosystem scale, <u>including specific examination of development pressure on rural and resource lands</u>. This should include the Puget Sound Regional Council, existing collaborative process such as the Cascade and Olympic Agendas and Quality Growth Alliance, and other growth related processes for agriculture, transportation, and other sectors."

Modify Near Term Action A.1.3 to read "Initiate or complete maps for each of the watersheds within the Puget Sound basin to identify sites and functions that are the most urgent and important for protection. <u>Engage stakeholders within each watershed to achieve community consensus about how local planning policies and development regulations can better protect Puget Sound.</u> Build on existing work such as the salmon recovery plan and other assessments and utilize local knowledge and input. Start with counties next in line to complete Shoreline Management Plan updates."

Modify Near Term Action A.3.5 to read "Evaluate and implement solutions to exempt wells issues. Start by convening a stakeholder group to identify management options and make a recommendation to the Partnership and Department of Ecology. <u>The Partnership</u>

should coordinate this stakeholder group with the regional planning forum in Near Term Action A.1 on guiding growth at an ecosystem scale across urban, rural and resource lands."

2. Make TDR Work by Endorsing TDR Policy Advisory Committee Findings

The Partnership correctly prioritized the support of TDR programs in the draft Candidate Initiatives list, but there is currently no mention of TDR in the Agenda's near-term actions. PSP should continue to prioritize the effective establishment of TDR programs by:

- Endorsing the CTED TDR Policy Advisory Committee findings;
- Prioritizing infrastructure funds for cities with TDR programs in place; and
- Providing funds for counties and cities to implement TDR programs or to complete EIS/SEPA analysis within receiving neighborhoods.

The following are specific suggested Action Agenda edits:

Add a Near Term Action A.2.8, a Near Term Action A.4.7, and a Near Term Action E.2.16 which read "Support and implement recommendations from the Washington State Department of Community, Trade, and Economic Development (CTED) TDR Policy Advisory Committee. Prioritize state funds for cities with TDR programs, and provide funds for counties and cities to implement TDR programs or to complete EIS/SEPA analyses within TDR-receiving neighborhoods."

Modify Near Term Action A.4.1 to read "Purchase or transfer development rights or use conservation ~~conversation~~ easements for working lands at immediate risk of conversion."

Modify C.2.2.6 to read "Prioritize and implement stormwater retrofits in urban areas. In the near term, develop high level prioritization criteria for the selection of new projects. ~~Over the long-term,~~ Link retrofit priorities to coordinated watershed clean up and prevention strategies, including transfer of development rights."

Modify the fourth sub-bullet in the South Central Action Area Priority action area strategy A (Protect Intact Ecosystem Processes, Structures and Functions) to read:

- Implement Pierce and King Counties transfer of development rights programs, cluster development, and increase density in urban areas; utilize conservation easements; create incentives for cities to receive transferred development rights by providing urban infrastructure money for designated TDR receiving areas.

Modify the fifth bullet in the Whidbey Action Area Priority action area strategy A (Protect Intact Ecosystem Processes, Structures and Functions) to read:

- Protect and support long-term working farms, forests, and aquatic lands: Support TDR/PDR programs; provide technical assistance to landowners; create incentives for cities to receive TDRs by providing urban infrastructure money for designated TDR receiving areas.

Add a bullet under the Roles and Responsibilities, State Government section of the Financing Plan that reads:

- "Agencies should prioritize state funds for cities with TDR programs, and the state should provide funds for counties and cities to implement TDR programs or to complete EIS/SEPA analyses within TDR-receiving neighborhoods."

3. Endorse and Implement Mitigation That Works Forum findings

Focus on wetland mitigation is a critical component of the Action Agenda. The Partnership takes appropriate action by:

- Endorsing the Department of Ecology's Mitigation that Works Forum findings (D.4.2);
- Supporting the in-lieu-fee (ILF) policy (D.4.2.3); and
- Recommending watershed characterizations and sub-area plans (A.1.3).

CLC is particularly supportive of action A.1.3, watershed characterizations, as an important long term strategy for generating and coordinating local priorities and actions.

Related to the Mitigation That Works Forum is ongoing work to promote ecosystem markets. To this end, CLC recommends an explicit link in the Action Agenda to support the results of a study bill passed in the 2008 legislative session.

The following is a specific suggested Action Agenda edit:

Add a Near Term Action E.2.17 which reads "Fund and implement the 2008 conservation markets study recommendations per SHB 6805."

Modifications to Action Area Recommendations

CLC applauds the Partnership's approach to engaging local communities in defining priorities and implementing steps to achieve a healthy Puget Sound by 2020. CLC looks forward to engaging our staff at the local level in the work that will continue after the adoption of the Action Agenda.

The following are specific suggested Action Agenda edits:

Modify the South Sound Priority Action Strategy (within the South Sound Action Area) to include a bullet point in section A: Protect Intact Ecosystem Processes, Structures and Functions that reads:

- Develop a public process to identify and prioritize additional high priority marine and freshwater habitat.

Modify South Sound Priority Action Strategy section A: Protect Intact Ecosystem Processes, Structures and Functions second sub-bullet under Protect High Value Habitat, to include the following two habitats: John's Creek Estuary and Eagle Point.

Finally, we are pleased to see that TDR is included in the South Central Action Area Priority Action Area Strategy. However, since Pierce County is also in the South Sound Action Area, please modify the South Sound Action Area section A: Protect Intact Ecosystem Processes, Structures and Functions to include the following language: "Implement Pierce County transfer of development rights programs."

Other Suggestions and Comments

CLC encourages the Partnership to recognize and actively support the proposal from EPA to fund and develop a non-profit center that would support local governments and tribes in planning and implementing actions to reduce the impacts of growth. The center could provide or network the following types of services:

- Technical assistance to develop and implement incentives and land-use strategies that are good for the environment, the economy, the community, and public health;
- Writing or rewriting ordinances;
- Networking and aligning policies and plans across watershed jurisdictions;
- Financial assistance; and
- Education and training for practitioners, citizens and policy makers.

Broad collaboration and in-depth understanding during the development of the center will provide a strong foundation that could support local governments as they more effectively protect ecosystems and watersheds while accommodating significant new growth and development.

Additionally, with regards to the environmental permitting process on lands included in UGA expansions in section D.4.1.4, CLC recommends broadening the scope of locations where funding is directed by modifying D.4.1.4 to read "Streamline and coordinate the environmental permit review process to improve the consistency and efficiency of decisions. Fund cities and counties to perform non-project, programmatic analyses under the State Environmental Policy Act (SEPA) on lands included in UGA expansions <u>and on lands targeted by cities and counties for significant increases in density.</u> Exempt project actions performed in areas where programmatic SEPA review has already been conducted from complying with SEPA, except in limited circumstances."

Summary

The suggested edits in this comment letter are important but should not distract from the overall message that CLC congratulates the Partnership on establishing a comprehensive framework for Puget Sound restoration. CLC stands ready to support the Action Agenda and to provide resources to achieve these bold goals.

Thank you,

Gene Duvernoy,
President
Cascade Land Conservancy

Puget Sound Partnership
our Sound, our community, our change

From: Udi Lazimy, Cascade Land Conservancy

Verbal Comment: We're on board and will submit written comments. We feel first and foremost that we should come up with innovative approaches to land use so great job on Section A.

Things we want to highlight as higher priorities:

1. Near term actions A 1.1. regional planning forum should included pressures of development on rural lands.

2. Rural transfer development rights program is important (CLC is involved). Please make sure CTED TDR findings are included in the plan. We need to focus on the receiving end of the TDR program.

3. Wetland mitigation is effective. Endorse Department of Ecology forum findings. Look at "In lieu fee programs."

4. In A4, make sure that preservation of agricultural land conversion is included. It is wise succession planning. We're hoping to ramp up purchasing of development rights of agricultural lands. We look forward to working with you on that.

PugetSoundPartnership
our sound, our community, our chance

To: Martha Neuman, Action Agenda Director
Puget Sound Partnership

From: Rachael Paschal Osborn, Center for Environmental Law & Policy
rosborn@celp.org / 509-209-2899 / www.celp.org

Re: Comments on Puget Sound Partnership's Draft Action Agenda

Date: November 20, 2008

Thank you for the opportunity to provide comments on PSP's Action Agenda, submitted on behalf of the Center for Environmental Law & Policy (CELP). We are a non-profit organization dedicated to protecting the public interest in the rivers and aquifers of Washington state. CELP has longstanding experience with the state's water rights, water supply, watershed planning and instream flow protection processes. These comments focus largely on freshwater resources issues addressed in the Action Agenda.

We congratulate you on the alacrity and dedication you have shown in creating this action plan. We recommend that the goals and targets for freshwater resource recovery should be substantially strengthened, and that PSP should re-think its heavy reliance on existing instream flow rulemaking and watershed planning as a basis for achieving recovery.

Question 1, p. 4: Provisional Indicators

Establishing an instream flow indicator is an excellent idea. However, the bar is set too low. To assume we have succeeded once minimum flows are being met in good years is not likely to lead to the level of restoration and recovery that is at the heart of PSP's work. This indicator does not speak to the need to protect flows during non-"wet" years when the aquatic environment is particularly stressed, nor the need to protect high flows during wet years, when flow variability supports essential elements of river function. See, for example, Poff, N.L., J.D. Allan, M.B. Bain, J.R. Karr, K.L. Prestergaard, B. Richter, R. Sparks, and J. Stromberg. 1997. The natural flow regime: a paradigm for river conservation and restoration (Bioscience 47: 769-784) (copy provided upon request). Fundamentally, the concept of "minimum flows" has been rejected by the scientific community as an adequate basis for river protection and restoration. We urge you also to reject this approach as a basis for measuring Puget Sound freshwater recovery.

Moreover, as recognized later in the action agenda document and in PSP's freshwater quantity topic report, the instream flows established in state regulations are not all based on best science. A number of instream flow rules adopted in the late 1970s and early 1980s were the product of substantial compromise and now require update (which the agenda does call for). Nor do these rules protect small streams that provide important habitat for salmon. As discussed below, we recommend that PSP sponsor a call for a

new approach to flow setting in Washington state. The state of the science has evolved substantially, and PSP's action agenda should recognize and embrace new trends in flow-setting and protection.

We appreciate that the Provisional Indicators are intended to provide a snapshot statement of the goals of the Action Agenda process. We encourage you to strengthen your statement of goals, and then more fully define and discuss this (and other) indicators in a separate section, so that readers will fully understand the nature of the activities needed to achieve PSP's restoration goals.

Question 2, p.3: Freshwater Resources

As above, the Action Agenda indicator should be re-defined, and then call for a variable baseline, according to accepted scientific standards.

We are puzzled by, and believe there is no support for, the statement that "freshwater supplies are not adequate to meet current human demands." You would be hard-pressed to find a single individual, much less populations of people, who do not have adequate water to meet not only basic human requirements, but luxury levels of water use, including for inefficient appliances and landscape irrigation. (Water adequacy issues may exist on Indian reservations, however, these problems are important but isolated instances and do not reflect a larger problem of water shortages.) The backlog of water permit applications does not mean that people are actually being deprived of water. Your statement on this point is important, because human demand for water is elastic, and may be reduced via water pricing, education, cultural factors, etc. (For example, Seattle Water's Conservation Potential Assessment and ambitious water conservation program has proven the ability to control demand.) The assertion that human demand is not being met should be removed from the document.

Question 2, page 5: Surface and groundwater supply and availability

We agree with your description of present and future conditions. You might add two points. First, pumping groundwater often affects surface water flows. Second, groundwater systems in general, and floodplains in particular, represent another natural source of water storage that sustains rivers (and require protection for that reason).

Question 3, pp.10-12: Protect and conserve freshwater resources

We generally agree with Section A.3.1. As noted above, several existing instream flow rules are outdated and must be amended to account for best science. However, not all streams are or will be protected by instream flow rules, and new mechanisms are needed to establish flow targets. Section A.3.1.3 should emphasize that HB 2514 plans should be implemented ONLY to the extent that they are consistent with Action Agenda priorities. This is important because (1) close inspection of watershed plans reveals that many of them are not consistent with the Action Agenda and (2) later in this document are found recommendations to fund and rely on watershed planning groups to achieve the goals of

the Action Agenda. If these groups are not headed in the PSP direction, why would we support them as a process to achieve restoration goals?

Section A.3.2. Calling for reform of state water laws is an ambitious but worthwhile project.

Item A.3.2.1 appears to be a veiled reference to eliminating the "relinquishment" or "use it or lose it" requirements of the state water code. Eliminating relinquishment will not increase conservation or efficiency in water use, nor will it protect instream flows. Instead, the Action Agenda should call for a new program of instream flow setting that prioritizes the development and protection of ecologically sound instream flows and does not subordinate flows to existing water rights.

A.3.3.2. What if the barrier to improving use and reuse of rainwater, etc. is the impact it will have on instream flows?

A.3 Near-term Actions

Items 1&2 – we agree that flows should be set or updated, but the Action Agenda should recognize that current instream flow rule-making laws are not designed to actually protect flows. If this mechanism does not work, should we not consider another path? PSP should recommend a new approach to instream flow setting that (1) uses ecologically sound science, (2) addresses the need to protect flows throughout the watershed, and (3) re-prioritizes flows in the system of water rights to allow flow protection to come first, not last. Humans will adjust.

Item 4 – Again, there is a need to emphasize that watershed plans should be implemented only to the extent they are consistent with the PSP agenda and priorities. Indeed, the reliance on HB 2514 plans and watershed planning units, here and elsewhere in the Action Agenda (including the draft implementation matrix) is curious. Even a cursory examination of watershed planning shows that it has not worked well in most of the watersheds in Puget Sound. Watershed planning and/or instream flow setting has stalled in WRIAs 1, 17, 18 and 19, is being challenged by lawsuit in WRIAs 3 and 4, never got started in WRIAs 5, 7, 8, 9 and 10, and was terminated in WRIAs 12, 13, 14 and 15. Given this status, PSP would do well to re-visit its heavy reliance on these processes as a mechanism for accomplishing goals relating to freshwater protection.

Item 5 – Ecology has already convened an exempt well stakeholder group, and it is proving incapable of coming to consensus to provide options for addressing the exempt well problem. PSP should recommend that the legislature amend RCW 90.44.050 to eliminate the use of exempt wells in ecologically sensitive areas, and require protection of instream flows, and metering and reporting of water data, for all exempt wells.

Item 6 – Rule-based instream flows are not, as implied in this section, senior water rights. Typically they are the most junior right in the watershed, or close to it. If you examine existing water master programs (in the Walla Walla and Methow watersheds), water

masters are not trying to protect instream flows because those flows are very low on the priority list.

Item 7 – The DOH Water Use Efficiency Rule is proving a disappointment. The rule (based on the statute), authorizes water utilities to set their own conservation goals. The results of this goal-setting effort reveal that most utilities are not setting priorities that reflect aggressive water conservation. If PSP expects increased conflict between human water use and instream resources, then maximizing water conservation is key. Your recommendation for near-term action should embrace and promote the concept of aggressive water efficiency and water conservation programs, combined with creation of a mechanism to dedicate conserved water to future human use or instream flows (ie, make conservation a part of the water supply calculus).

Question 3, p. 27: Priority D: Coordinated systems.

The concept of re-organizing government to coordinate action and achieve results is a great one. The reality, particularly with respect to the state's water resources/instream flow management agency, is a quagmire. The current focus and goal of Washington water resources management is to get water to people. The instream flow protection activities of the state's work are misdirected and ineffective. For example, the state is heavily vested in establishment of instream flows that compromise science, fail to acknowledge flow variability and function, and are basically theoretical in nature (because regulatory flows are "junior" to existing water rights). A new approach is needed, in which the public interest in ecologically defensible flows is prioritized and human use of water is limited by principles of maximum water conservation and recognizing water as a finite resource.

Item D.2.3. What are "innovative water storage projects"? We sincerely hope that PSP will not find itself recommending construction of new dams and reservoirs.

Item D.3.1. While not politically correct, we'll go ahead and say it – collaboration is not necessarily a good thing. The focus on promoting collaborative planning without identifying appropriate structures and standards to guide outcomes means we'll wind up with a whole variety of products that don't necessarily achieve PSP goals. We encourage you to review the growing body of literature that critiques collaborative processes to understand the need for structure, balance, and leadership. Again, the reference to HB 2514 watershed planning units is misplaced, given that there are so few of them in the Puget Sound basin that are actually functioning.

Item D.3, p. 32, Near-Term Actions, Paragraph 2: It is inappropriate to make blanket recommendations to fund 2514 watershed planning groups, without analyzing whether watershed plans and planning units, to the extent they exist, support the goals of Puget Sound recovery. This proposal is inconsistent with Section E's important discussion of funding reformation, which calls for alignment of funding with Action Agenda priorities (E.2.1), and targeting funds to state appropriations and grant/loan programs to same (E.2

Near-term Actions, Items 2,3,4). Do not assume that all watershed plans are consistent with PSP goals, targets and measures.

Question 3, p. 34, Item D.4.1.4: Streamline environmental permit review; and D.4 Near-term Actions, Paragraph 5. Programmatic SEPA documents are fairly worthless for identifying site-specific impacts and necessary mitigation. Is a recommendation to skip environmental review when developing lands (and other actions) consistent with the need to carefully consider and avoid or mitigate adverse environmental impacts in advance of making irretrievable commitments of resources? SEPA should be strengthened, not streamlined and ultimately ignored.

Question 3, p. 36: Compliance. Great concept – getting there will be a real challenge.

Item D.5.2.3: We agree that the state's HPA program should be re-structured to include consideration of water quality impacts associated with hydraulic projects, as well as enhanced enforcement capabilities.

D.5 Near-term actions

We suggest you add in to the near-term actions a proposal to create and enforce effective water conservation standards, and to require service (user) metering of all water uses.

Implementation Table, Section A.3

We again note the over-emphasis on watershed planning groups as a basis to achieve instream flow and freshwater resource protections.

It is disappointing that PSP does not recognize the important role and function of the non-profit sector as a partner in achieving Puget Sound freshwater restoration. We encourage you to think more broadly about the role of citizens and citizen organizations as we face the important but difficult tasks set forth in the Action Agenda.

Thank you for the opportunity to provide comments.

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From: Dick Bergeron, Chimacum Grange

Comment: We have been very uneasy with the draft Action Agenda, yet have also been uneasy in that we couldn't quite define the cause of the uneasiness. We think it is starting to come together. Our preamble needs to be that, yes, there are serious issues at work in the waters and ecosystems of Puget Sound. We're not quite sure why the Partnership thinks it has used transparent public forums that have solicited extensive citizen input. Most real people don't even know that the Partnership exists, much less what it is about. The Action Agenda is a compilation of pet projects from a variety of government agencies and NGOs.

Many of the actions appear to be carryovers of projects that have been done for a long time, yet with little or no accountability to show improvements to the various ecosystems. To reiterate what was mentioned to some of the Leadership Council at the science symposium at Alderbrook, the public has yet to be involved in the Puget Sound Partnership. The primary involvement through workshops has been from people representing organizations either whose survival depends on funding from the Partnership, or who have hoped to get in line for expected handouts. Thus it is no surprise that praise for this Action Agenda comes from those who see that their special interests have been included, and that praise is accompanied by the phrase, "Bring money."

The draft Action Agenda is far from being a plan, the necessary roadmap that is comprised of specific segments. Many of the compiled desires are conflicting. Ecology is urged to establish their instream flow rules, yet the plan also calls for support of local agriculture. You cannot have both. The Agenda calls for more regulation and more stewardship. You cannot have both. It might help to enforce existing regulations while advancing stewardship opportunities.

"Clean water" has been used for many years as a guise to take land off the tax rolls or out of beneficial use, or to establish another regulatory program with questionable intentions. For instance, last year's attempt by Jefferson County to establish a clean water district was a sham attempt to provide funding for the Health Department. And there are those statements that need to be clarified in order to keep the PSP team from losing credibility. The draft estimates the number of septic systems in the Puget Sound region at a half-million, while the number is closer to 472,000 or fewer. Many of these are in regions where there no effects on the waters of the sound. And the vast majority are working quite well, as designed.

We really do need to see how the claims of habitat loss over the years were derived and what possible benefits may have also been realized from that claimed loss. We suggest that immediate improvement can start with a massive public outreach that will inform people about how their consumption and actions have a detrimental effect on the Sound. Much of this can be done through press releases and PSAs. Certain portions of the draft seem to have been taken directly from the radical Wildlands Project. Our rural constituents have a difficult time accepting the desire to concentrate human habitat in urban and centralized rural areas. Those of us from the rural community have always had problems accepting the urban belief that our lands need to be protected from us.

A final Action Agenda needs to include a comprehensive cost/benefit analysis in order for the plan to be reasonably evaluated. There are so many fine details in the draft Action Agenda that could be challenged. We won't do that. For effective dialogue to take place we need a

document that can be taken to the real people, the ones who will ultimately pay the price for repairing Puget Sound. The draft Action Agenda is an OK first try, yet it needs a lot of work to refine it to a level we will consider to be acceptable. Until this Action Agenda is rephrased into language that can be understood by the average person, absolute priorities are established, and a detailed economic analysis is provided, we cannot support it and will have to recommend to our constituents that they oppose it.

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From: Lyn Muench, Clallam County Marine Resources Committee

Comment: Priority Actions MISSING: Strait of Juan de Fuca: A. Acquire priority habitats identified in salmon recovery and other local plans (as stated both Whatcom and San Juan Action Areas) A. Permanent Neah Bay tug: (put here not buried in c.1.3 page 21) D. Some specific help for local governments to improve regulatory tools/implementation D. Support for stewardship outreach (as stated for San Juan Action Area) These are vital for success. The Overall Action Agenda includes good things which are however too weak: eg A.2.7 bulkhead regulations C.2.3 rural stormwater C.4.3 septic repair cost-share E.3.1 monitoring money E.4.3 Environmental Education

Action C.4.3 and C.4.4 relating to septic cost share should be Near Term Actions !!! We already have momentum on this vital pollution prevention tool

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From: Laura Hendricks, Coalition to Protect Puget Sound Habitat

Comment: Our Coalition appreciates the comprehensive work that has been done to address the issues of restoring and protecting Puget Sound for future generations. We would like to make the following comments and request specific language changes in the action agenda:

Question 1 Page 3
"Net Increase of 10,000 acres of Commercial Shellfish growing area"--

While our Coalition certainly agrees with the Puget Sound Partnership goals to improve water quality, we feel that using the commercial value of expanded shellfish commodities can be an incompatible benchmark with restoration goals for habitat and especially salmon. Benchmarks using taxpayer dollars regarding water quality should be measured by improvements in marine vegetation, fish species, invertebrates and water safe for citizens.

It is understandable that shellfish growers are eager to see historical growing areas reopened. However, it must be kept in mind that according to the Department of Health, there are now over 872 shoreline miles open for commercial shellfish harvesting which is 251 (40.4%) more shoreline miles open than the 621 shoreline miles in 1995.

According to a recent email from Ecology staff regarding this issue, "This is 10,000 acres of Puget Sound bays (DOH basic goal: make water quality in 10k of the existing 30k in "closed" areas acceptable for human consumption of shellfish.) Thus, much of the area will be deep water – which may in some cases have harvestable levels of wildstock geoduck or other wildstock species. But the intertidal area would be a small fraction of the total."

Our Coalition concerns are not just intertidal habitat but a long term aquatic plan for all of Puget Sound which includes intertidal and sub tidal. Scientists have been very clear that density, scale and location must be looked at for all aquaculture. When this issue is discussed in the PSP documents, it needs to be clearly defined so all interested parties understand the goals and that they are indeed compatible with restoring Puget Sound habitat with taxpayers funds.

We recommend that the Department of Health should have a benchmark for clean water, but it should not be based on the value of commercial shellfish harvest for profit.

Question 2, Page 4
Habitat alteration consists of activities such as clearing forests, armoring shorelines.....

There is no doubt that shellfish aquaculture modifies or alters shorelines and should be included in this sentence.

Question 2, Page 6
Aquaculture should be included in the invasive species list. Included in the following letter, according to the Ecological Society of America November 2008 Review, this attached report documents that Oregon, Washington and Vancouver, including Puget Sound, aquaculture has been the most common pathway for introduction of invasive species (73% aquaculture vs.

shipping 68%).

We would also point out that industry has requested that aquaculture commodities such as Atlantic Salmon, Pacific Oysters and Gallo Mussels be taken off the Washington watch list. We strongly urge that these species remain on the Washington invasive watch list especially after the specific Ecological Society Review warning to Puget Sound decision makers.

We appreciate your consideration in including the above recommendations in the Action Agenda.

Attachment:
November 18, 2008 Letter to County, State, Federal Officials and Legislators
Re: Invasive Species and Aquaculture Regulatory Plan

To County, State, Federal Officials and Legislators,

The Ecological Society of America November 2008 review warns decision makers about the serious ecological impacts of the Pacific Oyster and Gallo Mussel used in Puget Sound which are considered invasive species. With taxpayers facing billions of dollars of taxes to restore Puget Sound, it is essential that this following new information be seriously evaluated by officials and legislators:

1. Per the authors: "The Pacific Oysters (Crassostrea gigas) high ecological impact score (3) should cause decision makers and regulators to reconsider plans for introduction of this oyster into new areas. While its harvest brings economic gains, the ecological impact of introductions of this species is potentially dramatic. Oysters play a role in many estuarine ecosystem processes; altering their abundance or distribution causes complex changes." This attached report also documents that Oregon, Washington and Vancouver, including Puget Sound, aquaculture has been the most common pathway for introduction of invasive species (73% aquaculture vs. shipping 68%). A (3) rating is defined as: "Disrupts multiple species, some wider ecosystem functions, and/or keystone species or species of high conservation value (eg threatened species)."

The Puget Sound Partnership must carefully consider this warning as it relates to their stated goal of a "net increase of 10,000 acres of commercial shellfish growing areas open for direct harvest" by 2012 regarding ecological impacts of encouraging Pacific Oysters or geoduck farming.

2. In addition, the Gallo mussel (galloprovincialis) has the highest ecological impact score of (4) which also needs to be addressed by decision makers in Puget Sound. A (4) rating states: "Disrupts entire ecosystem processes with wider abiotic influences." Over 11 years ago, the APHETI citizen group won a Thurston County Hearing decision that required an Environmental Impact Statement prior to further expansion of the gallo mussel rafts. This EIS has still not been completed by Taylor Shellfish and yet the DNR mussel raft lease was renewed again in 2008 in Gallagher Cove and Deep Water Point without scientific review. Taylor is still selling gallo mussel seed at their retail locations.

Our Coalition recognizes the economic considerations of these commodities, but expansion of all

aquaculture must be regulated at both the county and state level to add the protections necessary to insure success of the costly restoration efforts to save native Puget Sound species. The Shellfish Aquaculture Regulatory Committee guidelines are expected to consider some geoduck impacts and The Army Corp of Engineers has historically implemented minimal protections.

Aquaculture regulatory plans are being implemented by state officials in other states as they balance economic opportunity and protection of state natural resources. We request that you review the documentation and scientists concerns that are included in the following new slide show when considering protections for Puget Sound:
http://www.coalitiontoprotectpugetsoundhabitat.com/uploads/Coalition-Aquaculture-Expansion-2008-11-Nov-Final.pdf

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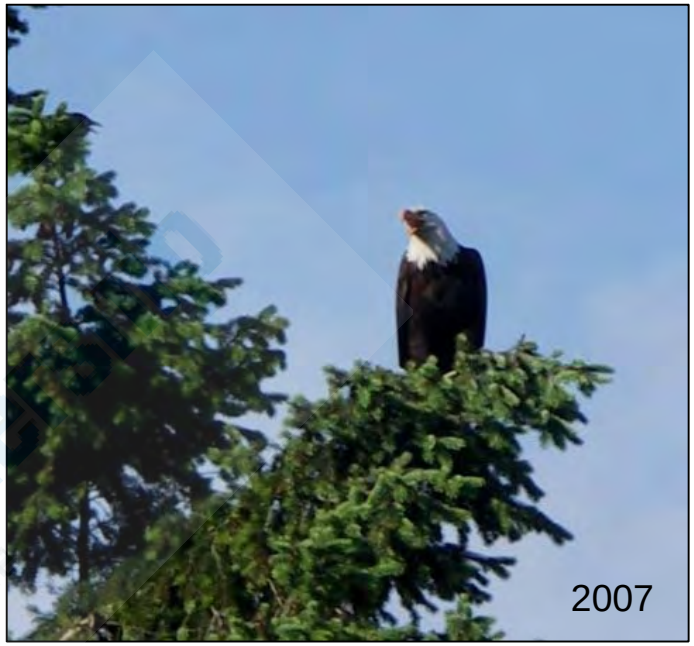
Puget Sound Wildlife

2006

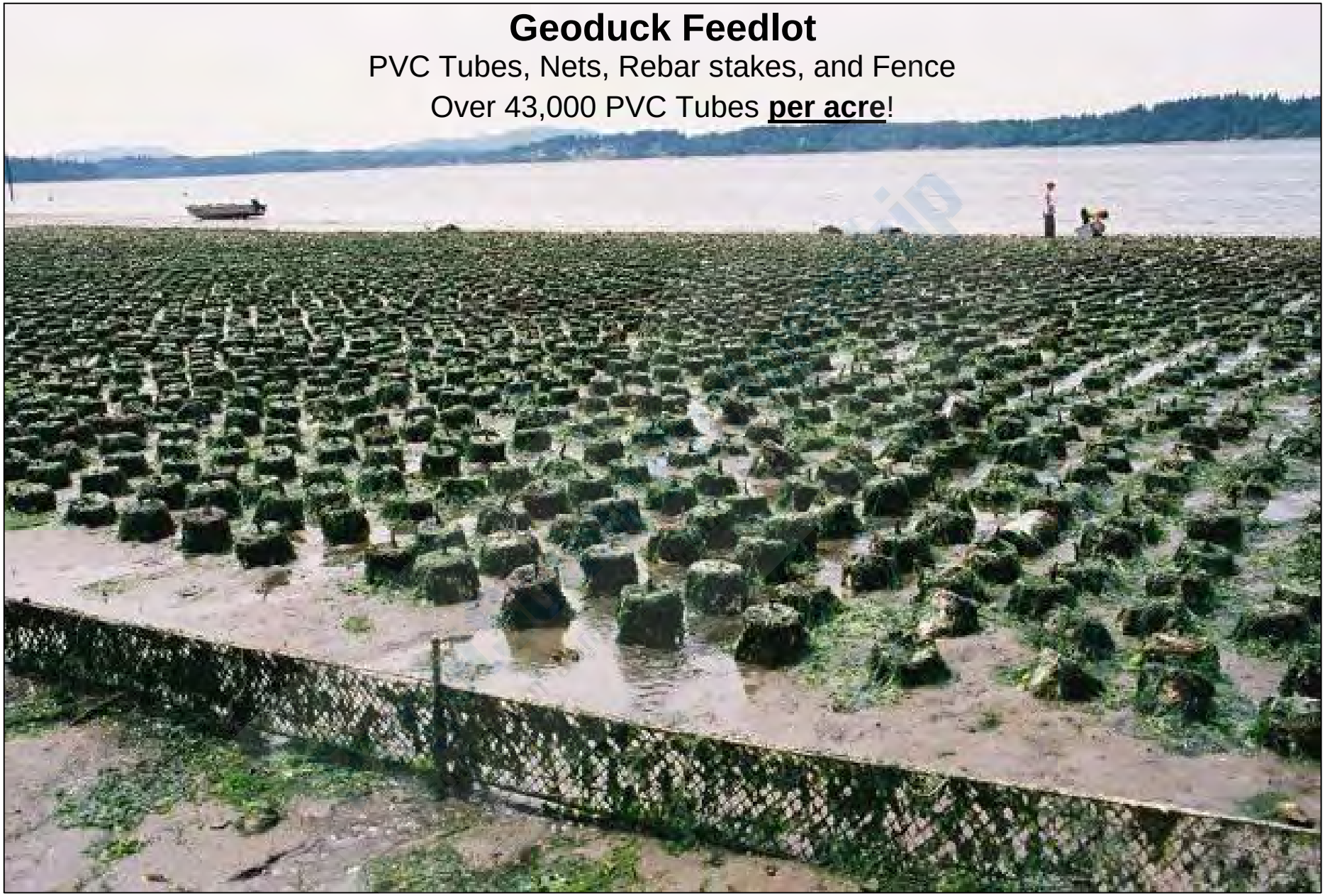


2007

Geoduck Feedlot

PVC Tubes, Nets, Rebar stakes, and Fence

Over 43,000 PVC Tubes **per acre**!



Zangle Cove 2006

Totten Inlet

PVC Shoreline Debris

'Predator' Nets
Totten Inlet, July 2007

Aquaculture interferes with natural habitat

Hartstene Island, 2006

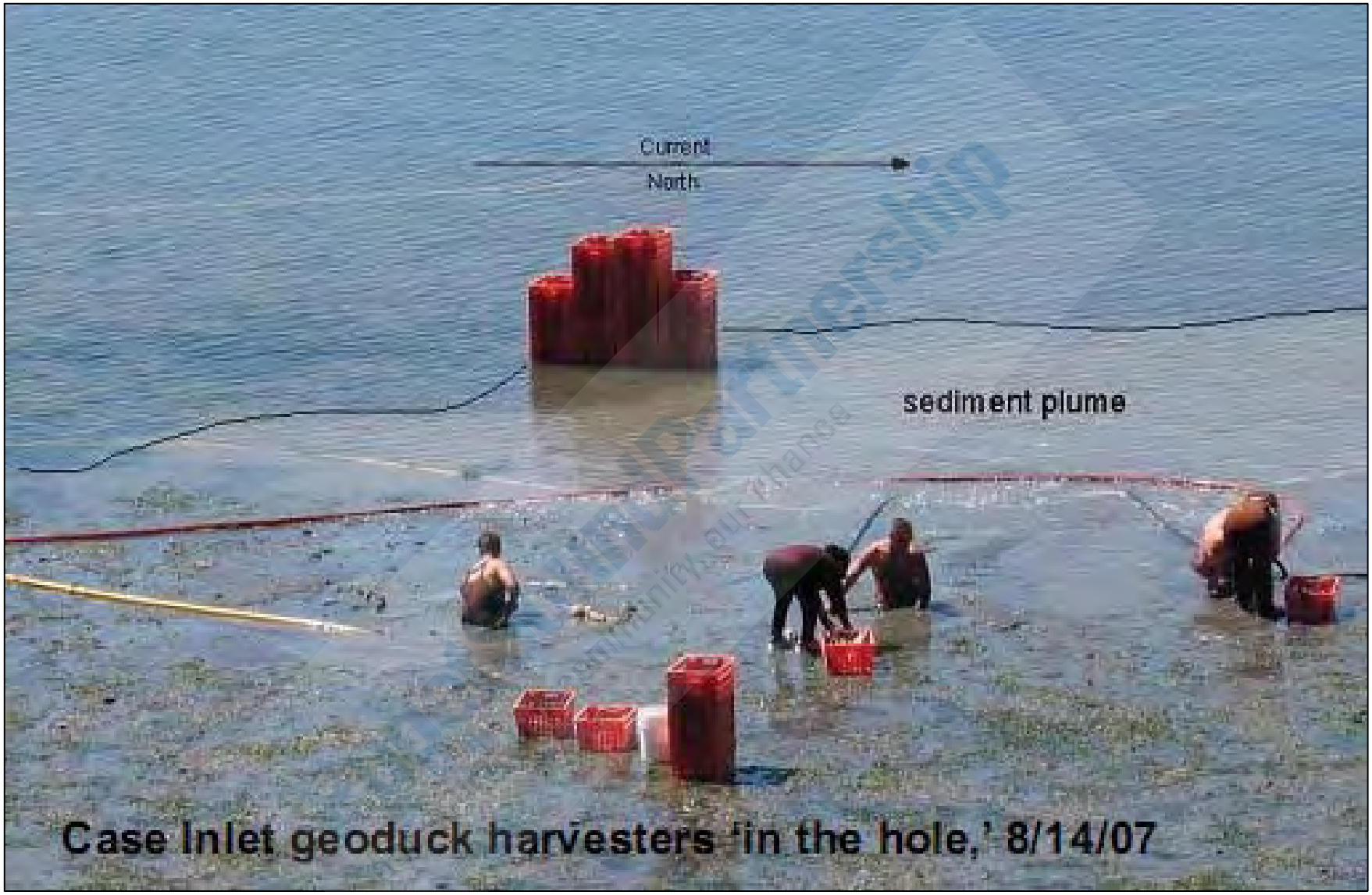
Case Inlet Feb 2006

Geoduck Harvest by Excavation

Case Inlet
Aug 2007

Totten Inlet 2006

Henderson Inlet June 2006


Current
North
sediment plume
Case Inlet geoduck harvesters 'in the hole,' 8/14/07

Totten Inlet, 2008
Scraping the Nearshore
Taylor Shellfish
CAROL T

Tractor Contouring the Beach

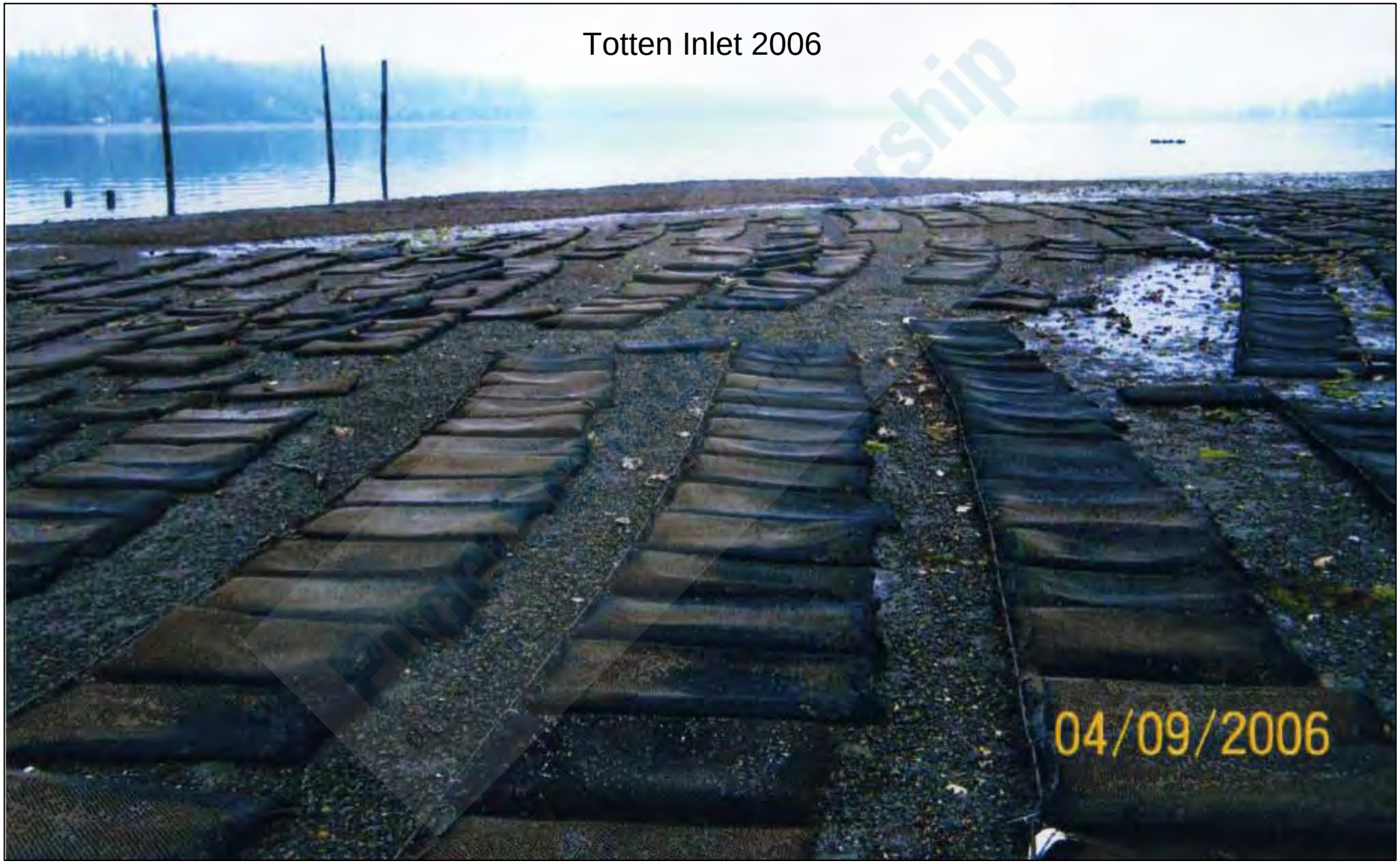
Plastic Seed Tubs

Hartstene Island, July 4, 2008

Plastic Geoduck Seed Tubs

Harstine Island, 2008

Oyster Bags
Black-topping the beach



Mussel Barges, Totten Inlet

Degrading herring habitat

High Density Raft Leases

Baynes Sound, British Columbia

Baynes Sound, British Columbia

High intensity aquaculture expanding down the Canadian shoreline

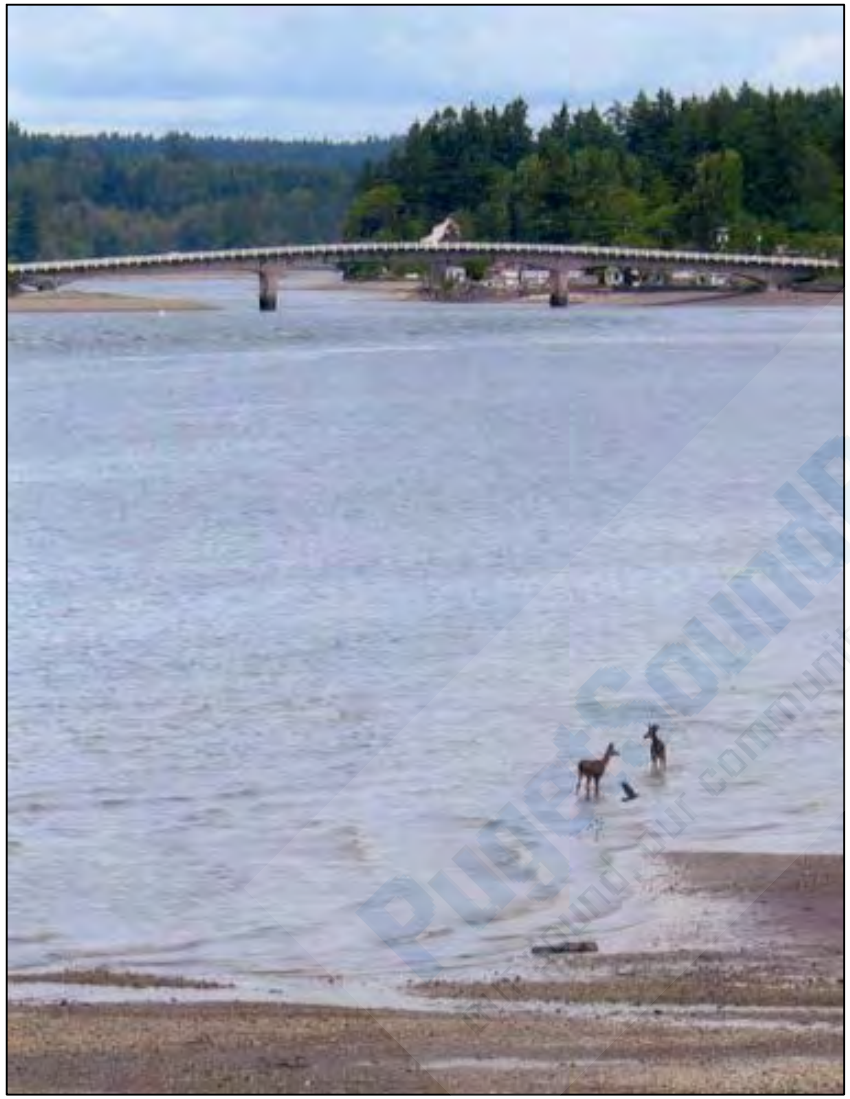
Geoduck Harvest Aftermath

Case Inlet, 2007

Cape Horn – Full of Aquaculture

Henderson Bay Wildlife Block Party (2007)

Aquaculture would put these native species at risk



Courtesy of The Coalition to Protect Puget Sound Habitat, Oct 2008

www.coalitiontoprotectpugetsoundhabitat.com

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PUGET SOUND PARTNERSHIP

DUCKS UNLIMITED

PACIFIC NORTHWEST FIELD OFFICE
17800 SE Mill Plain Boulevard, Suite 120
Vancouver, WA 98683
(360) 885-2011 Fax (360) 885-2088
www.ducks.org

Mr. David Dicks, Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

November 19, 2008

Dear Mr. Dicks,

I am writing on behalf of Ducks Unlimited, Inc, the largest and most effective private wetlands and migratory bird conservation organization in the world. DU has more than one million supporters world-wide and has completed over 10 million acres of habitat conservation projects in the United States, Canada and Mexico. Wherever waterfowl, shorebirds and other water birds breed, migrate or winter, Ducks Unlimited is usually there, including the Puget Sound region, where we have completed over 10,000 acres of wetland conservation work since 2000.

Although our primary focus is on conserving wetlands and associated upland habitat for waterfowl and other migratory birds, our projects also provide significant benefits for salmon, shellfish and other species that also rely on wetlands and nearshore habitats. Habitat conservation for birds usually benefits salmon, and vice-versa, especially in the Puget Sound region. For example, we are helping to fund and manage the largest estuary restoration project along the entire west coast at Nisqually National Wildlife Refuge, which will have tremendous benefits to salmon stocks in the Nisqually River.

Many of our habitat projects in Puget Sound have been accomplished through partnerships with other conservation organizations and agencies such as the U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, the Salmon Funding Recovery Board and private and corporate donors. We are also a major partner in the Pacific Coast Joint Venture, a forum in which the private and public conservation organizations along the Pacific Coast implement a shared vision of bird habitat conservation.

Ducks Unlimited commends the Puget Sound Partnership for the development of an excellent, comprehensive Draft Action Agenda. We strongly agree with the goals and priorities articulated in the draft, especially the emphasis on conserving intact ecosystems; maintaining a functional diversity of marine, nearshore, freshwater and terrestrial habitats; and rapidly acquiring those habitat properties with high ecological value and imminent risk of conversion. We also support the recommendations for developing, funding and implementing climate change adaptation strategies, and the long term protection and stewardship of working farms, forests and aquatic lands.

Priorities D and E of the draft Action Agenda call for better coordination of programs to protect and restore Puget Sound, as well as a better performance management system, adequate funding, more outreach and communication and a sound scientific basis for making conservation decisions regarding Puget Sound. We also strongly support these priorities and would like to participate in making them happen. I have a staff of fifteen experienced biologists, licensed civil engineers and conservation planners working out of our North Pacific Flyway office in Vancouver, Washington who are available to assist with the further development and implementation of the Action Agenda.

Enclosed is a copy of our North Pacific Flyway publication "One Acre at a Time" that highlights our accomplishments in Puget Sound and other important bird habitat areas in the northwest. Please contact me to discuss how Ducks Unlimited can engage more effectively in the Puget Sound Partnership to make the Action Agenda a success.

Sincerely yours,

Thomas J. Dwyer
Director, Conservation Programs

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DUCKS UNLIMITED

North Pacific Flyway | Western Region

ONE ACRE AT A TIME

A Waterfowl Legacy Progress Report | 2006–2016

Powered by Partnership
Building a better community

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Summary of Outcomes in the North Pacific Flyway

Number of Projects	
Alaska	14
Idaho	22
Oregon	107
Washington	115
TOTAL	258

Acres of Critical Habitat Permanently Protected	
Alaska	3,295
Idaho	1,239
Oregon	721
Washington	1,853
TOTAL	7,108

Acres of Critical Habitat Restored	
Alaska	13
Idaho	7,708
Oregon	14,437
Washington	14,920
TOTAL	37,078

Conservation Investments	
Alaska	$1,121,349
Idaho	$4,299,522
Oregon	$13,989,404
Washington	$13,291,041
*TOTAL	$32,701,316

**Private donations and grassroots dollars from DU's event system are the matching funds we use to leverage major foundation grants and public dollars. From 2000–2005, $5 million in grassroots dollars and private donations secured more than $32 million in conservation outcomes. Without private support, none of our work would be possible.*

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FIELD NOTES

Photo: Dale Derry

Each fall, with reassuring predictability, more than 16 million ducks, geese and swans move down the corridors of the Pacific Flyway, and each spring they make their way back—a migration of thousands of miles stretching from the Yukon to South America. About 5 million of these birds feed, rest and spend all or part of the winter relying on habitat in the flyway's North Pacific zone, which includes Oregon, Washington, Idaho and Alaska.

Many species of waterfowl, such as the northern pintail, the American wigeon and the Pacific black brant, will prosper in North America only if they find food and shelter in the wetlands of our region. The same holds true for federally listed salmon and steelhead that share these resources.

To sustain the integrity of the flyway, Ducks Unlimited must address a dual challenge: the human-induced loss of wetlands and a decline in the quality of many that remain. Since establishing our Vancouver, Washington, field office in 2000, we have joined with private, state and federal landowners to restore more than 37,000 acres of wetlands and to permanently protect over 7,000 acres. This outcome is the result of remarkable partnerships, but DU's ability to participate depends on the financial support of individuals who share our commitment to waterfowl and wildlife.

Our program is about enhancing public and private lands, providing technical assistance for restoration and protecting landscapes, primarily through the purchase of conservation easements. We have a staff of ten biologists, an equal number of engineers and a team of six others whose scope of work includes writing grants; designing, permitting, managing and monitoring complex ecosystem repairs; weighing in on federal and state wetlands policy; and seeking out the latest knowledge in applied science.

With the singleness of purpose that has characterized the organization since the 1930s, DU is now engaged in a strategic campaign called Wetlands for Tomorrow. Today, there is no certainty that waterfowl will find the wetlands they need in any given year, and we intend to change this situation. In the North Pacific Flyway we're working to ensure that at least 173,000 acres of healthy habitats will be available by 2010. Our research shows that this is the minimum land base necessary to support the region's waterfowl populations into the future.

We urgently hope that you will join us in helping to safeguard Wetlands for Tomorrow while there are still magnificent opportunities to do so.

Tom Dwyer

TOM DWYER | Director, Conservation Programs

North Pacific Flyway |

In Alaska, where the majority of landscapes are under federal ownership, helping to provide natural resource managers with better tools to make smart decisions on the ground (see page 17 for more information).

Along the Pacific coast and Puget Sound, enhancing public and private lands that provide habitat for migratory waterfowl, shorebirds, wading birds and fish.

In the flyway oasis of the lower Columbia River, restoring and conserving migration and wintering habitat for birds ranging from snow geese and American wigeon to greater scaup; and, at the same time, ensuring access to feeding and rearing zones for imperiled fish species like chinook salmon.

Among the remarkable channeled scablands and potholes of eastern Washington and the great basin country of eastern Oregon, improving some of the most productive historic breeding habitats for waterfowl in the Northwest and helping to rebuild vital spring staging areas for the northern pintail.

From Oregon's Willamette Valley to the intermountain marsh complexes of Idaho, improving seasonally flooded and permanent wetlands on behalf of species as varied as mallards, bald eagles, moose and grizzly bears.

DU's staff are invaluable. They come to projects with fundraising skills, design and engineering expertise and deep knowledge in construction management. They are wonderful partners.

IMAGINE You're a Pintail

Photo: Oregon Historical Society

travel a couple of thousand miles from the Sacramento Valley to the prairies of southern Canada—Alberta, Saskatchewan or Manitoba—parting company with others who continue on to northern Alaska and even Russia. It's the end of March, or maybe the weather was particularly tough this year and it's early April. Within just two or three days of arriving, you begin to look for a good place to nest, away from water—perhaps in the stubble of a field. If a predator or a farm implement happens along and disturbs the site, you might re-nest; but if it happens again, you're likely out of business for the season.

Over the next week or so, you lay one olive-colored egg a day. If you're a drake, you move on shortly and your mate stewards the nest for the next three weeks—assuming a fox or a raccoon or a crow doesn't make a meal of the clutch. The surviving ducklings break out of their shells, fluff up and trail you around looking for protein. Bugs. Eating is their main job for the next two months as they develop flight feathers and learn to use them.

In late summer, if you're a male, you molt and grow conspicuous tail feathers that complement your slim profile and long, elegant neck. Now it's carbo-loading time for the flight south. A small number of you have made this journey many times; the oldest individuals of your species live for more than 20 years.

You take to gray skies before winter drops on prairie country. Some of your cohort spend the season on the Atlantic or as far away as Central America, but the majority of you who stay in North America overwinter in California and along the Gulf of Mexico. You choose California. The Central Valley's shallow, flooded marshlands and rice fields are a good option, especially if there's no drought.

Come spring, you head up to southern Oregon, like a third of all the other pintails in the United States. Some of you stay for up to six weeks, feeding among wetlands and flooded pastures. Of course, many areas are invaded by noxious weeds or converted to other land uses, and each year fewer wetlands seem to be available. Your own numbers are down as well, to less than a quarter of what they were in the 1950s when more than 9 million of you blackened the skies during migration season. If you're a hen, the weight you put on here is what you need not just to carry you north, but to produce a clutch of eggs once you get there.

Eat up.

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INTERVIEW | Dr. Mark Petrie, DIRECTOR, CONSERVATION PLANNING

Q. Why does DU invest in wetlands restoration on both public and private lands?

A. Because our vision is to provide enough habitat to meet waterfowl needs in perpetuity, we must work strategically throughout the landscapes of the North Pacific Flyway, where nearly 70 percent of all wetlands occur on private lands. Although public wetlands are critical to both ducks and geese, there simply aren't enough of them to sustain populations. Public funding sources are now available for wetland restoration on private lands, and DU plays an important role in helping landowners access these.

Q. What's the difference between restoring a wetland as migratory habitat or as breeding habitat?

A. Many wetlands can meet the needs of both migrating and breeding waterfowl. However, migrating birds often prefer seasonal wetlands that contain water in fall and spring, but which are dry during summer. This wet-dry cycle makes seasonal wetlands highly productive, and these habitats produce large amounts of food needed by waterfowl outside of the breeding season. The ability to duplicate this wet-dry cycle—often by engineering the capacity to control water levels—can be critical in restoring habitat for migrating waterfowl. Breeding waterfowl will also use seasonal wetlands, especially in spring when these habitats are still wet. However, as the breeding season progresses, waterfowl increasingly rely on permanent or semipermanent wetlands that hold water during the summer months. These wetlands are typically designed and managed to contain water throughout the year.

Photo: Dale Derry

Q. What are your biggest conservation challenges and how are you handling them?

A. Wetland restoration is a complicated business in our region, with both biological and social challenges—especially where endangered salmonids are present. Meeting waterfowl needs has become part of a larger effort to restore and protect wetlands for fish and other wildlife. This often means more elaborate and expensive projects. At the same time, increasing development pressures result in further losses of wetlands and reduced opportunities for protection and restoration as land prices rise. Finally, the overallocation of water for agriculture in many areas of the North Pacific Flyway, particularly on the east side, threatens the timing and amount of wetland water supplies.

Q. What kinds of outcomes can we expect from DU in the next five years?

A. With the support of our membership and private donors, the next five years will see steady and measurable progress toward DU's goal of restoring and permanently securing enough wetland habitats for waterfowl. But conservation opportunities are finite. Success depends on our ability to leverage public funding. State and federal programs in the Northwest provide a diversity of resources, but these opportunities require a match with private dollars.

INTERVIEW Randy VanHoy, REGIONAL ENGINEER

Q. DU may be the only conservation group with full-time civil engineers on staff. How is restoration an engineering problem?

A. While biologists often develop the concepts for a given restoration project, the engineer's contribution is to translate biological goals into a functioning system on the ground. The engineer determines what materials to use and calculates quantities, durability and cost, as well as interactions between different elements of the work and the natural world surrounding the project. Levees, water control structures, channels, etc., must be designed and built (or removed) according to standard engineering practices. In the end, it's the engineer who accepts professional legal liability for the work.

Q. Why is DU involved in salmon habitat restoration and fish passage issues?

A. State and federal regulators want to be sure that wetland restoration efforts are not harmful to salmonids. DU's research has confirmed that—functioning properly—many wetlands serve an important role in salmon life histories. At the same time, endangered species status has spurred salmon habitat restoration and made funding available for these efforts. Healthy wetlands are habitat for multiple species.

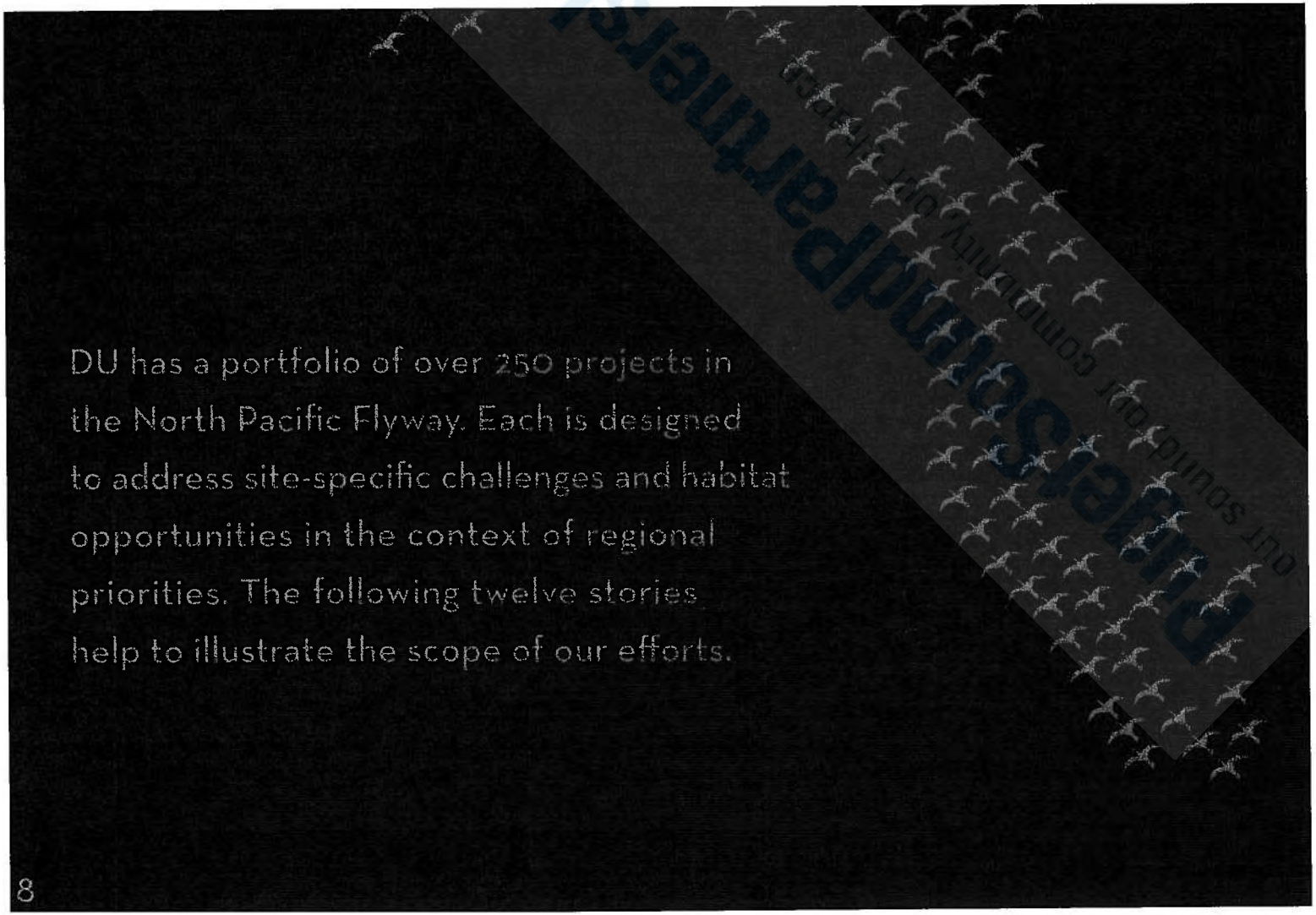
Q. As an engineer working to restore biological systems, what are your biggest challenges?

A. Many landscapes in which DU works are criss-crossed by the infrastructure of development. Restoring hydrology to a single property and reestablishing a tidal wetland may seem as simple as putting a hole in a levee. But consider the project context. Imagine, for example, that the levee was built prior to 1939; that rural electrification subsequently ran power poles through the former wetland; that a sewage line was installed behind the levee to serve a group of homes dependent on water from shallow wells, and so forth. The wetland may ultimately be restored, but all the neighbors and infrastructure must also be protected. It's difficult to restore natural hydrology to an area when the surrounding hydrology has been highly manipulated.

Photo: Dale Berry

Q. How do you work with other project partners?

A. Landowners, biologists, funding partners, regulators, neighbors, drainage and irrigation districts, local utilities and others may all have their own priorities and concerns to address in a project design. Each stakeholder may also have a different concept of what wetland restoration means. As a result, good communication is critical in keeping a project on track. Discussing and documenting project decisions, submitting plans for review, meeting to build consensus—these are as much a part of the design process as the actual number crunching of engineering.



DU has a portfolio of over 250 projects in the North Pacific Flyway. Each is designed to address site-specific challenges and habitat opportunities in the context of regional priorities. The following twelve stories help to illustrate the scope of our efforts.

ducksunlimitedpartnership.com

PugetSound Partnership
our sound, our com

ALASKA

Fish Creek Estuary

Photo: Great Land Trust

Near the downtown bustle of Alaska's largest city—population 280,000—the Fish Creek estuary is a surprise of upland woods and tidal wetlands, prime habitat for waterfowl, moose and high-end homes with views to the Pacific. But thanks to help from DU, the last undeveloped estuary in Anchorage will remain wild forever. Support for conservation of this unusual 30-acre tract safeguards the home of nesting sandhill cranes as well as red fox, lynx and juvenile salmon. It also protects a high-visibility public asset along the popular Tony Knowles Coastal Trail.

"The Great Land Trust is thrilled with the success of the Fish Creek Estuary project and our partnership with Ducks Unlimited. DU's enthusiastic support helped to bring the entire Anchorage community together."

LISA M. EYLER | Executive Director, Great Land Trust

Klawock Bay

On the west coast of Prince Wales Island in southeast Alaska, the native Tlingit have practiced subsistence hunting and fishing in the Klawock watershed for at least six centuries, but important sockeye salmon runs have declined steeply since the 1960s, when a causeway was built across the mouth of the estuary. With engineering assistance from DU, the Klawock River will once again be connected to its bay. Biologists expect a major boost to salmon. And restored tidal flows will improve wintering habitat for trumpeter swans, Aleutian Canada geese and harlequin ducks, among others, as well as staging areas for thousands of shorebirds.

"DU's capable staff is helping us to restore superb fish and wildlife habitat which will, in turn, nourish families and small-town economies throughout the region."

DALE KELLEY | Executive Director, Alaska Trollers Association

WASHINGTON

Marietta Slough

The estuary of the Nooksack River near Bellingham is a high-traffic intersection for migrating waterfowl and salmon. DU engineers and biologists connected historic sloughs upstream of Bellingham Bay to 160 acres of former croplands restored as tidal marsh and accessible to hunters and other recreationists. An area once choked by invasive reed canary grass, inhospitable to ducks and geese and impenetrable to salmon has been excavated, recontoured and returned to health as a link between the bay and 1,200 acres of state lands upriver. DU engineer John Axford recalls that hours after a levee was removed, salmon were returning and "one was the length of my forearm." Meanwhile, mallards, teal and northern pintails are reclaiming brood habitat as shorebirds, songbirds and other migrating waterfowl make use of this new oasis.

"DU's staff is incredibly dedicated and committed to restoring natural resources. They don't clock in at nine and leave at five—they're here for as long as it takes to get the job done right."

TOM REED | Wildlife Biologist/Land Manager, Washington Department of Fish and Wildlife

West of the Cascades continued on page 12.

IDAHO

Smith Creek Bottomlands

In the Kootenai River Valley of the Idaho panhandle, just minutes from Canada, DU teamed with a grizzly bear conservation group to protect an ecologically significant property along the foothills of the Selkirk Mountains. DU purchased and restored 400 acres of floodplain wetlands, subsequently leasing the parcel to the Idaho Department of Fish and Game to manage it for public access. Vital Ground owns and manages the upland parcel for grizzlies. With a system of control structures in place to prevent flooding of nearby private lands, engineers are utilizing water from the contiguous Boundary Creek Wildlife Area to reestablish historic habitat conditions. The parcel joins a matrix of landscapes that help support an estimated 75,000 migrating waterfowl every year, including tundra swans, northern pintails, mallards, teal and wigeon.

Photo: Vital Ground

"The conservation transaction with DU was a good partnership on a phenomenal property with lots of waterfowl. This has been a very successful restoration effort."

BANU QURESHI | Chairman, Board of Trustees
The Vital Ground Foundation

Chester Wetlands at the Henry's Fork of the Snake River

Northeast of Idaho Falls, the Henry's Fork of the Snake River is hallowed ground for people committed to fish and wildlife. DU secured major funding for the protection and restoration of 1,500 acres of ponds and wetlands slated for house lots along the eastern boundary of the Henry's Fork near the city of St. Anthony. Situated on a portion of the Pacific Flyway at high risk for development, this property serves as a major stopover for sandhill cranes and northern pintails, a home to greater sage grouse and Columbian sharp-tailed grouse and a historic nesting territory for trumpeter swans and bald eagles. A water delivery system designed by DU has dramatically increased the acres of open water and managers' ability to maximize production of waterfowl on more than 30 ponds.

Photo: Dennis Aslett

"You want DU's engineers and biologists on your team. They have what it takes for complicated, high-stakes projects."

DENNIS ASLETT | Regional Habitat Biologist (retired),
Sand Creek Habitat District, Idaho Department of Fish and Game

WASHINGTON

Satus Watershed

The appearance of the first bald eagle nest since 1902 is just one measure of success in a large-scale project along Satus Creek, a major tributary to the lower Yakima River. With DU's help, the Yakama Nation is reestablishing historic wetlands on roughly 7,000 acres of floodplain where generations of ditches, dikes and dams have disturbed flow patterns and allowed white water lily to choke out biological diversity. By remeandering the creek and rejoining it to the floodplain, DU has facilitated the recovery of native plants so the Yakama may once again harvest them for cultural uses. Imperiled salmon and steelhead have returned. And natural flood cycles have begun to rejuvenate the riparian cottonwood forest, one of the most productive areas for cavity-nesting wood ducks in eastern Washington and superb habitat for mallards and Canada geese.

Photo: Yakama Nation

"Enhancing waterfowl populations in salmonid waterways requires a whole new approach to wetlands restoration, and DU understands that. Their people know how to take an interdisciplinary, watershed-wide approach, which is very important to us."

TRACY HAMES | Waterfowl Biologist, Yakama Nation

East of the Cascades continued on page 13.

WASHINGTON

La Center Floodplain

Just before DU began restoring former pastureland along the east fork of the Lewis River, a tributary to the Columbia, salmon stocks were federally listed under the Endangered Species Act. La Center has become the first of many projects in which improving fish habitat is complementary to enhancing the overall hydrology of a wetland. Engineers replaced a levee and culverts impassable to salmon with a fish-friendly public footbridge spanning an excavated water channel. These efforts reconnected the Lewis River to 400 acres of floodplain wetlands, where DU installed an elegant device called a "pool weir chute," allowing fish to move freely and, at the same time, giving managers a way of controlling water levels to reduce invasive reed canary grass. Native plants like smartweed and wapato are returning as food sources for northern pintails, mallards, geese and other waterfowl. And thousands of imperiled salmon have begun to include La Center as a stopover for feeding and rearing (see page 16 for more information).

"DU staff were persistent and creative throughout a difficult process of obtaining regulatory approval and implementing the restoration. This project represents an important step to protect and restore the unique ecology of the Lower East Fork, and its high-visibility success increases public awareness and support."

JEROEN KOK | Senior Planner and Resource Manager, Vancouver Clark Parks and Recreation Department

OREGON

Sauvie Island

Two centuries ago, when Lewis and Clark camped near what they called Wapato (now Sauvie) Island, their sleep was disturbed by torrents of birds manifesting a "horid" [sic] cacophony. Today, at the crossroads of the Willamette and Columbia rivers just 12 miles from Portland, DU is helping to ensure that this major continental hub of the Pacific Flyway remains a noisy symphony of 200,000 migrating waterfowl each year. More than 250 species of birds, from northern pintails to Wrangel Island snow geese, rely on this

Photo: Oregon Department of Fish and Wildlife

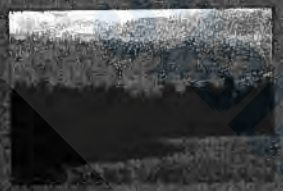
Manhattan-sized place, which is also western Oregon's only fall staging area for sandhill cranes. DU staff have focused their efforts on upgrading water control systems refuge-wide, benefiting thousands of acres of habitat at one of the largest and most popular hunting and birding areas in the state.

"We've seen incredible improvements in all the wildlife associated with our wetlands, including waterfowl broods where they didn't exist before. DU coordinates these projects for us; they write the grants; and their engineering expertise is phenomenal. I rely on them."

MARK NEBEKER | Wildlife Manager, Sauvie Island Wildlife Area

Lake Labish Peat Marsh

It's well known as a leading place in the Northwest for raising crops and houses, but the Willamette Valley is also vital to waterfowl. Here, through a series of partnerships with private property owners, DU piloted its first conservation easements in Oregon. In the year following restoration on an initial 75 acres, five pairs of mallards established nesting sites. Results have helped to catalyze a showcase effort approaching 400 acres of renewed floodplains in what was once the valley's largest peat swamp. Now, northern pintails, wigeons, green-winged teal and seven subspecies of Canada geese—some 300,000 of which use the valley as a migration corridor each year—are rediscovering these wetlands.



"We went into this not knowing how the project would turn out. It was a good experience. Restoring this land into a small oasis has been very productive for wildlife and waterfowl—the change is dramatic. I feel good about the partnership with DU and what we've achieved."

SAM LEA | Owner, Lea Farms

WASHINGTON

Rosa Butte Preserve

"The Channeled Scablands and Potholes" is a fitting name for a geological formation born of ancient, cataclysmic floods. Unique to eastern Washington, these are among the richest waterfowl breeding habitats in the North Pacific Flyway and some of the best in North America, but many have been drained for other land uses. Minutes south of Spokane, on 620 acres of former farmland now protected for public use in perpetuity, DU has helped re-create a local crown jewel, a 200-acre mosaic of wet meadows. Where an enormous drainage ditch once emptied the waters and wildlife from this vibrant pothole, a control structure has filled the gap and restored flows. Elk and moose now graze its meadows. Northern pintails have rediscovered them as well, along with mallards, geese, tundra swans and osprey. Across eastern Washington, DU has helped conserve and restore more than 3,000 acres of world-class wetlands like these.

"DU's skill in knowing the habitats for waterfowl—including hydrology and plant selection—made this project a success. They created functional habitat where there was none before. DU is an excellent partner."

STEVE HOROBIOWSKI | Parks Planner, Spokane County Parks and Recreation

OREGON

Goose Lake Basin

Spanning the state line between Oregon and California, Goose Lake is one of the largest closed basins in this enigmatic, arid landscape. Historic land uses have exaggerated natural dry cycles here, turning wet meadows into sagebrush and thus reducing springtime habitat for waterfowl. Goose Lake is part of a suite of basins functioning as the essential early season food source for roughly one-third of all northern pintails in North America and as a nesting area for 30 percent of Oregon's mallards. To [illegible] and extend the water-holding capacity of [illegible] 2,500 acres of wetlands and 14 miles of [illegible] the north shore.

"I'm like a lot of ranchers, real skeptical of [illegible] honesty of the DU people convinced me. [illegible] tat here, really making it good. All my [illegible] make a tremendous difference for the [illegible]

BUD GARRET | Fifth Generation Ra[illegible]

Tule Lake Wetlands

Until they were drained for [illegible] 1800s, the Tule Lake wetlands [illegible] provided a buffet for [illegible] waterfowl. Today, DU's part[illegible] of national significance has [illegible] hiking and bird watching by [illegible] Thanks to the construction of levees, swales and [illegible] a 3.5-mile pipeline from the local wastewater tr[illegible] Grande now has a place for 1 million gallons a day of [illegible] drainage ditches removed, stream channels re[illegible] managed wetlands support one of the most significant [illegible] region, breeding habitat for at least a dozen spe[illegible] to rearing and feeding zones for threatened sa[illegible]

"This award-winning project has far exceeded our [illegible] DU, we now have additional public-use areas and [illegible] for waterfowl and wildlife. All of this has been a[illegible] more cost-effective approach to water treatment. [illegible] standing job."

DAN CHEVALIER | Public Works Director, C[illegible]

Public Areas Enhanced by DU-North Pacific Flyway

Ducks Unlimited is the leader in waterfowl habitat conservation and restoration. Their ability to provide one-stop shopping for wetlands restoration is exceptional. Virtually every refuge in our region with wetlands habitat has benefited from their biological and engineering expertise. And the benefits of these efforts extend well beyond waterfowl to imperiled salmon and to a myriad of other migratory birds, amphibians, plants and wildlife.

DAVID ALLEN Regional Director, U.S. Fish and Wildlife Service, Pacific Region

ALASKA

Alaska Peninsula National Wildlife Refuge
Chugach National Forest
Palmer Hay Flats State Refuge
Tetlin National Wildlife Refuge
Yukon Delta National Wildlife Refuge

WASHINGTON

Campbell Road
Columbia National Wildlife Refuge
Fern County Preserve
Frenchmen Wildlife Management Area
Julia Butler-Hanson National Wildlife Refuge
Lake Creek
Lake Terrell Wildlife Management Area
Lower Satus Wildlife Management Area
McNary National Wildlife Refuge
Nisqually National Wildlife Refuge
Packer Creek
Ridgefield National Wildlife Refuge
Shillapoo Wildlife Management Area
Skagit Wildlife Management Area
Smick Meadow
Steigerwald National Wildlife Refuge
Stillwater Wildlife Management Area
Sunny Side Wildlife Management Area
Telford
Toppenish National Wildlife Refuge
Turnbull National Wildlife Refuge
Willapa Bay National Wildlife Refuge
Windmill Wildlife Management Area
Winchester Wildlife Management Area
Zimmerman Ranch

IDAHO

Albeni Cove Wildlife Management Area
Ball Creek Ranch
Bear Lake National Wildlife Refuge
Boundary Creek Wildlife Management Area
Camas National Wildlife Refuge
Caribou Targhee National Forest
Deer Flat National Wildlife Refuge
Henry's Fork of the Snake River
Kootenai National Wildlife Refuge

OREGON

Ankeny National Wildlife Refuge
Bandon Marsh National Wildlife Refuge
Baskett Slough National Wildlife Refuge
Burlington Bottoms
Cold Springs National Wildlife Refuge
Finley National Wildlife Refuge
Hutchinson Wetlands
Ladd Marsh Wildlife Area
Lovejoy Wetlands
Malheur National Wildlife Refuge
Miller Island Wildlife Area
Multnomah Channel Wetlands
Nestucca National Wildlife Refuge
Sandy River Delta
Sauvie Island Wildlife Area
Siletz Bay National Wildlife Refuge
Smith and Bybee Lakes
Tualatin National Wildlife Refuge
Umatilla National Wildlife Refuge
Wannacut Wildlife Area
Wood River Wetlands

Puget Sound Anglers

Our Partners in Restoration and Conservation

"Before Ducks Unlimited began to work in the Pacific Northwest, wetlands conservation in the Columbia River region was measured in the hundreds of acres. Today, tens of thousands of acres of critical wetlands have been conserved and restored. Ducks Unlimited has been the leader in building the collaborative partnerships that have created these results. Their experience and expertise are simply irreplaceable."

GLENN LAMB | Executive Director, Columbia Land Trust

ALASKA
Alaska Department of Fish and Wildlife
Alaska Trollers Association
Bureau of Land Management
City of Kodiak
Great Land Trust
Kachemak Heritage Land Trust
The Nature Conservancy
Pacific Coast Joint Venture
U.S. Fish and Wildlife Service
U.S. Forest Service
U.S. Geological Survey

WASHINGTON
Bureau of Land Management
Bureau of Reclamation
Carollo Engineers
Cascade Land Conservancy
Columbia Land Trust
Friends of San Juan
Habitat Bank Northwest
Intermountain West Joint Venture
King Conservation District
King County
Mallard Marsh LLC
M.J. Murdock Charitable Trust
National Fish and Wildlife Foundation
National Forest Foundation
Natural Resources Conservation Service
The Nature Conservancy
Pacific Coast Joint Venture
Pacific Salmon Commission
Salmon Recovery Funding Board
San Juan County Conservation District
San Juan County Land Board
San Juan Preservation Trust
Sea Resources
Skagit Conservation District
Skagit County
Skagit Fisheries Enhancement Group
Skagit Land Trust
Snohomish County
Snowater LLC
Stewardship Partners
Trumpeter Swan Society
U.S. Fish and Wildlife Service
U.S. Forest Service
Washington Department of Fish and Wildlife
Washington Department of Natural Resources
Washington Trout
Willapa Bay Fisheries Enhancement
Yakama Nation

IDAHO
Burlington Northern Santa Fe
Clark Fork Pend Oreille Wetlands Trust
Crown Pacific
Gold Ranch Sporting Club
Idaho Department of Fish and Wildlife
Intermountain West Joint Venture
Kootenai Tribe of Idaho
Natural Resources Conservation Service
The Nature Conservancy
PacifiCorp
Six S Ranch LLC
Teton Regional Land Trust
U.S. Fish and Wildlife Service
U.S. Forest Service

OREGON
Bonneville Power Administration
Bureau of Land Management
Bureau of Reclamation
City of Portland
Columbia Land Trust
Confederated Tribes of Umatilla
Coos Watershed Association
Deer Island Stock Ranch Trust
Fish America Foundation
Intermountain West Joint Venture
International Wetlands Joint Venture, Inc.
Marion County Department of Public Works
Metro
Midcoast Watershed Council
M.J. Murdock Charitable Trust
Natural Resources Conservation Board
Oregon Department of Forestry
Oregon Watershed Enhancement Board
Oregon Department of Fish and Wildlife
Oregon Wetlands Joint Venture
Pacific Coast Joint Venture
Sackos Land Company LTD
South Coast Land Conservation Services
Umpqua Soil and Conservation District
U.S. Fish and Wildlife Service
U.S. Forest Service

Draft Action Agenda Comments - Interests

Applying Science to Conservation

Our vision is to achieve a mix of restored and natural habitats capable of perpetually sustaining North Pacific Flyway waterfowl populations. To achieve this, DU is constantly seeking the latest information in applied restoration science. The urgency of some situations may also necessitate that our engineers and biologists fill a knowledge gap by developing and refining our own approaches through staff-led field research. Here are some examples of DU science at work.

Breeding Mallard Research

Most waterfowl that rely on the North Pacific Flyway during migration and winter come from the Canadian prairies and Alaska. However, up to a third of the mallards harvested in Washington and Oregon are produced in eastern areas of these two states. Mallards that breed in eastern Washington and Oregon have received less attention than their prairie counterparts, so much less is known about the factors that limit these breeding populations. DU is now a partner in studying mallards near Moses Lake, Washington. Females surgically implanted with radio transmitters are tracked to provide new data about the number of hatched nests, the survival of ducklings and predation during breeding season. This information is critical to the design of habitat programs to increase the size and success of these populations.

Fish Monitoring in Seasonal Floodplain Wetlands

With the 1990 listing of salmon and steelhead under the federal Endangered Species Act, a new set of challenges and opportunities surfaced for DU. Researchers quickly discovered how little was known about the ways salmonids use floodplain wetlands. As permitting agencies became concerned about the potential for harmful impacts to salmon from traditional approaches to wetland restoration, projects were put on hold and future efforts were jeopardized. In short order, DU biologists began testing fresh ideas at sampling sites across Oregon and Washington. Results have clarified techniques to recover floodplain wetlands in ways that benefit waterfowl, salmon and other wildlife. Along the way, DU has made groundbreaking contributions to fisheries biology, overturning a long-held assumption that juvenile salmon on their way out

Photo: Dale Derry

to sea spend almost no time in seasonal floodplains. In reality, these wetlands are significantly enhancing the capacity of salmon to survive, even attracting young fish to journey upriver from other stream systems to use them.

Alaska Wetlands Habitat Inventory

In America's vast wilderness state, roughly one-quarter the size of the continental United States, DU's mapping team has taken on the Mount McKinley of geographic challenges: to provide natural resource managers with a world-class satellite-based survey of Alaska's habitats. With over 150 million acres—and counting—now mapped and ground-truthed by vegetation type, a powerful tool has become available for prioritizing management decisions that affect large numbers of waterfowl and other wildlife.

Northern Pintail Satellite Tracking

In a strategic effort to understand how to turn around the decline of one of North America's most celebrated game birds, DU researchers partnered on an ambitious four-year study. Each winter, hen pintails in California, Texas and New Mexico were fitted with satellite transmitters to track their complex migration to prairie Canada, the boreal forest and northern Alaska. One of the most startling findings was that 33 percent of all U.S. pintails depend on wetlands in six key basins of southern Oregon for their spring habitat needs. The hens use these wetlands to gain all their reproductive reserves for successful nesting. Because pintails are early spring migrants and the first ducks to breed on the northern breeding grounds, Oregon's spring migration and staging habitats are vital to their health.

Waterfowl Food-Energy Model

Photo: Oregon Department of Fish and Wildlife

During migration and winter, the North Pacific Flyway supports up to 5 million ducks and geese that must have large amounts of food if they are to survive and return to their breeding grounds in healthy condition. DU researchers have developed a computer model that uses estimates of the number of birds supported in each region of the North Pacific Flyway, the amount of food required by each bird, and the food produced in key wetland types. With this information, DU is able to calculate how much habitat is needed for a given population of birds, and to prioritize protection and restoration goals accordingly (see page 18 for more information).

Ducks Unlimited Canada
Ducks Unlimited Canada Puros Jnc
Canada

2006–2010
Wetlands for Tomorrow Campaign

River alterations, agriculture and urbanization have erased wetland and estuarine habitat and degraded the quality of much that remains in our region, even as growing human populations place increasing demands on the landscape. As a result, waterfowl of the North Pacific Flyway face a historically unnatural risk. Their long-term prosperity depends on wetland food supplies that can support at least 5 million ducks and geese during migration and winter. To that end, DU researchers have developed a model that estimates how much habitat is needed based on the food energy requirements of these birds (see page 17 for more information). At present, we estimate that at least 173,000 acres of wetland habitat must be protected and/or restored across six key initiative areas if we are to meet the needs of waterfowl in the North Pacific Flyway.

Since we opened our Vancouver, Washington, office in 2000, we have achieved 25 percent of our restoration goal by addressing many of the most immediate and accessible opportunities. Securing the remaining acres will require significantly more ambitious efforts and the resources to support them. This work is the focus of our Wetlands for Tomorrow Campaign.

Wetlands for Tomorrow
Ducks Unlimited Delivering Continental Conservation

INITIATIVE AREA*	GOAL (ACRES)	PROGRESS (ACRES)	% ACHIEV
Lower Columbia	56,700	7,800	14%
Puget Sound	24,700	10,136	41 %
Great Basin	29,600	6,100	21%
Klamath and Closed Basins	23,800	11,480	48%
Idaho Panhandle	11,000	4,100	37%
Snake River Plain	28,000	4,570	16%
TOTALS	173,800	44,186	25%

*Note: habitat objectives for the Klamath and Closed Basins largely focus on meeting the needs of migrating mallards, while habitat objectives for the other initiatives reflect the needs of all waterfowl species during migration and winter.

Average restoration cost per acre: $1,000
Remaining acres to restore: 129,614

On average, it costs $1,000 to restore an acre of wetlands. Every private dollar we raise allows us to generate at least six dollars in additional support from foundations and agencies that match these funds. In effect, with private support of about $4.3 million annually, we can safeguard a future for the waterfowl of the North Pacific Flyway in just five years.

Draft Action Agenda Comments - Interes

Wetlands for Tomorrow Campaign

Key Initiative Areas in the North Pacific Flyway

The lower Columbia and Willamette River valleys in western Oregon and southwestern Washington are a winter home for the largest population of greater scaup in the U.S. and crucial fall staging and wintering habitat for northern pintail. The region also supports large numbers of mallards, wigeon, green-winged teal and canvasbacks. Seven subspecies of Canada geese migrate through or winter here. Five species of salmon and steelhead, many of which are federally listed as threatened or endangered, rely on these same floodplain wetlands and estuaries to complete their life cycles.

Puget Sound reaches from Olympia, Washington, to the Canadian border and includes an unusually diverse mosaic of tide flats, estuarine marsh, sloughs, freshwater wetlands and adjacent uplands. This is one of the most important waterfowl wintering regions in the Pacific Flyway, as well as a critical zone for threatened and endangered salmon. About 500,000 ducks and 100,000 geese depend on these coastal habitats during migration and winter. The significance of the area for northern pintails is increasing as continental populations decline. Both lesser and greater scaup occur here as well as large numbers of scoters, oldsquaw Harlequin ducks, Pacific brant, American wigeon, Wrangel Island snow geese and trumpeter swans.

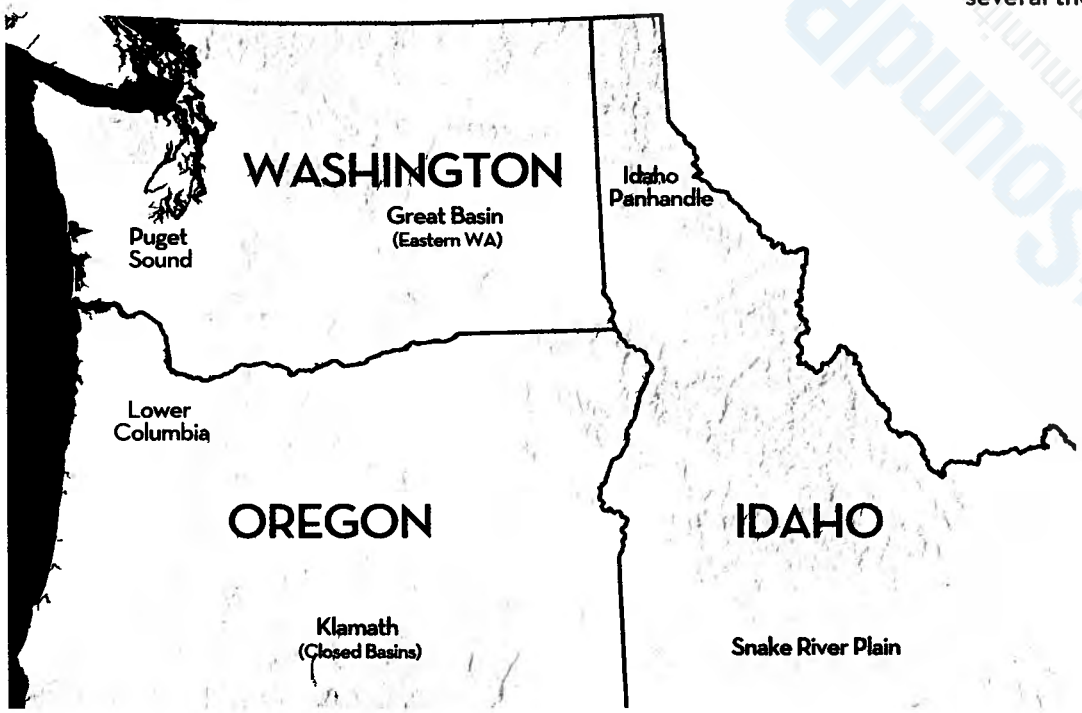
South-central Oregon, particularly Upper and Lower Klamath Basin and the closed basins to the east, is home to tens of thousands of migrating and wintering waterfowl, including sandhill cranes and mallards. Most significantly, the area provides essential spring habitat for one-third of all northern pintails in the U.S. DU researchers have learned that because these early-season migrants reproduce shortly after arrival at their northern breeding grounds, hens that stop in Oregon must secure their reproductive reserves here if they are to nest successfully (see page 17 for more information).

Wetlands in the mountainous part of the region provide habitat for bald eagle, osprey, Canada goose, wood duck, common golden-eye, hooded merganser, puddle ducks, moose, beaver and otter. Much of the central portion of the basin is irrigated with a system of canals that create an interspersion of croplands, wetlands and reservoirs used by nearly 500,000 dabbling ducks and thousands of geese and swans as migration and wintering habitat. Some of the highest density of wetlands in North America can be found in the channeled scablands where waterfowl production is abundant; this area is of great importance to spring migrants like northern pintails.

Wetlands for Tomorrow Campaign | Key Initiative Areas in the North Pacific Flyway

The Panhandle is a unique crossroads of diverse ecological zones fed by melting snow from the Rocky Mountains and containing more than half of all the surface waters in Idaho. Though more than 90 percent of its wetlands have been lost, those that remain are vital migratory stopovers for wetland-dependent birds traveling to and from continentally important breeding areas on the Canadian prairies. In places like the broad valleys of the Kootenai, Pend Oreille and Coeur d'Alene Rivers, wetlands provide habitat for over 200,000 migratory birds, including 60,000 ducks.

Covering about a quarter of Idaho, the Snake River Plain stretches across the southern, semi-arid part of the state where most of its major cities and much of its agricultural land is located. For more than 30 species of Pacific Flyway waterfowl, the region's productive and increasingly rare cattail and tule marshes, spring-fed meadows and backwater sloughs are an important link in the chain of wetlands connecting the Great Basin to the Canadian Prairies. As many as 550,000 ducks, geese and swans migrate through or winter here, including up to 275,000 mallards, 50,000 northern pintails and 20,000 American wigeon. More than 25,000 Canada geese and several thousand snow geese rely on the area.



November 20, 2008

David Dicks
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504
actionagenda@psp.wa.gov

Re: Puget Sound Partnership Draft Action Agenda

Dear David:

Friends of the Earth (FoE) appreciates the opportunity to offer the following comments on the Puget Sound Partnership's Draft Action Agenda. FoE is a public interest, non-profit advocacy organization, whose mission is to defend the environment and champion a just and healthy world. The organization works to stop environmental damage, and to protect human health and the planet. Founded in San Francisco in 1969 by David Brower, Friends of the Earth is the U.S. voice of the world's largest network of grassroots environmental groups, with affiliates in 70 countries and have maintained a Northwest presence for over 30 years.

Our Northwest Consultant, Fred Felleman, was instrumental in developing the 1989 proposal that led to the Congressional designation of the Olympic Coast National Marine Sanctuary in 1994. While his proposal to create a Sanctuary around the San Juan Islands to afford protection to the core area of the southern resident killer whale community he has studied since 1980 failed to come to fruition, it did lead to the creation of the Marine Resource Committees and Northwest Straits Commission. However, the endangered listing of the killer whales and their continued decline clearly indicates more must be done if we hope to save the whales and the Sound that supports them.

We are an active participant in the Puget Sound Environmental Caucus that have submitted many written comments to the Partnership over the past year and a half. In addition we have testified frequently at the Puget Sound Leadership Council and contributed input on the development of the Juan de Fuca Action Area. Our members have submitted over 100 comments regarding the Draft Action Agenda to the docket to date.

The thrust of our previous comments have centered around the need to address the various pollution sources that are associated with Puget Sound being host to major container, oil, cruise ship, Navy, recreational and commercial fishing ports. In addition, we have stressed the importance of prioritizing the protection and restoration of the known forage fish spawning beds as they are critical to the entire food web of Puget Sound. Finally, we led the effort to urge the Port of Seattle to commit to disposing 20,000 cubic yards of PCB-laden

dredge spoils upland instead of dumping them back into Puget Sound as was approved by the U.S. Army Corps of Engineers. We appreciated the Puget Sound Partnership's public comments in support of that effort and have urged that the standards for open water disposal of dredge spoils be reevaluated.

While we are encouraged by the amount of local public interest that has been expressed in this effort and the attention it has received from Congress, we believe the Draft Action Plan still needs strengthening in the areas we have highlighted over the past year and a half.

In this letter we offer specific comments on the Draft Action Area Priorities, recommendations on the indicators selected to track success, and conclude with some specific recommendations on how to best address the increasing volumes of cruise ship discharges into the Sound.

Recommendations on the Draft Action Area Priorities

Strait of Juan de Fuca Action Area – The Plan only lists oil spills as a risk posed to the Strait from marine vessel traffic. Air pollution, invasive species, and noise pollution as well as sewage, hazardous materials and disease introduction need to be included among the risks. No specific actions are listed in the Plan to address threats posed to one of the busiest maritime waterways in North America. The permanent establishment of a year round, multi-mission response tug in Neah Bay needs to be listed in the Area Action Plan, as well as assuring the timely updating of the Department of Ecology's Oil Spill Contingency Plan rule, the implementation of the Northwest Ports Clean Air Strategy, establishment of ballast water treatment protocols, and supporting the monitoring of ambient noise pollution.

South Central Action Area – The Plan lists no localized maritime threats in this area despite it being home to the Ports of Seattle and Tacoma, comprising the third largest Port complex in the U.S., and the world's third largest Naval Complex. The Port of Seattle has plans to double its capacity while the Port of Tacoma hopes to quadruple in the next decade. In addition to the risks posed by maritime trade listed above, a considerable amount of dredging is planned for some of the State's most polluted sediments in order to achieve this enhanced capacity. It is critical that the Partnership call on the multi-agency Dredged Material Management Program (DMMP) to update their open water disposal standards for persistent bioaccumulative toxins such as PCB's and dioxin as soon as possible in order to ensure that the proposed Port development does not result in the re-suspension of these substances that are partially responsible for the decline of our endangered orcas.

In addition, a considerable amount of oil is transferred at these Ports. The Plan should recommend a review of the adequacy of the nearby oil spill response assets. Finally, the current Cruise Ship MOU allows for ships to discharge their treated sewage while at the dock despite the fact that Elliot Bay is already an impaired water body. The MOU needs to be updated this winter so that no discharges are allowed in the 2009 cruise season. The Plan also fails to mention that the Ports are a significant source of the air emissions that contribute significantly to the degradation of the air quality in the region.

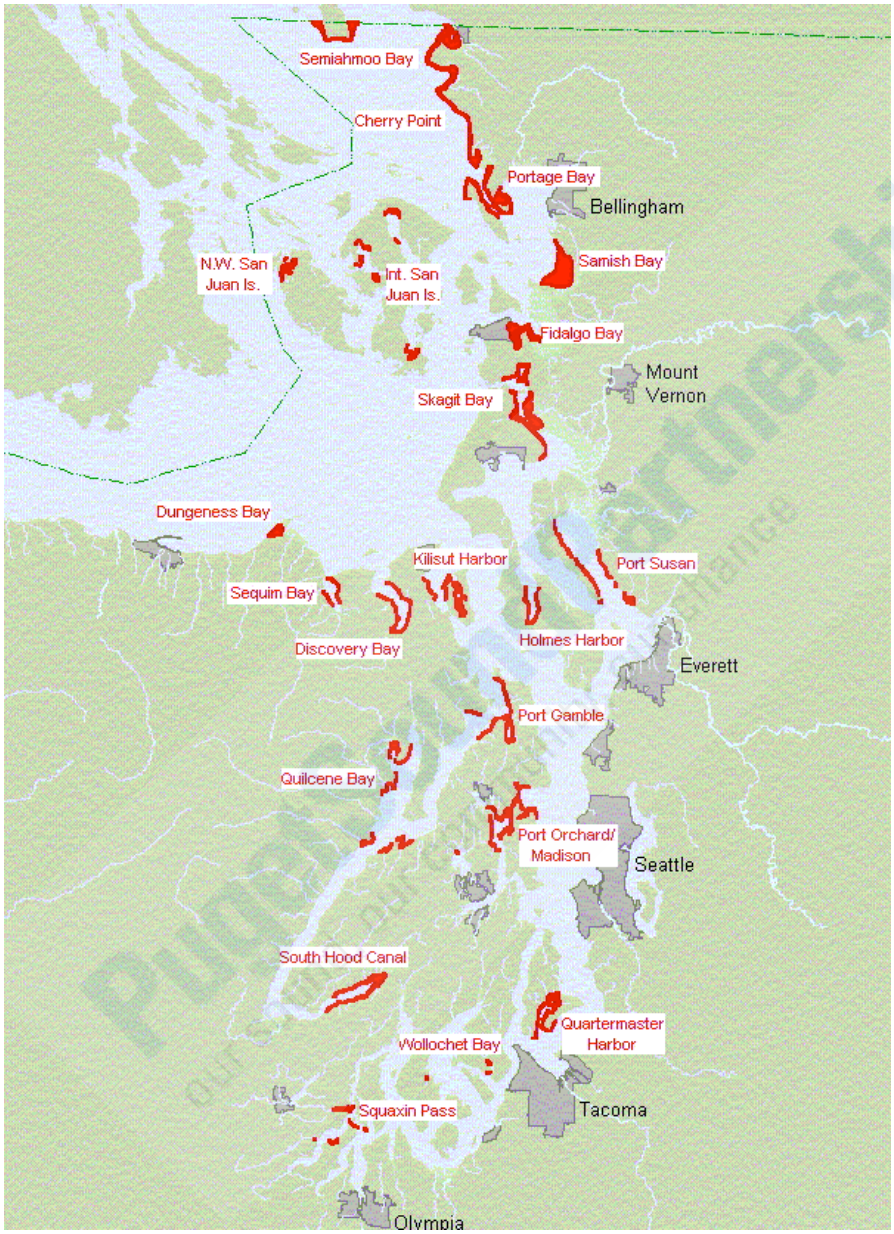
San Juan Action Area – Despite the fact that the San Juan Islands are surrounded by shipping lanes, the Plan does not address the potential for significant oils spills in the San Juan Action Area. Of particular concern is that Canada does not have a tug escort law despite the fact that oil tankers ply the killer whale core area of Haro Strait delivering oil between Vancouver and Victoria. In addition, due to expanded refinery throughput at Cherry Point, Ferndale and Anacortes, oil tankers are increasingly using Haro Strait due to congestion in Rosario Strait. These trends make the Plan's proposed action to "maintain local oil spill response programs" inadequate given that there are no oil skimmers or storage barges stationed in the San Juans. Instead local responders are focused on merely booming the oil and waiting for equipment to cascade from Port Angeles, Victoria, Vancouver, and the refineries. The remote and fragile nature of the San Juans requires that oil spill response capabilities be enhanced in this region, not simply "maintained." This point is underscored findings in a NOAA biological opinion on the population of 83 Southern resident killer whales that oil spills pose one of the largest risks to their continued existence.

South Sound Action Area – No mention is made in the Plan regarding the existence of forage fish spawning beds in this Action Area. Further, similar to the San Juan Action Area, there seems to be no oil spill response equipment stockpiled at the nearby Port of Olympia despite its distance from caches of equipment in the Central Sound.

Whatcom Action Area – The Action Area fails to acknowledge the need to address the significant decline of the herring stock. The Cherry Point herring stock is listed as being "historically significant." The State's once large herring stock (measured at 15,000 tons of spawning biomass in 1973) was equal in size to all 19 Puget Sound stocks combined (see figure) has now been reduced to 2100 tons in 2007. However, the herring still retain its unique spring spawning behavior. This temporal isolation from other Washington and British Columbian herring stocks has resulted in a genetically distinguishable stock. The National Marine Fisheries Service has failed to list the herring under the Endangered Species Act despite their well-documented decline and genetic isolation. The herring spring spawning behavior has also made them more tolerant to warmer water temperatures as compared to other Puget Sound stocks. This temperature tolerance will be of increasing value as sea temperatures are expected to rise. Finally, their unique spawning season is also critical to the migratory behavior of numerous seabirds and Nooksack Chinook.

Even more egregious, the Action Area fails to acknowledge the existence of the State's largest refineries and an aluminum smelter that are among the biggest water pollutant dischargers in the Puget Sound. Consequently there is no recognition of the risks posed by the oil tanker and barge traffic plying the narrowest waters of the Sound or the highest volumes of ballast water exchanged. In addition, neither the U.S. EPA nor the Department of Ecology requires monitoring of the effluent from the inert gas scrubbers that discharge from all tanker vessels. The air quality impacts associated with these industries are also not addressed. Fish spawning downstream of the industrial effluent have increasingly greater larval abnormalities. The Department of Ecology has developed a herring bioassay but has yet to require it as part of the Clean Water Act monitoring for those facilities.

Finally, the Priority Action Area Strategies make no mention of the Department of Natural Resource's (DNR) Cherry Point Aquatic Reserve that was designated over eight years ago but still exists without a management plan. .The Puget Sound Partnership needs to work with the newly elected Public Lands Commissioner to see that a management plan is completed for the Cherry Point Aquatic Reserve in 2009 that addresses efforts to restore the valuable herring stock in this area.



Washington State Department of Fish and Wildlife 2004 Herring Stock Assessment

In addition, efforts need to be made to assure that Tribal Treaty-Reserved Fishing rights are recognized in such designations.

Whidbey Action Area – The frequent occurrence of Gray Whales in Saratoga Passage during the spring should be recognized in the Plan as being unique for this area.

Indicators of Success

The selection of success indicators is one of the most important decisions the Partnership will make because it will determine how the Partnership will measure the success of its efforts. We believe that there are three important improvements to be made to the indicators selected.

Rather than selecting herring to monitor PBDEs, the abundance of the Puget Sound's 19 herring stocks would be a more important measure of the health of the Sound for these historically studied stocks are so critical to the Puget Sound food web.,

The Washington State Department of Fish and Wildlife's 2004 Herring Stock Assessment Report, which is the most current State assessment due to limited funding priorities as a result of the declining fishery, states that

> "[r]ecent genetic studies have suggested that the Cherry Point herring stock is genetically distinct from other Washington and British Columbia stocks (Beacham et al. 2002 and Small et al. 2004). Genetic distinction between other sampled Puget Sound stocks has not been demonstrated (Small et al. 2004). In addition, WDFW assessment survey results indicate stock specific characteristics such as different growth characteristics, distinctive spawning location and timing, and pre-spawner holding area behavior, which continue to support the assumption of stock autonomy for Puget Sound herring (Trumble 1983 and O'Toole 2000). Stock based assessment data are very useful for localized fisheries management issues and plans. The development of long-range plans and resource assessment strategies is dependent on more widespread regional herring abundance trends."

There are herring spawning stocks in every Action Area in the Plan and historical abundance data that makes for a good indicator species. If herring are to be monitored for pollution burden, then PAHs are a more critical parameter to monitor over PDBEs given the documented sensitivity of herring from the Exxon Valdez spill.

We believe that extending the Department of Fish and Wildlife's harbor seal sampling program would be a far preferable species to monitor for pollution burdens in that they are better integrators of regionally specific pollution sources. As long-lived mammals that eat high on the food chain and they are subject to both the bioaccumulative and biomagnifaction burdens similar to human beings. In addition, because they are resident and site tenacious, harbor seals are far better indicators of localized pollution than killer whales and are far easier to sample repeatedly.

A final indicator worthy of monitoring is the flow of oil through our State's waterways. The Washington State Energy Office used to produce the Petroleum Markets Databook that

would track changes in the volumes of oil imported, refined and exported at our State's five refineries. The Western States Petroleum Association lobbied to have the Energy Office moved into the Washington State Extension Program and to discontinue the publication of the Data Book. The Washington State Department of Ecology's spills program is funded by the nickel-per-barrel tax on imported oil. The barrel tax is refunded when the oil is exported from the State. As a result of our State's inability to track the volumes of oil moving through the State, the Spills Program is facing a $40 million shortfall this coming biennium. The Joint Legislative and Review Committee (JLARC) will be publishing a report on this problem early in 2009.

Ship Wastewater's Harm to the Environment

Wastewater discharges pose an acute environmental threat to the Sound. Information from a recently released U.S. EPA report[1] indicates that regulated and unregulated discharges from cruise ships have the potential to harm the marine environment. For example, as demonstrated in greater detail below, the various pathogens and pollutants found in wastewater released into marine waters by cruise ships, even when treated by varying treatment systems, exceed state and federal standards, harm marine resources, and impair recreational opportunities. Although the EPA report specifically applies to cruise ships, other types of ships, such as container, cargo, and tanker, also discharge wastewater.[2] While cruise ships on a per ship basis emit far greater volumes of wastewater effluent, other vessels, due to their vastly overwhelming numbers, collectively contribute significant amounts of wastewater to marine waters as well.

Presently, the best way to adequately protect the resource values of the Sound from harmful effluent contaminants is by completely prohibiting wastewater discharges. EPA's report determined that standard on-board sewage treatment systems (known as marine sanitation devices or "MSDs") fail to adequately treat sewage before discharge,[3] and that more advanced systems (known as advanced wastewater treatment systems or "AWTS") need improvements to become sufficiently protective of the marine environment and public health.

Despite the fact that the Department of Ecology lists Elliot Bay as an area of High Concern due to low dissolved oxygen and very high fecal coliform levels[4] section 2.1.3B of the

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[1] U.S. EPA Cruise Ship Discharge Assessment Report, December 2007, EPA842-R-07-005, available at http://www.epa.gov/owow/oceans/cruise_ships/pdf_disch_assess/cruiseship_discharge_assessment_report.pdf [hereinafter Cruise Ship Report].

[2] Vessel sewage is more concentrated than domestic sewage because facilities on vessels use significantly smaller volumes of water.

[3] Cruise Ship Report, at 2-22, 2-28, 2-29, 2-30, 2-33, 3-19. EPA reported that treated effluent from conventional U.S. Coast Guard-approved Type II MSDs contain concentrations of bacteria, chlorine, nutrients, metals, and other pollutants that often far exceed federal ship effluent performance standards and EPA's 2006 National Recommended Water Quality Criteria (NRWQC). Effluent discharges from MSDs often also exceed secondary treatment standards for land-based domestic sewage.

[4] http://www.ecy.wa.gov/programs/eap/mar_wat/flight_examples.html

current MOU between the Port of Seattle, Ecology and the Northwest Cruise Ship Association allows for treated sewage to be discharged at the dock[5] and only requires Whole Effluent Toxicity (WET) testing every two years from home ported vessels. While the latest MOU prohibits discharges within a half-mile of shellfish beds, this is far closer than the 4 mile discharge ban often cited as a cruise ship best management practice. It is also worthy to note that recent studies of bacteria cultured from the exhalations of our endangered resident orca have revealed the presence of three antibiotic resistant strains suggesting exposure to human waste.[6]

While we appreciate the Partnership's C.1 Near-term Action - "Petitioning EPA to establish Puget Sound as a No Discharge Zone to eliminate bacteria, nutrients and pathogens from being discharged into the Sound," we want to be sure you are aware that the Clean Water Act allows states to petition for a No Discharge Zone for significant waters and does not require the existence of pump-out facilities prior to making such a designation. Furthermore, since the Cruise Ship MOU is updated annually in December, there is an opportunity to act now to reduce one of the largest sources of vessel-based discharges in the Sound before the 2009 cruise season.

Clean Water Act regulations[7] state that, "upon the application of a State, the EPA is to issue a regulation declaring a No Discharge Zone (NDZ) in the waters of concern (i.e., special waters) if the protection and enhancement of the quality of the waters require such a prohibition (i.e., if the waters are found to have particular environmental importance). This environmental importance can include waters located in established sanctuaries, national parks, national wilderness areas and national recreation areas, and in waters used by endangered or threatened species. The State does not have to show that there are reasonably available pump-out or dump stations."

In summary, Friends of the Earth stands ready to work with the Puget Sound Partnership to:

- Amend the Cruise Ship MOU to ban all cruise ship discharges in Puget Sound while waiting for EPA to process a NDZ petition;
- Prioritize the protection and restoration of the State's forage fish spawning beds;
- Complete the Management Plan for the Cherry Point Aquatic Reserve;
- Identify adequate and sustained funding for Plan implementation;
- Work with the legislature to permanently establish a multi-mission response tug in Neah Bay;
- Update the guidance for open water dredge disposal of PCBs; and
- Expand the indicator species to include forage fish abundance and harbor seal toxics loading.

[5] http://www.ecy.wa.gov/Programs/wq/wastewater/cruise_mou/FINALamendment4MOU051908.pdf

[6] http://www.grrescue.org/Research%20library%20files/IAAAMKillerwhaleandenvcultures.jpg

[7] 40 CFR Part 140.4(b) entitled "Complete prohibition."

Finally, while the restoration of the Elwha River salmon runs has been a federal activity we urge the Partnership's expression of support for the largest salmon recovery effort on the west coast that is located within the core area of our endangered orcas.

Thank you on behalf of everything from eelgrass to orcas for your hard work to develop a Draft Action Agenda to protect and restore Puget Sound to health by 2020.

Sincerely,

FF

Fred Felleman, MSc.
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Friends of the Earth
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Seattle, Washington 98117

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Clean Vessels Campaign
Friends of the Earth
311 California Street, Ste 510
San Francisco, CA 94104

PugetSoundPartnership
our sound, our community, our chance

From: Fred Felleman, Friends of the Earth

Comment: One of the most important decisions is the indicators that are chosen. These are things that you are going to commit to over the long haul. This is what we can grade you against and more work needs to be done on the selection. It's hard to understand why we would use herring for the indicator of toxics in the food chain. A fish so low on the food chain is not representative of what people are eating. It's the higher order mammals that are affected more. I suggest that you use harbor seals. We also have more data on them in regards to PCBs and PBDEs. Smith Island is north Sound – Cherry Point, Bellingham Bay are not representing in. WDFW has been looking to expand harbor seal work. Herring are critical to measure as biomass. Use an indicator that uses human health.

Another indices you could use is the number of vessel incidents over time - the Coast Guard and Department of Ecology already measuring and data are already collected.

Department of Ecology's spills program is $40 million in the hole. The problem with the way the ECY spills program is funded is that its funds come from the barrel tax which only charges on the way in. We're exposing ourselves to oil but don't have the money to fund the spill program. We have to know how these fluids move through the state. We have the ability but we're not asking to do it. We have one of the top 10 load centers in North America. We have to be cognizant of the way the fluids move to figure out the risk. This is a risk indicator.

Another indicator is industrial discharge and bioassays by herring beds. Refineries in Bellingham are not mentioned in the Action Agenda. Cherry Point needs a management plan. We have a huge opportunity to look at Green Ports initiative. We need to know that sediments are clean in the Port of Tacoma development. We can also use the Ports Clean Air Strategy to our benefit.

We need all options to keep the tug in Neah Bay. We should not be looking at funding but regulatory authority to keep the fund. Neah Bay is the most exposed area with the least protection and the most traffic.

In Elliot Bay it seems odd that we have cruise ships allowed to discharge at the docks. They say they dilute it so that it's ok but we should not let them do it at the dock.

Puget Sound Partnership
our sound, our community, our future

futurewise
Building communities
Protecting the land

November 20, 2008

Mr. Bill Ruckelshaus, Chair
Leadership Council
Puget Sound Partnership
PO Box 40900
Olympia, Washington 98504-0900

Dear Chair Ruckelshaus and Members of the Leadership Council:

Subject: Support for adoption and Implementation of the Action Agenda and recommended measures to strengthen the Action Agenda

Thank you for the opportunity to comment on the draft Action Agenda. Futurewise is a statewide public interest group. Our mission is to promote healthy communities and cities while protecting working farms, forests and shorelines for this and future generations. We have members across Washington State, including all of the Puget Sound counties.

Futurewise strongly supports the Action Agenda. We agree with the Puget Sound Partnership that the window of opportunity is now. We agree that Puget Sound is in trouble and that we need to act effectively right now to recover the sound. We also agree with the four strategic areas in the Action Agenda. We urge the Puget Sound Partnership to adopt and quickly and effectively implement the agenda with the improvements recommended by the environmental community. We look forward to advocating in support of the Action Agency before the State Legislature, state agencies, as well as Puget Sound counties and cities.

Futurewise is a member of the Puget Sound Environmental Caucus, of a coalition of environmental and conservation groups that have submitted a joint letter supporting the draft Action Agenda and suggesting improvements. We write separately to address land use related issues, one of our mission focuses.

Include near-term actions to implement A.2.2.6 and A.2.2.7, increased densities in cities and towns (See pages 9 and 10 of the Draft Action Agenda).

We agree that maintaining appropriate densities on rural and natural resource lands, such as working farms and forests, and increasing densities in urban growth areas are essential measures for protecting Puget Sound. The 2009 Legislature is likely to see significant action on the issue of encouraging increased densities in urban growth areas. For example, the Land Use & Climate Change Advisory Committee and the Climate Action Team's Transportation Implementation Working Group are recommending that

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the Washington State Legislature provide significant incentives for increased urban densities and planning for increased densities around transit stations along with multi-modal concurrency measures.[1] Making incentives and requirements for increased urban densities a Near-term Action will allow the Partnership to capitalize on the growing momentum. We recommend the following additional Near-term Action to be added to A.2 on pages 9 and 10 of the draft Action Agenda.

8 Support amendments to the Growth Management Act and other statutes to provide incentives and requirements for increased densities and transit-oriented development within urban growth areas.

Include additional measures to focus growth into existing cities and towns

The Action Agenda correctly recognizes that the protection and recovery of Puget Sound relies on updating and implementing regulatory programs related to growth management and shoreline protection. There are several key decisions that commit areas to either development or protection. One of the most important of these decisions is designating urban growth areas. Urban growth areas are the lands designated for intense residential, commercial, and industrial development. The partnership has correctly determined that focusing growth within existing cities and towns is one of the keys to preventing further degradation of Puget Sound. Decisions on where urban growth areas are located and expanded and where fully contained communities are located will be key to protecting Puget Sound. When deciding whether to locate or expand urban growth areas, counties and cities should take into account the impact of urban growth areas and fully contained communities on Puget Sound and whether the expansions will increase impervious surfaces above ten percent and decrease forest cover below 65 percent. Research by the University of Washington in the Puget Sound lowlands has shown that when total impervious surfaces exceed five to 10 percent and forest cover declines below 65 percent of the basin, then salmon habitat in streams and rivers is adversely affected.[2] Maintaining low levels of impervious surfaces and maintaining forest cover is also necessary to protect Puget Sound.[3] Urban growth areas, urban growth area expansions, and fully contained communities should also include measures to minimize their impacts on Puget Sound.

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[1] See the Land Use & Climate Change Advisory Committee Meeting Summary for October 17, 2008 available at: http://www.ecy.wa.gov/climatechange/growthmgt.htm and Transportation Implementation Working Group Final Report on November 5, 2008 available at: http://www.ecy.wa.gov/climatechange/2008CATdocs/IWG/tran/110508_transportation_iwg_final_report.pdf.

[2] Christopher W. May, Richard R. Horner, James R. Karr, Brian W. Mar, Eugene B. Welch, *The Cumulative Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion* p. 17 (University of Washington, Seattle Washington). A copy of this report is enclosed with this letter.

[3] Stuart Glasoe, Harriet Beale, Marina Alberti , Marcie Bidwell, Aimee Christy, & Christopher May, *New Approaches to Shellfish Protection in Puget Sound* proceedings of the 2005 Puget Sound Georgia Basin Research Conference. Downloaded on November 21, 2005 at: http://www.engr.washington.edu/epp/psgb/2005proceedings/papers/A8_GLASO.pdf

We agree with and strongly support the other measures included under A.2.2, especially the proposal to work with FEMA and local governments to prevent further residential, commercial, and industrial development within flood plains. We also recommend that urban growth areas not be located or expanded into flood plains. This will protect important fish habitat and Puget Sound and minimize hazards to people and property.

We recommend the following additions to A.2.2 on page 9 of the draft Action Agenda to better carryout our recommendations. Our additions are double underlined.

A.2.2 *Update and implement regulatory programs related to growth and shoreline protection to increase levels of protection while increasing density in urban areas.*

….

A.2.2.8 Amend the Growth Management Act to prohibit urban growth areas, fully contained communities, and urban growth area expansions that will adversely affect Puget Sound and its tributaries. These include expansions into flood plains and basins or subbasins where impervious surfaces are less than ten percent or where forest cover would be reduced below 65 percent.

A.2.2.9 Counties authorizing new urban growth areas, urban growth area expansions, and fully contained communities shall prepare and implement measures to minimize the adverse effects of urban expansion on Puget Sound and its tributaries.

Address the problems created by Washington's vested rights doctrine

The Action Plan includes many important measures to protect Puget Sound. Unfortunately many of these measures will be undermined by Washington's early vesting and its permanent vesting of short subdivisions.[4] Washington's vesting rules are followed by only a minority of the states. We recommend that the Puget Sound Partnership work with interested groups to propose legislation to reform Washington's vested rights doctrine. We recommend the following addition to A.2.2 on page 9 of the draft Action Agenda to better carryout our recommendation. Our additions are double underlined.

A.2.2 *Update and implement regulatory programs related to growth and shoreline protection to increase levels of protection while increasing density in urban areas.*

….

[4] *See for example Westside Business Park, LLC v. Pierce County*, 100 Wn. App. 599, 609, 5 P.3d 713, 719 (2000) (a "bare bones" application vested the developer's right to have the development comply with the storm water drainage ordinance in effect at the time of its application for short plat approval and not the current requirements).

A.2.2.10 Convene interested members of the public, organizations, local governments, and state agencies to prepare and advocate for legislation to reform the vested rights doctrine to adequately protect permit applicants and Puget Sound.

Increase protection for working farms and forests

The Washington State Supreme Court has held that "[w]hen read together, RCW 36.70A.020(8), .060(1), and .170 evidence a legislative mandate for the conservation of agricultural land."[5] A similar imperative to protect forest land also exists in the Growth Management Act.[6] Unfortunately, the Growth Management Act requires strengthening to adequately protect working farms and forests from de-designation for residential and commercial development. Despite the legislative mandate there continues to be a serious loss of working farms and working forests. For example, between 1997 and 2004, Washington State lost 252 acres of farm land every day.[7]

The Action Agenda correctly identifies the protection of working farms and forests as essential to protect Puget Sound. The Action Agenda strategic direction to reduce land conversion will not be achieved without strengthening the Growth Management Act standards for designating and de-designating agricultural lands and forest lands of long-term commercial significance.

Proposed A.4.3.1 on page 12 calls for an amendment to the Growth Management Act (GMA) to authorize farm-related business activities to be conducted on designated agricultural lands. The GMA already allows for farm related businesses on agricultural lands of long-term commercial significance. RCW 36.70A.177(3)(b) provides in full that:

> (b) Accessory uses may include:
>
> > (i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

[5] *King County v. Central Puget Sound Growth Management Hearings Bd.*, 142 Wn.2d 543, 562, 14 P.3d 133, 143 (2000).
[6] *Forster Woods Homeowners' Association et al. v. King County*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 01-3-0008c, Final Decision and Order (November 6, 2001), at 12 of 27; *Town of Friday Harbor, Fred R. Klein, John M. Campbell, Lynn Bahrych, et al. v. San Juan County*, Western Washington Growth Management Hearings Board (WWGMHB) Case No. 00-2-0062c, Order on Compliance and Invalidity Re: Resource Lands Redesignation (March 28, 2002), at 3 of 7.
[7] USDA National Agricultural Statistics Service, *2002 Census Of Agriculture - State Data: Washington State and County Data Volume 1, Geographic Area Series Part 47* p. 6 (AC-02-A-47 June 2004) available from: http://www.nass.usda.gov/census/census02/volume1/wa/WAVolume104.pdf

> (ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

Please note that the size limits in RCW 36.70A.177(3)(b)(ii) only apply to non-agricultural accessory uses. They do not apply to the agricultural accessory uses authorized by RCW 36.70A.177(3)(b)(i), which are broadly defined to include a wide variety of farm-related businesses including value added farm product manufacturing. It may be that some local governments need technical assistance to understand that farm-related businesses activities can be allowed, but the Growth Management Act does not need to be amended to permit them.

To carryout these strategic directions we recommend the following revisions to A.4.3 and A.4.4 on pages 12 and 13 of the draft Action Agenda. Our additions are double underlined and our deletions are double struck through.

A.4.3 *Support economically viable farms and agriculture that are protective of watershed health and reduce land conversion.*

A.4.3.1 Expand programs that support the economic viability of farms in Puget Sound. This could include expanding cooperative marketing programs such as Puget Sound Fresh to bring locally-grown food to Puget Sound markets; provide technical assistance to counties and cities ~~amending GMA~~ to authorize farm-related business activities which the GMA allows to be conducted on designated agricultural lands; and supporting the State Farmland Legacy Program, and related activities and groups working to preserve Puget Sound farmland (e.g., Future of Agriculture Initiative and Skagitonians to Preserve Farmland).

….

A.4.3.4 Amend the GMA to better protect working farms and to reduce the de-designation and conversion of agricultural lands of long-term commercial significance to non-agricultural uses.

….

A.4.4 *Promote economically viable working forests that are protective of watershed health and reduce forest conversion.*

….

A.4.4.4 Amend the GMA to better protect working forests and to reduce the de-designation and conversion of forest lands of long-term commercial significance to non-forestry uses.

Thank you for considering our comments. If you require additional information please contact Tim Trohimovich at telephone 206-343-0681 or e-mail tim@futurewise.org

Sincerely,

Dan Cantrell
Executive Director

Enclosure

PugetSoundPartnership
our sound, our community, our chance

THE CUMULATIVE EFFECTS OF URBANIZATION ON SMALL STREAMS IN THE PUGET SOUND LOWLAND ECOREGION

Christopher W. May
Richard R. Horner
James R. Karr
Brian W. Mar
Eugene B. Welch

University of Washington
Seattle Washington

BACKGROUND

The Pacific Northwest (PNW), like many areas of North America, is experiencing an increase in urban development that is rapidly expanding into areas containing much of the remaining natural aquatic ecosystems. In the Puget Sound lowland (PSL) ecoregion, the natural resources most directly affected by the current pattern of watershed land use, are small streams and associated wetlands. These stream ecosystems are critical spawning and rearing habitat for several species of native salmonids (both resident and anadromous) including cutthroat trout (*Oncorhynchus clarki*), steelhead trout (*O. mykiss*), coho salmon (*O. kisutch*), chum salmon (*O. keta*), chinook salmon (*O. tshawytscha*), pink salmon (*O. gorbuscha*), and sockeye salmon (*O. nerka*). These fish, especially the salmon species, hold great ecological, cultural, and socio-economic value to the peoples of the PNW. Despite this value, the wild salmonid resource is in considerable jeopardy of being lost to future generations (Figure 1). Over the past century, salmon have disappeared from about 40% of their historical range and many of the remaining populations (especially in urbanizing areas) are severely depressed (Nehlsen et al. 1991). There is no one reason for this decline. The cumulative effects of land-use practices including timber-harvest, agriculture, and urbanization have all contributed significantly to this widely publicized "salmon-crisis".

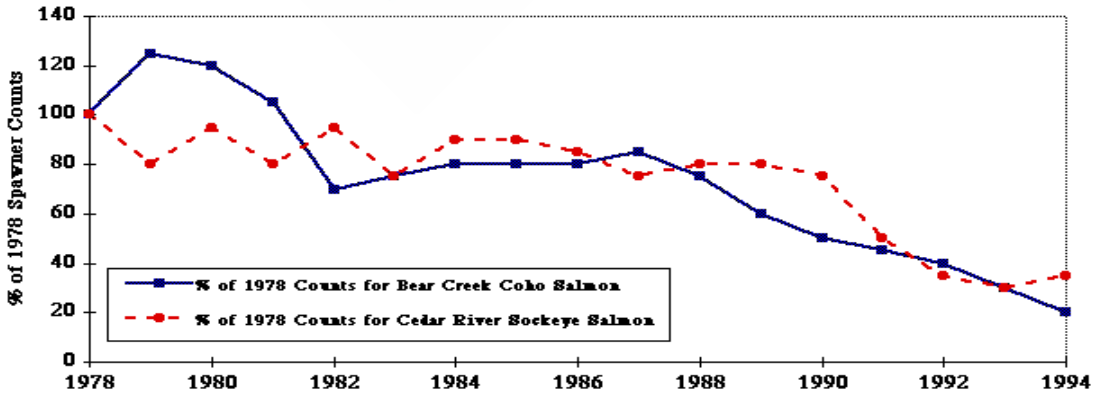

Figure 1: Representative data showing the decline in salmon stocks in the Puget Sound lowland (PSL) region u**sing 1978 as the base year** for spawner counts (Washington State Department of Fisheries data).

The effects of watershed urbanization on streams are well-documented (Leopold 1968; Hammer 1972; Hollis 1975; Klein 1979; Arnold et al. 1982; Booth 1991) and include extensive changes in basin hydrologic regime, channel morphologic features, and physio-chemical water quality. The cumulative effects of these alterations has produced an instream habitat structure that is significantly different from that in which salmonids and associated fauna have evolved. In addition, development pressure has a negative impact on riparian forests and wetlands that are essential to natural stream functioning. Considerable evidence of these effects exists from studies of urban streams in the PNW (Perkins 1982; Richey 1982; Steward 1983; Scott et al. 1986; Booth 1990; Booth and Reinelt 1993; Taylor 1993). Nevertheless, most previous work has fallen short of establishing cause-effect relationships among physical and chemical variables resulting from urbanization and the response of aquatic biota.

The most obvious manifestation of urban development is the increase in impervious cover and the corresponding loss of natural vegetation. Land clearing, soil compaction, riparian corridor encroachment, and modifications to the surface water drainage network all typically accompany urbanization. Watershed urbanization is most often quantified in terms of the proportion of basin area covered by impervious surfaces (Schueler 1994; Arnold and Gibbons 1996). Although impervious surfaces themselves do not generate pollution, they are the major contributor to the change in basin hydrologic regime that drives many of the physical changes affecting urban streams. Basin imperviousness and runoff are directly related (Schueler 1994). The two most common measures of imperviousness are total impervious area (%TIA) and effective impervious area (%EIA). The distinction between the two lies in the linkage between the impervious surface and the drainage network. Effective impervious surfaces are those which are directly connected to the surface drainage system. Total and effective basin impervious fractions are typically proportional to each other (Alley and Veenhuis 1983; Beyerlein 1996). In previous studies, an impervious level (%TIA) of about 10% has been identified as the level at which stream ecosystem impairment begins (Klein 1979; Steedman 1988; Schueler 1992; Booth and Reinelt 1993). Recent studies also suggest that this potential threshold may apply to wetlands as well (Reinelt and Horner 1991; Taylor 1993; Horner et al. 1996).

STUDY DESIGN

A key objective of the Puget Sound lowland (PSL) stream study was to identify the linkages between landscape-level conditions and instream environmental factors, including defining the functional relationships between watershed modifications and aquatic biota. The goal was to provide a set of stream quality indices for local resource managers to use in managing urban streams and minimizing resource degradation due to development pressures. In this scenario, there would be a reasonable expectation that a goal of maintaining given populations or communities of organisms (native salmonids) at a specified level could be met by sustaining a certain set of habitat characteristics, which in turn depend on an established group of watershed conditions. A part of this overall objective was to

identify any thresholds of watershed urbanization as related to instream salmonid habitat and aquatic biota. The study was designed to establish the linkages between landscape-level conditions, instream habitat characteristics, and biotic integrity. A conceptual model of this design is illustrated below:

Watershed and Riparian => **Characteristics**	**Instream Habitat** => **Conditions**	**Aquatic Biota**

A sub-set (22) of small-stream watersheds was chosen to represent a range of development levels from relatively undeveloped (reference) to highly urbanized (Figure 2). Total impervious surface area (% TIA), because of its integrative nature, was used as the primary measure of watershed urbanization. The attributes of the stream catchments were established using standard watershed analysis methods including geographic information system (GIS) data, aerial photographs, basin plans, and field-surveys. Impervious surface coverage, riparian integrity, instream physical habitat characteristics, chemical water-quality constituents, and aquatic biota were analyzed on both watershed and stream-segment scales. Discharge was continuously monitored by local agencies on ten of the study streams. Chemical water-quality monitoring (baseflow and storm events) was conducted at 23 sites on 19 of the study streams. Biological sampling (macroinvertebrates) was performed in 31 reaches on 21 of the study streams. Extensive surveys of instream physical habitat and riparian zone characteristics were made on 120 stream-segments on all 22 PSL streams, each representing local physiographic, morphologic, and sub-basin land use conditions from the headwaters to the mouth of each stream. Salmonid abundance data were obtained from public, private, and tribal sources.

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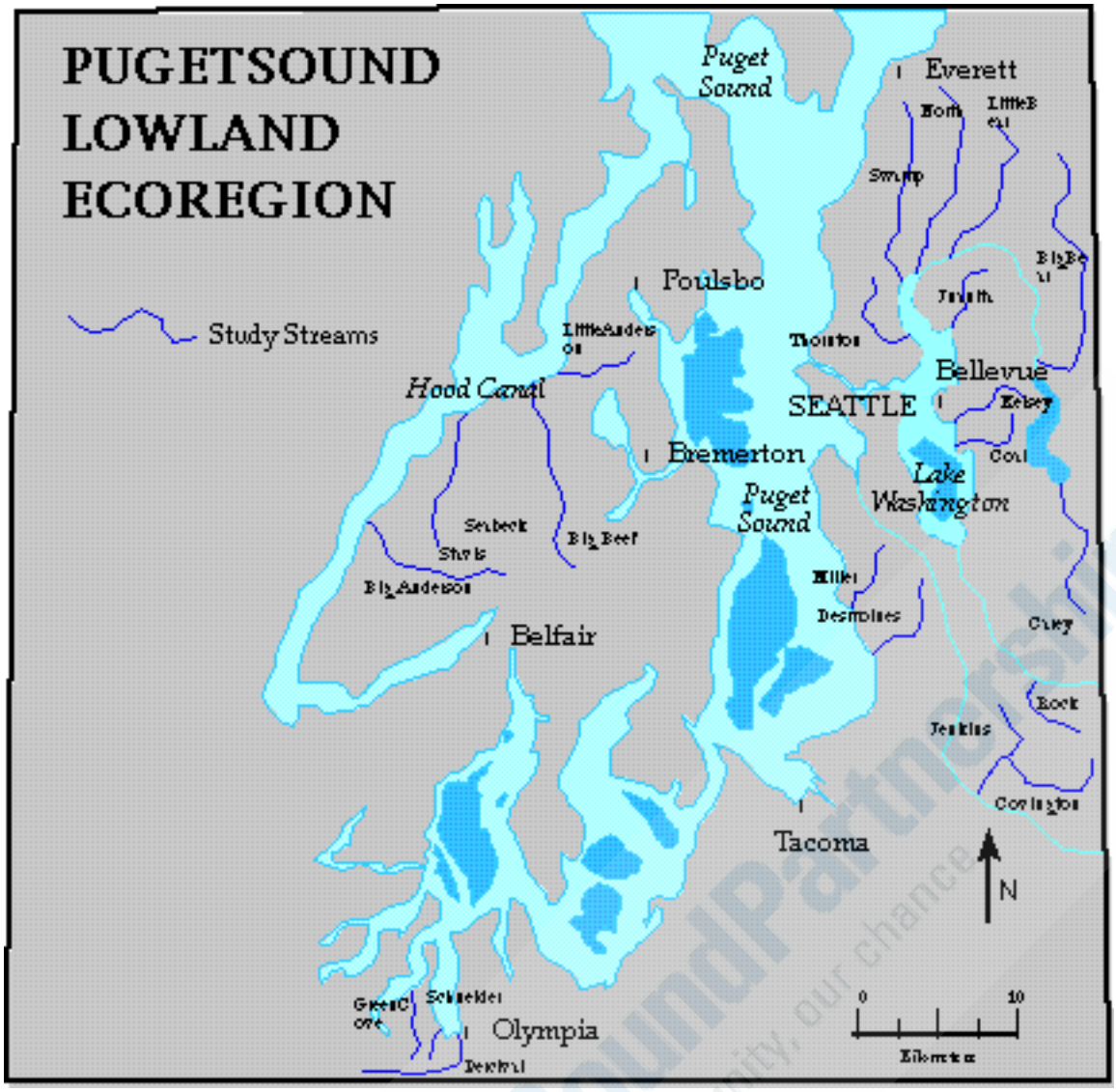

Figure 2: Puget Sound Lowland (PSL) Ecoregion

All streams were third-order or smaller, ranging in basin area from 3 to 90 km2, with headwater elevations less than 150 meters. Stream gradients were less than 3.5% (most were < 2%). The study watersheds represented the two general types of geologic and soil conditions found in the Puget Sound region. The underlying geology and soil types are mainly a result of the last glacial period (15,000 years ago). All but three of the watersheds were dominated by poorly-drained glacial till soils, with the remaining basins dominated by glacial outwash soil types (moderately well-drained). In the undisturbed, natural forested condition, PSL catchments are capable of providing adequate natural precipitation storage in the surficial "forest-duff" layer with little runoff resulting. Therefore, in natural PSL watersheds a subsurface flow hydrologic regime dominates. Development typically strips away this absorbent forest soil layer and compacts the underlying soil and exposes the underlying till layer. Also lost is a significant amount of interception storage as well as evapo-transpiration potential provided by the regionally dominant coniferous forest. The typical suburban development in the PNW has been estimated to have roughly 90% less storage capacity than under naturally forested conditions (Wigmosta

et al. 1994). The latest (1990) stormwater mitigation and best-management practices (BMPs) have the potential to recover only about 25% of the original storage capacity (Barker et al. 1991). Because these standards affected very little new development that occurred between 1990 and the start of this study in 1994, the basin conditions observed largely reflected the pre-1990 situation with little effective stormwater control present. Therefore, no significant conclusions could be drawn about the effectiveness of current stormwater controls (BMPs) and regulations during this research.

RESULTS AND DISCUSSION

Watershed Conditions

Watershed imperviousness ranged from undeveloped (%TIA < 5%) to highly urbanized (%TIA > 45%). Imperviousness (%TIA) was the primary measure of watershed development; however, other measures of urbanization were investigated. Calculating impervious surface area can be costly, especially if computerized methods like GIS are utilized. In addition, the land-use data required for calculation of %TIA may be unavailable or inaccurate. As part of this study, a low-cost alternative to imperviousness was also investigated. Analysis demonstrated that the relationships to be discussed were very similar if development is alternatively expressed as road-density (Figure 3). This is especially relevant in that the transportation component of imperviousness often exceeds the "rooftop" component in many land-use categories (Schueler 1994). A recent study in the Puget Sound region has shown that the transportation component typical accounts for over 60% of basin imperviousness in suburban areas (City of Olympia 1994).

Watershed urbanization results in significant changes in basin hydrologic regime (Leopold 1968; Hollis 1975; Booth 1991). This was confirmed for streams in the PSL study. The ratio of modeled 2-year stormflow to mean winter baseflow (Cooper 1996), was used as an indicator of development-induced hydrologic fluctuation (Figure 4). This discharge ratio is proportional to the relative stream power, and thus is representative of the hydrologic stress on instream habitats and biota exerted by stormflow relative to baseflow conditions. The modified basin hydrologic regime was found to be one of the most influential changes resulting from watershed urbanization in the PSL region.

In addition to an increase in basin imperviousness and the resulting stormwater runoff, urbanization also affects watershed drainage-density (km of stream per km2 of basin area). This was first investigated by Graf (1977). Natural, pre-development drainage-density (DD) was calculated using historic topographic maps. This was compared to the current, urbanized DD which included both the loss of natural stream channels (mostly first-order and ephemeral channels lost to grading or construction) and the increase in artificial "channels" due to road-crossings and stormwater outfalls. The ratio of urban to natural DD was used as an indicator of urban impact (Figure 5).

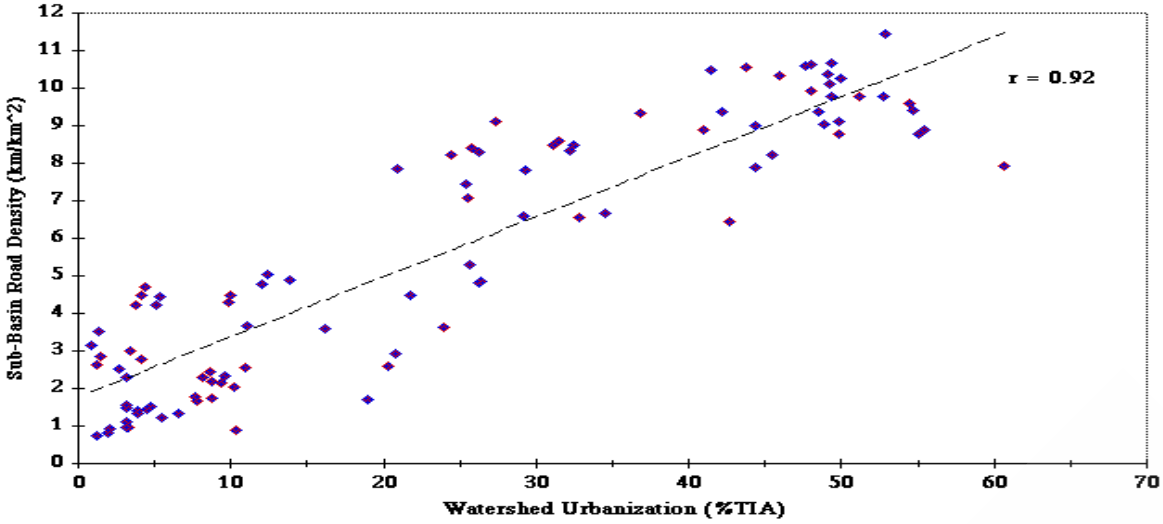

Figure 3: Relationship between urbanization (%TIA) and sub-basin road-density in Puget So**und lowland (PSL) streams.**

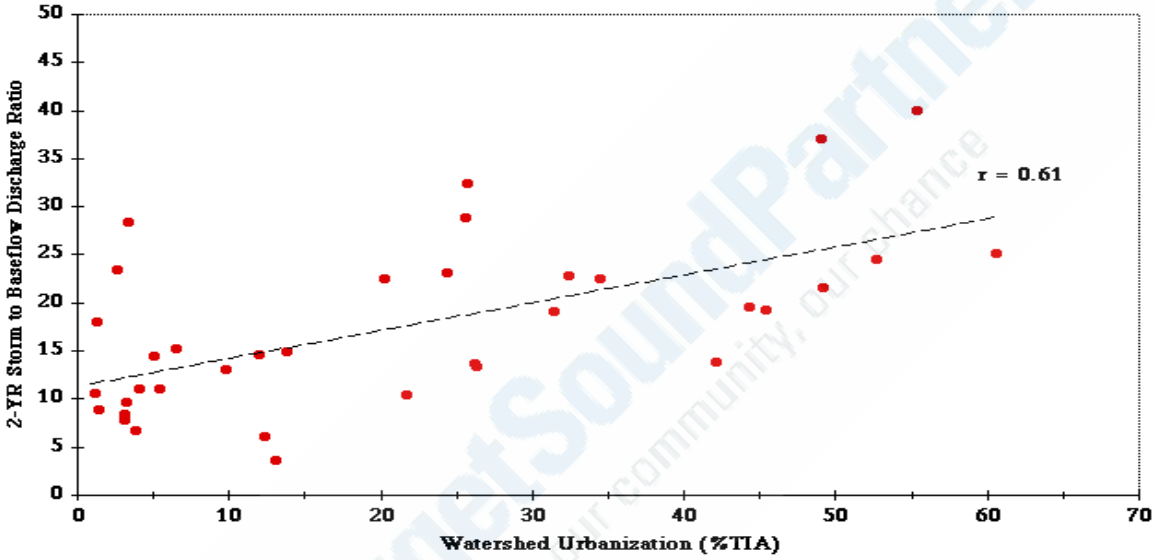

Figure 4: Change in basin hydrologic regime with urbanization in Puget Sound lowland (PSL) streams as indicated by the ratio of 2- **year stormflow to winter baseflow.**

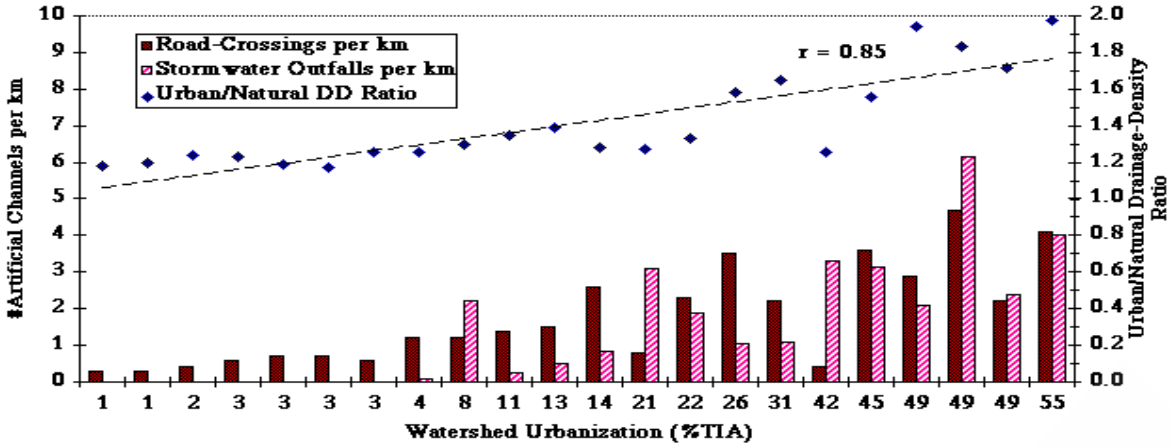

Figure 5: Change in watershed drainage-density (DD) due to the effects of urbanization on the stream channel network.

Riparian Conditions

The natural riparian corridors along PNW streams are among the most diverse, dynamic, and complex ecosystems in the region. Natural riparian integrity in the PNW is characterized by wide buffers, a near-continuous corridor, and mature, coniferous forest as the dominant vegetation. Riparian corridors are key landscape features with significant regulatory control on environmental conditions in stream ecosystems (Naiman 1992). The extent of the riparian zone, the level of control that the riparian forest exerts on the stream environment, and the diversity of functional attributes are mainly determined by the size of the stream and the longitudinal position within the drainage network (Naiman et al. 1993). Well developed, morphologically complex floodplains are often an integral part of riparian corridors in PNW streams and rivers (Naiman 1992). The riparian corridor is frequently disturbed by flooding events, creating a naturally complex landscape. Ecological diversity in riparian zones is maintained by the natural disturbance regime (Naiman et al. 1993).

Not surprisingly, riparian conditions were also strongly influenced by the level of development in the surrounding landscape. The impact of development activities on riparian corridors can vary widely depending on the type and intensity of land-use, the degree of disturbance to streamside vegetation, and the residual integrity of the riparian zone. Under past land-use practices, increased development has led to a loss of riparian buffer width, a fragmentation of the riparian corridor, and an overall degradation in riparian quality. In general, until recently (1993), development regulations in the PNW did not specifically address riparian buffer requirements. Sensitive area ordinances, now in effect in most local municipalities, typically require riparian buffers of 30-50 meters (100-150 feet) in width. These recently adopted regulations had little influence on the urbanized streams in the PSL study. In general, wide riparian buffers were found only in undeveloped or rural stream watersheds (Figure 6). The actual size of riparian buffer needed to protect the ecological integrity of the stream system is difficult to establish (Schueler 1995). In most cases, minimum buffer width "required" depends on the resource or beneficial use of interest and the quality of the existing riparian vegetation (Castelle et al. 1994).

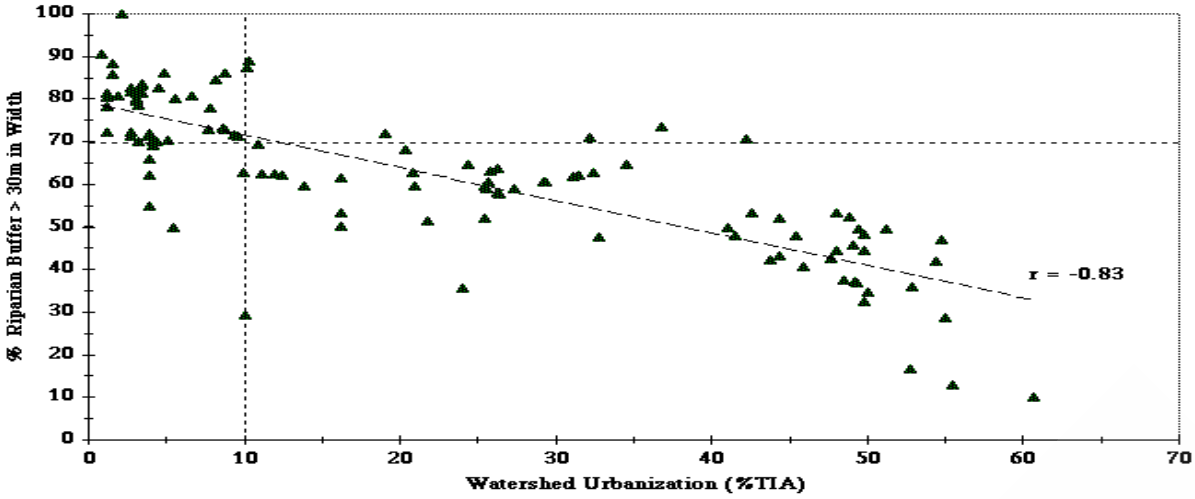

Figure 6: Relationship between riparian buffer width and basin **urbanization (%TIA) in Puget Sound lowland (PSL) streams.**

Encroachment into the riparian buffer zone is pervasive, continuous, and extremely difficult to control. At the same time, riparian forests and wetlands, if maintained, appear to have a significant capacity to mitigate some of the adverse effects of development. A buffer width of less than 10 meters is generally considered functionally ineffective (Castelle et al., 1994). The fraction of riparian buffer less than 10 meters in width was used as a measure of riparian zone encroachment. In general, only streams in natural, undeveloped basins (%TIA < 10%) had less than 10% of their buffer in a non-functional condition. As watershed urbanization (%TIA) increased, riparian buffer encroachment also increased proportionally. The most highly urbanized streams (%TIA > 40%) in this study, generally had a large portion (upwards of 40%) of their buffers in a non-functional condition.

The longitudinal continuity or connectivity of the riparian corridor is at least as important as the lateral riparian buffer width. A near-continuous riparian zone is the typical natural condition in the PNW (Naiman 1992). Fragmentation of the riparian corridor in urban watersheds can come from a variety of human impacts; the most common and potentially damaging being road crossings. In the PSL stream study, the number of stream crossings (roads, trails, and utilities) increased in proportion to basin development intensity. All but one undeveloped stream (%TIA < 10%) had, on average, less than one riparian break per km of stream. Of the highly urbanized streams (%TIA > 40%), all but one had greater than two breaks per kilometer. Based on current development patterns in the PSL, only rural land use consistently maintained breaks in the riparian corridor to < 2 per kilometer of stream length. In general, the more fragmented and asymmetrical the buffer, the wider it needs to be to perform the desired functions (Barton et al. 1985).

The riparian zone was also examined on a qualitative basis. Mature forest, young forest, and riparian wetlands were considered "natural" as opposed to residential or commercial development. From an ecological perspective, mature forest or riparian wetlands are the two most ecologically functional riparian conditions in the PNW (Gregory et al. 1991). In the 22 PSL streams, riparian maturity was also found to be strongly influenced by watershed development. Only the natural streams (%TIA < 5%) had a

substantial portion of their riparian corridor as mature forest (40% or greater), while urban streams consistently had little mature riparian area (Figure 7). In addition, none of the urbanized PSL streams retained more than 25% of their natural floodplain area.

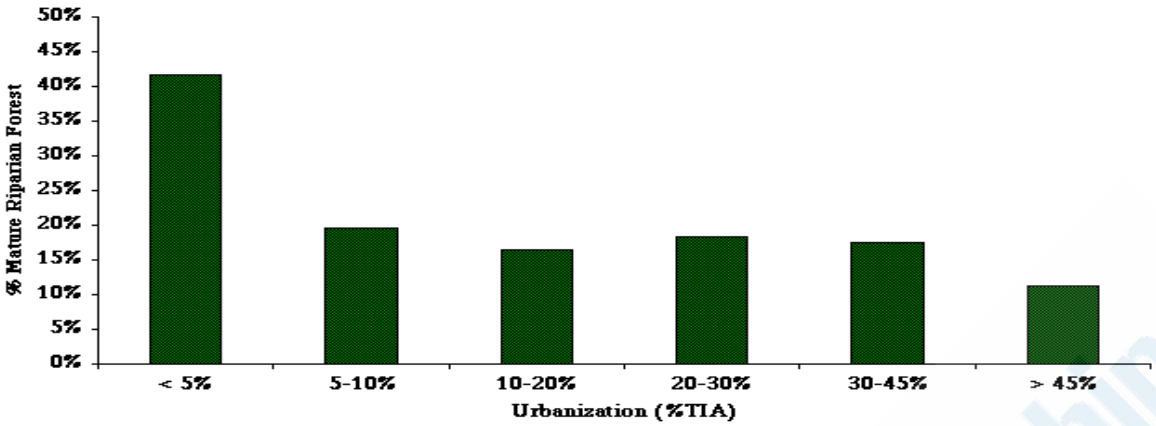

Figure 7 : Relationship between watershed urbanization (%TIA) and riparian quality (maturity) in Puget Sound lowland (PSL) streams.

Chemical Water Quality

Chemical water quality constituents were monitored under baseflow and stormflow conditions. Baseflow conductivity (µS/cm) was found to be strongly related to the level of basin development (Figure 8). Coal Creek was a confirmed outlier due to the residual effects of historic coal-mining in its headwaters. While conductivity is a non-specific chemical parameter, it is a surrogate for total dissolved solids and alkalinity, and an excellent indicator of the cumulative effects of urbanization (Olthof 1994). Storm event mean concentrations (EMC) of several chemical constituents were found to be related to both storm size (magnitude and intensity) and basin imperviousness (Bryant 1995). However, water quality criteria were rarely violated except in the most highly urbanized watersheds (%TIA > 45%). Figure 8 shows total zinc (TZn) as a representative storm EMC. Total phosphorus (TP) and total suspended solids (TSS) also showed similar relationships. Sediment zinc and lead also indicated a relationship with urbanization, again showing the highest concentrations in the most developed basins, although all were still below sediment quality guidelines. As with other recent studies (Bannerman et al. 1993; Pitt et al. 1995), these findings indicate that chemical water quality of urban streams is generally not significantly degraded at the low impervious levels, but may be a more important factor in streams draining highly urbanized watersheds.

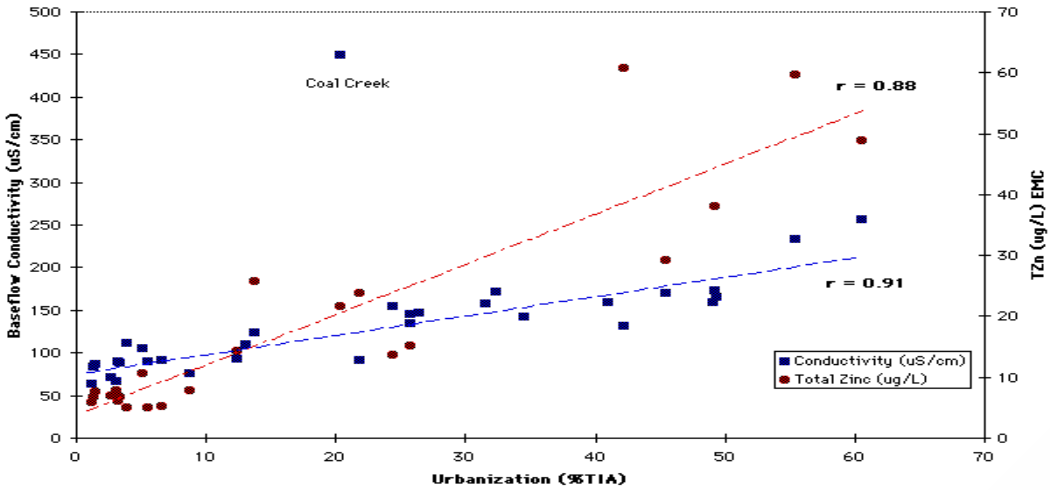

Figure 8: Baseflow conductivity and storm event mean concentration (EMC) total zinc (T**Z**n) in comparison to watershed urbanization **(%TIA) in Puget Sound lowland (PSL) streams.**

Instream Salmonid Habitat Characteristics

Large woody debris (LWD) is a ubiquitous component in streams of the PNW. There is no other structural component as important to salmonid habitat, especially in the case of juvenile coho (Bisson et al. 1988). LWD performs critical functions in forested lowland streams, including dissipation of flow energy, streambank protection, streambed stabilization, sediment storage, and providing instream cover and habitat diversity (Bisson et al. 1987; Masser et al. 1988; Gregory et al. 1991). Although the influence of LWD may change over time, both functionally and spatially, its overall importance to salmonid habitat is significant and persistent. Both the prvalence and quantity of LWD declined with increasing basin urbanization (Figure 9). At the same time, measures of salmonid rearing habitat, including % pool area, pool size, and pool frequency, were strongly linked to the quantity and quality of LWD in PSL streams. While LWD quantity and quality were negatively affected by urbanization, even many of the natural, undeveloped streams also had a lack of LWD (especially very large LWD). This deficit appears to a residual effect of historic timber-harvest and "stream-cleaning" activities. Nevertheless, with few exceptions (habitat restoration sites), high quantities of LWD occurred only in streams draining undeveloped basins (%TIA < 5%). It appears that stream restoration in the PSL should include enhancement of instream LWD, including addressing the long-term LWD recruitment requirements of the stream ecosystem.

An intact and mature riparian zone is the key to maintenance of instream LWD (Masser et al. 1988; Gregory et al. 1991). The lack of functional quantities of LWD in PSL streams was significantly influenced by the loss of riparian integrity (Figure 10). In general, except for restoration sites, higher quantities of LWD were found only in stream-segments with intact upstream riparian corridors. In addition, LWD quality was strongly influenced by riparian integrity. Very large, stable pieces of LWD (greater than 0.5 meter in diameter) were found only in stream-segments surrounded by mature, coniferous riparian forests. This natural LWD historically provided stable, long-lasting instream structure for salmonid habitat and flow mitigation (Masser et al. 1988).

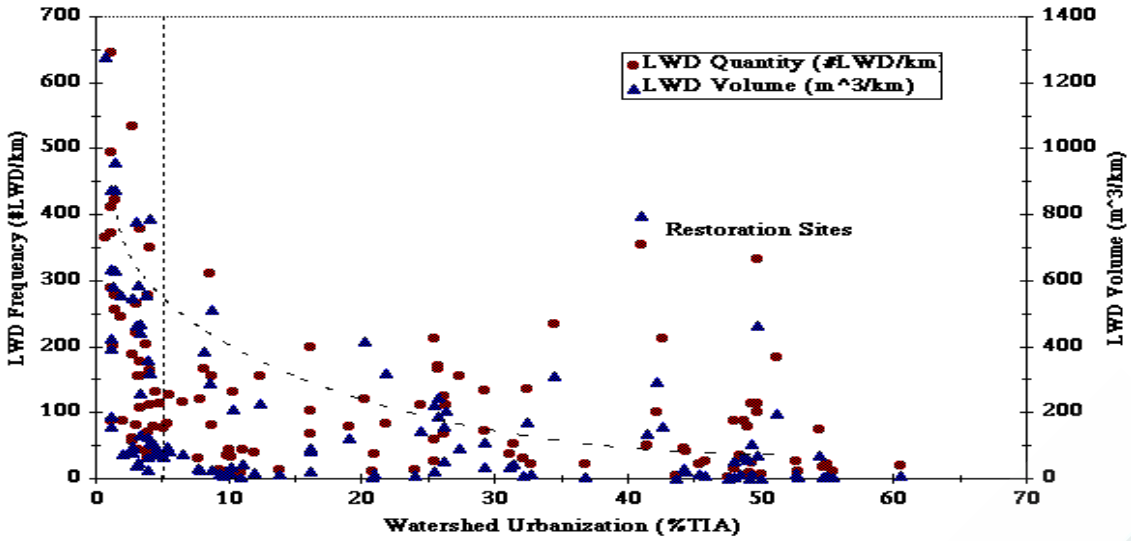

Figure 9: LWD quantity and watershed urbanization (%TIA) in Puget Sound lowland (PSL) streams.

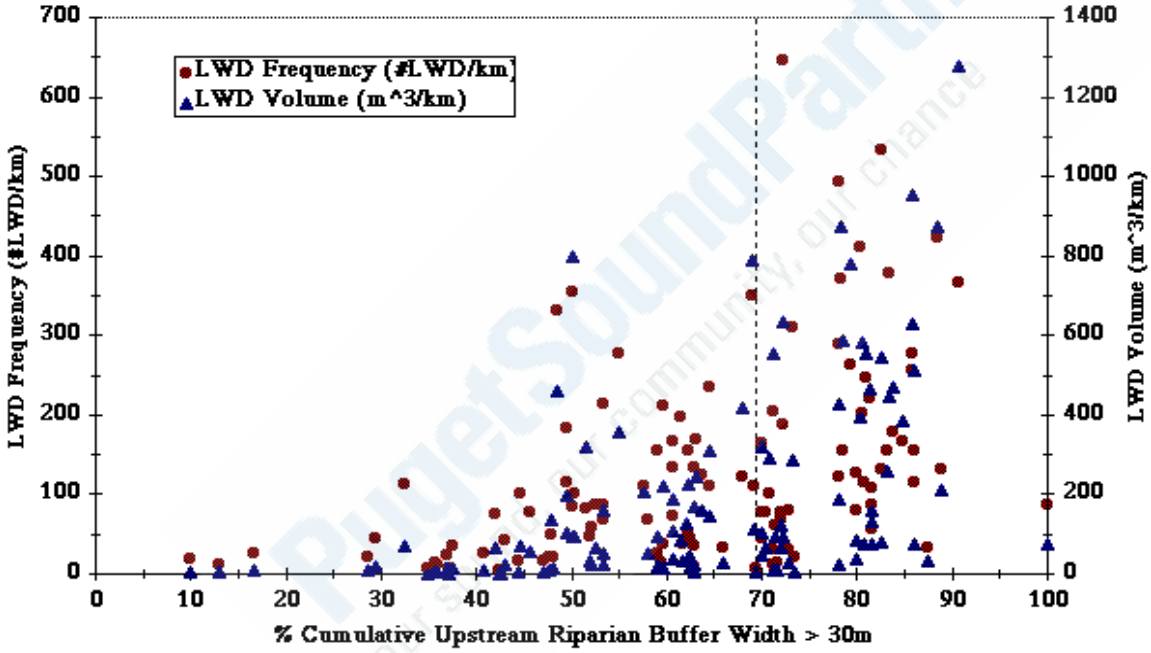

Figure 10: LWD quantity and riparian integrity in Puget Sound lowland (PSL) streams.

The stream bottom substratum is critical habitat for salmonid egg incubation and embryo development, as well as being habitat for benthic macroinvertebrates. Streambed quality can be degraded by deposition of fine sediment, streambed instability due to high flows, or both. Although, the redistribution of streambed particles is a natural process in gravel-bed streams, excessive scour and aggradation often result from excessive flows. Streambed stability was monitored using bead-type scour monitors installed in salmonid spawning riffles in selected reaches (Nawa and Frissell 1993). Figures 11a and 11b illustrate these devices. As would be expected, larger scour and/or fill events normally

resulted from larger storms and the resultant higher flows. The available stream power and basal shear stress may be the most significant factors with regard to the potential for streambed instability. Stream power is proportional to discharge and slope. Since flows tend to increase with urbanization, it would generally be expected that stream power would increase as urbanization does, all else being equal. Cooper (1996) found this to be the case for the PSL study streams. Shear stress is dependent on slope, flow velocity, and bed-roughness. It is the critical basal shear stress that determines the onset of streambed particle motion and the magnitude of scour and/or aggradation. In that local slope and streambed roughness are highly variable, it is not surprising that scour and fill are also variable and that no significant relationship was noted between the 2-Year stormflow to winter-baseflow ratio and any of the scour monitor measurements. This tends to emphasize the local nature of scour and aggradation events. Nevertheless, basin urbanization in PSL streams was found to have the potential to cause locally excessive scour and fill. Urban streams in the PSL with gradients greater than 2% and lacking in LWD, were found to be more susceptible to scour than their undeveloped counterparts.

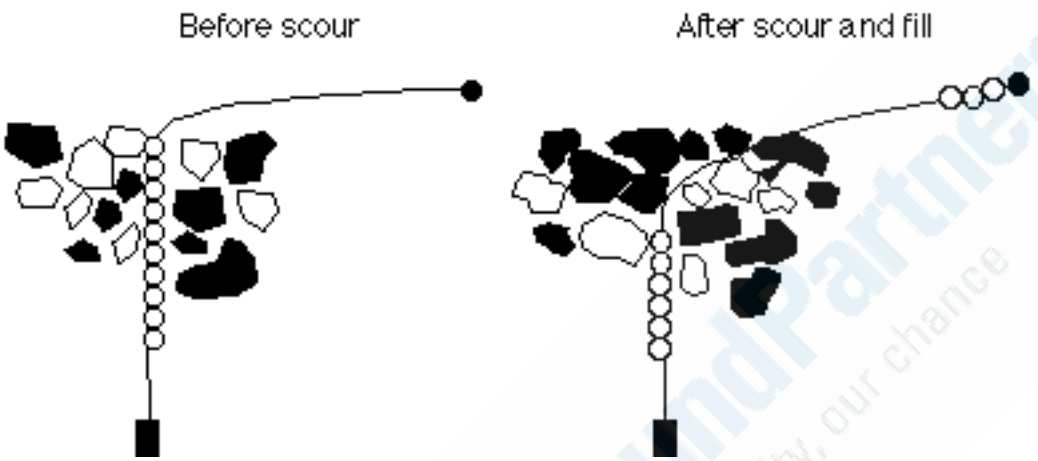

Figure 11a: Sliding-bead type scour monitors.

Streambank erosion was also far more common in urbanized PSL streams than in streams draining undeveloped watersheds. Using a survey protocol similar to Booth (1996), all stream-segments were evaluated for streambank stability. Stream segments with >75% of the reach classified as stable were given a score of 4. Between 50% and 75% stable banks were scored as a 3, 25-50% as a 2, and <25% as a 1. Artificial streambank protection (rip-rap) was considered a sign of bank instability and graded accordingly (1). Only two undeveloped, reference (%TIA < 5%) stream-segments had a stability rating less than 3. In the 5-10% basin imperviousness (%TIA) range, the streambank ratings were generally 3 or 4. Between 10-30% sub-basin impervious area (%TIA), there was a fairly even mixture of streambank conditions from stable and natural to highly eroded or artificially "protected". Above a sub-basin %TIA of 30%, there were no segments with a streambank stability rating of 4 and very few with a rating of 3. These outliers were found only in segments with intact and wide riparian corridors. Artificial streambank protection (rip-rap) was a common feature of all highly-urbanized (%TIA > 45%) streams. Overall, the streambank stability rating was inversely correlated with cumulative upstream basin %TIA and even more closely correlated with development within the segment itself, perhaps reflecting the local effects of construction and other human activities. Streambank stability is also influenced by the condition of the riparian vegetation surrounding the stream. In this study, the streambank stability rating

was strongly related to the width of the riparian buffer and inversely related to the number of breaks in the riparian corridor. While not completely responsible for the level of streambank erosion, basin urbanization and loss of riparian vegetation, contribute to the instability of streambanks. Besides vegetative cover, other stream corridor characteristics, such as soil-type and valley hillslope gradient, also contribute to the stability potential and current condition of the banks.

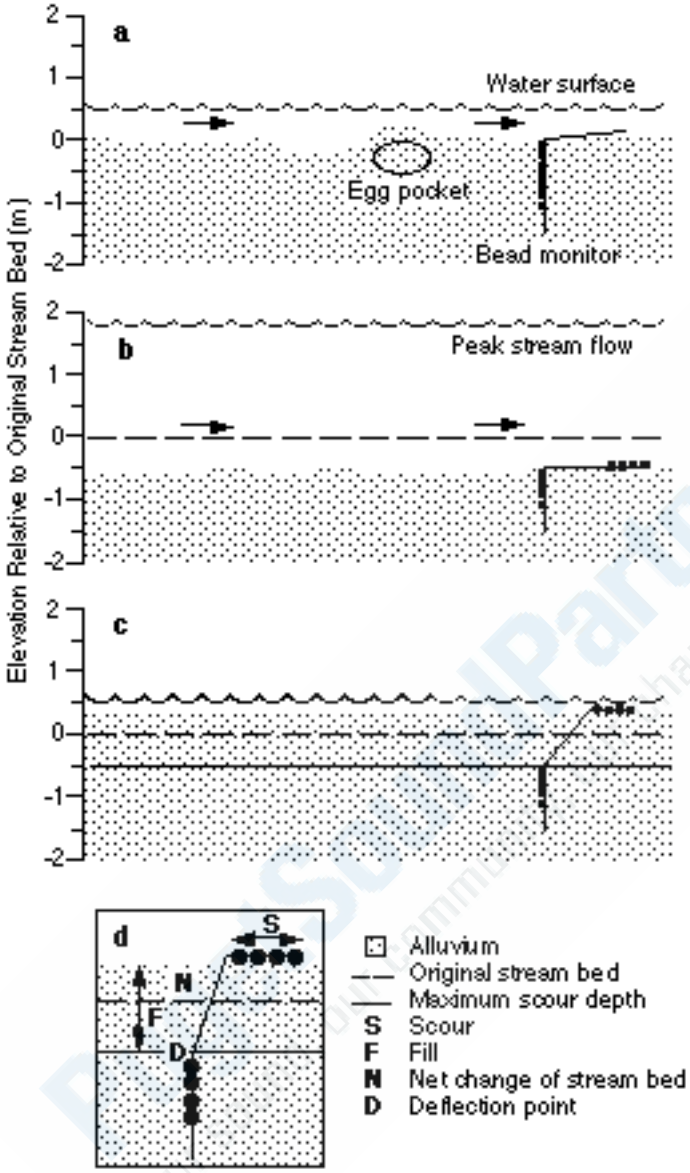

Figure 10b: Streambed scour and fill as measured by a sliding-bead scour monitor.
(a) Scour monitor installed in streambed near salmonid redd
(b) Maximum streambed scour at peak flow during a large storm
* Scoured beads slide down to the end of the wire
* Deep enough scour may wash out salmonid redd
(c) Post-storm sediment aggradation buries scour monitor wire
(d) Measurement of scour and fill (aggradation)
(modified from Nawa and Frissell, 1993)

Results of fine sediment sampling (McNeil method) indicated that urbanization can result in degradation of streambed habitat. Fine sediment levels (% fines) were related to upstream basin urban

development, but the variability, even in undeveloped reaches, was quite high (Wydzga 1997). Nevertheless, % fines did not exceed 15% until %TIA exceeded 20%. In the highly urbanized basins (% TIA > 45%), the % fines were consistently > 20% except in higher gradient reaches where the sediment was presumably flushed by high stormflows.

The intragravel dissolved oxygen (IGDO) was also monitored as an integrative measure of the deleterious effect of fine sediment on salmonid incubating habitat. IGDO monitors were installed in artificial salmonid redds and monitored throughout the coho incubation period (Figures 12). A significant impact of fine sediment on salmonids is the degradation of spawning and incubating habitat (Chapman 1988). The incubation period represents a critical and sensitive phase of the salmonid life-cycle. The typical mortality during this period in natural streams can be quite high (> 75%). A high percentage of fine sediment can effectively clog the interstitial spaces of the substrata and reduce water flow to the intragravel region. This can result in reduced levels of IGDO and a buildup of metabolic wastes, leading to even higher mortality. In extreme situations, sediment can form a barrier to alevin emergence, resulting in entombment and death. Elevated fine sediment levels can also have various sublethal effects on developing salmonids which may reduce the odds of survival in later life-stages (Steward 1983). While low IGDO levels are typically associated with fine sediment intrusion into the salmonid redd, local conditions can have a strong influence on intragravel conditions as well as the distribution of fine sediment (Chapman 1988). Spawning salmonids themselves can also reduce the fine sediment content of the substrata, at least temporarily. Measurement of instream DO coincident with IGDO allowed for the calculation of a IGDO/DO interchange ratio (Figure 13). In all but one case, the mean interchange ratio was > 80% in the undeveloped reaches (%TIA < 5%). As basin development (% TIA) increased above 10%, there was a great majority of the reaches in which the mean interchange ratio was well below 80% (as low as 30%). While these DO levels are not lethal, low IGDO levels during embryo development can reduce survival to emergence (Chapman 1988). Several urbanized stream-segments had unexpectedly high (>80%) IGDO concentrations (Figure 12). All of these segments were associated with intact riparian corridors and upstream riparian wetlands. Generally, these reaches also had stable streambanks and adequate levels of instream LWD.

Coho salmon rely heavily on small lowland streams and associated off-channel wetland areas during their rearing phase (Bisson et al. 1988). They are the only species of salmon that over-winter in the small streams of the PSL. Cutthroat trout are commonly found in almost all small streams in the PNW. Cutthroat and coho are sympatric in many small streams in the PNW and as such are potential competitors (adult cutthroat also prey on juvenile coho). In general, habitat, rather than food, is the limiting resource for most salmonids in the PNW region (Groot and Margolis 1991). In urban streams of the PSL, rearing habitat appears to be limiting. This study found all but the most pristine (%TIA < 5%) lowland streams had significantly less than 50% of stream habitat area as pools. In addition, the fraction of cover on pools decreased in proportion to sub-basin development. Coho rear primarily in pools with high habitat complexity, abundant cover, and with LWD as the main structural component (Bisson et al. 1988). Urbanization and loss of riparian forest area significantly reduced pool area, habitat complexity, and LWD in PSL streams.

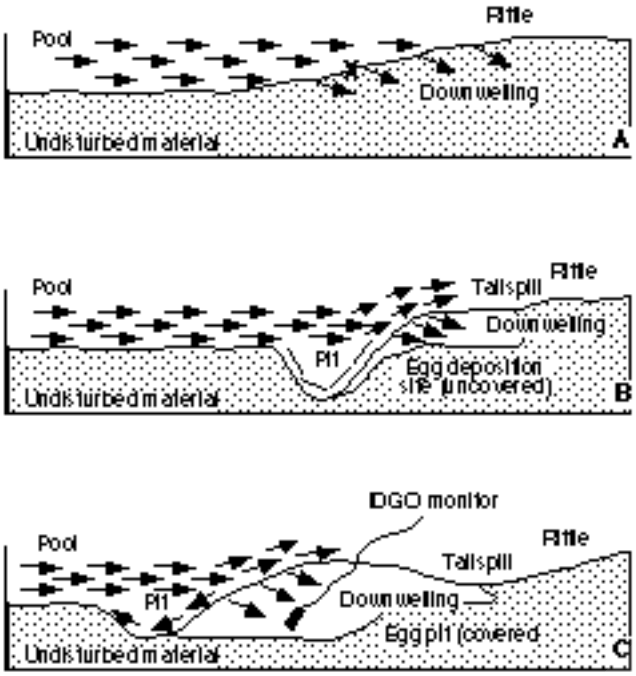

Figure 11: Architecture of a typical salmonid redd with intragravel dissolved oxygen (IGDO) monitor installed.
(A) Streambed topography near pool-tailout. Likely spawning area is marked with "X" (area of flow into gravel)
(B) Redd construction creates a low-flow zone, facilitating egg deposition and fertilization (fine sediment flushed from pocket)
(C) Egg-pocket covered by upstream digging activity and down-welling flow maximized by redd topography. Induced flow flushes fines, provided oxygenated surface water to developing embryos, and removes metabolic wastes.
(modified from Bjornn and Reiser, 1991)

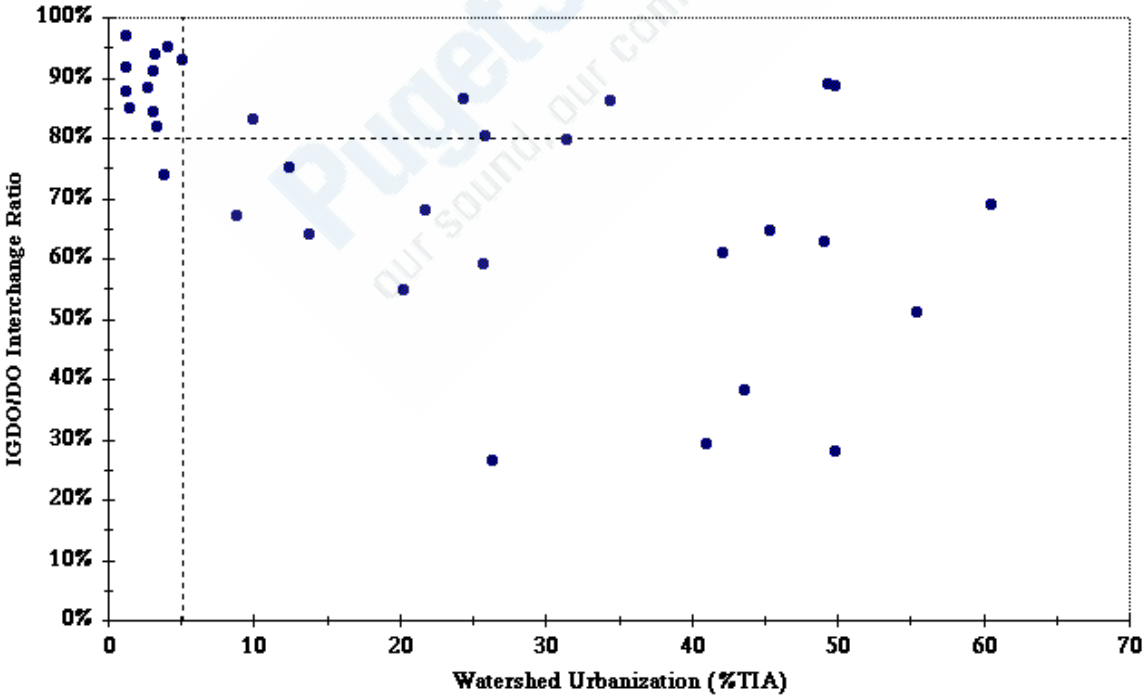

Figure 13: Relationship between urbanization (%TIA) and mean intragravel dissolved oxygen (IGDO) to instream dissolved oxygen **(DO) in Puget Sound lowland (PSL) streams.**

Biological Integrity

The biological condition of the benthic macroinvertebrate community was expressed in terms of a multi-metric PSL Benthic Index of Biotic Integrity (B-IBI) developed by Kleindl (1995) and Karr (1991). The abundance ratio of juvenile coho salmon to cutthroat trout (Lucchetti and Fuerstenberg 1993) was used as a measure of salmonid community integrity. Figure 13 shows the direct relationship between urbanization (%TIA) and biological integrity, using both measures. Only undeveloped reaches (%TIA < 5%) exhibited an B-IBI of 32 or greater (45 being the maximum possible score). There also appears to be rapid decline in biotic integrity with the onset of urbanization (%TIA < 10%). At the same time, it appears unlikely that streams draining highly urbanized sub-basins (%TIA > 45%) could maintain a B-IBI greater than 15 (minimum B-IBI is 9). B-IBI scores between 25 and 32 were associated with reaches having a %TIA < 10%, with eight notable exceptions (Figure 14). These eight reaches had sub-basin %TIA values in the 25-35% (suburban) range and yet each had a much higher biological integrity than other streams at this level of development. All eight had a large upstream fraction of intact riparian wetlands and all but one had a large upstream fraction of wide riparian buffer (> 70% of the stream corridor with buffer width > 30 m). These observations indicate that maintenance of a wide, natural riparian corridor may mitigate some of the effects of watershed urbanization.

Urbanization also appears to alter the relationship between juvenile coho salmon and cutthroat trout. In this study, coho tended to dominate in undeveloped (%TIA < 5%) streams, while cutthroat were more tolerant of conditions found in urbanized streams. Figure 14 shows the ratio of coho to cutthroat abundance ratio in those PSL study streams (11) where data were available for the period of the study. Natural coho dominance (cutthroat:coho ratio > 2) was seen only at very low watershed development levels (%TIA < 5%). Due to the lack of data, a more specific development threshold could not be established. Nevertheless, it is significant that both salmonid and macroinvertebrate data indicate that a substantial loss of biological integrity occurs at a very low level of urbanization. These results confirmed the findings of earlier regional studies (Perkins 1982; Steward 1983; Scott et al. 1986; Lucchetti and Fuerstenberg 1993).

Given that relationships were identified between basin development conditions and both instream habitat characteristics and biological integrity, it is reasonable to hypothesize that similar direct associations exist between physical habitat and biological integrity. As a general rule, instream habitat conditions (both quantity and quality) correlated well with the B-IBI and the coho:cutthroat ratio. Measures of spawning and rearing habitat quality were closely related to the coho:cutthroat ratio. As might be expected, measures of streambed quality were also closely related to the B-IBI (benthic macroinvertebrates). Chemical water quality may also influence aquatic biota at higher levels of watershed urbanization.

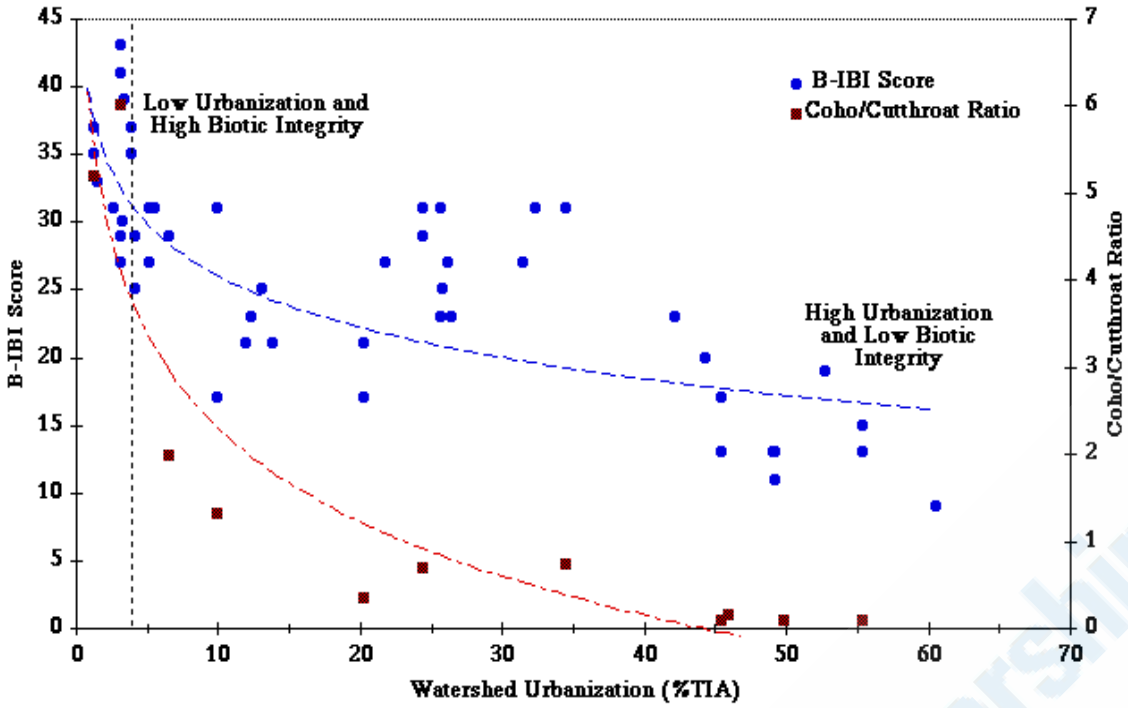

Figure 14: Relationship between watershed urbanization (%TIA) and biological integrity in Puget Sound lowland (PSL) streams. Benthic **index of biotic integrity (B-IBI) and the abundance ratio of juvenile** coho salmon to cutthroat trout used as indices of biological integrity.

In addition to the quantitative habitat measures, a multi-metric Qualitative Habitat Index (QHI) was also developed for PSL streams. This index assigns scores of poor (1), fair (2), good (3), and excellent (4) to each of 15 habitat-related metrics, then sums all 15 metrics for a final reach-level score (minimum score of 15 and maximum score of 60). The QHI is similar in design to that which is used in Ohio (Rankin 1989) and as part of the US EPA Rapid Bioassessment Protocol (Plafkin et al. 1989). As was expected, biological integrity was directly proportional to instream habitat quality (Figure 15). Coho dominance is consistent with a B-IBI > 33 and a QHI > 47; conditions found only in natural (%TIA < 5%), undeveloped streams. These results were consistent with the findings of a similar study in Delaware (Maxted et al. 1994). The QHI has the advantage of being simpler (less-costly) than more quantitative survey protocols, but may not meet the often rigorous (quantitative) requirements of resource managers. However, as a screening tool, it certainly has merit.

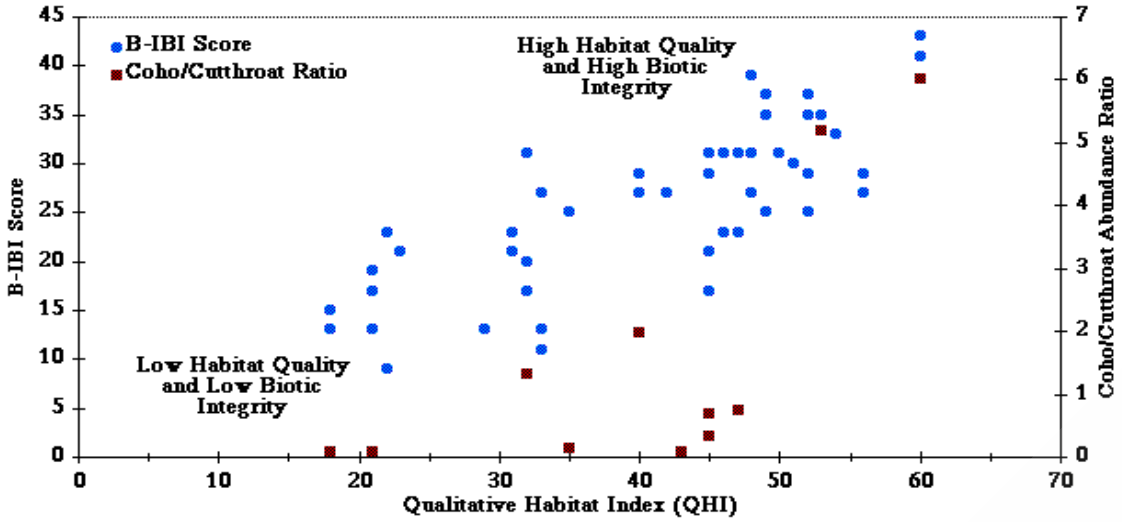

Figure 15: Relationship between instream habitat quality and biotic integrity. Benthic **index of biotic integrity (B-IBI) and the ratio of** juvenile coho salmon to cutthroat trout are **used as indices of** biological integrity in Puget Sound lowland (PSL) streams..

A major finding of this study was that wide, continuous, and mature-forested riparian corridors appear to be effective in mitigating at least some of the cumulative effects of adjacent basin development. Using the B-IBI as the primary measure of biological integrity, Figure 16 illustrates how the combination of riparian buffer condition and basin imperviousness explains much of the variation in stream quality. These observations suggest a set of possible stream quality zones similar to those proposed by Steedman (1988). Excellent (natural) stream quality requires a low level of watershed development and a substantial amount of intact, high-quality riparian corridor. If a "good" or "fair" stream quality is acceptable, then greater development may be possible with an increasing amount of protected riparian buffer required. Poor stream quality is almost guaranteed in highly urbanized watersheds or where riparian corridors are impacted by human activities such as development, timber-harvest, grazing, or agriculture. Because of the mixture of historical development practices and resource protection strategies included in this study, it was difficult to make an exact judgment as to how much riparian corridor is appropriate for each specific development scenario. More intensive research is needed in this area.

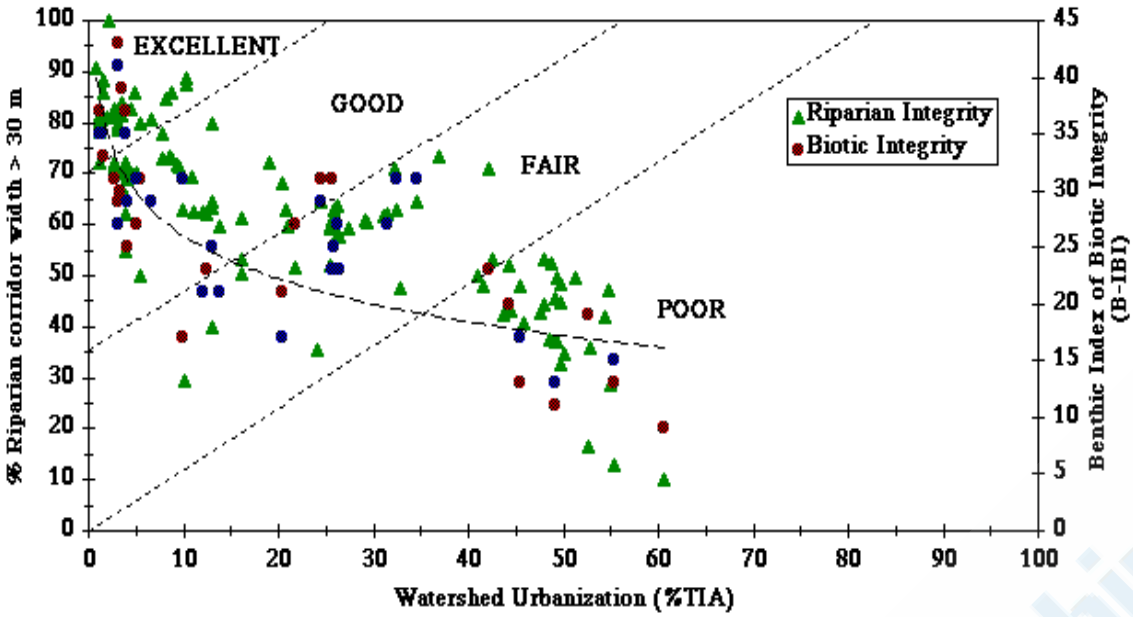

Figure 16: Relationship between basin development, riparian buffer width, and biological integrity in PSL streams

SUMMARY

Results of the PSL stream study have shown that physical, chemical, and biological characteristics of streams change with increasing urbanization in a continuous rather than threshold fashion. Although the patterns of change differed among the attributes studied and were more strongly evident for some than for others, physical and biological measures generally changed most rapidly during the initial phase of the urbanization process as %TIA above the 5-10% range. As urbanization progressed, the rate of degradation of habitat and biologic integrity usually became more constant. There was also direct evidence that altered watershed hydrologic regime was the leading cause for the overall changes observed in instream physical habitat conditions.

Chemical water quality constituents and concentrations of metals in sediments did not follow this pattern. These variables changed little over the urbanization gradient until imperviousness (%TIA) approached 40%. Even then water column concentrations did not surpass aquatic life criteria, and sediment concentrations remained far below freshwater sediment guidelines. As urbanization (%TIA) increased above the 50% level, with most pollutant concentrations rising rapidly at that point, it is likely that the role of water and sediment chemical water quality constituents becomes more important biologically.

It is also apparent that, for almost all PSL streams, large woody debris quantity and quality must be restored for natural instream habitat diversity and complexity to be realized. Of course, prior to undertaking any habitat enhancement or rehabilitation efforts, the basin hydrologic regime must be restored to near-natural conditions. Results suggest that resource managers should concentrate on preservation of high-quality stream systems through the use of land-use controls, riparian buffers, and

protection of critical habitat. Enhancement and mitigation efforts should be focused on watersheds where ecological function is impaired but not entirely lost.

Biological community alterations in urban streams are clearly a function of many variables representing conditions in both the immediate and more remote environment. In addition to urbanization level, a key determinant of biological integrity appears to be the quantity and quality of the riparian zone available to buffer the stream ecosystem, in some measure, from negative influences in the watershed (Figure 16). Instream habitat conditions also had a significant influence on instream biota. Streambed quality, including fine sediment content and streambed stability, clearly affected the benthic macroinvertebrate community (as measured by the B-IBI). The composition of the salmonid community was also influenced by a variety of instream physio-chemical attributes. In the PSL region, management of all streams for coho (and other sensitive salmonid species) may not be feasible. Management for cutthroat trout may be a more viable alternative for streams draining more highly urbanized watersheds. The apparent linkage between watershed, riparian, instream habitat, and biota shown here supports management of aquatic systems on a watershed scale.

The findings of this research indicate that there is a set of necessary, though not by themselves sufficient, conditions required to maintain a high level of stream quality or ecological integrity (physical, chemical, and biological). If maintenance of that level is the goal, then this set of enabling conditions constitutes standards that must be achieved if the goal is to be met. For the PSL streams, imperviousness must be limited (< 5-10 %TIA), unless mitigated by extensive riparian corridor protection and BMPs. Downstream changes to both the form and function of stream systems appear to be inevitable unless limits are placed on the extent of urban development. Stream ecosystems are not governed by a set of absolute parameters, but are dynamic and complex systems. We cannot "manage" streams, but instead should work more as "stewards" to maintain naturally high stream quality. Preservation and protection of high-quality resources should be a priority. Engineering solutions in urban streams have utility in some situations, but in most cases cannot fully mitigate the effects of development. Rehabilitation and enhancement of aquatic resources will almost certainly be required in all but the most pristine watersheds. In order to support natural levels of stream quality, the following recommendations are proposed:

- Reduce watershed imperviousness, especially targeting transportation-related surfaces and compacted pervious areas.
- Preserve at least 50% of the total watershed surface area as natural forest cover.
- Maintain urbanized stream system drainage-density to within 25% of pre-development conditions (i.e. urban/natural DD ratio < 1.25).
- Continuously monitor streamflow and maintain 2-year stormflow/baseflow discharge ratio much less than 20.
- Allow no stormwater outfalls to drain directly to the stream without first being treated by stormwater quality and quantity control facilities.
- Replace culverted road-crossings with bridges or arched-culverts with natural streambed

material.

- Retrofit existing BMPs or replace with regional (sub-basin) stormwater control facilities with the goal of restoring the natural hydrologic regime.
- Limit stream-crossings by roads or utility-lines to less than 2 per km of stream length and strive to maintain a near-continuous riparian corridor.
- Ensure that at least 70% of the riparian corridor has a minimum buffer width of 30 m and utilize wider (100 m) buffers around more sensitive or valuable resource areas.
- Limit encroachment of the riparian buffer zone through education and enforcement (< 10% of the riparian corridor should be allowed to have a buffer width < 10 m).
- Actively manage the riparian zone to ensure a long-range goal of at least 60% of the corridor as mature, coniferous forest.
- Allow no development in the active (100-year) floodplain area of streams. Allow the stream channel freedom of movement within the floodplain area.
- Protect and enhance headwater wetlands and off-channel riparian wetland areas as natural stormwater storage areas and valuable aquatic habitat resources (buffers).
- Adopt a set of regionally specific stream assessment protocols including standardized biological sampling (e.g., B-IBI).
- Under low-moderate basin development, chemical water quality monitoring should be used sparingly, if a chemical pollutant is suspected or in situations where biological monitoring indicates a problem. For highly urbanized streams, sampling should be more frequent, but should still be focused on specific constituents of concern.
- Monitoring of instream physical conditions should be tailored to the specific situation. Salmonid habitat surveys should include a measure of rearing habitat (LWD and/or pools) and a measure of spawning/incubating habitat (% fines and/or IGDO). In addition, standard channel morphological characteristics should be measured (BFW, BFD, pebble-count, and streambank condition). Scour monitoring should be used to evaluate local streambed stability in association with specific development activity.
- The complexity and diversity of salmonid life-cycles and stream communities, along with our limited understanding of them, should engender caution in proposing any simple solutions to reverse the cumulative effects of urbanization in streams of the PSL region as well as other regions.
- The following instream salmonid habitat target conditions are also proposed for urban, lowland streams in the PNW:

Instream Habitat Parameter	Salmonid Life-Phase Influenced	Indication of Poor Habitat Quality	Target for Fair Habitat Quality	Target for Good Habitat Quality
% Pool Habitat (Surface Area)	Rearing	< 30%	30-50%	> 50%

Pool Frequency (BFW-Spacing)	Rearing	> 4 BFWs	2-4 BFWs	< 2 BFWs
LWD Frequency (BFW-Spacing)	Rearing	< 1/BFW	1-2/BFW	> 2/BFW
% Key LWD (Dia. > 0.5 m)	Rearing	< 20%	20-40%	> 40%
Pool Cover (%)	Rearing	< 25%	25-50%	> 50%
IGDO/DO Interchange (%)	Spawning and Incubating	< 60%	60-80%	> 80%
Pebble-Count D10 (mm)	Spawning and Incubating	< 3 mm	3-5 mm	> 5 mm
Fine Sediment (% < 0.85 mm)	Spawning and Incubating	> 20%	15-20%	< 15%

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From: April Putney, Futurewise

Comment: I had hoped to make it to the Leadership Council meeting today, but now I'm unable. Yesterday at the ECB meeting, I heard that Executive Sims had offered a couple of legislative suggestions for immediate action – and I wanted to offer something similar that the environmental community is hoping the PSP will support. One of our statewide legislative priorities this year is called Creating Transit-Oriented Communities – it's focused on combining regulatory changes and incentives to make it easier (and required) for denser development to happen around transit stations. The one-pager is attached. We met with Jay Manning and other Ecology staffers and they suggested we approach the Partnership, because this proposal is definitely a two-for (it's based on recommendations from 2 of the state's climate committees, but it's certainly relevant to the Partnership's Action Agenda as well).

Below is what I had prepared to submit as my comments today, to make the case for the Council including Transit-Oriented Communities in its recommendations. Please let me know what you think – and how or if we could move this along. Thank you for your consideration.

As the Partnership has noted throughout its reports, how and where we grow matters. Given the fact that we're going to see 1 million more people in the state by 2020, we need to capitalize on every opportunity to focus dense, compact, development inside our urban areas so that we can retain our rural and resource lands. Last week, the region voted overwhelmingly to invest in 34 miles of new light rail. This is a huge investment – one we've put off for the last 40 years.

What we do in the next 15 years as light rail lines & stations are constructed will lock us into development patterns for decades. If we don't ensure that standards are created (related to density & housing affordability in particular) surrounding those station areas – it will make all of our jobs a lot harder come 2020. Whether for climate, traffic, quality of life, or Puget Sound health, we cannot afford to miss this opportunity. That's why the Environmental Community has chosen Creating Transit-Oriented Communities as one of its four legislative priorities this year.

This priority is based on the recommendations that came out of two of the state's climate workgroups – the Land Use & Climate Change Committee and the Transportation Implementation Work Group. The proposal looks to incorporate the state's climate change and vehicle miles travelled reduction goals into our land-use and transportation planning framework (GMA & Regional Transportation Plans). While doing so will certainly help limit impacts on Puget Sound, the part that is more directly related to the Partnership's efforts is the second part of the bill aimed at transit-oriented development. Given the investment in light rail, we cannot afford to do it wrong – to develop those station areas at existing regulations. We need to modify zoning to get at what those station areas need to deliver – higher, transit-supportive densities, mixed-use and mixed income, bike and pedestrian friendly so that there's no need for parking minimums, etc. And we need to make it easier for cities to zone for and builders to construct these compact, transit-oriented communities. SEPA planning in these centers should be done up-front, and developers can choose to adopt the findings of the subarea's EIS, streamlining the permitting process. Cities need to have access to new funding specifically to pay for up-front SEPA analysis and to expand their infrastructure capacity to accommodate these higher densities. In summary, we're looking to combine incentives with a regulatory approach to make it easier to construct compact, affordable, walkable communities inside urban areas with frequent transit service.

We hope that the Partnership will consider adding support for this proposal to its list of immediate

actions, as it certainly complements the land-use related recommendations already present in the draft plan. It's through our investments in compact, walkable and transit-oriented communities that Washington can restore the health of the Puget Sound while accommodating our growing population.

Creating Transit-Oriented Communities
-2009 Environmental Community Priority-

Washington State has set ambitious goals for the year 2020: restore the health of the Puget Sound, reduce our global warming pollution to 1990 levels, and lessen our per capita vehicle miles travelled by 15%. We'll also see our population grow by one million new residents.

The way forward is clear: we need to create more compact, walkable, affordable and vibrant communities with frequent and reliable transit service to give people real transportation choices. This combats volatile gas prices, strengthens our economy and protects our environment. If we don't act now, we'll lock ourselves into development patterns that will make it harder and more expensive to reach our 2020 goals and beyond.

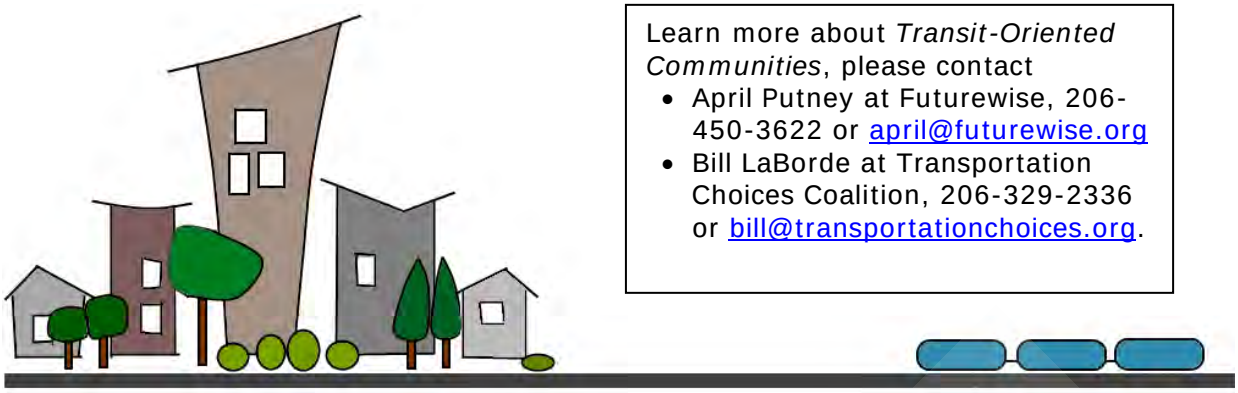
We cannot afford to wait. **It's time for transit-oriented communities** – places where people can live, work, shop and play without depending on a car.

The Opportunity

- Through compact, transit-oriented communities, Washington can help restore the health of the Puget Sound, meet our greenhouse gas emission reduction requirements while accommodating our growing population.
- This November, Puget Sound voters overwhelmingly voted in support of Sound Transit 2, adding 34 miles of new light rail extending service from Lynnwood to Federal Way.

The Solution

- Create and encourage transit-oriented development (TOD).
- Strengthen existing plans to provide housing for all income groups.
- Invest in infrastructure that aids the state in achieving policy goals.
- Encourage urban jurisdictions to contribute to state's VMT reduction goal.
- Encourage local jurisdictions to consider climate change in their growth management planning.



Learn more about *Transit-Oriented Communities*, please contact

- April Putney at Futurewise, 206-450-3622 or april@futurewise.org
- Bill LaBorde at Transportation Choices Coalition, 206-329-2336 or bill@transportationchoices.org.

PugetSoundPartnership
our sound, our community, our chance

Creating Transit-Oriented Communities
-2009 Environmental Community Priority-

The Proposal
based on recommendations from the Land Use & Climate Change Committee (est. by SB6580) and the Transportation Implementation Work Group (est. by HB2815)

Create and encourage transit-oriented development (TOD).

- Require TOD in high-capacity transit station areas and encourage in centers planned for intense development and along transit corridors with frequent service. TOD will include minimum densities that are necessary to support transit, parking maximums (or at least no parking minimums), and other design review standards.
- Enable greater use of programmatic-SEPA analysis inside urban centers with TOD by funding PERF. PERF criteria should be modified to allow for it be a revolving loan and to allow for late-comer fees to be charged for planning.
- Inside TOD centers where a city does upfront SEPA analysis, developers can adopt the findings of the city's EIS and not be subject to individual SEPA challenges.

Strengthen existing requirements to provide housing for all income groups.

- Modify Housing Element to require that TOD centers include housing for those income levels likely to be employed in the center or accessible by a half hour transit ride.
- Clarify that all housing plans must be implemented through effective development regulations and incentives.

Invest in infrastructure that aids the state in achieving policy goals.

- Support the prioritization of existing infrastructure funds to areas promoting development and transportation choices that support the reduction of greenhouse gas emissions.
- Fund PERF to enable greater use of programmatic SEPA.
- Expand local funding options for infrastructure needs to accommodate a growing population inside urban TOD centers.

Encourage urban jurisdictions to contribute to state's VMT reduction goal.

- Update Regional Transportation Plans to include measures to reduce VMT for the urban Metropolitan Planning Organizations.
- Comprehensive plans should be consistent with MPO Regional Transportation Plans.

Encourage local jurisdictions to consider climate change in their growth management planning.

- Modify environmental goal of the GMA to explicitly call for land-use and transportation patterns to be provided for that will aid the state in meeting its greenhouse gas reduction goal.
- Update countywide planning policies to include measures to reduce greenhouse gas emissions.
- Local governments should provide level of service (LOS) standards for all available or planned modes of transportation and to encourage local governments to consider multimodal improvements or strategies in their transportation concurrency regulations.

Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Dear Puget Sound Partnership:

Herrera Environmental Consultants, Inc. (Herrera) would like to thank the Puget Sound Partnership (Partnership) for their hard work assembling the Action Agenda. The scope of the Action Agenda was colossal, considering the vast amount of disparate information on the state of Puget Sound and how to improve it. Herrera has many scientists and engineers active in Puget Sound restoration projects therefore we have had some of our staff examine the Action Agenda and provide comments. We understand that going through literally thousands of comments will be almost as difficult as the collecting the information in the first place, so we have aggregated ours. We start by addressing grouped big picture /global comments in this letter, but we have included specific comments in an attached comment form that we find helpful when preparing our own large public documents. Some of our "broad-brush" comments are noted below.

Historic Eelgrass as a Benchmark

Restoring eelgrass to "historic extents" by 2020 is a noble goal. However, it is not clear how that would be measured. We are not aware of a single study that documents "historic" eelgrass areas. The extreme changes associated with initial deforestation and human occupation of nearshore environments make any estimate of "historic extents" fraught with error. The best work in this regard has been done by the Skagit River System Cooperative (Beamer 2005). While their explicit goal was not to estimate the total acreage of eelgrass in the past, they identified typical environments where eelgrass is common (i.e., "pocket estuaries"). However, in this study they used geomorphic indicators to identify these areas. While to identify pocket estuaries this is methodology is appropriate, it cannot be extended to estimating historic eelgrass coverage. This is because other recent work has shown that geomorphic effects are not a strong control on eelgrass presence in Puget Sound (Finalyson 2006). A more reasonable and measurable goal would be some percentage increase in eelgrass area since we know from many studies that eelgrass area has been lost since development. If historic conditions are really the goal, a substantial new study should be commissioned and supported to determine these historic extents.

Encourage Use of Conservation Banks

In those instances where compensatory mitigation may be required, consideration should be given to the development of a regulatory framework to allow the use of conservation banks as a way to compensate for such impacts. Conservation banking is an extension of the more familiar wetland mitigation banking program the Corps of Engineers has officially endorsed and operated for about a decade under Section 404 of the Clean Water Act (40 CFR Part 230). A conservation bank is a parcel of land containing natural resources values that are conserved and managed in perpetuity for specified listed species, and used to offset impacts occurring elsewhere to the same resource values on

non-bank lands (USFWS 2003). The values of the natural resource are translated into quantified "credits" which are purchased from project proponents. The proponents are able to complete their required conservation needs through the one time purchase of credits.

Conservation banks can be used as a tool to significantly increase the ecological gain derived from compensatory mitigation activities by establishing large reserves. Large reserves are more likely to ensure ecosystem functions, foster biodiversity, and provide opportunities for linking existing habitat (USFWS 2006). This allows such mitigation to take place in the most ecologically meaningful areas. This process also helps to identify sites that offer the greatest environmental benefit while at the same time providing the adequate check and balance to ensure that credits are not sold until project success standards are met (ED 1999).

Implement WDFW Habitat Conservation Plan

Implement actions from Washington Department of Fish and Wildlife (WDFW) Aquatic Habitat Conservation Plan (HCP) that protect critical habitat. These actions are currently under development but can be obtained from a series of white papers recently developed in support of WDFW HCP.

Shift Regulation of Critical Areas and Shorelines to the State Level

The Action Agenda calls for using watershed characterizations to set priorities for local protection and restoration work. This is very important but may not be able to be implemented under the current regulatory framework which protects critical areas and shorelines at the city and county level and typically when redevelopment occurs. Consider adding a measure to assess shifting regulation of critical areas and shorelines to the State level (as done in Oregon) or at least mandating local agencies to work with adjacent jurisdictions to determine the most ecologically sound protection and restoration work. This could also resolve conflicts between Critical Areas and Shoreline Master Program regulations and required development for jurisdictions under the Growth Management Act regulations. While coordinated basin planning is stipulated in the Shoreline Management Program for updated local Shoreline Master Programs, it has not gone far enough in protecting and restoring ecosystems across local jurisdictional boundaries, because it is essentially an unfunded mandate.

Thank you for your time processing our concerns. We wish you the best of luck in your noble efforts restoring the Puget Sound.

Sincerely

Jeff Parsons, Ph.D.
President

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ED 1999. Mitigation Banking as an Endangered Species Conservation Tool. Environmental Defense Fund, New York, New York.

Finlayson, D. 2006. Geomorphology of Puget Sound beaches, PhD Thesis, University of Washington, Seattle.

USFWS 2006. U.S. Fish and Wildlife Service. "Conservation Banking, Incentives for Stewardship" http://www.fws.gov/endangered/factsheets/banking_7_05.pdf

USFWS 2003. Guidance of the Establishment, Use, and Operation of conservation Banks" Memorandum from the Director to Regional Director, regions 1-7. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C

Puget Sound Partnership Action Agenda Comments
Herrera Environmental Consultants

Comment	Question	Page	Section	Comment	Reviewer	Date
1	1	4	n/a	Historical eelgrass extents are unknown and make the eelgrass benchmark difficult if not impossible to assess without significant (see primary comments for details)	J. Parsons	11/11/08
2	3	7	A.1.3.1	Add WDFW Habitat Conversation Plan documents to the list of publications	J. Carrasquero	11/11/08
3	3	9	A.2.2	Add Element: Implement shoreline banking system on existing bulkheads, along with tight restrictions or moratorium on new bulkheads – it directly accomplishes the goals of this and the prior objective.	J. Carrasquero	11/11/08
4	3	14	A.5	Add Element: Investigate and/or mandate mid-ocean exchange of ballast water for trans-Pacific commercial vessels, as has been done elsewhere (e.g., Israel), and has been recommended by both the National Academies (Stemming the Tide: Controlling Introductions of Nonindigenous Species by Ships' Ballast Water, 1996) and recent scientific literature (Drake, L. A. et al. 2002. Microbial ecology of ballast water during a transoceanic voyage and the effects of open-ocean exchange, *Marine Ecology: Progress Series*, vol. 233, p. 13-20).	J. Parsons	11/11/08
5	3	17	B.2	Add Element: Support in-lieu fee on bulkheads to help fund nearshore projects	J. Carrasquero	11/11/08
6	3	47	E.3	If serious about using eelgrass as a benchmark, survey/study of past eelgrass presence is needed – could be included explicitly with Element E.3.8.	J. Parsons	11/11/08
7	1	3	n/a	Indicators and benchmarks: land cover The impervious surface targets for 2011 and 2020 concede substantial increases (10% and 20%, respectively) compared to 2001 areas. Because of the obvious evidence that impervious surface is a surrogate for stormwater runoff effects, considering these targets as a success sets the bar too low. How can we consider 20% increase in impervious surface in the entire Puget Sound basin a success? The Action Agenda should serve to motivate the region to truly try its hardest to minimize impervious surface coverage as one its strongest points of emphasis. Suggest reducing the % impervious surface increase for the 2011 benchmark and the 2020 target, to levels as low as the PSP can stomach it. If we do not meet impervious surface lower targets, we will not be anywhere near success in the stormwater management arena of Sound recovery.	M. Ewbank	11/18/08
8	3	22	C.2.1	As a way of preventing increases in impervious surface coverage, suggest adding another item in this section: "Investigate and promote impervious surface reduction "banking" to offset unavoidable increases in impervious surface areas for certain projects." For example, a roadway widening project adds 3 acres of impervious surfaces and finds (and pays) a landowner in the same watershed that removes 3 acres of seldom-used impervious surface to offset the effects of the road widening project that is deemed necessary for the greater public good. There is a lot of unnecessary impervious surface coverage already out there, much of it on dilapidated sites on which owners might welcome opportunity to make a few bucks in the name of environmental protection.	M. Ewbank	11/18/08

Puget Sound Partnership Action Agenda Comments (continued)

Comment	Question	Page	Section	Comment	Reviewer	Date
9	3	22	C.2.2.6	Retrofitting stormwater controls on a large geographic scale is going to be incredibly expensive. We have conducted several stormwater treatment retrofit analyses over the past 15 years and have seldom seen municipal clients act on the recommendations due to low cost-benefit (i.e., the results of the retrofit studies have been viewed as really expensive band-aid measures to reduce stormwater pollution). This is an important action to include in the Agenda, but the PSP needs to recognize the looming price tag and emphasize creative, low-cost means of accomplishing retrofits to promote widespread implementation. That is going to mean often accepting a retrofit that does not "…meet current stormwater regulations." The Action Agenda should state that the expected cost of such retrofits is massive, and therefore the retrofit prioritization criteria must focus on cost minimization just as much as pollutant reduction benefits.	M. Ewbank	11/18/08
10	3	6	A.1.1	Suggest adding to this section: Assess how the existing Growth Management Act conflicts with the existing regional planning groups vision for accommodating growth while protecting Puget Sound.	D. Hennessey	11/19/08
11	3	6	A.1.3.1	Add WDFW Wildlife Conservation Strategy and Wildlife Action Plan to list	D. Hennessey	11/19/08
12	3	6 and 9	A.1.3 and A.2.2	Suggest adding: assess a new strategy to shift regulation of critical areas (e.g., wetlands, streams, habitat conservation areas, critical aquifer recharge areas, etc.) and shorelines to the State level as done in Oregon or at least passing legislation that requires coordination with State for basin level planning. This would better accomplish watershed-scale planning, protection and restoration of ecosystems in the Puget Sound and State.	D. Hennessey	11/19/08
13	3	13	A.4.3	Consider adding: Resolve conflicts between farming communities resistance to converting agricultural land to mitigation/conservation banks.	D. Hennessey	11/19/08

Hood Canal Coordinating Council

Jefferson, Kitsap & Mason Counties; Port Gamble S'Klallam & Skokomish Tribes; State & Federal Agencies

To: Puget Sound Partnership
From: Scott Brewer, Executive Director, HCCC
Date: 20 November 2008
Subject: Hood Canal Coordinating Council Review of the Puget Sound Partnership's Draft 2020 Action Agenda for Puget Sound

On behalf of the Hood Canal Coordinating Council (HCCC), please accept this review and comment on your *Draft 2020 Action Agenda for Puget Sound*, dated November 6, 2008. The Partnership should be commended on the laudable and ambitious effort that produced this draft action agenda. We appreciate the opportunity to provide you with our input. Review and comments contained herein were provided by HCCC staff and subject to a limited review by the HCCC Board of Directors. Given the amount to review in a short timeframe, our comments are not necessarily comprehensive.

Paramount to the successful development and implementation of the 2020 Action Agenda for Puget Sound is 1) a coordinated response at both the regional and action area scales to address the issues and understand the problems, 2) an ability or mechanism to prioritize the actions to take and 3) the capacity and resources for local and Tribal governments, community groups, and local citizens to address the problems and actions as appropriate. Each of these topics needs further consideration as we move forward with implementation.

Your approach in development of this action agenda is to be very comprehensive. In doing so the Action Agenda comes off trying to be "everything to everybody". The Action Agenda needs to be clear about priorities. The priority strategies stated in the **Introduction** are appropriate. However, what follows in your subsequent sections is a long comprehensive "wish" list without any sense of what is "mission critical." We are also concerned that there is a lack of understanding of the local capacity to address and implement the Action Agenda. The carrying capacity of our society to pay for this ambitious agenda cannot immediately match what is being called for, given the lack of prioritization. Not only is there inadequate capacity and resources for local governments and other partners, but there may also be a limited carrying capacity of our society to pay for this ambitious agenda, given the lack of priorities.

We appreciate the challenges that come with trying to prioritize given limited resources and capacity. We understand that every action carries a certain amount of importance and will contribute to the restoration and health of Puget Sound. We believe the Partnership is on the right trajectory to provide the

guidance for the prioritization and ultimate implementation. We look forward to continue to work with the Partnership and within the Hood Canal watershed to ensure that the goals and objectives are met.

Question 1, page 3:

Under question 1 we suggest that you provide more details about what is meant by "(C)onducting these measurements systematically" and "(S)ystematic monitoring". Certainly accountability is the cornerstone of the Partnership approach for the Action Agenda. More details are needed to show how this accountability will be conducted and what responsible parties can expect when implementing the Action Agenda.

The provisional indicator table on pages 3-4:

Shellfish growing areas as a provisional indicator:

We would suggest that both the target and the benchmark for this provisional indicator need more definition. An increase of shellfish growing areas should be spatially distributed. Increasing shellfish growing areas by 10,000 acres is a laudable target and would show improvement in the health of Puget Sound only if the acreage were spread out around the Sound. The increase in growing area acreage could all come from one area or region of Puget Sound, but that would not indicate ecosystem recovery.

Land cover as a provisional indicator:

A broadly cast indicator of a maximum of 20% increase in impervious area may not truly capture what is happening on the landscape. Such an increase could be disastrous in some areas. You state in the Action Agenda that from 1991-2000 impervious area increased by 10%. Another 10-20% increase is not showing improvement to ecosystem health, but merely reflecting that growth and development patterns are continuing at the same alarming rate. This indicator needs clarity as to how it is to be measured and where. We would suggest the allowable increase in impervious area should be relative to where it is occurring and under what situations.

Salmon and steelhead status and trends as a provisional indicator:

We suggest that you add the viability and interim targets for the Hood Canal summer chum salmon recovery plan under both the target and benchmark columns for this indicator. We can help you craft the appropriate language should you choose to accept our suggestion.

Percent exceedance of instream flows as a provisional indicator:

There are streams that have yet to receive an instream flow rule or minimum flow. Your target and benchmark as currently written in the Action Agenda would miss those particular streams. We would recommend a benchmark that reflected there should be no decrease in average streamflow during wet years regardless of whether there is an instream flow rule or minimum flow set.

Question1 page 4:

We suggest that this section needs to provide more elaboration about why these provisional indicators were selected. This section should show which Partnership goal and which threats the indicator is intended to address.

Question 2 page 3:

Under the section, *Species and food webs*, we suggest you add language that describes Hood Canal summer chum salmon recovery targets. We can help you with the language should you decide to accept our suggestion.

Under the section, *Freshwater resources*, it should be noted that the Quilcene and Chimacum basins are also considered "water critical."

Question 2 pages 4-5:

Within the section, *Habitat Alteration and Land Conversion*, we suggest that the building of logging roads and resulting acute or chronic erosion should be listed as a threat, either in habitat or pollution or both. Also, clearing forests is listed as a threat, but not specifically riparian forests. We wonder if the Partnership should consider "solar radiation" to be listed as a pollution threat given the wide-ranging impacts of warmer water and climate change. Finally, simplifying stream channels by removing woody material should be specifically mentioned under habitat alteration.

Question 2 page 7:

In your discussion about climate change impacts we would suggest that you recommend that none of the current plans (i.e., salmon recovery plans, watershed plans) have accounted for climate change impacts nor have they prescribed any aspect of climate change adaptation.

Question 3 pages 1-2:

As mentioned above, we believe that your discussion about the priorities needs to separate strategies D and E from strategies A, B, and C. Strategies D and E will describe how to address A, B, and C. Strategies D and E are of a higher immediate priority. Actions to address strategies A, B, and C will not happen effectively without well developed strategies a described under D and E.

Question 3 page 6:

We agree with the bullet point at the top of page 6 that a watershed scale study of changes in land use is important. We do not see in the Action Agenda where and when such a study is slated to occur. We very much encourage this approach as the results can assist in focusing priories for the actions to be taken. We recommend that the Partnership review such work that the HCCC has been undertaking as part of its implementation of the summer chum salmon recovery plan. We recommend this approach/action be highlighted in section A.1 Near-term Actions on page 8.

In section A.1 A.1.2, it is not clear to us what the *regional habitat protection decision-making framework* is. In concept we support the development of such a framework. We believe that this is a very critical tool that should receive top priority to develop and implement. As mentioned above, the HCCC has been working on such a tool and would be happy to share and discuss with the Partnership.

Question 3 page 7:

In section A.1.3, it is not clear to us what the *watershed characterizations* are. Many watershed characterizations have been completed over the years. We understand that these characterizations will build on existing, but it is not clear what the end results will be. In concept we believe this is a good idea, but we cannot judge at this time without having more discussion about the *watershed characterizations*.

Question 3 page 8:

A.1 Near-term Actions #3:

We would suggest you consider also working with those Counties that have recently completed Shoreline Management Plans or are in the process of developing them. Capacity for the Counties is also needed for them to effectively participate.

Also under this section, we want to ensure that the mapping would include groundwater modeling and providing capacity for Counties to monitor and address groundwater issues.

Question 3 page 8-9:

We suggest that comprehensive floodplain management plans be discussed and the notion to integrate these plans with protection and restoration strategies.

Question 3 page 9:

Under section A.2.2 we suggest you provide a discussion about non-conforming lots and unintended non-UGA density.

Another discussion to include in section A.2.2 would be about industrialization and commercialization of shorelines whose impacts would be counter to ecosystem benefits

Question 3 page 10:

Under section A.2 Near-term Actions, perhaps as part of item #6, we suggest you add a discussion about the need to ensure that Shoreline Master Program updates and Critical Area Ordinance updates are synchronized in timing to ensure that they are not at cross-purposes with one another and immediately out of compliance.

We suggest you add additional criteria to #7 that overwater structures should be restricted where they fall within juvenile salmon migratory corridors.

Under A.2 Near-term Actions we suggest you add some discussion of an action that can address shoreline homes that are currently at risk due to inadequate armoring or poor shoreline development that has occurred in the past. Item #7 discusses new structures, but we believe attention needs to be given to existing structures and development as well to ensure the goals of protection and restoration.

Question 3 page 13-14:

The Action Agenda does not address the issue of controlling existing invasive species that are already damaging ecosystem processes. The Invasive Species Council Strategic Plan (ISCSP) sited does provide 5 recommendations to prevent new invasive species, but those recommendations are inadequate for the control of invasive species currently present.

We suggest that the five recommendations from the ISCSP be included in section A.5.1.

We also suggest that you add another near-term action to section A.5 Near-term Actions:

Support existing strategies already in place to control invasive species that are adversely affecting marine and riparian processes.

Question 3 page 21:

Under section C.1 Near-term Actions #8 we suggest adding, “Implement projects with multiple benefits, including synergies in implementing salmon recovery and other watershed plans.”

Question 3 page 30:

We suggest that you add to D.2 Near-term Actions to revisit existing salmon recovery plans and watershed management plans for the purpose of addressing and incorporating climate change impacts and climate change adaptation.

Question 3 page 32-33:

In section D.3 Near-term Actions, we suggest that you add to fund and support sub-regional and regional Councils and groups, such as the HCCC, to provide for a coordinated response at these local and regional levels to support the Action Agenda.

Question 3 page 40:

To section E.1 Near-term Actions, we suggest you add the notion that the Partnership conducts outreach with those groups that will be designated as responsible parties for implementing action agenda items.

Question 3 pages 48-49:

Under the section E.4 we suggest adding a discussion about encouraging and supporting development of action area or local watershed education and outreach strategies. The local efforts are familiar with their audiences, know the issues and can be effective in communicating the Partnership message.

Question 4 page 1:

We believe that this is the most anticipated section of the Action Agenda and unfortunately the least developed. With well over 125 near-term actions alone we are wondering what the criteria is for prioritization of these actions. Though some clue is given under question 4 as to criteria it does not speak to how these near-term actions are prioritized relative to one another and to the goals/objectives of the Action Agenda. How will the prioritization be conducted? What will be the role of groups and the public in this prioritization process? We hope that future drafts of the Action Agenda will clarify and allow us to provide review and input.

The last paragraph under Next Steps needs more clarity. It is not clear how the Sound-wide strategies and priorities are related to the actions listed in the Action Area profiles. The Action Agenda needs to show this connection clearly to

provide credibility and integrity to the actions that are being considered and ultimately implemented.

Hood Canal Action Area Profile:

Under the **Local threats to ecosystem benefits** column:

In the section, Habitat Alteration, it should mention the threats from logging roads and impacts to increased sedimentation and altered hydrology.

Under the section Freshwater Resources, the second bullet should be rewritten to state, *Limited water availability for people, farms and fish; year round low flows, seasonal low flows, and extreme high flows are prevalent in all WRIA's of Hood Canal.*

In the section Invasive species we recommend replacing the current text with the following:

Negative ecological impacts on native populations, marine and riparian ecosystem processes from species such as: Invasive tunicates, Japanese knotweed, reed canary grass, giant hogweed, yellow flag iris, purple loosestrife and European bittersweet.

In the section, Other, *industrialization/commercialization counter to ecosystem benefits,* should be added as a separate point.

In the section, Other, we suggest you add, *Education and Outreach programs have no support, incentives or encouragement to work together.*

In the section, Other, we suggest you add, *derelict fishing gear*.

Under the **Priority action area strategies** column:

Under A in the first bullet *acquisition strategy* should instead read as *conservation strategy*.

Under A the fourth bullet should add *and east Jefferson County*.

Under B, the first bullet, first sub-bullet, we suggest delete the words, *Prioritize and…* and begin the sentence with *Implement…* Add at the end of that bullet, *…through the three-year work plan.* Species recovery plans have already been prioritized.

Under B, we suggest inserting, *implement HSRG recommendations consistent with salmon recovery plans.*

Under B, we suggest you add, *implement conservation district work plans.*

Under D, the second sub-bullet should read, *In the near term, improve coordination and collaboration of watershed and marine groups to improve implementation efficiency and effectiveness.*

Under E, we suggest you insert, *track and report to the public and decision-makers the implementation and effectiveness of projects and programs.*

Under E, we suggest you add, *support the development of a local education and outreach strategy.*

Under E add, *coordinate an assessment and recovery strategy for derelict fishing pots and nets*.

Thank you for this opportunity to review the Draft 2020 Action Agenda for Puget Sound. Should you have any questions or wish to discuss our review in more detail, please do not hesitate to contact Scott Brewer, HCCC Executive Director, at sbrewer@hccc.wa.gov or (360) 531-0575.

PugetSoundPartnership
our sound, our community, our chance

From: Donna M Simmons, Hood Canal Environmental Council

Comment: The Board of Directors of the Hood Canal Environmental Council (HCEC) has discussed the above-named document and requests that the following comments be considered as part of the Puget Sound Partnership's (PSP) pubic record. Given the size and complexity of the Action Agenda and the short time allowed for public review, these comments are fairly general in nature and apply only to the Hood Canal Action Area.

Given the enormity of the task, the PSP has done an excellent job of identifying the threats to water quality and related natural resources in the Hood Canal watershed and offering a range of strategies to protect and restore these critical resources. We believe that all of the strategies presented must be part of the overall effort if we are to succeed in protecting a very sensitive watershed like Hood Canal. However, given the lack of resources to implement the plan, particularly at the local level, the real difficulty lies ahead; first, in prioritizing the strategies; second, in adopting the necessary structure and process to promote a cooperative approach among the various agencies and organizations; and third: in identifying and securing the implementation funding.

Compared to other water bodies in Puget Sound, Hood Canal has limited water circulation and poor flushing of nutrients, resulting in documented low dissolved oxygen problems. According to preliminary conclusions of the Hood Canal Dissolved Oxygen Program's Integrated Assessment and Modeling Study, human influences on water quality reduces oxygen concentrations even further. Therefore, the unique sensitivity of this waterbody, coupled with the continuing residential and other developments, we believe that more aggressive actions are needed in this watershed in order to protect and preserve what is left of our natural areas and prime fish and wildlife habitat.

We support the protection of high value fresh and marine water habitat, critical resources and ecosystem processes through cooperative agreements (e.g. conservation easements); local, state and federal regulations; outright acquisition; and other appropriate measures, as the top priority. At the same time, we need to reduce, or eliminate when possible, existing sources of water pollution that are contributing to the watershed's water quality problems and work to prevent further sources by preventing further encroachment into undeveloped areas. Every new road, driveway, structure, or other impervious surface that is allowed in this watershed has the potential to pollute our water and related resources through stormwater runoff. Every new septic system, if not designed or maintained properly has the potential to pollute water. New or expanded sewer systems come with their own set of problems and have the potential to pollute as well. For this reason, the control of stormwater runoff and sewage disposal systems are a top priority of local Watershed Resource Inventory Area (WRIA) planning units.

The Hood Canal watershed is fortunate in having a structure and process nearly in place which could ensure that agencies and organizations work together through an integrated approach in implementing the Hood Canal Area Action Agenda. It is possible that the existing Hood Canal Coordinating Council (HCCC) could serve as a lead entity in this watershed much as it presently operates as part of the Hood Canal Salmon Recovery effort. The HCEC supports a structured process whereby the HCCC acts as a filter for local project applications and establishes priorities based on what scientific research tells us, what is financially feasible, and what is supported by

local communities.

The Hood Canal Environmental Council appreciates the opportunity to provide comments on the Draft Puget Sound Partnership Action Agenda. Please include our organization in your list of those which will receive further information as you continue your decision-making process.

PugetSoundPartnership
our sound, our community, our chance

Jefferson County
Marine Resources Committee

Officers/Executive Committee:
Chair Michael Adams
Vice Chair Jadyne Reichner
NWS Rep. Tony Petrillo
NWS Co-Alternates: Judy Surber
Gabrielle LaRoche
Staff: Pat Pearson
Gabrielle LaRoche
MRC Members:
Shannon Davis, District 1
Dave Robison, District 1
Anne Murphy, District 2
Tony Petrillo, District 2
Andrew Palmer, District 2 alt.
Michael Adams, District 3
Hal Beattie, District 3 alt.
Hyatt Barnes, Recreation
Judy D'Amore, Environment
Larry Crockett, Port of Port Townsend
John Cambalik, PS Partnership
Joth Davis, Commercial Interest
Caroline Gibson, Marine Science Practitioner
Phil Johnson, BOCC
Stephen Lewis, Recreation alt.
Jadyne Reichner, WSU Water-Beachwatchers
Pat Pearson, WSU JC Extension
Mike Porter, District 3
Judy Surber, City of Port Townsend
____, Jamestown SK Tribe
_____, U.S. Navy, Indian Is.

November 19, 2008

Puget Sound Partnership
PO Box 40900
Olympia, WA 98504
Via email: www.psp.wa.gov

Re: DRAFT 2020 Action Agenda for Puget Sound

I am writing on behalf of the Jefferson County Marine Resources Committee (MRC). We serve in an advisory capacity to the Jefferson County Board of County Commissioners and operate under the umbrella of the Northwest Straits Marine Conservation Initiative. Our purpose is to "*achieve the protection and restoration of the marine resources of Jefferson County and to do so in furtherance of our benchmarks for performance*". Since 1999, the MRC has conducted fish surveys, prepared a Priority Habitat Study, established a voluntary eelgrass protection zone, planted beaches with native Olympia Oyster seed, provided technical assistance to property owners for soft shore protection projects, supported marine shoreline landowner workshops, and much more. The MRC appreciates the opportunity to comment on the DRAFT 2020 Action Agenda for Puget Sound.

Trans-boundary Planning and Coordination

The action agenda needs to include an international component. If we are serious about taking an ecosystem approach, we cannot draw an arbitrary line separating Puget sound from Georgia basin. Look to Ocean Management examples as with the Gulf of Maine Initiative.

Action Areas and Implementation

As you have heard from others in Jefferson County, the boundary between the Strait Action Area and the Hood Canal Action Area is problematic for Jefferson County. We have the smallest population to shoreline ratio of any county in the sound. We have over 250 miles of marine shoreline and a population of about 28,000. There are an estimated 114 residents per shoreline mile. By comparison there are 6,920 residents per mile in Snohomish County and 3,253 residents per mile in Pierce County. We recognize that our shorelines are a tremendous resource to the region but it also means that our capacity to participate and make our voice heard is often stretched too thin. Participating in two action areas presented real staffing challenges for the MRC and other entities within the County. Having said that, we wish to particularly thank regional liaisons John Cambalik and Duane Fagergren for their efforts to facilitate our participation.

In general, our issues and concerns are represented in the "threats" for the two action areas and our recommended actions have been addressed by the reference to the Marine Resource (Committee) Plans. However, as we move forward into implementation and funding of the Action Agenda we hope that we can move away from the structure of the action areas and focus on what organization is best positioned to target threats and implement actions. For the Jefferson County MRC we have a history of working well within our County boundaries with local partners and being successful on a regional scale under the umbrella of the Northwest Straits Commission.

At the local level it is interesting to note that the Jefferson County MRC has incorporated both the County's and the City of Port Townsend's Shoreline Master Program (SMP) Restoration Plans into its Marine Resource (Committee) Plan. Furthermore,

Jefferson County's Draft Shoreline Master Program Restoration Plan calls for the Jefferson County MRC to convene an annual restoration summit with government, NGO's, etc. to determine who is in the best position to take on SMP restoration projects, who has funding and what progress is being made to implement Jefferson County's SMP Restoration Plan. The MRC believes this goes a long way to integrate and implement strategies to restore ecosystem processes, structures and functions.

Indicators and Benchmarks

We are pleased to note that the Partnership has adopted a set of provisional indicators related to ecosystem recovery outcomes and goals that includes Eelgrass Status and Trends. The MRC has been surveying, mapping and protecting eelgrass through a voluntary no anchor zone since 2002. We could expand these efforts to compliment a regional program. However, we are curious as to why eelgrass was selected as a provisional indicator. It has been our experience that eelgrass location and density fluctuates and it is difficult to quantify health. Perhaps an explanation of guiding principles used in establishing indicators and benchmarks would answer our questions. In any case. we need to be able to link eelgrass health to cause in order to use adaptive management. We encourage the Partnership to consider how eelgrass status and trends are best measured and look forward to continuing our work while helping the Partnership measure success.

Habitat Alteration and Land Conversion

We agree that the alteration of nearshore habitat through the construction of docks and bulkheads provides a striking example of how a localized activity can threaten broad components of the ecosystem. We strongly support halting armoring in locations in front of and adjacent to feeder bluffs. Since 2005, the MRC has been using GIS data on shoreline armoring and habitat to evaluate potential sites for bulkhead removal. The MRC has also worked with coastal geologists to conduct site feasibility and preliminary assessments for removal of structures. The MRC has partnered with WSU Shore Stewards and Jefferson County Department of Community Development to provide workshops that offer specific information on nearshore habitat and bio-engineered shore protection alternatives. We look forward to continuing this work consistent with the Action Agenda.

Priority B: Restore Ecosystem Processes, Structures, and Functions

In general the Partnership has done a good job of identifying strategies and actions in this section. However, we did not see a reference to derelict gear removal. Decades of a thriving commercial and recreational fishery in Puget Sound has left tons of old fishing gear behind. The Northwest Straits Initiative works to survey and remove lost fishing gear. The Northwest Straits Initiative has removed nearly 900 nets from Puget Sound waters. To date, derelict nets contained 30,939 live and dead animals including 22 dead marine mammals, 378 dead birds, 1,022 live and dead fish, and 29,517 live and dead invertebrates. 1,940 crab and other animals found alive and 468 dead animals recovered from derelict crab pots. This work is clearly consistent with the Partnership's Priority B and should be identified as such.

The MRC also encourages the Partnership to identify plastics in the marine environment as a significant threat. As you know plastics persist in the environment and are ingested by birds and other marine life.

Specific Comments on the Straits Action Area

We have participated in numerous Straits Workgroup Meetings to help formulate and comment on the Action Agenda. At the November 12, 2008 meeting the Workgroup developed specific language for the Straits Action Area Priorities. That language is being compiled and submitted by John Cambalik. We encourage their adoption in whole.

The MRC would also like to note that Priority Action Area Strategies includes "Implementation of County Marine Resource (Committee) Plans". While the Jefferson County Marine Resource Plan includes many important restoration projects our current priorities are eelgrass surveying, mapping and protection; olympia oyster restoration; and the restoration of altered nearshore habitat through the removal of docks and bulkheads and other structures.

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Specific Comments on the Hood Canal Action Area

We have had less of an opportunity to participate in the development of the Hood Canal Action Area Priorities. Most Jefferson County MRC projects are in the region from Discovery Bay to Hood Head – the majority of these shorelines fall into the Hood Canal Action Area. The area from Pt Wilson to Hood Head does not appear to have received much attention in that Action area's list of priorities. At a minimum the Hood Canal priority strategies should include "Implementation of County Marine Resource (Committee) Plans" under B: Restore Ecosystem Processes, Structures, and functions. Such a reference would address the MRC's priorities: eelgrass, olympia oyster and nearshore habitat restoration through the removal of docks and bulkheads and other structures.

We appreciate your agency's work and leadership in putting this agenda together. The MRC looks forward to working with the Partnership and other entities in our two action areas to implement the agenda.

Sincerely,

Gabrielle LaRoche,
MRC Projects Manager

cc: Jefferson County BOCC
Jefferson County MRC
Ginny Broadhurst, Northwest Straits Commission

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From: Bob Benze, Kitsap Alliance of Property Owners

Comment: Kitsap Alliance of Property Owner's Executive Director Vivian Henderson, and President Karl Duff PhD, have endorsed my attached comments and ask that they also be submitted on behalf of KAPO. (Note that I am a member of the KAPO Board of Directors).

Bob Benze's Comments on the Draft Action Agenda and Science Work Plan 11-16-08

The Puget Sound Partnership has stated that the Action Agenda is intended to guide efforts to protect and restore Puget Sound based on science… Yet, the Action Plan contains no specific actions to increase spending on science from the current 1.6% of the $570 million currently budgeted biennially for protecting the Sound. This is simply unacceptable and will result in failure to improve the health of the Sound in any meaningful way.

Puget Sound is a complex natural system. Historically, human efforts to manage such systems have almost always failed. One of the many examples is Yellowstone, where people didn't understand the system and made a series of decisions that wrecked the park in an attempt to restore it (The History of Yellowstone Park: Playing God in Yellowstone by Austin Chase).

There are a number of reasons that such efforts fail. One is that much of the science that is employed is drastically out of date. But another, perhaps more important reason is that our current decision-making system tends to rely on intellectual beliefs and common wisdom that is often bereft of scientific foundation or historical knowledge. One of these beliefs is that we can obtain a "balance of nature" by removing human impacts. But the environment changes even when it is left alone – and, historically, the Puget Sound basin is no exception. Unfortunately, this is not recognized by the initial goal that the legislature established for the Partnership, which is to achieve "A healthy human population supported by a healthy Puget Sound that is *not threatened by changes in the ecosystem*."

And attempting to validate the Action Plan by stating that "people commented that we already know what the problems are and that we should just get on with fixing them." is simply disingenuous, and a recipe for expending enormous amounts of money with almost no chance of success.

The late author Michael Crichton posed the question of whether human beings are even capable of managing complex systems. He cited the work of Prof. Dr. Dietrich Dorner in Germany, an expert in complex systems, who, as part of his research, established computer models for several complex environmental systems, such as the Sahara Desert, and brought in various people from academia to do a 10 year management exercise. The results were that almost everyone ran the environment into the ground. But a few people were successful. It turned out that the people

who failed managed from a philosophical point of view. They applied what they believed would work and then generally left the systems alone. As time went on, they applied fewer and fewer decisions because whatever they tried was failing. This is why the Plan/Do/Assess/Adapt approach of the Action Plan won't work.

The people who succeeded waited to observe the system, gathering information. They looked for unexpected consequences. As they began to understand the system they started to interact with it, making more and more decisions. The conclusion was that you can't manage complex systems from a philosophical point of view. But to a great extent, that is exactly what the Action Plan proposes to do.

The other conclusion from Dr. Dorner's work as noted by Chrichton was that "there are strategies to manage complexity; that they can be learned; they can be taught; but they're not necessarily natural to us." Interactive management of complex environmental systems requires a lot of work (mostly scientific) and Chrichton says "that's going to be stupefyingly expensive".

If we are going to improve the health of the Sound, we are going to have to spend a lot of money on a scientific, interactive program that begins with extensive information gathering. This is not recognized by the Action Plan, "adaptive management" notwithstanding. The truth is that there is a lot more that we don't know than we do know about the Puget Sound system – and we need to spend a lot more time and effort making observations and gathering information before recommending any significant actions to adaptively manage.

The key document for restoring the Sound is not the Action Agenda, but it is the Science Work Plan. However, from all appearances, the Science Plan is being published as a minor appendage to the Action Agenda – where it is barely mentioned. The reality is that the Action Agenda should be an appendix to the Strategic Science Work Plan, and that the state's budget should be dramatically revised to reflect this reprioritization of how the restoration will be directed and managed. This will eventually require the money allocated to science to be increased by orders of magnitude. Anything else will be "business as usual" with the money continuing to flow largely to special interest groups and their narrow agendas – with no hope of success.

Now, let me make some specific observations on what is found in the Action Plan:

Introduction | Page 1: The Action plan is intended to "…help us turn the tide on the decline of Puget Sound health." The report (Question 2 | Page 1) cites indicators that include "starving orcas, missing salmon runs, closed shellfish beds, massive fish kills, and disease outbreaks from eating contaminated seafood,…".

But there are a lot of indicators that say that Puget Sound is healthier. Some of us remember the '60s when oil slicks and floating debris were the norm. Much of the Sound was murky and the visibility was only a few inches deep. Today that is all changed. Even the smallest oil sheen will generate headlines and you can see many feet down into the depths. The Battelle laboratory sediment core samples tell us that chemical pollution in sediments has been decreasing steadily since the mid '60s and that water quality is generally within the safe, conservative limits established by the EPA. An article in the Sep '08 issue of Environmental Science and

Technology by Battelle scientists indicated that lead and copper concentrations in Puget Sound surface sediments should recover to pre-industrial levels around 2020 – 2030 without any additional actions.

Two of the alarmist indicators, fish kills and contaminated seafood, actually appear to be more the result of Mother Nature than human activity.

And while the Action Plan talks about the amount of pollutants released to the Sound, it is almost at a loss to define specific cause and effect relationships (An exception is the work on PAHs and English Sole by Usha Varanosi at NOAA). Even the most cited reference to PCB burdens in marine mammals has a problem, since PCBs have been banned for over 30 years and it is not clear what can be done to eliminate the residuals from the environment.

A particular example of out-of-date science is the Introduction | page 6 recommendation that copper be controlled and that people should take actions to eliminate copper, such as changing out their copper brake pads for ones made of hemp (semi-metallic pads replaced asbestos pads a long time ago). The latest science indicates that the copper of concern is the small bioavailable (ionic) fraction (less than 1%), and that this is generally tied up in marine chemistry and not a threat to Blue Mussel or Pacific Oyster larvae as was thought back in the 80's. (See the SPAWAR copper workshop reports.) NOAA and others have done laboratory testing which shows that ionic copper in levels less than 10 ppb can affect a salmon's sense of smell, but it is not clear that this work can be extrapolated to the marine waters of Puget Sound. We should therefore be cautious before deciding to put metallic copper on the Action Agenda's priority list of pollutants without a clear, peer-reviewed scientific basis for doing so.

The Introduction | Page 7 advises limiting what goes down sinks, toilets and drains as it makes its way into Puget Sound. While this may help the operators of the sewage treatment plants in processing the sewerage, it may not really help the Sound, since these plants have strict NPDES discharge limits and will fall under the Notice of Violation hammer of the regulators if they discharge pollutants above those limits.

Question 1 | Page 2 correctly notes that the Action Plan should specify "outcomes" (even though it then gets into specifying "processes" like changing brake pads) – but it then links (translates) outcomes into "indicators". And there are only *six* of them. This is patently absurd – see the discussion above on complex systems.

Another curious indicator is to maintain farmland acreage. What is the environmental benefit? A friend of mine, Don Flora, PhD, is providing you with studies he has accomplished on the effects of land use on pollutants, including the effectiveness of buffers on stream and marine shoreline protection from pollutants. It turns out that big buffers of a hundred or two hundred feet don't have any serious advantage over 30 ft buffers. And lawns may be as good or better than forests for retaining stormwater. So again, let's get the science right before we pass any more restrictive land use policy.

Talking about trees, Question 2 | Page 1 bemoans the fact that we removed 66 to 84% of the old growth forest in the basin in the last 50 years. What is not mentioned is that 100 years ago there

were almost no trees in the basin -- the lumber industry had cut them all down. And, as noted in research by Dr. Flora, "Prior to European colonization only about 40% of the Puget Sound Lowlands were dense (old-growth) coniferous forests. Burns accounted for the sparseness. And the prairie actually predated all else, part of the oak-grass savannah that remains in many places, our most native upland ecotype."

Quoting Dr. Crichton: "And we know that the world that the white men saw when they first came to the New World was something they didn't understand at all. It was a world that was entirely altered by the native people who were there at the time. They were burning down the plains. They were burning down the old-growth forests. There is more old-growth forest in California today than there was in 1850. The Indians didn't like old growth because it didn't support enough game. They burned it down. So what people saw as "nature" had been very much managed by a people who were true students of nature."

Yes, trees are good, but let's make sure we understand what we want them for (aesthetics, bird and animal habitat, erosion control) and then, from a science basis, not an "intellectual" basis, decide what can go and what should stay.

Question 1 | Page 2 mentions PCBs and mercury as persistent chemicals of concern – particularly in herring. As mentioned, PCBs are already banned and much of the mercury comes out of the air or in from the ocean. And a lot of what is in the air in Puget Sound does not originate in this country – and probably a quarter comes from natural sources. So what actions would we take that are not already being taken under EPA rules?

Much is made of the bulkheads along the shoreline – i.e. one third of the shoreline is "armored". But much of the concern about bulkheads is not supported by science. For example, in Thurston County a county-wide sampling of bulkheaded and bareheaded beaches has found no scouring, no change in beach profiles, and no coarsening of the upper beach. Studies show that bulkheads generally affect beach ecology only when they are built below the high water line. This is no longer done and most of the bulkheads above the high water line actually serve a beneficial purpose as recognized by the Shoreline Management Act. See the report on bulkheads submitted by Don Flora PhD. To blanketly condemn all bulkheads as "bad" is simply wrongheaded.

Question 2 | Page 3 expresses concern about diminishing eelgrass, stating: "Many (eelgrass) habitats have been shrinking in size, diminished in quality, fragmented, and the processes that form and sustain them have been disrupted in many places." Yet the Puget Sound Action Team says otherwise. In their 2007 Puget Sound Update they say that "On a Sound wide scale, there has been no evidence of a trend in eelgrass area." Again, it is important to get a scientifically correct assessment before we decide to make this a priority action item on which we spend taxpayer dollars.

Another issue is the construction of docks. Question 2 | Page 4 indicates this alteration of habitat threatens various species, including orcas. Yet this does not appear to be a scientific conclusion. For example, work by Dr. Flora shows that juvenile salmon traveling from the end of Sinclair Inlet to the Straights of Juan DeFuca make a trip of approximately 55 miles but in that distance there are only 55 residential docks. Other studies, particularly of ferry terminal impacts, do not

indicate that docks have a noticeable impact on salmon. Yet we continue to promulgate rules to hinder dock construction citing disruption of sunlight and other habitat disruption factors – which, on balance, are virtually insignificant in the efforts to restore salmon populations.

Question 2 | Page 5 again raises the specter of sewerage discharge, saying: "Sewage treatment systems, malfunctioning septic systems and direct discharge are pathways to rivers, lakes, and marine waters, and add concentrated nutrients, viruses and bacteria to this mix." And the report goes on to say: "The half-million on-site septic systems in Puget Sound are significant sources of nitrogen loading into rivers and marine waters. Where systems do not function properly, they are also major sources of bacteria and viruses." Yet, in its background material supporting septic system inspection regulations, the state Department of Health could cite only six examples in Washington State history of illness caused by failing septics – and none of these involved fatalities. Hardly a cause for alarm and major action.

And if fecal pollution is really a concern what are we doing about animal control? Dr. Flora points out that "An estimated 15,000 dogs in Kitsap County generate about 10,000 pounds of feces daily. Dogs are a bigger problem, apparently, than stormwater in CSOs and out-of-whack septic systems…" It would be an interesting exercise to calculate the annual dog feces pollutant loading for the entire Puget Sound Basin. Perhaps a little more study should be accomplished to determine the various sources of fecal pollution and their relative impacts, before we jump the gun with more questionable and expensive on-site sewage regulations.

Regarding nitrogen loading, recent studies indicate that effluent from a properly functioning gravity septic system may not exceed the nitrogen limits established by the state. Additionally, the Hood Canal Dissolved Oxygen Program results indicate that nitrogen from septics and alder trees does not have a significant effect in most of the Canal but these human-caused sources could , under certain weather conditions, trigger a "tipping point" for a low oxygen event that would endanger fish in the poorly flushed lower Canal including the Lynch Cove area. It is not apparent from information provided just what the probability of such an anthropogenic tipping point event may be, i.e. whether the number of fish kills over time would be significantly greater than those that would occur naturally without these additional inputs.

Dr. Newton's team is in the process of obtaining a peer review of their Hood Canal Low Dissolved Oxygen studies and has not yet established a date for releasing their final report. In any case, it appears that more scientific work (at least a published report) is needed before the legislature entertains septic legislation that would follow the Action Agenda's recommendation to "Revise the current septic system rules no later than December 2010 so that standards are established to address new septic system technologies." Just because a technology (i.e. nitrogen removal) exists doesn't mean we need rules to use it – particularly when it would impose heavy costs on property owners without solid scientific evidence that the environment would benefit.

Question 2 | Page 5 also expresses concerns about "Altered weather regimes associated with climate change…" This is a controversial and highly-charged subject. But, again, the latest science is being discounted. Over 31,000 scientists have signed a petition which says that they do not believe that global warming and climate change is caused by anthropogenic CO2. In fact, the most recent correlation favors causation from sunspot activity. And even if the cause is CO2

and the IPCC models are correct, the real scenarios for the year 2100 are far from the apocalyptic predictions we encounter from activist groups. In fact the benefits may outweigh the problems. For example, studies show that for a temperature rise of 4.7 degrees F by 2100 (one IPCC scenario), for every one person who will die from the increased warming, about five deaths will be avoided by people who would otherwise perish due to a colder (i.e. today's) climate.

Likewise, the oceans will rise less than a foot (which they also did the last 100 years) – something that will easily be accommodated. We again need to remember that natural systems change with or without mankind – 11,000 years ago this area was under two miles of ice.

This issue of climate change is a critical area for a legitimate scientific debate – one which is currently being stifled by intellectual beliefs and a political system that is invested in these beliefs. The wrong answers could produce an economic catastrophe – with laws already on the books to cut energy production in half and eliminate half the vehicle miles we travel.

And energy and travel aren't the only penalties proposed to limit our lifestyle. Although limiting growth to designated urban areas sounded intellectually like the right thing to do, in practice, people are learning to hate it. City neighborhoods with houses on lots with yards for children to play on are being replaced by high rise condos. People are now being forced into the same city densities they fought to escape with last century's movement to the suburbs. And, surprisingly enough, some experts are making the argument that "sprawl" may be as good (i.e. sustainable) for the environment as the pack-'em and stack 'em approach to land use planning. Again, we need a far better scientific look at this complex system called Puget Sound. We are already paying a healthy financial penalty for the Growth Management Act approach, with the University of Washington estimating that the GMA is directly responsible for increasing the average price of a house in the Seattle area by $200,000 – driving most young couples completely out of the market. Is this a trend we want to continue based on limited knowledge?

The suggestion to encourage marketing programs to bring (and eventually mandate?) locally-grown food to Puget Sound markets also flies in the face of scientific and economic reasoning. The marketplace functions extraordinarily well to bring people the goods they want at a price they can afford. Virtually every attempt by government to tinker with this system has raised costs and reduced choice. Is that really what people want?

Question 3 | Page 20 advocates for national standards for new and emerging contaminants. These could include endocrine disruptors and epigenetic chemicals. The problem with this approach is that there are tens-of-thousands of new chemicals and it is simply not possible to run the EPA's water quality criteria testing program on them all – or even on representative samples. And, as it turned out with TBT, concentrations in a few parts per trillion can have a major disruptive effect on shellfish reproduction. Going back to Dr. Dorner's argument, what is needed is a careful observation of unexpected consequences. When you observe shellfish reproduction problems, begin a scientific investigation to see if a cause and effect relationship can be established. Make hypothesis and test them (isn't that what real science does?). That is how the TBT relationship was discovered and it is how most of the problems in a complex system should be handled.

Question 3 | Page 20 talks about establishing No Discharge Zones for all or parts of Puget Sound that are nutrient-limited. Before we just decide this is a good idea, let's do a little work to see if this will have any real impact. When the EPA, the state and the environmental activist organizations were demanding that the city of SanDiego install secondary treatment on its sewage treatment plant outfall in accordance with the Clean Water Act, someone finally decided that a scientific study should be done to see if there would be any benefit from the huge cost that would be involved. It turned out there wasn't and the EPA agreed. The scientific approach is outlined in a book, Managing Wastewater, published by the National Research Council. Alan Mearns of NOAA in Seattle was a principal author.

This desire to use the "precautionary principle" is fraught with danger. I recall a presentation at a Washington D.C. environmental conference where a keynote speaker, Rich Guida, discussed the story of EPA's new rule to require benzene-contaminated soil to be incinerated before disposal in a landfill. They had missed a decimal point in their risk calculation, which was pointed out to them, and the actual cost of disposal for saving a theoretical life became an extraordinary large number. And then it was pointed out to them that the probabilistic certainty of additional traffic deaths from transporting the soil the additional miles to and from the incinerator would far outweigh the number of people saved from a lowered potential for benzene exposure. The rule was passed anyway. This approach, repeated over and over, quickly eats up resources that could be used to resolve real problems, and has the downside of imposing unnecessary burdensome costs on American industries that must be financially competitive to survive in a global economy.

I will not spend much time discussing funding strategies, except to say the state and federal governments are broke and that taxpayers won't stand for many more fees and assessments. It is unlikely that many of the funding schemes to budget an additional $200 to $300 million will survive the legislative process. But to do the work correctly will, as noted above, be very expensive. It will, at a minimum, require a painful, politically unpopular reprioritization of existing funds if we are going to do what is really needed. This is the challenge!

And Yellowstone is only one of many examples of failure to manage complex environmental systems. Lest people think the status quo approach of the Action Agenda for Puget Sound will be good enough, let's revisit how a similar approach has worked for Chesapeake Bay, a part of the federal Great Waters Program. A Martin Law Group news bulletin notes that "Experience on the nation's other coast suggests that it is easier to agree on problems and goals than to assemble the political will and tools to make real progress towards these goals. Twenty-five years of restoration efforts for the Chesapeake Bay have resulted in little progress and continual extension of water quality deadlines, culminating in an October 29, 2008 notice of intent to sue EPA…" The Law Group goes on to say that "EPA has admitted that the goal (to remove the Bay from the federal 'dirty waters' list by 2010) will not be achieved and officials are now discussing pushing the Bay cleanup goal back another 12 years. In 2008 scientists concluded that Chesapeake Bay suffered the fourth worst "dead zone" since 1985. The Bay's crab population is near historic lows. As a result, Maryland and Virginia have severely limited the commercial crab harvest."

I am familiar with the Chesapeake Bay program. Along with Navy scientists, I visited the Chesapeake Bay Foundation as part of the preliminary research leading to the joint

EPA/Ecology/Navy ENVVEST pilot program for Sinclair and Dyes inlets. To be frank, we were not very impressed with their scientific approach and found little to benchmark. The Action Agenda plan for Puget Sound, as currently constructed, will fare no better than the Chesapeake Bay program. 25 years later we will be in the same position, wondering how we could have spent hundreds of millions of dollars with so little progress.

In conclusion, the key to this entire endeavor of restoring Puget Sound is found in Action Plan paragraph E.3.4 "Build and sustain regional capacity to conduct science". We have a small cadre of scientists who have a grasp of the scientific programs that will be required to interact with and benefit the complex system that is Puget Sound. The Science Work Plan is a starting point, but it needs to be revised to incorporate the concepts of Dr. Dorner and the lessons-learned from past failures to manage complex environmental systems.

These scientists should be chartered and funded to begin this enterprise. It will be hugely expensive. But the alternative is even more expensive and will end in bitter disappointment.

The Action Agenda, at a minimum, should be revised to include a minority report that provides the above recommendations for policy makers to consider.

Respectfully submitted,

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Re: Comments on Draft Action Agenda and Science Work Plan:

Restoration blues

Shoreline doctrine embedded in the draft

Modeling and the demise of dogma

Adaptive management vs the precautionary principle

Restoration and the temple of doom

Restoration, a key element of the Agenda, seems to have devolved into two kinds. One is reshaping the margins of the Sound to appear as we think they were pre-settlement. The other is returning the biochemical nature of the Sound and its tributaries to a safe condition. Both are presented in the Agenda and elsewhere as critical to 'saving' Puget Sound.

The former, 'restoring' the edges seems to have little merit aside from reworking some stream estuaries and appealing to aesthetics. Pulling out bulkheads and defeating docks has little to do with human health nor the welfare of marine life. Too, we don't know the habitat implications nor the ecologic dynamics of pre-settlement shorelines. George Vancouver thought he saw an unbroken skyline of trees along Hood Canal, yet we know that only about 40 percent of old-growth lands were actually forested (most of the rest was burns). Too, there is the question of shoreline retreat that would have occurred in those couple of hundred years, averaging perhaps a hundred feet. Do we really want to pull back the edges, re-build the substrate, something in between, or live with what we have? What's broke?

The latter, dealing with the chemistry that's coming into pipes

and culverts and then into streams and tidewater, makes greater sense and deeply interests many of the technical people I know. EPA lists some 82,000 chemical substances. They tested for and (apparently) found 200 of them in post-Katrina New Orleans soils.[1] I believe the number is similar in the Chesapeake Bay environment. Concern ebbs and flows about particular materials (endocrine disruptors are 'in' just now), and some chemicals are fading from the scene as their input trends toward zero and their decomposition proceeds. We once thought that dilution with flushing-out was the solution. It obviously ain't.

The Clean Water Act brought detailed inventories of pollution sources on the Sound,[2] followed by massive introductions of secondary sewage treatment and equally massive removal and adjustment of industrial activity. By my reckoning the source changes worked. But now it's time to track new chemicals and put forward new solutions like tertiary sewage treatment. Although the costs and socioeconomic effects have not been portrayed,[3] **restoration of water quality should be an overarching goal.**

Some Errant Shoreline Doctrine

Slipped into the Agenda are some assumptions that don't hold water. One is that of bulkheads as a threat to "broad components of the ecosystem"[4]. Really? A recent careful study in Thurston County found no significant scouring, beach steepening, beach depression, nor coarsening due to bulkheads. So, where is the beef? There was a time when bulkheads were built to extend the upland, but no more. Legal bulkheads are built against the bank, so there's no invasion of, say, surf smelt habit. Replacement of hard with soft 'armoring' is called up[5] despite reservations by marine geologists about the durability of log-based bulkheading.

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[1] Frickel, Scott. 2008. On missing New Orleans: Lost knowledge and knowledge gaps in an urban hazardscape. Environmental History 13 (October 2008): 643-650.

[2] Stevens, Thompson & Runyan. 1975. Puget Sound regional assessment study: Draft, final report. Washington DC: National Commission on Water Quality. 2 volumes 711 pages.

[3] Whatever happened to PSP's background report on Human Quality of Life? The Science Panel is obviously concerned about this analytical vacuum, per page 13 in the Science Work Plan, and it concerns me.

[4] Question 2 page 4.

[5] Question 3 page 10; North Central action priorities.

Before you accept such apparently vacuous statements you need (1) systematic comparisons of the bulkheading methods and (2) quantitative analysis of what's broke with current (riprap) bulkhead technology.

Prohibiting shoreline hardening in front of feeder bluffs[6] ignores several of the total-system factors the Partnership embraces. One is the inevitable landward movement of bluffs due to upslope saturation. Another is the absence of showing that beaches and beach habitats have suffered, this despite 150 years of shoreline alteration. A third is the lack of evidence that sediments are maintaining spits rather than slithering off into the depths in the manner of millennia past. It is interesting that bulkheads have no apparent bearing on PSP's selected indicators of health/success.[7]

Another artifact of ancient botherations is that of docks, again as a threat to 'the ecosystem' (whatever is meant by that all-embracing term)[8]. Concerns about residential docks have related to impacts on eelgrass and interference with out-migrating salmon and forage fish. The eelgrass matter is apparently solved: Docks and floats are now required to have light-passing gratings and Sound-wide, eelgrass is not regressing. For transiting fish, as I explain below, residential docks are apparently a problem of the mind, not reality.

Perhaps the most dubious statement in the draft is "The act of putting in a dock or building a bulkhead could very well make it more difficult for our starving resident orca [sic] to find food." How bulkheads and docks can have anything to do with starving killer whales surely needs to be explained. The media are nodding toward deficient adult salmon, which don't swim inshore. I spell 'skeptical' with a K, but C will do.

Speaking of indicators, bulkhead and dock criticisms exemplify a significant number of inserted biases in the Agenda and even in the Science Plan.

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[6] Question 3 page 10.

[7] Question 1 page 3.

[8] Question 2 page 4 and Question 3 page 10 again.

Modeling is essential.

Modeling, emphasized in the Science Plan,[9] will surely clear some fog from some of the many technical and policy issues afloat on the Sound. Understanding the Sound ecosystem will need portrayal of the many, many interactions in this non-static environment. Modeling – the mathematical kind, not colored boxes joined by arrows - may well require multi-equation systems, simultaneous equations, stochastic analyses, structural as well as predictive models, and so on. Many will require special software for their construction and use.

While many models reflect conceptual or established physical relations, the interties remain to be established for many Sound issues. That means data, and lots of it, of course. Not just descriptive data but also comparative data across time, space, stressors and stressees. Happily, the Science Plan goes into data accession in encouraging detail.[10]

Wee models work too.

Given data, single-equation expressions of parts of natural systems do nicely. Here are some examples:

> *Nitrogen entering Hood Canal:* Anthony Paulson of USGS has shown, with 3 explanatory variables, that 400 times as much nitrogen enters the Canal from the ocean as comes from septic systems.
>
> *Docks' distraction of juvenile fish:* I have shown, with one equation containing 8 variables, that out-migrating salmon add, on average, less than 100 feet to a 55-mile swim because of residential docks.
>
> *Insects in salmon diets:* By simply averaging data in four diet studies I found that insects dependent on trees (versus other vegetation and streams) account for only 1.5% of juvenile salmons' intake. This relates to doctrine that overhanging trees are critical to traveling juveniles' welfare.

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[9] At pages 5, 6, 17, and elsewhere.

[10] At page 9ff.

Impacts of bulkheads: The Thurston County study, mentioned earlier, drew robust conclusions from paired data using a simple statistical analysis, doable on a pocket calculator.

So don't be overwhelmed by the seeming majesty of models. Design studies to test clearly stated hypotheses, make sure data is relevant to the design and that the hypotheses are relevant to each other, and the models will come out rather well.

Whatever the modeling, it's time to test tidewater dogma and doctrine.

Choose one: Adaptive management or the precautionary principle

These concepts are different and mutually exclusive. Warren Buffett knew the difference early on. Diligent pursuit of precaution[11] will lead to an ever-downward spiral of accomplishment. Adaptive management means trial-and-error, and there's been lots of 'error' in manipulation of natural systems, where 'error' means a difference (plus or minus) between expectation and actual outcome. That's okay. "Irreducible ecological consequences"[12] are hard to find. The century-ago intense industrial use of Bainbridge Island's bays is an example, with the bays now termed 'pristine'. Indeed, the great premise underlying PSP restoration activity is that ecologic consequences CAN be undone.

With adaptive management comes monitoring to see how things came out. The Science Panel sees this clearly.[13] It's not cheap: Remember it at budgeting time, please.

Tom Flora

D. F. Flora, PhD
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Not on e-mail

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[11] See Question 3 page 4, item c.

[12] The worry appears in Question 3 page 4, item c.

[13] Science plan page 15.

From: Art Castle, Kitsap Home Builders Association

Comment: The draft action plan shows a tremendous amount of work done on a very tight schedule to have such a comprehensive document. Such short comment period for such a complex document has made it difficult for comprehensive comments. Despite the wide range of interests and advocacies involved, we feel it is crucial to carefully focus on tasks where measureable success with tangible outcomes can and will be obtained. We encourage you to focus on cost effective results in the short term to build greater support for some of the more ambitious efforts.

We are somewhat concerned by what appears in some parts to be an I-5 corridor bias. For instance the discussion of snowpack that doesn't exist in Kitsap County and a few other Puget Sound counties. In Kitsap we only have 20% potable water from surface water (all from the City of Bremerton reservoir) and all the rest from groundwater sources. One sized solutions does not work in all circumstances. These comments have been divided into topic areas.

Stormwater

We feel there needs to be more emphasis on stormwater solutions for existing development most of which was built prior to any stormwater regulations. If for instance, new development created no new impacts there is still all the historical development contributions and the basis of much of the water quality problems for the Puget Sound. There is no nexus on new development and retrofitting past problems, yet unless new solutions and funding are available to retrofit existing stormwater water quality little progress will be made in this area.

C.2.2.6, A.2.2.7 Coordinated and comprehensive urban regional/watershed based stormwater is crucial. Despite our strong support for low impact development a variety of urban solutions are necessary including fee based off-site volume and quality mitigation options.

C.2.1 There are a variety of Low Impact Development related issues.

C.2.2, C.2.4, C.2.3, A.3.3.2, C.2.4, C.2.1. Support for the wide range of LID advocacies that already exist should be encouraged to work together and coordinate their efforts for both facilitating implementation and increasing the local/regional knowledge and innovation. Incentives and market-based solutions should be encouraged rather than required. Both in principle and practice LID offers an enormous opportunity for effective voluntary and market-based change. Required where feasible creates a definition problem, dis-incentive - LID applications are site specific. We believe it will also lead to inappropriate applications and resultant failures that will likely slow widespread implementation.

Rainwater harvesting can be an important part of the solution if DOE authorizes the volumes necessary for volume collection. Rainwater harvesting has the potential for not only adding to the potable supply but grey water and release. It also reduces aquifer/surface water withdrawl use during drier periods of the year. It also has the potential for release through sub surface seep into streams and wetlands during the drier months which would substantially benefit stream flows and wetland hydrology.

Performance based flow volume credits also need to be addressed to insure that appropriate

volume credits are available for LID techniques. These need to be updated on a frequent and regular schedule to insure the latest performance data is available and authorized for use. On-going technical training, especially for public and private engineers and industry professionals is crucial to help facilitate LID implementation. This is the single biggest obstacle to implementation as engineers need to have the technical information and training to gain their comfort level with this "different" stormwater strategy.

The Curtis Hinman/WSU technical training is outstanding and needs to be continued. DOE and other state agency stormwater engineers should also be strongly encouraged to attend and participate in technical training. The use of LID techniques are also part of the solution for TDML issues and if utilized will help improve water quality over a wide range of current and future pollutants of concern.

Bioretention and pervious pavements installed to naturally treat one specific pollutant of concern will also naturally treat and greatly reduce other pollutants of concern.

Effective Impervious Surface should be utilized in watershed based planning rather than impervious surface. Many LID techniques dramatically reduce effective impervious surfaces and planning and modeling need to be able to take this into account for "future" projections.

Local performance-based initiatives should be supported and funded. This is important as the NPDES process is rigid and doesn't easily facilitate adapting implementation to the latest performance data and knowledge. For instance, in Kitsap County, we are looking for DOE to approve a pilot program process that would include all four cities, the county, tribes and other key stakeholders that would work together with DOE and PSP to implement LID. This would allow the latest performance data to be utilized without the lengthy and expensive NPDES amendment process. Lessons learned would be shared throughout the region. These type of initiatives should be encouraged and supported.

E.1 Planning Issues

The document raised the questions of whether there should be different urban and rural environmental standards. This raises serious questions of how many of the initiatives interface with GMA, SMA and other regulatory and planning requirements. There are many likely conflicts that must be addressed. This is an important and on-going debate that needs to be widely discussed and resolved as you canâ€™t have it both ways. Either you have dense compact urban development and preservation in rural areas or you have the same environmental standards in urban areas that encourage sprawl.

A.2.2.3, A.2.2.4 We strongly support the streamlining and coordination of permitting issues. While this will take time and resources, it is crucial to eliminate the current layering of conflicting regulations and requirements. This should include federal, state and local requirements. It should be a high priority if the private sector and businesses are expected to be supportive of the on-going efforts.

D.4.1 We disagree with attempts to attempts to limit rural density. While most growth should be directed to urban areas, a certain limited amount of growth will continue to occur in rural areas.

Efforts should be made to allow some concentrating some of rural density in smaller areas and maximizing open space.

A.2.2.4 We agree that SEPA integration should be expanded. Programatic (or integrated) SEPA is crucial to making all UGA function as GMA intends. By dealing with all the infrastructure, environmental and other issues at the planning level facilitates development where it is intended. We recommend the technical support and resources for all cities and unincorporated UGAâ€™s to be required to conducted, not just UGA expansions.

D.4.5 Barriers that limit urban density and infill development are widespread. They are both regulatory and highly political. We are finding local citizens who support GMA are reactive when density occurs in or near where they live. This creates serious difficulties for local elected officials. This also applies to annexations where areas that should clearly become a part of a city have little interest and great reluctance to become annexed.

A.2.2.6 We support development incentives to increase and improve redevelopment and density within urban growth areas. This should include support for both existing as well as future infrastructure, stormwater, flexible design standards, setbacks, building heights, parking and road design standards, etc.

A.2.2.7 The document encourages a transition to watershed based planning. There are significant jurisdiction to jurisdiction issues that need to be addressed. Most watershed have at least two current jurisdictions and how actions and projects in one affect the others interests is significant. Who is the lead, how are conflicts addressed? Another significant issue is with watershed modeling, an important part of any watershed planning. Modeling tools we've seen only project future impacts based on historical development and mitigation patterns. This is faulty. Modeling needs to include future alternatives that are able to more accurately project the effect of alternative types of development, mitigation standards, effective impervious surfaces rather than impervious surfaces, etc.

A.3.1.2 Instead of amending the Shorelines Management Act we recommend incentives and other market-based solutions to increase levels of protection for shorelines.

A.2.2.3 The action plan raises significant questions about the role of local government and whether local control will continue as directed in GMA. It is important to insure the relationships between local governments and state agencies and any other new governing structure are clearly defined.

D.1 The action plan raises questions about whether all areas within urban growth areas are required to be served by sewer, and how and when sewer should be allowed outside urban growth areas. This raises significant GMA, planning and capital facilities related conflicts that need to be widely discussed and resolved.

A.1.3 Currently there is no on-going evaluation of the effectiveness of existing regulations. Local governments are required to regularly update critical areas ordinances, among other requirements, yet there is no evaluation of how effective or where they are not effective before they are changed. It also takes time to have any realistic evaluation on what is already working

and what isn't. If measurable success and tangible outcomes are truly desired on-going evaluation of existing regulations and requirements is needed so that changes to them are based on improving performance and not just adding additional well intentioned requirements. We also strongly support the emphasis on improving customer service.

D.5 Finance

We have concern that many of the action items will create significant unfunded mandates on local government that are having challenges in providing basic services. Any requirements and efforts asked of local government must be supported by both the technical expertise and the funding to achieve the desired results. The action plan has many initiatives that will require massive capital and on-going funding. It also fails to address that local governments are unable to maintain existing infrastructure, much less add the new infrastructure needed. The amounts needed to achieve the goals of the action plan are nearly as staggering as the current federal efforts to improve the economy.

While all action plan items are well intentioned, it must be focused on measurable success and tangible outcomes to be effective. We have concerns about a "regional taxing district." Those concerned about Seattle and King County's influence on state-wide elections will look skeptically on this idea. If this entity is created and determines the amount and types of new taxes to support the action agenda it will likely lead to approval from a few counties and over time significant political backlash in many of the counties who may vote differently. This would undermine the long term goals.

E.2.2.1, E.2.9 We support reality based incentives and market-based solutions. They need to be utilized as the first choice wherever possible. Creative and innovated solutions that encourage people will be much more effective than command and control in the long term and will provide greater support and likelihood of success. Those affected and impacted must be engaged to solicit their thoughts and ideas to make these effective.

A.2.2.7, E.2.3 Process Broader engagement of citizens, businesses and organizations will be crucial to any success. The business community and groups need to be informed and engaged much more broadly thant mentioned in the action plan. For instance there are nine home builders association in the Puget Sound area, not just the Master Builders Association. If business and other non-environmental citizen groups are not informed and engaged, the support needed to achieve success will limited.

Thank you for the opportunity to comment, and we will continue to be engaged.

November 20th, 2008

David Dicks
Puget Sound Partnership
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e-mail actionagenda@psp.wa.gov

Dear David Dicks and Leadership Council:

On behalf of the over 2200 members of League of Women Voters of Washington (LWVWA); thank you for this opportunity to comment on the Draft 2020 Action Agenda for Puget Sound.

LWVWA has members residing in all of the ecosystem action areas of Puget Sound. We have been involved in state shoreline issues since the adoption of the Shoreline Management Act in the early l970's. LWVWA had representatives on the governor-appointed commissions that provided guidance to Ecology on the shoreline guidelines update. Following the appeal of the guidelines in 2000, League joined other organizations as intervenors in defending Ecology's guidelines, and in the successful mediation that resulted in the final Shoreline Guidelines and their adoption in December 2003.

League has also been represented on water policy advisory committees for the Department of Ecology and Department of Social and Health Services. We established studies and updates of our water positions in 2003 which emphasized water use efficiency practices, integration of water quality and water quantity programs, and establishing minimum stream flows as a public right to be maintained on all streams in the Columbia River Basin and all other river basins in the state.

LWVWA was active in the legislative process that established the Puget Sound Partnership, and the Action Agenda. Our positions support protecting Puget Sound 's natural ecosystem as a unique and scarce natural resource; we recognize its importance for the health, safety and welfare needs of the people of Washington.

Before we address our support for the Shoreline sections of the Action Agenda and our concerns on stormwater, toxics, and habitat, we want to

emphasize the need for adequate financing to ensure that the Action Agenda is actually implemented. New sources of funding are absolutely necessary to achieve the 2020 recovery goal.

Support Shoreline Rule Changes

The Action Agenda includes proposed rule changes to SMA that recognize that alteration of nearshore habitat through dock and bulkhead construction pose a serious threat to elements of the nearshore ecosystem. Overwater structures alter fish spawning areas and eel grass beds . We support proposed action A.2 (Question 3 page l0) which recommends changes to the SMA to require conditional use permits for bulkheads and docks associated with all residential development, for all new shoreline hardening; for new docks and piers; and for all seawall/bulkhead/revetment repair projects.

The shoreline guidelines require " no net loss of ecological functions" . Guidance to local governments to implement this provision is necessary. This can be provided only in part through model policies as suggested in A.2.2.2. Common standards for habitat protection should include addressing the SMA provision of " no net loss of ecological functions".

Common Standards

We support uniform guidelines and procedures for implementation at the local level. The habitat protection decision-making framework in A.1.2.2 does not address a set of standards that will apply throughout the Sound. Restoration of this complex ecosystem cannot be accomplished without science-based standards that not only maintain habitat at the site-scale, but also maintain and recover at the ecosystem level. We support the additional wording proposed by the Puget Sound Environmental Caucus to Task A.1.2 that includes a consistent set of land use and habitat protection standards including stormwater management measures.

Watershed-based protection

The Action Agenda in A.1.3 uses the habitat protection framework to develop watershed characterizations and set restoration priorities. A watershed should be a basin or sub-basin within which all living things are inextricably linked by a common water course . A watershed should not be defined so broadly that it includes a WIRA. We support the environmental

caucus in their suggestion to better link watershed-based stormwater permits and watershed-based activities in Task C.2.1.1 The integration of more regional watershed-scale stormwater permits with other protection efforts should be addressed by adding an additional task to A.2.2. as suggested by the environmental caucus in their comment letter page 3. Regional authorities are appropriate to implement plans (such as comprehensive watershed- based habitat/ stormwater protection) with adequate authority and funding and integration with the local efforts of GMA and SMA.

Toxics

LWVWA has been active in the legislature implementing Ecology's Persistent Bioaccumlative Toxins (PBT) program. The language in C.1 does not, however, cover the concept of prohibiting new discharges into Puget Sound. The emphasis in C.1.1. is on a focused outreach campaign. The Action Agenda should include actions for prohibiting new discharges into the Sound, not just a public education campaign. If we do not prohibit new discharges of toxins into the Sound, we will never achieve our goal of restoration of Puget Sound

Stormwater

The Action Agenda measure of 20% impervious surface rate increase from the 2001 level at the bottom of Question 2, page 2 is not consistent with maintaining habitat-forming processes or net increase in habitat. The 20% figure is also used as an indicator and benchmark in Question l page 3 as a Milestone target. The 20% figure is not science-based. At a minimum the milestone target should be 65-10, a goal for all watersheds, and major retrofits programs should be instituted in watersheds that do not currently meet the 65-10 standard of 65% forested cover and l0% impervious surface.

Please revise the benchmarks and targets to provide meaningful indicators tied to all proposed actions, and a timeframe within which they will be provided.

We hope that the final Action Agenda on December 1, 2008 will incorporate the positive suggestions from the environmental caucus, its member groups, other citizen groups, and individuals so that the end results will be an Action Agenda with identified actions that are effective, measurable, and accountable.

We will continue to work with our League members, the environmental caucus, the Governor, the state legislature, Puget Sound Partnership staff, the Science panel and citizens throughout Puget Sound to support the restoration of Puget Sound by 2020.

League of Women Voters of Washington

Shoreline and wetlands Chair, Ann Aagaard

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PugetSoundPartnership
our sound, our community, our chance

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November 20, 2008

Mr. David Dicks
Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Mr. William D. Ruckelshaus
Chair, Leadership Council
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Dear David and Bill,

On behalf of the 4,300 member companies of the Master Builders Association of King and Snohomish Counties ("MBA"), I am writing to comment on the Puget Sound Partnership's draft Action Agenda.

At the outset, I want to commend the Partnership for all the hard work that has gone into drafting this blueprint for protecting, restoring and cleaning up Puget Sound. We share in your commitment to a healthy Puget Sound, which we believe is critically important to our region's quality of life.

Also, we appreciate the opportunity to participate in this process through the Ecosystem Coordination Board and other Partnership forums. On balance, the Partnership has done a commendable job seeking input from a broad array of stakeholders. However, moving forward, we recommend the Partnership engage even more members of the regulated community. We appreciate the fact that the draft Action Agenda calls for expanding outreach to private and nongovernmental interests. It is absolutely critical that all voices are heard in this process.

Regulatory Programs in Puget Sound

As you know, a major area of focus for the business community, including our association, is the need to undertake a thorough review of existing regulations and assess their effectiveness before advancing any new regulations. As a non-regulatory agency, the Partnership is in a unique position to take a comprehensive look at existing regulations and identify areas for further inquiry and improvement.

As such, we are pleased to see the draft Action Agenda recommends aligning federal, state and local agency regulatory programs in Puget Sound to improve coordination,

efficiency and effectiveness of implementation. According to the draft plan, "this means identifying overlapping authority and conflicts, and amending, realigning, or eliminating programs, laws and regulations that are not resulting in desired outcomes." This recommendation should be a high priority.

We are also pleased to note the draft Action Agenda's recommendation to "resolve barriers that currently limit density and infill development in cities and within urban growth areas, such as annexation issues, revenue sharing and transportation concurrency."

Similarly, we encourage the Partnership to act on its recommendation to "use development incentives to increase and improve redevelopment within urban growth areas, including those for stormwater management upgrades and restoration." (Examples include flexible design standards such as setbacks, building height restrictions, parking and road design, etc.).

Other strategies contained in the draft plan, such as programmatic SEPA review, represent a move in the right direction. We strongly encourage the Partnership to pursue these and other opportunities to streamline the environmental review process and make the current regulatory scheme work better.

Low Impact Development

We support the draft Action Agenda's recommendations for advancing the use of low impact development (LID) approaches to stormwater management, including: "a) resolve institutional barriers which limit use of LID for road construction and stormwater flow control projects, b) implement, assess and promote successful examples of LID techniques, c) develop incentives for using LID, d) develop focused training for contractors and developers and e) develop focused training for local government staff on areas best suited for LID and assist them in revising their regulations to allow LID."

In particular, we believe developing and implementing LID development incentives and removing barriers to the use of LID techniques on development projects represent the most promising methods for advancing LID.

We note that the draft plan also recommends "assisting cities and counties in adopting LID stormwater codes for development and redevelopment, including providing standards for LID and establishing criteria to determine where LID is feasible." Based on our review, this recommendation appears to be an attempt to address the Washington State Pollution Control Hearings Board's Aug. 7, 2008 decision directing the Department of Ecology (via Phase I Municipal Stormwater Permits) to require LID techniques "where feasible."

We have serious concerns about how this ruling will be carried out without violating urban density mandates, which are the fundamental cornerstone of the Growth Management Act. The ruling sets up two conflicting requirements for local

governments: on the one hand, increase density in the urban growth areas to prevent sprawl and on the other hand, decrease density while increasing vegetative cover to prevent water pollution.

It is too early to tell what this will mean at the local level for project designs, but it seems inevitable that it will increase construction costs, increase the difficulty of obtaining permits and impose expensive maintenance requirements on homeowners.

We urge the Partnership to work with the homebuilding community to address these concerns as this process moves forward.

Retrofitting

We strongly support the recommendation to "prioritize and implement stormwater retrofits in urban areas." If we are really serious about better managing stormwater runoff to improve water quality and water quantity in our region, then we must be prepared to adequately address runoff from older development, which represents the majority of existing urban commercial, industrial, residential and transportation infrastructure development. Much of this development occurred before current stormwater management standards and is playing a significant and ongoing role in Puget Sound's deteriorated health.

At the same time, we recognize the significant cost and other challenges associated with retrofitting. Given the budget realities we now face, we agree with the general approach recommended in the draft plan. That is, "in the near term, develop high level prioritization criteria for the selection of new projects. Over the long-term, link retrofit priorities to coordinated watershed clean up and prevention strategies."

Reuse of stormwater generated from rooftops

We support the recommendation to "identify and address barriers to improve use and reuse of rainwater, graywater, stormwater and wastewater." Many, including our association's Built Green® program, promote rainwater collection as an important voluntary tool for addressing urban stormwater issues. Yet under existing water law in our state, the use of rainwater requires a water right permit that can take years to process. As a result, current state law acts as another regulatory barrier to low impact development. We believe the Partnership should support efforts to recognize and accommodate the benefits of rainwater collection from rooftops for those seeking to employ this technique.

Education and Outreach

The MBA maintains that public education and outreach is critical to our success in improving the health of Puget Sound. In our view, everyone has an important role to play when it comes to the Puget Sound's recovery and future health. In particular, members of the public should be educated about individual actions they can take to improve water

quality and water quantity. This includes everything from car washing and lawn care practices to how we dispose of unused pharmaceuticals and maintain septic systems.

Therefore, we support the Partnership's recommendation to implement a long-term communications effort, conduct public outreach focused on reduction of pollutants and pharmaceuticals as well as the recommendation to grow and use the Foundation for Puget Sound (non-profit entity) to increase education and outreach efforts.

Monitoring Program for Stormwater

We support the recommendation to establish a regional coordinated monitoring program for stormwater, working with the Monitoring Consortium of the Stormwater Work Group. This program will need to be coordinated between all stormwater dischargers and agencies responsible for monitoring receiving waters. Only with good data can we make informed decisions about the level of actions and actors needed to address stormwater impacts.

Mitigation

We support the recommendation to develop, fund and implement a pilot in-lieu-fee mitigation program in one to three Puget Sound watersheds.

Guiding Principles for Ecosystem Management in Puget Sound

As I have said throughout this process, any set of actions the Partnership recommends has to be viewed in the context of the need to accommodate an additional million-plus people to our region by 2020 while preserving a vibrant economy. This is vital if we are to pay for necessary changes and enable local communities to accommodate anticipated growth, while protecting and restoring the Sound.

As the Partnership continues its work on the Action Agenda, I believe it is incumbent upon you to consider economic impacts and assess how various actions will affect our ability to accommodate our growing population. While I appreciate the fact that the Partnership's Guiding Principles for Ecosystem Management in Puget Sound call for using strategies that are cost effective in making efficient use of funding, personnel and resources, I believe more is needed to assess the costs of specific actions as well as the unintended consequences of various strategies on our ability to accommodate growth.

Shoreline Management Act

The draft Action Agenda proposes to make the Shoreline Management Act (SMA) much more restrictive in a variety of ways, requiring a shoreline conditional use permit for bulkheads and docks associated with all residential development and other shoreline projects and requiring soft armoring techniques, among other things.

Instead of more regulations, the Partnership should recommend the use of incentives and other market-based measures to increase levels of protection for shorelines. Making SMA statutes and rules more restrictive raise many questions and concerns for shoreline property owners. More regulations will drive up costs for building, repairing and replacing docks, bulkheads and piers, while creating uncertainty for property owners and possibly infringing on private property rights.

Restricting Development in Floodplains

We have serious concerns about the draft Action Agenda recommendation to "work with FEMA and local governments to prevent further residential, commercial and industrial development in floodplains."

We oppose any measure that would restrict development or redevelopment on buildable lands inside designated urban growth areas. This runs counter to the goal of increasing density in urban areas. Our efforts should be focused on bringing levies up to code so that we can remove the floodplain designation of buildable lands inside UGAs. Where this is not possible, the Partnership needs to acknowledge property owners who lose all value to their property due to the floodplain designation. These property owners should be compensated.

Additionally, the Partnership should support the adoption of a no net loss of buildable lands policy. Such a policy would compensate for the reduction in housing units that necessarily occur any time a new public policy – such as increased wetland buffers in urban areas or increases in stormwater vault sizes – is adopted.

Rural Areas

We also have serious concerns with the draft Action Agenda's recommendation to limit density in rural areas.

While we agree most growth should be directed to urban areas, we must also recognize that a certain, limited amount of growth will continue to occur in rural areas. As such, our goal should be to identify sensible growth levels in these areas and to engage in a meaningful dialogue about how this growth should occur.

For example, the Partnership should explore the benefits of rural clusters and rural villages. Given long-term population projections, large lots in rural areas may ultimately cause more harm than good. The problem with 2.5- or 5-acre zoning is that once it is established, it is very difficult, if not impossible to change in the future as we grow. Allowing this type of large-lot zoning outside existing urban growth areas would be very shortsighted because it only serves to promote sprawl and place added development pressure on our most pristine forestlands. Large lot development can also cause more harm than good as impacts are spread across a larger area, potentially thwarting conservation efforts vital to the environment and our region's quality of life.

Ultimately, our goal should be to maximize open space while concentrating density in smaller areas.

Climate Change

The draft Action Agenda recommends integrating the recommendations of the Climate Change Study Groups. We believe the Partnership should first make sure that all key stakeholders are on the same page with regard to any climate change recommendations, that we are focused on the most cost-effective approaches, that our actions are based on scientific analysis, that we use this scientific analysis to determine the rate of return on the measures we take and that property owners and permit applicants have a reasonable degree of certainty to move forward with projects based on laws that are well understood.

Thank you for considering our comments. I look forward to engaging in further dialogue on these and other issues.

Sincerely,

Samuel L. Anderson
Executive Officer

Cc: Martha Neuman, Action Agenda Director
MBA Chair Officers

PugetSoundPartnership
our sound, our community, our chance

National Wildlife Federation
People & Nature: Our Future is in the Balance

NATIONAL WILDLIFE FEDERATION www.nwf.org

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November 20, 2008

Dear Puget Sound Partnership:

The National Wildlife Federation appreciates the opportunity to comment on the *DRAFT 2020 Action Agenda for Puget Sound*. NWF is a 501(c)(3) nonprofit conservation education and advocacy organization whose mission is to inspire Americans to protect wildlife for our children's future. Founded in 1936, it has emerged as the nation's premier grassroots conservation organization, with one million members and 49 state-level affiliate organizations throughout the U.S. and its territories. NWF's work is performed through its headquarters in Reston, Virginia, its National Advocacy Center in Washington, DC, and nine regional offices across the U.S. Our Western Regional Natural Resource Center in Seattle supports more than 34,000 members throughout Washington State.

The National Wildlife Federation believes that climate change is the single most significant threat to our natural world, including the species and ecological systems of Puget Sound. Sea level rise, reduced snowpack, increased temperatures, increased flooding, and decreased summer water availability are just some of the effects caused by climate change in the Puget Sound region. Detrimental impacts on salmon, orca, eelgrass, estuaries, wetlands, and other species and habitats are already occurring and will continue to grow. Our comments on the Draft Agenda focus primarily on these issues.

Overall, we appreciate that climate change is periodically referenced in the *Draft Action Agenda*. Currently, however, the references are relatively vague, typically stating, for example, that population growth and climate change will amplify current problems. While this is accurate, **the current references to climate change do not adequately convey the significance of the problem nor the importance of integrating projected future conditions due to climate change into near-term conservation strategies**. For example, sea level rise is likely to reduce the value of some nearshore habitats that will become inundated, and will also likely alter some upland habitats as well. By not incorporating climate change projections into planning and decision-making, conservation actions could devote scarce resources to protect marine habitats that will soon provide reduced ecological value, while missing potential investments in upland habitat that could provide areas for habitats and species to migrate.

To help guide actions appropriately on climate change, we urge the Partnership to provide more specific and explicit statements regarding the effects, implications, and ways to alter conservation actions to integrate climate science and likely future conditions resulting from climate change. Many of the following requested changes to the *Draft Action Agenda* provide specific text to help the Partnership provide more specific statements. Our comments are provided in a table format that lists the page and section of the draft Action Agenda where the topic is covered, and then describes our request or provides comments on current text. The final

column provides specific recommended text (underlined) that can be copied and pasted directly into the Action Agenda. This is intended to simplify locating the relevant area and determining how to address our requested changes.

In addition, we also ask that the Puget Sound Partnership take a leadership role in promoting implementation of changes related to the National Marine Fisheries Service's September 22, 2008 Biological Opinion on the adverse effects of the National Flood Insurance Program on listed species found within the Puget Sound region. The Puget Sound Action Agenda should fully consider the Conservation Recommendations put forth in Section 7 of that document.

The following are NWF's specific comments and requested changes on the *DRAFT 2020 Action Agenda for Puget Sound*:

Page	***Sec.***	***Request or comment on current text***	***Specific requested text alteration (Underlined text can be pasted verbatim)***
Q2, P6-7	What are the biggest problems that we need to begin to address?	Comment: This section could be more clear and explicit by defining the reasons that population growth and climate change "amplify the current situation." Currently, evidence is sprinkled throughout the draft, but it is not brought together to make a unifying statement. To improve this we recommend replacing existing text with the following bullets: Note: sources for this data are: IPCC, 2007a. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [S.D. Solomon, et al., eds.] (Cambridge, UK: Cambridge	[Add Bullets:] • Population growth: …[briefly describe recent trends, future projections, implications (i.e. more impervious surface, pollution, water demand, "cumulative changes from human land use activities, such as bulkheads, docks, vegetation removal, and other actions that damage the underlying processes that form beaches, keep rivers healthy, and support species"(Q3, P15)), and broad desirable responses (i.e., principles of smart growth, low impact development, etc.)] • Climate change: There is compelling evidence that the region's climate is changing, leading to warmer temperatures, less snowpack, and more large rain events. According to the Climate Impacts Group (CIG) at the University of Washington, average temperature in the Pacific Northwest has increased about 1.5° F over the last century, slightly above the global average rate. Annual regional temperatures are projected to rise another 1.1-3.4° F by the 2020s, and 1.6-5.2° F by the 2040s, with a greater relative increase in summer temperatures. We have already experienced an 18% decline in freshwater flow

Page	Sec.	Request or comment on current text	Specific requested text alteration (Underlined text can be pasted verbatim)
		University Press). Rahmstorf, S., 2007. "A Semi-Empirical Approach to Projecting Future Sea-Level Rise," Science 315: 368-370; Rignot, E. and P. Kanagaratnam, 2006. "Changes in the Velocity Structure of the Greenland Ice Sheet." Science 311: 986-990; and Otto-Bliesner, B.L., et al., 2006. "Simulating Arctic Climate Warmth and Icefield Retreat in the Last Interglaciation." Science 311: 1751-1753. Climate Impacts Group, 2004. Overview of Climate Impacts in the U.S. Pacific Northwest (Seattle, WA: University of Washington). Mote, P.W., A.F. Hamlet, and E.P. Salathé, 2007. "Has Spring Snowpack Declined in the Washington Cascades?" Hydrology and Earth System Sciences Discussions 4: 2073-2110. Stewart, I.T., D. R. Cayan, and M.D. Dettinger, 2005. "Changes Toward Earlier Streamflow Timing Across Western North America." Journal of Climate 18: 1136-	entering Puget Sound over the past 50 years, affecting water temperatures, marine water circulation, and oxygen conditions in water bodies. From 1950 to 2006 Northwest snowpack declined significantly, especially at lower elevations. Some parts of the Cascades experienced more than 30% decline in spring snow water equivalent (the amount of water contained within snowpack) between 1945 and 2006. The April 1 snowpack at mid and low elevation basins is projected to decline by 44% by the 2020s. Altered weather regimes associated with climate change will likely compound many existing threats to surface and groundwater supply and availability and will likely cause more destructive storm events and flooding. The global average sea level has risen about 6.7 inches over the past century. Average sea levels in the central and southern coast of Washington are projected to rise another 1-18 inches by 2050 and 2-43 inches by 2100. Average sea surface temperature of Washington's coastal waters is projected to rise about 2.7° F by the 2040s. Some highly productive nearshore habitats such as estuaries, saltwater marshes, and eelgrass beds could be lost, with detrimental implications for forage fish, salmon, orca and other marine species. To address these challenges, the Puget Sound Action Agenda focuses on enhancing the resiliency of species and habitats, using natural systems such as floodplains and nearshore upland where possible to accommodate extreme whether and sea level rise, avoiding harmful adaptation actions such as bulkheads

Page	Sec.	Request or comment on current text	Specific requested text alteration (Underlined text can be pasted verbatim)
		1155. Mote, P.W., E.P. Salathé, and E. Jump, 2007. Scenarios of Future Climate for the Pacific Northwest (Seattle, WA: University of Washington JISAO CSES Climate Impacts Group). Miles, et al., 2007 McCabe, G.J. and D.M. Wolock, 1999. "General Circulation Model Simulations of Future Snowpack in the Western United States." Journal of the American Water Resources Association 35: 1473-1484. Mote, P., et al., 2008. Sea Level Rise in the Coastal Waters of Washington State (Seattle, WA: University of Washington Climate Impacts Group and the Washington Department of Ecology).	<u>and shore armoring, and incorporating climate projections in planning and decision-making for restoration and future actions.</u> • <u>Fragmented system</u>: [insert existing text…]
Q3, P1-2	What actions should be taken…	Our strategies are to: Add underlined text after strategy D …	D. Work together as a coordinated system to ensure that activities and funding are focused on the most urgent and important problems facing the region. Our current management approach to the ecosystem is fragmented, programs and laws were established on a piecemeal basis to address individual problems, and the system does not address Sound-wide and local problems on a coordinated basis at an ecosystem scale.

Page	*Sec.*	*Request or comment on current text*	*Specific requested text alteration (Underlined text can be pasted verbatim)*
			E. **Integrate future population and climate conditions** in planning and decision-making. Engaging in conservation projects that will not be viable in 10 or 30 years due to sea level rise or loss of snowpack may be poor investments. Instead, projects should enhance the viability of species and habitats under projected future conditions. F. Build and Implement…
Q3 P4	Guiding Principles	Insert underlined text after c. Use strategies that have a reasonable certainty of effectiveness…	• Actions should be designed so that they can be measured, monitored, and adapted. d. Consider impacts of climate change when choosing and designing protection and restoration activities. e. Use scientific input…
Q3P6	Priority A	Add underlined text to bullet: • Watershed Scale study…	• A watershed scale study of changes in land use patterns as related to the condition of aquatic habitat. This information would help better understand a) how patterns of land use impact surface water runoff and harm aquatic systems, b) at a watershed-scale, how low impact development would help maintain surface and groundwater hydrology, c) what types of urban land uses are particularly harmful to aquatic systems, d) how climate change is likely to alter land use patterns and the implications for the biology and hydrology of the region, and e) what scientific basis can be used to help integrate land use and water resource planning.
Q3P6	Priority A	Add underlined text to section A.1.1	A.1.1.3 Implement existing growth plans such as Vision 2040 and others, and coordinate implementation across the Sound.

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Page	*Sec.*	*Request or comment on current text*	*Specific requested text alteration (Underlined text can be pasted verbatim)*
			A.1.1.4 integrate recommendations of Climate Action Team and Preparation and Adaptation Working Groups.
Q3 P7	Priority A	Add underlined text to A.1.3.1 Update and map…	A.1.3.1 Update and map ecosystem forming processes, structures, and functions that are intact or degraded. Use the regional habitat protection decisionmaking framework once it is available. Build on existing knowledge including, but not limited to, watershed or river plans, salmon recovery plans, State Biodiversity Plan, Conservation Opportunity Framework, water quality plans, Shoreline Master Programs and GMA Comprehensive Plans, Future Land Use maps, FEMA mapping, Buildable Lands Inventories, and existing climate change data from Climate Action Team, Preparation and Adaptation Working Groups, Climate Impact Group, and others. Incorporate new information from the Nearshore General Investigation Study and Climate Change strategies. The work should be performed in a collaborative method, including local governments, interest groups and citizens.
Q3 P7	Priority A	Add underlined text to A.1.3.2 In the near term…	A.1.3.2 In the near-term, perform high-level, watershed characterization studies in each WRIA… Subsequent characterization efforts should ”drill down” to more precisely indicate the high-priority areas for protection, ecologically-important areas that are minimally altered and can be effectively restored; unique, rare, or otherwise intrinsically-valuable resources; areas where climate change is projected to eliminate key habitat areas or where habitats could migrate; areas where more intensive development can occur without major additional adverse effects on water quality, water flow, or habitat; and …
Q3 P7	Priority A	Add underlined text to A.1.3.3 Using the results…	A.1.3.3 Using the results of the characterization, identify near- and long-term strategies and targets to protect and

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			restore local ecosystem processes, structures and functions; refine local and regional acquisition strategies; reduce water pollution; consider implications of climate change; and accommodate growth and economic development.
Q3 P8	A. 1 Near-term Actions	Add underlined text to item 3 Initiate or complete maps…	3. Initiate or complete maps for each of the watersheds within the Puget Sound …. Build on existing work such as the salmon recovery plan and other assessments and utilize local knowledge and input. Consider implications of climate change. Start with counties next in line to complete Shoreline Management Plan updates.
Q3 P8	A. 2 Permanently protect…	Add underlined text to title …	A.2 Permanently protect the significant intact areas of the Puget Sound ecosystem that still function well and will safeguard natural systems under future climate conditions.
Q3 P8	A. 2 Permanently protect…	In first paragraph, add the word floodplain as shown in underlined text	Permanent protection of intact habitat can translate to dedicated networks of open spaces, preserves, wildlife corridors, functional working resource lands, and nearshore, floodplain, and estuarine environments, making this a cornerstone of the Puget Sound protection strategy.
Q3 P8	A. 2 Permanently protect…	Add underlined text to A.2.1.1 Acquire specific lands…	A.2.1.1 Acquire specific lands at risk of conversion or impacts from other human activities. For the near-term, complete priority acquisition projects identified through established processes (e.g., salmon recovery and others) and/or other sub-regional acquisition strategies developed using ecosystem recovery principles and incorporating projected conditions due to climate change. Over the long-term, acquire property identified through the watershed characterizations and protection prioritization (see A.1).
Q3 P9	A. 2 . 2 Update and implement	We strongly support item A.2.2.3 Amend the shoreline management Act… We recommend adding underlined text to the	…to be more protective of nearshore environments and to encourage the use of natural systems to address increased flooding and other effects of climate change.

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		statement	
Q3 P9	A.2.2 Update and implement	Add statement to this list following A.2.2.7	A.2.2.8 Redesign stormwater management guidelines to accommodate increased stormwater flows projected under climate change and to reduce flooding. Promote use of natural systems such as floodplains and watershed based stormwater management.
Q3 P9	A.2 Near-term actions	Add underlined text to statement 1	Purchase high value habitat and land at immediate risk of conversion as identified through existing processes such as the salmon recovery plans and others. Choose parcels that will provide high ecological functions under projected climate change conditions.
Q3 P10	A.2 Near-term actions	We strongly support item 7. Change Shoreline Management Act statutes…. This is essential to prevent environmentally detrimental responses to climate change such as bulkheads and hard armoring. Consider strengthening these statements by incorporating underlined text from the PAWG report:	As advised under Recommendation 1.2 of the Coastal and Infrastructure section of the 2008 Preparation and Adaptation Working Group recommendations to the Governor, "SMA and HPA rules should be revised to strictly limit new armoring and reduce the impact of reconstructed armoring. Ecology should update rules or guidance related to SMP updates to require characterization of erosion hazards and threats to shoreline functions due to sea level rise, and facilitate development of appropriate setback and/or buffer regulations that correspond to sea-level rise forecasts. - Also under Recommendation 1.2, "Revisions to HPA processes are needed to ensure compliance with sea level rise policy objectives, such as requiring impact assessments for proposed armoring projects, consistent with SMP mitigation sequencing requirements (e.g., first avoid, then minimize, then mitigate) and consideration of cumulative impacts. -Recommendation 1.4 advises the state to "[u]tilize FCAAP flood hazard planning to address sea level rise and other climate change-related risks. [Flood Control Assistance Account Program (FCAAP)] could...support long-term climate change impact planning by local communities. These plans are vital to reducing risk to life and property, and to reducing long-term cost

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			of responding to sea level rise and climate change impacts...Specifically: Eligibility and rating criteria for hazard planning programs should be updated in recognition of the growing awareness of sea level rise risk to coastal communities.
Q3 P10	A.3 Protect and conserve freshwater…	Add underlined text in lead paragraph	A.3 Protect and conserve freshwater resources to increase and sustain water availability for instream and human uses. Surface water flows and groundwater resources in most watersheds of Puget Sound have been compromised as a result of dams, other modifications, loss and change of vegetative cover, and water withdrawals for municipal, domestic, commercial, industrial, and agricultural water supplies. Climate change is compounding these problems by reducing snowpack and groundwater infiltration, increasing stormwater runoff, raising stream temperatures, and concentrating pollutants in waterbodies. As a result…
Q3 P11	A.3.1 Implement and update…	Add underlined text to statement A.3.1.2	A.3.1.2 Develop coordinated watershed-based water management strategies, accounting for existing ecosystem goals, water management agreements, projected future climate conditions and water availability, and projections of future instream flow demands.
Q3 P12	A.4 Support long-term protection…	Add underlined text to title	A.4 Support long-term protection and stewardship of working farms, forests, and aquatic lands to help maintain ecosystem functions, resiliency under climate change, sustained quality of life, and improved viability of rural communities
Q3 P13	A.4 Near term actions	Add underlined text to item 4.	4. Continue to implement existing forest practice plans and regulations consistent with the Action Agenda including the state trust lands Habitat Conservation Plan, state forest practices rules, and Road Maintenance and Abandonment Plans as informed by the Forest and Fish Plan, and others. Integrate climate science into these plans and regulations.
Q3 P15	Priority B	Add underlined text in Rationale for action…	Rationale for action: Protecting the habitats and functions that are left is critical, but will

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			not be enough to restore the health of the ecosystem….Will the restoration work be obliterated by something that is occurring upstream or by the effects of climate change? Will it connect habitat patches into a functional network or just fix an isolated site?
Q3 P16	B.1 Implement and …	In second paragraph, add underlined text…	In the near-term, prioritize the implementation of restoration projects identified within existing species recovery plans, flood hazard management plans, road decommissioning plans, and other documented, well-vetted processes and consider these in light of climate change. Over the long-term, implement projects identified …
Q3 P16	B.1 Near Term actions	Add underlined text in 1. Implement restoration…	1. Implement restoration projects in the salmon recovery three-year work plans and the Estuary and Salmon Restoration Program of the Nearshore Partnership. Ensure implications of climate change are considered.
Q3 P17	B.1 Near Term actions	Add underlined text in 3. Complete the Puget Sound…	3. Complete the Puget Sound Nearshore Partnership's General Investigation in a timely way to identify and refine nearshore restoration opportunities and move toward implementation. Ensure implications of climate change are considered.
Q3 P17	B.2 Revitalize waterfront…	Add underlined text in B.2.1 Restore urban…	B.2.1 Restore urban waterfront areas and communities in a manner which complements functioning shoreline ecosystems and accommodates future climate change and sea level rise projections.
Q3 P18	B.3 Near term actions	Add underlined text in 1. Implement coordinated incentive…	B.3 Near-term Actions 1. Implement coordinated incentive and technical assistance programs for private landowners through the Conservation District, WSU Extension, and local governments. Ensure programs require consideration of projected future conditions resulting from climate change.
Q3 P19	Priority C	Add language about recent NMFS Biological Opinion declaring that current accepted uses of	Even as we clean up old contaminated sites, we allow new pollutants such as synthetic hormones to enter the water, many of which we know very little about or have few

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		chlorpyrifos, diazinon and malathion are likely to jeopardize the continued existence of 27 species of endangered or threatened salmon and steelhead. In the report, the agency proposed buffer zones of up to 1,000 feet between where the pesticides are applied and salmon streams, strips of at least 20 feet of vegetation on agricultural sites next to waters designed to absorb runoff from pesticide-treated fields, restrictions on applying pesticides in windy conditions, and a prohibition on applying pesticides when a storm is predicted. The second paragraph of "Current situation" is a suggested location to reference this, using underlined text…	standards and testing methods to evaluate. NMFS recently issued a Biological Opinion declaring that current accepted uses of chlorpyrifos, diazinon and malathion are likely to jeopardize the continued existence of 27 species of endangered or threatened salmon and steelhead. Although progress has occurred at individual locations, other sites have worsened and grappling with the multiple problems of water quality at a regional level has been difficult…
Q3 P19	Priority C	Add underlined text to bullet point under Rationale for Action	• Use a comprehensive and integrated approach to managing urban stormwater and rural surface water runoff, including floodplains, natural systems, and watershed based stormwater management.
Q3 P21	C.2 Use a comprehensive …	Add underlined text…	C.2 Use a comprehensive, integrated approach to managing urban stormwater and rural surface water runoff to reduce stormwater volumes and pollutant loadings. Surface water and stormwater runoff in urban and rural areas are primary

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			transporters of contaminants to surface and groundwater resources throughout the Puget Sound basin. Stormwater flows are likely to become larger and more frequent due to climate change. Strategic elements of a comprehensive approach to reducing surface and stormwater volumes and pollutant loadings include managing surface water closer to its source and when possible, protecting and restoring the natural processes related to flow and filtration.
Q3 P22	C.2 Use a comprehensive …	Add underlined text…	C.2.2 Manage stormwater runoff in urban and urbanizing areas to reduce stormwater related impacts. Incorporate future stormwater projections due to climate change.
Q3 P27	Priority D: Work Effectively…	Add underlined text in second bullet under "Current Situation"…	Many of the land use and permit decisions made in Puget Sound are narrowly focused and are detached from their full repercussions to land, water, species, and human health and well-being. None are currently required to consider future conditions under climate change. The decision-making process is frequently adversarial…
Q3 P28	Priority D: Work Effectively…	We strongly support the bulleted statement under "Rationale for Action" • Support, develop, and integrate climate change programs and adaptation strategies to improve implementation effectiveness and regional and local readiness for anticipated changes.	
Q3 P29	D.2	We strongly support all statements under D.2 Support, develop, and integrate climate change programs and adaptation strategies in the Action Agenda to improve	D.2.4 Work with state agencies and local governments to integrate projected future conditions due to climate change into permitting, planning, and other regulatory and non-regulatory programs.

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		implementation effectiveness and regional and local readiness for anticipated changes. We suggest adding the underlined text…	
Q3 P51-61	Action Area Profiles	Appreciate and support inclusion of "localized climate change impacts" under the heading "local threats to ecosystem benefits." We recommend going a step further and quantifying projected future impacts (e.g., sea level rise 1-18 inches by 2050) to help planners understand and prepare for the magnitude of the anticipated changes.	

The Puget Sound is an iconic waterbody that benefits us all and deserves to be swimmable, fishable, and digable. Its health is essential for the survival of salmon, orca, and other species. NWF looks forward to working with the Puget Sound Partnership to achieve significant improvements in ecosystem functions and to secure adequate funding to accomplish the needed work.

Thank you again for the opportunity to comment and recommend specific text changes. We look forward to seeing the final Action Agenda.

Sincerely,

Doug Howell
Regional Executive Director
Western Natural Resource Center
National Wildlife Federation

November 20th, 2008

David Dicks
Puget Sound Partnership
PO Box 40900
Olympia, WA. 98504
e-mail actionagenda@psp.wa.gov

Dear David Dicks and Leadership Council:

On behalf of The Nature Conservancy; thank you for this opportunity to comment on the Draft 2020 Action Agenda for Puget Sound.

The Nature Conservancy and our partners have active conservation or restoration projects in all seven of the designated Puget Sound Action Areas, and active marine conservation projects in five of the seven. We have been involved in conservation actions in the Puget Sound Basin since the l970's, and have played an important role in the development of key conservation initiatives and programs in Washington State including the Department of Natural Resources Trust Land Transfer Program and the Washington Wildlife and Recreation Coalition. TNC staff members are playing leadership roles in the Washington Biodiversity Council, the Puget Sound Nearshore Partnership, and local marine and watershed management efforts.

The Nature Conservancy supported the legislative process that established the Puget Sound Partnership, and the Action Agenda and we have consistently supported actions to protect the Sound 's natural ecosystem. The Conservancy recognizes the global significance of the many unique habitats present and the migratory and endemic species using the Puget Sound ecosystem. These places and creatures provide solace for both residents and our many visitors, and attract thousands of people to our forests and shores every year. The uniqueness and desirability of our region is also one of our biggest challenges, as the rate and way we grow affects the health of our land, water and people.

The Conservancy also recognizes that the Action Agenda represents a once in a generation opportunity to identify, build support for and advance significant conservation and restoration goals in our region, and we support the Puget Sound Partnership's leadership, scientists and staff in their efforts to develop a robust and effective work plan. We applaud the efforts of the

Partnership to reach out to stakeholders, governments and interested parties in each of the seven Action Areas. The tasks identified in the Action Agenda viewed as a whole are crucial and represent the critical first steps that must be taken to save our Sound by 2020.

Before we address our support and suggested improvements to specific parts of the plan, The Conservancy wants to emphasize three critical points. First is the need for adequate financing to ensure that the Action Agenda is actually implemented. New sources of funding are absolutely necessary to achieve the 2020 recovery goal. Second is the need for clear goals, performance benchmarks, and effective measure to assess progress. Clear and comprehensive benchmarks that are understandable to both our leaders and the public, are absolutely necessary to determine if we are making adequate progress. Third, we must engage our citizens, teaching them about their ecosystem, engaging them in efforts to protect what's still healthy and to help recover those parts in need of critical care.

These three overarching tasks, providing adequate funding, establishing clear benchmarks and measures, and fostering public understanding and engagement are tightly linked and intimately related. Failure by the Partnership to fully commit to execution on any one of these tasks will inevitably result in failure to recover the Sound by 2020. The Conservancy continues to demonstrate our commitment to advancing the goals articulated by our state leaders in the enabling legislation by providing staff to participate in and support the effort, and by walking our talk day in and day out to protect and restore critical parts of the ecosystem we all call home. The Conservancy urges the Partnership to consider us as a full "partner" ready to engage in these important tasks as the recovery efforts move forward into implementation of the Action Agenda.

Thank you again for the opportunity to provide comments.

Maggie Coon
Acting Executive Director
The Nature Conservancy

Specific Action Agenda Comments from The Nature Conservancy

Priority A Habitat Protection

Generally this section is strong, but should include a bullet on the purchase of areas critical for enabling large-scale restoration and for implementing restoration identified in B.1. Most major publicly funded restoration programs require land to be conserved in perpetuity. Availability of conserved lands appropriate for restoration may become a significant limiting factor on restoration capacity in basin.

Conservation leasing is a specific mechanism developed with WA DNR that could supplement fee title purchase in providing access to conserved lands for restoration. (TNC suggests broadening section B.3.1 to include this.) TNC suggests looking for more explicit opportunities for working with DNR Aquatics where they have jurisdiction over tide and bed lands.

The near term actions on water quantity presented in section A.3 of Question 3 are critically important to Puget Sound recovery. TNC strongly supports the Action Agenda's call for completing and updating instream flow rules in watersheds around the Sound; establishing water masters; addressing permit-exempt wells; and implementing the instream flow Protection and Enhancement Program under the Salmon Recovery Plan. We also support the Action Agenda's goal of developing coordinated watershed-based water management strategies. We look forward to working with the Partnership, the Dept. of Ecology, tribes, and other state and local entities to advance the important freshwater actions during the next biennium and beyond.

Section A.3.1 refers to ensuring in-stream flows are protected by role. This section should also call for setting ecologically meaningful in-stream flow rules. Protecting in-stream flows that weren't designed to address biodiversity needs will be less helpful. We suggest improving language for A.3.1 and A.3.2. to state that in-stream flows be completed based on current science and overall biodiversity needs (in addition to salmon requirements).

On page 11 of Question 3, section A.3.2 discusses the need to "[r]eform state water laws to be more protective of instream flows and encourage conservation". We agree that state water laws need to be reformed to keep more water instream; however, section A.3.2.1 says, "Discourage waste of water resources and protect instream flows by addressing water laws that deter conservation and efficiency". (emphasis added). The words in italics are often used as a rationale for eliminating or narrowing relinquishment – the "use it or lose it" provision in state water law. We urge the Partnership to

change the wording of this section to say, “Revise water laws that discourage conservation and efficiency measures in such a way that will result in more water dedicated to in stream flows.”

Funding for water resource programs is often a challenge, especially in today’s economic climate. However, we urge the Partnership to invest in water quantity programs to avoid more costly and complicated problems associated with unsustainable water use in the future. This is especially true given the significant population growth projected for the Puget Sound region, the likely impacts of climate change in reducing snowpack and altering precipitation patterns, and the prevalence of “water critical” basins around the sound.

Section A.4.3-- consider adding "farming for wildlife" as an example in either A.4.3.1 or A.4.3.2

For section A.5, create new bullet A.5.4 “Implement an Early Detection and Rapid Response System for addressing invasives - allow interagency fund sharing to address control issues”.

Priority B- Habitat Restoration

Section B.1 – Add Skagit Delta to the list, and Support the Elwha River dam removal. Near-term actions in B.1 should include: “While removal of the Elwha River dams is primarily a federal responsibility, the state should contribute funds as necessary to avoid delay. Federal agencies should timely implement all actions necessary to timely remove the Elwha River dams.”

Conservation leasing – Partnership should add mention in section with marine managed areas (A.2.1.3.) or in section on private stewardship B.3.1. Should add the phrase "on their property or adjacent lands" or could broaden to include private organizations/NGOs such as TNC and MRCs (not just private landowners).

Priority D - Working Effectively

D.1.2 – add Marine Resource Committees and TNC's ecoregional assessment to this section

The section on near term actions could be strengthened and broadened beyond hatchery focus.

TNC suggests adding a section on the Puget Sound Nearshore Partnership in Near-term actions—including complete the Strategic Needs Assessment, integrate with salmon recovery priorities and implement

We suggest expanding MRC's so they have sound-wide coverage since our understanding is that this action is in the works.

Section D3 – include more examples of how NGOs or MRCs contribute since they are obvious groups to include in a sound-wide effort.

D.3.7 – should mention "conservation organizations" in list of groups to interact with. We recommend changing wording so that it says will "engage with these groups to advance shared priorities", better than current text suggesting simply to do "outreach" to the environmental community.

D.4.3 – A critical issues related to permitting is staff capacity. Should consider making restoration permits a priority for response; or perhaps have them routed and reviewed by a dedicated group separate from development applications.

General comment on shoreline armoring – at a recent workshop it was apparent that the permitting entities have not kept pace with new techniques for soft- or alternative shoreline armoring. The PSP should work with permitting entities to help them revise their guidelines to incorporate specifications for these new kinds of armoring. Or maybe this could go in Section D.4.

Finally, TNC would like to see improved emphasis and reference to climate change and the incorporation of climate science throughout the Partnership's action agenda. The Puget Sound salmon plans do not adequately take into account potential impacts of climate change on the fish and proposed salmon recovery actions. TNC is anxious to see the Partnership address climate change throughout the Action Agenda at least as effectively as you are proposing to address humans expanding development footprint in the basin.

From: **Jim Davis,** The North Cascades Conservation Council

Comment: The North Cascades Conservation Council (N3C)applauds the hard work of the Puget Sound Partnership in producing the draft action agenda. N3C is a 50 year old organization that led the effort to create the North Cascades National Park and adjacent wilderness areas, successfully challenged numerous hydropower and other dam projects that threatened Puget Sound, worked to protect old-growth and lowland second growth forests, and coordinated many other North Cascades conservation initiatives. We are very interested in the west slope of the North Cascades and impacts management of this area may have on Puget Sound.

Environmental threats to Puget Sound are substantial and varied. The action agenda has identified many of the most important threats and outlined effective strategies for addressing them. We strongly support your efforts to achieve necessary policy changes, regulatory reform, and funding for program implementation. Your emphasis on prevention and protecting existing intact ecosystems is particularly important for protecting Puget Sound. As the action agenda emphasizes, prevention is by far the most cost-effective strategy for protecting Puget Sound. We do, however, have a few specific recommendations for strengthening the action agenda.

Although speaking broadly about ecosystem protection, action agenda implementation sections focus far too narrowly on marine waters, the lower reaches of rivers and streams, urban areas, and working landscapes (i.e. forest and agricultural lands).

Management of public lands above 1,000 feet altitude is critical to overall ecosystem health of the Puget Sound. Implementation of the action agenda needs to include a broadened emphasis on the following. Old-growth and mature second growth forests must be protected from future logging to assure adequate water quantity and quality in Puget Sound streams and rivers.

Broader watershed impacts are as important, if not more important than threats to riparian areas below 1,000 feet altitude. Degradation of these forests results in sedimentation, warmer water temperatures, and extreme variability in stream flows. All of these directly impact salmon, as well as downstream water quantity and quality. Providing permanent protection for these lands is critical. All existing inventoried roadless areas (and some adjacent Forest Service lands) in the Puget Sound should be seriously considered for designation as wilderness or park. Designation as wilderness or park will also help prevent development of dams that even further threaten water quantity and quality. The action agenda appropriately mentions Alpine Lakes wilderness additions, but this is only a very small portion of the lan ds eligible for wilderness or park protection. The Partnership should directly promote wilderness and park designation in Puget Sound watersheds. Designation of wild and scenic river status can also protect crucial headwater streams from inappropriate development (e.g., hydropower or water storage dams).

The action agenda should call for a comprehensive examination of rivers and streams that drain into the Puget Sound to identify those that are appropriate for wild and scenic river status. Where ever wild and scenic status will help protect Puget Sound, the Partnership should actively support such designation. Rapidly deteriorating national forest roads are a major threat to Puget Sound. Significant funds are needed to decommission or upgrade

these roads to prevent sedimentation from clogging Puget Sound streams and rivers.

The action agenda should include this critical component among those that require funding in the immediate future. Although adequate funding is extremely important for protecting and restoring the Puget Sound, implementation sections of the action agenda focus to narrowly on funding driven solutions. Action to protect the Sound must not wait until funds are available.

The Puget Sound Partnership should follow a dual track of aggressively pursuing low cost or no cost options for protecting Puget Sound, while pursuing funds to achieve the more costly strategies. Designation of new parks, wilderness areas, and wild and scenic rivers is a very low cost strategy that can be pursued immediately, while funding is pursued for other strategies.

Thank you again for your efforts and dedication to protecting and restoring the Puget Sound. The North Cascades Conservation Council looks forward to working with you on implementing the action agenda.

PugetSoundPartnership
our sound, our community, our chance

North Olympic Peninsula Lead Entity
www.NOPLEgroup.org
Clallam County Courthouse
223 E. Fourth Street, # 5
Port Angeles, WA 98362-3015
(360) 417-2326

William Ruckelshaus, Chair
Puget Sound Partnership Leadership Council
P.O. Box 40900
Olympia, WA 98504-0900

Nov. 20, 2008

Dear Mr. Ruckelshaus,

As a consortium of tribal and local governments who join with citizens, scientists, community groups and others to recover salmon and create healthy ecosystems on the North Olympic Peninsula, we are pleased with the Draft Action Agenda for Puget Sound released earlier this month.

The document is grounded in science, forward-thinking, well organized and readable. We are also pleased that the Partnership understands that salmon are a critical indicator species of the health of Puget Sound. And, that salmon are on the brink of extinction. This is not acceptable and we look forward to continued collaborative efforts with the Puget Sound Partnership to clean up Puget Sound and reverse the salmons' precipitous decline. Support by the Partnership for implementation of our three-year salmon work plans is integral to helping make that happen.

Both as an organization, as citizens, and as representatives of other groups, our members have participated in the process of helping create the action agenda. They have shared their expertise at numerous Partnership and Strait Action Area workshops, and meetings both locally and elsewhere in Puget Sound.

We applaud your staff and members for their hard work and dedication in providing forums and opportunity for collaboration and input as part of this process. We also appreciate their listening to and valuing of the local knowledge from those who call the North Olympic Peninsula home.

We felt that there were lots of opportunity for input, and good communication during this fast moving process. Both our technical team and lead entity group reviewed and made suggestions on edits to the Strait of Juan de Fuca Action Area matrix and profile. We fully support those revisions that the Straits Action Partnership Liaison John Cambalik is providing and request their incorporation into the final action agenda.

In working together, this process helped remind us that we are all part of the problem impacting Puget Sound, but by working more closely together, being innovative, and willing to make critically-needed changes, we can also be part of the solution.

Sincerely,

Cheryl Baumann

Cheryl Baumann, Coordinator
On behalf of the North Olympic Peninsula Lead Entity for Salmon

cc: Joe Ryan, Puget Sound Partnership Salmon Section
Steve Tharinger, Ecosystem Coordination Board
Rebecca Ponzio, PSP Salmon Liaison,
John Cambalik, PSP Straits Action Area Liaison

PugetSoundPartnership
our sound, our community, our chance

From: Rebecca Benjamin, North Olympic Salmon Coalition

Comment: I am submitting the following comments on behalf of the North Olympic Salmon Coalition (NOSC), with interest both in the Straits and Hood Canal Action Area. NOSC is a Regional Fisheries Enhancement Group, RFEG Region 7.

1. Question 3- Pg 4 - #c should include another bullet (or revision of third bullet) to the effect of "Past actions, where baseline data are available, should be measured, monitored and adapted." The intent here is that there are countless projects that have been implemented, for which baseline data is available but continued monitoring funding was not available. These projects will yield useful information about their effectiveness far more quickly than the monitoring of new actions.

2. Question 3 - Page 15 Priority B: Restore Ecosystem Processes, Structures, and Functions The "Rationale for action" summary identifies 'freshwater, riparian, and uplands' as one of the restoration strategies primary objectives. Subsequent section B.1 calls out 'continued implementation of species recovery plans'. Many of these plans of course address freshwater resource restoration projects. However, section B.1 Near-term Actions focuses on the nearshore and estuaries. I propose including, under B.1 Near-term Actions a #4. " Complete large-scale restoration projects on stream and river systems in Puget Sound where there is a high likelihood of recreating ecosystem function.

3. Regarding the Action Area Boundary between the Straits and Hood Canal. The boundary location as it stands now, splits east Jefferson County between these two action areas. This is counter to all of the established organizational and processes boundaries that have been working effectively to address recovery of habitats and ecosystem function in Discovery Bay watersheds to this point. Though the boundary was created to address ecosystem boundaries (in this case between the Straits and Hood Canal, it can be argued that in these times of precious resources (human and capital), it is more important to address the priorities of 'efficiency' and using 'existing organizations and processes'. Plus the processes in place all address ecosystem functions at the Discovery Bay level.

At the November 6th meeting in Edmonds, feedback was solicited on the action area boundaries. Please hear and consider this strong request to adjust this boundary to be the line between Jefferson and Clallam counties which will support our current processes and efficiencies and our established working partnerships. Since we were asked at the November meeting for our feedback on the boundaries, I will assume this request (and others from Jefferson County) will be given serious consideration.
Thank you for this opportunity to comment.

Northwest Natural Resource Group
promoting a sustainable environmentally sound economy for multiple generations

November 19th, 2008

Dear Puget Sound Partnership Leadership Council,

The Northwest Natural Resource Group (NNRG) is pleased to be able to provide comments on the Puget Sound Action Agenda and the role of private landowners and forestry in maintaining and improving water quality within Puget Sound. NNRG understands that restoring Puget Sound and maintaining our water quality and habitat is a complex task and we applaud the efforts that went into this action plan. As an environmental organization with significant experience in private landowner issues, forestry, and water quality impacts, we respectfully submit these comments and recommendation for the Action Plan.

Founded as the Olympic Peninsula Foundation in 1992, NNRG began as a community based organization dedicated to economic and environmental vitality in one of the world's most unique ecosystems, the Olympic Peninsula in Washington State. NNRG's mission is to *"promote innovative forest management strategies that improve the health of forest and freshwater ecosystems while increasing economic development in rural communities."* We seek solutions that will lead to a sustainable future both environmentally and economically. Recognizing the role working forestlands and their management play in downstream water quality and connecting that to ecosystem services markets and other programs is essential.

An effective strategy to maintain working forestlands, prevent conversion, and increase the application of management techniques which lead to increased water quality, reduced peak flow events, and minimize alder regrowth (associated with significant nitrogen release) must address forest management at a watershed scale and shift from focusing on small scale restoration projects. Ecosystem services markets must also be designed to support upstream working lands both by providing a revenue stream to landowners to maintain their lands, and to pay for restoration projects. Using funds for restoration projects alone will not accomplish our goals.

Overall in the Action Agenda, although you have incorporated forestry and land use issues into the plan the Agenda has not developed deliverables or action items comparable to the other sections on restoration, etc. Similar to the disjointedness of individual Puget Sound recovery efforts which necessitated formation of the Partnership, land use efforts remain disjointed and this Action Agenda does not adequately address them. Action items and the funding plan must be adjusted to actually incorporate land use at a base level, not just to "continue implementing existing forest practices plans and regulations" (Section A.4 Question 3, Page 13). Forestry needs to be viewed at a watershed scale and forest management level, not at an individual

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restoration project level. Management changes should be viewed as restoration activities. Tools such as FSC certification are barely mentioned at all.

Also although ecosystem services are mentioned several times, it is almost entirely from the consumer side. Ecosystem services actions need to address the providers of these services, in most cases forest and farmland owners. There is significant need for pilot programs and planning stages to include private landowners and organizations such as NNRG who represent their needs. For example, worries about Alder regrowth leading to nitrogen loading should not be just addressed through restoration; these are recurring issues that need to be addressed with management changes and landowner incentives to support these changes.

Specifically NNRG is troubled by the indicator and goal for land cover (Question 1, Page 3) which calls for maintaining only 90% of forest acreage below 1000 at 2001 levels by 2020. Although the land conversion rate for western WA varies from study to study, even using the conservative 0.37% per year from WA DNR (http://www.dnr.wa.gov/Publications/em_fwflanduse.pdf) we project a loss of 7.3% of our forestland from 2001-2020. So why choose a "goal" which would actually allow for an INCREASE in conversion and loss of forestland and its associated ecological benefits? This inconsistent goal is further illuminated a few pages later (Question 2, Page 2) where a four percent loss (1991-2001) of lowland forests is views as detrimental to human well being. NNRG is recommending consistency between state plans and suggests adoption of the goal of decreasing conversion of forestland by 70% from current rates by 2020. This follows the recommendations for the forestry sector of the Washington State Climate Action Team. We also recommend a long term (2050) goal of no net loss of forestland.

Section A.4 (Question 3, Page 12) relating to long term protection of working farms, forests, and aquatic lands fails to provide concrete action items or acknowledge the various tools available for preserving working lands. Although the introduction tells us that "program management costs to government can be prohibitive, the most willing property owner participants may not be situated in highest priority areas, and these programs do not guarantee long term protection given the voluntary nature of participation" there is little acknowledgement of the necessity of working with private landowners to maintain ecosystem function. We recommend strategies such as FSC certification be specifically included (section A.4.4) as they can not only lead to management improvements such as increased retention and longer rotations but also provide for long term third party monitoring that DNR is unable to provide. These actions should be listed in the "near-term actions" where currently most items call to "continue ongoing work". Work needs to be expanded to reach more landowners, better prioritize high ecological value areas and watersheds, and link these incentives to ecosystem services markets including a pilot water quality trading program. Current actions listed are highly unlikely to lead to desired decreases in conversion rates.

An internal analysis by the Environmental Protection Agency's (EPA) Region 10 determined that the FSC's Pacific Coast forest management standards are the only non-federal forest management guidelines likely to meet the water quality targets of the Clean Water Act. Additionally, the EPA determined that FSC's standards met or exceeded NOAA Fisheries recommendations for salmon recovery as outlined in their publication titled *Forest Practices on Non-Federal Lands and Pacific Salmon Conservation,* as well as met or exceeded the EPA's

recommendations as outlined in their publication titled *Guidance Specifying Management Measures for Sources of Non-point Source Pollution in Coastal Waters (EPA 840-B-92-002, Chap. 3 Forestry Measures, 1/93)*. FSC certification also provides for annual monitoring that not only opens to door for documenting ecosystem services provision but also provides for a verification of performance to agreed upon standards, not just a process for complaint following a violation of standards or forest practices laws.

Priority B: Restoration (Question 3, Page 15): NNRG recommends as part of the shift in thinking described above that the definition of restoration be applied to include changing forest management practices to more closely mirror natural forests. Addressing forest management on a large scale instead of individual small restoration projects can have a tremendous impact on downstream water supplies. Encouraging FSC certification, increased retention, longer rotation, minimizing clearcuts and alder regrowth, etc should be viewed as restorative activities and supported under this strategy.

Section D.3 should include assisting private landowners to access ecosystem services markets. D.3.6 should be a near term action item as there are no action items relating to working with private landowners. D.5 is also a good place to include an action item to investigate the use of FSC certification as a regulatory alternative and also to provide training to forest managers on improved forest management for water quality.

Section E.2.3 needs to acknowledge land use and private landowners as participants in market incentives. Land use must be addressed within the water quality trading pilot (E.2.3.2). A location such as the Nisqually Watershed would be a prime location for this pilot given their EPA targeted watershed grant, organized river council, and 50 year watershed plan.

The Northwest Natural Resource Group is happy to provide further background or explanation for any of the above comments. We welcome and appreciate the opportunity to participate in this process and look forward to further collaboration on the long term sustainability of a healthy Puget Sound.

Sincerely,

Denise Pranger
Executive Director
Northwest Natural Resource Group

NORTHWEST STRAITS
marine conservation initiative

November 20, 2008

David Dicks
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Dear David:
Thank you for the opportunity to comment on the draft Action Agenda. We recognize the short turn-around time to adopt the final version of the Action Agenda and are limiting our comments to our highest concerns. We look forward to working with the Partnership on future versions of this agenda.

Inclusion of NWSI in the Agenda: The Northwest Straits Initiative (NWSI) which includes the Northwest Straits Commission (NWSC) and seven Marine Resources Committees (MRCs) is focused on marine conservation and restoration in seven Puget Sound counties. We empower local citizens to design and carry out local projects that meet educational and scientific goals and we manage regional projects such as derelict fishing gear removal. Our projects rise from local communities and, by working with local residents, we increase the level of awareness of Puget Sound issues while also achieving significant environmental improvements. We recommend that the Action Agenda include references to our organization's role as we are already carrying out relevant tasks. The Northwest Straits Initiative is widely recognized as a model for its bottom-up approach to conservation. We suggest that we be considered a "center of excellence" for citizen stewardship.

County Marine Resources Committees

Clallam
Island
Jefferson
San Juan
Skagit
Snohomish
Whatcom

In Cooperation with Participating Tribal Co-Managers

Puget Sound has one of the worst derelict fishing gear problems in the country. The Northwest Straits Commission is nationally recognized for its derelict fishing gear removal program. Our cost-effective program provides immediate and measurable results that result in broad ecosystem benefits. To date, we have removed over 900 derelict nets and have prioritized gear type and geographic areas for removal based on a set of scientifically vetted criteria. The Agenda recognizes derelict gear as a threat but does not list derelict fishing gear removal as a near-term action. Our goal is to remove 90% of derelict fishing nets in Puget Sound by 2012 and we encourage the Partnership to adopt this goal and support our efforts.

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Public Education and Outreach: Public education and citizen stewardship are vitally important and should be identified as a key tactic for all five priority strategies in the action agenda (A-E), and be specifically called out in each of those sections' list of near-term actions. People will be more supportive of suggested regulatory changes and more likely to change their own habits if they understand the need.

This region has a tremendous stewardship ethic that is demonstrated through the work of organizations such as the Northwest Straits Commission/Marine Resources Committees, Beach Watchers and many others. Coordination of these efforts is important, but the Agenda should also work to sustain and promote existing education and outreach programs related to the priority strategies.

Indicators: We support the goal of increasing the acreage of shellfish growing areas available for harvest and consider it an appropriate indicator. We are also interested in increased recreational shellfish opportunities. Several MRCs have specific projects underway to improve water quality due to concerns for shellfish downgrades. Please add MRCs to the list of partners under Priority C Reduce the Sources of Water Pollution, Task 7.

We support efforts to monitor eelgrass health but are concerned that it may not be an appropriate indicator given the uncertainties surrounding eelgrass declines in Puget Sound. External factors such as an increase in water temperature or increasing acidification may actually cause increases in eelgrass growth in the near future.

We would like to propose three additional provisional indicators: forage fish spawning success, changes in public awareness and rockfish populations. Forage fish such as sand lance, surf smelt, and herring are a key part of the Puget Sound food web. Measuring spawning success is important information to understand the health of the ecosystem and could serve as a useful indicator. Measuring public awareness is one way to monitor the success of education and outreach efforts. Regular surveys are an accurate and relatively easy way to track this information. Rockfish populations, which are at historic lows, are resident fish that need to be monitored.

We are concerned that setting 2020 desired conditions of 90% of 2001 forest cover and 120% of impervious surface cover is not an appropriate goal. We suggest "increasing pervious surface" and "growing our working forests and parkland" as more appropriate goals.

Ecosystem Management: We recognize the importance of recovering salmon populations which are a vital component of our Puget Sound ecosystem. Following through on ecosystem management, however, suggests that other species must also receive adequate attention. Marine bird populations are at a historic low in Puget Sound. The reasons for this decline are systemic with loss of habitat, declining food resources, marine debris, and marine traffic all likely factors. Forage fish are the basis of the food web. Rockfish are sessile organisms that are long-lived and do not migrate from Puget Sound. Several species of rockfish have plummeted by 90% in recent years. Recognizing the full ecosystem and managing to improve the health of many species will help to improve health and resiliency.

Stormwater: The scope of the stormwater problem is not adequately reflected in the Agenda. The magnitude of this issue demands a comprehensive treatment. We need a clear plan on how best to utilize all our tools on the federal, state, and local level.

Transboundary Work: It is important to work with Canada and the Province of British Columbia on a variety of solutions to improve the health of the Salish Sea. We recently hosted a workshop with the Governor's Office to share information on our derelict fishing gear program and participated in a cross-border workshop on marine managed areas. Both were extremely successful. We suggest a stronger recognition of transboundary connections and list the NWSC as a partner in these efforts.

Accountability: Accountability must resonate throughout the document. Performance based measures are vital for all tasks. Tasks should have measurable outcomes.

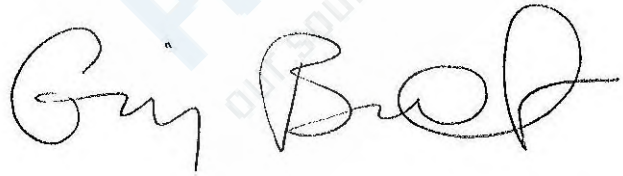
Clarity on priorities: The document does not provide a clear sense of priorities that the public can understand.

Oil spill preparedness and response: the Action Agenda does not address oil spill preparedness and response in a comprehensive manner. It will be particularly important to develop a long-term funding strategy for the state's oil spill preparedness and response program.

Threats: The list of threats is not comprehensive. It needs to include adequate consideration of sea level rise, ocean acidification and both raw and treated sewage. The rising levels of Puget Sound will affect nearshore restoration projects and may fundamentally alter existing nearshore habitats. This must be considered a priority for monitoring and research. New science is showing that ocean acidification is already occurring and we can expect major changes in the chemistry of Puget Sound over the next century. More research is required at the regional level on ecosystem resilience and adaptation.

We thank you, your staff and the Leadership Council for the tremendous work that has gone into the drafting of this document. We look forward to working with you and doing our part to restore Puget Sound by 2020.

Sincerely,



Ginny Broadhurst
Director, Northwest Straits Commission

STATE OF WASHINGTON
OIL SPILL ADVISORY COUNCIL
PO BOX 43113 • OLYMPIA, WASHINGTON 98504-3113 • (360) 725-0221

November 21, 2008

David Dicks, Executive Director
Washington Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Dicks:

Thank you for the opportunity to comment on the Puget Sound Partnership's Draft Action Agenda. I would like to acknowledge the Partnership's tremendous effort in putting together the Agenda.

I have reviewed the Agenda with the Washington Oil Spill Advisory Council staff and would like to make the following suggestions to the Partnership regarding oil spill issues in Washington State.

The following comments are structured so they can be read in conjunction with the Draft Action Agenda itself.

1. Question 2, Page 1, paragraph two, line five reads that we have "spilled at least 230,000 gallons of oil and hazardous waste (just since 1985)."
   I think it also may be prudent to acknowledge the average annual transits into Puget Sound by oil laden cargo vessels and oil tankers. These vessels pose a tremendous risk of spilling oily toxics into Washington's waters, and I feel that this should be acknowledged. Our staff would be happy to provide you with these annual numbers.

2. Question 2, Page 5, paragraph one identifies various threats to the health of Puget Sound. It seems that the purpose of this paragraph is to summarize the threats to Puget Sound. However, it makes no mention of there being pollution stemming from oil. The paragraph acknowledges that surface runoff is a problem. I acknowledge that surface runoff contains oil. However, there are also direct inputs of oil into water that are not acknowledged in this paragraph. I am requesting that you consider adding direct inputs of oil into water as a source of pollution, especially because the next paragraph states that oil spills are a source of the pollution that is identified in this paragraph.

Question 2, Page 5, paragraph two purports to answer the question of where the pollution in the above paragraph derives. Although the paragraph does not mention oil spills, this second paragraph identifies major oil spills as a place from where the pollution referenced above stems. I am glad that you mention major oil spills in this paragraph. However, I am requesting that you also consider recognizing the chronic, low volume spills that are directly added to Puget Sound every day. These spills do not stem, primarily, just from large oil tankers or cargo vessels. Rather, they come from recreational vessels, derelict vessels, and a variety of smaller commercial craft including fishing vessels. Upon your request, Council staff will happily provide you with statistics on these smaller, chronic oil spills.

Government must do a better job at preventing these spills if the sound is to become healthy again. In the Action Agenda, you later acknowledge the need for inter-agency program to deal with oil spills. Getting a handle on these small, chronic spills would require a coordinated inter-agency effort. Therefore, it is appropriate to acknowledge small, chronic oil spills in this paragraph.

3. Question 3, page 19, paragraph one, line two states that "spilled fuel" makes its way into Puget Sound. I think it would be appropriate to state that "spilled *oil products and* fuel" make their way into Puget Sound. Vessels are not just spilling fuel into the water; they are spilling other oils such as hydraulic oils and bilge wastes.

4. Question 3, page 20, item C.1.2.1. reads "Expand oil spill prevention and interagency spill response programs. Consider and integrate as appropriate the recommendations of the Oil Spill Advisory Council into the overall pollution strategy." Thank you for including this in your Action Agenda. I would request that you also consider making two changes. The first change would acknowledge that interagency programs would not only be useful in responding to oil spills, but to preventing oil spills, particularly small, chronic oil spills. The second change would state that it is important to assure that the Council has the resources it needs to assure that its recommendations can be meaningful. With these changes, the language would read as follows: "Expand oil spill prevention and interagency *oil spill prevention and* spill response programs. Consider and integrate as appropriate the recommendations of the Oil Spill Advisory Council into the overall pollution strategy. *Assure the Council has sufficient resources so that it can provide meaningful recommendations*."

5. Question 3, page 21, C.1. sets forth Near-term Actions. I am requesting that you consider adding as items 5 and 6 the following:
    5. "*Expand the oil prevention and interagency spill response programs*."
    6. "*Consider and integrate as appropriate the recommendations of the Oil Spill Advisory council into the overall pollution reduction strategy. Assure the Council has access to adequate resources to assure meaningful recommendations can be made*."

   I am requesting these additions so that funding can be assured to these important programs acknowledged elsewhere in the Action Agenda.

6. Question 3, page 27, paragraph 2 acknowledges that there are separate programs for doing various types of pollution prevention. However, this paragraph does not recognize the oil spill work that is being done in Washington State. I am therefore requesting that you please consider adding, after "cleaning toxic waste," a phrase that says "*preventing and rapidly responding to oil spills*."

7. Question 3, page 29, item D.1. sets forth Near-term Actions. I am requesting that you consider adding as item 8 the following:
    8. "*Consider and integrate as appropriate the recommendations of the Oil Spill Advisory Council into the overall pollution reduction strategy. Assure the Council has access to adequate resources to assure meaningful recommendations can be made*."

8. Question 3, page 32 discusses items that are being coordinated between various agencies, including federal agencies. I request that you consider adding as item D.3.5.7. the following: "Continue the work between the Department of Ecology Spills Program and the United States Coast Guard to implement the 2007 Oil Spill Prevention, Preparedness, and Response Summit."

9. Question 3, page 33 sets forth Near-term Actions. I am requesting that you please consider adding as item 8 the following:

    8. "*Continue the work between the Department of Ecology Spills Program and the United States coast Guard to implement the 2007 Oil Spill Prevention, Preparedness, and Response Summit*."

10. Question 3, page 44 includes a list of items needing to be done to continually improve the scientific basis for management actions. Page 45, item E.3.2. discusses conducting priority investigations. I would like to pose the question of whether it would be appropriate to include the Council and its studies here. The Council does studies that provide information about how to better prevent large oil spills, how to better coordinate around preventing small spills, and that give guidance on how to better and rapidly respond to oil spills.

    If you feel the above suggestion is appropriate, I would request, for Question 3, page 44, that you add as item 23 language showing that the Council studies are done to inform ways to better prevent and respond to oil spills.

11. Question 3, page 48 begins a section on ways to increase and sustain coordinated efforts. Question 3, page 49 sets forth Near-term Actions. I am requesting that you consider adding an item to page 49 reflecting that the Oil Spill Advisory Council should participate in these efforts.

12. Additionally, I have a concern regarding each of the Action Area descriptions. In the original draft of the Agenda that was published in early November, under "pollutant loading" there was a note saying that the existence of small, chronic

oil spills in these areas was opinion that was not justified. To the contrary, regarding "pollutant loading," there is pollutant loading to water that flows directly into the water from oil spills. Historically, in some areas, this has been due to the infrequent large spills from facilities and marine transportation. However, it is also from small, chronic spills from recreational and small vessels. This is not just opinion. Therefore, I would like to request that you include information about these spills in the Action Area descriptions. Again, our staff can work with the Ecology Spills Program to ascertain spill information for you. Also, I would like to suggest adding to the Priority Action Area Strategies items that reflect the Spills Program's work in this area, as well as the Oil Spill Advisory Council's work in this area.

Thank you for considering these recommendations.

Please do not hesitate to contact me through Council staff at (360) 725-0220.

Very Truly Yours,

Mike Cooper

Mike Cooper, Chair
Washington Oil Spill Advisory Council

PugetSoundPartnership
our sound, our community, our chance

Olympic Environmental Council

P O Box 2664 Sequim WA 98382

November 20, 2008

Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: ACTION AGENDA

The Olympic Environmental Council is a nonprofit organization formed in 1990 to expressly focus on environmental and human health issues in Clallam and Jefferson Counties, The OEC has worked with the PSP Environmental Caucus and the Strait Action Area Core Group, and have included input through these avenue, as well as commenting at your ECB meeting in Blyn. We want to compliment the PSP staff for pulling together this huge body of information and being able to format it into an action agenda.

Herein, are our comments on the DRAFT 2020 Action Agenda for Puget Sound. Most will be specific, but some will be general comments, of which I'll start off with.

GENERAL COMMENTS

•As bad as Puget Sound & the Strait are, without the work of numerous NGOs to protect it over the years from one polluting effort after another -- and even from governments, our body of water would be in worse shape. The combined effort, time and dollars, including legal actions, should be recognized by the PSP through seeing that such organizations have a stronger participatory role in developments for moving forward this cleanup. Within this document, governments are consistently empowered. They have not always been the protective sources, as have the NGOs. Therefore, we advocate for environmental and public health NGOs being part of all discussions and decision making.
This very issue was acknowledged at the Puget Sound Local Integration Task Force.

•There are a lot of verbs used, such as "revitalize", "restore", "implement", "support", but there are few time lines. For the Sound/Strait to be cleaned by

2020, or near to, time lines need to be developed as a gauge to keeping on track and where flexibility may be necessary**. All near-term actions should include a time line; long term likewise.**

•**Will broad-brushed action recommendations, of which there are many, undercut science?** For instance, when you say "revitalize waterfront communities," where does science play a role on how sites may be "revitalized?" This question can be asked for a great deal of recommendations and should be answered.

• Interspersed are references to reports, studies and programs. Is there a central place where we can access these? Or find their references?

• Specific terms are used throughout that many, maybe most readers do not know the meanings of.
E.G., "in-lieu-fee mitigation," "general permits," "market-based techniques," "wetland banking" and others. Acronyms are provided, but not definitions of unfamiliar terms**. Include a page of definitions for the likely unfamiliar terms.**

• Since this is about clean up, restore and protect, include provisions that will move Washington's governments and businesses **toward safer alternatives and away from chemicals known to be harmful.**

• Also, does "near term" mean 2009-11?

• Add language about following GMA regulations, **a data base to track** variances, waivers, and conditional use permits from GMA regulations and other regulations.

• Some of the biggest pollution is sanctioned by the state and federal governments **: floating fish pens that contaminate**, on a daily bases, wide swaths of sediments. Waste water treatment plant effluent, often with commercial and industrial contaminants, sent out to the Sound/Strait and the sludge spread on land, only to wash back down into ground and surface water bodies, and sicken the public that live nearby the spread of the sludge. (See our recommendations below.)

• There should be language supporting **completion of the Elwha River Ecosystem** Recovery efforts associated pre-dam removal projects.

• Add **language about dwindling water supplies and conservation** and safe reuse of water, and doing more locally to change our local actions to minimize activities (transportation, etc.) that use water in ways we don't need. We can not continue to ruin our water, a resource quickly dwindling. **Reduce consumption.**

• There be new wording -- **"net gain"** in addition to "no-net loss in the SMA ecological functions " requirements.

• Regarding construction along shorelines, include language that **resorts and marinas along our PS/Strait coastline will no longer be constructed.** These pollute.

• Adopt "rights" for marine animals and other wildlife.

• There should be much more **source control** language.

• More language is needed about protecting **human health**.

COMMENTS ON SPECIFIC SECTIONS

Question 1, Page 3:
"Shellfish growing areas Net increase of 10,000 acres of commercial shellfish growing area open for direct harvest based on improved sanitary conditions".

COMMENT—
This statement is too general**. Why 10k acres? What kind of shellfish? In which areas are you promoting expansion? How would they be raised? What will be the Impacts on surrounding ecosystem?**
There are some low key, low impact shellfish growing. As well, there is high impact shellfish growing and harvesting. We need science based data from small pilot projects before supporting and approving this industry in such a wholesale manner. Much of the shellfish growing is for export. Promote using our resources to support local needs and do not exploit our shorelines, etc. for export and private gain.

Our shorelines and waters are becoming aquatic feed lots, not for marine life but for industrial, mostly private, gain. Much of the geoduck artificially raised are sent to Asia and sell for very high prices, while our marine life suffer the consequences. Planting of artificial beds of geoducks use bulldozing, high water pressure, and plastic tubing the sediments. The PSP cleanup must stop this.

Question 2, Page 3:
The **target** : two to four viable populations of Chinook in five regions by 2055. That's almost 50 years away. Isn't it possible to reach this target earlier?

• **Action Agenda measure:** …The 2020 target for eelgrass beds is recovery to historic levels.
COMMENT: What were the original levels of eelgrass and can we get back to that?

The 2020 target is to reduce the toxic contamination of herring in central and southern Puget Sound to the lower levels seen in northern Puget Sound as an indication that we have controlled pollution sources.
COMMENT: Northern Puget Sound is territorially large, and it has some significant pollution. So is this a sufficient goal? No. P.S. could do better, so it should not be uses as background level for the rest of the Sound.

Question 3 | Page 4
• Actions and decisions about the use of resources should err on the side of caution to avoid irreversible ecological consequences.
COMMENT: Agreed, and therefore we should invoke the **PRECAUTIONARY PRINCIPLE** throughout the PSP plans for cleanups. When we see the science, we should invoke actions on this principle, rather than "risk assessments." You have heard this from others we encourage it be adopted.

Question 3 | Page 8
A.2.1.1 Acquire specific lands at risk of conversion or impacts from other human activities. For the n**ear-term,** complete priority acquisition projects identified through established processes (e.g., salmon recovery and others) and/or other sub-regional acquisition strategies developed using ecosystem recovery principles. Over the long-term, acquire property identified through the watershed characterizations and protection prioritization (see A.1
A.2.1.2 Establish & fund a mechanism to rapidly acquire lands at immediate risk of conversion.
A.2 Near-term Actions
1. Purchase high value habitat and land at immediate risk of conversion as identified through existing processes such as the salmon recovery plans and others.
COMMENT: These apply to the **urgency** of putting into public, not private, ownership the **Rayonier Mill property** in Pt Angeles to restore the salmon habitat, Ennis Creek Estuary and historic shoreline, but not through a Public District Authority as Ecology is pushing. We will have more to say about this below.

3. Convene a task force to develop a recommended mechanism to the Partnership on options to rapidly acquire properties with high ecological value and imminent risk of conversion. This work must augment and integrate with existing rapid acquisition programs.
COMMENT: In the case of the Rayonier site, this task force should include the Olympic Environmental Council and its coalition members, as they initiated the site investigation and cleanup and pushed forward the process.

Question 3, Page 12:
P. 13 A.5
It should be recognized in the Action Plan that pen raised fish are an invasive species.

P.17 B.2.
COMMENT: This is too vague.
COMMENT: B.2.1.1 Improve the coordination of a waterfront restoration and clean up efforts. "Improve" is a lax term.

B.2.2

PURCHASE THE LAND FOR PUBLIC ACCESS – FUND COE, ETC.

P. 11 B.2 Near-term Actions
Thank you for recognizing and prioritizing as a key action the Port Angeles Harbor and waterfront.

Please delete your language, "Fund a one year pilot program to develop a coordinated cleanup and restoration plan for the Port Angeles Harbor and waterfront. Implement the plan upon completion." Substitute the agreed on language of the Strait Core Action Area:

- Fund a one-year pilot program to develop an integrated and comprehensive harbor resources management plan that will provide the framework for a coordinated, environmentally and culturally sensitive approach to both new development and redevelopment within the Port Angeles Harbor.

We also want specifics as to who would be the lead agency? It should be coordinated by the Department of Ecology and the "lead agency" should include the Olympic Environmental Council Coalition, representing citizens and acknowledged by EPA and Ecology as having a special role in the Rayonier cleanup, the Port Angeles Harbor Steering Committee (Tribe, DNR, City of Port Angeles, Port of Port Angeles, and Clallam County) and the Olympic Environmental Council Coalition. Any "plan" has to allow the public to contribute to the future vision of the harbor. Land use planning along the Harbor and on the bluffs over the Harbor are important to in reducing the risk of recontamination and failure of ongoing and future restoration projects.

If the "lead agency" means the Ecology promoted Public Development Authority (PDA) for the Port Angeles Harbor, this would be bad. There is no other term. The PDA was conceived behind closed doors without public knowledge or even knowledge of most of the Pt Angeles City Council Members.

In May, it was sprung on the public and the Council with no/little time to read and comprehend the document. Four of the seven Council Members stated they had not had time to fully review the document that would form the new government, and one did not know the people being recommended to sit as the PDA Board. Nevertheless, they caved to City staff pressure that Ecology needed confirmation right away in order to include funding in the upcoming budget. *Additionally, no public input prior to discussion and voting on this issue was allowed. Even the Lower Elwha Klallam Tribe was not told.* Since, the local public has opposed the PDA and the City Council has agreed to discuss taking up these concerns. And **there is a pending State review under the Open Public Meeting Act** as to the legality of the City's vote and their process by which they approved the PDA

Further, there is citizen concern about the local legal firm that Rayonier has used having two attorneys that participate in this PDA. And there are a number of

other “dots” that may be connected.

Currently the PDA is working to attract new harbor activity without even having begun a planning process for the Harbor.

Last, Ecology paid the City of Pt Angeles to hold a “visioning” process for reuse of the Rayonier mill site. This was held in October 2007. With only 40$ of the public input summarized, the City reported on the “results” of the public event ; i.e., *prior to all the data being summarized and the full data evaluated.*

Based on public input, this publicly funded process was to produce few mill site reuse concepts; it produced one, which was to intensely develop the **site on and over the water** with shops, condos and a marina, all of which will re-pollute the Strait, Ennis Creek and the estuary once cleaned!

We do not support Ecology’s implementation of PART II, for $450,000, to be given to the PDA for planning the Pt Angeles Harbor redevelopment. As well, their “Board” has no expertise in environmental protection. The Harbor pollution supports this. And we discuss this further in our following comments re: MTCA funding.

We do support and encourage this public funding come to the OEC, the Lower Elwha Klallam Tribe and particular governments responsible for natural resources so that a plan protective of PSP’s intent – clean up, restore, protect – is instituted. These entities have one or the other – regulatory responsibility and/or public outreach and education experience. This would be the appropriate “coalition” / “table” to responsibly handle the one year pilot project.

P. 17 B3
COMMENT*:* It is unclear which private landowners you are targeting. Does this include industries? Does it include major polluters that are well financed to pay for restoration projects? Please add clarifying language.

Example: In the case of Rayonier, is it less expensive for them to clean the contaminants of concern on mill site soil, groundwater and fill, or less expensive to remove all the man made infrastructure – fill, creosoted pilings, cement pad that held the building infrastructure, and toxic soils covering the cement pad -- that has so changed the marine ecosystem? If the former, then we could see dollar differences offered to the company to do the latter, paying them the difference between the less expensive action and the more costly action that would allow full restoration of the historical shoreline, stream and estuary.

COMMENTS ON SECTION C
P.20 C.1 In addition to stating “open space protection,” add “increase numbers of open space areas.”

C.1.1.3 It should be “cradle to cradle.”

Add “Eliminate the spreading of solids from waste water treatment plants and industrial waste as “fertilizer” and “compost” on land – farms and gardening – in order to stop runoff to surface water bodies, their reaching groundwater, and their particles being carried by wind and fog.

C.1.2 should include air emission and source control programs for industry.

C.1.2.2 State “mass rapid transit.” This is very needed in rural areas and to popular visitor sites like the Olympic National Park, and the USWFS Dungeness Refuge during peak season.

C.1.1. Near Term Actions
Need timelines attached to actions.

Again, incorporate language to cease the spread of sludge (“biosolid”) and industrial wastes on land as fertilizer and compost. They wind their way back in to our water systems.

Also, add language to disallow factory farms whereby any waste or effluent could reach open bodies of water or groundwater that feed surface water bodies to the Sound/Strait.

C.2 As in C.1.1.1

C.2 Near-term Actions
There should be language on how to handle **non point** sources pollution.

PP 23-24 RE: wastewater treatment facilities.
Language should include research and investigation into those technologies that do more cradle to grave/cradle, such as processes that recapture heat for energy, do not release CO2 and have zero to little waste at the end.

C.6 Signage at these potentially polluted sites is needed, and for beaches with permanent toxicity. Hollywood Beach at Pt Angeles Harbor, where children and others daily play in the sand and water, is an example. Permanent signage should be placed to keep the public from recreating there.

COMMENTS ON SECTION D
P. 28 D.1.1 NGOs should be included in coordinating planning efforts.

P. 30 D.2 Shouldn’t we read and discuss the Climate Change Study Group’s recommendations before they are integrated into the A.A.? Restructure this language to include a chance for public review of the language.

P. 33-4 D.4 While much of this broad-brush language is appropriate, the public needs access to **details; to the fine print.** Again, NGOs relevant to the issues these regulations address should be at the table.

The general public likely doesn't know what a "general permit" under the CAA is; what would "streamlining" accomplish and affect; how would standards be modified? What is the public's fallback if your recommendations don't work?

D.4.2 What is meant by "market-based techniques" and "wetland banking?." In this recession/depression era when markets and banking systems failed, perhaps we should be thinking about taking different avenues to achieve the goals.

P. 42 E.2.3 See comment D.4.2

E.2.3.2 At least here you say "pilot." But in all, we need more proven examples and more explanation before buy-ins.

E.2 Near-term Actions
7. Is this money that would come from Public Participation Grants, monies given to NGOs working on hazardous waste cleanups or preventing further contamination? If so, this fund should **NOT** be tapped for PSP purposes. If otherwise, please explain in more detail where these funds are from. (See comments under B. 2 Near-term Actions.)

EXPANDED COMMENTS

The OEC would like to further focus on four issues to better protect our Sound and Strait natural resources. These are:

- acquire and restore particular shoreline properties
- promote progressive, alternative waste treatment methods for the entire waste load
- ban fin fish farming in Puget Sound and do diligence on further shellfish growing and their effects and affects on marine life.
- air contamination

1. a. The OEC formed a coalition with a number of western WA NGOs and local residents in 1996 to effect the investigation and cleanup process of the Rayonier Mill polluted area at the eastern end of the Port Angeles Harbor, and when no other entity dared to. Since then our Coalition has been instrumental in pushing this cleanup forward, and stopping bad state policy having to do with dioxin cleanup levels and MTCA rule changes.

At this site, we want to insure:

- a high quality cleanup of the sediments and soils;

•*removal* of the many thousands of creosoted pilings, toxic fill and polluted infrastructure;

•restoration of the historical shoreline and Ennis Creek Estuary for the revival, protection, and enhancement of numbers of endangered Ennis Creek salmon populations.

While there are movements afoot to acquire this land for projects that would re-pollute the site and inhibit salmon protection and enhancement, projects that do not have in mind the PSP mandate for cleanup, restoration and long term protection**, we believe there should be serious consideration and steps taken to acquire the Rayonier Mill site to dedicate it for natural resource protection and education and a shoreline public park**. (Initial concept sent by separate email.) Once done, the original shoreline, estuary and Ennis Creek (running through the mill site) sinuosity should be restored to historic lines and reaches, as prior to human made changes. This would:

• restore habitat, normal and protective creek access and exit between the salt and fresh waters, predator safety,

• dietary needs for the salmon, some listed on the ESI that use Ennis Creek

• increase the salmon count, including for those ESI listed

• remove fish passage barriers and conduct habitat restoration at a priority toxic cleanup site.

• provide needed open space and grow public shoreline access in WA State.

These fit with PSP recommendations on salmon recovery, as well as large-scale estuary and nearshore restoration with high probability of recreating ecosystem functions.

1.b. In line with this, we strongly recommend the PSP to take a serious regional look at the Strait and seize the opportunity to restore it to its former. Except for small sections in between, mainly the Port Angeles downtown built up shoreline, west of the Rayonier site there are other shoreline protection opportunities to grasp right now.

Within the Port Angeles Harbor there is other shoreline vacant property that could be purchased and restored to, or close to its former self, thus further enhancing open space, better marine life habitat and more public access to the shoreline. The vacant lot on Oak Street between Railroad and Front Streets has been through one development scheme after another, luckily to no avail. It is on fill and creosoted pilings. Much of this fill and the pilings could be removed for shoreline habitat. It abuts to a park and stream west of it, Tumwater Creek. (Open space concept sent by separate email.)

West of this is the now shut KPly Mill, with no buyer in sight. Again, removal of the mill, the likely contaminated foundation, soil on the foundation, fill and creosoted pilings, more shoreline could be restored. Thus, from this mill site to

the Port Angeles-Victoria ferry docks, then from Hollywood Beach/Marine Ferro Lab area eastward, with removal of any existing shoreline rip rap, would be prime salmon feeding and rearing and other wildlife opportunities.

These actions would add miles of nearshore habitat and public access It would translate into an almost pristine region from the Pacific Ocean east to Port Townsend.

2. Another matter somewhat, but not holistically considered in the PSP Action Plan is how to handle solid waste. Herein we underscore our comments above. There are sections relating to stormwater runoff, rural surface water runoff, sewage treatment plants, nutrient and pathogen overloading, and biotoxins. These are relative to sludge and solid wastes and compost. There is focus on TDLs and upgrading sewage treatment plants. We encourage looking at the path the solids take once they leave the plants. These are "treated" and spread on land, or they are mixed with other solid wastes and sold as "compost," then spread on land. But they remain toxic. Whether from farm land or home site gardens, these have the ability to leach into ground water and run off with rain and be carried by air currents back into surface waters that feed the PS/Strait. Additionally, they feed into the lungs of wildlife and humans and expose children and pets. The damage is passed from generation to generation.

It is now well known that in these solids, as well as the liquid released directly from the treatment plants into the Sound/Strait – treated or from overflow, there are contaminants from pharmaceuticals, personal care products, viruses, bacteria, perhaps prions and other known and unknown toxins. Thus, how the solids are handled, where they go, and where they wind up must be considered along with the treatment plant effluents.

There are now progressive alternative treatment methods that use high temperature burning methods and capture the heat for energy, leaving next to no waste, and that leftover can simply be buried in a landfill. Their CO_2 emissions may be very minimal There are other treatment methods worth investigating, as well.

We recommend funding in this biennium for research into alternative treatment methods of entire wastewater treatment loads, solids and effluents, with a future goal of establishing these methods by 2015. This goes miles further than releasing, intentionally or not, one way or another, post "treated" contaminants back into the marine environment.

Linked to this should be **a recommendation that the Legislature adopt in this biennium a regulation that would stop the spreading of sewage sludge, in the form of "biosolids", "compost," or whatever, on any land for any purpose.**

3. A third matter, not included in your Initiatives, but related to sewage, is farming fin fish. There are daily city population sized urine and fecal loads

under each pen around the Sound/Strait. Additionally, there is unnatural feed and other toxins from this industry that settle vertically and horizontally around the sediments. All of this affects the natural settings for wild resident and migrating marine life, as well as up the food chain. THIS INCLUDES WHALES. The problems to the marine waters, sediments and wildlife are well know. We urge the PSP **recommend legislation to ban current and future fin fish farming in PS/Strait. And State DFW should get out of the business of fish farming and geoduck raising.** These are ruining our bottom lands and marine life in general.

The OEC is a co-signer to an International Declaration opposing fin fish farming, which we will send in.

We urge that part of the PSP working relation with B.C. Canada include urging them to cease using common resources on which the public and wildlife depend for private industry gain. Starvation is showing up in salmon and animals that depend on salmon. For instance, waters used for pen raised fish and pen raised fish are killing wild salmon smolts. Waters are being drawn on for private energy, even energy sold outside B.C, curtailing waters needed by the salmon. The wildlife in the Straits do not distinguish country politics, but we do and these animals are dependent on resources in both countries.

We recommend at least this resources for your review: *Liquid Gold: Energy privatization in British Columbia* by John Calvert, Ph.D.

4. The OEC strongly recommends development of strong language to curtail industrial air emissions. Companies should operate cleanly and invest in infrastructure to capture toxins and particulates and recycle what they can into reuse mode.

Finally, we strongly endorse:
• implementing focused, well-balanced science programs to improve regional capacity to understand the ecosystem,
• climate change programs to prepare adaptation strategies

Respectfully submitted,

Darlene Schanfald
for the Olympic Environmental Council

Rayonier Mill Site 2006

Concept 1: Y'Innis Waterfront Park & Cultural Center

Concept 1: Y'Innis Waterfront Park & Cultural Center

Port Angeles Waterfront

Existing (2002) Conditions

Port Angeles Waterfront

Existing (2002) Conditions

Port Angeles Waterfront

Estuary Park Expansion Concept

Port Angeles Waterfront
Estuary Park Expansion Concept
Enhanced Properties

Port Angeles Waterfront
Existing (2002) Conditions
Unattractive, unusable shoreline

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Estuary Park Expansion Concept

Port Angeles Waterfront
Existing (2002) Conditions
Unattractive, unusable shoreline

Port Angeles Waterfront
Estuary Park Expansion Concept
Enhanced Properties

Connecting whales and people in the Pacific Northwest

November 20, 2006

David Dicks
Director, Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Via email to actionagenda@psp.wa.gov

Re: Draft Action Agenda

Dear Mr. Dicks:

Thank you for the opportunity to comment on the draft 2020 Action Agenda. We appreciate the work of The Leadership Council and the Partnership staff and the effort that went into preparing this document. We are grateful for the effort on the part of Partnership staff to meet with technical experts, tribes, local governments, watershed restoration groups, businesses, environmental organizations and other stakeholders in the Action Areas to identify problems and propose solutions for working together to bring about Puget Sound Recovery. We especially appreciate the recent efforts of the Partnership to seek information from and meet with orca researchers to address the disturbing population decline in the endangered Southern Resident orcas. The orcas indeed reflect what is happening in Puget Sound and beyond, and give us another reason to address these urgent issues immediately – ACTION is what is needed at this point.

We support the comments by People for Puget Sound, Soundkeeper Alliance, Wild Fish Conservancy, the League of Women Voters of Washington and the Puget Sound Environmental Caucus, and we appreciate the depth of detail with which these organizations have researched what is needed. We agree with the need to more clearly define and strengthen the actions outlined in the agenda, build more consistency between strategies and benchmarks, and make the regulatory system more explicit and effective to achieve the needed results. Overall, the Agenda lacks the clarity and urgency demanded by established trends indicating further degradation and depletion in Puget Sound. An example is that the draft action agenda seems to assume an *increase* in impervious surfaces in coming years and a *decrease* in forest cover, when the exact opposite needs to be achieved.

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In addition, climate change needs to be specifically addressed to ensure that the Sound and its watersheds will maintain flow levels and cool temperatures in coming years .

Although Orca Network focuses its educational and advocacy efforts on the plight of the Southern Resident orcas, we understand that this fragile population depends for survival on a thriving, productive ecosystem, from terrestrial microflora to marine megafauna. To that end we support strong timeframes for reaching clearly defined goals, as mandated by statute, and we hope that the Partnership will prepare a comprehensive approach to achieving recovery by 2020, including funding, targets, indicators, regulatory frameworks and benchmarks, all aimed at achieving a healthy Sound.

Section E.4. Educational and motivational outreach are essential components of any effort to alter human behavior, to provide public support for robust regulatory regimes devised from solid scientific understanding. Orca Network asks that the Action Agenda be revised to contain clear and concise benchmarks and timeframes, along with outreach that partners with ongoing efforts by schools, agencies community groups and non-profit organizations.

Where necessary, we believe the Action Agenda should define goals to change what is politically possible, rather than assume a degree of political feasibility and limit protection and restoration accordingly.

In that regard, outreach and education play important roles in all phases of efforts to improve Puget Sound. The Partnership needs to publically define roles and responsibilities in terms that suggest public inclusion in a society-wide efforts to restore, maintain and monitor this bountiful habitat we call home. All residents along the shores, plains and slopes of Puget Sound and the greater Salish Sea should feel they belong to a very special place, encouraged to share a vision of living together in an intricate ecosystem, “from snowcap to whitecap.”

Only when there is widespread and virtually universal understanding of the dire plight of the natural world in Puget Sound, and a credible program to heal it, will our elected officials and their administrations be responsive to the goals and benchmarks set by the Partnership Agenda, and only then will members of the public be willing to alter their daily routines, learn what is needed and volunteer to revitalize watersheds, wetlands, estuaries, and shorelines, avoid adding to toxic runoff, and help educate others to do the same. Puget Sound is dying a death of a thousand cuts, and now needs a thousand bandaids along with transfusions and some major surgery to recover. All hands will be needed to bring about real improvements. We urge you to work with existing organizations and educational programs to harmonize messages and help provide funding and support for ongoing efforts, while initiating new outreach and education campaigns.

Citizen monitoring and stewardship of habitats, water quality, and wildlife species are important contributions, and we are encouraged that the Partnership plans to tap into the vast resource of citizen volunteers throughout the Puget Sound area, and support programs providing training and coordination of citizen involvement.

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In regard to saving the Southern Resident orcas, Chinook salmon need to be available in the very short term, while salmon recovery efforts along rivers and streams, wetlands and estuaries take effect. Please consider adding a moratorium on Chinook salmon harvests, or at minimum requiring a quota of Chinook for orca consumption when fishery harvest allotments are made.

We urge you to continue to work closely with the Pacific Salmon Treaty, the West Coast Governors' Agreement on Ocean Health, and NOAA & DFO's Orca Recovery plans to coordinate Action Agenda items with these ongoing efforts in regard to endangered salmon and orca populations.

Sincerely,

Howard Garrett
Susan Berta
Orca Network

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From: Robin Downey, Pacific Coast Shellfish Growers Association

Comment: Dear Puget Sound Partnership,

Many thanks to all of you involved in putting this Action Agenda together, and thank you, too, for the opportunity to provide comments on the draft agenda. The following comments are provided by the Pacific Coast Shellfish Growers Association.

Question 1 pg.2
Human well-being:
Tribes are not the only ones who rely on a healthy Sound for economic well being and livelihood. Economies in rural communities along the Sound in Mason and Jefferson County depend heavily on a healthy Sound for shellfish aquaculture. The economies of these counties are dominated by the need for a functioning ecosystem.

Question 1 Pg. 3.
PCSGA is glad to note that opening shellfish growing areas is a target.

Question 2 Pg.2
Human Well-Being:
On the first bullet: "The 2020 target is to retain 90% of the lowland forest cover as measured in 2001 and to increase impervious land area not more than 20 % from 2001 levels."

While this statement is hard to interpret because it references percentages instead of number of acres, it seems to give away too much. We will never achieve the goal of restoring Puget Sound if we continue to allow forest to be converted to impervious surface. New standards are needed for new development that requires low impact development techniques. Existing impervious surface must be renovated to low impact development standards. The requirement for no net loss of ecological functions must be applied to the entire watershed and not just the shoreline area.

Question 2 Pg. 3
Species and Food Webs:
Current condition: Note that natural sets of shellfish reproduction are down due to bacteria and acidification levels in the Hood Canal and the Straits.

Land Use and Habitat:
Current Conditions: Shellfish beds provide habitat functions but as beds are removed from production due to pollution, their habitat functions are also diminished.

Water Quality:
Include shellfish bed status as measure of water quality.

Question 2 Pg. 6
What are the biggest problems?? There is no reference to acidification of the Sound due to CO_2 uptake in the ocean. Current levels of ocean acidification are much higher than predicted in current climate change models. Increased acidification will prevent shellfish from forming shells and could lead to the collapse of the food web. This is the greatest challenge facing the Sound.

See research by Dr. Richard Feely, Supervisory Chemical Oceanographer at the Pacific Marine Environmental Laboratory of the National Oceanic and Atmospheric Administration (NOAA) in Seattle, WA.

Question 3 Pg 12. A.4.
"Support long-term protection and stewardship of working farms, forests and aquatic lands"
The term "aquatic lands" should be replaced with the term "shellfish farms and natural shellfish beds." People do not understand that shellfish farms are in fact farms, complete with seeding, growing and harvest cycles. Without specifically identifying shellfish farms, an argument could be made to get rid of shellfish farms in favor of "natural" aquatic lands. Working aquatic lands could also be construed to mean marinas, waterfront residences, ports, etc.

Question 3 pg. 13 A.4.5
"Promote working aquatic lands..."
Same comment as above.

Question 3 pg. 22 c.2.2
"Manage stormwater runoff in urban and urbanizing areas"
A strategy should be included to create grass-roots efforts focused on education and voluntary efforts to retrofit and maintain existing storm water systems with low impact development, marking of drains that flow to the Sound, placement and maintenance of sediment and oil traps and a adopt a storm drain program.

South Sound Action Area -Draft Action Area Priorities
Shellfish propagation is listed as "Potential impacts related to some aquaculture practices." This statement is inconsistent with all the benefits that accrue from shellfish farming that are identified throughout this document - especially as compared to all other threats.

PugetSoundPartnership
our sound, our community, our chance

November 20, 2008

Puget Sound Partnership
PO Box 40900
Olympia, WA 98504

Re: Comments on the Draft Puget Sound Partnership Action Agenda

To Whom It May Concern:

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), a west coast regional trade association representing ship owners, operators, agents and marine terminal operators, I am writing to comment on the Draft Puget Sound Partnership Action Agenda. Our members are committed to safe operations and continuous improvement to protect Puget Sound.

Our organization has taken an active role in working to protect Puget Sound through participation in the Harbor Safety Committee, Maritime Air Forum, Ballast Water Working Group, North Puget Sound Risk Management Panel, Ports and Waterways Safety Assessment, Oil Spill Contingency Rule Advisory Committee, Oil Transfer Rule Advisory Committee, and many others. Employees of our member companies are attracted to this area largely because of the natural beauty of the Sound and the many recreational and cultural activities it affords. PMSA is committed to a fact-based approach in these matters and will continue to support science based and data driven risk management actions.

In general, we agree with the Action Agenda's emphasis on storm-water runoff as the primary pathway for pollutants into Puget Sound. In a recent report, the Department of Ecology estimated that 6 million gallons of oil and petroleum are discharged annually into the Sound through storm-water runoff. This source of such a high volume of pollutants can and should be effectively addressed. The Leadership Council should not be sidetracked by issues that may play well politically but do not lead to a successful restoration effort in Puget Sound. Past efforts have failed largely because of this dynamic. While we are pleased that staff and members of the Leadership Council have expressed these same concerns, the Draft Action Agenda contains some recommendations contrary to that sentiment. Our comments are provided to highlight those issues and hopefully improve the document and ultimately help the Partnership better focus their efforts.

Pacific Merchant Shipping Association
World Trade Center 2200 Alaskan Way, Suite 160, Seattle, WA 98121 phone (206) 441-9700 fax (206) 441-0183

Below are some specific comments on the Draft Action Agenda:

Section C.1.4.: Seek enhanced delegated authority from the U.S. Coast Guard to the Department of Ecology to inspect vessels. There is currently duplication of effort by the state regarding the existing Coast Guard mission. The Coast Guard is fully performing vessel targeting, inspections, vessel traffic management and assertive use of operational control authority when needed including the denial of entry, tug escort and other measures. There is no identifiable shortfall in these Coast Guard programs and therefore no need for the state to expend resources attempting to duplicate these activities -- that is not say the state could not add value in other "inspection" areas. Specifically, targeted state monitoring of oil transfers could add value in the prevention arena so long as they are coordinated with the Coast Guard oil transfer activities to avoid duplication. *(See attachments A and B: PMSA letter to USCG and USCG Response regarding how they are performing oil spill prevention and response activities).*

Targeted international, federal and industry efforts have resulted in a 95% reduction in national spill volumes from all types of vessels since the 1970's – the reduction is even more dramatic when looking only at deep draft vessels. We need to remain vigilant and continue to pursue strategies that have a proven record of success.

C.1.2.1 Expand oil spill prevention and interagency spill response programs.
State and local agencies need to continue coordinating and cooperating – and avoid costly duplication of effort. PMSA is a member of the state Oil Spill Advisory Council (OSAC). OSAC has spent a considerable amount of time fighting with the State Department of Ecology and trying to duplicate some of Ecology's activities. Such duplication would be minimized by moving the group to directly advise Ecology rather than independently competing with them. Likewise, Ecology should review their programs, avoid duplication with the Coast Guard and reprioritize efforts to address oil spill risks not addressed by the Coast Guard. There needs to be a full accounting of the existing oil spill prevention and response regimes and non-regulatory efforts such as the Harbor Safety Committee before considering changes including any expansion of current programs.

C.1.2.1 Permanently maintain a year-round rescue tug at Neah Bay in support of enhanced emergency response capabilities.
The Governor and others support a federal approach to tug coverage. We'd recommend the Partnership Action Agenda reflect that position. The tug issue continues to be very politicized. Addressing the activities that are currently causing spills may not have the political appeal of high profile strategies, such as the Neah Bay Tug, but could do more to reduce oil entering state waters at far lower costs. Enhanced vessel tracking, moving vessel traffic offshore and improving pre-arrival testing are examples of effective improvements that have been implemented.

We in the maritime community are committed to conducting our operations in a safe and environmentally protective manner. Fortunately, we have an excellent system with the lowest oil spill rate in the nation highlighted by zero spills from non-petroleum cargo

vessels while transiting over 30 million miles in and out of our ports over the past 35 years.

This enviable record is not because we've been "lucky". It's because our region has wide, deep waterways and benefits from a complex, state-of-the-art oil spill prevention system – the best in the country and perhaps in the world. The Coast Guard plays an all-important leadership role enforcing international and federal standards to ensure maritime safety and prevent pollution while responding to spills and other port emergencies. Our excellent safety record is further enhanced by productive partnerships among federal, state, local and tribal governments, and other stakeholder groups including those in Canada.

Fortunately, the number of spills, and amount spilled, into Washington State waters have declined dramatically over time. As stated earlier, most oil entering state waters today is not from large ships, but from storm-water runoff. Additionally, derelict and abandoned vessels, fishing and recreational boats, two-cycle personal watercraft, barges and shore-side activities involving facilities, pipelines, storage tanks and truck/car/rail accidents are contributors to the problem. Remarkably, the large container ships so visible in Seattle and Tacoma have not spilled oil during a transit in and out of these economically vital ports.

Well-known industry initiatives and government requirements have improved the margin of vessel safety over the years – from the vessel traffic service to tug escorts of oil tankers to the transition to double-hulled oil tankers to the development of a Harbor Safety Plan which captures best practices for this area.

Some lesser-known measures are also working to ensure safety:

- The Area To Be Avoided (ATBA) Ships and oil barges that transit along the coast of Washington stay approximately 25 miles off shore with oil tankers staying beyond 50 miles. Vessel operators are required to provide 96 hours notice before they arrive. The Coast Guard can deny entry, order a vessel to take on a tug escort and/or require higher risk vessels to submit to inspections before arriving at port or upon arrival.

- The Cooperative Vessel Traffic Service (VTS) uniquely combines efforts of the U.S. Coast Guard with Canadian counterparts to track vessels from arrival off shore, through our joint waterways and throughout the system in both countries. VTS controllers monitor vessel movements on electronic screens and are in constant communications with vessel operators.

- The International Tug of Opportunity System (ITOS) is in place and working. New transponder technology and requirements have increased the number of tugs being tracked. At any given time, more than100 tugs are located along the coast, in the Strait of Juan de Fuca, around the San Juan Islands and throughout Puget Sound. Tug locations are monitored by the Marine Exchange of Puget Sound, the

Coast Guard VTS and their Canadian counterparts. In an emergency, the closest tug with the right capabilities can be dispatched to assist or standby a vessel.

- Many modern container ships have double-hull fuel tanks that are set vertically in the center of the ship to minimize the risk of a spill from a grounding or collision and new international standards require all new vessels to incorporate this feature.

Because the full safety regime is not well known by those outside the industry, PMSA submitted a Minority Report included in the Oil Spill Advisory Council Report October 2006, to provide an overview of the marine safety regime currently in place and the resulting record of spill prevention in Puget Sound.
(See Attachment C: Minority Report submitted to the Oil Spill Advisory Council in October 2006)

Recommendation
We understand the Partnership's challenge in prioritizing funding in the Draft Action Agenda and making sure that every dollar spent leads to effective protection of the Sound. As new programs and initiatives are considered, at a time when governments and businesses are being forced to cut back spending, it will be all the more important that we make wise investments based on science and measured for effectiveness. Unfortunately, it is unclear how actions were prioritized in the Draft Action Agenda, what rationale went into inclusion, and the underlying assumptions/process that was used to generate them.

The Partnership should make an effort to obtain information from industry experts and other governmental and private stakeholders before making recommendations. With respect to maritime operations, that would include the Coast Guard and appropriate maritime sectors. We recommend the process includes underlining rationale for recommendations that includes a full understanding of existing efforts and programs.

PMSA continues to support efforts to restore and protect Puget Sound. If I can be of further assistance or clarify any of the preceding comments, please contact me at (206) 441-9700.

Thank you for the opportunity to comment.

Sincerely,

M R Moore

Captain Michael R. Moore
Vice President

Attachments:

A: PMSA Letter to Captain Steve Metruck, USCG Sector Seattle
B: Captain Metruck's Response
C: OSAC Minority Report

November 20, 2008

To: Puget Sound Partnership

From: People For Puget Sound

Comments on Draft Action Agenda

Thank you for the opportunity to comment on the draft 2020 Action Agenda. We appreciate the incredible effort on the part of the Leadership Council and Partnership staff and consultants that went into producing this document. There are many actions proposed for the near- and long-term that People For Puget Sound supports and appreciates. We hope the final Action Agenda you adopt on December 1st addresses the concerns we raise in this letter. We look forward to working with the Partnership on implementing the Action Agenda, including securing the significant new funding that will be needed to be successful.

The second press release of Governor Gregoire's Administration in January 2005, called for a dramatic scaling up of the effort to recover the Sound to health. The legislature responded to that call, passing hundreds of millions of new dollars for Puget Sound and enacting the statute that created the Puget Sound Partnership and set the goal to recover the Sound to health by 2020. The Action Agenda represents the first phase of this renewed effort – many say last chance – to save Puget Sound. Thus, it is vitally important to get it right.

Unfortunately, the Action Agenda is coming forward at a time when the economy is down and budget projections are gloomy. Yet investments in recovery of Puget Sound are essential to developing a sustainable economy in our region, and many of the necessary action will also provide much-needed stimulus in the short term. It is critical for the Partnership to make the case that Puget Sound investments warrant new and increased revenue sources now at the state and local levels, and also deserve federal funding as part of stimulating the economy.

This letter outlines our most important recommendations for improving the draft Action Agenda. Our concerns and recommendations fall into these areas:

Accountability – How can we be sure that this plan will actually do the job for the Sound?

Funding – What is the funding plan to get to a healthy Sound by 2020?

Stormwater – Reducing impervious surface, increasing forest cover, and preventing pollution in runoff requires a much more aggressive strategy;

Toxics – the actions suggested do not comprise the comprehensive toxics prevention program that clearly is essential to recovering the Sound to health and saving our orcas, who are weakened by toxic uptake and starving to death;

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Habitat – we do not think the focus on land acquisition will protect habitat without significant improvements in our regulatory system; and

Climate Change - the final Action Agenda should include a section on climate change that describes the actions needed to ensure the Sound and its watersheds will be resilient in the face of the changes we can expect in the coming years.

Accountability

The watchword of this new effort has been "accountability," meaning that what Puget Sound needs most is a plan for its recovery that is clear about who is supposed to do what by when, and how it is to be funded and enforced. Priority E sets out a framework for accountability. We strongly encourage you to enhance this section and lay out in the final Action Agenda the timeframe for preparing a comprehensive approach to achieving recovery of the Sound's health by 2020. This approach will require targets, indicators, benchmarks – with all the actions tied to the benchmarks. The benchmarks must be based on science and tied to a healthy Sound, not to what is politically feasible.

The critical accountability section can also be improved by a careful review of sections 15, 16, 17, and 19 and additional actions to implement the accountability tools provided: independent scientific review; transparency and responsiveness to citizen input; fiscal accountability and compliance tools; management conferences; substantial noncompliance provisions; performance measures; corrective action plans; recommendations to the legislature and the governor on overcoming barriers in existing laws; and tracking and reporting on results.

We hope the final Action Agenda will focus in on how it will institute an accountable system that can overcome the many barriers to achieving success – the HOW of: securing adequate funding, achieving compliance and consistency Soundwide, improving regulatory protections, effectively addressing cumulative effects, credible monitoring, and the proper alignment of economic incentives and disincentives.

We would also like to point out that on page 1 of the Introduction, the statement that the Action agenda is the roadmap for "….**moving toward** a healthy Puget Sound by 2020" is inconsistent with statute, which clearly states that "It is the goal of the state that the health of Puget Sound be restored by 2020." Our collective work over the past 25 years to improve to health Puget Sound has suffered from the open-ended nature of the enterprise – any old action or budget would do since we had an infinite amount of time to get there. The legislature, with the governor's support, wisely recognized that providing a clear date-certain is the only way to assure progress and, yes, success. It is not trivial to modify this goal, as it injects uncertainty into the process of implementation, significantly reduces accountability, and potentially reduces motivation and energy for the project.

Funding

We appreciate that the draft Action Agenda endorses increased resources for inspection, compliance and enforcement programs. Investments in achieving compliance with programs that prevent pollution will pay dividends in avoided costs for cleanup and restoration in future years.

We hope that the final Action Agenda will include the essential and required (Section 19(2)) "recommendations for projected funding needed through 2020 to implement the action agenda….[and] identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery." This funding report is

vital to our efforts to get the money we need to achieve recovery by 2020. If we don't know what we need, it will be hard to convince people to pay for it.

The draft Action Agenda does a good job summarizing the importance of Puget Sound to our economy, and we look forward to the final report the Partnership is preparing on the economic value of the Sound and the ecosystem services it provides. A recent report estimated the value as up to $60 billion annually, and we anticipate that the Partnership's report will provide substantiation of the economic value we all get from the Sound.

This information will help us make the case that investments in saving Puget Sound are essential to our economic health. Indeed, the changing political and economic landscape provide a golden opportunity to present, through the Action Agenda, Puget Sound recovery as a powerful solution to the loss of jobs and an essential part of the transition to a green economy. While much progress on the Sound can be achieved through improved application and enforcement of regulatory programs, significant new investment will be required in the areas of stormwater retrofit, wastewater treatment plant upgrades, septic system replacements, toxics prevention, habitat restoration, and other important needs for water quality improvement, species recovery, and habitat protection and restoration. These projects and many others will all create good jobs for people right here in Washington and will inject millions, if not billions, of new consumer spending and other benefits into our economy.

We strongly urge the Partnership to grab hold of this opportunity and begin by reframing the Puget Sound recovery effort from a "problem" to part of the **solution**, moving away from the language of "incremental" and "difficult" to a genuine attempt to use Puget Sound cleanup to help our economy recover. The new reality suggests that those who are bold, innovative, and energetic in promoting an agenda of job-creation and green economy will succeed – we hope you will work to include significant new funding sources for Puget Sound in you legislative package and ensure that Puget Sound recovery is included in both state and federal economic stimulus initiatives.

A note on how to save money: while we support land acquisition, it is the improvement of our regulatory system that is vital to achieve results. We cannot buy or incentivize our way out of all our problems, and we must make much better use of the regulatory tools we have. The Clean Water Act especially can be better utilized to protect the Sound – updating water quality standards for toxics is only one of many examples where the state can employ the law to much better effect to prevent pollution.

The **Page-Specific Comments**, which comprise the last section of this letter, provide recommended language on specific action items, although several of our **General Comments** include recommended language as well.

GENERAL COMMENTS

Indicators (Question 1, pp 3&4)

Shellfish growing area increase based on water sanitation is a strong and clear target. While this is an excellent example of setting a clear direction, it is unclear how the determination of 10,000 acres of closed shellfish beds to be reopened was arrived at as the definition of "healthy". And it is not clear that the tools recommended in the Action Agenda will achieve this target. Agricultural pollution, for example, which is well known as a major source of shellfish bed contamination, is barely mentioned. The final Action Agenda needs to outline a strategy for achieving this goal.

Land Cover provisional indicators call for 20 percent increases in impervious cover and 10 percent decreases in forest cover. This indicator is not based on science and is inconsistent with a large body of science pointing to reduction in impervious surface and retention of forest cover as a way to combat

watershed degradation. Research by the University of Washington shows that when watersheds have more than 10% impervious surface and less than 65% forested cover, salmon are significantly impacted. The goal set by the Partnership should, at a minimum, state that 65-10 be the goal for all watersheds throughout the region In areas where we are currently above 10% impervious surface, we should institute major stormwater retrofit programs to achieve the goal. It makes no sense to us that the Action Agenda would set a standard that scientists have shown will cause salmon runs to collapse.

Salmon and Steelhead status and trends provisional indicators, while consistent with the salmon recovery plan, are disappointing because they do not suggest any potential to accelerate the pace of recovery toward the 2020 goal. If NOAA projections of the amount of time required to achieve implementation and recovery require meeting targets no sooner than 2055, this should be cited as a note in the Action Agenda supporting this schedule.

Eelgrass indicator benchmark is appropriate because a reasonable estimate of eelgrass cover exists for the 2000 timeframe, although finer-tuned and more reproducible methods for estimating eelgrass cover were only perfected a few years later. To use the target of "historic" isn't helpful because older estimates of Soundwide eelgrass cover are both lacking and would be subject to the "shifting baselines" phenomenon. We recommend the target for increased acreage by 2020 be calculated based on recovery statistics from other estuary restoration programs such as Chesapeake Bay and Narragansett Bay whose programs focused on eelgrass recovery.

Instream flow provisional indicator does not appear to be based on best available science. No current status is reported so we do not know how close we are to this target and benchmark. This indicator seems limited in its utility because instream flow standards have not been set for many streams and may vary depending on which species occur there. The addition of 20 percent impervious surface would continue, if not accelerate, development practices that cause reduction of summer low flows and the multiplication of peak winter flows. It is illogical to assign instream flow values to streams when the plan nearly guarantees that they will be violated. We suggest a link to impervious surfaces and land use where excessive flows affect salmon spawning habitats, as well as the more traditional measures of instream flow directed at providing sufficient flows. Instream flow benchmarks and targets should also consider minimum overbank flooding frequency and magnitude needed to maintain river delta accretion levels that will keep pace with projected sea level rise.

Toxics in pelagic fish - PBDEs should be measured higher up the food chain, preferably in a mammal. Also, forage fish biomass should be a high level indicator as they are vital to the Puget Sound food web as is acknowledged in the draft plan on page Q2, P4: "Pacific herring in Puget Sound are a universal source of prey…."

Finally, there are a number of additional indicators mentioned in the following section (Question 2) of the Action Agenda that are not among the list of provisional indicators, and it is unclear whether any of these will also be measured and by whom. The process the Partnership used to narrow down from this longer list of potential indicators to the selected provisional indicators is not apparent in this section and does not appear to be tied in any way to the draft biennial science plan framework. We recommend convening a special workshop between the science panel and the leadership council to align the biennial science plan to the action agenda prior to completing the December 1st document so that the message to the Governor and legislature on science priorities affecting implementation of the Action Agenda is clear.

Guiding Principles for Ecosystem Management (Question 3, p. 4)

The Guiding Principles for Ecosystem Management section of the Action Agenda is consistent with Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) and similar analyses and reflects discussions held in topic forums and Action Area meetings.

A watershed scale study of changes in land use patterns as related to the condition of aquatic habitat called for in (Question 3, p.5) already exists in the Snohomish Basin watershed characterization study conducted by Department of Ecology in 2000. This study became the basis of a decision support tool used to set priorities for wetland mitigation. This tool has been further developed by People for Puget Sound in the Puget Sound Blueprint, which includes Soundwide data sets. Overlays between these existing models and other decision support tools that focus more on biodiversity (TNC Ecoregional Planning Model), salmonid support (SSHIAP), and nearshore process protection and restoration (PSNERP) will be possible within the next six months when the Puget Sound Nearshore Ecosystem Strategic Needs geodatabase is completed. We recommend these decision support tools be acknowledged within the Action Agenda and recommended for completion and coordination to develop a comprehensive decision support system that can consider multiple prioritization factors across multiple scales and consider the benefits of multiple projects in proximity to one another. WDFW's Habitat Work Schedule is emerging as the most likely data framework to support this function.

A study of stressors affecting the Puget Sound pelagic food web and restoration of forage fish populations as called for in (Question 3, p.5) is crucial for determining the productive capacity and limitations to species recovery within the sound. Details of such a study should be further developed, as it may require funding for multiple agencies and need to be coordinated among them. The study must consider at a minimum these aspects: the roles of terrestrial leaf litter, canopy and non canopy-forming kelp, eelgrass and marshes as primary producers and sources of detritus to pelagic and deepwater habitats; life histories and stock assessments of sand lance, surf smelt, northern anchovy, Pacific herring, and shiner perch; Pacific Decadal Oscillation shifts effect on nutrient upwelling and resulting primary production; hatchery Vs. wild salmon competitive interactions for limited prey; and shifts from historic biodiversity as a result of commercial and sport fishing activity .

We also agree effectiveness of protection strategies (Question 3, p.5) needs to be monitored and adaptively managed.

<u>Priority A: Protect Intact Ecosystem Processes, Structures, and Function</u>

Actions listed for Habitat Protection (Question 3, Priority A) are largely reflective of ongoing programs and existing tools, and much more needs to be done.

The Action Agenda acknowledges that alteration of nearshore habitat through dock and bulkhead construction can threaten broad components of the ecosystem. The draft states the act of putting in a dock or building a bulkhead could very well make it more difficult for our starving resident orca to find food, because habitat alteration can affect herring populations that are a universal source of prey for all species of salmon, well as seals, sea lions, orcas, hake, halibut, cod, and 14 species of ducks and gulls (Page 4, Question 2).

We strongly support proposed action A.2 on page 10 of Question 3, which recommends changes to the SMA rules that would require conditional use permits for bulkheads and docks for residential development. We support limits on new or replacement shoreline armoring, the requirements that soft or bioengineered alternatives be used where armoring is unavoidable, and limits on docks and prohibitions on new shoreline armoring at feeder bluffs, forage fish spawning areas, and eelgrass beds. Near term Action A.2, 7 is on track with what we have been advocating for some time, although it would require a statute change to SMA and the requirement to use "soft armoring

techniques" which may not be feasible in all cases. Should this policy be implemented, an indicator such as prevention of new armoring as a benchmark and reduction in overall percentage of armoring by a certain percent should be included as an indicator.

However, the Action Agenda also needs to include reforms to WDFW's HPA process. Current HPA regulations authorize the permanent, unmitigated loss of shoreline habitat through allowing up to six feet of encroachment onto the beach for new bulkhead construction. And, the current regulations fall far short of protecting shoreline processes and functions by allowing continued armoring of important sediment sources (Proceedings of the 2005 Puget Sound Georgia Basin Research Conference, Marine Shoreline Armoring in Puget Sound and the Washington State Hydraulic Code by Doris Small, Randy Carman.) The Puget Sound Partnership's April 14, 2008 Initial Discussion Draft for Habitat and Land Use states the HPA process as "having significant limitations and is an ineffective tool to protect habitat in most cases". The HPA process also does not consider cumulative impacts, but this is required for SMP implementation. To prevent regulatory inconsistencies and ensure effective implementation of Puget Sound protection and recovery strategies, the HPA process should be amended to better protect nearshore habitat from impacts of shoreline armoring. At a minimum, the final Action Agenda should clearly recommend that HPA enforcement mechanisms be improved and that the program be reviewed to determine how HPA's can become a more effective tool for protecting critical habitat.

Task A.2.2.1 recommends assisting local governments in completing and implementing shoreline master program updates on the current schedule. That means that Island, Mason, Skagit, and San Juan Counties will not update their regulations until 2012, meaning that their regulations will not include "no net loss" provisions, nor soft shoreline armoring provisions. A tremendous amount of shoreline degradation can occur in four years, so we strongly urge the final Action Agenda to call for these important shoreline areas to be protected on an expedited schedule, by accelerating and funding the updates of shoreline master programs.

The final Action Agenda should include a provision for a uniform set of habitat protection standards, as proposed in the Habitat Topic Forum Paper. These standards need to be based on science and targeted not just at protection at the site level, but also at protection and recovery at the watershed scale. The lack of consistent standards that apply Soundwide for protection of habitat and water quality has resulted in a hodge-podge of buffer widths and variances, exemptions, exceptions and other ways to get around land use restrictions, depending on the county and city. With little or no incentive and no requirement to do what it would truly take to protect the Sound, jurisdictions do the minimum – to save money and time and avoid politically tough decisions on local land use. The only way to bring fairness to the system and true protection to the Sound is to prepare, apply and enforce minimum habitat protection standards Soundwide.

Other concerns on land use include that no explicit prohibition on expansion of Urban Growth Areas is recommended or targets for implementation of Low Impact Development, two tools known to be effective. We feel these are often overlooked tools that should be employed by local jurisdictions with technical and financial assistance from the state. These should be included in the final Action Agenda. We have included several additional comments relating to stormwater implications of land use decisions in the comments under Section C ahead.

In Near term Action A2, 4., Marine Protected Areas managed by WDFW are confused with Aquatic Reserves managed by Department of Natural Resources. We applaud the Partnerships support of the three nominated Aquatic Reserves but those nominations are to DNR, not to WDFW. While legislation does require coordination between the two agencies in managing the system of marine managed areas in

the state, the Department of Fish and Wildlife should not pre-empt the existing nomination procedure underway by DNR.

Priority B: Restore Ecosystem Processes, Structures and Functions

Restoration Strategies identified in the Action Agenda (Priority B) are appropriate and consistent with existing directions and next steps. Three river delta restoration projects were named as immediate priorities because they are already in progress and likely to be complete by the end of the first biennium of implementation subject to full funding. This section also advocates for completion of the PSNERP general investigation to further inform nearshore restoration. The Action Agenda should anticipate a second tier of high priority restoration actions for the second biennium of implementation based on that analysis and the successful outcomes of feasibility studies occurring within the Salmon Recovery Funding Board and Estuarine and Salmon Recovery funding processes authorized this biennium. In particular, large-scale projects such as Deschutes Estuary restoration, Elwha dam removal and retrofitting portions of the BNSF railroad should be called out for accelerated permitting, funding and implementation now that feasibility studies are complete.

Priority C: Reduce the Sources of Water Pollution

The final Action Agenda must include a truly comprehensive program to reduce stormwater pollution and runoff. To begin with, this would include establishment of a region wide goal that embraces the 65-10 objective (see comments on Land Cover Indicator, p.2).

The final Action Agenda should clearly recommend a mandatory LID strategy for new development (already the law in Phase I jurisdictions) in combination with an aggressive retrofit program to address existing problems. While new development will obviously continue, we are encouraged by the emergence of new LID techniques that can, without great difficulty or added cost in most cases, result in zero runoff from a site. We also think it is important for the Partnership to promote an aggressive new retrofit program to address existing problems. This would involve establishment of new funding for this work, not simply "prioritizing" projects as suggested under C.2.2.6 (although we do agree prioritization is needed). We would also recommend that the plan establish a firm annual goal for the retrofit program.

The final Action Agenda must place a heavier emphasis on the need to maintain and restore natural hydrologic systems including forests and wetlands to achieve water quality objectives by 2020. The Action Agenda should recognize that many state and local land use / land management programs fail to integrate water quality objectives in their planning process. C.2.1 touches on this, but the concept should be better articulated in section A.1.3. We recommend that you add to this section, calling for local governments in the region to conduct basin planning to identify where there are opportunities to maintain natural hydrologic functions as well as identify important retrofit opportunities. We are concerned that basin planning occurs at the appropriate scale. There is a suggestion that such work occur on a WRIA basis in A.1.3.2. This scale is too large. Review must occur at the basin or sub-basin level to completely understand the hydrologic implications of restoration or land use decisions on water quality.

The Action Agenda should recognize the fact that, under the recent PCHB ruling, LID is now required for new development in Phase I and likely will be in Phase II jurisdictions. The Draft Action Agenda, section C.2.2.4, emphasizes an incentive strategy which seems out of step with the new regulatory approach.

While we appreciate the focus on municipal stormwater problems, there is no mention of industrial stormwater, construction stormwater, or DOT related stormwater problems. Likewise, the draft includes

no direction to Ecology to bring the estimated 16,000 unpermitted dischargers into the stormwater program or to geographically expand the coverage of the program to the entire Puget Sound watershed.

We would also urge that you lay out a framework in Section C for achieving goals established under the Shellfish Growing Area Indicator, that is to say, opening areas currently closed to shellfish harvest. People for Puget Sound, Department of Ecology and others that have been working on GIS based decision support tools linking upland and watershed health parameters with nearshore conditions such as fecal coliform bacterial pollution to prioritize the likeliest geographies to begin remediation techniques. Restoration literature from the Chesapeake Bay and other estuaries where shellfish health remediation has been successful should be consulted, as should general restoration theories that support building onto existing functional areas. TMDL strategies should also be employed where appropriate to address basin wide pollution problems associated with closed shellfish beds. It would also be useful to develop a list of potential tools or management measures with proven effectiveness in reducing fecal coliform pollution at the watershed and marine embayment scale.

C.1.1. Toxics - The draft Action Agenda recognizes that pollution of toxic and other pollution at the source is the most cost effective approach to reducing the toxic chemical load in the biota of the Puget Sound ecosystem. The draft actions, however, do not constitute a strong reduction strategy for 2020. We therefore recommended to the Partnership a number of key actions including a) establishing policies and programs that help businesses phase out their use of chemicals of concern to Puget Sound through increased technical assistance and partnerships with research institutions, businesses, and nonprofit groups to identify safer alternatives, b) support of recommendations proposed by Ecology's Toxics Reduction Advisory Committee (TRAC) which is looking comprehensively at these issues, and c) language that directly supports a toxics reduction program - not just an public outreach campaign. In addition, the issues of air quality reduction – a major source that impacts both wildlife and human health - need stronger actions for 2020, including programs that address cumulative impacts. Finally, the phase out of mixing zones, especially for PBTs, should be explicitly included in the 2020 agenda as a key method to move us towards toxics reductions up the system (it is not likely it will work in reverse in a significant way in time for 2020).

Recommendation C.1.5 seems to confuse the issues of fecal coliform contamination and nutrient over-enrichment. Nutrient limited water bodies and those threatened by fecal coliform pollution do not necessarily co-occur. The recommendation also fails to specify whether the No Discharge Zones would apply only to recreational vessels or to commercial vessels as well. The language in the near term action (C.1. 5) is slightly more specific and holds the potential for all of Puget Sound to be declared a No Discharge Zone. People for Puget Sound advocates for a Soundwide No Discharge Zone to avoid such confusion.

<u>Priority D: Work effectively and efficiently…</u>

While there are areas in which environmental regulatory system can be improved, the description of the system in D.4 is not balanced and is somewhat misleading. The fact is that our permit system is critical for the continued protection of Puget Sound. By suggesting that the regulatory system is replete with "conflicting requirements" and "incoherent approach," the Action Agenda overstates the problems and understate the importance of these tools. The real issue is the effective application and enforcement of these programs, and the gaps among them that allow degradation – not that they are in some way conflicting.

It has been our experience that many efforts to "simplify" and "streamline" the process have the unintended effect of reducing effectiveness of the permit system. Many in the regulated community have suggested, for example, that the HPA program is redundant to other shoreline permits. Under close

examination, however, it becomes apparent that the HPA is the only tool in the regulatory toolbox that carefully evaluates the effects of development on fish habitat. We are concerned with the suggestion that you will move to eliminate programs where there is "overlap" or "conflict" when these terms are not well defined. We are particularly concerned with D.4.1.3., which states that it is your goal to "promote development" through the use of Clean Water Act general permits by "improving efficiency of review." While we all support efficiency, it should not come at the sacrifice of effectiveness of the permits. By moving in the direction of programmatic and general permits there is generally a major shift away from review of site-specific impacts. This is an idea that conflicts with the goal to recover the Sound to health by 2020.

We recommend that the Partnership conduct more stakeholder dialog around these issues before moving forward on pilots and further recommendations.

Priority E: Build and Implement the Management System…

Twenty-two short-term recommendations were made to improve the scientific basis for management actions (E,4), loosely paraphrased from the Science Panel's biennial strategic science plan. Many of these are modeled through PSNERP and other science programs ongoing in the Sound and can be adapted for use by the Partnership.

The biennial science work plan defines a logical approach to science implementation and is well referenced. Statements in the Action Agenda should flow more logically from the biennial science plan, including outlining areas of immediate action that are supported scientifically and don't require additional studies. As soon as possible, the Partnership Science Panel should review and amend the provisional indicators to be more consistent with the framework in the biennial science plan, or, if time does not allow within the schedule for Action Agenda adoption by the Governor and Legislature, a more explicit citation linking the provisional indicators to the adaptive management portion of the biennial science plan framework should accompany the provisional indicators table.

PAGE-SPECIFIC COMMENTS

Question 1. What is a healthy Puget Sound (and how do we know if we are moving towards one)?

Page Q1, P2: Human Heath Outcome. The human health goal is written with a marine and water focus. If the final Action Agenda does not broaden this, are there plans for a ridge top-to-ridge top effort for the future? If so, it would be helpful for the plan to articulate that this will be addressed and by when. For example, human consumption of upland wildlife, human contact with contaminated soil, etc. For example, the first sentence could be expanded to "Human health is supported by clean air and water, and LANDS, marine and freshwaters that are safe to come in contact with."

Page Q1,P2: Water quality Outcome. Does this goal include groundwater? It should be explicitly included.

Page Q1,P3: Indicators – overall. This section could be strengthened and more provisional indicators and benchmarks added, to which the actions are directly tied. Also, It would be stronger for indicator targets to be tied to science and/or economic well-being. Please see our comments on indicators earlier in this letter.

Question 2. What is the status of Puget Sound and what are the biggest threats to it?

Page Q2, P1: Question 2 - Introduction. "The people of Puget Sound have built a thriving economic center, creating the second largest port on the West Coast, global enterprises such as Boeing, Microsoft, and Starbucks, lively ecotourism businesses, world-renowned seafood industries, sophisticated tribal communities, and a timber industry that is still a national and international leader." We suggest that additional businesses be added to this list and a mention made that the combined net revenue (2006) of the top 18 public companies that are headquartered in the Puget Sound basin (from the Puget Sound Business Journal Dec 27, 2007 "2008 Book of Lists") was over $222 billion. Top companies (in order) were Costco, Microsoft, Washington Mutual, Weyerhaeuser, Paccar, Amazon, Nordstrom and Starbucks.

Page Q2, P1: Indicator use. "Using the indicators identified in Question 1, this section of the Action Agenda summaries what we know today about the health of the ecosystem." This sentence implies that only the indicators called out in the table will be used. It would be clearer to state, "Using the indicators identified in Question 1 AND OTHER INDICATORS THAT WILL BE BETTER DEFINED IN THE COMING MONTHS, this section of the Action Agenda summaries what we know today about the health of the ecosystem."

In addition, the process the Partnership used to narrow down from the longer list of potential indicators to the selected provisional indicators is not apparent in this section and does not appear to be tied in any way to the draft biennial science plan framework. We recommend convening a special workshop between the science panel and the leadership council to align the biennial science plan to the action agenda prior to completing the December 1st final Action Agenda so that the message to the Governor and legislature on science priorities affecting implementation of the Action Agenda are clear.

Page Q2, P1: Clarity needed. "an ONGOING integrated ecosystem assessment led by NOAA…"

Page Q2, P2: How healthy is Puget Sound? – general comment. This section is confusing. Reference is made to indicators that *could* be used, and many of these are already on the provisional indicator list. It would be clearer to state, for human well-being, for example, that "provisional indicators, such as shoreline access opportunities, the number of days open for sport fishing, acres of land in economically productive use… could be used to measure human well-being." And similarly for other goals, which in the draft have each been written differently (some with a list of potential indicators and some not).

Page Q2, P4: Water Quality - Current condition. This section is overly marine focused and would benefit from a specific freshwater and/or groundwater example.

Page Q2, P4: What threatens the health of Puget Sound? This section would benefit from the inclusion of conceptual models (that were developed by the Indicator team) as a visual aid.

Page Q2, P5: Pollution Threat. Clarity is needed in these sentences for improved accuracy: "~~This~~ SOME pollutANTS~~ion~~ typically accumulate~~s~~ ON LANDSURFACES during the drier summer months. With the first rains, massive quantities of the accumulated pollution pours into streams and rivers just as fall salmon are waiting in the lower river reaches to access their spawning grounds. A MAJOR UNKNOWN IS THE TOXICITY OF THE COMBINATIONS OF THESE POLLUTANTS…. Vehicles release toxic substances from oil leaks, brake linings, EXHAUST, and tire wear…. Emerging contaminants from medication and personal care products often pass through sewage plants with~~out~~ MINIMAL treatment…. "

The septic system discussion implies that all septics contribute nutrients to surface waters, which is not true. We suggest this clarification: "TheRE ARE half million on-site septic systems in THE Puget Sound BASIN. SYSTEMS THAT ARE PLACED TOO CLOSE TO BODIES OF WATER, CONTRIBUTE ~~are~~ a significant source of nitrogen loading into rivers and marine waters. IN ADDITION, where the systems do not function properly, they are also major sources of bacteria and viruses."

Page Q2, P5: Surface and groundwater supply and availability threat. This section would benefit of clarification more explicitly as to which threats are associated with human activities and which are due to climate change (i.e., snow pack).

Page Q2, P6: Harvest Threat. This section would benefit from the addition of some terrestrial examples.

<u>Question 3. What actions should be taken that will move us from where we are today to a healthy Puget Sound by 2020?</u>

Page Q3, P2: Question 3 – General. "Question 3 of the Action Agenda describes what we need to do, identifies near-term actions, and describes how we need to do this together." This statement and this section do not articulate how Q3 will be turned into a 2020 Action Agenda. It would be helpful to describe that here.

Priority A: Protect Intact Ecosystem Processes, Structures, and Function

Page Q3, P5: Question 3, Priority A- general comment. Actions listed for Habitat Protection (Question 3, Priority A) are largely reflective of ongoing programs and existing tools. However, no explicit prohibition on expansion of Urban Growth Areas is recommended or targets for implementation of Low Impact Development, two tools known to be effective. We feel these are often overlooked tools that should be employed by local jurisdictions with technical and financial assistance from the state.

Page Q3, P5: A.1 Focus Growth. This Priority section doesn't match with the other sections. In this section, the actions include mapping and other assessment actions, whereas for other priorities, these types of assessment actions are deferred to Priority E (example: toxics loading assessments). It seems that Priority A should focus on actions other than assessment (including using the results of assessment).

Page Q3, P9: A.2.NT 4 Marine Managed Areas. Marine Protected Areas managed by WDFW are confused with Aquatic Reserves managed by Department of Natural Resources. We applaud the Partnerships support of the three nominated Aquatic Reserves but those nominations are to DNR, not to WDFW. While legislation does require coordination between the two agencies in managing the system of marine managed areas in the state, the Department of Fish and Wildlife should not pre-empt the existing nomination procedure underway by DNR.

Page Q3, P10: A.2.NT 7 Shoreline Management Act. People For Puget Sound supports this policy recommendation. This is right on track with what we have been advocating for some time. Should this policy be implemented, an indicator such as prevention of new armoring as a benchmark and reduction in overall percentage of armoring by a certain percent should be included as an indicator.

Page Q3, P11: A.3.3.1 Promote use of recycled water. "Establish rules or standards which promote the use and reuse of recycled water IN A MANNER THAT IS PROTECTIVE OF HUMAN

AND WILDLIFE HEALTH." It is important to add that clause to address concerns about pharmaceuticals and other emerging chemicals in reclaimed water, as well as concerns about instream flows. We believe that both of these issues will be addressed, but want to ensure that the Action Agenda does not promote actions that have unintended negative consequences.

Page Q3, P12: A.4.3.1 Promote Farms. *We suggest these edits*: "Expand programs that support the economic viability of farms in Puget Sound IN AN ENVIRONMENTALLY SENSITIVE WAY." *We are concerned that this program not result in unintended consequences of increased pollution.*

Priority B: Restore Ecosystem Processes, Structures, and Functions

Page Q3, P10: Priority B – current condition. *This section focuses heavily on aquatic impacts. It would be helpful to include terrestrial examples as well, including logging, transportation projects, etc. Similarly, there is a salmon focus in the description of B.1. and it would be helpful if another example could be included in addition to the Salmon Plan.*

Page Q3, P17: B.2 NT. ADD NEW ACTION: SEATTLE WATERFRONT. ADVOCATE THAT THE SEAWALL REPLACEMENT PROJECT FOR THE SEATTLE'S CENTRAL WATERFRONT INCLUDE WILDLIFE-FRIENDLY FEATURES AS WELL AS IMPROVED OPPORTUNITIES FOR PUBLIC ACCESS (I.E., TOUCH THE WATER).

Ongoing efforts on the Seattle waterfront are as important as those listed in the other actions.

Priority C: Reduce the Sources of Water Pollution

Page Q3, P19: Water Quality – General. *We are concerned about significant gaps in the draft Action Agenda in the following areas: industrial pollution; agricultural sources of pollution; and pollution associated with large vessels, cruise ship discharges, and oil spill prevention/response. These topics deserve much more attention. In addition, pollution prevention is not adequately addressed – a major concern as the Partnership has recognized this as major problem. Our comments below address these concerns.*

Page Q3, P19: Current Condition. *We suggest the following edits for clarity and completeness, especially because groundwater is not well represented:*

"Pollution of the rivers, creeks, GROUNDWATER, bays, and open waters of Puget Sound comes from a variety of sources and travels along many pathways. … Polluted waters reduce ecosystem services – pollution results in shellfish closures, beach closures, impacts to recreation, loss of cultural resources, IMPAIRED DRINKING WATER SOURCES, consumption warnings for fish, and low oxygen conditions that kill marine species. … Past water quality programs have often emphasized expensive cleanup programs without adequate emphasis on reducing new pollution INTO THOSE AREAS…."

Page Q3, P20: C.1 Prevent Pollutants at Source – general comment. *We suggest that toxic chemicals be separated from nutrients and pathogens into its own high level action. Each pollutant category is addressed by generally distinct efforts, with some overlap. As lumped, this action category is disproportionately much larger than other actions.*

Page Q3, P20: C.1 Prevent Pollutants at Source. *We suggest the following edit:* "Prevent pollutants from being introduced into the Puget Sound ecosystem to decrease the loadings from toxics, nutrients, and pathogens. The most reliable and cost effective way to manage for water quality health is to target the sources of contaminants, prior to their entry into Puget Sound's

surface and groundwater system. Source control tactics include education, pollution prevention, PRODUCT BANS, innovative technologies, open space protection, low impact development, natural infrastructure, and engineered solutions."

Source control must include product elimination because there are many pollutants that can't be removed.

Page Q3, P20: C.1.1 Comprehensive Reduction Plan. "Implement a prioritized, comprehensive management program to reduce loadings of toxics into Puget Sound ECOSYSTEM."

This sounds great but the sub-actions below this do not support this. As listed below, we have included new suggested actions.

Page Q3, P20: C.1.1.1 Public Outreach Campaign. *We suggest this edit for completeness:* "Conduct public outreach focused on reduction of pollutants and pharmaceuticals. As a first step, focus on pollutants identified in the Phases I ~~and II~~ THROUGH III of the regional toxic loading study that are priority threats to Puget Sound."

Page Q3, P20: C.1.1.2 Standards. *We suggest these edits:* "UPDATE THE TOXIC WATER QUALITY STANDARDS FOR Washington, INCLUDING FRESHWATER BODIES. Advocate national standards for new and emerging contaminants. THE PARTNERSHIP WILL IDENTIFY WHICH NEW CONTAMINANTS ARE HIGHEST PRIORITY TO BE REGULATED BY THE STATE. "

The state has the authority (and need) to update standards.

Page Q3, P20: C.1.1.3 Chemical Substitutions. *We suggest these edits:* "CONTINUE TO INVESTIGATE PRODUCTS AND PROCESSES THAT USE CHEMICALS OF CONCERN. Advocate strategies including chemical substitutions, cradle to ~~grave~~ CRADLE management of products with hazardous materials and chemicals, and the reduction and reuse of materials where possible."

Many of the programs that are ongoing (Pharmaceutical Take-Back, for example) focus on producer responsibility such that products and wastes are not disposed in landfills or sent to other countries for recycling. It is more productive for the long-term to focus on cradle-to-cradle approaches as the highest goal.

Page Q3, P20: C.1.1.4 PBT Reduction Acceleration. *We suggest these edits:* "Accelerate FUNDING, DEVLEOPMENT AND IMPLEMENTATION OF ECOLOGY'S PBT CHEMICAL ACTION PLAN IN ORDER TO ACCELERATE THE reduction of the loading of Persistent Bioaccumulative Toxic chemicals to Puget Sound."

This program needs additional funding and support from the Partnership.

Page Q3, P20: C.1.1.5 Toxic Pollutant Technologies. *We suggest these edits:* "IMPROVE THE EFFECTIVENESS AND DELIVERY OF TECHNICAL ASSISTANCE IN POLLUTION PREVENTION PLANNING BY IMPROVING REPORTING ON HAZARDOUS SUBSTANCE USE BY INDUSTRY AND INCREADSING FUNDING FOR TECHNICAL ASSISTANT. Continue to invest in technologies that reduce toxic pollutants."

We support specific language as to how we will better understand the use of toxic chemicals and how we can help support the reductions (i.e., technical assistance).

ADD NEW ACTION: RESEARCH AND DEVELOPMENT FOR TOXICS REDUCTION: AS RECOMMENDED BY THE TOXICS REDUCTION ADVISORY COMMITTEE, HELP BUSINESSES REACH A 50% TOXICS REDUCTION GOAL BY INCREASING RESEARCH AND DEVELOPMENT ON SAFER ALTERNATIVES, IDENTIFY AND PRIORITIZE HIGHLY TOXIC CHEMICALS FOR REDUCTIONS.

The TRAC committee has developed a number of important recommendations that are supported by a broad range of stakeholders. These are included as suggested new actions.

ADD NEW ACTION: INTERSTATE CLEARINGHOUSE. AS RECOMMENDED BY THE TOXICS REDUCTION ADVISORY COMMITTEE, AUTHORIZE ECOLOGY TO PARTICIPATE AN INTERSTATE CLEARINGHOUSE TO COORDINATE WITH OTHER STATES INFORMATION ON SAFER ALTERNATIVES TO HAZARDOUS CHEMICALS.

ADD NEW ACTION: TOXIC CHEMICALS REDUCTION ACCELERATION. ACCELERATE FUNDING, DEVLEOPMENT AND IMPLEMENTATION OF PROGRAMS IN ORDER TO ACCELERATE THE REDUCTION OF THE LOADING OF TOXIC CHEMICALS (OTHER THAN PBTS) TO PUGET SOUND, INCLUDING COMMON STORMWATER POLLUTANTS INCLUDING FERTILIZERS, HERBICIDES AND STREET CAR WASHING RESIDUES INCLUDING SOAPS, OIL AND GREASE AND HEAVY METALS.

The action above (PBT) is good, but there is also a need to similarly reduce other toxic chemicals that may not build up in the ecosystem but have significant impacts none-the-less, which is why we suggest this parallel action.

ADD NEW ACTION: TOXICS LOADING ASSESSMENT. CONTINUE TO FUND AND SUPPORT TOXICSLOADING ASSESSMENTS FOR CHEMICALS OF CONCERN TO THE PUGET SOUND BASIN, INCLUDING AIR TOXIC CHEMICALS.

In keeping with actions listed in Priority A to do mapping/assessments for prioritization, a similar effort is needed for this Priority.

ADD NEW ACTION: MIXING ZONES. IN ORDER TO REDUCE TOXIC POLLUTANTS FROM NPDES DISCHRGES, REQUEST THAT DEPARTMENT OF ECOLOGY REVIEW AND REVISE CURRENT GUIDELINES ON THE USE OF MIXING ZONES. EXISTING MIXING ZONES CAN BE REDUCED IN SIZE. LONG TERM, CONSIDER PHASING-OUT MIXING ZONES FOR PERSISTENT BIOACCUMULATING TOXIC CHEMICALS AND OTHER TOXIC CHEMICALS OF CONCERN.

The draft Action Agenda fails to address the topic of NPDES "mixing zones." Toxic chemicals can be reduced through pollution prevention if facility operators are motivated by requirements that their mixing zone be reduced or eliminated. There should be some review of whether mixing zones can be more narrowly drawn (currently almost all permits allow for mixing zones to be set at the maximum allowed by law).

Page Q3, P20: C.1.2 Air Toxics Reduction and Source Control. *We suggest these edits:* "Implement targeted air emission and source control programs for land-based vehicles, marine vessels, and air transportation."

This section should address point sources as well as emissions from our everyday activities, other than transportation.

Page Q3, P20: C.1.2.2 Reduce vehicles. *We suggest these edits:* "Promote efforts that reduce the number of vehicles on the road AS WELL AS THE WAY TRANSPORATION IS MANAGED to reduce pollutants entering Puget Sound from roads and parking lots."

There are many transportation-related issues beyond just the number of vehicles that can assist in the reduction of pollutants.

Page Q3, P20: C.1.2.4 Air Quality Management Plans. *We suggest these edits:* "Implement existing air quality management plans to decrease risks to human health and reduce pollution, as part of the overall pollution reduction strategy. DEVELOP AIR QUALITY MANAGEMENT PLANS THAT ADDRESS TOXIC CHEMICALS AND OTHER POLLUTANTS OF CONCERN FOR BOTH HUMAN HEALTH AND WILDLIFE (VIA AIR DEPOSITION/STORMWATER RUNOFF PATHWAY."

Current air quality management plans may not actually address some of the key pollutants of concern for the health of the Puget Sound ecosystem (as these were developed for a different purpose), which is why we suggest a broader approach.

ADD NEW ACTION: REQUIRE ECOLOGY AND THE REGIONAL AIR AGENCIES TO ADDRESS CUMULITIVE IMPACTS FROM AIR EMISSIONS FROM POINT SOURCES AS WELL AS MOBILE SOURCES.

Current air quality management does not address cumulative impacts. We believe that this type of assessment is key to improving air quality in areas that are more intensely impacted, such as the Duwamish Valley and Tacoma.

ADD NEW ACTION: REDUCE THE REPORTING THRESHOLD FOR TOXIC CHEMICALS FOR AIR EMSISIONS FROM POINT SOURCES.

PSCAA has the authority to, but to date has not implemented, adopt a policy to lower the threshold for addressing toxic chemicals of concern.

ADD NEW ACTION: REDUCE HIGH PRIORITY TOXIC CHEMICALS OF CONCERN FROM AIR LOADING, INCLUDING DIOXIN, BY PHASING OUT THE USE OF INCINERATORS IN PUGET SOUND BASIN.

Incinerators have been largely eliminated in the region, but unfortunately, key facilities still exist, in some densely populated areas.

Page Q3, P21: C.1.3 Water Quality Plans. *We recommend that action be enhanced:* "Develop and implement water quality clean up and management plans that ACHIEVE REDUCTION in pollutant loads. In the near term, implement existing Water Quality Management Plans (TDML), Shellfish Protection District, and other water quality plans. In the long term, implement comprehensive watershed-based and regionally coordinated approaches to controlling and treating pollutants that is integrated with other strategies to protect and restore Puget Sound. WORK WITH STAKEHOLDERS TO USE GIS AND OTHER TOOLS TO IDENTIFY KEY POLLUTION REDUCTION STRATEGIES ON WATERSHED BASIS."

We recommend that the Partnership begin work with People for Puget Sound, Department of Ecology and others that have been working on GIS-based decision support tools linking upland and watershed health parameters with nearshore conditions such as fecal coliform bacterial pollution to prioritize the likeliest geographies to begin remediation techniques. Restoration literature from Chesapeake Bay and other estuaries where shellfish health remediation has been successful should be consulted, as should general restoration theories that support building onto existing functional areas. A list of potential tools or management measures with proven effectiveness in reducing fecal coliform pollution at the watershed and marine embayment scale should be developed. To the extent that stormwater runoff is the source of fecal coliform, the only effective means to eliminate pollution is to

eliminate runoff. Treatment of runoff for bacteria is not practical. Elimination of runoff entails LID retrofit and mandatory LID for new development.

Page Q3, P21: C.1.NT 1 Toxics Reduction Outreach Campaign. *Who will conduct this action? We believe that this action is not strong enough for the needed level of effort to reduce toxic chemicals.*

Page Q3, P21: C.1.NT 2 Ecology's PBT Program.

We suggest that our language above be used.

Page Q3, P21: C.1.NT 5 No Discharge Zone.

This action fails to specify whether the No Discharge Zones would apply only to recreational vessels or to commercial vessels as well. People for Puget Sound advocates a Sound-wide No Discharge Zone to avoid such confusion.

Page Q3, P21: C.1.NT 6 Air Management Plans.

We suggest that our language above be used.

Page Q3, P21: C.1.NT 7 Shellfish Protection District Plans.

Should not this be moved to the Shellfish Actions (C.4)?

ADD NEW ACTION: MIXING ZONES. CONVENE A STAKEHOLDER GROUP TO EXAMINE AND UPDATE CURRENT NPDES MIXING ZONE GUIDELINES AND POLICIES.

As noted above, the current policy of allowance and use of mixing zones should be reviewed. We believe that a stakeholder group should be convened soon in order to begin this process.

Page Q3, P21: C.2 Urban and Rural Stormwater – general comment. *We agree that a strategic and watershed-based approach is needed. The scale, however, needs to be appropriate. Also we are concerned that the focus of this action category is on municipal permits and the other permits are not addressed (industrial, boat yard, WSDOT, etc.)*

Page Q3, P22: C.2.1.2 Monitoring. *We suggest these edits:* **"**Establish priorities and resource needs for creating a coordinated water quality monitoring program under National Pollutant Discharge Elimination system (NPDES) IN CONCERT WITH A REGIONAL MONITORING PROGRAM FOR THE PUGET SOUND BASIN."

We strongly support this action but are concerned that, as written, the focus in on the permits rather than the large context of the Puget Sound ecosystem.

Page Q3, P22: C.2.2.3 LID Assistance. *We suggest these edits:* "THE PUGET SOUND PARTNERSHIP WILL TAKE A LEAD IN AssistING cities and counties in adopting low impact development (LID) stormwater codes for development and redevelopment. Provide standards for low impact development and establish criteria to determine where LID is feasible."

We feel that the Partnership should take a strong role in the development of standards and assistance.

Page Q3, P22: C.2.2.4 LID Use. *We suggest these edits:* "REQUIRE ~~Advance~~ the use of low impact development approaches to stormwater management. ASSISTANCE FOR LID IMPLEMENTATION WILL INCLUDE AT A MINIMUM ~~This includes, but is not limited to~~: a) resolve institutional barriers which limit use of low impact development for road construction and stormwater flow control projects, b) implement, assess, and promote successful examples of low impact development techniques, c) develop incentives for using low impact development, d) develop focused training for contractors and developers, and e) develop focused training for local government staff on areas best suited for low development impact and assist them in revising their regulations to allow low impact development."

The Action Agenda should recognize that under the recent PCHB ruling, LID is now required for new development. The Draft Action Agenda emphasizes an incentive strategy, which seems out of step with the new regulatory approach.

Page Q3, P22: C.2.2.5 Combined Sewer Overflows. *We suggest these edits:* "Evaluate the technical and programmatic solutions for Combined Sewer Overflows (CSOs) in the context of improving water quality in fresh and marine water and preserving and recovering the health of Puget Sound WHILE RECOGNIZING THE KEY ISSUES INVOLVING THE NEED TO REDUCE TOXIC IMPACTS IN URBAN BAYS."

We are concerned that there is the perception that CSOs are not a big problem. We believe, to the contrary, that in urban bays, CSOs are THE major problem for the loadings of some toxic pollutants. We believe the focus should be on toxics reductions as we move forward on CSO reductions, as the highest priority (which is different than the previous approach).

Page Q3, P22: C.2.2.6 Stormwater Retrofit Prioritization. *We suggest these edits:* "Prioritize, FUND, and implement stormwater retrofits in urban areas AND AREAS WHERE POLLUTION AND/OR FLOW PROBLEMS ARE IDENTIFIED AS A MAJOR CONCERN. In the near term, develop high-level prioritization criteria for the selection of new projects. Over the long-term, link retrofit priorities to coordinated watershed clean up and prevention strategies."

It is important for the Partnership to promote an aggressive new retrofit program to address existing problems. This would involve establishment of new funding for this work, not simply "prioritizing" projects. Further, we are concerned that the prioritization be based on science, rather than just a policy that prioritizes urban areas across the board.

Page Q3, P23: C.2.NT 1. Regional Monitoring.

We suggest that our language above be used.

Page Q3, P23: C.2.NT 3. LID Assistance.

We suggest that our language above be used.

Page Q3, P23: C.2.NT 4. LID Use.

We suggest that our language above be used.

Page Q3, P23: C.2.NT 5. Combined Sewer Overflows. *We suggest these edits:* "Convene a [delete "focus"] group to evaluate the technical and programmatic solutions for CSOs in the context of improving water quality in fresh and marine water WHILE RECOGNIZING THE KEY ISSUES INVOLVING THE NEED TO REDUCE TOXIC IMPACTS IN URBAN BAYS. The integration of CSO solutions into the larger range of solutions to stormwater and other water quality problems may improve the cost effectiveness of both programs in urban areas, notably Seattle and King County. This will require flexibility in implementation, timing, and scope of municipal wastewater NPDES program as applied to CSOs BUT WITHOUT SACRIFICING THE NEED TO REDUCE TOXIC POLLUTANT LOADING."

Our comment is the same as above.

Page Q3, P23: C.2.NT 6. Stormwater Retrofit Prioritization.

We suggest that our language above be used.

Page Q3, P23: C.3 Wastewater Treatment Facilities. *We suggest these edits:* "Prioritize and complete upgrades to MUNICIPAL AND INDUSTRIAL wastewater treatment facilities to reduce pollutant loading. Wastewater is a source of a broad spectrum of pollutants, including nutrients and pathogens, to Puget Sound. Wastewater treatment removes or transforms many but not all contaminants, and treated municipal sewage contains a mixture of personal care products, caffeine, endocrine-mimicking chemicals and other pharmaceuticals. Land based wastewater treatment plants discharge an estimated 400 million gallons per day of treated water into Puget Sound. Combined sewer outflows (CSOs) sometimes discharge mixed stormwater and untreated wastewater to Puget Sound during wet weather when conveyance or plant capacities are exceeded."

If industrial wastewater facilities are not included here, then we suggest that a distinct set of actions be developed for them. A similar set of concerns (i.e., pollutant loading, bioaccumulation, etc) exist for industrial as well as municipal facilities.

Page Q3, P24: C.3.1 UPGRADE FACILITITES. *We suggest these edits:* "FUND, INCENTIVIZE AND Implement priority upgrades of MUNICIPAL AND INDUSTRIAL wastewater facilities in urban and urbanizing areas to increase effectiveness of treatment, especially in nutrient sensitive areas of Puget Sound."

Although ratepayers may pay for upgrades, we believe that funding assistance and incentives will be needed to address priority facilities. We also feel that most of the facilities will need to be addressed over the long term (see AKART comment below).

Page Q3, P24: C.3.1.1 NUTRIENT INVESTIGATION. *We suggest these edits:* "Investigate requiring IMPROVED nitrogen removal at MUNCIPAL AND INDUSTRIAL treatment plants in targeted areas including those with nutrient loading issues and vulnerable waters."

The problem of nutrient loading is not limited to sewage treatment plants.

Page Q3, P24: C.3.3 NON-STATE FACILITIES. *We suggest these edits:* "Require federal AND TRIBAL facilities to reduce nutrient and pathogen loading consistent with the Action Agenda priorities."

There are numerous tribal as well as federal facilities that should be included in our effort as we restore the health of the Sound.

ADD NEW ACTION: UPDATE AKART. AS PART OF THE REVIEW OF THE NUTRIENT AND TOXIC LOADINGS TO THE PUGET SOUND BASIN, INITIATE THE PROCESS TO UPDATE ALL KNOWN, AVAILABLE, AND REASONABLE TREATMENTS (AKART) FOR TREATMENT FACILITIES.

We support AKART review for South Sound treatment plants but the current language in C.3. 1. would suggest that the Partnership endorses AKART review only for these facilities. We feel that all facilities should achieve AKART in Puget Sound and that we are overdue for an update.

Page Q3, P24: C.3.NT 1. AKART. *We suggest these edits:* "Ensure that AKART (All Known and Reasonable Technology) or better standards are met in nutrient sensitive areas such as Hood Canal, South Sound, and the Whidbey Basin IN THE NEAR TERM AND INITIATE THE PROCESS FOR THE ENTIRE BASIN."

We feel that all facilities should achieve AKART in Puget Sound and that we are overdue for an update.

Page Q3, P24: C.3.NT 3. SUPPORT NONSTATE UPGRADES. *We suggest these edits:* "Support federal AND TRIBAL facilities in reducing nutrient and pathogens, particularly in already impaired areas."

ADD NEW ACTION: UPDATE AKART. SUPPORT THE DEPARTMENT OF ECOLOGY IN AN UPDATE OF AKART FOR WASTEWATER TREATMENT PLANTS.

The Department of Ecology currently lacks the resources to review all NPDES permits on a five-year basis as required by the federal Clean Water Act. There is rarely a careful review of treatment technology to determine if it reflects the latest, best available technology as required by law. The Partnership can play a key role in assisting and directing funding to Ecology to initiate an AKART review in this biennium.

Page Q3, P24: C.4 Septic Systems – general comment. *We appreciate the emphasis on implementation of septic management plans and Marine Recovery Areas. We also support the recommendations that septic utilities be established and that new treatment technology be reviewed and approved as appropriate.*

ADD NEW ACTION: SOURCE CONTROL FOR TOXIC CLEANUP SITES (C.5). FUND AND SUPPORT ACCELERATED IMPLEMENTATION OF SOURCE DETECTION AND SOURCE CONTROL PROGRAMS ASSOCIATED WITH CLEANUP SITES. (AS A LONG TERM AND A NEAR TERM ACTION)

One of the major impediments to cleanup of sites in the Puget Sound basin has been the lack of funding and resources to adequately address source control in a timely manner, as well as a lack of emphasis on the need for source detection (i.e., actual sampling of storm drains and drainage systems) rather than business inspections. Additional funding is needed for sampling.

Priority D: Work effectively and efficiently together as a coordinated system to ensure that activities and funding are focused on the most urgent and important problems facing the region.

Page Q3, P27: Priority D - general comment. *Overall, we would like some caveats to be included in a number of the proposed Priority D actions. We recommend that the Partnership work with stakeholders to work through issues before even a pilot is conducted for some of the new untested actions (streamlining, banking, trading, etc). These ideas have really not had time for a solid public and stakeholder dialogue. There are pitfalls and unintended consequences that should be fully vetted before we move forward. Many of these ideas may well be effective in protecting the Sound, but they are mostly new ideas and are very complicated. We want to strike a balance between efficiency and effectiveness. It is premature to even go to a pilot for many of these ideas.*

Page Q3, P33: D.4.1.3 General Permits. *We suggest these edits:* **"**DEVELOP A STAKEHOLDER PROCESS TO Investigate opportunities to develop and use new Clean Water Act general permits to ~~promote~~ MANAGE development in WATERSHEDS WITHIN urban areas by improving efficiency for review of development projects, WHERE APPROPRIATE. This would include a) regional general permits development projects with urban growth areas and b) programmatic general permits for projects that often require mitigation."

Although we support a cross-jurisdictional approach, we are concerned that water quality issues be addressed within a watershed lens. We are also not in favor of "promoting" development across the board but rather managing development. In general, we do not support a major shift to the issuance of more general permits rather than site-specific permits because we have seen that this leads to unintended consequences where important environmental problems go unnoticed and unaddressed.

Page Q3, P34: D.4.1.4 SEPA Programmatic Review. *We suggest these edits:* "DEVELOP A STAKEHOLDER PROCESS TO REVIEW HOW TO Streamline and coordinate the environmental permit review process to improve the consistency and efficiency of decisions. AS A PILOT, Fund cities and counties to perform non-project, programmatic analyses under the State Environmental Policy Act (SEPA) on lands included in UGA expansions, AS LONG AS THE PROJECT IS COMPLETED WITHIN FIVE YEARS AND AN ALLOWANCE FOR PUBLIC APPEAL IS RETAINED FOR SIGNIFICANT CHANGES IN PROJECT DESIGN. Exempt project actions performed in areas where programmatic SEPA review has already been conducted from complying with SEPA, except in limited circumstances."

We are concerned that the ability for public appeal is reduced and/or eliminated in the proposed process. In addition, a time limit should be included because environmental conditions as well as science/technical know-how advances occur over a reasonable timeframe and would not be incorporated if a programmatic SEPA is conducted for a project that doesn't actually reach completion for 20 years. As noted above, we are concerned that we work through this issue in a stakeholder process before we start a pilot effort.

Page Q3, P34: D.4.2.2 Watershed-based Mitigation. *We suggest these edits:* "Establish and implement a PILOT watershed-based approach to mitigation. …."

While we recognize that mitigation has not worked well, we are concerned that the Partnership not 100% endorse a new approach that also may not work well. We suggest that the first efforts should be considered pilot until the Partnership and other scientists can evaluate how well the new approach works.

Page Q3, P35: D.4.NT 5. SEPA Programmatic Review.

We suggest that our language above be used.

Page Q3, P35: D.5.1.1. Integrated Enforcement. *We suggest these edits:* "An integrated field compliance monitoring program should include land use, shoreline, water quality, water use, hazardous materials, and other environmental permit related activities. Ultimately, field inspector TEAMs should be located in each watershed and be tasked with assisting landowners, builders, and contractors with understanding regulatory requirements, strategizing optimal environmental protection approaches, and inspection to ensure compliance with a full spectrum of environmental protection regulations."

We understand from talking with enforcement persons that teams are generally more effective than individuals. It takes many years for inspectors to fully "get up to speed," and it is unreasonable to expect them to understand all programs.

Priority E: Build and implement the management system to support the implementation and continual improvement of the Action Agenda.

Page Q3, P40: E.1.3.2 Data Management. *We suggest these edits:* "Implement a distributed data and information exchange system that IS FULLY TRANSPARENT AND can be contributed to and accessed by scientists, implementers, policy makers and other interests."

While we strongly support the development of a data management system, our past experience compels us to request that the words "fully transparent" be added. Information collected using public funds should be easily accessible to the public in a timely manner.

Page Q3, P42: E.2.3.1 In-lieu-fee mitigation. *We suggest these edits:* "Implement a~~n~~ PILOT in-lieu-fee mitigation program for Puget Sound."

For reasons articulated above and in our attached letter, "Mitigation that Works," we suggest that this should be a pilot at this stage,

Page Q3, P43: E.2.NT *12* In-lieu-fee mitigation.

For reasons articulated above, we suggest that this should be a pilot at this stage.

Page Q3, P43: E.2.NT 14. Water Quality Trading. *We suggest these edits:* "USING A STAKEHOLDER APPRAOCH, Evaluate use of a water quality trading program to address dissolved oxygen issues in south Puget Sound."

We have serious concerns about a water quality trading program, and if this is to be implemented, there should be a stakeholder process to discuss the issues fully.

Page Q3, P43: E.2.NT 15. Permit-Specific Trading. *We suggest these edits:* "USING A STAKEHOLDER APPRAOCH, Develop a framework policy for permit-specific trading in the Puget Sound region…."

We have serious concerns about a permit-specific trading program, and if this is to be implemented, there should be a stakeholder process to discuss the issues fully.

Page Q3, P44: E.3.1 Develop and oversee a coordinated monitoring program.

This action should also include a discussion of the need to determine the "governance" of a regional monitoring program.

ADD NEW ACTION (UNDER E.3.1): DETERMINE GOVERNANCE STRUCTURE FOR REGIONAL MONITORING AN ASSEMENT PROGRAM. BY JUNE 30, 2009, THE PARTNERSHIP WILL FORMALLY REVIEW THE PUGET SOUND MONITORING CONSORTIUM'S DETAILED GOVERNANCE RECOMMENDATIONS, INCLUDING THE KEY ESSENTIAL PROGRAM FUNCTIONS AND CHARACTERISTICS, AND DECIDE WHAT GOVERNANCE STRUCTURE WILL HOUSE THE ECOSYSTEM RECOVERY MONITORING PROGRAM AND ALL THE NECESSARY FUNCTIONS OF AN INTEGRATED, COORDINATED MONITORING AND ASSESSMENT PROGRAM FOR PUGET SOUND."

This is a key need. Stakeholders are looking to the Partnership to make this decision. Successful resolution of this issue will allow all parties to move forward to provide support for funding and potential legislative changes in successive years.

Priority E talks about building the management system needed to support the Draft Agenda, however it never mentions how the data for the indicators will be collected and reported to insure that we are making progress towards recovering Puget Sound. Without this data, we will be where we are today, not knowing whether our actions are making any difference. This section should also be beefed up with the accountability sections of the statute creating the Partnership.

Page Q3, P38: Priority E – general comment. Education was identified as an essential component of the Puget Sound Initiative but in the draft action agenda its action elements are not integrated into the action agenda nor its outcomes clearly defined. The menu of major communications and education initiatives does not provide a clear roadmap to what will be accomplished by whom and in what time frame. We note that on the draft agenda urges people to get involved with "...hundreds of organizations that need your help. Visit www.psp.wa.gov to connect with a group in your area." However, we cannot find any such groups listed on the Partnership website. In fact, it is very difficult to discern the role and responsibilities of various organizations - federal, tribal, state, local, non-governmental - in the draft action agenda.

Page Q3, P48: E.4.1 Communications Effort. Communications, education and outreach actions and their outcomes need to be more clearly delineated and defined. Raising awareness and effecting behavior change are two very different outcomes requiring different strategies and tactics and cannot be accomplished solely with a long-term, high-visibility communications effort. We recommend that more community-based social marketing research be done to assess whether the education initiatives chosen in the action agenda are the best ways to go to get public support and action to meet Puget Sound recovery and restoration goals.

Page Q3, P48: E.4.1.1-3 Communications Effort. Please make explicit that the Puget Sound Partnership is tasked with these actions and what outcomes can be expected by when from these actions.

Page Q3, P49: E.4.2 Local Volunteer, Steward And Educators' Programs. Please clarify and make explicit that the outcome of coordinating volunteer efforts through education and outreach is to focus these efforts on action agenda priorities. Please address how the coordination of volunteer efforts will be integrated into action agenda priorities, by when, by whom, and who is holding whom accountable for these outcomes.

Page Q3, P49: E.4.2.1 EcoNet. Please make clear the current status of the EcoNetwork and define what it is. It currently is not an active network and will need to be reorganized and re-energized after the action agenda is adopted. Please make clear that there is as yet no governance structure for the EcoNetwork and make clear if the Puget Sound Partnership is tasked with coordinating and staffing the work in E.4.2.1.

Page Q3, P49: E.4.2.2 Education Working Group. Please clarify the role of the Education Working Group and why the membership is limited to government agencies and excludes not-for-profit organizations doing the work on the ground and having funding needs. Please include a condition of transparency in deliberations of the Education Working Group. Please make clear if the Puget Sound Partnership is tasked with coordinating and staffing the work in E.4.2.2.

Page Q3, P49: E.4.2.3 Coordinated Network. Please identify who is going to do this, when is it going to be done, and what are the outcomes that would provide a basis for measuring effectiveness and accountability. Please specify that these action elements will be integrated into the science and restoration action elements of the agenda.

Page Q3, P49: E.4.2.4 Coordinated Technical Assistance. Please identify who is going to do this, when is it going to be done, and what are the outcomes that would provide a basis for measuring effectiveness and accountability. Please specify that these action elements will be integrated into the science and restoration action elements of the agenda.

Page Q3, P49: E.4.3 K-12 Environmental Programs. For consistency, please make clear that K-12 environmental education will focus on priorities of the action agenda. We cannot support the adoption of the "Meaningful Watershed Education Experience" curriculum without a more thorough review of all available curricula; we suggest that MWEE be used in the Action Agenda as an example of the kind of curriculum that might be adopted after more thorough public review. Also, we recommend that any academic curriculum adopted should also be made available to non-school groups of youth such as churches, boys & girls clubs, scouts, etc.

Page Q3, P49: E.4.3.1-2 Meaningful Watershed Education Experience. Please clarify who will be doing this, when it will happen, and how we will measure effectiveness and provide accountability. Please make explicit that we will use existing environmental education materials and not create new materials.

Page Q3, P49: E.4.NT 1 Messaging. Please indicate that the Partnership does this and when it will be done

Page Q3, P49: E.4.NT 2 Coordination. Please indicate who does this and when it will be done. Please explain what "STORM" is and what it exemplifies as a coordinated effort.

Page Q3, P49: E.4.NT 3 Message Delivery. Please indicate who does this and what measure of effectiveness will be in place.

Page Q3, P49: E.4.NT 4 WSF Pilot. Please indicate who does this, who is involved in putting the program together, and when will it be done.

Page Q3, P49: E.4.NT 5 Grant Program. Please indicate who does this and when will it be done. Please provide more details about what kind of activities will be funded. For example, is this a PIE-type program focused on action agenda priorities?

Page Q3, P50: E.4.NT 6 Training. Please indicate who does this and when will it be done. What would be the anticipated outcome of these trainings?

Page Q3, P50: E.4.NT 7 Citizen Science. Please indicate who will do this, when will it be done, and how this will be coordinated with and integrated into the action elements in science,

restoration, regulation. Please clarify what role federal, tribal, state and local governments have in this, and what role not-for-profit organizations will have.

Page Q3, P50: E.4.NT 8 Beachwatcher. Please explain what the [3]WSU Beachwatcher Sustainability Plan[2] is. We cannot support something that we have not seen or reviewed. We question whether establishing WSU beachwatcher programs in King, Pierce, Kitsap, Thurston and Mason counties is the most effective way of developing citizen engagement when there may be existing programs already in place that can be adapted to focusing on action agenda priorities.

Page Q3, P50: E.4.NT 9 Students. See comment on E.4.3. We cannot support a program that we have not reviewed. We suggest using MWEE as an example of the type of program that could be introduced in the schools. Again, please indicate who will be doing this work, when will it be done, and how its effectiveness will be measured.

Page Q3, P50: E.4.NT 10 Curriculum. See comment on E.4.3.1-2. Please indicate who will be doing this promoting. The materials, we assume, will be focused on action agenda priorities.

Question 4. Where do we start?

It would be helpful if the proposed actions could be cross-coded to the six broad categories of threats identified on page Q2, P4: habitat alteration, pollution, surface/groundwater impacts, artificial propagation, harvest, and invasive species. In addition, it does not appear that adequate actions have been provided to get a good start on each of these threats. Or specific comments below will include suggestions for actions that will help beef this up.

Financing Chapter

We await the release of the long-term funding strategy, which is the critical element of the Action Agenda to ensure the resources needed to achieve recovery of the Sound by 2020.

Page 6: Ecosystem Service Markets. We are concerned about the emphasis placed the Use of Ecosystem Service Markets, which is referenced in the Draft Financing Plan. We are particularly concerned about the concept of a Water Quality Trading Program. This approach, which was originally conceived of and piloted in the 1970's is fraught with problems. While it is extremely difficult to craft policies around cap and trade programs, it is even more difficult to implement them in a way that insures that there is a net benefit for the environment. We'd urge you to reconsider this recommendation. We are also concerned about the fee-in-lieu proposal and look forward to the opportunity to work with you on this issue.

Biennial Science Work Plan 2009-2011

The biennial science work plan defines a logical approach to science implementation and is well referenced. Statements in the Action Agenda should flow more logically from the biennial science plan, including outlining areas of immediate action that are supported scientifically and don't require additional studies. As soon as possible, the Partnership Science Panel should review and amend the provisional indicators to be more consistent with the framework in the biennial science plan or, if time does not allow within the schedule for Action Agenda adoption by the Governor and Legislature, a more explicit citation linking the provisional indicators to the adaptive management portion of the biennial science plan framework should accompany the provisional indicators table.

From: Heather Trim, People for Puget Sound

Comment:

Page Q3, P20: C.1 Prevent Pollutants at Source – general comment. We suggest that toxic chemicals be separated into its own high level action from nutrients and pathogens. Each pollutant category is addressed by generally distinct efforts, with some overlap.

Page Q3, P20: C.1 Prevent Pollutants at Source. "Prevent pollutants from being introduced into the Puget Sound ecosystem to decrease the loadings from toxics, nutrients, and pathogens. The most reliable and cost effective way to manage for water quality health is to target the sources of contaminants, prior to their entry into Puget Sound's surface and groundwater system. Source control tactics include education, pollution prevention, innovative technologies, open space protection, low impact development, natural infrastructure, and engineered solutions."

Page Q3, P20: C.1.1 Comprehensive Reduction Plan. "Implement a prioritized, comprehensive management program to reduce loadings of toxics into Puget Sound ECOSYSTEM."
This sounds great but the sub-items below this do not support this.

Page Q3, P20: C.1.1.1 Public Outreach Campaign. "Conduct public outreach focused on reduction of pollutants and pharmaceuticals. As a first step, focus on pollutants identified in the Phases I and II AND III of the regional toxic loading study that are priority threats to Puget Sound."

Page Q3, P20: C.1.1.2 Standards. "UPDATE THE TOXIC WATER QUALITY STANDARDS TO Washington, INCLUDING FRESHWATER BODIES. Advocate national standards for new and emerging contaminants."

Page Q3, P20: C.1.1.3 Chemical Substitutions. "CONTINUE TO INVESTIGATE PRODUCTS AND PROCESSES THAT USE CHEMICALS OF CONCERN Advocate strategies including chemical substitutions, cradle to grave CRADLE management of products with hazardous materials and chemicals, and the reduction and reuse of materials where possible."

Page Q3, P20: C.1.1.4 PBT Reduction Acceleration. "Accelerate FUNDING, DEVLEOPMENT AND IMPLEMENTATION OF ECOLOGY'S PBT CHEMICAL ACTION PLAN IN ORDER TO ACCELERATE THE reduction of the loading of Persistent Bioaccumulative Toxic chemicals to Puget Sound."

Page Q3, P20: C.1.1.5 Toxic Pollutant Technologies. "IMPROVE THE EFFECTIVENESS AND DELIVERY OF TECHNICAL ASSISTANCE IN POLLUTION PREVENTION PLANNING BY IMPROVING REPORTING ON HAZARDOUS SBSTANCE USE BY INDUSTRY AND

INCREADSING FUNDING FOR TECHNICAL ASSISTANT. Continue to invest in technologies that reduce toxic pollutants."

ADD: As recommended by the Toxics Reduction Advisory Committee, help businesses reach a 50% toxics reduction goal by increasing research and development on safer alternatives, identify and prioritize highly toxic chemicals for reductions.

ADD: As recommended by the Toxics Reduction Advisory Committee, authorize Ecology to participate an interstate clearinghouse to coordinate with other states information on safer alternatives to hazardous chemicals.

Page Q3, P20: C.1.2 Air Toxics Reduction and Source Control. "Implement targeted air emission and source control programs for land-based vehicles, marine vessels, and air transportation."
This section should address point sources as well as emissions from our everyday activities, other than transportation.

Page Q3, P20: C.1.2.1 Oil Spill Prevention. "Expand oil spill prevention and interagency spill response programs. Consider and integrate as appropriate the recommendations of the Oil Spill Advisory Council into the overall pollution reduction strategy. Permanently maintain a year-round rescue tug at Neah Bay in support of enhanced emergency response capabilities.

Page Q3, P20: C.1.2.2 Reduce vehicles. "Promote efforts that reduce the number of vehicles on the road to reduce pollutants entering Puget Sound from roads and parking lots."

Page Q3, P20: C.1.2.3 No Discharge Zone. "Establish No Discharge Zones for all or parts of Puget Sound that are nutrient-limited, have high vessel use, and are significant for shellfish production. Establishing no discharge zones will require pump-out facilities with maintenance programs prior to implementation of the new rules."

Page Q3, P20: C.1.2.4 Air Quality Management Plans. "Implement existing air quality management plans to decrease risks to human health and reduce pollution, as part of the overall pollution reduction strategy. DEVELOP AIR QUALITY MANAGEMENT PLANS THAT ADDRESS TOXIC CHEMICALS AND OTHER POLLUTANTS OF CONCERN FOR BOTH HUMAN HEALTH AND WILDLIFE (VIA AIR DEPOSITION/STORMWATER RUNOFF PATHWAY."

ADD: REQUIRE ECOLOGY AND THE REGIONAL AIR AGENCIES TO ADDRESS CUMULITIVE IMPACTS FROM AIR EMISSIONS FROM POINT SOURCES AS WELL AS MOBILE SOURCES.

ADD: REDUCE THE REPORTING THRESHOLD FOR TOXIC CHEMICALS FOR AIR EMSISIONS FROM POINT SOURCES.

ADD: REDUCE HIGH PRIORITY TOXIC CHEMICALS OF CONCERN FROM AIR LOADING, INCLUDING DIOXIN, BY PHASING OUT THE USE OF INCINERATORS IN Puget Sound BASIN.

PugetSoundPartnership
our sound, our community, our chance

PRESERVE OUR ISLANDS

PROTECTING OUR NATURAL RESOURCES + QUALITY OF LIFE THROUGH SCIENCE + PUBLIC AWARENESS

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PRESERVE OUR ISLANDS

PROTECTING OUR NATURAL RESOURCES + QUALITY OF LIFE THROUGH SCIENCE + PUBLIC AWARENESS

November 20, 2008

Preserve Our Islands is an all volunteer 501(c)(3) non-profit environmental organization working diligently to protect Maury Island's clean air and water and to preserve and protect the sensitive nearshore areas of the Maury Island Aquatic Reserve. Founded nearly a decade ago, our membership includes over 1000 Washington state residents who are dedicated to ensuring the health of Puget Sound.

We are grateful for the leadership provided by the Puget Sound partnership in the creation of the recently released draft Action Agenda. This Action Agenda establishes a thoughtful yet bold roadmap to follow as the state agencies, environmental organizations and private individuals throughout the region join together in our shared commitment to pull Puget Sound back from the brink of collapse.

We would also like to thank the Partnership for the opportunity to provide input on the draft agenda and hope that the comments provided below are helpful.

The focus of our comments rest primarily in following areas:

Orcas

- The Action Agenda clearly and correctly expresses the need to address orca recovery on an ecosystem wide basis i.e. protect eelgrass for orcas, and recognizes the implementation of the Orca Recovery plan is a tool in that process. However, the Action Agenda limits the discussion in the Action Area Priorities to the San Juan Action Area which is far to narrow of a geographical focus and does not recognize the other areas of Puget Sound utilized regularly by the whales for foraging, resting and transit.

- In the late fall and early winter months, the endangered orcas regularly utilize the waterways adjacent to Vashon Island and most particularly, Maury Island. This use, which is often overlooked, is historic and the whales have been documented utilizing the area both in historical accounts and more recently, over the past three decades by local researchers monitoring the Southern residents. The use of the area is targeted as the whales follow the late fall salmon runs. Most significantly, their use of the area comes at a time when food is plentiful along the Island shorelines and scarce to non-existent elsewhere.

- The whale's use of this area both in frequency and dependency would best be compared to the whale's usage of the west side of San Juan Island. As example, in the 2007 season, the whales were documented by Orcanetwork, to be utilizing the Island waterways, including the common habit of close to shore Maury Island foraging and passage, on as many days in December as they were documented near Lime Kiln park in the San Juan's during July.

- The National Marine Fisheries Services reports that the Majority of Orca births occur in the late fall to early spring months, a time that coincides with the whale's use of the Vashon-Maury Island area. It is not uncommon to find the whales with newborn and weeks old calves in tow as they utilize Island waterways. As example, J-43 who sadly did not survive, was born within 24 hours of the pods visit to Maury Island and was documented back in Island waters within days of birth.

- It is significant to note that as is common on the West side of San Juan Island, the whales often utilize the very close nearshore areas of Vashon and Maury Island (particularly Maury Island). It is not atypical to find them within 100 feet of shore and routinely less than 20 feet, particularly as they pass the Point Robinson area and enter the Maury Island Aquatic Reserve.

- The whale's usage of this important area should be reflected in the Central Puget Sound Action Areas planning.

- The Action Agenda should also recognize that in addition to ensuring an abundant food supply is available for the orcas, noise impacts may be disruptive of the whale's ability to successfully forage or utilize important feeding areas. Underwater noise from construction projects and increased vessel traffic, sonar and seismic surveys all may have an impact on the whales and should be recognized by the partnership.

Marine Managed Areas

- Section A.2 notes the role of Marine protected areas in the recovery of Puget Sound. However, the Action Agenda directs near-term action on only the Cherry Point Reserve as well as the Nisqually Estuary, and Protection/Smith Islands which have recently been nominated for Aquatic Reserve Status.

- Washington State currently has three other designated reserve areas: Maury Island, Cypress Island and Fidalgo Bay. While these Reserves already have final management plans, these plans were designed to be adaptive and the partnership should coordinate with the Department of Natural Resources to ensure that the plans properly coordinates with the Action Agenda and that they support the protection of these areas recognized as having unique ecological function which in turn, promotes Puget Sound recovery.

- In working to improve the effectiveness of these protected areas and to ensure that the values of the reserves are protected with a focus on Puget Sound recovery, the

Partnership should develop a process for WA DNR/Partnership consultation on any proposed use authorizations within these reserves. As noted overwater structures can and do have a direct impact on important ecosystem processes.

Regulatory Issues

- The Action Agenda Priority D directs the Partnership to work to improve compliance with rules and regulations to increase the likelihood of achieving ecosystem outcomes.

- In addition to focusing on permittee compliance with regulations, the partnership should establish a pathway to ensure that the regulatory agencies themselves are properly applying rules and regulations and taking a precautionary approach in permitting decisions.

- The local state and federal regulatory climate currently favors development and developers with very few project proposals denied. Applicants for development projects draft their own biological evaluations and assessments which are then reviewed by an understaffed and overworked agency. Permits for nearshore development and in water construction, particularly docks, are often handed out without a single site visit by the permitting agency and without proper regulations attached or improperly implemented. As just one example, to accommodate in-water work during the fall months which fall between the Salmon and Herring timing restrictions, WDFW currently allows in water work even if surf smelt spawning had been documented. With this in mind, it comes as no surprise that when WDFW recently performed an pilot program audit on their HPA permitting process and found that less even with full compliance by the permit holder, less than 20% of the permitted projects evaluated actually met the no-net loss standard. The Partnership should work with local state and federal agencies to develop a pathway for improvement in this area.

Draft Action Area Priorities /South Central Puget Sound

- As noted earlier in this comment letter, the Central Puget Sound Action Area priority should be modified to include recognition of the areas importance to the endangered Orcas with related planning included in planning strategies.

- The Action Area priority also overlooks the unique habitat values found in the island nearshore areas, most significantly in the Maury Island aquatic reserve. As example, the reserve is a documented spawning area for forage fish including surf smelt sand lance and herring. The Quartermaster herring stock is one of the largest and healthiest herring runs in Puget Sound. Additionally, the Maury Island nearshore is documented as being of high importance to chinook. In the 2007

Puget Sound recovery plan, NMFS notes the significance of Maury Island to chinook noting that the value of this shoreline "cannot be overestimated in its value to chinook recovery". NMFS also recognizes the Reserve area as being one of the highest value forage fish areas in the region.

- The drift cell of Maury Island is a unique and rare ecosystem process that NFMS has also identified as being highly valuable, directly that the protection of this feature should be met by restricting development at all levels of Government planning.

- Quartermaster Harbor, which is included in the Maury Island Aquatic Reserve, has also been designated by the National Audubon Society as Important Bird Area, providing unique and essential habitat to one or more bird species. Quartermaster Harbor's shallow protected waters, mudflats, and beaches are a haven for bird life. Every fall scores of grebes, loons, diving ducks, and sea ducks descend upon the sheltered harbor for the winter. They come because of the diverse array of food sources the harbor provides, including eelgrass, mollusks, algae, surf smelt and Pacific herring. These fish and their eggs are food sources for approximately 35 bird species that frequent the harbor in the winter. Several bird species are threatened and their populations are diminishing, including the marbled murrelet, a federally threatened species, and the common loon and Brandt's cormorant, both candidates on Washington's threatened species list. The most common wintering species is the Western Grebe, whose numbers account for 8 percent of the state's wintering population. This species, which has seen a precipitous decline in the last decade from habitat loss and fragmentation, was the focus of the IBA designation.

Preserve Our Islands would again like to thank the Partnership for the guidance provided by the Action Agenda and for the aggressive approach being taken to protect and restore Puget Sound.

The recovery of Puget Sound will depend on strong commitment at all levels. We look forward to being active participants in that process.

Amy Carey, President
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Orcas at Maury Island

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J-pod Orcas at the proposed Glacier NW Industrial barging facility / Maury Island

Draft Ac

PUGET SOUND ENDANGERED SPECIES ACT BUSINESS COALITION

November 20, 2008

Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900
Email: actionagenda@psp.wa.gov

Re: Comments of Puget Sound ESA Coalition on Puget Sound Action Agenda

The Puget Sound Endangered Species Act Business Coalition (the "Coalition") appreciates the opportunity to provide the Puget Sound Partnership ("PSP") with the following comments and information to assist PSP in developing its final Puget Sound Action Agenda. The Coalition represents a range of commercial interests in Puget Sound. Member companies and industry organizations contribute significantly to the economic vitality of the region. Continued safe, secure, efficient, and environmentally-responsible operation of member companies are issues of primary importance to our members and are of regional and national importance.

While the Coalition has not had sufficient time to analyze in detail the draft Action Agenda given the limited comment period provided, the Coalition nonetheless offers the following preliminary comments on the draft document. In summary, while the Coalition supports certain elements of the Agenda, including streamlining of environmental permitting processes to improve consistency and efficiency, we are concerned about the adequacy of analysis supporting some of the proposed actions, including:

- Whether the need for some recommended regulatory responses is supported by best available science and sound analytical work reflecting the views of knowledgeable parties;
- Whether the extent and effectiveness of existing programs, including Federal and self-regulatory programs, have been understood and incorporated;
- Whether the impacts of recommendations on the economic prosperity of the Puget Sound region have been appropriately taken into account and balanced; and
- Whether the funding that should be made available by discontinuing existing ineffective programs has been accounted for.

The Coalition is also concerned about the extent to which regulated industry has been meaningfully consulted during the development of the draft Action Agenda. In an effort to ensure the integrity of the Action Agenda process, the Coalition requests that the public comment period on the draft Action Agenda be extended for an additional thirty (30) days. While the Coalition understands that PSP is working against legislative deadlines, it is presumably of most importance to produce an accurately informed, soundly reasoned guidance document. Thus, if an extension is not possible, to the extent that certain recommended actions are not fully supported by information and analysis at this stage, they should be removed from the Agenda document. If and when sound support for such actions is later developed and discussed, they could be included by way of an Action Agenda revision.

While the draft Action Agenda states that it was developed through a series of interactions with the public and various governmental and nongovernmental parties, it fails to describe the role regulated industry played in the development of the Agenda, or how industry's concerns were addressed during the development of the draft Action Agenda recommendations. This omission is troubling particularly since PSP's authorizing legislation contemplates that its work will take into account both the environmental and economic prosperity of Puget Sound. We understand the draft Action Agenda contemplates "continued outreach" with various sectors, including business. We recommend that PSP expedite this recommendation by directly engaging industry sectors impacted by the Action Agenda to solicit their recommendations on these matters.

Effectiveness of Existing Regulatory Programs Overlooked

The draft Agenda does not appear to evaluate why existing regulatory programs and procedures are insufficient to meet the goals of protecting and enhancing Puget Sound. For example, a host of regulatory measures and processes exist that have dramatically reduced the occurrence and probability of oil spill events in Puget Sound. In addition, Shoreline Guidelines have not yet been incorporated into local shoreline plans - it is far too soon for yet another new version of the Shoreline Guidelines until additional analysis is completed supporting such changes.

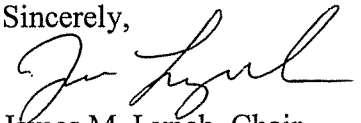
While the PSP's enabling legislation and the draft Action Agenda repeatedly mention the need to prioritize policy initiatives, the Agenda fails to explain how such an objective prioritization will occur. Such a prioritization exercise should highlight existing initiatives that are ineffective, or of low importance. These programs should be eliminated and the cost savings should be applied to new programs. The PSP program should not simply be about adding new programs, while leaving inadequate ones in place. In fact, no additional new funding should be requested until this prioritization and elimination process has occurred.

Economic Considerations

The draft Action Agenda fails to discuss in any detail the significant economic costs of proposed measures to address such issues as conditional use permits for each and every seawall, bulkhead, and revetment repair project. The authorizing legislation for the PSP and the Action Agenda clearly indicates that both environmental and economic factors are relevant. It would follow that there should be some cost-benefit analysis associated with policy actions that will have major economic implications for the business community. A revised Action Agenda should reflect this analysis and explain how such cost/benefit principles will be incorporated into recommendations.

Thank you for the opportunity to provide preliminary comments on the draft Action Agenda. Please feel free to contact me at (206) 370-6587 if you have any questions regarding these comments.

Sincerely,



James M. Lynch, Chair
Puget Sound ESA Business Coalition

November 20, 2008

To: Puget Sound Partnership

Fm: Puget Sound Environmental Caucus

Thank you for the opportunity to comment on the draft 2020 Action Agenda. The Leadership Council and the Partnership staff are to be commended for the intense effort that went into producing this document. We especially appreciate the effort expended by Partnership staff to meet with technical experts, tribes, local governments, watershed groups, business, environmental interests and other stakeholders in the seven Action Areas to identify problems and propose creative solutions related to Puget Sound Recovery.

The Puget Sound Environmental Caucus was formed in early 2006 to bring the environmental community together behind a unified agenda for recovery and to advance the Governor's Puget Sound Initiative. The Caucus is composed of 43 organizations, with diverse areas of expertise, to provide the Partnership with information, recommendations, and support for recovery actions. We have attached to this letter our Top Priority recommendations for the Final Action Agenda and a bulleted of list of additional issues that should be addressed in the final document.

The draft Action Agenda is a comprehensive listing of new or unrealized actions necessary to protect and restore the Sound. We hope the final Action Agenda you adopt on December 1st follows through on these identified actions and addresses the concerns we identify in this letter. We also note that individual member groups of our Caucus will be providing detailed comments to the Partnership in the areas of their expertise.

Recognizing that an effective recovery effort must be guided by the best available science and scientists, the Leadership Council has put together a distinguished Science Panel to inform Partnership work. Also recognizing the need to initiate actions right away, the Leadership Council and the Ecosystem Coordination Board advised the Partnership staff to identify those important actions that will carry 'no regrets', and organized them into five priority strategies: Protect, Restore, Prevent water Pollution at its source, Work together, and Build and implement the new system.

We applaud the intent to focus the Action Agenda on protection and restoration of ecosystem processes and stopping pollution before it gets into the environment, and the recognition that there are economies of scale and efficiencies to be gained by working together across traditional institutional and geographic boundaries within the Puget Sound ecosystem. We also recognize the recovery effort will require new management approaches and systems to evaluate progress and performance, provide science and technical support, build public understanding and awareness, and provide stable and sufficient funding for this critical and timely recovery effort. The likely impacts from climate change in our region require swift implementation of the Action Agenda to mitigate these impacts; promote energy and water efficiency in transportation and land use planning; build resilient communities; anticipate and prepare for climate variability; and keep the Puget Sound healthy and productive for generations to come.

The Governor and the legislature have recognized that we need to dramatically scale up, integrate and enhance the many efforts underway to restore the Sound. Importantly, they together set a date of 2020 for accomplishing that goal and broadly identified what a healthy Puget Sound will look like. One of the major reasons past cleanup efforts failed was the lack of clear timetables for action. The state's goal of 2020 is a culture changes in that it establishes a

time dimension for accountability. While the draft Action Agenda identifies several areas critical for the recovery of the Sound, it is equally important for the final Action Agenda to set target dates for specific strategic actions that will direct the investments and guide our collective efforts toward achieving the 2020 goal.

We hope that the final Action Agenda will describe the critical path to 2020 recovery that is strategic, effective, measurable, and accountable. We are concerned that the Action Agenda draft currently lacks adequate and comprehensive indicators and benchmarks, which are the key ingredient to accountability and measuring success. The lack of clearly articulated milestones and measures has been one of the greatest contributors to our failed efforts to recover the Sound over the last 25 years. If the final document does not include benchmarks that are tied to proposed actions, we request that it provide a timeframe within which we can expect to see a comprehensive 2020 plan with the indicators and benchmarks that are required by the statute creating the Partnership. This is the only way to achieve accountability for results. Over the last 18 months, the environmental caucus has recommended a complete menu of specific indicators and benchmarks for the Partnership to consider, and we hope that the final document incorporates this approach.

We would also like to emphasize how important we think it is that the final Action Agenda endorse a robust funding package to ensure the Action Agenda is actually implemented. Insufficient funding has been the other factor that has undermined progress on the Sound for 25 years, and new sources of funding are desperately needed to achieve the 2020 recovery goal.

Again, the Puget Sound Environmental Caucus wants to thank the Partnership for the opportunity to comment on the draft Action Agenda. The document represents a great deal of work by a large body of people and is an important step towards recovery of the Sound by the year 2020. The Caucus and its member groups look forward to working with the Governor, the state legislature, the Partnership staff, Science Panel, and leadership, and the citizens of the Puget Sound region to support and implement the final Action Agenda.

American Rivers
Audubon Washington
Bainbridge Alliance for Puget Sound
Citizens For a Healthy Bay
Conservation Northwest
Duwamish River Cleanup Coalition
EarthCorps
Environment Washington
Friends of Deschutes
Friends of the Earth/WAVE Consulting
Futurewise
Great Peninsula Conservancy
Hood Canal Coalition
Lake Forest Park Streamkeeper
League of Women Voters
Mountains to Sound Greenway
National Wildlife Federation
Olympic Environmental Council
Orca Network
People For Puget Sound
Puget Soundkeeper Alliance
Pt Townsend Airwatchers
Transportation Choices
WA Citizens for Resource Conservation
Washington Conservation Voters
Washington Nurses Association
Washington Water Trust
Washington Environmental Council
Washington Native Plant Society
Washington Toxics Coalition
Whidbey Watershed Stewards
Wild Fish Conservancy
Washington Council of Trout Unlimited
Alliance for Puget Sound Shorelines
Toxic Free Legacy Coalition
Puyallup River Watershed Council
RE Sources
Seattle Aquarium Society
Seattle Audubon
Sierra Club
Surfrider Foundation
The Nature Conservancy

Top Priority Recommendations

Stormwater

- The goal of 20% increase in impervious surfaces by 2020, referenced in the indicator and benchmark section, should be restated to reflect the research by the University of Washington that shows that when watersheds have more than 10% impervious surface and less than 65% forested cover, salmon are significantly impacted. The goal set by the Partnership should, at a minimum, state that 65-10 be the goal for all watersheds throughout the region In areas where we are currently above 10% impervious surface, we should institute major stormwater retrofit programs to achieve the goal.
- Please place a heavier emphasis on the need to maintain and restore natural hydrologic systems including forests and wetlands to achieve water quality objectives by 2020. The Action Agenda should recognize that many state and local land use / land management programs fail to integrate water quality objectives in their planning process. C.2.1 touches on this. We recommend that you add to this section, calling for local governments in the region to conduct basin planning to identify where there are opportunities to maintain natural hydrologic functions as well as identify important retrofit opportunities. We are concerned that basin planning occurs at the appropriate scale. There is a suggestion that such work occur on a WRIA basis in A.1.3.2. This scale is too large. Review must occur at the basin or sub-basin level to completely understand the hydrologic implications of restoration or land use decisions on water quality.
- The Action Agenda should recognize the fact that, under the recent PCHB ruling, LID is now required for new development. The Draft Action Agenda, section C.2.2.4, emphasizes an incentive strategy which seems out of step with the new regulatory approach.
- While we appreciate the focus on municipal stormwater problems, there is no mention of industrial stormwater, construction stormwater, or DOT related stormwater problems. Likewise, the draft includes no direction to Ecology to bring the estimated 16,000 unpermitted dischargers into the stormwater program or to geographically expand the coverage of the program to the entire Puget Sound watershed.

Toxics

- Establish policies and programs that help businesses phase out their use of chemicals of concern to Puget Sound through increased technical assistance and partnerships with research institutions, businesses, and nonprofit groups to identify safer alternatives.
- Support of recommendations proposed by Ecology's Toxics Reduction Advisory Committee (TRAC), which is looking comprehensively at these issues.
- Support a toxics reduction program - not just a public outreach campaign. In addition, the issues of air quality reduction – a major source that impacts both wildlife and human health - need stronger actions for 2020, including programs that address cumulative impacts. Finally, the phase out of mixing zones should be explicitly included in the 2020 agenda as a key method to move us towards toxics reductions up the system.

Habitat

- A common set of standards for protection need to be science-based, aimed not just at maintenance at the site-scale, but also maintenance and recovery at the ecosystem level. Task A.1.2 should read: Prepare and consistently use a set of land use and habitat protection standards (including stormwater management measures) to guide government in land use decisions. It should be designed to be applied anywhere in Puget Sound, and when applied these standards will bring consistency to decision-making across the region.

- The watershed should be the basic unit for protection, both in an inventory or characterization of the attributes of a watershed (functioning habitat and the habitat-forming processes) and in regulation, to determine if habitat and habitat-forming processes are indeed maintained and protected. This includes protection afforded by the Growth Management Act, the Shorelines Management Act and the stormwater permitting program of the Clean Water Act. Over the years, various entities have pointed out the need for "watershed permitting" in stormwater permitting, including NOAA and the Independent Science Panel, in regard to Washington, and now, on a national basis in a recent report by the National Research Council (NRC). We strongly urge the Partnership to examine the NRC report.
- The Action Agenda should include a goal of reducing impervious surfaces. While we agree that permanent protection of well-functioning and important habitat is needed (Task A.2), we caution that society will be unable to simply buy all the habitat that is needed to restore and protect the Sound. Our protective regulations must be sufficiently strong and adequately enforced so that future land-use actions do not degrade ecosystem functions, at both the site scale and in regard to the Sound. Therefore, we urge that the Action Agenda include as another near-term action under A.2.: <u>Advocate for proposed Tier III designations to protect critical aquatic habitat in priority areas</u>.
- Watershed-based activities in Priority A need to be better linked with watershed-based stormwater permits, suggested in Task C.2.1.1. We suggest an additional task in A.2.2: <u>Integrate watershed-scale stormwater permits with other protection efforts (e.g., GMA and SMA protections,) and conduct a comprehensive watershed-based assessment of habitat protection. Use comprehensive plans to project to build-out conditions.</u>
- We support proposed action A.2 on page 10 of Question 3, which recommends changes to the SMA rules that would require conditional use permits for bulkheads and docks for residential development. We support limits on new or replacement shoreline armoring, the requirements that soft or bioengineered alternatives be used where armoring is unavoidable, and limits on docks and prohibitions on new shoreline armoring at feeder bluffs, forage fish spawning areas, and eelgrass beds. However, the Action Agenda also needs to include reforms to WDFW's HPA process. Current HPA regulations authorize the permanent, unmitigated loss of shoreline habitat through allowing up to six feet of encroachment onto the beach for new bulkhead construction. And, the current regulations fall far short of protecting shoreline processes and functions by allowing continued armoring of important sediment sources. To prevent regulatory inconsistencies and ensure effective implementation of Puget Sound protection and recovery strategies, the HPA process should be amended to better protect nearshore habitat from impacts of shoreline armoring.
- Task A.2.2.1 recommends assisting local governments in completing and implementing shoreline master program updates on the current schedule. That means that Island, Mason, Skagit, and San Juan Counties will not update their regulations until 2012, meaning that their regulations will not include "no net loss" provisions, nor soft shoreline armoring provisions. A tremendous amount of shoreline degradation can occur in four years, and therefore the PSEC calls for these important shoreline areas to be protected on an expedited schedule, by accelerating the updates of shoreline master programs.

<u>Species</u>

- Salmon are a migratory species and so while their recovery is important to the Puget Sound ecosystem, they do not make a good indicator for the health and abundance of other resident species.

- Herring and eelgrass where highlighted as indicators in Question 2 Page 4 and then replaced throughout the rest of the document by salmon and salmon recovery plans. Herring and eelgrass are important indicator species and the document should reflect this when discussing recovery and restoration plans.
- Herring are not appropriate PBDE indicators due to their poorly understood migrations and low position on the food chain. It is more appropriate to have harbor seals as the indicator for PCB and PBDE tissue levels as the harbor seals are resident species and there is extensive historic data tracking this information in two locations that needs to be expanded around the Sound. It might also then be easier to relate the harbor seal data to human health concerns.
- The justification for the listed provisional indicators needs to be explained. If the Science Panel does not yet feel comfortable listing specific indicators and benchmarks (i.e. herring) they should indicate where the gaps in their knowledge are and the research they deem necessary to fill those holes.
- The Partnership's plan for invasive species is a good one. Their proposed database of invasive species could be used as an indicator of Puget Sound's poor health.

<u>Water Quantity</u>
The near term actions on water quantity presented in section A.3 of Question 3 are critically important to Puget Sound recovery.

- On page 11 of Question 3, section A.3.2 discusses the need to "[r]eform state water laws to be more protective of instream flows and encourage conservation". We agree that state water laws need to be reformed to keep more water instream; however, section A.3.2.1 says, "Discourage waste of water resources and protect instream flows by *addressing water laws that deter conservation and efficiency*" (*emphasis* added). The words in italics are often used as a rationale for eliminating or narrowing relinquishment – the "use it or lose it" provision in state water law. We urge the Partnership to change the wording of this section to say, <u>Revise water laws that discourage conservation and efficiency measures in such a way that will result in more water dedicated to in stream flows.</u>
- Funding for water resource programs is often a challenge, especially in today's economic climate. However, we urge the Partnership to invest in water quantity programs to avoid more costly and complicated problems associated with unsustainable water use and climate variability in the future.

Additional Issues that Need to be Addressed in the Final Action Agenda

- Vessels and ports pose significant risks of oil spills with over 15 billion gallons of oil transported yearly to our State's five refineries and as fuel for commercial vessels. In addition, ballast water is a major source of invasive species. Ships also contribute a significant amount of air and noise pollution as well as sewage and grey water.

- Industrial stormwater, construction stormwater, or DOT related stormwater problems. Likewise, the draft includes no direction to Ecology to bring the estimated 16,000 unpermitted dischargers into the stormwater program or to geographically expand the coverage of the program to the entire Puget Sound watershed.

- It is unfortunate that the Partnership did not include the work plans (with implementation steps and milestones) for each of the near-term actions. This

is the meat of the Action Agenda in the short-term and should have been available for public comment.

- It would be helpful to include the work plans for each of the near-term actions, as these are the meat of the Action Agenda in the short-term and should be available for public comment.
- Agricultural sources of pollution are not addressed at all and have been long recognized as part of the problem with nutrients and low dissolved oxygen, as well as pathogens and shellfish bed closures.
- AKART needs to be updated for all NPDES permits, as most industrial and municipal facilities have not undergone a thorough review in many years to determine if they are utilizing the most current treatment technology.
- Water quality standards should be updated for toxics.
- Elwha dam removal needs the support of the Partnership if it is to be prioritized at the federal level.
- The recommendations of the state's climate change committee should be integrated into the final Action Agenda, especially those relating to land use and transportation.
- A governance structure for Regional Monitoring that is independent and transparent should be endorsed by the Partnership.

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From: Naki Stevens, Puget Sound Environmental Caucus

Comment: We look forward to working with you. We want to express appreciation for the work that you've done. The goal is visionary and we ask that you stick to that vision and recover the Sound by 2020 clearly and boldly. We appreciate that the Action Agenda sets accountability and takes a robust approach to indicators and benchmarks. You need to expand the indicators work. Benchmarks are essential to money well-spent and to recovery by 2020.

Stormwater needs to include industrial and boatyards as well. We look for system of targets and benchmarks for stormwater. We don't understand what the 20 percent of increase of impervious surface is.

Beef up pollution prevention and source control for toxics.

We need a better regulatory tool for habitat protection, a unified approach to the prevention of harm to habitat. The outcomes will include increase in forest cover, vegetation, and fish spawning areas.

There is a large need for dedicated funding for the Puget Sound. We hope you will step up in the 2009 session. Funding for the environment drafted for 2009 legislative session is the Environmental Caucus' legislative priority. We hope you will endorse.

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PUGET SOUND MONITORING CONSORTIUM

To: The Puget Sound Partnership
From: The Puget Sound Monitoring Consortium's Governance Committee
Date: November 19, 2008
Subject: Our comments on the November 6, 2008 Draft Action Agenda for 2020 Puget Sound Ecosystem Recovery and the associated Biennial Science Work Plan

The Puget Sound Monitoring Consortium has been researching and analyzing options for implementing an integrated, coordinated regional monitoring and assessment program for Puget Sound. For more than a year, the committee undertaking this effort has worked to coordinate with and support the Partnership in meeting its mandates related to monitoring, accountability and ecosystem recovery. In April 2008 we presented to the Puget Sound Science Panel our preliminary recommendations for a governance structure to oversee an integrated, coordinated regional monitoring and assessment program. We are currently finalizing our recommendations in the form of a report to the Washington State Legislature to be submitted in mid-December 2008. A copy of the current draft executive summary of that report and our recommendations is attached to this memo.

Many of the Consortium's members have read with interest both the recently released draft Action Agenda for 2020 Puget Sound ecosystem recovery and the Biennial Science Work Plan. We appreciate the Partnership's specific acknowledgement of some of the Consortium's accomplishments and future plans. We support your overall near-term plans for monitoring and ask that you take our specific recommendations into consideration to make a successful transition to a robust regional science program that is integrated and coordinated across topic areas and across local, state, federal, and private capacities to fund and implement the program. We are concerned that the Partnership has not quantified or requested adequate staffing to be successful in implementing an integrated, coordinated regional monitoring and assessment program.

COMMENTS ON THE DRAFT ACTION AGENDA

1. To most effectively accomplish the transition to a regional monitoring and assessment program in the 2009-2011 biennium (specifically, section E3 Near Term Action 2 and related Near Term Actions in that section), we strongly recommend that, before the end of the current biennium on June 30, 2009, the Partnership formally review the Consortium's detailed governance recommendations, including the key essential program functions, characteristics, and components, and decide what governance structure will house the ecosystem recovery monitoring program and all the necessary functions of an integrated, coordinated monitoring and assessment program for Puget Sound. This includes defining for the new regional monitoring and assessment program:
    - Decision-making processes,
    - Reporting relationships,
    - Flows of information, and
    - Cost-sharing arrangements with local, state, federal, tribal, private, and non-profit entities to produce efficiencies in regional monitoring activities.

Please add this important overall decision and subsequent transition to the selected regional program structure as a specific near term action to be taken by the Partnership to create the necessary capacity to do the science required to guide ecosystem recovery efforts and provide accountability.

2. We recommend that the Partnership plan to use some of the $800,000 in state funds allocated for continuing the Consortium's work to support a successful transition to the regional science and monitoring program during the 2009-2011 biennium. In the near term, the Partnership needs new staff to analyze science across topic areas from an ecosystem perspective and recommend meaningful prioritization and integration of ongoing monitoring and assessment efforts.

   The remaining funds should be used to support regional monitoring efforts, specifically the recently convened Stormwater Work Group (mentioned in sections C2 Near Term Action 1 and E3 Near Term Action 3) and other essential work groups that the Science Panel must create. These work groups need dedicated staff support and other resources to successfully coordinate and integrate their work and to provide meaningful information for management decisions. Representatives of these work groups will assist in cross-topic synthesis, analysis, and identification of monitoring priorities.

COMMENTS ON THE BIENNIAL SCIENCE WORK PLAN

1. The Stormwater Work Group has begun identifying and prioritizing objectives for stormwater (including the questions enumerated in section 2.2.2 of the BSWP) and will create a regional stormwater monitoring and assessment strategy by June 2010. We look forward to close coordination with the Partnership in creating this strategy and offer the resources, experience, and expertise of Stormwater Work Group members to assist in formulation of the requests and evaluation of the proposals related to this section. We appreciate the Partnership's specific acknowledgement and support of the work group in section 3.1.1.1.

2. We strongly support section 2.1.1 recommending that existing monitoring programs continue and that they be meaningfully evaluated during the 2009-2011 biennium. We believe the Partnership will need staff to support this effort; see our second comment above on the Action Agenda.

3. Our comments above on Action Agenda E3 Near Term Action 2 apply to section 3.1.1, particularly sections 3.1.1.1 and 3.1.1.2. The Consortium's research, analysis, and recommendations apply more to the structure and organization of these efforts; but also provide a sense of the capacity needed to support the desired functions. The Consortium provides the Science Panel with efficient access to a substantial pool of scientific expertise and experience from a variety of entities at local, state, and federal levels; and to the considerable capacities of these entities.

AN INVITATION TO CONTINUE THIS DIALOG

We will submit our final report and detailed recommendations to the Legislature, to the Partnership, and to the Washington Forum on Monitoring Salmon Recovery and Watershed Health in mid-December 2008. We will be presenting our specific recommendations to the Science Panel during its December 16-17, 2008 meeting and hereby request an opportunity to discuss our recommendations with the Leadership Council early in the spring of 2009.

Upon completion of the report and presentations of our recommendations this committee will no longer meet regularly, but will be available to reconvene as needed at the Partnership's request to provide further research, analysis, advice, and assistance on defining, creating, and implementing an integrated, coordinated monitoring and assessment program for Puget Sound. We will hold our last formal meeting on December 10, 2008 and invite the Partnership's Leadership Council, members of the Science Panel, and others to join us and discuss our recommendations.

If you have any questions, please contact our project manager Karen Dinicola at 360.407.6550 or kdin461@ecy.wa.gov or our facilitator Jim Reid at 206.324.2061 or jfalconerreid@comcast.net.

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PUGET SOUND MONITORING CONSORTIUM

OUR DIRECTIVE FROM THE LEGISLATURE

The Washington State Legislature in 2007 directed the Department of Ecology to "facilitate the development of an ongoing monitoring consortium similar to Chesapeake Bay or San Francisco Bay to institute coordination between local, state, and regional monitoring agencies. The goal is to integrate ongoing monitoring efforts for stormwater, water quality, watershed health, and other state indicators and enhance monitoring efforts in Puget Sound."

OUR RELATIONSHIP TO THE PUGET SOUND PARTNERSHIP AND THE WASHINGTON FORUM ON MONITORING SALMON RECOVERY AND WATERSHED HEALTH

At the same time, the Legislature created both the Puget Sound Partnership, with broad monitoring duties and responsibilities related to Puget Sound ecosystem recovery, and the Washington Forum on Monitoring, with statewide monitoring coordination and oversight duties. The Puget Sound Monitoring Consortium has been providing advice, analysis, and assistance to the Partnership, and briefing the Forum on its activities and recommendations.

OUR MEMBERS

The Puget Sound Monitoring Consortium is a diverse group of motivated and engaged stakeholders representing approximately 40 local, state, federal, tribal, private and non-profit entities that share the common goal of coordinated, efficient data collection and easy access to meaningful, credible environmental data. Our recommendations for and our accomplishments toward forming an integrated, coordinated monitoring and assessment program for the Puget Sound basin follow.

OUR RECOMMENDATIONS

1. Before June 30, 2009, the Partnership should formally review the Consortium's governance recommendations, which include two possible organizational models, and decide what governance structure will house the ecosystem recovery monitoring program and all the necessary functions of an integrated, coordinated monitoring and assessment program.
2. For the 2009-2011 biennium and the long-term, the Legislature should provide sufficient capacity and resources, including funding, to ensure the sustainability of a coordinated, integrated regional monitoring and assessment program to more effectively and cost-efficiently achieve federal, state and local environmental mandates and goals, including Puget Sound ecosystem recovery. More specifically, the Consortium recommends:
   - For the 2009-2011 biennium, the Legislature should provide funding to adequately staff the Partnership's ecosystem science activities. These staff will be critical to the successful transition to an integrated, coordinated regional monitoring and assessment program during the biennium. They will analyze science across topic areas from an ecosystem perspective and recommend meaningful prioritization and integration of ongoing monitoring and assessment efforts.
   - For the 2009-2011 biennium and the long-term, the Legislature should continue to provide ongoing funds to state agencies to support the basic science activities that are the foundation of a regional monitoring program.
   - In 2009-2011, the $800,000 in state funds allocated for the Consortium's work should continue to support and staff ongoing Consortium activities, including the Stormwater Work Group, as well as the Partnership's transition to and implementation of the integrated, coordinated monitoring and assessment program.

- The Partnership should initiate cost-sharing arrangements in 2009-2011 with local, state, federal tribal, private, and non-profit groups to implement regional science activities. The state's ongoing contribution will complement and enhance the contributions of other entities, and provide leadership to produce greater efficiencies as well as more meaningful data to support management decisions.

OUR ACCOMPLISHMENTS

- The Puget Sound Monitoring Consortium analyzed 17 programs from around the country and recommended two organizational models to the Puget Sound Science Panel in April 2008. One model is a state agency-based structure housed at the Partnership; the other model is an independent private institute. Both proposals are built the same from the bottom up, founded on topical work groups that are coordinated and integrated within the umbrella structure. Both models anticipate expanding and reforming the existing Puget Sound Assessment and Monitoring Program (PSAMP), with agencies continuing to collect and analyze data.
- The Consortium established the Stormwater Work Group comprised of 26 representatives of local, state, federal, tribal, private, and non-profit entities. This work group has begun identifying and prioritizing objectives for stormwater; at the direction of the Partnership and Ecology, it will create a regional stormwater monitoring and assessment strategy by June 2010. The strategy will be integrated with other regional science efforts, such as status and trends monitoring for the Chinook recovery plan, and will inform the next cycle of municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits. This work group will be an ongoing activity, implementing the recommendations of the advisory committee that preceded the Consortium and testing the Consortium's recommendations.
- The Consortium launched four projects to meet urgent needs for coordination and improved credibility of the monitoring data that is routinely collected in the Puget Sound region, and to expand the application of two local government efforts that were underway:
    - Develop standard operating procedures for automated sampling of stormwater and subsequent analysis of the data. Local jurisdictions currently have different methods for using automated samplers and performing subsequent calculations, resulting in data sets that are not comparable. This project brings jurisdictions together to agree to and document common methodologies.
    - Expand a database for stream benthos information that can be populated by all entities in Puget Sound that collect this information. The effort will require standardization of reporting methods by all entities and laboratories, improving data comparability. A gap analysis will identify locations in the basin where these data are not being collected.
    - Conduct inter-laboratory calibration activities to improve comparability of data and ensure consistency among laboratories in analyzing environmental data.
    - Expand an effort to establish performance and maintenance requirements for in-line ditch treatment methodologies for open stormwater conveyances. Most of the currently approved treatment methods require property purchases and significant capital investment by local jurisdictions. These new methods may provide significant water quality benefits in rural areas at reasonable cost to local governments.
- In May 2008 the Partnership asked the Consortium to assist in providing broader technical input to its biennial science work plan. The Consortium provided (and continues to provide) the Partnership with an efficient means for engaging experts and capacity in diverse areas of science related to ecosystem recovery.

Comments on the Action Agenda
Puget Sound Restoration Fund
11-19-08

I strongly agree with action items related to:

- *Native species recovery – specifically, pinto abalone and Olympia oysters*
- *Using shellfish growing areas as one of five indicators to measure progress toward 2020 goals.*

Native Species Recovery

1) Expand native shellfish recovery,

2) Encourage and support the production of numerous shellfish species for restoration purposes (not just Olympia oysters, but also native littlenecks, cockles, butters, horse clams, etc.)

3) Recognize that these are not "single species" restoration efforts since enhanced native shellfish beds provide ecosystem services that improve water quality, nutrient cycling and provide complex, structured habitat that benefits many other species.

4) Recognize also that connecting people to resources that they can harvest and enjoy provides a direct (and tasty) incentive for homeowners to reduce their own inputs and support pollution control efforts at the local government level.

5) Support efforts to expand hatchery propagation of marine invertebrate species that cannot be recovered in any other way

Advances in the recovery of abalone and many of the shellfish species listed above cannot be made without scaled up, state-of-the-art hatchery propagation. For instance, the pinto abalone population in Washington has sunk below an effective population size: remaining adults are not located in close enough proximity to one another to reproduce successfully and too few abalone exist to run the risk of aggregation experiments, leaving hatchery propagation as the only viable recovery option. Significant hatchery space is required to rear juvenile abalone for outplant and effectively address genetic and disease issues associated with hatchery propagation. Currently, there are no existing facilities equipped to provide these services at scale. This can be remedied through creative public/private partnerships, but the State needs to be a partner in this effort. Providing increased resources for the projects described above would help to achieve one of the Puget Sound Partnership's six overarching goals:

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web

Shellfish Growing areas – Provisional Indicator #1

I applaud the use of shellfish growing areas as provisional indicator #1 and agree with the target (10,000 acres by 2020) and benchmark (1,000 acres each biennium) established for this indicator. However, ***Funding and Accountability*** *are critical components of an effective shellfish recovery program. This means we need to seriously change how we manage downgraded shellfish growing areas in order to achieve the state goals. Following are specific recommendations gleaned over the last 15 years while trying to implement and fund various shellfish protection plans.*

1) ***The Puget Sound Partnership should FUND implementation of shellfish protection plans.*** *It is one thing to make a commitment on paper to restoring 1,000 acres of shellfish ground each biennium and another thing altogether to ensure that shellfish protection plans get funded and implemented at the local government level. FUNDING the priorities identified in this Action Agency is the only thing that will distinguish it from past efforts to implement Puget Sound management plans. After all, State legislation already exists requiring implementation of shellfish protection plans in areas that have been downgraded. Without the funding, the requirement means nothing.*

2) ***State Agencies (DOH, Ecology, DNR) need to provide more resources to protecting the public's right to harvest shellfish.*** *This will require not just money; it will require state staff willing to attend and testify at County Council meetings, Planning Commission meetings, etc. Not all counties in which downgraded shellfish beds are located are equal. Some counties seem competent to obtain funding from multiple sources (both local dedicated funds as well as grant funds) and then go forth to identify and fix the problems. Other counties have not shown this same competence or commitment. If the county in question is unable or unwilling to generate the funds locally and effectively address livestock waste and manage on-site septic systems, the state needs to be willing to step in and provide additional resources. The Drayton Harbor shellfish protection plan provides a case in point. The Drayton Harbor shellfish committee was formed in 1995 and has been meeting ever since, but Whatcom County has yet to fund the shellfish protection plan. If Whatcom County's 2009 budget does not implement aspects of a plan that the County has already approved, the citizen advisory committee is likely to disband after 13 years. It is unfair to keep these groups together unless plans are implemented and the community has successes to point to along the way. In the case of Drayton Harbor, the shellfish committee has partnered with a community oyster farm, which was designed specifically to involve the community directly in the shellfish resource and spur water quality improvements. As a direct result of this community-driven effort 575 acres of oyster beds were conditionally upgraded in 2004. It took a lot of community involvement and pressure to make this happen, and for the first time in 10 years, the community was able to harvest oysters from Drayton Harbor. Since the 2004 upgrade, revenue from the sale of community-grown oysters has been directed toward educational tours, community involvement in the farm and pollution control efforts. Clearly a win-win for everyone.*

However, as of 2009, the farm is not planning to plant any more seed in Drayton Harbor and, as I mentioned above, the shellfish committee will likely disband. Without a financial and programmatic commitment from Whatcom County to manage pollution sources that are now affected three major shellfishing areas – Drayton Harbor, Birch Bay and Portage Bay – these community-led efforts will wither. Under the current scenario of poorly addressed livestock waste, MST results that indicate widespread ruminant waste and a county government reluctant to dedicate local funds to addressing myriad water quality problems, it no longer makes sense for the community farm to invest in seed or the shellfish committee to keep meeting year in and year out. In cases like these, where the public is being denied the ability to harvest shellfish another solution is needed. This is clearly a case where the state should step in and make good on its recommendation that shellfish plans should be funded and implemented.

3) ***Review and update nutrient management plans.*** *There are some counties and growing areas that are severely impacted by nutrient pollution from livestock waste. In Whatcom County, for instance, a TMDL study currently underway and a recently completed Microbial Source Tracking study have both indicated widespread ruminant waste in creeks that drain to Drayton Harbor. Most, if not all, dairy farms in these drainages have nutrient management plans. Sadly, the nutrient management plans are neither updated nor reviewed on a regular basis to make sure that the plans correspond to what's actually happening in the fields. For instance, if a farmer adds 80 head of cattle and/or starts spreading manure on a new field, there is no plan in place to manage increased livestock waste associated with these changes in operation. To manage nutrient pollution from livestock more effectively – especially in places like Drayton Harbor, with a small watershed and small bay that is hugely impacted by livestock waste –nutrient management plans need to be reviewed and updated every 2 years.*

4) ***Improve State enforcement of nutrient management plans.*** *The Department of Ecology used to enforce the state's nutrient management act. As of 2003 or so, the job of enforcement was passed to the State Department of Agriculture, which has a much softer enforcement program. The reality under the current enforcement program makes it much more difficult to control nutrient inputs. If there is an incident, there is seldom anyone from State Ag around to collect a sample, samples collected by anyone else are called into question and farmers must be shown to have demonstrated extreme negligence in order to be fined at all.*

5) ***Designate Drayton Harbor as a strategic initiative of the Puget Sound Partnership.*** *Managing nutrient pollution in the Drayton Harbor watershed is a solvable problem that needs resources and a deadline to get it accomplished. Under the auspices of a strategic initiative, the state could work with the local community to 1) more effectively address pollution sources that impact the public's access to shellfish resources and 2) build on strong partnerships and scientific studies (TMDL, MST) that clearly document widespread livestock problems. (Note: this should be included as an Whatcom County Action Area Priority.)*

Holding County and State governments accountable in the ways described above and devoting more resources to stopping pollutants before they reach our rivers, beaches, and species will help us achieve Priority C of the Action Agenda: ***Prevent water pollution at its source****.*

Additional comments regarding specific sections of the Draft Action Agenda are included below.

<u>Threats:</u>

With respect to the section on threats, harvest is rightly identified as a possible threat. However, it should be noted that <u>shellfish</u> harvest also helps address and mitigate one of the other identified threats – pollution. Nitrogen, which is a growing problem in Puget Sound, is incorporated into the shell and tissue of shellfish and then removed at harvest. This helps to reduce overnutrification of water bodies throughout Puget Sound. Numerous studies have also shown that the nutrient cycling services of shellfish help improve water clarity and maintain healthy eelgrass beds. These benefits should be clearly

factored into the assessment of harvest-related threats as they are applied to shellfish. For instance, with a growing population, nutrient loading and associated oxygen depletion is likely to increase. If we cannot effectively maintain and restore shellfish growing areas that are actively cultivated, then we will need to provide equivalent filtration and nitrogen removal "services" through other means. It is likely that replacement services in the form of waste water treatment plant upgrades or new septic system requirements will be vastly more expensive. To help quantify and "monetize" the services provided by shellfish, the Puget Sound Partnership should know that the Pacific Shellfish Institute and a host of other co-investigators is embarking on a quantitative assessment of the costs and benefits of shellfish production and restoration in Puget Sound. The study will encompass economic, environmental and social parameters. While the study focuses on specific case studies, it is aimed at generating information applicable to the estuary as a whole. The study should be completed in 2009/2010.

Priority B: Restore Ecosystem Processes, Structures and Functions

Increasing the scale and range of native shellfish restoration efforts should be included in this priority, since native shellfish communities provide ecosystem processes, structures and functions.

North Central Action Area Priorities

Native shellfish restoration should be listed as one of the priorities for the North Central Action Area. The largest-scale and most successful effort to date (close to 10 acres) is located in Liberty Bay. Scientific data indicating the successful recolonization of native oysters in historically abundant areas together with longstanding local partnerships and proven techniques provide a strong basis for continued work.

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November 20, 2008

David Dicks
Puget Sound Partnership
PO Box 40900
Olympia, WA 98504

Dear David:

On behalf of the 600 members of the Puget Soundkeeper Alliance (PSA), thank you for this opportunity to comment on the Draft 2020 Action Agenda for Puget Sound.

PSA has been working to protect Puget Sound water quality since the first Puget Sound Management Plan was written in 1987. Although significant progress has been made towards achieving the goals of the Clean Water Act, it is clear that we are losing the fight to save Puget Sound. Twenty years of management plans have failed to stop the precipitous decline in Puget Sound marine bird, salmon, rockfish and Orca whale populations. As the introduction to the Draft Agenda notes this "may be our last, best chance … to turn the tide on the decline of Puget Sound health."

With this sober warning in mind, PSA has reviewed the Draft Agenda with a critical eye to insure that its addition to the stack of Puget Sound management plans actually leads to Puget Sound to recovery.

General Comments

The Puget Sound Partnership's contribution, that distinguishes it from other management plans, is the creation of a framework to simplify and prioritize the actions needed to solve the complex issues thwarting Puget Sound recovery. First, the Draft Agenda sets out five priority areas to focus our efforts, three of which address the environment: protect intact ecosystem processes, restore damaged ecosystems and prevent water pollution at its source. Second, it includes guiding principles to help identify opportunities with the greatest magnitude of impact, the highest level of urgency and a reasonable certainty of effectiveness. And, third the Agenda identifies six provisional indicators and corresponding targets in order to evaluate Puget Sound recovery.

Unfortunately, the framework is inconsistently utilized: there are gaps in the way the pieces of the framework are linked from one section to another. With another good edit, PSA believes the framework could be strengthened and made more consistent throughout the document. For example, the link between the five priority strategies outlined in the Introduction (Page 3) and the provisional targets and benchmarks for evaluating Puget Sound Recovery are not consistent. The first strategy is to "Protect intact ecosystem processes and functions" however, the only indicator of Puget Sound recovery is "Land cover" (Question 1 / Page 3). What about land in farms? In

another example, the third strategy "prevent water pollution at its source" (Introduction / Page 3) lists two issues: cleaning up degraded waters and sediments and insufficient resources devoted to stopping pollutants. However, the only indicator for Puget Sound recovery is PBDEs. What about PCBs as an indicator of cleaning up contaminated sediments? What about pollutants that are regulated under the Clean Water Act and State law including mercury, dioxin, copper or zinc?

Finally, under the "Land cover" indicator, what the scientific basis is for determining that a 20% increase in impervious area over 2001 levels will recover Puget Sound?

PSA recommends that the inconsistencies between strategies and indicators be remedied in the Final Agenda.

PSA also recommends that the Final Agenda clarify the scientific basis for setting a target 20% increase in impervious area as in indicator of Puget Sound recovery.

Introduction

PSA is troubled that the Draft Agenda is described as a "guide" (Introduction/Page 2) and a "priority near-term work plan" (Introduction/Page 3). Puget Sound needs more than a guide to save it. It needs to make each and every stakeholder accountable for its actions to achieve the 2020 goal. The legislature charged the Partnership with determining accountability for achieving results, but the Draft Agenda does not do so.

PSA recommends that the Partnership add accountability to the Draft Agenda. If PBDEs in South and Central Sound herring are not reduced to levels of PBDEs in Strait of Georgia herring by 2020, who is responsible and what are repercussions?

What can people do now to help?

PSA found it surprising that this list of actions focuses on individuals and does not include businesses, organizations, cities, counties, or State and Federal agencies. Everyone, every business, every government, every organization needs to be challenged to go the extra mile for Puget Sound. PSA is also surprised that the Draft Agenda did not direct cities and counties to phase out or ban the use of fertilizers, herbicides and street car washing.

PSA recommends that this section be expanded to include business, city and county actions including phasing out the use of common stormwater pollutants including fertilizers, herbicides and street car washing residues including soaps, oil and grease and heavy metals.

Question 1: What is a healthy Puget Sound…

Under the definition of success (Question 1/Page 2) there are a number of qualitative statements that need to be defined, so the goal is clear. Under human health, it says that "fish and shellfish are plentiful and safe to eat." What is safe? Does this mean that the Department of Health has removed fish consumption advisories? Under species, success is defined as species are "viable." What is viable population? Generally this means that in significantly reduced populations there are sufficient individuals to maintain the genetic integrity of the species to avoid extinction. Is this truly success?

Finally, under water quality success is defined as not causing "harm." What is harm? Is it sublethal effects or death?

As noted earlier, there could be a better link between the 5 priority strategies and the provisional indicators proposed to evaluate Puget Sound recovery (Question 1/Page 3). PSA also found it curious that the only indicator for whether water quality improvement is PBDEs in herring. What about indicators PCBs and NPDES permit regulated pollutants like mercury, zinc, copper and dioxin? It seems that there should be a suite of indicators that would better indicate progress towards preventing "Prevent water pollution at its source."

PSA recommends that the qualitative measures of "success" (Question 1 / Page 2) be defined so success can be measured and monitored. It is also important that the strategic priorities and final indicators of recovery be explicitly linked and additional indicators included. It is essential that we know if our efforts to save Puget Sound are working.

Question 2: What is the status of Puget Sound…

Under the water quality discussion of Puget Sound health (Question 2/ Page 3) it states that the Draft Agenda measure of health is contaminant levels in herring. It is also states that the 2020 target is to reduce contamination to lower levels. What does lower levels mean? It is also curious that under the current condition (Question 2/Page 3) herring are not even mentioned. What are the contaminants that will be measured? What are current levels and target levels?

PSA recommends that the Draft Agenda be clarified. What are all of the parameters for herring recovery? What are the current levels and target levels for recovery?

Why is the only indicator for water quality based on historic contamination of PBDEs? Why is mercury ignored when many health warnings are related to PCBs and mercury?

Question 3: What actions should be taken…

PSA has focused its comments below on its areas of expertise, including water quality, permits, rules and regulations and monitoring. The guiding principles (Question 3/Page 4) as articulated are great, however, it is not clear how these principles were used in developing the near-term actions under each priority.

Priority C: Reduce the sources of water pollution.

PSA found it curious that the discussion of water pollution did not mention industrial sources of pollution.

PSA recommends that industrial sources be added to this discussion, particularly the large industrial sites that include wastewater and stormwater discharges as well as industrial, construction and other stormwater dischargers.

Under C.1 it is also curious that phasing out mixing zones was not included in the Draft Agenda. Mixing zones allow exceedances of water quality standards. Exceeding water quality standards kills aquatic organisms.

PSA recommends that the Draft Agenda include a discussion of phasing out the use of mixing zones.

In addition, C.1.1.2 advocates for national standards for new or emerging contaminants, however, nothing prohibits the State from setting its own standards.

PSA recommends that the Partnership identify which new contaminants should be regulated by the State.

Also, missing from C.1. is the concept of prohibiting any new discharges into Puget Sound from new businesses, developments, and roads, which is the ultimate way of preventing pollution.

PSA recommends that the Partnership weigh in on prohibiting new discharges to Puget Sound.

C.1.2.4 concerning air management plans is weak. Air permits are focused on regulating pollutants that are a health risk for humans and are not regulated to prevent harmful impacts of aerial deposition of metals like zinc. Aerial deposition of pollutants harmful to aquatic organisms must be assessed and regulated as needed.

PSA recommends that the Partnership work with the Science Panel to assess the impact of aerial deposition on water quality.

C.2 does not recognized industrial or construction stormwater issues and instead focuses on municipal stormwater.

PSA recommends that the Partnership recognize all stormwater in its strategy to reduce pollution.

PSA supports the suggestion of establishing watershed-scale stormwater permits.

Although C.2.2.1 says implement Phase I and Phase II permit so water quality standards are met, this is an extremely challenging goal. PSA has been working on this issue since 2000 when the first draft Phase I permit was issued, but never finalized because of Phase I disagreements with Ecology strategies. Almost nine years later, based an appeal by PSA and People for Puget Sound, the Pollution Control Hearings Board had to tell Ecology to do the obvious - require the implementation of LID to protect water quality. Unfortunately, the Hearings Board said require LID where "feasible" without defining feasible. This qualifier could take years to define and litigate. Is Ecology accountable for the failure to write Phase I and Phase II permits that protect water quality? Is the Hearings Board accountable for failing to define feasible? Who will be accountable for the delay in implementing LID on the ground?

If the Draft Agenda remains a guide and not a mandate, and no one is accountable for its implementation, the Draft Agenda is going to fail just like every plan before it.

Does the Partnership truly believe that it can achieve water quality standards for municipal stormwater by writing it in a guide? If not, it should go back to the legislature to propose an accountability process that would at least have a real chance to recover Puget Sound.

Finally, it is difficult to see how the guiding principles have been implemented under Priority C list of near-term actions. What has the highest potential magnitude for impact? What has the highest level of urgency? What has a reasonable certainty of effectiveness? For example, municipal stormwater has been identified as the largest source of stormwater pollution harming Puget Sound, yet requiring Phase I and Phase II stormwater to comply with water quality standards, which really means implementing LID, is not even listed in the near-term actions.

The Draft Agenda is going to fail unless this key issue is addressed. If the Partnership cannot do it, then it must go back to the Legislature and request the authority to take on this key issue.

Finally, PSA recommends that the Draft Agenda state that in the near-term all stormwater permits should require compliance with water quality standards.

Priority D: Working effectively and efficiently…

D.5 discusses the need to improve compliance with rules and regulations. PSA believes this discussion should be expanded to assess compliance with Clean Water Act NPDES permits issued by both the Department of Ecology and EPA. Although the discussion recognizes that "over-time" the performance of the regulatory system be assessed, it misses considerable opportunities that are available today. For example, none of the Ecology issued stormwater permits, including the Boatyard, Sand and Gravel, Construction, Industrial, CAFO, Phase I, Phase II and WSDOT are required to comply with water quality standards. Enforcement of these permits may reduce pollution, but is not sufficient to protect Puget Sound. These permits are issued every 5 years. The Industrial permit will be finalized in 2009 and Ecology could require compliance with water quality standards.

PSA recommends that the D.5 near term action include requiring all newly issued permit to require compliance with water quality standards within an enforceable time period and a phase out of mixing zones.

Priority E: Build and implement management systems…

Priority E talks about building the management system needed to support the Draft Agenda, however it never mentions how the data for the indicators will be collected and reported to insure that we are making progress towards recovering Puget Sound. With out this data, we will be where we are today, not knowing whether our actions are making any difference.

PSA recommends that the Draft Agenda include a discussion on collection of indicator data and periodic publication of this data.

In conclusion, PSA is disappointed with the Draft Agenda. It is lackluster effort that adds little more than an inconsistently applied framework, to the same issues that have been confronting Puget Sound since 1986. The Draft Agenda, in spite of its claim to be the most comprehensive assessment of Puget Sound ever conducted, buys into the tired assumption that a voluntary guide will in fact contribute something meaningful to saving Puget Sound. Chinook salmon and Orca Whales became threatened with extinction on our watch and it we are not careful, we will also be responsible for their extinction.

Sincerely,

Sue Joerger
Puget Soundkeeper

RE Sources for Sustainable Communities
2309 Meridian St., Bellingham, WA 98225
[posted by e-mail: waters@re-sources.org]

Puget Sound Partnership
Olympia, WA
[posted by e-mail: actionagenda@psp.wa.gov]

November 20, 2008

Dear Members of the Puget Sound Partnership:

I am submitting comments on the Action Agenda, on behalf of the members of RE Sources. RE Sources is a non-profit environmental education and advocacy group based in Bellingham, with members predominantly based in Whatcom County. RE Sources program, the North Sound Baykeeper, specifically advocates for clean marine and fresh waters. Your effort to bring a strong and comprehensive approach to the protection of Puget Sound is commendable. I highlight here some areas that I believe need additional information or strengthening. Thank you very much for your efforts. I look forward to a cleaner Sound with you.

Sincerely,

Wendy Steffensen
North Sound Baykeeper
RE Sources for Sustainable Communities
2309 Meridian St. Bellingham, WA 98225

Question 1:
Characterization of a healthy Puget Sound as an economic engine: Note that fisheries in the pasts supplied a huge economic benefit to the Sound. The disruption of healthy fisheries has resulted in a loss to the economy. Restoration of a healthy sound and the restoration of fisheries, to the extent possible given that threats from other geographic areas exist, will increase the economy of Puget Sound. Restoration of this economy should be a priority.

Clean and abundant water as an outcome: Water needs to be sufficient for agricultural activities as well.

Water quality as an outcome: The phrase “does not exceed harmful levels” is vague because “harmful level” is continually being defined and is subject to debate. This should be rephrased to “the cumulative effect of pollution in marine and fresh waters and

sediments should not harm the species that reside there, nor cause disruption to the function and habitat of ecosystems."

Land cover as an indicator: Blanket targets referencing 2001 levels for each Action Area may not be appropriate, because different Areas may have grown and added impervious area at different rates. It is important to hold the line on impervious area. In general, the amount of impervious area allowed is too high, and we should also add incentives to make impervious areas more pervious.

Toxics in pelagic fish as an indicator: It is not clear why PBDE in herring alone was chosen. Choose a suite of representative chemicals from a number of fish and shellfish or explain why this was not done.

Targets and benchmarks: Stating that the use of these tools is "radically different" does not sound accurate. The State of the Sound reports used benchmarks for many years.

Question 2
Human Health measure: It is not clear why the measure is not more closely linked to the current condition. Additional measures that look at levels of PCB and mercury in fish, and number of fish consumption advisories would be appropriate.

Land Use and Habitat measure: Three other measures should be instituted here as they are critical: salt water marsh restoration, limitation of shoreline hardening, and the removal of hardened shorelines.

Freshwater Resources measure: No mention is given to what the goal is in dry years. The goal in dry years should be that instream flows are met. Planning to achieve this goal is critical to undertake now.

Water quality measure: As stated above in Question 1, this measure seems too narrow to adequately measure water quality. Activities may be undertaken that specifically address PBDEs in herring, that do not address the other toxics threats in the Sound. A suite of representative chemicals from a number of fish and shellfish should be used as a measure, as should the number of low DO water bodies.

Question 3
General: The use of incentives is frequently mentioned in this section. However the use of regulations and the need to develop new regulations in some cases is not. We should not be afraid to use new regulations where warranted. The health of Puget Sound is too imperiled to keep the development of new regulations off the table.

A.2.1: The term conversion is used throughout this section. Change this to conversion/ development.

A.2.2.1 The schedule for updating critical environmental ordinances and programs should be accelerated given the rapid growth of the area and the dire health of the Sound.

A.2.2.7: Incentives should be used, but regulations should also be used. Include regulations in this list.

A.2 Near Term actions: The term conversion is used throughout this section. Change this to conversion/ development.

A2.4: Cherry Point is an aquatic reserve, not merely a "marine managed area." Plans for aquatic reserves must not only be completed or written, they must also be implemented.

A2.5 The schedule for updating critical environmental ordinances and programs should be accelerated given the rapid growth of the area and the dire health of the Sound.

A3: This section does not mention the over-allocation of water rights. Please include objectives and action items in order to deal with this very important issue.

B1: It is possible that the use of salmon recovery plans is sufficient to address the recovery of other species as well. Please address the sufficiency in using these plans to address other species, such as waterfowl.

B.2.1: What place does habitat restoration have on urban waterfront areas that are not proximate to intact systems? Since salmon migrate along these shores and up into tributaries in these urban areas, is not habitat restoration in pockets of urban areas also worthwhile?

B2.2 Include providing habitat opportunities such as soft shore solutions and restoration and creation of pocket beaches in Bellingham Bay.

C Reduce the sources of pollution. Invasive species needs to be considered a separate category here.

C.1.1. The listings here are very good and the Action Committee is to be commended for them. Please also include the following: 1) Eliminate mixing zones, especially for PBTs, 2) Restructure the Department of Ecology Industrial section such that pollutants that are discharged and/or measured in the air, water, and sediment are assessed and evaluated together, 3) Include a mechanism to measure cumulative impacts from pollution before water bodies reach 303d status, 4) Evaluate AKART determinations and update them where possible, and 5) Address AKART for the removal of endocrine disruptors from wastewater discharge.

C.1.1.2: Add for common contaminants which do not have a standard.

C.1.2.3 Will the "no discharge zone" cover ballast water? If so, be specific. Ballast water must be addressed, should not be discharged in our coastal areas, and ballast water exchange practices must be measured with testing.

C.1.2.4: This objective does not encompass the stated goal. How will air emissions from marine vessels and air transport be reduced through “existing air quality management plans”? Please be more specific and targeted.

C1 Near Term: Ballast water must be addressed in this section.

C.2.2: Ensure that stormwater permits are followed. It is the experience of the North Sound Baykeeper that the construction and industrial stormwater permit are not followed by contractors and facility managers. An educational campaign on these permits and their requirements should be undertaken. These permits should be strictly enforced using a rapidly escalating system of consequences, including written warnings and fines. (See North Sound Baykeeper report: Stormwater in the North Sound and Straits: Assessing the impacts and taking action, http://www.re-sources.org/pdf/stormwater_booklet.pdf)

C.5: Re-evaluate the law that allows pollutants to exceed the maximum contaminant level in sediment if select bioassays pass. This law does not offer a protective approach to cleanup. The bioassays are limited and do not accurately measure chronic reproductive and teratogenic effects.

C5: Re-evaluate the process by which the potential liable party contracts with a consultant to analyze the potential cleanup alternatives. Ecology does not supervise this process adequately. Thus, cleanup documents often are written to support a cleanup alternative preferred by the liable party, rather than offer an objective analysis of the cleanup. This does a disservice to the public.

C.5.2 The acceleration of cleanups is commendable. One concern is that acceleration sometimes happens at the expense of the public to offer meaningful comment and review. In some places acceleration has meant that cleanups have been done under “Interim Action” guidance and have thus short-circuited the full and timely review by the public. Interim Actions should be allowed only when there is clearly a need to contain pollution before it becomes worse or expands into other areas. In addition, the public should be given at least 60 days to review all Remedial Investigation and Feasibility Studies as part of public comment. These are very technical and lengthy documents, and 30 days is not sufficient time to review them.

From: Morgan Schneidler, Salmon Recovery Council

Comment: Submitted on behalf of the Salmon Recovery Council Members

On regional benchmarks and watershed plan benchmarks:

Watersheds have benchmarks for tracking progress toward environmental goals such as salmon recovery. When there are differences between the regional Action Agenda benchmarks for measuring progress toward the recovery of Puget Sound and local watershed plan benchmarks, the indicator or benchmark that is most protective of the resources should be the dominant target.

On "no net loss of agricultural lands":

Literal no-net loss of agricultural lands is an unreasonable mark and does not provide flexibility for those in the agriculture community to engage in restoration activities. This engagement is necessary for Puget Sound Recovery. This component of the Action Agenda should be re-characterized to indicate the concept of: "no net loss of productive agricultural lands." However, the Puget Sound Salmon Recovery Plan, chapter 6 page 411, considers agriculture in a more positive manner highlighting "improvement of agricultural viability" rather than a "no net loss" concept. This should also be considered as an appropriate benchmark for measuring agricultural progress.

Local Involvement - Priority D.3.1.2 and Near-Term Actions D.3 2: "Fund salmon recovery and other collaborative groups such as RFEGs and 2514 watershed planning groups.." This statement should include the Lead Entity Program for salmon recovery as an example. It makes sense for the Puget Sound Partnership to build on the success of this local watershed based program. Puget Sound Lead Entities have leveraged over $315 million into the PS region for habitat restoration projects.

The Salmon Recovery Act (ESHB 2496) empowers citizens at the community level to engage in salmon recovery thorough a locally driven habitat protection and restoration program. Lead entities continue to play a critical role in effective implementation of the Puget Sound Chinook recovery planning process. The WDFW has been a successful and efficient grant manager of this important program.

Additionally, the November 9, 2008 memo from Joe Ryan to the Puget Sound Recovery Council regarding the Action Agenda and salmon recovery priorities does not indicate the Partnership's support for the Lead Entity Program under the Recreation and Conservation Office Decision Package "Lead Entities for Salmon Recovery (PL-NC)". This budget request of $1.235 million would provide increase in Puget Sound lead entity support beginning in

November 19, 2008

David Dicks, Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Dicks,

We appreciate the hard work that went into developing the Puget Sound Partnership Action Agenda. We think it forms the necessary blueprint for success in rebuilding and sustaining ecosystem health. As a pilot project of the Puget Sound Partnership, we are deeply invested in the Action Agenda's recommendations.

The San Juan Initiative is a two year pilot project designed to improve ecosystem protection in San Juan County while also supporting other community values. After evaluating a wide cross-section of programs to determine what's working and what isn't, the Initiative developed recommendations to improve protection of over 400 miles of shoreline in San Juan County. Our recommendations mirror many of the Sound-wide recommendations of the Action Agenda and provide specific local examples for implementation.

The San Juan Initiative is called out within our Action Area Priority Strategies. Additionally, we recommend inclusion of the Initiative in the regional recommendation sections, due to the relevance and applicability of our process and findings. Below are several specific recommendations and additions to the Draft Action Agenda:

1. In Section A2, near term actions:
    a. Include a specific review of the San Juan Initiative's findings and process for their applicability in other areas of Puget Sound. In particular, review the tailored approach developed by the SJI for improving protection for application throughout Puget Sound. Fund implementation of the recommendations of the San Juan Initiative. The recommendations are community supported, politically feasible and scientifically valid.
    b. Work with relevant State agencies to begin implementing the San Juan Initiative's recommendations as a pilot project in San Juan County
2. In Section D1, near term actions:
    a. Review the San Juan Initiative's process and findings as a model for implementing the Action Agenda. The San Juan Initiative is a local ecosystem-based management program that has successfully brought together all relevant agencies and stakeholders to improve protection of shoreline resources.

b. Fund the continuation of the San Juan Initiative to implement the Action Agenda in San Juan County.

Thank you for this opportunity to comment on the Action Agenda. We are at a pivotal point in our community. There is consensus and energy to move forward in a coordinated way to improve protection of our marine ecosystem. Locally, we provide the Partnership an excellent model and process to begin the work you have laid out in the Action Agenda. We are eager to begin.

Sincerely,

Jonathan White
Co-Chair
San Juan Initiative

PugetSoundPartnership
our sound, our community, our chance

November 20, 2008

Dave Dicks
Puget Sound Partnership
POBox 40900
Olympia, WA. 98504
email actionagenda@psp.wa.gov

Dear David and Leadership Council:

Save A Valuable Environment (SAVE) a not-for-profit environmental organization in the Bothell/Northshore area has been active in preserving the hydrology and habitat of the North Creek and its headwaters for over 35 years.

The City of Bothell's North Creek Fish and Wildlife Critical Habitat Protection Area (NCFWCHPA) is an environmentally significant ecosystem complex of wetlands, streams and wildlife habitat area of over 210 acres. This large area in Bothell's incorporated area of Snohomish County was recently designated by the City of Bothell for implementing L.I.D. regulations, establishing forest cover retention standards and limiting the amount of impervious surface coverage. The scientific studies of Pentec and Steward commissioned by the City of Bothell confirmed that "Portions of North Creek contain substantial blocks of intact habitat…In rapidly urbanizing watershed, stream reaches of this quality are quite rare and equally important to preserve… and that North Creek is a regional resource, supporting Chinook, coho, sockeye/kokanee, steelhead and coastal cutthroat trout. Of Lake Washington tributary streams, North Creek is the second greatest producer of coho in the Lake Washington watershed and has the second greatest potential for supporting Chinook.

Several of our members reviewed and responded at public hearings on the LID implementation in the environmentally sensitive area. From this recent experience, we offer these comments on the Action Agenda, particularly as it relates to Stormwater, Habitat Protection, and Mitigation.

Stormwater

The Land cover target / benchmark / indicator reference for 2020 that each action area forest acreage below l000 feet be not more than 120% of 2001 level. This goal of 20% increase in impervious surfaces by 2020 is not based on science. (This is also referenced at the bottom of the page: Question 2 Page 2 --not increasing the impervious land area not more than 20% from the 2001 levels.) The consultant studies utilized by the City of Bothell showed that although degradation to stream ecosystems occurs at low levels of watershed development and has a variety response as development increases, it is generally shown that there are two thresholds for impacts.

When the sub-basin has approximately 10 percent effective impervious cover; and

When the peak runoff rate from a l0-year forested condition equals the 2-year developed peak flow rate(this is estimated to occur at 65% forest cover) (Booth et al 2002[1]).

The goal established by the Partnership should at a minimum be the 65-10 for all watersheds throughout the region. In areas where the l0% impervious surface is exceeded, major stormwater retrofit programs should be implemented to achieve the goal.

Our SAVE members familiar with the LID regulations for the large environmentally sensitive area in Bothell are supportive of implementing scientifically based 65-10 thresholds on a watershed basis, and retrofitting to address existing problems. The concern that damage from adjacent jurisdictions can augment stormwater problems that seriously impact an L.I.D. protected area (in addition to the recent PCHB ruling) makes this a necessary regulatory approach, not an incentive strategy as implied in the Draft Action Agenda section C.2.2.4.

These LID techniques can be implemented without great difficulty and with continued development . Bothell's analysis for developable area (net buildable area) in their NCFWCHPA after implementation of the forest retention provisions was that the forest retention requirement could be met by their current required critical area regulations for wetland/ stream/ and buffer requirements. No additional land was necessary for the forest retention standard. This was calculated over the entire 210 acres. For individual parcels, the necessary forest retention and impervious surface coverage might not be achieved. However, the regulations provide for trading of forest retention/ impervious surface credits with other areas within the designated NCFWCHPA, and other techniques to accommodate the LID. New development will continue.

Habitat, Soundwide Standards

Our experience in Bothell has convinced us that a common set of standards for protection of fish and wildlife habitat, and wetlands is necessary. The standards need to be more than a regional habitat protection decision-making framework…described in A.1.2.

Task A.1.2 should read:

> Prepare and ensure that a set of scientifically based land use and habitat protection standards are used (including measurement of stormwater management) to guide local governments in landuse implementation of protection and designation of critical areas.

[1] Booth, D.B., D. Hartley, R. Jackson. 2002. Forest Cover, Impervious-Surface Area, and the Mitigation of Stormwater Impacts. Journal of the American Water Resources Association. June 2002. Vol. 38, No. 3 pp 835 to 845.

Protection of wetland and stream buffers, minimizing stream crossing and restricting construction on steep/unstable slopes are important actions that minimize affect development has on stream ecosystems (Booth et al 2002[1]).

These standards need to be science-based aimed not just at maintenance at the site-scale, but also maintenance and recovery at the ecosystem level.
The Action Agenda promotes permanent protection of well-functioning and important habitat. Task A.2. Society is not able to buy all the habitat that is needed to restore and protect the Sound. Protective regulations must be uniformly enforced so that future land-use actions protect the remaining habitat and critical areas, and do not degrade ecosystem function at both the site scale, basin, sub-basin scale and ultimately in regard to the Sound.

We are troubled by the suggestion that the ecosystem protection decision- making framework described in A.1.2. be tasked with developing and updating avoidance and minimization guidance (from Partnership participation in the recent Mitigation That Works Forum) that applies avoidance and minimization sequencing particularly to those resources with high ecological value and that are difficult to replace. D.4.2.1.

Avoidance and minimization sequencing should be applied to all remaining critical area resources equally. Our experience with the Bothell's NCFWCHPA is revealing in relation to mitigation sequencing. This North Creek regional resource, supporting Chinook, coho, sockeye/kokanee, steelhead and coastal cutthroat trout and the second greatest producer of coho in the Lake Washington watershed which has the second greatest potential for supporting Chinook would probably not include delineated wetlands that would be considered rare or difficult to replace, and as such might not be covered under the "updated" avoidance and minimization compensatory mitigation guidance. The avoidance and minimization sequencing guidance should continue to be applied as currently recommended in Ecology's wetland protection guidance and the State Environmental Policy Act. The cumulative impacts from many sources has contributed to the Sound's ecosystem destruction. It does not make sense to emphasize the protection and avoidance of the few remaining rare and difficult to replace wetland natural resources when such large scale restoration and protection is necessary.

Thank you for this opportunity to comment.

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November 19, 2008

Mr. David Dicks and Staff
Puget Sound Partnership
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actionagenda@psp.wa.gov

Dear David and Partnership Staff:

Thank you for the opportunity to review the Partnership's Draft Action Agenda and the Science Panel's Biennial Science Work Plan. It is apparent that a lot of time and energy has been put into the development of both papers and it is encouraging to see the region moving towards designing a healthy ecosystem.

For the past seven years the SeaDoc Society, a marine ecosystem health program of the UC Davis Wildlife Health Center, has had a focus on the Puget Sound Region. We staff a full-time translational scientist in the San Juan Islands and fund and conduct critical marine ecosystem-focused research. Under the guidance of a science- and community-based Board of Directors, the SeaDoc Society uses privately raised funds for our annual competitive grants program we have supported almost 50 highly targeted critical research projects and worked to translate and transmit the findings from this science into management and policy.

Comments on the Draft Action Agenda

We recently identified what we consider to be the top ten ecological principles for designing healthy ecosystems. These principles have been crafted into a manuscript, which is in-press at the international journal *EcoHealth*.[i] We use these 10 principles to evaluate the region-wide and site-specific recommendations put forth in the Draft Action Agenda.

1. **Think ecosystem**

Issues at political boundaries can be resolved with cooperation, while nature's boundaries are immutable dynamic connections that cannot be negotiated or changed by policy. Although this is a major Washington State effort to restore Puget Sound, the Puget Sound basin is only one half of a large and unified ecosystem that includes the inland marine waters of British Columbia. This ecosystem is often called the Salish Sea in honor of the Coast Salish people who first inhabited the region. As in Washington, similar efforts are underway to improve the health of British Columbia's inland waters and the Action Agenda needs to better acknowledge and stress that efforts on both sides of the border need to be coordinated at the scientific and policy level. The Partnership, with the help of the US

Federal Environmental Protection Agency, should play a critical role in coordinating the science and the policy that need to occur in the US and in Canada to design a healthy Salish Sea. This fundamental concept needs to be incorporated into the Guiding Principles for Ecosystem Management (Question 3, Page 4) and reinforced throughout the Action Agenda.

2. **Account for ecosystem connectivity**

Great thinkers and philosophers from Henry David Thoreau to Edward O. Wilson have espoused the global interdependence of people and other parts of nature that is inescapable in designing sustainable communities. The Action Agenda uses the term "restore" or "restoration." Efforts at ecosystem restoration generally look backward in time, attempting to reconstruct complex, dynamic, self-organizing systems of living and non-living elements. The challenge is that conditions that existed prior to the present might never reoccur or could be impossible to recreate as species are extirpated, invasive species are introduced, and atmospheric and oceanic conditions change. We suggest that it is more appropriate to talk about **designing** future ecosystems that reflect current societal values. This also reinforces the idea that humans are a part of the ecosystem and are instrumental in determining how our ecosystem looks and functions.

3. **Understand the food web**

Knowing how plants and animals are related to each other by their diets is a practical way to visualize connectivity, interdependence, and system integrity and helps predict how nature will respond to stresses. It is laudable that the Action Agenda acknowledges that there are concerns about the integrity of Puget Sound's food web (Question 2, page 2; page 4; etc.), and calls out the need to better understand the food web (Question 3, page 7) and the stressors on it (Question 3, page 4).

4. **Avoid fragmentation**

Habitats of adequate size and quality to support high levels of biodiversity are critical characteristics of healthy ecosystems. Human activities that break otherwise contiguous habitat (land and seascapes) into smaller pieces fragment ecosystems, reduce ecological integrity, and threaten the capacity of an ecosystem to renew. Critical in the case of Puget Sound is the repairing of the fragmentation that has occurred where fresh water flows into marine waters, and where the land meets the sea, the nearshore. The Action Agenda recognizes this and adroitly points out the need to protect intact habitat as well as to improve instream flows and reestablish nearshore processes that have been destroyed by upland practices of shoreline hardening, deforestation and the creation of impermeable surfaces.

5. **Respect Ecosystem Integrity**

Ecological integrity, in which a system has all its parts and no "extra" ones, is a hallmark of environmental health. Loss of integrity threatens nature's stability, beauty, and capacity for self-renewal, but integrity can be rebuilt and sustained by design. The Action Agenda does a good job of recognizing that invasive species and contaminants are "extra" parts that we should not be adding to the ecosystem. The Agenda also points out that derelict fishing gear (Question 3, page 16) is an "extra"

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part of the system that needs to and can be removed. While there are no regional goals to remove all known derelict fishing gear (which would be admirable), related items are called out in the Action Area Priorities for Island County, Whatcom County and San Juan County. However, the lack of a call for the actual removal of gear is a big oversight in the Action Plan. There are good data showing that derelict fishing gear has a demonstrable impact on living marine resources, many of them of high commercial value. Also there are data on exact locations of derelict nets and crab pots. The Action Agenda needs to support the actual removal of this gear instead of simply prioritizing it for removal (Whidbey Action Area Priority) or only quantifying the impact of derelict gear (Whatcom Action Area Priority and San Juan Action Area).

The Action Agenda also points out that "parts" of the ecosystem are missing: many species are in decline. The Agenda points out that there needs to be work recovering species such as salmon and killer whales, but there is no mention of the efforts needed to recovery the many other species that are listed as threatened or endangered or are candidates for listing, including but not limited to, marine birds, rockfish, several important stocks of herring and pinto abalone. One small, but important step should be legislative action that grants Washington State the ability to list declining fish and invertebrates. The Washington Fish and Wildlife Commission lists species of concern under the provisions of Washington Administrative Code (WAC) 232-12-297 (Endangered, Threatened, and Sensitive Wildlife Species Classification). Currently, Washington State can list marine birds and m mammals as threatened or endangered, however marine invertebrates and marine and anadromous fishes can only be listed as candidates-for-listing. There is no legal framework for listing marine invertebrates or fish as threatened or endangered, which is the next step beyond candidate listing and brings with it a suite of legal and recovery ramifications. Granting the Fish and Wildlife Commission the ability to list marine invertebrates and fish enables Counties to consider listed marine invertebrates and fish under their Critical Areas Ordinances and would enable WDFW to write and enact recovery plans for species listed. Additionally, the Action Agenda should recommend that all efforts to recover threatened and endangered species be better coordinated between Washington and British Columbia. While this has been done to some degree with killer whales, pinto abalone and some other species, a more formal and agency-sanctioned format needs to be established. Finally, there are currently 30 marine species listed by Washington State as Candidates. Based on Washington law, a written Status Review is supposed to be prepared for all Candidate species, which serves as the basis for a final listing decision. Due to lack of funding and capacity at WDFW, many species have been listed as Candidates for years without having a status review written. The Action Agenda should make it a high priority to provide the funding for Status Reviews to be written for each of the Candidate species over the next several years.

6. **Support nature's resilience**

Resilience is a measure of health and indicates how much stress a system can absorb before it permanently changes into an alternate state or collapses. While healthy ecosystems have tremendous capacity for self-renewal, resilience can be overwhelmed by collective human activities. We can restore resilience by design and this concept needs to be expounded in the Guiding Principles for

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Ecosystem Management (Question 3, page 4) to include the concept that strategies and actions that increase ecosystem resilience should be a priority.

7. **Value nature; its money in your pocket**

Human well-being is derived from access to and often the marketing of essential ecological goods and services provided by ecosystems. Healthy ecosystems save on repair costs and deliver essential goods and services. This is pointed out (Question 1, page 1; Question 2, page 2; and other areas), however in a time of a national economic recession and a state budget crisis, the Action Agenda needs to better point out how a healthy Puget Sound and Salish Sea will translate into a healthy regional ecosystem.

8. **Watch Wildlife Health**

Diseases in marine animals are closely linked to human health and can provide early warnings as sentinels of ecosystem stress. With the exception of the correct mention that introduced species have the potential to introduce new diseases, there is little time spent acknowledging that diseases in wildlife can have catastrophic population-level impacts on already endangered species such as the southern resident killer whale population, and that disease in wildlife can serve as a sentinel of ecosystem stress often can provide early warnings about human health risks. In fact, human, animal and environmental health are so inextricably linked that physicians, veterinarians and environmental scientists and managers now speak of a "One-Health" concept. Using an integrated One Health approach to solving major emerging global health problems has been endorsed by the United Nations, the American Medical Association, the American Veterinary Medical Association, and the US Centers for Disease Control. While there are scattered efforts to study diseases in certain marine species within the Salish Sea, neither Washington nor British Columbia have dedicated systems for monitoring and reporting diseases in marine wildlife. Starting such a system will be important for designing a healthy ecosystem and should be included in the Action Agenda. An early actionable item could be to organize already existing efforts to study wildlife health and link them more formally to human health organizations as well as to the Partnership's science and education and outreach teams.

9. **Plan for Natural Extremes**

From an ecosystem perspective, extreme natural events such as droughts, floods, earthquakes and El Niño Southern Oscillation events test fitness, mediate competition, and assure diverse opportunities. Unfortunately many people still view these kinds of events only as disasters that wreak havoc on society and cause humanitarian tragedies. The Action Agenda treats natural events such as earthquakes (Question 2, page 4) and flooding (Question 3, page 15) as events that we should try to avoid rather than plan for and fails to recognize that as we design a healthy Puget Sound, we need policies, laws, and management actions that accounts and plans for extreme but natural events. This is another example of a concept that should be included in the section Guiding Principles for Ecosystem Management (Question 3, page 4).

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10. **Share the knowledge**

People matter from grassroots to government and little will happen without educating and incorporating humans at every level into designing a healthy ecosystem for the future. If there is no buy-in by the citizens and policy makers in the region, the most scientifically based and well-funded Action Agenda will fail. The Partnership obviously recognizes this (Question 3, page 2; page 48, etc.). The need to create specific messages for target audiences is critical and the Action Agenda calls out a need to strengthen K-12 environmental programs and to address a variety of audiences, however it is critical that we specifically try and target our policy makers at the Federal, State and County levels as well as our business leaders. Our government and our businesses (both large and small) have had and will continue to have huge impacts on the way we interact with our environment. Targeted and effective education of these groups will be critical to develop a long-term sustained effort to design a healthy ecosystem. Additionally, the Action Agenda specifically calls out the need to "implement the WSU Beach Watcher Sustainability Plan to sustain current programs and expand the effort to all 12 Puget Sound Counties (Question 3, page 50)." This is a great idea. We also recommend including other important citizen-based initiatives such as the Northwest Straits Initiative and their 7 county-based Marine Resource Committees (MRCs) that are doing important education, outreach and restoration work. Expanding the MRC model to all 12 Puget Sound Counties will be equally as important.

We commend the Partnership for recognizing that the entire effort to design a healthy Puget Sound is a case study in adaptive management and appreciate that the Action Agenda acknowledges that strategic priorities and related action will need to be refined as we learn more over time. We applaud the Partnership for acknowledging that scientific information should provide a basis for this design as well as the ecosystem-level approach itself.

Additional comments on the Action Agenda:

- A continuous numbering system with a table of contents and index will improve readability of the final Action Agenda.
- The linkages between Goals, Actions and Performance measures need to be strengthened. For example, there are not even provisional indicators for each of the six criteria used to define success (Question 1, pages 2-4).
- The difference between the benchmark and target for the provisional indicator (Question 1, page 4) "Percent exceedance of instream flows" should be better clarified.
- Harbor seals have long been used to understand and monitor contaminants throughout the Salish Sea. We have good data on their natural history and they are good integrators of the system, making them ideal indicators for toxics, including PBDE levels. We recommend using harbor seals over pelagic fish as a provisional indicator for toxics.
- The word diseases (Question 2, Page 5) should technically be pathogens, which are the infectious agents that cause disease.
- Although pelagic food webs are important, it would be better to just call out a need to better understand the stressors affecting the entire food web (Question 3, page 47)

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Comments on the Draft Biennial Science Work Plan 2009-2011

As stated previously, the SeaDoc Society is a science-based marine ecosystem health program. In addition to conducting critical, targeted research, we have funded nearly 50 research projects over the last eight years. Through a competitive grants program we have funded researchers at over 30 institutions and agencies to answer questions as varied as the source of contaminants in southern resident killer whales to the effectiveness of different out-plant methodologies for the successful release and growth of hatchery-reared northern abalone. Having funded nearly $2 million in targeted projects, we are in no way close to serving as the National Science Foundation for the Salish Sea, but we have been successful in answering important questions so that we can better understand how the ecosystem functions and how we can design a healthy ecosystem.

The Biennial Science Plan points out the need to identify high-priority research needs and begins by identifying four projects. Beyond this, we recommend that the Partnership's Science Panel work closely with the SeaDoc Society, Washington Sea Grant, Tribes, State and Federal resource and human health agencies and regional foundations that fund research to identify additional high priority research needs. As stated earlier in this letter, these efforts should be transboundary and include Canadian scientists, agencies, managers, Tribes, and policy makers. Such a collaborative effort will have several long-term benefits. First, a broad-spectrum integrated approach will help identify research that will provide information that is applicable to improving management or policy related to designing healthy ecosystems. Additionally, it will provide a list that multiple funding agencies can use. The Partnership will not be able to fund all of the research needed, but by having multiple organizations identify research needs at multiple levels, there will be broad-scale buy-in for other organizations to seek or provide funding for the identified needs. Finally, the identified needs would provide a foundation for the Partnership's RFP process (Page 22).

The Science Plan identifies the intent to produce a 2009 State of the Sound report and a 2010 Puget Sound Science Update. In keeping with our first top principle for designing healthy ecosystems, the Science Panel should consider collaborating with British Columbia and producing a 2009 State of the Salish Sea report and a 2010 Salish Sea Science Update.

The Science Plan (page 19) calls out the need to present scientific knowledge to the public and students to "empower people who use and affect the land and waters of Puget Sound." While it will be important for the Science Panel to serve as advocates for science and science training, relying on the Science Panel to do this will be like trying to drain a lake with a straw, as the science team is too small to undertake this effort effectively. . All scientists in the region with the capacity and interest should be called upon to serve as science advocates and be asked to provide information for scientific updates as well as for the Partnership's Education and Outreach efforts. The three tenants of place-based conservation are to know, connect and protect. Science reveals fascinating information that helps the general public know and connect to the Salish Sea and the wide-spread dissemination of scientific

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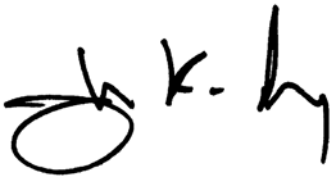
information to multiple audiences will be critical for empowering the region's citizens and policy makers who daily make decisions that impact the health of the ecosystem.

Thank you again for the opportunity to review and comment on the Draft Action Agenda and Biennial Science Plan. There are no examples of people designing healthy ecosystems for Puget Sound to follow; we are creating that model. If it were easy to do this, people would have done it long ago. We believe that while there is room for improvement, the Puget Sound Partnership is on the right track for designing a healthy Salish Sea. The SeaDoc Society looks forward to working with you on this effort.

Sincerely,

Kirsten V. K. Gilardi, DVM, Dipl. ACZM
Director of Marine Programs, SeaDoc Society, UC Davis Wildlife Health Center



Joseph K. Gaydos, VMD, PhD
Regional Director, SeaDoc Society, UC Davis Wildlife Health Center – Orcas Island Office

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[i] Gaydos, J. K., L. Dierauf, G. Kirby, D. Brosnan, K. Gilardi and G. E. Davis. In Press. Top Ten Principles for Designing Healthy Coastal Ecosystems like the Salish Sea. *EcoHealth*

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From: John Braden, The Seattle Aquarium

Comment: The Seattle Aquarium/Seattle Aquarium Society would like to commend the Puget Sound Partnership for creating the draft Action Agenda. We support your focus on scientifically-supported actions with the highest potential magnitude of impact and greatest level of urgency. Your proactive stance in recognizing potential climate change impacts and the increasing human population is highly desirable. Action Agenda items we would like to specifically offer our expertise and partnership include:

-Continued scientific research on marine species or habitats of greatest risk

-Sustaining long-term capacity and coordination around public outreach that builds individual stewardship

-Strengthening K-12 marine education partnerships

-Building a coordinated citizen science network

The Seattle Aquarium has played an active role in marine conservation for over 30 years. We have particularly appreciated our relationship with the Partnership in 2008, most recently with David Dicks kicking off our "Sound Conversations" series this past spring. It has been our pleasure to also serve as the venue for your Action Agenda release Dec. 1 here at the Aquarium. We look forward to helping you achieve our common goals of a healthy Puget Sound by 2020.

PugetSoundPartnership
our sound, our community, our change

Comments on the Puget Sound Partnership's Draft Action Agenda
Seattle Audubon Society
November 14, 2008

Seattle Audubon Society's mission is to cultivate and lead a community that values and protects birds and the natural environment. Founded in 1916, Seattle Audubon ranks as one of the oldest, largest, and most effective local chapters of the National Audubon Society serving over 5,500 members throughout King County. We collaborate with the National Audubon Society and the more than 20,000 individual members in 26 Audubon chapters across Washington State on issues of local and regional importance while maintaining our independent status as an environmental leader. We fulfill our mission by offering dynamic and engaging education programs, conservation activities, and recreation opportunities to the community.

Introduction

Seattle Audubon appreciates the time and energy that went into the creation of the Puget Sound Partnership's draft Action Agenda. Seattle Audubon supports the Partnership's efforts and our comments and recommendations are meant to assist the Partnership in the development of a strong and progressive final Action Agenda that sets the region on a course for restoring the health of Puget Sound by 2020.

Comments and Recommendations

1. Justification for the listed Provisional Indicators, Targets and Benchmarks needs to be explained either prior to the listing of the indicators or in a footnote.
2. The Science Panel should investigate more appropriate indicators to be added to the current list of 6 Provisional Indicators. We believe that heavy reliance on migratory species as indicators may not accurately reflect changes to the local environment as conditions outside the region have major impacts on the status of the species.
3. The upland environment and upland species should be represented in the Provisional Indicators.
4. The Marbled Murrelet is a potential indicator species that makes the connection between the upland and marine environments apparent as the bird species relies on both. The Marbled Murrelet is listed as a threatened species and a recovery plan for the species is already in place.
5. There needs to be a greater evaluation of the status and trends of species not included in the Action Agenda. This keeps the Agenda focused on an ecosystem approach to recovery by including species not yet benefiting from a recovery plans.

6. The Oil Spill Advisory Council should continue to play a substantial role in working to improve the State's oil spill prevention, preparedness, and response programs. We believe citizen and stakeholder involvement in oil spill prevention through the Council is paramount in reducing this threat in Puget Sound.
7. We strongly support the implementation of a state based ballast water treatment standard that could lead to a unified west coast strategy.
8. The Invasive Species Council should be given the resources necessary to fully implement their *Invaders at the Gate* plan.
9. Stronger language should be added to A5 regarding funding support for the control and removal of as yet unestablished terrestrial and aquatic invasive species.
10. The proposed increase in urban density should not come at the cost of livability. The Action Agenda needs to show stronger support for the proper management of urban trees, urban forests, parks and open space, green roofs and rain gardens. Urban areas should not be thrown away in the recovery and restoration triage.
11. Accountability and oversight are large pieces missing from this agenda. There is no clear path as to how all of the partners listed in the Action Agenda will be organized around clear milestones from here until 2020.

Shawn Cantrell
Executive Director
Seattle Audubon Society

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From: Richard Agnew, Shoreline Property Owners and Contractors Association

Comment: The following comments are filed by Richard Agnew, SPOCA Board Member, on behalf of SPOCA:

Re: Comments on Draft Action Agenda for Puget Sound

The Shoreline Properties and Contractors Association "SPOCA" supports the mission and effort of the Puget Sound Partnership to restore the health of Puget Sound, and submits these comments in response to the "Draft Action Agenda for Puget Sound" (Action Agenda), recently released by the Partnership.

We represent shoreline property owners and contractors of water oriented structures, all of whom enjoy and utilize the waters of Puget Sound on a regular basis. The health of Puget Sound is of prime importance to us. We welcome your consideration of our comments and look forward to making positive contributions to your process and recommendations.

By way of background, SPOCA is dedicated to protect shoreline property ownership and use by working with local, state, and federal governments toward a predictable regulatory process that is balanced, accountable, avoids duplication and is easily understood. We support environmental objectives and regulations based on sound science. Many thousands of our constituents reside in and/or work on water-oriented structures on fresh water that feed the waters of Puget Sound, as well as on the Sound itself.

We have had an opportunity to review the draft Action Agenda. SPOCA has been vitally involved in the participation of the revision of the Shoreline Management Plans of localities across the state. We continue to stress the need for scientific evidence to support some of the initial propositions contained in early drafts of the revised plans. We are also attempting to provide assistance to the local planners regarding the need for harmonizing the regulations among those jurisdictions. We address the realities of updated construction techniques to promote ecological enhancement to provide "net gains" to the environment and to resist those activities that would lead to "net loss". While "no net loss" is the baseline recommendation provided by the Department of Ecology to formulate changes to the shoreline management plans, we suggest that changes recommended by the Puget Sound Partnership to the legislature at least harmonize with those guidelines already in pl ace by many state and local jurisdictions, already established under state law.

SPOCA supports a science-based, inter-related, multi-faceted, prioritized approach to the restoration of Puget Sound. Our positions with respect to the 4 Priorities identified in the draft Action Agenda are as follows:

- Priority A: Ensure that activities and funding are focused on the most urgent and important problems facing the Sound. SPOCA supports the holistic, integrated approach you are suggesting. Better utilization of existing monies and a more coordinated approach to improving the health of Puget Sound is a laudable and long overdue objective. Likewise, a well vetted scientific plan, particularly one based on a watershed approach, is necessary to the success of Sound restoration. The major underlying problems need to be addressed first, and the temptation

to address short-term, lower priorities must be resisted.

In our view, a high priority should be to shelter our fresh and salt waters from the harmful effect of storm water runoff from the surrounding communities. Regarding funding, we believe that a significant amount of the various taxes levied on waterfront activities(excise taxes, fuel taxes at marinas, B&O taxes on charter operations, etc.), should be redirected to (earmarked for) addressing Puget Sound clean-up and preservation. Rather than simply being a disbursement from the general fund, we believe that a portion of these taxes should be allocated directly to the pool of funds that is going to be used to address the effort to save the Sound. It may be wise to expand the allocation of those moneys to address navigable lakes and rivers of Eastern Washington as well to garner more Statewide support for the effort. At the same time, we believe that the construction of residential docks and realignment and repair of bulkheads, as that activity is conducted today using modern environmental standards, do not contribute to the degradation of Puget Sound, or would hinder restoration of the Sound in any manner. Therefore, we urge reconsideration of the recommendations found in sections A.2.2.3 and A.2.7, to remove any implications that docks and bulkheads may not be constructed or repaired as a matter of policy. Further, as required by state law, consideration must be given to the protection of private property, including from flooding.

- Priority B: Protect the intact ecosystem processes that sustain Puget Sound. The ecosystem approach you've adopted appears to be a key element in sustaining a healthy Puget Sound. Degradation of the Sound comes from many sources, some of which are miles away from the actual boundaries of the Sound. Effective land use policies, stream and estuary protection, groundwater infiltration and stormwater runoff are critical areas which need to be addressed.

- Priority C: Implement restoration projects that will reestablish ecosystem processes. We support the concept of implementing projects to reestablish the ecosystem of Puget Sound rather than continuing those projects that maintain the status quo. We would urge that all agencies need to be 'marching to the same drummer' and that secondary issues not drain effort or funding from the primary projects. A good example of a secondary issue is the current efforts being put forth toward the redevelopment of Shoreline Management Plans by all waterfront localities in the State. Harmonizing the resultant regulations, and adopting the baseline established by the Department of Ecology will go far towards leading to general compliance to your proposals to the State Legislature.

- Priority D: Prevent the sources of water pollution SPOCA agrees with the approach of preventing water pollution at the source. We also support the approach of addressing the major sources of source pollution, most notably storm water runoff. We would urge you to reject addressing areas of minimal or questionable pollution, at least until the major sources have been eliminated. As relates to Priority A, the Sound will be better served if funds and efforts are focused on major sources of pollution. We would also suggest that efforts be made to eliminate pollution from such sources as international shipping ballast water, cruise ship discharge, and other sources of pollution that feed into the waters of Puget Sound.

In addition, we want to encourage the Partnership to utilize more creative, market-based strategies for preventing and managing water pollution, including tax incentives and low-interest business loans for facility upgrades and technologies that mitigate pollution discharges. We do

not believe that construction of residential docks and realignment of bulkheads, as that activity is conducted today, contributes to degradation of the ecology but rather improves the conditions that existed in the past.

We believe that the draft Action Agenda generally is a reasonable approach to address the complex issue of restoring the health of Puget Sound and represents a good first step. While the devil is in the details, we are encouraged that the ecosystem approach, based on well vetted science, that addresses the major threats, and attacked via a consistent, multi-agency approach is the path you have chosen.

Finally, we re-emphasize that we are particularly concerned about the use of a broad approach to shoreline management which seems intended to preclude dock and bulkhead construction and repair. Absent specific review and determinations for a specific section of beach or watershed, it seems that the preclusion or limitation on repair of dock, bulkhead or shoreline property protection is based on a policy, not on science.

SPOCA is anxious to be able to participate in the work of PSP either formally or informally as we believe we can be of great help to the effort to clean the Sound. Our organization has the ability to influence thousands of voters and can disseminate information to the people who most care about the present and future health of our fresh and salt waters. Our organization includes people from all over the State who use and value those resources. This is an issue we care deeply about and we want to be proactive in helping PSP with our shared goal of cleaning up Puget Sound.

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November 19, 2008

Puget Sound Partnership
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Dear Members of the Puget Sound Partnership Task Force:

We compliment the Puget Sound Partnership (PSP) in developing its DRAFT 2020 Action Agenda for Puget Sound and appreciate this opportunity to comment on it.

We want to acknowledge the impressive work that the PSP has done in bringing attention to the on-going devastation of Puget Sound and in identifying the actions required to restore this Region's natural legacy. Ultimately our quality of life here in the Pacific Northwest depends on the natural wonders around us. Restoring and protecting Puget Sound is essential to our very way of life, now and for generations to come.

Myth of the Separation of Economic and Environmental Health

This is not "just" an environmental issue. Failure to deal aggressively with the problems of Puget Sound threatens our economic well being. The draft Action Agenda continues, we believe unintentionally, the myth that economic and environmental health are two separate and competitive outcomes, when in fact they must be fully integrated. It is the environmental attributes of the region that keeps our native born as well as attract immigrants, in particular the "best and brightest" so important to our economic well being. It is not a matter of "balance." It is a matter of "integration."

Sense of Urgency

The Sierra Club - Cascade Chapter supports a strong Action Agenda for Puget Sound with clearly definable actions to achieve the 2020 goal. We believe it is important for the PSP to clearly and forcefully communicate the Action Agenda to the Public, Governor, and Legislature. However, we do not believe the draft Action Agenda adequately conveys the sense of urgency we face today with a Puget Sound that continues to rapidly degrade.

Consider that it has been more than 20 years since the first attempt was made to redress habitat losses and past abuses to Puget Sound and its many creeks, rivers, and lakes. In 1985 the Puget

Sound Water Quality Authority was established, ostensibly to accomplish what the Puget Sound Partnership is now charged. How much opportunity has been lost since then?

The Orca population has rapidly declined further, perhaps only 1/3rd of its population of the 1970s. In the last few days, newspapers have had stories about local orcas literally starving to death. The populations of all but a few waterfowl species have declined by 90% over the past 30 years. Returning salmon are at 1/10th their historic lows.

There are a few bright spots: improvement in quality of marine sediments in urban areas, reopening of shellfish beds, and the increase in the population of Harbor Seals. These outcomes give us hope and should stimulate us for more aggressive action. Regardless, the draft Action Agenda is silent on the program that was begun in 1985, its demise, and the need to establish a sustainable program of protection and restoration.

The Big Picture

We believe that the Action Agenda needs to take more of a "big picture" approach to rescuing and restoring Puget Sound, looking (as your introduction states) from the Cascade Crest all the way down to the Sound. Beginning with the most northerly watershed (the Nooksack Watershed) and reaching to all other watersheds in the affected region, we need to emphasize preservation of upstream habitat, as well as ways to mitigate pollutants (especially petroleum products, washing off all roads and into the Sound) and the impacts of stormwater events, household and community sewage discharges, and marine and terrestrial industrial accidents. The Sierra Club is engaged on all fronts: transportation, clean and green energy, wilderness protection, wildlife protection, water and salmon interests, and more. It will continue to provide public education and advocacy in all these areas.

Headwaters and Roadless Areas

The draft agenda often cites the need to protect intact ecosystems / processes (introduction, page 3, question #2; page 4, question #3; and page 1), but we believe it needs to go much farther in stressing the need for permanent protection of the headwaters that reach Puget Sound. Only a passing reference as a bullet point is seen on page 5 of question 3, and other references to "watershed scale study."

The agenda should explicitly and repeatedly call for protecting the last remaining roadless areas (federal and state land) in the form of wilderness protection, wild and scenic protections, similar state level protections or combinations of all of these.

Intact Habitat

The study accurately notes that protecting intact habitat is the most cost-effective means of accomplishing the goal of restoring Puget Sound. However, it does not clearly define what "intact habitat" is. It also fails to point out that we can get the most for our local, state, and federal tax dollars by designating roadless areas under the highest forms of protection (wilderness).

Logging Roads

Furthermore, there should be an explicit call for removal of old, sediment-bleeding logging roads throughout the highly productive, low elevation forests across the region. This addresses both habitat and water quality. The Agenda should call for converting some of the areas formerly logged (especially steep slopes, and at headwaters/riparian/watershed areas) to wilderness /highest forms of protection as well, as many of these areas are suitable and necessary for such high-level protection.

The enormous amount of silt and pollutants that find their way from the Cascade Crest into our Sound can be stopped or greatly reduced if we develop an Action Agenda that gives much more weight to the ecosystem – ecosystems that support animal life (including human, but also include many forms of non-human life), birds, plants, healthy soils, fungi, reptiles, amphibians, and enormous amounts of aquatic species including salmon and ultimately orcas.

Support for sound, science-based policy for the optimal conservation and management of newly arrived gray wolves in our state is one example of how far-reaching our protection of wilderness reaches. As we support natural predators such as wolves and grizzlies, we will find healthier forests, streams, rivers, and ultimately, a healthier Puget Sound.

Environmental Health

The Action Agenda needs to recognize that environmental health of Puget Sound is a broad indicator of the cumulative effect of all the individual, community, industrial and commercial actions that we take in the rural, forested and urban areas around Puget Sound and on its waters. We must do everything well or we will continue to see declines in the environmental health indicators for the Sound.

Convening, Coordinating and Prioritizing

We are concerned that the Action Agenda's emphasis on "convening" and "coordinating" detracts from the immediate actions that can occur at the local level with appropriate funding, and the implied view that the only reason the Sound has and continues to degrade is a lack of regional coordination. These two words appear in total about 100 times in the text. Certainly "convening" must include participation by the public, with formal representation on any task force and review group. We find the word "prioritize" in the text about 20 times. This is a consideration for the long term - beyond 2020 - but not in the short term. There is no need to prioritize at this time given the huge backlog of needs. "Prioritization" too often becomes an excuse to delay.

Consider that by 2025 the population will increase by 25%. Matching this growth with only a 25% reduction in overall (not per capita) pollutants levels is a "stand still" solution. Our goal must be 50% real reduction of pollutants and 100% (rather than 25%) protection of remaining habitat by 2020. Of immediate importance is protecting the 10% of habitat and biotic populations

that remain with retention of the currently unhardened shorelines, and the establishment of marine reserve areas.

The Public Perception of the Reality

The beginning point is our citizens. Recent polls indicate that 75% of the public mistakenly believe that Puget Sound is in "excellent" condition. We cannot hope to build concerted efforts without a broad-based understanding of the reality of the challenges facing Puget Sound. Our efforts will falter again just as they did following the establishment of the original Puget Sound Water Quality Authority. Strong and sustained public outreach and education is essential to the success of this Action Agenda.

Thanks again for the opportunity to comment and for all of your efforts at the Puget Sound Partnership. We have also attached detailed comments to our letter which we believe will make this strong Action Agenda document much stronger.

Sincerely,

Sierra Club Conservation Committee
Cascade Chapter

Tristin Brown, Conservation Chair

PugetSoundPartnership
our sound, our community, our chance

SPECIFIC SUGGESTIONS ON TEXT

Page number refers to the pagination of the PDF file.

PAGE	DRAFT PLAN VERBIAGE	COMMENTS BY THE SIERRA CLUB
1	Seattle metropolitan area agreed to spend $140 million to halt the flow of untreated sewage to Lake Washington	And your point? Was there also not an economic benefit? What was it? Both jobs and property values. The following verbiage on Page 89 should be brought forward to Page 1. "*While the costs of cleaning up and restoring the Sound will be substantial, they should be compared to the far greater costs of delay and the economic benefits of a thriving Puget Sound.*"
2	2. What is the status of Puget Sound and what are the biggest threats to it?	This verbiage fails to convey the urgency of the situation, and the tremendous losses that have occurred over the past 150 years. In particular the Action Plan should stress what has been lost just in the last 25 years. As currently written citizens who read the first few pages will not realize what has been lost and what little remains.
3	Protect and restore	We strongly support "protect what is left and restore the rest"
3	A. Protect the intact ecosystem processes,	Need verbiage that conveys the urgent need to protect what little remains. the public is generally not aware that little is left in regarding to natural estuaries, wetlands, and related populations of Orcas, fish, crabs, etc.
3	B. Protecting what we have left is not sufficient	A very important point to make. However, the verbiage is insufficient to prove this point.
3	D. Work together	But lets not let this need forestall implementation
6	Clean up!	Add a new section "household stormwater" with these bullets • Disconnect downspouts • Use rain barrels • Install a rain garden • Divert driveway runoff • Sweep your curb area
6	Change copper brake pads for hemp	This perhaps requires a bit of explanation. Perhaps replace hemp with "environmentally friendly materials"
6	Pull and smother weeds instead of spraying	Suggested verbiage is "stop using pesticides and herbicides. Pull and smother weeds instead"
6	How will we hold ourselves accountable? Indicators and benchmarks	An important attribute of the Plan. It is important that funding be provided to monitor progress. The concept of adaptive management is useless if we don't know our progress. But the suggested interim goals in the table fall far short of what is needed.
10	For each action area: forest acreage below 1000 feet is at least 90% of 2001 level and impervious area is not more than 120% of 2001 level	A goal of 90% is simply the "status quo" not restoration 120% means we will have lost ground, and reflects the population growth during the period. We believe an appropriate and realistic goal is "by 2020 the amount of impervious surface is equal to 2001 levels." This is a true goal. It is achievable with the aggressive implementation of LID concepts in both new developments and as retrofit projects in existing urban areas. The key is to focus on not just the replacement and avoidance of new surfaces but the disconnection of existing impervious surfaces, e.g. disconnection of roof downspouts.

10	For each action area in 2011: forest acreage below 1000 feet is at least 95% of 2001 level; impervious area is not more than 110% of 2001 level	Why not the goal of increased forest cover, including aggressive tree planting in our urban areas?
10	By 2055, two to four viable populations of Chinook salmon in each of five regions: Strait of Georgia, Strait of Juan de Fuca, Hood Canal, Whidbey Basin, and Central/South Puget Sound	Goals are important but these are paltry. We are doubtful that the Orca population can be sustained with the salmon goals as stated. There is a short term urgency to increase the Chinook population.
12	We eliminated three-quarters of the saltwater marsh habitat through dikes and drainage, and armored one-third of the Puget Sound shoreline. We removed 66 to 84% of the old growth forest in the basin in the last 50 years.	Verbiage like this should appear on page 1
13	How healthy is Puget Sound?	We urge the use of the title "What has been lost" rather than or in addition to "current condition" or perhaps a section "what has been lost" can be placed at the beginning of this section. % of marine wetlands, fishery populations, etc. But these statements should be accompanied with a statement as to the loss of economic activity as a result: commercial and recreation fishery and shellfishery. The potential economic benefits and implications are not mentioned till page 89 in the draft Plan. Some of this verbiage should be brought forward to page 13 as well as placed at the very front of the draft Plan.
15	Habitat alteration	It is the Club's position that industrial aquaculture must also be included when considering habitat alteration in particular intensive aquaculture such as salmon pens and geoduck farming. These are not "natural" industries whose presence has a significant impact on the immediate habitat that is displaced and/or introduces or intensifies diseases for native species.
15	Herring	Let's not forget the sandlance.
24	Build on and coordinate existing efforts to create and implement a Sound-wide vision for accommodating population and economic growth while protecting the Puget Sound ecosystem.	We believe this language illustrates the fundamental flaw in our approach to Puget Sound: population and economic growth first, protection Puget Sound as the after thought. Are the two not directly related? Why not "protect *and restore* Puget Sound while accommodating population and economic growth"?
26	A1 Near term actions	These are not near term actions in our view: e.g. establishing criteria relates to long term actions. By the time your proposed actions are accomplished how much will be lost? We already know the prime areas that must be retained. We don't need criteria. Organizations such as the Nature Conservancy have this knowledge. We propose that representatives of local, state and federal agencies and environmental organizations be convened in the first half of 2009 to establish the list of prime areas.
27	A2 Near term actions	The public should be asked for voluntary contributions as a means of raising matching funds as well as to raise public awareness of the need to acquire habitat. The weak link in purchase is the willingness of private property owners to sell. A purchase program should be complemented with an aggressive conservation easement program with greater incentives than simple tax reduction.

28	A2 Near term actions, #7	We propose demonstration projects with willing beachfront owners willing to remove their hardened shoreline, replacing it with the soft approach.
29	A3 Near term actions	We support the inventorying of surface and groundwater water supplies and the water metering of agricultural users of those supplies.
31	A.4.3.2 Use incentive programs to encourage farmers and landowners with hobby farms in rural areas to engage in sustainable farming practices.	We are skeptical of the benefit of incentives for hobby farmers. This issue remains with us after 20 years of extensive effort by conservation districts. Hobby farmers should be required to develop a farm plan with the local conservation district and regulated limits should be placed on the number of livestock per acre.
37	reflects six primary objectives:	A seventh must be added: control of sediment and other pollutants (e.g. high pH) from construction sites. Enforcement is inconsistent and commonly inadequate. Advanced BMPs such as the use of polymers and filters should be defined as AKART given over ten years of experience.
38	C.1.1.3 Advocate strategies including chemical substitutions,	We propose an additional and complimentary action: substitution of building materials that directly contribute pollutants such as exposed copper and zinc downspouts, zinc guard rails and light posts, and timber light poles that have been impregnated with chemicals.
38	Where possible.	Why this verbiage? It always implies slippage is ok. Let's just recycle and reuse. "Where possible" will evolve as usual.
39	C1 Near term actions	We propose a vehicle excise tax to raise funds for local governments to reduce pollution associated with cars and trucks.
39	C1 Near term actions	We propose that local communities establish effective street sweeping programs as one measure of compliance with their obligation to implement BMPs to the "maximum extent practical" required by Phase I and 2 NPDES permits. We propose a coordinated Puget Sound watershed study with the involvement of many jurisdictions to identify the most effective and cost-effective means of street sweeping. The program would be patterned after Seattle's recently completed sweeping study We further propose the evaluation of the benefits, costs, and regulatory requirements of requiring the sweeping of commercial parking lots.
39	C.2 Use a comprehensive, integrated approach to managing urban stormwater and rural surface water runoff	We would not want "integration" to stall early implementation. There is so much that can be accomplished at the local level, a literal backlog of opportunities, that lets not wait to get "integrated" before proceeding forward. The Club is concerned about "convening," "coordinating," "integrating" becoming excuses to delay moving forward.
40	C.2.2.1 Implement the municipal stormwater NPDES Phase I and II permits,	The permits require the implementation to the maximum extent practicable" The PSP should in cooperation with permittees and the public develop a definition of MEP, with a specific list of BMPs that fulfill MEP.

40	C.2.2.4 Advance the use of low impact development approaches to stormwater management.	A fundamental problem is the "grandfathering" of developments already in the permit process. PSP should with the assistance of local governments estimate the amount of increased impervious surface that will occur with "development design as usual" given these projects. Such a calculation is essential so as to ascertain the efforts that must be undertaken in the retrofitting of existing urban areas to mitigate the effects of continued development not required to implement either LID or the current Department of Ecology stormwater manual. The PSP should also consider how we can encourage currently planned developments to modify their proposed site designs from the traditional to the LID approach.
40	C.2.2.4 Advance the use of low impact development approaches to stormwater management.	The pollution hearings board has stated that LID will be used to the extent feasible. The Club believes LID is always feasible regardless of the soil type. Regardless, The PSP should in cooperation with local governments and the public should examine the issue if feasibility to provide clarification and direction on the use of LID concepts.
40	C.2.2.6 Prioritize and implement stormwater retrofits in urban areas.	Drop the word "prioritize." We question the need to spend funds and time to "prioritize." With the tens of thousands of impervious acres it is more a matter of rapidly exploiting opportunities as they arise, and the will to do it. Prioritization is just an excuse to delay.
40	C.2.2.6 Prioritize and implement stormwater retrofits in urban areas.	We believe a goal should be established as to a percent reduction in directly connected impervious surfaces in existing urban areas by 2020. A reasonable goal is 10%. Without such a goal the amount of directly connected impervious surfaces will increase due to new development even with LID.
40	C.2.2.6 Prioritize and implement stormwater retrofits in urban areas	The relationship between the landside actions to pollutants and excessive stormwater flows, the associated costs, and corresponding improvements water and biotic quality is not well understood. We recommend the establishment of several "urban model watersheds" in which the implementation of various BMPs is accelerated with intensive monitoring of the streams. The experience would be translated to the remaining urban watersheds where implementation has been proceeding at the "normal" pace.
42	C.3 Near-term Actions	The Department of Ecology will be conducting an AKART analysis regarding nitrogen removal in 2009. We recommend that this analysis be expanded to include toxic pollutants, endocrine disruptors, pharmaceuticals and related pollutants of concern. NDPES permits as they are renewed should include a provision requiring permittees to evaluate the methods and costs associated with upgrading treatment plants, with proposed schedules, consistent with the outcome of the AKART analysis.
42	C.4. Establish …effective on-site sewage system	That this is still a topic of concern after two decades of focus reinforces our belief that increased funding and enforcement is needed. The primary responsibility rests with the homeowner to correct failing septic tanks.
43	*Establish, in each county, a coordinated way to systematically identify and replace failing or poorly functioning septic and on-site treatment systems*	That this still does not exist in each county indicates a failure of public policy over the past two decades.

43	C.5 Prioritize and continue to implement toxic clean up programs	At the current pace by when can we expect cleanup to be complete? How can funding be increased to accelerate the cleanup? What must be done to assure recontamination by stormwater runoff does not occur?
44	C.5.2 Accelerate priority clean up projects.	We fully support this action.
45	Priority D: Work effectively and efficiently together	See our previous comments on this topic. That we have progressed little since 1988 in restoring Puget Sound is not due to a lack of "convening," "coordination," "integration," or to "Work effectively and efficiently together." It has been a lack of public awareness, lack of political will, lack of funding, lack of enforcement. Prioritization is not the most important consideration in the near term.
52	D.4.2 Increase the success rate of mitigation projects to achieve, at a minimum, no-net loss of ecosystem function	Given that we have lost 90% of the original habit, no-net loss is not sufficient. There also needs to be a well funded program to examine various mitigation projects for effectiveness.
79	Prior to the Action Agenda release on December 1st, the Partnership will identity approximate costs of the near-term actions and then develop a ranked list by comparing cost to expected ecological benefits	The presumption of this verbiage is that there are no costs associated with failing to act. What would be the economic value of restored populations of salmon, halibut, herring, crab, and Orca populations? What would be the value of a fully restored commercial and recreational fishery and shellfishery?
89	Puget Sound provides direct economic benefits of … $3.5 billion per year …including $100 million per year in fishing and shellfish revenues, $3 billion per year from regional tourism and $490 million per year from boating.	This verbiage in some form should appear at the front of the document, with a clear statement that the continuing degradation of Puget Sound threatens these economic benefits. Verbiage should be added indicating the potential economic benefit of an improved Puget Sound. Could we not reach $500 million (?) in recreational and commercial fishing and shellfishing? Lets identify where we should be had degradation not occurred; where we can be.
89	Therefore, while the costs of cleaning up and restoring the Sound will be substantial, they should be compared to the far greater costs of delay and the economic benefits of a thriving Puget Sound.	This should be on Page 1 of the Plan.

Puget Sound Partnership
our sound, our community, our planet

From: Benjamin Greuel, Sierra Club

Comment: Dear Puget Sound Partnership Task Force,

The Sierra Club – Cascade Chapter National Forest Committee appreciates this opportunity to provide comments in regards to the Puget Sound Partnership's Draft Action Agenda. After reviewing the Draft Action Agenda it is apparent how much time and effort has gone into preparing this historically significant document.

The Sierra Club is America's largest and oldest grassroots environmental organization with a history dating back to 1892 and a membership of roughly 1.2 million members. Here in Washington State, the Sierra Club – Cascade Chapter National Forest Committee has been directly involved with federal and state land management issues for well over 60 years. After reviewing the draft action agenda we would like to submit the following comments on the committee's behalf.

Since the Wilderness Act's conception in 1964, the Sierra Club has been advocating for wilderness land designation throughout the American West. Here in Washington; the Cascade Chapter staff and volunteers have worked very hard for Washington Wilderness since the 1968 North Cascades act thru the recent passage of the Wild Sky Wilderness. It is our belief that wilderness protection is one of the more cost effective measures to ensure the improvement of the Puget Sound ecosystem. The benefits of wilderness protection meet three of the list of actions in the report.

1) Action A (Protect) - Wilderness protection avoids problems before they occur by permanently ensuring intact ecosystems remain so. The permanent protection of upper watersheds within federal ownership clearly ensures that the "natural ecosystem processes and structures" above Puget Sound are protected in perpetuity. We believe that significant areas of additional upper watersheds should be protected as Wilderness.

2) Action B (Restore) – The Wild Sky Wilderness Act passed in 2008 included significant areas of low elevation land that had been previously entered for timber. This land was immediately adjacent to the Skykomish River. Wilderness protection allows for natural ecosystems to restore a robust food web, and promote cold, clear, clean, water all of which are critical to a Chinook Salmon Recovery Plan and on the whole, to a healthy Puget Sound.

3) Action C (Prevent water pollution at its source) The permanent protection of forests around and adjacent to upper watersheds that flow into Puget Sound will have a direct affect on the health of these watersheds by retaining sediment and nutrients at the source.

With the Wilderness Act as the background, the Sierra Club – National Forest Committee would suggest the following important additions be considered:

1) The provisional targets section lists six indicators including farmland protection. We believe that the protection of intact headwater forests be added as a 7th indicator. The increase of permanently protected acres and waters in Wilderness or Wild and Scenic River status could serve as an easy to measure benchmark which will also maintain or improve water quality (goal

#5).

2) The measurable action (Q2 pg 2) of the retention of 90% of low elevation forest by 2020 should be quantified. Words like “low elevation” and “retain” should be defined by more specific metrics. For example, does retention mean no harvesting, or development, or both? Two additional suggestions are that you add: A) protection of all existing old growth forest on all public lands and B) in order to mitigate the anticipated loss of 10% forest by 2020 - a “no net loss” policy will ensure that an additional 10 % of low elevation public lands be protected.

3) A section that describes watershed restoration in terms of decommissioning the hundreds of miles of poorly designed and unused logging roads must be addressed. The damages from culvert failures, and poorly designed roads along streams, and in riparian areas, are a major cost of sedimentation in the Puget Sound ecosystem. This is especially true with high elevation roads in the National and State Forests.

4) Finally, I am pleased that you stated support for the Alpine Lakes Additions and Wild Pratt River Act. However, adding a section (on page Q3 page9) c) supporting the identification and protection of future Wilderness Areas, Wild and Scenic Rivers and other similar public and private designations would be helpful to insure that more critical habitat areas are indeed protected.

The role of upper watersheds protection in the effort to restore Puget Sound is a low cost high return investment. There are already number of Sierra Club members in the process of developing additional wilderness and wild and scenic rivers proposals within Puget Sound’s pristine headwaters. The Sierra Club has a tradition and history of both experience and success within the realm of federal land protection. We believe that our efforts protecting these public lands are critical in the effort to restore Puget Sound back to health. Please consider headwaters protection through the Wilderness Act, Wild and Scenic Rivers Act and other similar measures when you rank the action items in your final cost/benefit/readiness/effectiveness analysis.

Thank you for allowing the Sierra Club – Cascade Chapter National Forest Committee to comment.

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From: Pete Haase, Skagit Conservation Education Alliance

Comment: My comments are as Program Manager for the non-profit organization ... Skagit Conservation Education Alliance

1. re: p6. What can people do now to help ... in the "Fix Up" part people are encouraged to visit the web site to connect with a group in your area ... that needs beefing up. i.e. Encourage the local groups to input items to the PSP schedule feature; provide an inventory and links, by county, of local groups; Provide a more robust "What is going on"; consider changing the domain name to something like www.savepugetsound.com instead of a government site.

2. The draft takes almost 23 pages before any essence of a plan appears. I would like to see a summary of the plan come right up front, before the reader has fallen asleep.

3. The targets and benchmarks of Question 1 pp 10 - 11 are encouraging. I was just not sure if they were fully descriptive of a "Healthy Puget Sound by 2020" Might need another scrub.

4. Appreciate the actions to help farmers and foresters to survive and flourish in this enhanced Protect-Restore-Prevent approach. Here in the Skagit it is going to potentialy be a big time hurt for them to comply.

5. The titling in Question #3 (about pg 38) is confusing. for example, C.2 is used for two different headings.

6. Pg 47 (by the way, that is pg 47 according to my PDF reader) D.1.5 uses the word "Transparent" and I don't know what that means. I suggest rewording to leave that word out. Does transparent mean you can see right through it -- ie it is not there? or does it mean you can see something clearly ... confusing.

7. Pg 50 D.3.7 uses the term "Foundation for Puget Sound" but I can't get a Google hit on it. IS it real? Maybe needs more explanation.

8. Pp 66-68 E.4 "Increase and sustain co-ord. efforts ..." - this section seems weak and eventually needs more specifics. Many of the other recomendations (including funding) will not succeed without public awareness and support. Communications to date to the public re: PSP, at least here in our area, have been minimal at best

9. Pg 69 "Action Item Profiles" the following tables on pp 70 - 7x are called "Action Item Priorities" ... consistency?

10. PP 79 - 83 "Implementation Table" - my download ends with Strategy D. There are not entries for E. ??? Thanks .....

Skagit Young Farmers

35658 Lyman Hamilton Hwy
Sedro Woolley, WA 98284

November 19, 2008

Puget Sound Partnership
PO Box 40900
Olympia, WA 98504

Dear Mr. Dicks,

Skagit Young Farmers is a collective of young agricultural entrepreneurs in the Skagit Valley. While we come from only one part of the vast Puget Sound basin, we represent the wide diversity of agricultural communities throughout the region. Likewise, we have a decidedly hopeful outlook on the health of the agriculture sector in the region, despite the amount of agricultural land being converted to non-agricultural uses annually, and despite the ongoing threat of the loss of our often multi-generational resource activity to onerous regulation.

We applaud your collaborative efforts to protect the Puget Sound. We also strongly believe, as you do, that protecting agricultural lands from all forms of conversion must serve as a major element in protecting the Puget Sound's ongoing ecosystem processes, structures, and functions. Farmland and farmers here continue to provide habitat for migrating waterfowl, other birds, migrating salmonids, as well as pervious surfaces for rainwater collection and infiltration, buffers between often unruly rivers and streams and urban development, and other critical habitat functions free of charge. Additionally, there are a number of opportunities for farmers to work collaboratively with agencies like Conservation Districts to reduce potential non-point source pollution.

We in the agricultural community take very seriously the idea of stewardship: in terms of business, farmers generally think on a timescale of generations rather than meeting the next quarterly revenue projection, and that means they must take exceptional care of the resources upon which they depend for business success. As young farmers dedicated to continuing in the field for the long term, we urge the Puget Sound Partnership to encourage counties to begin baseline monitoring on streams and waterways in agricultural areas as we have initiated here in Skagit County, and to promote the idea of Adaptive Management in relation to enhancing the quality of critical areas in these areas.

The Skagit Young Farmers would like to remind the Puget Sound Partnership that a key factor in our unparalleled quality of life here in the Puget Sound basin is a variety of local foods and agricultural products produced sustainably, in concert with our resources. Farmland in western Washington is blessed by a number of circumstances, from water resources to a benign climate to some of the richest soils in the world. In addition, we in the Puget Sound basin farming community have a rich diversity of experience and knowledge in producing food and fiber, evidenced by the quantity of different products coming from the region's farms. Long-time local farmers who know the land and responsibly manage the land resources are absolutely critical to both regional food security and our quality of life in the Pacific Northwest. For every acre of land lost here in the fertile Puget Sound Basin, several acres more prone to erosion, drought, and degradation must be relied upon to feed our population.

We urge the Puget Sound Partnership to work collaboratively with the farmers of the Puget Sound. A feeling of mutual trust between agriculture and government agencies is a critical element in ensuring the long-term viability of agriculture in Washington. Part of this trust will be developed as the Puget Sound Partnership develops an understanding of the pressures and costs facing farmers in this area, and an awareness that the stewardship imperative continues in farmers of the next generation. Working with the Washington State Conservation Commission's Office of Farmland Preservation, the local government agencies charged with farmland preservation, and various non-governmental groups, the Partnership may leverage funding and energy to implement progressive strategies aimed at encouraging the long-term viability of agriculture to benefit the health of Puget Sound and the communities surrounding it.

We recommend that the Draft 2020 Action Agenda for Puget Sound:

- Include the Washington State Department of Agriculture, the Washington State Conservation Commission, the Office of Farmland Preservation, and local Conservation Districts in Priority A of the Action Agenda, and list them specifically as partners in aspects of Priority A.1, A.2, A.3, and A.4.

- Collaborate as partners with farmers and agricultural communities in the protection of estuarine and riparian habitat, and recognize the level of stewardship and protection provided *gratis* by farmers to local ecosystems in the introduction to Section 4 of Priority A. Indeed, long term protection to ecosystem functions is insured by prosperous and welcomed farming activities while enhancing the tax rolls of Puget Sound towns and communities.

- Recognize the protection to lives and livelihoods provided by dikes and levees. Specifically, we recommend that the Partnership recognize the protection of property and livestock in addition to public safety in Priority D Section 4.1.6.

- Work with the SSB 5248 Project at the Ruckelshaus Center with the understanding that Adaptive Management and a strong program of baseline monitoring is the optimal resolution.

- Understand that ongoing agriculture here in the Puget Sound Basin is key in the global fight against poverty, hunger, injustice, and climate change.

The Skagit Young Farmers believe in supporting the health of our natural and civic environment. We believe that the Puget Sound Partnership has a draft action agenda that sets a course in the right direction for the long-term benefit to the people of the region. We also strongly believe that it is only with a cooperative effort encouraging the long-term presence of a vibrant and strong farm economy that these results will be met.

On behalf of the young farmers of Skagit Valley, I am hopeful for the future, and thank you for the opportunity to comment on this draft action plan.

Sincerely

Tarn Mower
Chairman, Skagit Young Farmers

Carnation

Duvall

King County

North Bend

Snoqualmie

Snoqualmie Tribe

November 18, 2008

David Dicks
Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Draft 2020 Action Agenda for Puget Sound

Dear Mr. Dicks:

On behalf of the Snoqualmie Watershed Forum, we are writing to provide comments on the Draft 2020 Action Agenda for Puget Sound. The Snoqualmie Forum is an intergovernmental partnership between King County, the Snoqualmie Tribe, and the cities of Duvall, Carnation, North Bend and Snoqualmie. The Forum provides a mechanism for coordinating and implementing water resource and habitat projects in the Snoqualmie and South Fork Skykomish Watersheds within King County, an area that constitutes over 900 mi^2 of the Snohomish River Basin (Water Resource Inventory Area 7) and of the Whidbey Action Area. As an "upland" watershed with no marine shoreline, we nevertheless recognize the critical importance of our actions to the health of the Sound. We want to do our part. We hope that the Partnership will help us to do so by supporting upland priorities through funding and incentives as it moves toward a more detailed action plan.

Our Forum has been active in supporting the development of the Agenda through participation in numerous meetings and workshops both within our Action Area and in broader forums at the Puget Sound scale. We therefore appreciate the enormity of the task associated with developing a comprehensive, feasible and collaborative strategy for cleaning up Puget Sound.

At the same time, we feel there are substantial weaknesses in the current draft Agenda that leave local governments asking: what does this actually mean for us? As a largely rural watershed, we are glad to see that rural interests have been taken into account in many portions of the Agenda, as detailed further below. However, we find that the challenges and practical limitations faced by small cities are not well represented in the current draft. In addition, we find it very difficult to comment on such a broad document that lacks vital specifics about costs, priorities and implementation timelines. It is simply not how any of our individual jurisdictions are accustomed to doing business. Thus, while we sincerely hope that these comments will help the Partnership to further develop the document and the overall strategy, each of our jurisdictions must reserve judgment on its support for the proposed Agenda until a more specific proposal comes before our respective governments.

The remainder of our comments are divided into major comments on substantive matters with broad applicability not only in our watershed but in many areas of Puget Sound. These are followed by additional item-specific remarks that are also important to address as you move toward a final Action Agenda.

Funding, Structure and Delivery

- **The relationship between local jurisdictions and the Puget Sound Partnership needs to be clarified.** In particular, what are the mechanisms that will encourage local jurisdictions to participate and implement the Action Agenda (financial, regulatory, other)? The Action Agenda should be much more explicit about what the State should mandate, what incentives the State will create and what funding will be provided to ensure participation. While we may all agree on many of the goals of the Partnership, local elected officials and administrators will always have to make choices between competing priorities.

- **Funding is a critical component to the success of the Action Agenda.**

  - Local governments will need direct financial assistance and access to financial incentives to implement regulatory updates, utility upgrades, landowner assistance programs and habitat protection and restoration plans.

  - In order for incorporated areas to handle growth, local jurisdictions will also need funding and incentives to design and build the infrastructure necessary to support dense, livable communities.

  - The State should immediately begin the process with federal officials to secure "Great Waters" designation for the Puget Sound. We do not believe the current economic downturn justifies postponing this effort.

- **There are many environmental regulations and programs on the books today that have not been fully implemented or fully funded**. Many of the goals articulated in the plan are already addressed by existing plans and mandates, but implementation has been hampered by lack of funding at all levels. An inventory of existing efforts should be included as part of this process. Local governments would benefit most from additional support, not from yet another planning process to dilute scarce local human and financial resources.

  - The Growth Management Act, Critical Areas Ordinance and Shoreline Master Program (SMP) update requirements are a case in point (Ref A.2.2 and A.2 Near-term Actions). Our Snoqualmie Valley cities are in queue to complete their SMP updates in the 2009-11 cycle. As small cities with limited resources, we are pleased that PSP has prioritized funding and technical support for SMP updates under the A.2 near-term actions. However, we are equally concerned that planning requirements might be shifted mid-course, rendering the process yet more cumbersome and costly. We encourage PSP to be cautious in instilling undue change. Any amendments must be very selective and targeted at addressing specific critical shortcomings already identified.

  - The new National Pollutant Discharge Elimination System (NPDES) permit requirements create a large financial burden for small and large jurisdictions. Jurisdictions need additional financial and technical assistance to implement appropriate programs that meet NPDES requirements. Lack of assistance will likely lead to inadequate implementation of NPDES requirements or simply a shift of local resources from other important conservation efforts (such as SMP updates or salmon conservation).

- **Financial and technical assistance are needed to implement Low Impact Development (LID) regulations and incentives.** We support the Agenda's emphasis on LID regulatory and incentive assistance. The most critical assistance is needed in the development of LID regulations that work for small jurisdictions and rural areas, as well as the creation of financial incentives that

encourage developers to utilize LID practices. Simply implementing a few pilot projects or developing model code language will not be sufficient.

- **The Agenda fails to recognize the unique circumstances of cities – many of them a century old – that are located substantially within the floodplains of major rivers (see A.2.2.4, Question 3, p.9).** To expect these cities to cease all floodplain development is not realistic, and is in some cases contradictory to the Agenda goal of promoting infill development. While we agree that the impact of floodplain development can and should be minimized (such as through the requirement of compensatory storage for unavoidable fill and flow-through foundations), these areas cannot be reasonably regarded as "intact" for purposes of goal A.2 regarding the protection of areas that still "function well". There is, however, a need for additional state and local-level funding to support buy-outs of repetitive loss properties in the most severe flood hazard areas. The Agenda should explicitly support such efforts, particularly in ecologically rich areas.

Habitat - Acquisitions and Restoration

- **Implementing the habitat protection and restoration measures listed in the Snohomish Basin Salmon Conservation Plan and other Puget Sound salmon plans are critical pieces of Puget Sound recovery.** We are very supportive of the emphasis on implementing the salmon recovery three-year work plans and Estuary and Salmon Restoration Program (ESRP). Current funding levels are not nearly adequate to reach habitat goals necessary for salmon recovery. The large majority of these actions contribute directly to the health of Puget Sound.

- **Long-term maintenance and management costs must be factored in.** In developing the cost estimates for acquisition programs, these must include funds for the physical maintenance and administrative management of newly acquired areas. Where will acquisition funds come from?

- **Freshwater invasive species control should be a Puget Sound-wide near-term action.** Various watersheds are already severely impacted by invasive weeds such as Japanese knotweed, reed canary grass, English ivy and Himalayan blackberry.

Stewardship, Conservation and Incentives

- **We are very supportive of the focus on stewardship on working farms and forests which is reflected in several portions of the Agenda.** Currently the ability of Conservation Districts and County governments to work with landowners to engage in stewardship planning and the implementation of Best Management Practices is limited by funding, and the problem is sure to get worse in the current economic climate. We see the commitment to rural areas and landowners as a critical element of protecting the best remaining places and of maintaining long-term political support for the Action Agenda. If expensive big-city projects dominate the near-term prioritization process and rural priorities are relegated to later implementation, we may find that there is little left to protect.

- **Do not rely exclusively on incentive and stewardship programs to protect farm and forest viability.** Agriculture and forest friendly land use regulations are essential at federal, state and local levels. The Partnership should also provide a forum for collaborative solutions to the potential conflicts between agricultural viability and restoration of floodplains and wetlands.

- **The funding and delivery mechanism for landowner incentive and stewardship programs must be clarified.** The near-term implementation table under Question 4 identifies the Washington State Conservation Commission (WCC) as the lead agency for a new program aimed at providing coordinated incentive and technical assistance for private landowners to undertake

restoration (B.3). WCC is also identified as lead for other landowner-based stewardship programs aimed at reducing water pollution (C.2.8 in table). The funding and delivery mechanism for these programs must be further clarified. Where appropriate, the aim should be to strengthen existing successful programs and delivery systems and partners rather than replacing or duplicating them.

- **Protection incentives should be called out as a separate near-term action under A.4.** Protection incentive programs differ from restoration incentive programs (identified under B-3 near-term actions). Protection incentives might include current use taxation programs; in King County these include the Public Benefit Rating System and Timber Land programs for small landholdings, as well as Forestlands and Farm and Agricultural Lands for larger commercial holdings. Restoration incentive programs, on the other hand, might include small restoration grants and project technical assistance for landowners. We encourage PSP to call out protection incentives as a separate near-term action under A-4.

<u>Provisional Indicators</u>

- **The provisional indicators are poorly defined.**
  - The Land Cover indicator explicitly contemplates a continuation if not acceleration of forest loss in lowland areas. The Agenda states that 4% of lowland forest cover was lost from 1991-2001, but the indicator measures 'success' as losing another 5% by 2011 and 10% by 2020. While no-net-loss may be difficult to reach given the need to accommodate projected growth in lowland population centers, this still seems like a poor indicator of 'success'. At the very least, lowland forest loss should be fully mitigated for its impacts on hydrology, stream temperature and other functions. Also, the choice of a 1000 ft. elevation threshold should be explained and justified in an ecologically meaningful way.
  - Eelgrass interim milestone – as currently worded, this indicator does not necessarily reflect net increase since it is based on the number of sites rather than net acreage of gains and losses. A simple fix, but an important one.
  - Percent exceedance of instream flows – this indicator has several problems that reflect a misunderstanding of how instream flows work and how they have been developed to date. Instream flows are water rights that are subservient to any senior rights. They simply set the flow threshold for any further consumptive withdrawals that would be junior to the instream flow. Exceeding the flow level depends on many things, including the level at which the flow is set relative to the hydrology of the system. Currently, as acknowledged in the Agenda, there are many instream flow rules that are outdated and not based on Best Available Science. In many of these cases, the instream flow levels are set at very low levels, often below the average flow for the time of year in question. So, according to the proposed indicator, we are certainly exceeding instream flow levels in wet years and often even dry ones. But, as we improve the flow rules (as recommended in the Agenda) to be more protective by establishing new, higher instream flows, the success rate of the provisional indicator will go down. This seems like a poor choice and one that does not meet the objective of an indicator measure.

<u>Additional comments submitted by our member jurisdictions</u>

- The Agenda identifies many near-term and long-term actions that are very promising for the health of the Sound. However, we are concerned that the document identifies numerous specific projects by name, instead of describing the goals and leaving project identification to a

subsequent step. It has a ring of earmarking to it that suggests a less-than-even playing field for the near-term prioritization exercise. We recommend limiting the identification of specific projects to those with regional ecological significance (e.g., support for the placement of a tug at Neah Bay; major estuary and nearshore projects), and striking other references to individual projects or initiatives.

- In several locations throughout the document, including the Draft Action Area Priorities, the Agenda calls for accelerated implementation of forest road maintenance and decommissioning. We strongly support better maintenance of forest roads and culvert repairs, as well as targeted decommissioning. However, a casualty of road closures is public access to state and federal forest lands to engage in both passive and active recreation. In our watershed, many roads are no longer accessible to the public or require a substantial access fee in the case of private logging roads. The long-term political viability of efforts to protect our natural resource lands will depend in part on the ability of citizens to enjoy these public resources.

- Question 1, Page 3 – Land cover target and benchmark – Where are we now for tree and impervious coverage as it relates to the 2001 level and why was 2001 chosen as the baseline?

- Question 2, Page 3 – Land use and habitat – For eelgrass beds we have set a 2020 goal of restoring eelgrass to historic coverage. What was the historic coverage and why was it chosen as the benchmark?

- Question 3, Page 5 – Rationale for action – What is the definition of vital rural communities? The document should use nomenclature consistent with the 2040 Vision document. All of the Snoqualmie Valley cities should be considered vital.

- Question 3, Page 6 – A.1.2 – What is regional habitat protection decision-making framework. Are these existing policies (state, regional, local)?

- Question 3, Page 7 – A.1.3.2 – We agree that high level watershed characterization studies need to be completed. How will they be funded? Is it possible for DOE to provide this funding as part of the SMP updates?

- Question 3, Page 7 – A.1.3.4 – "Incorporate the findings…into…local plans, policies and regulations" sounds like a substantial, unfunded undertaking.

- Question 3, Page 8 – A.2 – Have significant intact areas of the Puget Sound been identified and will there be acquisition dollars to purchase them?

- Question 3, Page 8 – A.2.1.1 – What public entity will be purchasing lands from immediate risk of conversion? The smaller jurisdictions do not have the funding to do this.

- Question 3, Page 9 – A.2.2.5 – The Agenda needs to better define the goals for limiting density in rural areas.

- Question 3, Page 9 – A.2.2.7 – Current use taxation programs like the PBRS are intended to preserve low density and thus do not fit under actions aimed at "increasing and improving redevelopment in urban growth areas". We recommend that A.2.2.7 be split into two actions as follows:

    - Use development incentives to increase and improve redevelopment within urban growth areas, including those for stormwater management upgrades. Example incentives could include flexible design standard such as setbacks, building height restrictions, parking and road design, and transfer of development rights (TDR).

- Preserve low density in rural areas through current use taxation programs such as PBRS, Forestland and Timber Land program.

- Question 3 Page 9 – A.2.2 – Define rural and urban. Resources need to be provided to complete existing required updates before new ones are added.

- Question 3 Page 11 – A.3.2 – This section is poorly written and lacks clarity and knowledge of existing water resource law.

- Question 3 Page 11 – A.3.3 – Same comments as above. Also of note, the City of Carnation had issues with Ecology regarding reuse of rainwater. Duvall has gray-water to use but can not afford the infrastructure to use it. Grants are imperative to fund this type of strategy.

- Question 3 Page 23 – C.3 – Resources for the maintenance and upgrade of existing stormwater facilities needs to be made available. Duvall became an NPDES II city in 2008 with many new requirements and very little funding to implement the new requirement.

Draft Action Area Priorities – Whidbey Action Area

- Ecosystem benefits provided by Action Area - Fresh Water Resources should include the Tolt River, which provides water to Seattle, Duvall, and many other cities in the greater Seattle area.

- Recreation and Tourism - There are many other recreation and tourism areas and activities in the Skykomish and Snoqualmie Valleys (bike, hike, snowmobile, etc.)

- Community and Economy - Please include all tribes by name or no tribes at all. The action area has several that are not mentioned here, including the Snoqualmie Tribe, a member of our Forum.

- Local threats to ecosystem benefits - Under 'Other', King County – with over 900 mi^2 of the action area – should be included.

- The cost benefit / ecological benefit is weak and should be further refined prior to a final document being issued.

In closing, we commend the Partnership staff for reaching an important milestone in the development of the Action Agenda. The complexity of the task and short timeline made the task quite formidable. We hope that our remarks on the challenges and opportunities unique to conservation in small cities and rural communities will help you to refine and prioritize the Agenda in a way that reflects these perspectives. The Snoqualmie watershed and others like it across Puget Sound were chosen by their residents in large part for the natural beauty and connection to wild places that they offer. With your support, we can continue to protect and restore these precious regional assets. With our support, you can maintain the long-term, region-wide commitment that it will take to clean up Puget Sound by 2020. We look forward to developing that partnership.

Charles Peterson, Chair
Councilmember, City of Snoqualmie

Elizabeth Walker, Vice-chair
Councilmember, City of Duvall

STARRFISH ENVIRONMENTAL CONSULTING
COMMENTS: DRAFT 2020 ACTION AGENDA FOR PUGET SOUND
NOVEMBER 20, 2008

#	Comment	Section	page #
1	It would be appropriate to list citations for this document.	General comment	
2	Seems very focused on Chinook salmon recovery. I fully support it and agree it is critical, but there are hundreds of other at-risk species in Puget Sound and they receive very little mention in this document.	General comment	
3	Washington Sea Grant should be included in references to those entities providing technical and outreach assistance on Puget Sound issues.	General comment	
4	Targets and benchmarks listed for the land cover indicator is a good start but I believe it should be even more aggressive. We have a new and increasingly popular tool (LID) to slow down and possibly reverse impervious cover increases. Stating the goal as a reduction in the increase of impervious cover will not, I believe, get us to a healthy Puget Sound by 2020. We need to reduce impervious cover and this should be reflected int eh goal.	Question 1	3
5	I realize more work will go into developing indicators but this list of six is a disappointing start. The only species listed are aquatic despite the new charge of the Partnership to protect and recover the entire basin, including uplands (and terrestrial species associated with them)	Question 1	3 and 4
6	The document states that utilizing indicators represents a "radically new way of approaching Puget Sound recovery". Indicators and benchmarks (including most of the ones listed in this section) have long been part of the Puget Sound recovery effort. I agree that a radically new approach is needed but I am not seeing it represented by these provisional indicators.	Question 1	4
7	This section mentions three sources of information for compiling information regarding the current state of Puget Sound but does not cite some of the key scientific documents that are heavily cited here (e.g. 2007 Puget Sound Update). This should be corrected.	Question 2	1

8	I am very glad to see loss of forest cover and resource lands noted here, particularly the need for sustainable forest industries. I would also like to see specific mention of challenges in the agricultural sector (I know its noted elsewhere in the document but it goes hand in hand with forest resources and it should be mentioned together).	Question 2	2
9	The process for developing priority strategies should be more transparent, as should the existing workplans etc that were used as a basis for developing these strategies. As currently written it is impossible to know what level of detail occurred, i.e., were local TMDL reports consulted, or watershed plans, etc. There are hundreds of existing efforts that have prioritized actions and strategies and it would be very helpful to know how these were (or weren't) integrated with the development of your strategies.	Question 3	1
10	Very good opening section for A.4 describing issues related to landowner incentive programs.	Question 3	12
11	It might be mentioned already, but if not, I would like to see some reference given to the need for taking a precautionary approach for protection and restoration given our current state of knowledge. This section is particularly important to have this idea mentioned. As currently written it indicates we know what and where remaining valuable habitats are. We do to some degree, but are still learning a huge amount about species and what constitutes habitat etc.	Question 3	15
12	B.1 heading should include the need to implement and maintain restoration projects for marine riparian areas. It only lists freshwater riparian. We are beginning to understand the importance of the marine riparian zone and to a large degree it functions similarly to freshwater riparian areas.	Question 3	16
13	Implementing the salmon recovery plan is extremely important but it seems to dominate this section. I do appreciate the piece regarding implementing other species recovery plans, flood hazard management plans, etc. But these are buried underneath the huge amount of attention given to chinook recovery. This plan should be about ecosystem recovery, not just single species recovery.	Question 3	16

14	Under the description "rationale for action" (Priority C). The statement "improving ground and surface water quality…will require a regional commitment to reducing multiple sources of pollution prior to their entry into the system". This is accurate for some pollutants (fecals for agricultural activities for example) but not for all (excess pesticides). There should be equal focus on eliminating unnecessary pollutants altogether, not just preventing them from getting into the system.	Question 3	19
15	C.1.2 I am happy to see a focus on targeting air emission and other pollutants from vehicles. I think its appropriate to directly mention the need to address regional transportation issues with an eye towards reducing the need for vehicles. This is a major contributor to Puget Sound pollution and should be directly integrated into this plan.	Question 3	20
16	You state that until the Partnership was established, no single entity had the mission to protect and restore Puget Sound. Part of the mission statement of the Puget Sound Action Team was to "protect and restore Puget Sound". Ditto for the Puget Sound Water Quality Authority. I think it would be more helpful to readers to state how the Partnership is unique in its efforts to protect and restore Puget Sound in terms of being a cabinet level agency and having the authority to hold entities accountable, etc.	Question 3	27
17	It would be helpful to have an example of what you mean when you state the need to "conduct planning, implementation and decision-making in an integrated way and from an ecosystem perspective." I think we all agree that this is extremely important but few people know exactly what it means. I think there are excellent examples out there that could be pointed to to start developing a regional understanding of what needs to happen. (e.g. Birch Bay watershed characterization work)	Question 3	28
18	I am very happy to see item 5 under D.1 "make the southern resident killer whale plan actionable."	Question 3	29

19	D.3. near-term actions is an excellent start and I am very happy to see this issue directly addressed. There is a need to do analyses of the "big players", i.e. those with significant ability to protect and restore Puget Sound (counties and cities in particular) and really dig deep into what their specific capacity issues are, what prevents them from doing more, where they are succeeding, what support they need, etc. Whatcom County has done a bit of this and could be looked to (perhaps) as an example.	Question 3	30
20	I am very happy to see D.5 "Improve compliance with rules and regs to increase the likelihood of achieving ecosystem outcomes". This is absolutely critical. I think it is extremely unfortunate that at the same time this recommendation is being made, the state's most important regulatory agency for Puget Sound protection (Dept. of Ecology) is facing major budget cuts, particularly to their water quality program, where inspector positions are being eliminated. I hope that the Partnership can help rectify this situation.	Question 3	35
21	I am very glad to see specific mention of the Farmland Legacy program as well as mention of expanding cooperative marketing programs such as Puget Sound Fresh. This is critical.	Question 3	12
22	Need to include priority actions by action area. More detail would be very helpful, particularly those needed at local level.	Action Area profiles	
23	I think it would be helpful to have a more extensive list of local threats to ecosystem benefits. These lists are clearly highlights, and gleaned from a variety of sources. It would be helpful to have the process for selecting these as key threats since many threats that I consider to be key for particular action areas are not mentioned (for example, the decline of rockfish in the San Juan Action Area)	Action Area profiles	
24	There are disconnects in many places, for example, in the San Juan Action Area chart, there is no mention of the decline of rockfish in the threats section, but it is included as a priority strategy.	Action Area profiles	

25	In the San Juan section it mentions "implement LID for new development" as a priority strategy to address pollution. LID should not just be limited to new development. LID a good technique for retrofitting as well. Also, it is not only a technique for addressing pollution. It can also be useful for preserving and maintaining land cover and habitats.	Action Area profiles	
27	There is currently no direct (or obvious) connection between ecosystem threats listed in an Action Area, and the priority strategies needed to address these threats. Oftentimes there is no strategy to address an identified threat, or no threat listed for which a strategy is identified (example: investigate causes of marine bird declines is listed as a strategy for the San Juan section, but marine birds aren't mentioned under the threats section)	Action Area profiles	
28	Overall, threats by action area are not comprehensive. Species decline is not adequately or accurately reflected. (Ex: conversion of forestry and agricultural lands in San Juans is not listed as a threat, although it is) Many activities at local level are working on threats that are not reflected here.	Action Area profiles	
29	It would be very helpful if the difference between strategies and actions was described. They seem to be used interchangeably throughout the document, particularly in the Action Area section.	Action Area profiles	

PugetSoundPartnership
our sound, our community, our choice

Puget Sound Partnership Draft Action Agenda
Stewardship Partners' Recommendations for Amendment

Dear Action Agenda Team,

Stewardship Partners is a 501(c)(3) non-profit organization whose focus is on collaborative conservation and engaging private landowners in the conservation process. Our mission is to help private landowners restore and preserve the natural landscapes of Washington State. We do this by promoting and implementing incentive-based programs that encourage landowners to participate in fish and wildlife conservation and restoration activities while simultaneously meeting their economic needs through sustainable land management.

There are areas in the Puget Sound Draft Action Agenda that we believe can better engage private landowners in the conservation process in Puget Sound and utilize existing third party market based incentive programs. Engaging private landowners and the general public in conservation efforts is important to the longevity and effectiveness of a project, and aids in the development of an educated and mobilized citizenry. The proportion of privately-owned land in river valleys is typically high, and these areas tend to be in agricultural production because of the high quality of soils associated with river systems. Due to their proximity to rivers and streams, these areas are also often located on critical reaches for salmon and other fish and wildlife habitat.

Specifically, we recommend the following amendments to the Draft Agenda:

- On p.7, "What can people do now to help", under "clean up!' add:

  Buy Local and Eco-Friendly
  What you buy directly impacts the water quality of Puget Sound
  - Support local projects and businesses that protect water quality
  - Look for specific local eco-labels such as Salmon-Safe and Envirostars
  - Support local farmers who don't use chemical pesticides and make a commitment to water quality and habitat protection (e.g. Salmon-Safe farms).

- on Question 3, p.9, A.2.2 under "update and implement regulatory programs related to growth and shoreline protection to increase levels of protection while increasing density in urban areas," add:

  A.2.2.8 Use third party market-based labeling programs as an incentive for homeowners, businesses, residential developments, and others to adopt practices that protect local environmental health. Examples of such labeling programs include: Leadership in Energy and Environmental Design (LEED) certification, BuiltGreen certification, and Salmon- Safe certification for residential areas and golf courses.

- On Question 3, p. 10, A.2 "Near Term Actions", add:

  8. Work with homeowners and local businesses to provide funding and technical assistance for implementing Low Impact Development measures, especially those related to stormwater management upgrades and restoration. LID strategies may include: rain gardens, vegetated roofs, bio-swales, and pervious pavement.

- On Question 3, p.12, A.4 under "Support long-term protection and stewardship of working farms....," add:

  A.4 (within main paragraph after heading)...technical assistance (e.g. referrals, education, training, design assistance programs), and recognition and certification of

products and operations *that protect water quality and local habitat, such as the Salmon-Safe certification program.*

- On Question 3, p.12, A.4.2 under "Use, coordinate, expand and promote existing landowner stewardship programs...," add:

  A.4.2.3 Support non-profit organizations that assist private landowners in environmental stewardship.

- On Question 3, p.12, A.4.3 under "Support economically viable farms...," add:

  Under A.4.3.1 (within paragraph) ... "This could include expanding cooperative marketing programs such as Puget Sound Fresh to bring locally-grown food to Puget Sound markets, *supporting Salmon-Safe certification that rewards farmers for protecting water quality*; amending GMA... "

- On Question 3, p.13, A.4. Near-Term Actions, add:

  7. Support environmental certification and labeling programs that protect water quality on working lands such as Salmon-Safe certification, Forest Stewardship Council (FSC) certification, and Puget Soundkeepers Clean Marinas certification.

- On Question 3, p.17, B.3 "Support and implement..."

  B.3 (within main paragraph)" ... and recognition/certification for products or operations *such as the Salmon-Safe farm certification program."*

- On Question 3, p.18, B.3 Near-term actions, add:

  1. (at end of paragraph) "....WSU Extension, local governments, *and local non-profit organizations. "*

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November 20, 2008

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RE: Comments on the draft Action Agenda

Dear Partnership leadership and staff:

Thank you for tackling the enormous challenge of saving Puget Sound head on. We appreciate your boldness and your efforts to engage the broader community, to listen to us and to base your decisions on science.

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and shorelines. Founded in 1984 by a handful of visionary ocean enthusiasts in Malibu, California, the Surfrider Foundation now maintains over 50,000 members and 80 chapters worldwide, including five in Washington State. Our members are frequent recreators in the marine waters of Puget Sound. We are particularly interested in the quality of the water, access to the shoreline, and debris on the beaches and in the water. In addition, we care about the overall health of the ecosystem, meaning the human as well as the ecological communities and the natural processes that sustain them.

The Action Agenda is a bold step forward from pervious attempts to clean up the Sound. Surfrider Foundation commends the Partnership leadership, staff and advisory bodies for putting so much effort into this document. To highlight just a few strengths, we are excited to see over arching strategies to address water quality problems at the source and to build and implement a new structure. While all the strategies mentioned are essential, we feel that these categories in particular set a tone for a bolder approach to addressing some of the greatest challenges facing Puget Sound – the institutional framework and stormwater.

For our members and activists, over 1,500 in the Puget Sound region, water that is unsafe for recreational use is a critical and occasionally life-changing issue. For this reason, we are celebrating permanent funding for the Neah Bay Rescue Tug and the emphasis on reducing nutrients and pathogens through actions such as no discharge zones.

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As a member of the Puget Sound Environmental Caucus, Surfrider Foundation endorses the comments provided by the Caucus on the Action Agenda. The comments provided below are specific to the interest areas most important to Surfrider Foundation: water quality, shoreline protection, and access to quality recreational opportunities in the marine waters of Puget Sound.

Indicators and benchmarks

In order to provide measures that will help us better understand our progress in saving the Sound while ensuring for accountability, Surfrider Foundation recommends that you improve and expand upon the suggested indicators. We do not see how a decrease in forest cover and an increase in impervious service can be indicators for human well-being. As an alternative, Surfrider Foundation proposes that you use an indicator that addresses opportunities for high quality water recreation, with clean water and wildlife viewing.

Water quality

Port Angeles Harbor has some of the worst documented water quality in the country while just outside the harbor lies several popular marine water recreation sites. Surfrider Foundation greatly appreciates your attention to cleaning up this area as well as the Warmhouse Beach Open Dump site, another location where recreational users may be at risk.

C.1 Surfrider Foundation appreciates that you prioritized a near term action to establish no discharge zones. In addition to shellfish beds, the Partnership must prioritize clean water in high human use areas, such as Jetty Island and Golden Gardens Park where kite borders are frequently in the water and children are digging on the beach.

C.2 Stormwater is such an enormous issue. Surfrider Foundation supports the development of assistance programs and incentives for low impact development; however, we would like to see clearer near-term actions that include strong benchmarks. For example connect programs to a goal of an overall reduction in impervious service area and 90-100 percent of new development and redevelopment meeting LID standards well before 2020.

C.4 Surfrider Foundation is excited to see the near-term action to continue funding the BEACH program. We request that the Partnership also communicate support for this program at the Federal level by encouraging Congress to pass the Beach Protection Act of 2008 (S. 2844).

Shoreline protection and access

A.2 Surfrider Foundation would like to see a near-term action incorporate an increase in shoreline access sites. Water and shoreline recreation is a growing industry in Puget Sound with economic opportunities as well as potential for education and stewardship. Currently shoreline access for the public is very limited in Puget Sound and in some areas so sparse that conflicts among users and between users and private property owners are leading to personal property damage.

While acquisition is a great tool, it is not enough to protect habitat and increase public access, particularly on the shoreline where property is especially expensive. Surfrider

Foundation encourages the Partnership to explore other new and existing opportunities to increase protection, such as the Outstanding Resource Water designation.

Surfrider Foundation is happy to see that implementing the recommendations of the San Juan Initiative is captured in the priority actions. We recommend that A.2 expand to include a review of the San Juan Initiative's findings and application of this process for improving protection of the shoreline in other areas of Puget Sound. For counties that are not in compliance with GMA and/or SMP or are not required to update their SMPs until 2012, we suggest that you work with local governments to implement facilitated stakeholder/agency initiatives to evaluate protection programs based on the San Juan Initiative model. In addition, under D.4, we suggest that you include an action to identify other opportunities to apply the San Juan Initiative's tailored approach to protection to help reform the regulatory system and better protect habitat.

B.1 Given the significance of Elwha dams removal for coastal communities, salmon and other species, we feel it is important that the Partnership include a near-term priority to facilitate and support a timely effort to remove the Elwha River dams.

In closing Surfrider Foundation emphasizes the need for additional funding to make this agenda successful and a clear plan on accountability. While these last points are key, Surfrider Foundation also recognizes that regulations and enforcement are not going to save the Sound, even if there was enough money to fund state agencies and support local jurisdictions. Saving the Sound hinges on a greater commitment from people in the region to make decisions with Puget Sound Recovery in mind, whether they are building a new road, passing a new ordinance or cleaning up after their pet. To achieve this goal requires leadership, a strong message, and a significant investment in media and outreach. The Partnership has demonstrated that it is willing to listen to the science, to the opinion leaders, and to the rural communities. Now it is time to take this information, project bold statements, push for commitments and rally the greater Puget Sound community around this recovery effort.

Thank you for this opportunity to comment,

Jody Kennedy
Washington Policy Coordinator

THE SUSTAINABLE LIVING INSTITUTE

From the Sustainable Living Institute, Mukilteo Wa.
Comments to the Puget Sound Partnership Leadership Council
Friday November 21st 2008

My name is Jeff Hall and I am president of The Sustainable Living Institute form Mukilteo, Wa. We are a nonprofit tax-exempt organization promoting the exercise of becoming sustainable here in Puget Sound.

I can remember a day in May of 1986 when I loaded up my Honda civic station wagon and headed to Puget Sound from the Ozarks in Missouri. I led canoe trips for the YMCA Camp Orkila and provided leadership to the program: Efforts for Children and Earth, and Chicken & Egg Productions.

As you may know in 1976 voters in Missouri chose to tax themselves for the protection and restoration of that state's wildlife and natural resources in a bold new program called "Design for Conservation".

I would also like to commend your staff of the Whidbey Basin Area for truely making an extra effort to apply what they are learning as quickly as possible and maintain a good level of public participation. Puget Sound is important and we should treat today as our best chance to achieve and a healthy and sustainable watershed and region.

I also would like for us to ask the question: Are all sectors of the human community represented and participating? And if not why not? How do we involve other sectors such as the business community or the health care service industry. What role can they play and what leadership can they provide

We are seeking resources and funding to implement a program that we would like to call the Puget Sound Conservation Corps. This program would receive community college students in a training program that would include gathering useful and valid information not only to help decision makers but to also educate the public. Corps members would pursue a course of study about both the history and science of the Puget Sound Watershed, boating safety and emergency preparedness and other important knowledge for public service. Citizens need and want to participate in their local government and we also want to cultivate a strong value for public service opportunities. Kind of like an "ambassadors of Puget Sound". The Puget Sound

[redacted], MUKILTEO, WA. 98275
425-265-9101
www.designingfreedom.org

Conservation Corps would be a six-month stint either paddling in Puget Sound or on the ground studying the streams & wildlife.

We propose that the Leadership Council work to build the institutional memory of the value and protection of Puget Sound. The Sustainable Living Institute would like to help do this. If you don't know where you have been then how do you know where you are going. Previous efforts have had only limited success. It would be wise to review the effectiveness of past decisions, policies, and actions. If we did so we would discover important information about how to become more effective. When I go onto the website of the Puget Sound Partnership, I am dismayed that we are not providing the public with the story of the history of Puget Sound and a history of our efforts to protect Puget Sound.

Where is the lively discussion with the Leadership Council and the former leaders and participants, employees that contain wonderful amounts of institutional memory which, I believe, contain important information on how we can be successful?

The Sustainable Living Institute will continue to participate this very important process, and offer these ideas that we believe are necessary to be successful in our efforts to protect and restore our home here in Puget Sound

Thank you for the opportunity to participate and contribute.

Sincerely

Jeff M. Hall
President
The Sustainable Living Institute
4895 76th Street SW # D702
Mukilteo, Washington 98275

PugetSoundPartnership
our Sound, our community, our climate

HARVARD | BUSINESS | SCHOOL

Institutional Memory

About

Experience the history of Harvard Business School through the stories of our community, the Interactive Timeline, and "Inquiry and Innovation,"... then, add your memories. More about the site

Interactive Timeline

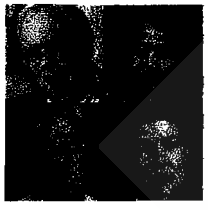
Explore 100 years of Harvard Business School history and listen to voices of the past and present as they comment on historical events. Go to Timeline

Inquiry & Innovation

"What Makes A Profession?" Join us in the debate. This multimedia experience explores the questions and themes critical to the School's founding and future success.

Go to Inquiry & Innovation

Community Narratives



Explore the experiences of the HBS community through interviews with HBS leaders, alumni, students, and staff... and share your story.

Go to Community Narratives

Photo Gallery

PugetSoundPartnership our sound, our community, our chance

July 7th 2008
Ms. Stephanie Anderson
The Russell Family Foundation
P.O. Box 2567
Gig Harbor, Washington 98335

Hello Friends of the Russell Family Foundation,

Our Organization

Thank you for the opportunity to be considered for funding. We are The Sustainable Living Institute and our mission is to:

"Provide research, education and resources to serve the needs of those who strive for a living and lifestyle that is secure, healthy and peaceful here in Puget Sound."

The Program

Our "Ground-to-Sound" Program is a strategy to help maintain the health of Puget Sound waters by analyzing the use and usefulness of scientific information as it is applied to existing programs and legislation, focusing on priorities identified by those mandates as well as the current work of the Puget Sound Partnership.

The Project

A specific project within this strategy is to access and to gather information that is valid and useful for making good choices for the health of the Puget Sound waters. This project the "Puget Sound Conservation Corps" begins with the construction of three wooden kayak-style craft that employ carbon-neutralizing modes of travel to access and to scientifically monitor Puget Sound water quality and biological resources. Wind, paddle & solar powered boats that are operated by well trained college students are eventually deployed throughout Puget Sound and the Conservation Corps gather valid and useful knowledge about Puget Sound waters and wildlife throughout the year.

[Type text]

The Request

We are seeking $7,500 dollars to build and outfit three (3) 21 foot kayaks that would seat a minimum of two + equipment. The construction of these kayaks is guided by the application of sustainability principles of the Natural Step Methodology.

> ***In the Sustainable Society, Nature is not subject to systematically increasing...***
>
> *1 ...concentrations of substances from the Earth's crust.*
>
> *2 ...concentrations of substances produced by society.*
>
> *3 ...degradation by physical means.*
>
> *4 ...people are not subject to conditions that systematically undermine their capacity to meet their needs.*

The grant request would fund a very talented boat builder at $50.00 an hour for a duration of 80 hours $4000 total, materials to build the craft (which would include, as far as possible Forest Stewardship Certified wood and HAPS (Hazardous Air Pollutants) free epoxy (Sherwin Williams Seaguard 6200) about $2500. The remaining $1000 would be used to outfit the boats with navigation & safety equipment. We are currently constructing a prototype that we would be glad to show you when it nears completion. Eventually we seek to develop a training program for the operators which would include knowledge about Puget Sound, navigation, safety and emergency preparedness training. The over all project budget would be in the ball park of $500,000 and would have an annual operating budget of $250,000 to $750,000.

We seek to employ college students and other young adults to develop an investigative knowledge of Puget Sound water quality, chemistry and biology and to gather that information in a scientifically valid manner and in a way that is carbon neutralizing. We would also provide this information through education and outreach to residents and policy makers.

Thank you again for you kind and thoughtful consideration and we hope that our concept and proposal finds favor with you.

Sincerely.

Jeff M. Hall

President
The Sustainable Living Institute
4895 76th Street SW #D702
Mukilteo, Washington 98275

[Type text]

From: Bill Dewey, Taylor Shellfish Farms

Comment: Introduction, page 7, compost or recycle food wastes instead of using a garbage disposal

Question 1, page 2, When ecosystems are healthy, non-native species (do not)- *replace with* "are less apt to" impact the viability of native species or impair the complex functions of Puget Sound food webs.

Question 1, page 2, E. coli bacteria don't necessarily harm the function of the ecosystem but they do prevent the harvest of shellfish and close swimming beaches. They are indicators of pathogens that might harm human health but don't in and of themselves harm the function of the ecosystem. Perhaps this first sentence could just end with "and not cause harm to them."

Question 1, page 3, The fact that the Partnership has included substantial increases in shellfish growing areas open for harvest is very reassuring for shellfish growers. It gives us hope that this historic industry has a future in Puget Sound. Thank you for keeping this as a priority!!!

Question 2, page 2, It is debatable whether increased exposure to biotoxins is correlated with increased pollution. Some will argue that we're seeing more toxic phytoplankton as the estuaries become more eutrophic but I don't know that this is backed up by research.

Question 2, page 2, "Action Agenda measure: Measures that could be used to indicate human well-being include shoreline access opportunities, the number of days open for sport fishing (*add* and shellfishing), acres of land in economically productive use, and the ability of tribes to engage in their ancient practice of harvesting (*add* shellfish) Chinook and other salmon."

Question 2, page 5, "We have already experienced an 18% decline in freshwater flow entering Puget Sound over the past 50 years, affecting water temperatures, marine water circulation, and oxygen conditions in water bodies." Does this factor in what has been taken out of the rivers and replumbed through homes and businesses and out sewage treatment plant outfalls?

Question 3, page 4, This draft Action Agenda and the Habitat and Land-Use topic paper suggest that shellfish aquaculture is a threat to the Health of Puget Sound. *The ecological role of bivalve shellfish aquaculture in estuarine environment* (Dumbauld et al sumbitted for publication) suggests "that the practice of shellfish aquaculture viewed as an ecological disturbance seems much more sustainable than other human activities such as fresh water diversion, coastal development and pollution which continue to degrade estuarine function." This recent review of the best available science regarding the effects of bivalve shellfish aquaculture in west coast estuaries also notes that "Though local and short term effects are clearly evident in U.S. West Coast estuaries, bivalve aquaculture has not been implicated in shifts to alternate states or reduced adaptive capacity of the larger ecological system". The review also finds that disturbances associated bivalve shellfish aquaculture practices are "within the scope of existing "natural" disturbances to the system (e.g. winter storms)..."

Dumbauld et al's review suggests that disturbances from bivalve shellfish aquaculture are not a "threat" to Puget Sounds long term health. If the Science Panel and the Partnership don't agree, this should be substantiated by science. At the very least it would seem they are not as

"important" or "urgent" as a number of other anthropogenic disturbances with greater and long lasting impacts.

Shellfish aquaculture as the draft Action Agenda notes, depends directly upon a healthy environment. This historically has made shellfish growers stewards and advocates of a healthy Sound and serves as a strong deterrent to poor practices.

If the Partnership is going to call out shellfish aquaculture as a threat to Puget Sound, it is important to the Pacific Coast Shellfish Growers Association (PCSGA) that there be science supporting this decision.

Question 3, page 11, Waterless urinals provide a huge water savings. I don't understand why there are not rules mandating their use or incentives to encourage more of them. There is a savings of 15,000 - 40,000 gallons per year with each waterless urinal installed. In 2006 developers proposed using them in Philadelphia's Comcast Center high rise for a savings of 1.6 millions gallons of water per year.

A recent article written by the Energy and Engineering Department of the Secretary of Defense stated, "After a balanced consideration the Waterless urinal seems to be a water conservation fixture who's time has come. It clearly reduces maintenance costs, and may do so dramatically and immediately for some installations. For about the price of a flush urinal,
you can automatically save 1.5 - 3 gallons of water per usage, depending on the model of flush urinal you're replacing." "In any new construction, or whenever you plan to replace a flush urinal, Waterless urinals should be given serious consideration."

Question 3, page 13, SARC will be wrapping up its work this fall with recommendations to Ecology for geoduck guidelines. This should be amended to read: "Implement recommendations of the Shellfish Aquaculture Regulatory Committee."
Add an additional sentence which reads: "Consider extending Right to Farm protections for existing shellfish farms and encourage Counties to incorporate commercial shellfish tidelands into agricultural resource lands in their GMA Comprehensive Plans."

Question 3, page 20, C.1.2.3 This is a recommendation I have been trying to encourage for a number of years. I am glad to see it finally appear in writing in the draft Action Agenda. I think encouraging it in targeted areas is the right approach as opposed to attempting to do it Puget Sound wide.

Question 3, page 21, C.1, Near-term action 7, Clearly this is a critical recommendation for shellfish growers and we strongly support it being included in the Action Agenda.

From the standpoint of public education and helping people understand the Puget Sound is in trouble, the state should work with counties to ensure public beaches that are closed for shellfish culture are all prominently posted as such. This is not adequately done currently in my opinion.

Question 3, page 25, C.4 Near-term actions, The State Department of Health is currently amending the Large Onsite Sewage System (LOSS) rules. Jurisdiction of LOSS systems at the

direction of the legislature is being consolidated at DOH. The Action Agenda should include a recommendation to complete the rule revision and to implement the revised rules.

Question 3, page 32, D.3.7, What is the status of the Foundation for Puget Sound? Has it even been formed?

Question 3, page 34, D.4.1.5, How about doing the same for green building projects to provide incentive to build green?

Question 3, page 42, E.2.3.2, There is a potential opportunity to use shellfish culture to mitigate nutrient pollution and sell nitrogen credits. There is a model for doing this being implemented currently in Sweden. Jan Cassen with Parmetrix has visited this demonstration project.

Question 3, page 48, E.3 Near-term action 19, This is a particularly important recommendation. The business community and shellfish growers expect that Partnership recommendations will be well founded in best available science.

Question 3, page 50, Shellfish gardening by people who own beaches in front of their homes has become extremely popular. Taylor Shellfish has used seed sales and shellfish gardening to help people make the link between shellfish and water quality. The results have been overwhelming with hundreds of people participating at each of a half dozen sales conducted during the summer. To build on this and make sure people are being responsible in their gardening we are exploring forming shellfish gardening clubs and a Master Shellfish Gardeners program. I believe the Partnership could very effectively use shellfish gardening as a means to get people excited about restoring Puget Sound. The media has jumped on it as well with several color photo feature articles.

Financing Chapter, page 6, The model of using mussels to mitigate nutrient pollution being used in Sweden was mentioned earlier. A paper regarding this will be provided with these comments. We've also been contacted recently by companies interested in harvesting macroalgae and phytoplankton for the production of biofuels. This could be another opportunity.

Financing Chapter, page 7, It seems like businesses should be called out here in the "Private Sector" section as well. They are "partners" we want to continue to take actions on their properties as well. Programs like Envirostars should be called out and encouraged as well.

Whidbey Action Area Profile Table, Bacterial pollution is causing periodic closures of commercial shellfish beds in Samish bay. Similk Bay, an historic oyster producing bay has been closed for 9 years due to failing septics. Skagit County is working dilligently to identity and resolve the pollution sources. they are also seeking funding to establish a Kitsap like PIC program. It seems like these should be called out in the Action Agenda as priorities.

TRANSPORTATION INSTITUTE

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phone (206) 443-1738
fax (206) 443-0917

November 20, 2008

Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Puget Sound Partnership Draft Action Plan Comments

Via EMAIL

To Whom It May Concern,

On behalf of the Transportation Institute, I wish to provide some brief comments concerning the Puget Sound Partnership's draft action plan. The Transportation Institute's member companies participate in all phases of the nation's deep sea foreign and domestic shipping trades, and barge and tugboat operations on the Great Lakes and on the 25,000 mile network of America's inland waterways. These operations embrace deep-sea and river passenger vessels, and liquid, dry-bulk, container and special purpose ships. Many are contracted to the U.S. military services. All are of U.S. registry -- crewed by American citizens operating under the world's highest safety standards, and proudly flying the American flag. Here in the Pacific Northwest, our members include Alaska Tanker Company, Crowley Maritime, Horizon Lines, Penn Maritime, Sea-bulk, and Totem Ocean Trailer Express (TOTE).

First, we are greatly pleased Governor Gregoire and our state policymakers have sought to take an honest and largely scientific review of the existing forms of degradation and greatest threats to our waterways. Too often such efforts fail to remain true to fact-based, unbiased, scientific, and non-sensationalist inquiry and conclusions. Of particular note is the Partnership's team using an impartial and dispassionate Science Panel to review scientific input and seek development of desired outcomes and indicators for measurement of our ecosystem's status.

Second, boldly revealing and reiterating to Washington citizens that "surface water runoff is the primary transporter of toxic pollution to Puget Sound, with the most concentrated loads coming from developed lands" is magnanimous as this has often been the less photogenic and minimally sensational item for policymakers, environmental activists, and the media to protest with indignant fanfare. Moreover, the runoff threat and its remediation will actually be the responsibility of the broadest amalgamation of citizens, businesses, and local, county, and state regulators and policymakers to resolve and, ultimately, provide funding for.

Third, we appreciate the PSP recognizing that "avoiding problems before they occur is the best and most cost-effective approach to ecosystem health". This is what our member companies have also known and spent untold wealth and great effort on; thankfully, leading to much success. They invest in their vessels, officers, crews, maintenance, management practices, and procedures to reduce risk and prevent oil spills from threatening our waterways. Such efforts have included redundant propulsion and navigation systems on their vessels, intensified crew/officer training, rewarding safe practices, using lower sulfur fuel, and building state-of-the-art vessels emphasizing safety. This work, although largely unnoticed, has placed this region (see: USCG Marine Information for Safety and Law Enforcement Data, Coast Guard District 13) as the best in the nation with respect to preventing and managing petroleum spills and reducing incident risk from commercial vessels. Unfortunately, the same can not be said for oil, gas, and petroleum-based spills and incidents from shore-based transportation, pipelines, and facilities. In fact, USCG and Washington Department of Ecology data reveal that among the top 25 largest spills in our state in the past ten years of record (1997-2006) only one was from a commercial vessel. The latter was a foreign bulker back in 1998 and it was at the low end of the continuum.

Furthermore, the report states that "major oil spills in Puget Sound are relatively infrequent, but still pose a potential catastrophic threat." If one is to presume the reference is to spills from vessels, is the likelihood of such spills greater than that caused by major floods or a severe earthquake? Are "catastrophic" vessel spills more likely than the latter? Much attention, coordination, preparedness, and research has been expended on the likelihood of a significant vessel spill. Arguably, the same can not be said for a tsunami, floods, volcanoes, extreme storms, or earthquakes. Moreover, the federal and state governments have recognized the threat of vessel spills through mandatory contingency plans, certificate of financial liability coverage (OPA '90), and oil spill liability trust funds. Most facilities and other modes of transportation either do not have such requirements or are held to a much lower standard. Shouldn't the Action Plan take this into account and devote greater effort to assess and mitigate such risk?

Fourth, although the Action Agenda magnanimously and thoughtfully calls for the use of scientific input in designing, implementing, and evaluating strategies and, further, calls for using strategies that are cost effective in making efficient use of funding, personnel and resources, it then veers well off course and counters such good policies and intentions by taking for granted some symbolic claims, redundant regulations and oversight, and unempirical analysis. The latter misgivings refer to those action items found in *Priority C.1.2.1*. The Oil Spill Advisory Council, in particular, has a history of biased and specious analysis. Blindly integrating certain elements of the recommendations of the OSAC into the overall pollution reduction strategy would be ill considered and reflect poorly on the level of scientific and unbiased evaluation the PSP is recognized for. In addition, our state government is facing a $5,000,000,000 budget shortfall. Our economy is in a recession and on the precipice of unforeseen calamity. Our ports have seen double-digit losses of container cargo, have bulk grain vessels at anchor due to an inability to obtain financial "letters of credit", and are under severe threat of further cargo losses to our NAFTA neighbors. Vessel operators have seen charter rates fall by upwards of 300 percent. They still have the opportunity to make a left for Canada as opposed to a right when transiting the Strait of Juan de Fuca and face less regulation, reduced costs, and less stringent security measures. "Expanding oil spill prevention and interagency spill response programs" as called for in the Action Agenda, to the extent that such an initiative would be redundant to US Coast Guard regulations and oversight, International Maritime Organization requirements, enhanced technology, and proven successful private-sector vessel risk avoidance measures, does not uphold the **cost effective** use of funding, personnel, and resources standard recognized as essential by the PSP team to responsibly achieve its goals and convince the public of the merit of its, otherwise, reasonable mission. At the very least, the data clearly points to the fact that *Priority C.1.2.1* would be better recognized by the PSP as a modest preference as it relates to commercial cargo and tank vessels.

We appreciate the opportunity for comment and your consideration of these factors as you proceed with your worthy undertaking to assure the health of our waterways for generations to come.

Sincerely yours,

Richard Berkowitz
Pacific Coast Director

From: Peter Dykstra, Trust for Public Land

Comment: Thank you for providing the opportunity to comment on the Draft 2020 Action Agenda for Puget Sound, released November 6, 2008. To start, I'd like to commend the Partnership on developing such a comprehensive assessment of the current actions and work of the various agencies, organizations, and groups are undertaking toward recovery of Puget Sound. Thanks to you and your team for this tremendous undertaking.

As you know, The Trust for Public Land's (TPL) mission is to conserve land for people. We believe a healthy, livable Puget Sound hinges on the ability of people to easily access the waters, beaches, rivers, and tidal pools of this incredible region. Providing the opportunity for the public - families, adults, children - to have hands-on experience of touching the water or playing in the sand is absolutely critical to creating a constituency that will steward the Sound and put money and action toward protection efforts now and in the future. To further this goal, our work with the Alliance for Puget Sound Shorelines has produced new public spaces, given communities much-needed access to the shoreline, saved habitat, promoted ecosystem health, protected native vegetation and land cover, and helped Puget Sound communities reconnect with our beloved inland sea.

TPL is deeply committed to the principle that many of the objectives outlined in the 2020 Action Agenda can be achieved while reconnecting our region's citizens to the Sound through more public access to its shorelines. For instance, TPL projects at Glen Cove near Port Townsend, Judd Cove on Orcas Island, Taylor Bay on Key Peninsula, and Pilot Point north of Kingston all demonstrate conservation of habitat and environmental benefits while adding new public access points to the shoreline. Each of these projects has been completed in the time since Puget Sound Partnership began its efforts.

The Draft 2020 Action Agenda rightly ties human well-being to a healthy ecosystem, inclusive of productive habitat, recreational opportunities, economic prosperity, and more. However, the primary Action Agenda measure used to indicate progress toward human well-being is "loss of forests and other natural land cover" (Question 2, Pg. 2). This measure does not adequately describe all Puget Sound offers residents and visitors in the way of human well-being. It does not capture the economic, health, and quality of life enhancements that come with places where all citizens who live near such a vital body of water have the ability to touch and feel that water. TPL recommends including a measure for Puget Sound public shoreline access. For example, by 2020, an aspirational goal would be to increase miles of public shoreline by 20 percent and add more access points to reach the public shoreline. In 2005, TPL completed a study of shoreline ownership that found 21 percent (511 miles) of the Puget Sound shoreline is publicly owned. The Department of Ecology's Environmental Assessment Program recently hired a NOAA Coastal Management Fellow to continue efforts to improve public access information for Puget Sound; it would be a natural fit to have Ecology help measure the Partnership's progress toward a public access goal. A public access measure would indicate the Partnership values people as a vital part of the Puget Sound landscape participating in recreation and restoration, raising money, and supporting recovery efforts through a deep connection to nature.

TPL has a legacy of acquiring land in Puget Sound with our partners and commends the Partnership on making land acquisition a high priority of the Agenda. However, the sole emphasis

on "high-value, high-risk" habitat substantially isolates recovering Puget Sound from a profound opportunity to create a broad-based constituency that will support the effort to recover Puget Sound. TPL believes progress toward creating new shoreline parks, viewpoints, and trails is critical to developing and sustaining the commitment of the larger Puget Sound public to the goals of the Action Agenda. While we protect lands of high ecological value or at risk of conversion, we need to also provide space for people - including the additional 1.5 million expected in the next 20 years - to experience the Sound. TPL views the two-pronged acquisition approach as symbiotic: We release the pressure valve by creating more public spaces and direct people to the places best suited for public use, while also protecting lands of high ecological value that may not be appropriate for public access.

TPL would also like to thank the Partnership for recognizing our role in land protection efforts across the Sound. We welcome the opportunity to participate in discussions about property and/or development rights acquisition, as detailed in Actions A.2.3 and A.4.1. We would also be welcome to participate in the regional planning forum suggested in Action A.1.1. TPL is increasingly involved in leading communities east and west of the Cascades through planning efforts to balance new growth with the protection of valuable natural resources.

We look forward to playing a role in the protection of critical lands from the beaches of the Sound to the crest of the Cascades. If you have any questions or would like additional information on TPL projects and programs, feel free to contact me.

Sincerely, Peter Dykstra
Washington State Director

PugetSoundPartnership.org
our sound, our community, our chance

November 24, 2008

Mr. Bill Ruckelshaus, Chair
Leadership Council
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RECEIVED
NOV 26 2008
PUGET SOUND PARTNERSHIP

Dear Mr. Ruckelshaus,

We are writing in support of the Puget Sound Partnership's Action Agenda, released on November 6, 2008. Puget Sound is a natural wonder and economic engine for the state. The Partnership has done an admirable job of putting together a recovery plan for Puget Sound that strikes a balance between the need for Puget Sound recovery and continued economic growth in the Puget Sound region. The Partnership acknowledges in the Action Agenda that government alone cannot restore the Sound, and that the assistance of the citizens and the private sector are critical to Puget Sound recovery.

VULCAN.COM

The Partnership wants to tap into the creativity and energy of communities and businesses by finding ways to foster dense vibrant development in our cities and towns, by conserving undeveloped shorelines, wetlands, and open spaces across the Puget Sound region. We believe that meaningful incentives are critical in realizing this vision. For example, providing tax incentives for property owners who maintain their property as working forest and farmland could provide great benefits. In addition, providing much needed funding for infrastructure and other incentives will foster dense and vibrant communities where people will want to live, work and raise a family. The Action Agenda is a good start. The hardest work is ahead of us.

We support the Puget Sound Partnership's Action Agenda.

505 Fifth Ave S Suite 900
Seattle, WA 98104

206 342 2000 Tel
206 342 3000 Fax

Sincerely,

Lyn Tangen

Director of Government and Community Affairs

PugetSoundPartnership
our sound, our community, our chance

VULCAN.COM

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John Vendeland

The mission of Washington Agricultural Institute is to strengthen the viability of the agricultural economy through development and promotion of equitable programs and policies that enhance profitable agricultural operations.

The Institute serves as a focal point for debate and thoughtful examination of critical issues affecting the state of agriculture.

Mary Heinricht, Director

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Camano Island, WA 98282
360.572-4356

washingtonaginstitute@earthlink.net

20 November 2008

The Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900
actionagenda@psp.wa.gov

Gentlepersons:

Thank you for the occasion to comment on the Draft Action Agenda developed by the Puget Sound Partnership. We applaud the studied effort that is evident in this document.

We would also like to thank you for the opportunities you provided for comment and to participate in the development of this plan. We especially appreciate being allowed to present a panel on agriculture at the July Leadership Meeting in Skagit County.

Given our focus on agriculture, we are especially pleased to see the protection of working lands as a primary objective of the agenda, and are very encouraged that you have stressed using tools that keep working lands in production:

- "Establish and fund a mechanism to rapidly acquire lands at immediate risk of conversion."
  - A very successful example of this approach is the New Jersey State Agricultural Development Committee's program to buy at risk farms in fee simple, place a state farmland conservation easement on the property, and then immediately auction the properties off to agricultural producers.
- "Use, coordinate, expand and promote financial incentives that allow working lands to stay viable."
  - Increased funding for local purchase of

development rights programs through matching block grants to communities has been successful in a number of states to increase the rate of agricultural land protection.

- "Use, coordinate, expand and promote existing landowner stewardship programs to help protect high value land and water resources."
  - The Delmarva Conservation Project included in the 2002 Farm Bill included an innovative approach for "stacking" stewardship programs. Farms that were permanently protected through agricultural conservation easements were given priority in line for other paid stewardship programs.

As we mentioned at our July presentation, the viability of the region's agricultural system is directly related to assuring enough land is available for agriculture to allow appropriate stewardship and management of all lands in the region. The future will necessitate changes in production methods that may require more land to maintain current crop production levels, so preserving the current amount of regional acreage is vital to the success of this program.

We hope that you will call upon us to participate in the development of actions and programs aimed at protecting agricultural, working lands and rural areas.

Thank you, again, for the opportunity to participate in this important effort.

Sincerely,

Mary Heinricht
Executive Director

PugetSoundPartnership
our sound, our community, our chance

From: Laura Blackmore, Washington Citizens for Resource Conservation

Comment: Washington Citizens for Resource Conservation (WCRC) would like to thank you and the staff of the Puget Sound Partnership for providing this opportunity to comment on the draft 2020 Action Agenda. We applaud and strongly support the inclusion of C.1 Near-Term Action 1 on page 39 of the November 13 draft of the Action Agenda, which recommends the creation of a take-back program for pharmaceuticals. As you are no doubt aware, unwanted pharmaceuticals enter our streams and rivers, endangering water quality and species. With a coalition of partners, WCRC has spearheaded the creation of a pilot pharmaceutical take-back program that securely collected and disposed over 15,000 pounds of medicines since its start-up in late 2006.

The Medicine Return Project currently operates at 25 Group Health pharmacies and 12 Bartell Drugs stores in 6 counties. However, a long-term program will require long-term financing. We strongly urge the Partnership to encourage efforts that will create a permanent, statewide manufacturer-funded pharmaceutical take-back program. Legislation needed to create such a program - financed by drug manufacturers, not taxpayers " will be introduced dur ing the 2009 session.

We would be happy to share our experience and expertise with Partnership staff regarding this producer responsibility approach (also called product stewardship). To provide the greatest protection for Puget Sound, we also encourage the Partnership to specify that pharmaceuticals collected through a take-back program should be disposed at a hazardous waste facility, rather than at municipal solid waste facilities.

Finally, WCRC applauds the draft Action Agenda's focus on reducing the loading of toxic chemicals into Puget Sound, as described in Action C.1.1 on page 38. However, we urge you to change the reference of "cradle-to-grave" management of products in Action C.1.1.3 to "cradle-to-cradle" management. This small wording change reflects emerging terminology, and symbolizes a shift in thinking toward reusing and remanufacturing materials and products wherever possible, rather than disposing them to the environment. Thank you for your attention to these matters.

PugetSoundPartnership
our sound, our commitment, our change

David Dicks

Puget Sound Partnership

PO Box 40900

Olympia, Wa. 98504

Dear David: November 20, 2008

The Washington Council of Trout Unlimited welcomes the opportunity to comment on the Action Agenda. We have nearly a half century of experience with hands-on conservation work in the sound. In that time, the kinds of opportunities presented by the evolution of the Partnership have been few and far between. We commend you on your efforts thus far. The Action Agenda is not perfect but if it is viewed as a work in progress it represents an enormous potential. In facilitating the Action Agenda, you face an enormous weight of expectations. In this, as in all other endeavors, a measure of pragmatism can go a long way. The Action Agenda is in outline a good document. You will be faulted for the lack of specifics, but specifics can be added at leisure when the problems are more amenable to refined definitions. Indeed, if your work is to be truly science based you by necessity have to accept that good science frequently takes years to produce usable outcomes and for the present you have to work with what you have. At this point, the best parts of the Action Agenda are those framed by practical experience and pragmatism.

We strongly endorse and agree with most of the comments you will receive from the Environmental Caucus. Our own comments represent our specific interests in the recovery and conservation of salmonids. If they diverge from those of the Caucus, it will be noted in the text. The final draft from the Caucus was still in process when this was written so there may be some unintentional redundancy.

Comments:

Issues Relating to Salmon, Steelhead and Bull trout Recovery:

We generally support the ecosystem based principles and strategies delineated on page 4 of question 3 and the kinds of specific actions called for D.1.1 through D.1.4 and D.1.6, D.1.7 of Question 3, Page 29. Much of our own habitat work and advocacy efforts would be directly supported by these kinds of goals. An example would be our Kokanee recovery efforts on Lake Sammamish which would be directly facilitated by the provisions of D.1.3. Our concerns, where they exist, are more about the quality of the process that gets us to specifics of how policy will be devised and implemented rather than the goals themselves which we find to be generally laudable. The Salmon Recovery Council needs to operate with more transparency and more direct involvement from the stakeholders. At some point, the Partnership will have to address specific constituencies who have been outside the community that has supported the Partnership prior to this time. One key to the success of the Action Agenda in this

area will be the Partnership's ability to bridge the gap between itself and this larger community that has little in common economically, culturally and politically with the typical supporter of the Action Agenda process.

Habitat:

The treatment of habitat issues within the plan is generally strong. The idea of sequestering high quality habitat as a first level priority is excellent. We have concerns that even in the best of times there would not be enough in the way of resources to tie up all of the key habitat in any given area. With this in mind, we would like to see a continued large scale investment in habitat rehabilitation. Under D.1 Near Term Actions we would like to see a provision added for a performance audit of the effectiveness of habitat projects completed in the last five years. This should weigh programs on both their ability to restore habitat function and cost effectiveness but with more weight given to the effectiveness of restoring function. This would provide a baseline for designing better projects as well as a standard for evaluating project proposals and disbursing limited funds.

We would like to endorse the emphasis on storm water advocated by our partners in the Environmental Caucus but with the caveat that it should not be allowed overshadow the need to maintain the stream flows necessary to insure the viability of riparian habitats. Development in the last undeveloped areas of GMA's is putting the middle reaches of streams at risk at the same time that ground water becomes more important in insuring minimum flows in the same reaches. We would strongly encourage a mandate for detailed aquifer mapping in the Puget Sound lowlands and a moratorium on major ground water appropriation by cities, industrial uses, and developments until the consequences of these withdrawals can be assessed. By the same token, large amounts of water could be recovered and set aside for public use by an aggressive review of water rights for rights that have been relinquished through disuse. Where possible, priorities should be given to habitat restoration in the same areas because experience suggests that as farm and forest land is subdivided it becomes harder to access for restoration work. We would also like to endorse the concept of ground proofing of stream types as done by the Wild Fish Conservancy. We think this is an important initiative and one that could be facilitated around the sound at relatively low cost.

Our final concerns differ to some degree from those of our partners in the Caucus. We would also like to add our weight to the need for more aggressive use of the WDFW Hydraulic Permitting Process and extending it to permits for bulkheads and shoreline armoring as well as part of the permitting process for finfish and shellfish aquaculture in the near shore. In the last ten years, shellfish aquaculture has extended out to blanket almost thirty miles of near shore habitat. In the south sound, most of this unprecedented growth has blanketed forage fish spawning beaches. This has keyed a public battle that has been widely portrayed as driven by NIMBY issues. Our perspective is different, as we see it as a serious environmental problem and a possible obstacle to Chinook salmon recovery in the south sound. Mandating revision of SMP's in the south sound on an accelerated schedule, mandating shell fish permit requirements in all Puget Sound counties, and implementing the DOE's proposed Geoduck Aquaculture Rules will not solve this problem but will minimize some of the consequences.

Finally, there are fears among some of our partners that the fact that the Partnership shares its genes with the Shared Strategy Process will tip energy and resources away from cleaning up the sound towards fish recovery efforts. Beyond a general sense of highly vocalized angst, this has led to some lobbying to drop salmon as indicators and salmon recovery as a potential benchmark. We hope this will

not be so but, like our partners, share many of the same concerns about the lack of indicators and public benchmarks. Along the same lines, much has been made about the 20% increase in impervious cover gaffe. You can't get it right all of the time but we would hope that with time and practice you can deliver for us most of the time. We don't think you are quite up yet to the standard of leaping tall buildings at a single bound, but you first tries are encouraging. Thanks for your efforts.

Paul Sparks

Vice President for Conservation

Washington Council of Trout Unlimited

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From: Mark Taylor, Washington Council of Trout Unlimited

Comment: The Washington Council of Trout Unlimited would like to recommend that the actions referred to in Question 3/page 29 re "Near-term Actions" D.1.3 "Use and augment existing species plans to create actionable workplans for imperiled species without existing or specified plans" be adopoted and that Lake Sammamish kokanee be included as one focus species as Near-term Action D.1.3 is implemented and funded. We would also like to recommend that the measure of continuing koaknee recovery work as referred to in the South Central Sound Action Area Section E. Other also be adopted.

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PROTECTING OUR LAND, AIR AND WATER

November 19, 2008

VIA EMAIL
Bill Ruckeshaus, Chair
Leadership Council
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Re: Puget Sound Partnership's Action Agenda

Dear Bill,

I'm writing to express the Washington Environmental Council's support for the Puget Sound Action Agenda draft, released on November 6, 2008.

The Washington Environmental Council (WEC) is an advocacy organization working to improve and enforce Washington's environmental laws. WEC devotes significant organizational resources to promote state policies that safeguard our communities and improve protection of shorelines, habitat and rivers in the Puget Sound Region and across Washington.

The Puget Sound Partnership has done an admirable job of putting together a recovery plan for Puget Sound that strikes a balance between the need for Puget Sound recovery and continued economic growth in the Puget Sound region. We appreciate the tremendous amount of work that has gone into developing this Agenda, and we support the strong list of measures that, if implemented, will go a long way toward recovering Puget Sound by 2020.

Despite years of effort and billions of dollars invested, political gridlock and other barriers have made it difficult for our State to achieve meaningful progress in restoring Puget Sound. The Puget Sound Partnership has experienced these challenges first hand as it has built a new approach to collaborative problem solving. In this challenging context, we have been pleased with the Partnership's efforts and the extensive work that has gone into shaping the Action Agenda, including community outreach and efforts to work with the environmental community and other stakeholders. Most importantly, the Partnership has outlined a long-term vision for Puget Sound recovery that is grounded in science and can be adjusted over time based on lessons learned.

WEC will submit specific comments and suggestions regarding the Agenda under separate cover, and look forward to working with you as you finalize this important roadmap to Puget Sound recovery.

Sincerely,

Joan Crooks
Executive Director
Washington Environmental Council

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WASHINGTON FOREST PROTECTION ASSOCIATION
724 Columbia St NW, Suite 250
Olympia, WA 98501
Phone: 360-352-1500
Fax: 360-352-4621

November 13, 2008

Puget Sound Partnership
PO Box 40900
Olympia, WA 98504

Dear Puget Sound Partnership:

The Washington Forest Protection (WFPA) appreciates this opportunity to comment on the draft Action Agenda. WFPA represents private forest landowners who grow and harvest trees on approximately 4.2 million acres in Washington State. As a participant in the Partnership's process for developing the Action Agenda, and having reviewed the draft, we are excited to help the Partnership move forward in taking its next steps.

We offer the following comments on how the Action Agenda could be improved, and request that the following changes be incorporated into the final document.

Retention of Working Lands

We support the Agenda's focus on the retention of sustainably managed commercial forest lands and other resource lands. The optimal approach for preventing the conversion of resource lands is to provide financial incentives for landowners to continue actively managing them. By financial incentives, we do not mean the expansion of or creation of new conservation incentives, which are fundamentally intended to encourage a landowner to take some conservation action that is in addition to (or different than) their current management practices. We believe that financial incentives should be aimed at rewarding landowners for continuing their current land use practices (i.e. active management as commercial farms or forests) instead of converting that land to an otherwise more profitable land use.

We would like to see this approach recognized as a near term action in Priority A.4 (Question 3, page 13). In addition, section A.4, Question 3, page 12: "Support long-term protection and stewardship of working farms, forests and aquatic lands to help maintain ecosystem functions, sustained quality of life, and improved viability of rural communities" could be augmented to emphasize the need for financial incentives directed at encouraging landowners to continue managing their lands as commercial farms and forests. A proposal for amending this section is attached to this letter.

In some areas, acquisition of forest land is an appropriate strategy. However, we believe that acquisition should be viewed as a secondary option to providing financial incentives for private landowners to continue actively managing their lands. A recent study from the University of Washington found that: "The Washington forest industry employs 45,000 people and annually

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generates $2 billion in wages, $16 billion in gross business revenues and over $100 million in tax receipts." Mason, et al. The Washington Log Trucking Industry, Costs and Safety Analysis. August, 2008. Keeping these private lands in commercial production accomplishes both economic and environmental goals.

The Agenda does a good job of recognizing market-based strategies as a preferred way to accomplish environmental goals. "Acquiring development rights from highly productive working resource lands, such as farms and forests, is an effective way to protect ecosystem processes/structures while ensuring long-term productivity of working landscapes and rural communities." Question 3, page 8. However, the Agenda could do a better job of emphasizing that a regulatory approach to slowing the conversion of resource lands is not acceptable. A regulatory approach is suggested in Question 3, page 9: "A.2.2.5 Limit density in rural areas and GMA designated natural resource lands, using a mix of tools including voluntary incentives, model ordinances, or legislation for the purposes of maintaining functioning ecosystem processes and forest cover." (Emphasis added). We do not support this approach.

Other Detail Comments

We are concerned about the goal of retaining "90% of the low elevation forest acres measured in 2001." Question 2, page 2. We would be more comfortable if this was reflected as a goal of retaining forest land as commercial forest.

The document seems to over state the amount of old growth harvested in the last 50 years, and leaves the impression that old growth harvest has been recently prevalent. "We removed 66 to 84 % of the old-growth forest in the basin in the last 50 years." Question 2, page 1. "Over the last 50 years, Puget Sound lost at least two-thirds of its remaining old-growth forest…" Question 2, page 3. While it is undisputed that most of the old-growth forest has been harvested, much of this occurred prior to the last 50 years. Other documents have captured this point more accurately, for example, in Washington Biodiversity, Status and Threats: "Estimates of the percentage of Washington's historical old-growth that has been harvested vary from two-thirds to as high as 87%." Page 22. Focusing this issue on the last 50 years gives the impression that old-growth harvest is still prevalent, when in fact, very, very little old-growth is harvested today.

We do not believe that "clearing forests" should be characterized as "habitat alteration" when it is conducted on lands that have traditionally been managed for commercial forestry and when the forests are re-planted following harvest. Question 2, page 4. Similarly, we believe that the document should be clear at Question 3, page 15 that "vegetation removal" does not include commercial forestry where re-forestation is occurring.

It is important to recognize that, in the commercial forestry context, any adverse impacts to fish and wildlife species from the harvest of trees are mitigated when the forest is re-planted and the habitat re-grown. "Harvest of plant species (such as trees) that serve as habitat for fish and wildlife species may adversely affect the species that depend on them or remove building blocks that form habitat." Question 2, page 6.

We appreciate that the Agenda recognizes the contribution private forest landowners are making toward achieving water quality goals through the Road Maintenance and Abandonment Plan (RMAP) program. C.1.3, Question 3, page 21. While this language is helpful, the introduction to this section (Question 3, page 19) should emphasize that the Forests & Fish law is a comprehensive approach for preventing pollutants from being introduced into the Puget Sound ecosystem. This is accomplished through the RMAP program, but also through forested buffers along streams that prevent heat and sediment from entering streams, and through unstable slope regulations that prevent sediment delivery. In reality, the water quality management practices of forest landowners are a model for other sectors in accomplishing the Agenda's goal of ensuring that pollution is not introduced in the Puget Sound.

We are supportive of exploring new approaches to mitigation. Question 3, page 34. In particular, we would like to explore how mitigation dollars might be used to provide financial incentives for landowners to continue actively managing resource lands as either commercial farms or forests.

We are supportive of efforts to improve compliance, and perform compliance monitoring of existing regulations. Question 3, page 35. The forest practices program managed by the Department of Natural Resources is implementing a compliance monitoring program which might serve as a model for other efforts.

We do not support efforts to "strengthen enforcement authority of existing regulations (e.g., Hydraulic Permit (sic) Approval program). Question 3, page 36.

We appreciate that the Agenda recognizes the robust adaptive management program found in the Forests and Fish law, and recommend that the Partnership work to incorporate this model into its own systems. Question 3, page 39.

Action Area Profiles

Many of the profiles recognize that implementing the Forests & Fish Law, the corresponding Habitat Conservation Plan, and RMAP programs are priority strategies. We appreciate this recognition and are committed to ensuring that these programs are in fact implemented across the state.

We are deeply concerned about some of the information found in the Action Area Profiles. The Strait of Juan de Fuca includes "poor forest practices" as a local threat to ecosystem benefits, in the "Habitat Alteration" category. In addition, the Hood Canal, North Central, South Puget Sound, South Central, Whidbey, and Whatcom Action Areas all include "logging…practices" as a local threat to ecosystem benefits, in the "Harvest" category. Finally, the Whatcom Action Area includes "loss of forest cover resulting in landslides as a local threat to ecosystem benefits, in the "Habitat Alteration" category.

Washington's current forest practices system is one of the most protective regulatory programs in the world. We previously provided the Puget Sound Partnership with a copy of the Environmental Impact Statement from the Forests & Fish Habitat Conservation Plan and a copy of the Habitat Conservation Plan itself. These documents outline in great detail Washington's forest practices system and the expected environmental risks and benefits. In short, the system includes a formal adaptive management program to monitor and determine over time whether the system is meeting its resource protection goals. The system also includes a formal compliance monitoring program to ensure that the regulations are being followed. There is no information to support the assertions made in the Action Area profiles. We would appreciate these references being removed.

If you have any questions about these comments, please do not hesitate to contact me at (360) 705-9289.

Sincerely,

Josh Weiss, JD
Director of Environmental Policy

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A.4 Support long-term protection and stewardship of working farms, forests, and aquatic lands to help maintain ecosystem functions, sustained quality of life, and improved viability of rural communities.

There are numerous voluntary incentive and stewardship programs available to rural property owners in Washington State. Landowner incentive programs include direct financial incentives (e.g., grants, subsidized loans, cost-shares, leases); indirect financial incentives (e.g., property or sales tax relief), technical assistance (e.g., referrals, education, training, design assistance programs), and recognition and certification of products and operations. Current use and effectiveness of voluntary incentive and stewardship programs vary; program management costs to government can be prohibitive, the most willing property owner participants may not be situated in highest priority areas, and these programs do not guarantee long term protection given the voluntary nature of participation. In order to avoid the conversion of working lands, it will be necessary to create financial incentives for private landowners to continue their current land uses.

A.4.1 *Use, coordinate, expand and promote financial incentives that allow working lands to stay viable*. These include, but are not limited to, purchase of development rights and conservation easements, transfer of development rights, and property tax incentives such as the Public Benefit Rating System. Additional financial incentives that encourage private landowners to continue their current land uses must be created.

A.4.2 *Use, coordinate, expand and promote existing landowner stewardship programs to help protect high value land and water resources.*

A.4.2.1 Focus stewardship programs on Action Agenda priorities and incorporate the watershed characterization results to refine geographic areas and problems to address.

A.4.2.2 Expand rural participation rates in voluntary site stewardship programs.

A.4.3 *Support economically viable farms and agriculture that are protective of watershed health and reduce land conversion.*

A.4.3.1 Expand programs that support the economic viability of farms in Puget Sound. This could include expanding cooperative marketing programs such as Puget Sound Fresh to bring locally-grown food to Puget Sound markets; amending GMA to authorize farm-related business activities to be conducted on designated agricultural lands; and supporting the State Farmland Legacy Program, and related activities and groups working to preserve Puget Sound farmland (e.g., Future of Agriculture Initiative and Skagitonians to Preserve Farmland)

A.4.3.2 Use incentive programs to encourage farmers and landowners with hobby farms in rural areas to engage in sustainable farming practices.

A.4.3.3 When conducting land use and conservation planning, including watershed assessments, engage the farming communities as important stakeholders.

A.4.4 *Promote economically viable working forests that are protective of watershed health and reduce forest conversion.*

A.4.4.1 Maintain publicly owned and industrial forest production while achieving ecosystem goals and consistent with the Action Agenda. Provide financial incentives to private forest landowners who wish to continue in commercial forestry.

A.4.4.2 Support small working forests through non-regulatory incentive and technical assistance programs. Provide financial incentives to private forest landowners who wish to continue in commercial forestry.

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From: Josh Weiss, Washington Forest Protection Association

Comment: Here's some language that could be added to the Agenda that would give us what we would really like to see. I don't think it's a far stretch from the current direction and is pretty non-invasive to the existing draft.

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November 20, 2008

William Ruckelshaus
Chair, Puget Sound Partnership
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Puget Sound Partnership - Action Agenda Comments

Mr. Ruckelshaus:

Thank you for the opportunity to comment regarding the Puget Sound Partnership's draft Action Agenda proposal that was released for public comment on November 6, 2008.

We have appreciated the opportunity, throughout the Partnership's Agenda process, to participate in the various public and stakeholder meetings that have been vital in the creation of the Agenda.

The charge of the Partnership, "to look at the Puget Sound as a whole, from the crest of the Cascades and Olympics to the floor of Puget Sound and the Strait of Juan de Fuca, and develop an integrated approach for rebuilding and sustaining ecosystem health" is admirable. However, with this charge comes the recognition that past government led initiatives to protect the Puget Sound and the overall environment have failed.

In part, the failure of the current environmental systems has been recognized by the Partnership. In the introduction of the draft Action Agenda the Partnership states, referring to the current state of environmental management system, that, "The region has not been equipped or organized to even solve the current problems facing Puget Sound, let alone the changes that will come."

To recognize the failures of the past systems is a proper first step toward applying a better management system, but the Partnership must show commitment to their new strategic priorities by departing from the failed fragmented system of the past. The collaboration required to overcome the inefficiencies and failures of the past is no small undertaking and has the potential to fail, thus creating an additional layer of bureaucracy.

There are a few general observations and cautions that the Partnership should consider regarding the draft Action Agenda:

As previously mentioned, the system for providing environmental oversight in the state is "fragmented". Currently there are no less than

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six different state agencies that make-up the bureaucratic processes. Each of these agencies has responsibilities that, in part, include rule making authority, permitting and enforcement. In addition, local and federal government also adds to the layers of government oversight, often adding to the cost to do business while duplicating the work of other agencies.

While we recognize the participation of many of these state agencies and governmental bodies in the development of the Agenda, we are not as optimistic as the Partnership that each participant will be as willing to relinquish their roles or responsibilities as the Partnership asserts its strategic priorities.

One area where the Partnership may experience difficulty in continued participation from partner agencies is in relation to the financing of various programs. For example, this past week the Office of Financial Management (OFM) released its 2009-11, Priorities of Government (POG) Final Report. The purpose of POG is to create a strategic framework for investment decisions to guide the Governor's budget proposal to the legislature, and to communicate that budget to the public. As part of the POG report, OFM evaluated two-hundred sixteen activities under the "natural resources" section. Of the two-hundred activities only ninety-four received the highest evaluation recommendations.

In comparison, the Partnership indentified nearly one-hundred sixty near-term priorities in the Action Agenda. While it is not entirely possible to do an "apples-to-apples" comparison between the priorities indentified by the POG final report and the Partnership's agenda, it is easy to see the challenges that the Partnership will have in convincing others to abandon their priorities in favor of the Partnership's.

It is also our understanding, based on our conversations with OFM, that the Partnership's pending Action Agenda was not considered or reflected in the setting of the POG final report. This too appears to provide an additional obstacle of the Partnerships ability to set its own agenda and must be considered when establishing future priorities.

Collaboration between governmental agencies at all levels has the potential to eliminate confusion and overlap, providing greater efficiency and use of taxpayer's money. It is important that the Partnership continue to foster the same cooperation from all participants as it moves forward in implementing the strategic plan.

The next area of concern for WPC is the prioritization of the near-term action items and the lack of science represented in the Agenda.

An attractive part of the Agenda's potential lies within the idea that the document is living and that priorities will continually undergo evaluation for scientific validity, efficiency and effectiveness. In fact, since the release of the draft agenda, we have learned that the near-term priorities have already received additional scrutiny from within the Partnerships leadership and oversight bodies. However, our comments on the priorities are limited to what has been made available through the draft Agenda and therefore does not reflect any changes that may be forthcoming from internal Partnership discussions.

We recognize that the Partnership's ability to provide the proper management and accountability will be a fundamental key to the success of the overall program. Based on the current layout of the near-term action items, it appears that building and implementation of a management system is being considered as a separate priority from the protection and restoration priorities. Although protection and restoration are important, it is equally important that the Partnership have in place a system to properly manage and implement other priorities.

In order to ensure that the programs pursued by the Partnership are efficient and effective it is imperative that either a management system be in place or, at a minimum, be integrated simultaneously with other priorities.

In addition, using accurate science is an essential part of establishing the right priorities. Unfortunately, the science record is absent from the Agenda, but that has not stopped the Partnership from setting priorities based on claims of scientific findings. Following are a couple of examples of such claims.

Under Questions 2 – page 6, the Partnership asserts:

"Population growth and climate change will amplify the current situation. At least another million people will live here in the next 15 to 20 years. At the same time there is compelling evidence that the region's climate is changing. Temperatures in the Pacific Northwest have risen faster than the global average and Puget Sound waters are warmer. Most climate change models predict increasing temperatures, diminishing snowpack, earlier runoff, reduced summer flows, and rising sea levels in Puget Sound in the 21st Century."

The proceeding claim regarding temperatures in the Pacific Northwest that are rising faster than that of the global average is true, but misleading. If the scientific record is applied to this statement a different picture of global warming in the Pacific Northwest comes to light. The truth is that most of the world is water and water takes longer to warm than does land mass, therefore it would make sense to hear that the Pacific Northwest is warming faster than the world average, but that is because the world is made-up of a majority of water. Perhaps a question with greater relevance to us in the Pacific Northwest would be – what is the rate of temperature increase in the Pacific Northwest compared with other areas of land around the globe? Research shows that Washington and other Western states are actually warming slower than mid-Western states and other parts of the world's land mass.

Another example of incomplete science in the Agenda is found in the South Sound Action Area local threats to ecosystem benefits under Localized climate change impact. The Partnership states:

"Sea level rise: Significant loss of estuarine beaches; inundation of tidal flats; flooding at downtown Olympia"

Once again, there is no scientific record to legitimize the claim being made. In July of this year, WPC wrote a letter to the Partnership regarding the issue of sea level rise. In part we wrote:

At the recent South Sound Action Area Workshop, it was noted that the Puget Sound Partnership was assuming a three foot rise in sea level due to climate change. The Area Profile notes "Climate change models predict that sea level rise in the Puget Sound region will be the highest in South Sound, with an increase of three feet by the end of the century." Since this claim is not cited it is unclear where this claim comes from, but the latest science on this issue indicates this is about three-times what the actual projection is.

The only citation I could find for the impacts of climate change on Puget Sound is Mantua, N., S. Moore, R. Palmer, and W. Palsson, "Climate Change and Puget Sound," from 2007. This, however, addresses impacts on ecosystems and is not a model for projecting sea level rise. If there is another citation the PSP is using on which to base these projections, please forward it to me.

Additionally, a new projection has been completed taking into account the new IPCC projections of global sea level rise that would not likely have been available at the time of the 2007 Mantua report. The UW Climate Impacts Group (CIG), using that data, estimated the most likely sea level rise for the Puget Sound at 13 inches. The highest possible increase they estimate is 50 inches, a level they call "very unlikely." Given that three feet is triple the likely scenario, there is no scientific reason to select that amount.

To date, WPC has not received any clarification from the Partnership regarding the origin of the science that was referenced by the Partnership or with regards to the explanation that we provided. In order to provide accurate and informative feedback it is important to understand the science that supports the Agenda. The Partnership

should provide with the Action Agenda a full accounting of the science that supports the overall Agenda, as well as all near-term action items and indicators.

Finally, the last area of general concern that we wish to discuss is the financial plan of the Partnership. As previously mentioned OFM recently released their 2009-11 Priorities of Government Report. In the report OFM only gave a high rating to the first ninety-four programs that were submitted for funding. The total cost to taxpayers for only those ninety-four programs is approximately seven-hundred million dollars.

The partnership has made it clear that the existing programs that are currently being implemented through previous environmental initiatives would not be part of the financial request to the Legislature. Instead the Partnership is seeking additional funding for the 2009 biennium that totals between two and three hundred million that will focus on new action items identified in the Agenda. In addition, it appears that the partnership will explore additional funding programs, such as the creation of a local improvement district.

The combined costs of the Partnership's proposed budget with other agency proposals are an expensive proposition to taxpayers. Before the Partnership saddles new and additional tax burdens on the taxpayers of the state, it would be well advised to provide a complete cost benefit analysis of all existing and new programs that are proposed for funding.

In summary, the Washington Policy Center again would like to thank the Puget Sound Partnership for the opportunity to participate throughout the development of the Action Agenda process. We realize that the Partnership has a key role in shaping the environmental policies of the state. However, it has yet to be determined if the Partnership will be successful or simply add to the layers of bureaucracy.

In order to achieve success we recommend that the Partnership:

1. Eliminate the culture that has contributed to the "fragmented" environmental efforts that have been part of the current system
2. Establish upfront, a management system with the ability to accurately measure efficiency and accountability. This system should be in place prior to the establishing priorities for near-term action items.
3. Establish and publish a science record. Throughout the Action Agenda the Partnership provides claims without references to scientific findings. It would be useful to understand what record has been established to add validity to your claims.
4. Provide a complete cost benefit analysis of the all current and new action items. At some point we have to ask if the cost outweighs the benefit, then could we not be using our resources in a better way.

If you have any questions or comments regarding our statement, please do not hesitate to contact us.

Sincerely,

Brandon Houskeeper
Policy Analyst
Washington Policy Center

Puget SoundPartnership
our sound, our community, our chance

November 20, 2008

Mr. David Dicks, Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Comments on Draft 2009 Puget Sound Action Agenda

Dear Mr. Dicks:

Washington REALTORS® represents nearly 23,000 licensed real estate professionals and 33 local REALTOR® associations throughout the state. We advocate for housing choice and affordability, a strong business climate, and quality of life issues like parks, recreational opportunity, and high quality schools. REALTORS® provide the following comments on the Puget Sound Partnership's draft 2020 Action Agenda. These comments focus primarily on issues relating to real estate and homeownership, and correspond to the order used in draft Action Agenda. REALTORS® also endorse the comments submitted by the Association of Washington Business that relate to other issues impacting Washington's employer community and economic climate.

Question 1. What is a healthy Puget Sound (and how do we know if we are moving towards one)?

REALTORS® appreciate the recognition that humans are in fact part of the Puget Sound region, and that Puget Sound's many resources and attributes are an important driver of the regional economy. In addition, we agree that it is important to establish intended outcomes that enable our region to determine whether efforts to protect and restore Puget Sound are in fact making a difference. However, we believe setting the stage for the Action Plan is extremely important. The Plan must be clear to acknowledge that much of the land in the Puget Sound has been disturbed by human habitation of the area. Therefore, many of the outcomes and subsequent action steps occur in a built environment. While the overall plan seems based upon this context, there are words used in the outcomes that could suggest otherwise or that the actions need to approximate pristine conditions.

REALTORS® believe the Action Agenda must consider intended outcomes in the context of how certain environmental outcomes impose costs, and whether the costs are justified. Specifically, the Puget Sound Partnership must consider how its definition of success for Puget Sound impacts to the affordability and availability of housing together with the availability of various businesses, existing and future, that provide for the economic prosperity of the region. The goal should be directly measurable outcomes, rather than possible methods to achieve these outcomes.

REALTORS® appreciate the commitment in the plan to establish indicators, targets and monitoring. This is vital and without such a commitment, the Action Plan will go the way of all

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other similar plans. We do, however, have significant concern regarding the target and benchmark for land cover that "impervious surface is not more than 120% of 2001 level." (*Question 1, Page 3*). We know of no basis for this number, or how it relates either to actual impervious surface levels as of 2008, or to what is necessary to accommodate future population growth. Rather than picking arbitrary numbers relating to impervious surface from buildable lands, the Action Agenda must be coordinated with GMA buildable land capacity requirements.

Further, we question the validity of the benchmark relating to instream flows. (*Question 1, Page 4*) Based on REALTORS® participation and review in a number of recent or ongoing instream flow rulemaking efforts, the flow levels being established through regulations are not levels that can actually be met by physical flows, but are flow levels based on various models. While instream flow levels are certainly important to aquatic health, we do not believe that focusing on upland water resource issues is a prioritization of what impacts Puget Sound.

Question 2. What is the status of Puget Sound and what are the biggest threats to it?

The draft Action Agenda correctly identifies perhaps the most critical challenge facing both Puget Sound and quality of life of its population – 1 million more people will live in the Puget Sound region over the next 20 years. (*Question 2, Page 6*) Our ability to plan for this continued growth is central to our economy, the quality of life of our citizens, and to the success of the Action Agenda. We believe that the Puget Sound Partnership must strive to avoid pitting people's ability and desire to use and enjoy Puget Sound against the need to protect it. For example, page 4 of question 2 states "The act of putting in a dock or building a bulkhead could very well make it more difficult for our starving resident orca to find food." To the city, business or homeowner needing a dock or bulkhead, this statement may seem incredulous. Instead, the Action Agenda should recognize that waterfront uses like docks and bulkheads will continue, and help develop permitting and mitigation mechanisms that are cost effective and successful.

Question 3. What actions should be taken that will move us from where we are today to a healthy Puget Sound by 2020.

REALTORS® support the draft Action Agenda objective to "encourage dense, compact cities and vital rural communities." (*Question 3, Page 5*) This objective relates directly to the numerous challenges posed by how to accommodate 1 million new Puget Sound citizens within the next 20 years. It is critical that the Action Agenda recognize the variety of lifestyle and home buying decisions made by Puget Sound residents. Since the adoption of the Growth Management Act, Puget Sound residents have "driven until they could afford to buy," due to the lack of affordable home choices in the areas where people work. Seeking affordable housing with desired amenities of style, size, space, and privacy is a rational economic decision that Puget Sound homebuyers will continue to make.

However, increasing commuter distances and times negatively impact quality of life by decreasing personal and family time, place demands on infrastructure, and can also have impacts to the environment. Focusing on the availability of buildable lands and attractive and

affordable home choices near employment centers will protect both the quality of life of Puget Sound's residents and Puget Sound itself. In addition to government entities, the development community should be included in these efforts, and suggest that A.1.1.1. be rewritten as follows: "Coordinate and convene a collaborative process for ~~existing~~ cities, counties, regional planning groups and other stakeholders to create a consistent vision for Puget Sound and avoid duplication of effort." (Question 3, page 6)

While a role of the Puget Sound Partnership will be to provide technical assistance to local governments, we do not support the recommendation to "amend the Shoreline Management Act statutes and rules to be more protective of nearshore environments." (*A.2.2.2.3, Question 3, Page 9*). Only a few years ago, Ecology adopted revised Shoreline Guidelines that were appealed by a broad coalition of business and local governments. Ultimately, this appeal resulted in a settlement agreement, and new Shoreline Guidelines took effect in 2004. These new Shoreline Guidelines, which included numerous new provisions to protect and restore shoreline environments, have not yet been incorporated into local shoreline plans – it is far too soon for yet another new version of the Shoreline Guidelines. Instead of immediately seeking new laws and regulations, the Puget Sound Partnership should examine existing programs to determine how they function, and work to support recent efforts like the new Shoreline Guidelines and the Washington State Department of Transportation's program to improve water quality while increasing transportation capacity.

We also disagree that the Puget Sound Partnership's role should be to simply "Work with FEMA and local governments to prevent further residential, commercial, and industrial development in floodplains." (*A.2.2.2.4, Question 3, Page 9*) New floodplain maps being developed by FEMA may have significant impacts on the availability of buildable land in some parts of Puget Sound, and so the FEMA mapping process must include working with local governments to ensure no net loss of buildable residential, commercial, and industrial lands. Further, the most critical issue associated with FEMA's floodplain maps and the associated Endangered Species Act §7 consultation on FEMA's National Floodplain Insurance Program (NFIP) recently conducted by NOAA-Fisheries is the need to maintain the eligibility of homeowners under the NFIP. Puget Sound floodplain issues include consideration of economic and human elements, and compliance with existing GMA mandates. Puget Sound Partnership's approach should be about more than simply "preventing development."

We generally agree with and support the Puget Sound Partnership's recommendations relating to voluntary and incentive-based measures to protect resource lands, remove barriers to infill and annexation, and provide development incentives in urban areas. (*A.2.2.5; 6; 7; Question 3, Page 9*) In addition, we also agree with the Partnership's approach to protect high value habitat through the voluntary purchase of that property. (*A.2, Question 3, Page 9*). REALTORS® have been consistent supporters of the Washington Wildlife and Recreation Program ("WWRP"), which ensures that acquisition funding is directed toward projects with the most merit. Many projects in recent years have a direct connection to protecting Puget Sound habitat, or providing

recreational opportunities on Puget Sound for the public. If funded at $100 million for the 2009-11 biennium, WWRP would include 35 projects totaling $35 million for Puget Sound protection or restoration, and local match amounts would increase that amount to $53 million.

We believe that the Partnership's efforts should focus primarily on issues that have the most direct and immediate impacts on Puget Sound ("Address threats and choose opportunities with the highest potential magnitude of impact." *Guiding Principle A; Question 3, Page 4*) The actual or potential impacts of new and existing development on Puget Sound are different for waterfront areas than for upland areas, and the Action Agenda must focus its efforts accordingly. For this reason, we question the recommendations to focus on water resource issues such as instream flow setting and exempt wells. (*A.3, Question 3, Pages 10-11*). It is not clear what the Partnership's efforts would add to the discussions being convened by Ecology on these issues. The Partnership's focus on a topic like exempt wells, which are generally used in upland areas of the Puget Sound basin, and with impacts that are immeasurable on Puget Sound, detracts from the Partnership's efforts to solve the most direct and significant issues impacting Puget Sound. Further, Puget Sound's rural lands are not simply mitigation banks for urban development activities, but are home to many of our citizens who seek rural character. The specific needs of rural areas, and the perspective of its residents must be considered.

We believe the Partnership should place an even greater emphasis on waterfront community issues: "Revitalize waterfront communities while enhancing marine and freshwater shoreline environments." (*Question 3, Page 17.*) The draft Action Agenda correctly notes that many Puget Sound waterfronts are in a state of transition from resource-based or industrial uses. Waterfront redevelopment can provide multiple benefits including compact urban housing, mixed use commercial development, increased public access and aesthetic benefits, increased local tax revenue, and restoration of degraded shoreline areas. REALTORS® suggest that some of the concepts in the draft Action Agenda regarding regulatory reform and streamlining be applied to these urban waterfronts that have significant potential.

REALTORS® are concerned that Low Impact Development is being viewed as a panacea to stormwater quality issues, without the benefit of a candid discussion about its cost or applicability to certain types of projects. We believe the draft Action Agenda should do more than provide technical assistance and standards for LID to local governments (*C.2.2., Question 3, Page 22*), it must engage the development community to analyze the costs and benefits of LID, and where LID techniques are appropriate.

While we generally support the notion of integrating the Action Agenda with other state or local programs, we do not believe that the Partnership should simply endorse other programs without careful consideration and understanding of what those programs entail. Of greatest concern is the potential integration of recommendations from the Land Use and Climate Change Advisory Committee and other climate change processes. *(Question 3, Pages 29-30)* Unlike addressing climate change, protecting Puget Sound is a matter for our state alone. We think the Puget Sound Partnership could provide significant value to our state if it conducted an independent analysis of the variety of environmental and land use programs. Thus, we support the concept of "identifying overlapping authority and conflicts, and amending, realigning, or eliminating programs, laws, and regulations that are not resulting in desired outcomes." (*D.4.1.1, Question 3, Page 33)*

We agree that mitigation programs and requirements should be examined. (*D.4., Question 3, Page 34)* For smaller projects or exempt or permitted actions taken by homeowners, mitigation at a small scale can be both costly and ineffective. Mitigation responsibilities from small projects should be connected with mitigation needs of projects that have more beneficial impacts, even if the mitigation is off-site. The development community and homeowners do not object to being asked to mitigate for actual impacts, but want the extent of mitigation to be proportionate to impacts, and for the costs to be worthwhile.

Conclusion.

As the Puget Sound Partnership goes forward with its Action Agenda, REALTORS® believe some general themes are critical:

First, simply putting more regulations on new development will not achieve significant improvements in Puget Sound. In 2020, the majority of the development footprint around Puget Sound will consist of what is already built today. The Action Agenda should focus on what activities impact Puget Sound most, rather than regulating development activities because that is the normal function of government. Further, the focus should be on direct impacts to Puget Sound, not on upland activities that may have theoretical impacts that cannot be quantified.

Second, Puget Sound is not impacted by a shortage of laws, regulations, or permit programs. Rather, the problem is that the private sector and homeowners are faced with significant regulatory costs that do not always achieve the intended results. The Puget Sound Partnership should focus its efforts to ensure that the costs to businesses and citizens are justified by the improvements to Puget Sound.

Third, there is much competition for scarce dollars, particularly infrastructure dollars relating to basic infrastructure for roads, water, and sewer. The more infrastructure dollars "fix" or address more than one need, the better we will be able to solve problems and steward the public's money.

Finally, the greatest challenge facing our region is the growth of 1 million people over the next 20 years. How this growth affects our communities, schools, transportation system, or Puget Sound depends on our ability to plan for and accommodate this growth. Recent land use trends show that Puget Sound residents are driving further and further to find affordable home choices. Our ability to change this dynamic is critical to the quality of life of the Puget Sound region and the success of the Action Agenda.

Thank you for the opportunity to comment on the draft Puget Sound Action agenda.

Sincerely,

Jan Ellingson

Jan Ellingson, President

November 20, 2008

Puget Sound Partnership
Attn: Mr. David Dicks- Executive Director
PO Box 40900
Olympia, WA 98054

Dear Mr. Dicks and Puget Sound Partnership Leadership Council,

My name is David Douglas and I have served as a Permit Coordinator with Waterfront Construction, Inc. for almost 7 years. Waterfront Construction is a highly respected marine contractor located in Seattle and has been designing, permitting and installing nearshore and overwater structures such as piers, docks, bulkheads, moorage covers, boatlifts, and shoreline restoration projects for over 40 years. Our company is highly regarded and works daily with waterfront property owners and local, state and federal regulatory agencies to design and build highly functional and environmentally responsible projects along the shorelines of Puget Sound's salt and fresh waters. I am writing to you as a non-waterfront property owner and a citizen of the State of Washington.

I have been monitoring Shoreline Master Programs (SMP) for the communities bordering Lake Washington and Lake Sammamish for the past year and have tried to provide a professional and balanced voice for waterfront property owners who are most impacted by the sweeping changes the state is trying to impose but have no idea what is taking place around them. We are also a member of the Shoreline Property Owners and Contractors Association (SPOCA), a grass roots effort serving as a voice for property owners and contractors who are greatly impacted by SMP's and now the Puget Sound Partnership (PSP) 2020 Action Agenda. I am concerned over how the SMP Update process is being managed and equally concerned over proposed actions by the PSP as it appears the only partner missing from the partnership is the property owner.

I agree with much of the information but after reviewing the entire text of the "Agenda" several all too familiar themes emerged whereby similar to the SMP updates there is little or no apparent waterfront property owner involvement, no consideration of individual property rights, and the remedies are pointed at the soft target non-point causes of the problems we have in Puget Sound rather than the real culprits. It has become all too common for state and regulatory agencies to direct environmental blame and changes toward those most vulnerable and weakest of citizens while the main causes are overlooked or given a pass. If the general public would have known the direction the "Agenda" was moving toward the attendance at public forums and the number of public comments would have been much higher. It is unclear if and how waterfront property owners, the group most impacted by the PSP effort, were personally contacted and engaged in the process or how many attended the public forums.

As I read the "Agenda" text I saw only a few references to residential docks and bulkheads but noted that one PSP goal is to prevent or restrict these structures altogether or change the permitting processes for these types of structures so control is placed in the hands of the state. For the most part, these structures have been mislabeled for the assumed impact they have on our state's natural resources. It is also clear that the "Agenda" is primarily directed at residential properties that have no unified voice to challenge this aggressive plan which represents a "taking" of private property rights. Contrary to regulatory opinion, individual waterfront property owners, even those with bulkheads, docks and boats, care strongly about the Puget Sound and its waters. In my experience this group of individuals exercise a much higher level of stewardship than others in the public and industry who pollute the

shorelines and waters of Puget Sound from the upland areas through runoff, dumping, littering, use of chemicals, spills, sewage, and irresponsible behavior. Many of these things cannot be regulated or controlled so it appears PSP is satisfied with tightening restrictions on docks and bulkheads owned by private property owners even though they are not on the list of main contributors to water quality degradation or impacts to fish, wildlife and habitat.

My comments and questions are based on the above position and my experience with the extensive permit process and system of checks and balances in place by local, state and federal agencies in regard to residential shoreline structures. Also a proponent of smaller government , I note that the PSP is designed in a self-sustaining way that will employ thousands of people well into the future at taxpayer expense and at a time when the average person in our state is facing tough times. If the hard-working citizens of our state are required to cover the cost of PSP operations, it should be paramount that the programs and policies are fairly and strategically targeted where they will have the most impact. I do not believe docks and bulkheads owned by private property owners should be that target.

DRAFT 2020 Action Agenda for Puget Sound Comments and Questions

Introduction / Page 2

Introduction to the Puget Sound Action Agenda

- ❑ Question: Was the protection of private property rights discussed by the legislature?
- ❑ The text states, "we collaborate with all affected parties".
  Question: Because they will be most impacted if many of the proposed changes are implemented, which private property, homeowner and waterfront property owner groups and associations, private permitting agencies, and marine contractors were contacted and included in this collaboration?

Inside the Action Agenda

- ❑ Question: Are residential docks and bulkheads two of the biggest threats to the health of the Puget Sound? In reading the text and working as an insider of the marine permitting and construction industry there is no conclusive evidence to show this.

  The text says the biggest threats to the Puget Sound are significant losses of our Estuaries, Rivers, Flood Plains and Forests combined with the slew of pollutants delivered to Puget Sound everyday. Residential docks and bulkheads contribute little or no impact to these threats.

  The text makes it appear that the existing system is fragmented, ill-equipped and disorganized to manage current and future challenges. While this may have some ring of truth, the arduous local, state and federal permitting and review process that residential dock and bulkhead projects are put through, while redundant and in need of some fine tuning, is actually very thorough, organized and methodical. Most would say it has too may reviews, restrictions, and overlapping responsibilities, all resulting in more work and higher costs for the property owner, their agents and contractors. It is trusted that PSP took the time to sit with a consultant directly involved with the permitting process from a property owner and contractor position to get a full understanding of the process from the applicant level.
  Question: Has PSP reviewed and does it understand how today's residential docks are designed and built? Is PSP aware that residential bulkheads must be constructed behind the Ordinary High Water Line so except in the case of location on a feeder bluff they have no impacts to the health of the Puget Sound?

  Even though people would like to see a more streamlined review process and less costs associated with permitting, if it means more restrictions, a taking of property rights or more authority turned over the to state and less control by the citizen's local government, they will overwhelmingly support the status quo. PSP is promoting a more centric approach to many processes affecting the Puget Sound, and while this is needed in many cases, local shorelines are best managed by responsible local governments. It appears that the plan is to put more regulatory power into the hands of WA Department of Ecology (DOE), especially in the matter of residential docks and bulkheads, stripping local governments of their ability to manage their own shorelines for their own citizens. The recommended transition to eventually requiring all docks and bulkheads to require a Conditional Use Permit (CUP) and requiring a replacement dock or bulkhead to be justified will be a prevailing

theme of my comments because the average citizen and waterfront property owner does not understand what it means when a CUP is required rather than a Substantial Development Permit or categorical exemption from the process altogether.

Introduction / Page 4
How was the Action Agenda Developed?

- The number of attendees and public comments is relatively small considering the far reach impacts of the proposed legislation on Citizens and in proportion to the population.
  Question: Does PSP consider this adequate feedback and were attendees and comments tracked to indicate status such as waterfront property owner, upland owner, government staff, and consultants?
  Even though the numbers look high I have attended many presentations where the room consisted primarily of regulatory or government staff, consultants, special interest folks from environmental and conservation groups, and a number of regular activists who attend everything. The smallest group represented is private citizens or those most impacted by proposed changes. This has been the case for many SMP update meetings and if it has happened at PSP forums then a smaller number of people are being reached than indicated.
  Questions: Did PSP know that changes to local SMP's and the permit process for docks and bulkheads would be a primary target of the Action Agenda prior to the public workshops and presentations?
  If so, was there a mass mailing and invitation sent to all waterfront property owners throughout the Puget Sound since the most impacting changes are directed at them? If not, has there been a mass mailing since that time to this group of stakeholders?

Introduction / Page 6
What Can People Do To Help?

- The simple things you are asking "average citizens" to do are, Fix up, Soak up, and Clean Up. These include Items under Vehicle Operations, Fertilizers & Herbicides, Car Washing, Pet Waste, Household Product/ Chemicals, and Septic Systems. I believe that waterfront property owners are "average citizens" who happen to live on the water. You are essentially asking every citizen to live responsibly and not asking them to do anything difficult, costly, restrictive, or that will have an effect on their property rights or quality of life. These are good recommendations to garner voluntary compliance and not requirements or laws. What is not listed are the additional list of items PSP is directing toward waterfront property owners such as, "Don't Build a Pier, Don't Build A Bulkhead, Remove Your Pier, or Remove Your Bulkhead". This group of citizens who are Realizing out their dream by living along the shoreline of Puget Sound waters and paying higher taxes for that privilege, are being singled out above and beyond the "average citizen" simply because of where they live.
  Question: Is one of the goals of PSP to make waterfront property owners pay a sacrificial price in addition to higher taxes for waterfront property to the point of being penalized because they live physically on the Sound?
  Nothing heroic or extraordinary is being asked of my self and other non-waterfront property owners and many of the suggestions are already being done but you are asking waterfront property owners to make sacrifices and give up property rights that have far reaching impacts on their quality of life. Future changes planned for those living within 200 feet of the waters of our state if PSP passes this agenda on to our legislature for approval will constitute a taking of property rights for many of our citizens. To change what is now a Permitted Use to a Conditional Use directed solely at residential docks and bulkheads seems unreasonable and Impractical and is further exacerbated when there is no evidence to show it will address any of the major impacts you have listed.

Question 1 / Page 2
What is a Healthy Puget Sound?
How Do We Define Success?

- The text defines success in terms of outcomes for Human Health, Human Well-being, Species, Marine, Nearshore Freshwater and Terrestrial Habitats, Clean and Abundant Water, and Water Quality. Contemporary residential dock construction and residential bulkheads installed behind the OHWL, both designed with conservation, impact minimization and mitigation measures to meet local, state and federal regulatory

guidelines have insignificant and negligible impacts on the 6 categories listed. Each of these projects is reviewed and approved by local, state and federal agencies including:

Local Government Substantial Development Permit
Local Government SEPA Determination
Local Government Building Permit
WA Department of Fish and Wildlife Hydraulic Project Approval
WA Department of Ecology
Wa Department of Natural Resources (If Aquatics Lease is Needed)
U.S. Army Corps of Engineers (Includes NOAA-Fisheries and U. S. Fish and Wildlife Service Consultation)

Through existing regulations nearly all redevelopment projects permitted and built over the last 7 to 10 years have resulted in vast improvements over previously existing conditions.

Questions: Has PSP fairly evaluated recent residential dock and bulkhead projects against their outcomes and determined their true impact?

Question: Has PSP compared the assumed impact from residential docks and bulkheads with other activities taking place in Puget Sound?

I have received information and photos from Coalition to Protect Puget Sound Habitat showing aquaculture work on acres of nearshore habitat that appears to be far more impacting than all of the residential docks and bulkheads in the entire Puget Sound Region. I have attached them for your review.

Question: Has PSP reviewed and evaluated this activity and determined that the economic benefits and fees paid to the state for use of these critical lands and habitat place them at a less restrictive regulatory level than residential docks and bulkheads?

Question: Does PSP view such aquaculture activities as impacting?

Question: Does the aquaculture industry have parties working on their behalf in Olympia that results in them having looser or no PSP recommendations similar to residential docks and bulkheads even though they are far more impacting?

Question 2 / Page 1

What is the Status of Puget Sound and What are the Biggest Threats to It?

- A proud list of accomplishments and industries touting why Puget Sound is so valued are listed in the first paragraph only to be counteracted by the environmental cost to build this empire. The list of atrocities in the second paragraph are directly attributed to corporate greed and government decisions resulting in major impact to Puget Sound and leading to where we are today. None of the listed causes have escaped the watchful eye of government regulation but was allowed in spite of it in order to create and support a thriving economy. The fact that one-third of Puget Sound shoreline was armored is mentioned but there is nothing said about docks. Additionally, nearly every negative impact listed is attributable to upland activity designed to serve the population and attract more people which only served to make the problems and impacts greater. Based on the list of impacts it is clear that docks and bulkheads are not among the more significant causes for the "poor" health of Puget Sound, and appear to be insignificant when by comparison.

  Question: With the list of impacts directed mainly toward upland activities and the state continuing to attract more industry and residents to the area which will only exacerbate the problems, why are residential docks and bulkheads typically built behind the OHWL being targeted by the agenda?

Question 2 / Page 4

What Threatens the Health of Puget Sound?

- It is only at this point in the agenda that docks and bulkheads are remotely connected as impacting the health of Puget Sound and there is no evidence that residential docks or bulkheads have had a significant impact. There are a couple of soft statements made at the bottom of this page, including, "The alteration of nearshore habitat through the construction of docks and bulkheads provides a striking example of how a localized activity can threaten broad components of the ecosystem " and "The act of putting in a dock or building a bulkhead could very well make it more difficult for our resident orca to find food." These words do not provide compelling support with which to propose such drastic changes to the process used for residential docks and bulkheads.

The possibility that a bulkhead or dock can or could have an impact when all local, state and federal applications are reviewed under the Shoreline Management Act and the Federal Endangered Species Act, the latter of which addresses issues such as impacts to eelgrass, critical habitat, forage fish and federal listed endangered species such as the orca. To base regulating on implications and inconclusive data by saying that residential docks and bulkheads can or could threaten the ecosystem and placing an emphasis on "our starving resident orca" appears to be a misleading tactic used to promote stricter regulatory control over waterfront property owners by making a direct correlation between residential docks and bulkheads. There is no evidence to tie starving orcas or threats to the ecosystem to these structures or they would be prohibited by existing state and federal regulations.

Question: Does PSP have any scientific evidence to tie impacts to eelgrass, fluctuation of herring (no indication of what is meant by "fluctuation"), or starving of resident orcas directly to residential docks and bulkheads?

Question: Can PSP provide scientific data to connect threats to broad components of the ecosystem, fluctuation of herring, starving of resident orcas, or other negative impacts to the other dozens of causes contributing to the problem?

Question 2 / Page 5

Pollution

- There is no mention of residential docks or bulkheads as a contributing factor of pollution in Puget Sound.

Question 3 / Page 4

What Actions Should Be Taken That Will Move Us From Where We Are Today to a Healthy Puget Sound by 2020?

Guiding Principles for Ecosystem Management in Puget Sound

- There is no mention of protecting private property rights although one of the main goals of the legislature in the SMA and it has consistently served as a guiding principle.

  Question: Was the protection of private property rights discussed and considered a priority?

Question 3 Page 5

Priority A: Protect Intact Ecosystem Processes, Structures, and Functions

- While the region may lack a comprehensive, integrated habitat protection strategy on a large scale, similar to most programs, improvements are made as opportunity is presented. In the case of permitting residential docks and bulkheads, especially when redevelopment is involved, there are significant improvements made on each project and at each site through conservation, impact minimization and mitigation measures.

  Question: Is PSP aware of the improvements made when a new or redeveloped residential dock or bulkhead is approved and installed? Is PSP aware of how many waterfront properties have had total shoreline renovations and restorations completed along with native vegetation, and more fish and habitat friendly piers?

Question 3 / Page 6

A.1.2

- Using a regional habitat protection decision-making framework sounds like a good plan as long as it does not eliminate local, state and federal design flexibility which allows individual property owners to have piers that meet their needs. This is vital in the case of redevelopment of existing docks and bulkheads and allows the best opportunity for environmental improvements to be achieved. If PSP fails to comprehensively research how applicants and their agents work with local (City/County) planners and reviewers, state (WDFW) and federal (Corps of Engineers, NOAA, and USFWS) regulators, they will make sweeping regulatory changes that will thwart a system that works very well. PSP and some state agencies may have the impression that there is a fragmented and piece meal system in place and little or no environmental improvements being made but this is an inaccurate picture. The PSP Agenda appears to be a one-sided issue which fails to represent everyone.

  Question: Has PSP sat with someone serving waterfront property owners and working with regulatory agencies from the other end of the spectrum in a position similar to mine and reviewed any of the recent projects that have been permitted?

This has been an area of discussion during the SMP Update process for Lake Washington and Lake Sammamish where DOE did not realize the amount of improvements that were already taking place. I welcome a meeting with PSP representatives to discuss this topic. It should be pointed out that any agenda resulting in placing an existing local program (SMP) into the hands of the state (CUP or Variance) will be met with justified resistance by property owners. The public, and waterfront property owners are no exception, tend to trust their locally elected leaders more than those who serve at state or federal agencies. The cooperation and respect established between applicants or their agents with local land use and building staff who understand their shorelines has worked well in making citizens and contractors more accountable and greatly limited the amount of unauthorized work along the shorelines. This is one of the primary reasons that residential docks and bulkheads should not be targeted and there should be no change to the SMP/SDP process currently used. (Requiring docks and bulkheads to have a Conditional Use Permit is discussed later in the Agenda.) Requiring residential docks bulkheads to have CUP's will drive a wedge between local governments and the waterfront property owners they serve.

Question 3 / Page 9
A.2.2.1, A2.2.2, and A2.2.3

- DOE is currently assisting local governments in completing and implementing SMP's and have exposed local governments and the agency itself to public criticism due to the over reaching regulations they are trying to impose on waterfront property owners. SMP's have proven very effective when combined with the system of checks and balances in effect at the local, state and federal regulatory agencies. Each project is processed and approved by the agency responsible for protecting listed species and critical habitat. Residential docks and bulkheads in particular have a more stringent screening than nearly all upland residential development and most of the multi-family and commercial development occurring along our shorelines. DOE and local governments have been criticized and challenged for not effectively engaging waterfront property owners and through a lack of clarity in defining what is meant by "no net loss of ecological functions".
  Question: Is PSP thoroughly familiar with the process and reviews residential docks and bulkheads must go through to be approved?

  Although the SMA can be a little vague it has been effective in protecting nearshore environments. Local and state regulators understand that the SMA outlines the minimum safeguards that must be followed. This being said, they always take a more protective posture when reviewing projects and by using best available science and other data they only approve projects that do not have an adverse impact on the environment. Local reviewers also understand that WDFW and the Corps of Engineers have certified fish biologists on their regulatory staffs and each project must have permits from these agencies to be fully approved and built.
  Question: Again I ask, is PSP thoroughly familiar with the process and reviews that residential docks and bulkheads must go through to be approved?

  We have pointed out an area of concern to several local governments to decrease or eliminate the amount of unauthorized and illegal work being done and it is something I believe should be mandated to local governments. When an applicant is applying for a building permit (usually the last permit associated with a project) involving a project for a dock or bulkhead they should be required to provide the local building department a copy of the local SDP or exemption, local SEPA or exemption, HPA from WDFW, and Corps of Engineers Permit (or Determination Letter) as a part of the application. This will ensure that the applicant has received all environmental permits prior to having the project constructed. This small, no-cost step in the process will detect anyone trying to construct a project without all required permits. There are only a couple of local governments currently doing this.
  Question: Has PSP discussed the issue of recommending that local governments require copies of all shoreline and regulatory permits (local, state, and federal) with the submittal of a building permit application for in and over water projects?

Question 3 / Page 10
A.2 Near-term Actions
5, 6, and 7

- PSP is requesting that the SMP updates be consistent with the Action Agenda priorities, that local governments adopt a strategy to achieve and measure no-net-loss of ecological functions and to change the SMA to require

a shoreline CUP for residential docks and bulkheads; for all new shoreline hardening; for all seawall/bulkhead/ revetment repair projects; and for new docks and piers.

These are extreme and unnecessary measures and examples of government restricting or taking the rights of individual property owners. The health of Puget Sound is not in peril because of residential docks and bulkheads and there has been no hard evidence to support this PSP position. PSP is targeting residential piers and bulkheads and essentially declaring that existing checks and balances and multi-level reviews are not working.
Question: Again I ask, is PSP thoroughly familiar with the process and reviews that residential docks and bulkheads must go through to be approved?

No-net-loss of shoreline ecological functions has been a point of controversy, especially in the case of replacement docks and bulkheads during the SMP updates for communities and waterfront property owners on Lake Washington and Lake Sammamish and it appears by reading the Action Agenda that it will face the same scrutiny if clarification is not provided. In the June 2004 DOE publication entitled, "What Does No Net Loss Mean in the 2003 SMA Guidelines it states: "Thereby, to address all of these interests, the reasonable policy is that use and development that is appropriate and necessary is planned for and accommodated by assuring that the impacts of establishing uses or conducting development are identified and mitigated with a final result that is no worse than maintaining the current level of environmental resource productivity or "no net loss".

After back and forth communication and a meeting with DOE staff it was determined that a dock or bulkhead could be replaced or a new bulkhead could be installed behind the OHWL and meet the definition of "no net loss of ecological functions". In cases of dock replacements with similar or smaller docks using current design standards, or bulkhead replacements with a "softer" design and installing fill material for toe protection and to provide shallow nearshore habitat, or partial or full shoreline restorations, all were recognized as not only meeting the "no net loss" goal but resulting in a "net gain" or "restoration". We have dozens of projects where these improvements were made along residential shorelines by using Shoreline Master Programs and WDFW and Corps of Engineers programs already in place. Although it is clear that PSP has well-meaning intentions, whether or not it understands and appreciates the processes in place to regulate residential docks and bulkheads is unclear. To remove or weaken local control and essentially transfer the regulating of residential docks and bulkheads to state control through the use of a CUP process will be a step backwards and thwart the opportunity for continued progress. It will undermine the authority of local leaders and staff, further distance waterfront property owners from state government and discourage people from replacing their docks and bulkheads with more environmentally friendly structures. Unless there is continued flexibility and teamwork between citizens and their local government along with the reasonable oversight by the state and federal agencies already included in the process, the results could be devastating. In this case, stricter regulations through sweeping changes to the SMA and SMP's will result in people retaining and repairing more impacting docks and bulkheads longer and using self help or renegade contractors to do unauthorized work. Some will let their docks and bulkheads fail and fall into the water where they will have greater impacts on the environment than a replacement or repair.

The most effective way to improve the health of Puget Sound is to foster a cooperative effort between all citizens and government and not to target or lay restrictions on any particular group. We are not all responsible for where we are, even though government must bear the largest degree of responsibility,

but we are all responsible for where we go. From a strictly residential position, waterfront property owners are in a strategic position to either help or hurt the health of Puget Sound. Winning the support and cooperation of this highly influential and impacting group should be a top priority for PSP but it appears their properties are being targeted rather than respected and embraced. This has been the climate in working with state and federal and some local regulators for years but existing regulations allow for flexibility and cooperation. I have spoken with hundreds of hard working and successful waterfront property owners and find them to be receptive and accommodating to a point but becoming frustrated and resistant when government regulators overstep what is deemed reasonable and common sense.

Question: What is PSP's reason for recommending changing the SMA to require a CUP for the activities listed in this section?
Question: Why is PSP primarily targeting residential docks and bulkheads when there is already adequate and reasonable regulatory controls in place?
Question: With evaluations for impacts on listed species and critical habitat already being done by certified biologist at the state and federal levels, why is PSP pushing for these types of projects

Question 3 / Page 17
B.3 Support and Implement Stewardship Incentive Programs to Increase Private Landowners Ability to Undertake Restoration Projects

- The PSP Action Agenda will hurt restoration efforts in many areas where local, state and federal regulatory policies are already working. More regulations will mean less involvement and voluntary efforts. Removing local control will further disenfranchise the public and reinforce the all too often "big brother" syndrome. City and town leaders and their staff presently manage the affairs pertaining to government issues for all their citizens and turning over a small portion of their population to be controlled by big government based in Olympia is not necessary. People respect and enjoy working with their local government and this does not currently nor will it in the future undermine the goals PSP is hoping to accomplish.

  Contrary to what is thought in Olympia there are a lot of programs working very effectively without overly intrusive state involvement. The multi-level processes used for the permitting of residential docks and bulkheads is probably one of the most effective programs in the state. Local oversight combined with regulatory agencies at the state and federal level carrying out their charges and responsibilities is highly effective and results thousands of projects falling under the classification of "no net loss", "net gain" and "restoration" each year. This all occurs with minimal state intervention at the property owner level because citizens work best with their local government, and even better when local government is small. Larger cities and counties do not garner the same degree citizen confidence and trust as smaller ones and this is lost exponentially when programs are managed by state or federal agencies.

Question 3 / Page 29
D.1 Near –term Actions
1.

- Near-term Action 1 calling to "Coordinate implementation of existing plans and programs that support the Action Agenda, and realign or discontinue plans and programs that conflict with the strategies and actions set forth in the Action Agenda" makes the work of PSP to be more dictatorial than partnering.
  It appears PSP has already made several recommendations and decisions regarding shoreline activities including residential docks and bulkheads to require a CUP without a full understanding of the highly effective and protective processes currently in place.
  Question: Does PSP feel they have adequately researched and addressed al issues and discussed each issues with knowledgeable parties from each side before arriving at this decision?
  Question: Can PSP conduct additional research on the issues that will impact local SMP's and residential docks and bulkheads?

There are several other issues contained on the remaining pages 30 through 51 of the Action Agenda but time does not allow response as this must be submitted by today's deadline.

Thank you for your thoughtful consideration on behalf of all citizens of our state including waterfront property owners who although not listed as such are some of the key stakeholders in these actions. I appreciate your timely response to these issues and trust they will be discussed prior to PSP releasing the final version of the Action Agenda on December 1, 2008.

I may be contacted at daved@waterfrontconstruction.com or at 425-357-0312 if you have any questions.

Respectfully,

David Douglas

PugetSoundPartnership
our sound, our community, our chance

WSPA

Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

November 20, 2008

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Email: actionagenda@psp.wa.gov

Re: Comments of Western States Petroleum Association on Draft Action Agenda

To Whom it May Concern:

The Western States Petroleum Association ("WSPA") appreciates the opportunity to provide the Puget Sound Partnership ("PSP") with the following comments and information to assist PSP in developing its final 2020 Action Agenda for Puget Sound (the "Action Agenda"). WSPA represents commercial marine transport companies, oil terminals, refineries, and pipelines in Puget Sound, Washington, and on the West Coast of the United States. Member companies operate marine vessels that transport a range of crude oil, petroleum products, and other economically important materials to and from ports on the West Coast. Continued safe, secure, efficient, and environmentally-responsible operation of member vessels and facilities are issues of primary importance to our members and are of regional and national importance.

General Comments

While WSPA has not had sufficient time to analyze in detail the draft Action Agenda, WSPA nonetheless offers the following preliminary comments on the draft document. In summary, WSPA supports certain elements of the Action Agenda, including the recognition that municipal stormwater and sewage discharges constitute the most important threat to conserving Puget Sound – a fact recognized by the National Marine Fisheries Service and other agencies with expertise in these areas. WSPA also supports the concepts of (1) streamlining environmental permitting processes to improve regulatory efficiency, (2) prioritizing key actions, such as improvements in stormwater systems to remove priority pollutants; and (3) eliminating regulatory programs that are redundant, or not achieving intended objectives.

While the draft Action Agenda represents an important step forward in understanding the priority concerns for Puget Sound, WSPA is concerned with aspects of the draft report, including the following:

- Whether the need for some recommended regulatory responses is supported by sound analytical work;
- Whether the extent and effectiveness of existing programs, including Federal and self-regulatory programs, have been understood and incorporated;

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- Whether the proposed actions reflect the complicated jurisdictional overlays in the marine shipping business;
- Whether the impacts of some recommendations on the economic prosperity of the Puget Sound region have been appropriately taken into account and balanced; and
- Whether the funding that should be made available by discontinuing existing ineffective programs has been taken into account.

WSPA notes the current draft Action Agenda was made available for review on November 13, 2008. WSPA requests that the public comment period on the draft Action Agenda be extended for an additional thirty (30) days, until December 13, 2008, to permit a fuller review of the draft document. If such an extension is not possible, to the extent certain recommendations are not fully supported by information and analysis at this stage, they should be removed from final document. If and when sound support for such actions is later developed and discussed, they could be included in an amended Action Agenda. To include actions in the absence of a good foundation – and simply because time is up – is clearly not a defensible approach to developing policy.

We offer the following more specific comments to assist PSP in its revisions to the final Action Agenda:

1. Foundation for Proposed Recommendations and Related Actions

The draft Action Agenda states that it was developed through a series of interactions with the public and various governmental and nongovernmental parties. The draft Action Agenda was formulated using a science-based process including an analysis of specific watershed, estuaries, rivers and floodplains. The draft Action Agenda notes that 90 percent of the toxic loading in Puget Sound is from municipal stormwater runoff and sewage. This detailed information will help inform future policy decisions on how best to approach the PSP efforts to cleanup Puget Sound. This level of detail is in stark contrast to the draft Action Plan recommendations related to oil spills. The oil spill findings and conclusions are a late addition to the draft document and are not supported by the level of analysis and review provided in other areas of the report.

WSPA has serious concerns about whether a need has been established for some of the proposed actions pertaining to industry, and in particular those relating to oil spills. The Agenda includes broad generalizations about oil spill risk and the need for additional regulatory measures to address such risks. In particular, the draft Action Agenda portrays the risk of oil spills in Puget Sound as a significant risk to the health of Puget Sound but it does not discuss the probability of significant oil spill events in Puget Sound, nor does it consider the myriad of environmental laws, policies, and programs that have been specifically developed to address such issues. As a result, the Action Agenda misrepresents the risk of oil spill events occurring, and recommends expansion of oil spill prevention and response programs that are in fact already achieving desired results.

WSPA suggests that the PSP formulate an advisory group consisting of experts from industry, the U.S. Coast Guard, and other sectors, to address issues relating to oil spills and shipping matters. As discussed in more detail below, operation and regulation of marine vessels and

shoreside oil refining facilities in Puget Sound is a complex arena, and many existing programs, laws, regulations, and policies are in place and appear to be effective. Through such an advisory process, PSP will be better able to understand how these sectors work to protect Puget Sound while at the same time providing essential goods and services that enhance the security and economic vitality of the Puget Sound region.

2. Oil Spill Risks and Recommendations

The draft Action Agenda states in one sentence that major oil spills in Puget Sound, though relatively infrequent, still pose a potential catastrophic threat. On this basis (and without any analysis as to what the risk really is), the draft Action Agenda proposes (1) new and expanded oil spill prevention programs and interagency spill response programs, (2) to integrate as appropriate recommendations of the Oil Spill Advisory Council, (3) to permanently maintain a year-round tug at Neah Bay, and (4) to obtain enhanced delegated authority from the U.S. Coast Guard to the Washington Department of Ecology to inspect vessels, investigate incidents and approve oil spill prevention programs for vessels and facilities.

WSPA is concerned that the draft Action Agenda does not reflect a current and clear understanding regarding oil spill risks and that its leap to significant policy initiatives is thus not well informed. By implication, the draft Agenda suggests the risk of oil spills is high. Puget Sound in fact possesses the lowest commercial vessel oil spill rate in the nation.

A number of recent assessments and studies have been conducted in Puget Sound to evaluate marine vessel traffic and related marine safety issues. Such studies include the International Tug of Opportunity Study, the Study of Tug Escorts in Puget Sound,[1] the Port Access Route Study, and the Port and Waterway Safety Assessment for Haro Strait and Boundary Pass.[2] These and other recent studies, including the Minority Report to the Oil Spill Advisory Council,[3] review in detail vessel operation and safety protocols, and make recommendations to reduce the risk of accidents and environmental damage. Implementation of study recommendations over the past ten years through various regulatory programs has reduced the risk of catastrophic accidents in Puget Sound. Such information should be reflected in the Action Agenda's analysis and recommendations.

3. Effectiveness of Existing Regulatory Programs

The draft Agenda also does not attempt to explain why existing regulatory programs and procedures are insufficient to meet the goals of protecting and enhancing Puget Sound. A host of regulatory measures and processes exist that have dramatically reduced the occurrence and probability of oil spill events in Puget Sound. Such measures and processes include spill prevention, coordination, response planning, and educational outreach. These measures include

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[1] Available at http://www.ecy.wa.gov/

[2] Available at http://www.navcen.uscg.gov/mwv/projects/pawsa/WorkshopReports/Haro%20Strait.pdf

[3] Available at http://www.governor.wa.gov/osac/assets/pdf/finalreport.pdf

international, Federal, State and industry-initiated measures: Indeed, the PSP Water Quality discussion paper released on August 1, 2008 reflects some understanding of this reality. It states that "oil spill prevention programs may be working… . The interval between major oil spills … in Puget Sound has increased between 1988 and 2006 (Ecology MIS 2008) **indicating that industry, federal, and state spill prevention work is effective**." Page 35 (emphasis added). There is a glaring disconnect between this acknowledgement in the Discussion Paper and the draft Action Agenda which proceeds on the assumption that there is a need for significant new initiatives.

WSPA would like to take this opportunity to be sure that the PSP is aware of the full extent of the existing programs to address the risk of major oil spills. As indicated above, recent risk assessments and prevention studies conducted in Puget Sound – and that take into account the existing programs - illustrate how the risk of oil spill events have been thoroughly evaluated and addressed. Marine vessel operations in Puget Sound are highly regulated, and closely scrutinized. PSP should closely evaluate these and other relevant studies prior to making recommendations that may result in duplication of these efforts. Doing so will help ensure PSP accurately characterizes the risks associated with marine vessel operations, and avoid focusing limited resources on highly regulated industrial sectors that have minimized and mitigated their impacts to the maximum extent practicable. The types of significant regulatory reform recommended in the draft Action Agenda must be supported by sound analysis and cannot be simply based on recommendations of the Oil Spill Advisory Council, as is suggested in the draft. Page 20.

a). Federal Oil Spill Prevention Programs

The U.S. Coast Guard and U.S. Environmental Protection Agency ("EPA") have established a number of federal regulatory and enforcement programs to prevent and address oil spills. These regulatory and enforcement programs have reduced the number of oil spills to less than 1% of the total volume of product handled each year. Such programs are also designed to prepare for and respond to any oil spill affecting the inland waters of the United States. Examples of such regulatory programs include the following:

Oil Pollution Act. The Oil Pollution Act ("OPA") of 1990, enacted in response to the Exxon Valdez incident, serves as the leading federal regulatory mechanism to prevent, respond, and address damage caused by oil spills. OPA improved the nation's ability to prevent and respond to oil spills by establishing provisions that expand the federal government's ability to respond to oil spills. OPA also created the national Oil Spill Liability Trust Fund, which is industry-funded to an amount of $2.4 billion. OPA established new requirements for contingency planning both by government and industry. For example, the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") has been expanded in a three-tiered approach: the Federal government is required to direct all public and private response efforts for certain types of spill events; Area Committees -- composed of federal, state, and local government officials -- must develop detailed, location-specific Area Contingency Plans; and owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans. OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the Federal government,

and preserved State authority to establish law governing oil spill prevention and response. Finally, OPA requires all tank vessels greater than 5,000 gross tons operating in U.S. waters to be fitted with a double hull before January 1, 2015. Current law establishes a phase-out schedule under which all single-hull tank vessels built before 1979 are already been prohibited from operating in U.S. waters. All vessels that were constructed or that have undergone a major conversion after July 1, 1990 are required to be fitted with a double hull at delivery. The Act's double hull requirements and phase-out schedule were generally accepted by the international community through the International Maritime Organization ("IMO") discussed below.

Spill Prevention, Control and Countermeasure ("SPCC") Plans - In July 2002, EPA amended the OPA regulations to incorporate revisions proposed in 1991, 1993, and 1997. Subparts A through C of the Oil Pollution Prevention regulations are referred to as the "SPCC rule" because they describe the requirements for certain facilities to prepare, amend and implement Spill Prevention, Control and Countermeasure Plans. SPCC Plans are a cornerstone of EPA's strategy to prevent oil spills from reaching our nation's waters. Unlike oil spill contingency plans that typically address spill cleanup measures after a spill has occurred, SPCC Plans ensure that facilities put in place containment and other countermeasures that would prevent oil spills from reaching navigable waters. Under EPA's Oil Pollution Prevention regulation, facilities must detail and implement spill prevention and control measures in their SPCC Plans. A spill contingency plan is required as part of the SPCC Plan if a facility is unable to provide secondary containment (e.g., berms surrounding the oil storage tank). Each SPCC Plan, while unique to the facility it covers, must include certain elements. To ensure that facilities comply with the spill prevention regulations, EPA periodically conducts on-site facility inspections. Facilities are now required to submit certain information after having two or more discharges (over 42 gallons) in any 12-month period or a single discharge of more than 1,000 gallons.

Facility Response Plans ("FRP") – The Clean Water Act ("CWA") as amended by OPA, requires that certain facilities that store and use oil prepare and submit plans to respond to a worst case discharge of oil and to a substantial threat of such a discharge. EPA has established regulations that define who must prepare and submit an FRP and what must be included in the plan. An FRP is a plan for responding, to the maximum extent practicable, to a worst case discharge of oil and to a substantial threat of such a discharge. The Plan also includes responding to small and medium discharges as appropriate. According to OPA, an owner or operator of a "substantial harm" facility must develop and implement an FRP. A "substantial harm" facility is a facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on navigable waters or adjoining shorelines.

Enforcement Programs - The U.S. Coast Guard serves as the principle enforcement authority in marine areas under OPA and related federal laws. All reports of hazardous substance releases and oil spills made to the federal government are maintained by the National Response Center ("NRC"). The NRC records and maintains all reports in a computer database called the Emergency Response Notification System, which is available to the public. The NRC relays release information to the U.S. Coast Guard or U.S. EPA Agency's On Scene Coordinator ("OSC"), depending on the location of the incident. In every area of the country, OSCs are on-call and ready to respond to an oil or hazardous substance release at any time of the day. After

receiving a report of an oil or hazardous substance release, the federal OSC evaluates the situation and, if the OSC decides that a federal emergency response action is necessary, the National Response System is activated. Alternatively, the OSC will monitor the clean up activities of the responsible party and the local and state governments, and will assist in the clean up as warranted.

Marine Spill Response Corporation ("MSRC") - MSRC is an independent, non-profit, national spill response company dedicated to rapid response. The oil and shipping industries supported the formation of the MSRC, and provide funding to MSRC in furtherance of the objectives of OPA. MSRC's capabilities include a large inventory of vessels, equipment, and trained personnel, complemented by a large contractor workforce in numerous locations in the continental U.S., Hawaii, and the Caribbean. MSRC also provides dedicated access to alternative response technologies such as in situ burn kits and aerial and vessel dispersant spraying.

b). International and Multi-Jurisdictional Programs

A number of international and multi-jurisdictional organizations exist whose purposes are to promote environmental safety, to coordinate oil spill responses, to facilitate exchange of information, and to increase efficiency and collaboration among jurisdictions. Some of these programs include the following:

International Maritime Organization – The International Maritime Organization ("IMO") is a permanent international body established under a 1958 International Convention to promote international maritime safety.[4] The IMO presently consists of 166 member states, including the U.S. The purposes of the Organization, as summarized by Article 1(a) of the Convention, are to "provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships." The Organization is empowered to deal with administrative and legal matters related to these purposes. Since its inception, the IMO has enacted a series of conventions and measures designed to prevent tanker accidents and to minimize their consequences. These conventions and measures include the following:

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties - This Convention, enacted in 1968, affirms the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following upon a maritime casualty. Amendments to the Convention later extended it to cover substances other than oil.

International Convention for the Prevention of Pollution from Ships – This Convention, enacted in 1973, and modified by the Protocol of 1978, is the main international convention covering prevention of pollution of the marine environment by ships from operational or

[4] *See* http://www.imo.org/home.asp for further information about the IMO.

accidental causes. It is a combination of two treaties adopted in 1973 and 1978 respectively and updated by amendments through the years. The Convention covers not only accidental and operational oil pollution but also pollution by chemicals, goods in packaged form, sewage, garbage and air pollution.

International Convention on Oil Pollution Preparedness, Response and Cooperation – This Convention, enacted in 1990, is intended to establish a global framework for international cooperation in combating major incidents or threats of marine pollution. Parties to the Convention are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard oil pollution emergency plan to be developed by IMO. Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. Ships are required to report incidents of pollution to coastal authorities and the Convention details the actions that are then to be taken. The Convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents. Parties to the Convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided.

Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances - This Protocol, adopted in 2000, follows the principles of the International Convention on Oil Pollution Preparedness, Response and Cooperation Convention. Like the Convention, the Protocol aims to provide a global framework for international cooperation in combating major incidents or threats of marine pollution. Parties to the Protocol are required to establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries. Ships are required to carry a shipboard pollution emergency plan to deal specifically with incidents involving hazardous and noxious substances.

Joint U.S./Canada Response Team - In the mid-1980s, Canada and the United States began efforts to reach an agreement to protect and improve their border environment. Both countries recognized that taking steps to prevent chemical accidents along the border helps keep the population and environment safe. These efforts resulted in the development of a Joint Inland Pollution Contingency Plan. The purpose of the Inland Plan is to establish a coordinated and integrated federal response to chemical accidents along the inland border by supporting and assisting regional, provincial, state, and local planners and responders of both countries. To accomplish this purpose, the Inland Plan creates a mechanism for response to a chemical accident that may cause damage to the environment along the inland border. The Inland Plan contains the following key provisions:

- Provides for a bilateral co-operative preparedness and response mechanism;
- Establishes a coordinated and integrated federal response;
- Serves as a federal umbrella plan for regional, state, and local planning and response;
- Creates an International Joint Advisory Team, Regional Joint Response Teams, Federal On-Scene Coordinators, and Advisory and Liaison Coordinator;

• Complements the Canada/U.S. Joint Marine Pollution Contingency Plan; and
• Requires annual review; and
• Incorporates a flexible amending process so the Inland Plan remains a useful and current tool for both countries.

National Preparedness for Response Exercise Program – The U.S. Coast Guard, EPA, the Research and Special Programs Administration in the U.S. Department of Transportation, and the Minerals Management Service developed the National Preparedness for Response Exercise Program ("PREP") to provide guidelines for compliance with the Oil Pollution Act of 1990 ("OPA") pollution response exercise requirements. Consisting of periodic unannounced emergency drills as required by OPA, the PREP guidelines also recommend announced drills. The guiding principles for PREP establish both internal exercises, which are conducted within a plan holder's organization, and external exercises, which extend beyond a plan holder's organization to involve other members of the response community. These exercises are designed to evaluate the entire response mechanism in a given area to ensure adequate pollution response preparedness. The goal of PREP is to conduct approximately 20 area exercises per year, with the intent of exercising most areas of the country over a three-year period.

Northwest Area Committee and associated Work Groups - The stated mission of the Northwest Area Committee ("NWAC") is to protect public health and safety and the environment by ensuring coordinated, efficient, and effective support of the federal, state, tribal, local, and international responses to significant oil and hazardous substance incidents within the Pacific Northwest Region as mandated by the National Contingency Plan. The NWAC provides for the development of the NWAC plan and coordination of preparedness activities prior to a pollution incident by addressing regional and international issues and providing guidance to industry, State Emergency Response Commissions, Tribal Emergency Response Commissions, and Local Emergency Planning Committees.

c). State Oil Spill Prevention and Response Programs

The state of Washington, through the Washington Department of Ecology ("Ecology"), plays an active role in monitoring and implementing oil spill prevention and response programs in Puget Sound. These state programs serve to augment international and federal standards enforced by the U.S. Coast Guard.[5] Examples include the following:

Vessel Screening and Inspection, and Oil Transfer Oversight - Ecology reviews safety related information on approximately 2,600 cargo and passenger vessels, and conducts approximately 1,200 onboard inspections per year to provide technical assistance and verify compliance with international, federal, and state requirements. The agency inspects bunkering (vessel refueling) operations and provides technical assistance to help reduce the frequency of spills during fuel transfers.

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[5] Specific Washington laws implemented by Ecology include Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response; Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response; Chapter 90.48 RCW, Water Pollution Control; Chapter 88.40, Transport of Petroleum Products - Financial Responsibility; Chapter 70.105 RCW, Hazardous Waste Management Act; Chapter 70.105D RCW, Model Toxics Control Act.

Oil Handling Facilities - There are 35 oil handling facilities and major transmission pipelines in Washington under state regulation. Ecology staff review and approve the facilities' oil spill prevention plans, operation manuals, and certifies personnel training programs to ensure that tanks and pipelines are designed and operated in a manner that will minimize the risk of oil spills.

Incident Investigation - Ecology staff investigate oil and hazardous material near-miss incidents and actual accidents to determine what can be done to prevent future problems. Investigations help target inspections and risk management initiatives, and allow the agency to disseminate educational materials with the goal of preventing reoccurrence of similar spills.

Oil Transfer Rules - The 2004 Legislature passed Substitute Senate Bill 6641, and adopted a "zero spills strategy to prevent oil from entering the waters of the state." The legislation directed the agency to complete rules by June 30, 2006, addressing oil transfer operations that occur over state waters. These rules are under development and will establish pre-booming and alternative measures to prevent and contain these spills. In October, 2007 updated rules were developed that substantially increase protections during oil transfers. These rules reflect significant developments that should be considered prior to recommending further actions relating to oil transfers or spill prevention.

Strengthening the State/Coast Guard Partnership - On May 25, 2001, former Governor Gary Locke and 13th U.S. Coast Guard District Commander Admiral Brown signed a memorandum of agreement on oil spills. This agreement was subsequently renewed in 2007 by Governor Gregoire. These agreements further strengthens federal and state collaborative efforts to prevent and respond to oil spills in Washington's waters. Ecology and the U.S. Coast Guard continue their efforts to implement a cooperative vessel inspection program, share information, and monitor oil transfer operations. Other joint initiatives include implementing recommendations from the North Puget Sound Oil Spill Risk Management Panel, managing the risk of oil spills in Haro Strait and on the Columbia River, and working with the Pacific States/British Columbia Oil Spill Task Force to implement a coastal vessel risk management system from California to Alaska.

d). Industry-Initiated Safety Practices

Aside from the various regulatory processes outlined above, the marine shipping industry has initiated a number of planning processes to proactively address environmental issues relating to marine shipping. Within Puget Sound, the Associations have been leaders in developing a Harbor Safety Plan to capture and implement best management practices. The Associations have also worked to develop coastal ballast water and air emissions management plans to guide industry standards. Member companies have supported environmentally-friendly vessel construction programs, developed enhanced crew competency standards, and have implemented safety management systems on marine vessels. Specific examples of industry-initiated practices include the following:

International Tug of Opportunity System ("ITOS") - The "International Tug of Opportunity System" was put in place to organize powerful tugboats on both sides of the

U.S./Canada International Boundary into a response system for the use of the appropriate coast guard. The ITOS system has now been replaced by the internationally-required Automatic Identification System ("AIS") that identifies all appropriate vessels in Puget Sound. This information is available to both U.S. Coast Guard vessel traffic systems and is used to rapidly identify an appropriate response resource in the event of an emergency.

Elimination of Substandard Vessels. Over the past ten years, Association members have voluntarily engaged in the practice of eliminating sub-standard vessels from use for shipment of cargo and petroleum products. This practice has been implemented to ensure that vessels entering Puget Sound and other sensitive areas are adequately designed and possess the latest safety equipment to minimize the risk of accidents and spills.

4. Water Usage and Instream Flows

The draft Action Agenda recommends reforming existing laws and rules to discourage waste, and inefficient use of water, and to encourage the use of reclaimed water. These issues are of particular importance to WSPA and its members given the unique processes used to produce petroleum products over a range of conditions and demand cycles. In view of these considerations, WSPA urges PSP to work with industry to develop a better understanding of industrial processes to insure final recommendations take into account the economic and practical implications of water usage in impacted industry sectors.

5. Jurisdictional Issues

The draft Action Agenda fails to consider the complicated jurisdictional issues associated with the regulation of container and tanker vessel movements. The oil and gas and marine shipping industries are highly regulated by numerous federal laws and international treaties. Vessel movements and shipping lane operations in general implicate important national security considerations and international agreements. The state governments' legal authority to regulate in this complex legal environment is at best unclear. WSPA believes that before the Action Agenda includes actions that touch this regulatory area, it should be revised to carefully evaluate the jurisdictional issues based on discussions with the shipping industry. The ultimate recommendations for regulatory actions should reflect a realistic assessment of actions that can in fact be implemented.

6. Consideration of Economic Issues

Finally, the Action Agenda fails to analyze the significant economic costs of the measures proposed to address such issues as oil spills, ballast water, conditional use permits for each and every seawall/bulkhead/revetment repair project. The authorizing legislation for the PSP and the Action Agenda clearly indicates that both environmental and economic factors are relevant. It would follow that there should be some cost-benefit analysis associated with major policy actions that will have major economic implications for the business community. A revised Action Agenda should reflect this analysis.

Furthermore, while the legislation and the draft Action Agenda repeatedly mention the need to prioritize policy initiatives, there is no apparent evidence of this occurring. Such a prioritization exercise would highlight some existing initiatives that are ineffective, or of low importance. These programs should be eliminated and the cost savings from these should be applied to new programs. The PSP program should not simply be about adding new programs, while leaving inadequate ones in place. In fact, no additional new funding should be requested until this prioritization and elimination process has occurred.

Summary

WSPA appreciates this opportunity to provide preliminary comments and recommendations concerning the development of the draft Action Agenda. As discussed above, the draft Action Agenda represents an important first step in identifying and prioritizing key actions to enhance Puget Sound. Clearly, available information indicates that municipal stormwater and sewage are key areas requiring action. Further work is needed to support recommendations for action beyond these measures. Such recommendations should be developed in collaboration with impacted industry sectors to insure recommendations and related actions reflect careful consideration of costs, benefits, and the best available scientific information. Careful consideration should be given to existing programs and laws as part of this process. Existing oil spill programs and measures have demonstrated their effectiveness as indicated in underlying Action Agenda documents. Finally, the final Action Agenda should clearly define priorities for action, and the methodology used to derive these priorities. Implementing a priority system will help avoid duplication of effort and inefficiency.

WSPA requests that the public comment period on the draft Action Agenda be extended for an additional thirty (30) days, until December 13, 2008, to permit a fuller review of the draft document. If such an extension is not possible, to the extent certain recommendations are not fully supported by information and analysis at this stage, they should be removed from final document. If and when sound support for such actions is later developed and discussed, they could be included in an amended Action Agenda.

Please feel free to contact me at (360) 352-4506 if you have any questions regarding these comments or recommendations.

Sincerely,

Frank E. Holmes

Frank E. Holmes, Manager
Northwest Region
Western States Petroleum Association

Cc: WSPA Environmental Committee
Jim Lynch, K&L Gates LLP

THE WHALE MUSEUM

EDUCATION • RESEARCH

PROMOTING STEWARDSHIP OF WHALES AND THE SALISH SEA ECOSYSTEM THROUGH EDUCATION AND RESEARCH

November 18, 2008

David Dicks
Puget Sound Partnership
Executive Director
P.O. Box 40900
Olympia, WA 98504

Dear Mr. Dicks:

The Whale Museum would like to thank you and the entire Puget Sound Partnership for the opportunity to provide comments on the newly released Draft 2020 Action Agenda for Puget Sound. The proposed Action Agenda reflects a tremendous amount of work and we appreciate the integrated approach and the prioritizations of actions that build on existing efforts and identify new actions that will direct collaborative regional efforts in rebuilding and sustaining the health of the ecosystem from '*snow caps to white caps*'. Please accept the following comments on behalf of The Whale Museum Board of Directors and staff.

Comments on Regional Priority Action Strategies:

The Whale Museum supports the Action Agenda Priority Strategies to: **Protect** intact ecosystem processes, structures and functions; **Restore** ecosystem processes, structures and functions that sustain Puget Sound; **Prevent** water pollution at its source; **Work together** in a coordinated system**; Build and implement a new system** to support the Action Agenda. The museum also supports the Biennial Science Work Plan.

Specific Regional Action Priority Comments:

Priority D: Work effectively and efficiently together...

Section D 1 Item 5 Near Term Actions. The Whale Museum strongly supports incorporating the Recovery Plan for Southern Resident Killer Whales into actionable tasks with assignments and timetables to implement the plan in the same way that salmon recovery tasks are assigned throughout the region.

Section D 3.8 Work cooperatively with Canada. The Whale Museum would like to encourage the partnership to expand efforts to work cooperatively with Canada. In addition to the transboundary research conference, a transboundary task force could be convened with representatives of Canadian counter parts with federal, provincial, and local governments, first nations and NGO's to evaluate transboundary actions and benchmarks. If Canada is not making progress on similar actions, several of the PSP actions will not be as far-reaching or long lasting. The museum would also like to encourage the use of a more bioregional descriptive term such as the 'Salish Sea' or 'Puget Sound/Georgia Basin' to be used as a side bar or tagline when defining the Puget Sound.

Section D 5 Improve compliance with rules and regulations to increase the likelihood of achieving eco-system outcomes. The Whale Museum would like to see more specific support identified for enforcement agencies at the local, state and federal levels to better enforce harvest and marine wildlife viewing laws. In addition to enforcing land use laws, enforcement is needed to uphold aquatic and marine resource use laws as well. Better cooperation and overlapping jurisdictional responsibility is needed between local, state and federal agencies. Sustainable funding is needed to support the often unfunded enforcement of current and newly created marine wildlife laws. Specified new funding is needed to increase regional county, state and federal on-the-water enforcement patrols, to implement officer trainings and to conduct needed outreach on new wildlife viewing regulations.

Priority E: Build and implement the management system…

Section E 4 Increase and sustain coordinated efforts for communications, outreach and education to increase public awareness and encourage individual stewardship.

E4.1 Implement a long-term highly visible communications effort to increase public knowledge of threats facing Puget Sound. Support the education of whale-watchers. These individuals, estimated to be more than 250,000 each year, are prime candidates for education that will increase their awareness, concern and stewardship of the ecological health of our marine waters. Specific needs are:

1. Increased training and a certification program for marine naturalists.
2. Financial support for deploying marine naturalists in public whale watching areas including San Juan County Park, Lime Kiln State Park, American Camp National Park and on board the Washington State Ferries and waiting areas.
3. Requirement that all whale-watching companies (including kayak) viewing wildlife in Washington's marine waters have certified naturalists that carry out a documented education plan.
4. Support for a newly formed trans-boundary organization called the Salish Sea Association of Marine Naturalists (SSAMN) that is currently developing an education package for naturalists.

E4.2 Expand and sustain local volunteers, steward and educators programs focused on action agenda priorities to increase public participation. For over fifteen years, The Whale Museum has conducted an annual Marine Naturalists Training Program aimed at educating the educators that interface with residents and visitors to Puget Sound through a variety of education and outreach programs through out the region. Support for the continuation, expansion and partnering opportunities for this important program should be specifically highlighted.

E4.3 Strengthen K-12 Programs environmental programs.
The Whale Museum is an active member of a Killer Whale Educators group that formed in 2007 to coordinate regional killer whale education efforts and to help incorporate educational messages into area wide classrooms. The museum would like to see the action plan specifically identify help with coordinating these efforts and to establish a regional 'killer whale curriculum'. Many school groups visit The Whale Museum each year where crucial ecosystem education happens. Financial support needs to be provided so that more schools can make these trips and so that more educators, such as the staff of The Whale Museum can bring focused ecosystem education programs to schools throughout the region.

E4 Near term Actions

Item 4. Conduct a pilot program with the Washington state ferries to educated riders about the condition of Puget Sound and actions they can take to help. The Whale Museum, Orca Network and the WSU Beach Watchers have successfully implemented eco-system focused educational programs on-board specific runs of the Washington state ferries. This ferry education program was funded in part by a one-time educational grant from NOAA Fisheries Protected Resources Division. Ferry programs are an excellent way to reach both residents and visitors to the region. Specified funds for a regional ferry education program is needed so that groups such as The Whale Museum, Orca Network and the WSU Beach Watchers can continue and expand these programs so that they are effectively supporting PSP Action Agenda Priorities.

Item 8. Implement the WSU Beach Watcher… The Whale Museum works collaboratively with the Beach Watchers Program and is encouraged by the PSP support of this important sound-wide education outreach and citizen science program.

Comments on San Juan Action Area Priorities:

The Whale Museum is supportive of San Juan Area Priority Actions Strategies that focus efforts to protect and restore nearshore habitats, as they are critical in supporting both forage fish and salmon populations which are the main prey-base for the endangered population of Southern Resident Killer Whales. It is essential the PSP help local counties with the infrastructure they need to develop and implement

important required plans such as the Salmon Recovery Plan, Critical Area Ordinance Updates, Shoreline Master Plan Updates, and Growth Management Plans. In addition, San Juan County has local efforts underway such as the Marine Stewardship Area Plan (MSA), the MSA Monitoring Plan, and the San Juan Initiative Recommendations that need support for implementation.

Specific San Juan Action Area Priority Comments:

Ecosystem Benefits:

Unique Species:
Southern Resident Killer Whales spend the majority of their time in Washington State in the waters surrounding San Juan County. NOAA Fisheries declared the waters of Haro Strait and the waters surrounding San Juan County as Critical Summer Core Habitat for the Southern Resident Killer Whales.
Food and Timber Harvest:
San Juan County has historical and current commercial fisheries for a variety of salmon species, urchins and sea cucumbers.
Recreational Tourism:
Both Watmough Bay and Iceberg Point on Lopez Island are large visitation areas.
Community and Economy: San Juan County is the home of seven tribes including the Tulalip, Lummi, Swinomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam that have Usual and Accustomed rights, as well as the Sammish Nation's current and historic use of the islands. Why is only the Lummi Tribe identified?

Local Threats:

Habitat Alteration:
Extensive commercial and recreational vessel traffic degrades the acoustic habitat (recognized by NOAA fisheries in SRKW Recovery Plan).

San Juan Priority Action Strategies:

A: Protect Intact Ecosystems:
The Whale Museum would like to see financial support of local land conservation and protection groups such as the San Juan County Land Bank and the San Juan Preservation Trust. These are key local organizations in the acquisition and protection of critical habitats in the San Juan Islands.

D: Working Together:
The Whale Museum and many other NGO groups such as the San Juan Nature Institute, The WSU Beach Watchers, and the Conservation District are already implementing successful stewardship and outreach programs focused on protection and prevention with residents and visitors in the action area. All these groups need support to continue and expand these programs so that they are effectively supporting PSP Action Agenda Priorities.

E Other:
Implementing local Aspects of the Orca Recovery Plan.
The Whale Museum would like to see more direct linkages from Salmon Recovery and Orca Recovery Plans. Specifically The Whale Museum requests the Puget Sound Partnership assistance with funding to implement and expand the important and successful Soundwatch Boater Education Program. Soundwatch educates boaters, reduces disturbances to the whales from boaters and monitors vessel activities around whales. Soundwatch data informs federal and state governmental agencies of vessel activity trends around the whales and is used in the creation and implementation of regional guidelines and vessel regulations.

The Whale Museum looks forward to working within the Puget Sound Partnership to further expand our mission to “promote stewardship of whales and the Salish Sea ecosystem through education and research”.

Sincerely,

Val Veirs, PhD
President, The Whale Museum Board of Directors

Jenny L. Atkinson
Executive Director, The Whale Museum

PugetSoundPartnership
our sound, our community, our chance

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November 20, 2008

TO: Puget Sound Partnership
ACTION AGENDA COMMENTS

Thank you for your commitment to developing an Action Agenda for a healthy Puget Sound. From struggling orcas to toxic chemicals in our water, the Sound shows signs of needing our help. We want to make sure we pass a thriving Puget Sound on to future generations; indeed, that is part of our own mission statement along with local action on Whidbey Island.

The draft Action Agenda includes many of the essential elements that need to be done. In addition to the comments we have provided as part of the Puget Sound Environmental Caucus, we have the following comments on the Education and Outreach section because we believe this is extremely important in reaching the Action Agenda goals.

• Educating all facets of the public should stand out as a separate priority strategy, and have a timeline, identified partners and funding, and a near-term action plan like the other Priorities. Cleaning up Puget Sound will not occur without a clear strategy for bringing the public on board. Adequate funding for the E/O strategy will be crucial.

• A good first step is a "re-framing" of the problem and the solutions so that we speak about the Sound in ways that can be "heard" by all residents. Just calling on a "do good" or "do no harm" approach may not work for everyone. There are organizations and communications specialists who are skilled at finding the "hook" that will make the issue important to all kinds of people and bring in new constituencies. (See Frameworks Institute web site.)

• Funding to strengthen the capacity of small groups such as ours to work locally would be very helpful. There are many non-profit watershed and stream-based groups that can be helpful, but we generally operate on limited funds. We rely on individual

donations to fund our grant-writing, networking, outreach, attendance at meetings, etc., which are essential to fulfilling our mission. Even going to EcoNet meetings and others proposed in the E.4 priority actions, and entering information into various databases, will add to our limited budgets.

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• Before deciding on a single K-12 curriculum or approach, such as B-WET, other models might be considered for their local applicability. We intend to use the REYS model of the Stilly-Snohomish Fisheries Enhancement Task Force for middle school students, and the People for Puget Sound "Sound Stewardship" program for adults and students.

• Providing transportation assistance for field trips would be very helpful in Island County. (Snohomish County funds a program like this.)

• Assistance with teacher training for pre- and post-field trip activities would also be helpful.

• We also work with Scout groups for their environmental badges, so "curriculum" can have a wider context.

Thank you for your hard work to develop a draft Action Agenda to restore, protect and recover Puget Sound to health by 2020. The next step is to get it funded, and adopt measurable benchmarks for the recovery of Puget Sound by 2020.

S/Linda Ade Ridder S/Nancy Waddell

Linda Ade Ridder
Board President

Nancy Waddell
Administrator

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PugetSoundPartnership
our sound, our community, our chance

Wild Fish Conservancy
NORTHWEST
SCIENCE EDUCATION ADVOCACY

November 20, 2006

David Dicks
Director, Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Via email to actionagenda@psp.wa.gov

Re: Draft Action Agenda

Dear Mr. Dicks:

Wild Fish Conservancy appreciates the opportunity to comment on the draft Action Agenda. Founded in 1989, Wild Fish Conservancy is a nonprofit conservation organization dedicated to the recovery and conservation of the region's wild-fish ecosystems. Through science, education, and advocacy, WFC promotes technically and socially responsible habitat, hatchery, and harvest management to better sustain the region's wild-fish heritage.

Through WFC's participation in the Puget Sound Environmental Caucus, we have been in close contact with you, your staff, and the Leadership Council throughout the development of the Action Agenda, and we appreciate the hard work of the Partnership in developing a clear path to restore Puget Sound by 2020. The continued decline in salmon populations and killer whale numbers are only two indications that this ecosystem has been severely abused. Our opportunities for restoring Puget Sound are limited, and if we do not make fundamental changes now it may soon be too late.

The Action Agenda needs to outline those fundamental changes in a clear and comprehensive manner. The draft Agenda makes a good start and in speaking with your staff and members of the Leadership Council, we expect that the final document will even better describe the required path. Our comments offered here supplement the comments submitted by the Puget Sound Environmental Caucus and provide more detail in some areas.

We believe that the final Action Agenda needs to be stronger in the three areas in particular: 1) integration of existing efforts, 2) accountability, and 3) Sound-wide standards. These three areas are closely related in that they are germane to our efforts to protect the remaining functioning components of the Puget Sound ecosystem. We note that in the Introduction (page 3), the draft Agenda states:

> Our current management approach to the ecosystem is fragmented, programs and laws were established on a piecemeal basis to address individual problems, and the system does not address Sound-wide and local problems on a coordinated basis at an ecosystem scale.

We agree with this sentiment and will use it as a lens to evaluate the strategies and actions outlined in the Action Agenda intended to protect and restore Puget Sound. Our comments generally follow the draft Agenda.

Question 1, page 3: The "target" in the chart regarding the "Land cover" indicator is that the "impervious area is not more than 120% of 2001 level." On Question 2, page 1, the narrative reads, "From 1991 to 2001, impervious surfaces increased another 10.4%, leading to further changes in streamflow runoff and expanding a major pathway for a host of other pollutants to enter our rivers, soil, and food supply." A 10.4% increase over a ten-year period is roughly a 1% per year increase. Therefore, the "target" in the chart, in its recommendation of "no more than" a 20% increase from the 2001 levels, essentially calls for nothing worse than the status quo when it comes to land conversion. We believe that the current rate is far too high if the habitat and habitat-forming processes are to be maintained and net habitat amounts increased.

We believe that the indicator chart outlined in Question 2, page 2 needs to have a much more protective and far-reaching target, namely a goal of *reducing* impervious surfaces.

Priority A: Protect Intact Ecosystem…

A.1 Focus growth…

We agree that growth strategies that also protect high-value and high-functioning habitat are needed. We are not clear on how Task A.1.2, the preparation and use of a "regional habitat protection decision-making framework," is a substitute for Sound-wide standards. Regarding the framework, we note that the degradation of Puget Sound is due in large part from the cumulative effect of thousands of small actions, and we doubt very many could have been stopped or modified using the threshold described in A.1.2.1:

> a description of the conditions where protection (through impact avoidance) **is absolutely necessary** to prevent disruption of ecosystem processes in the marine, freshwater and upland terrestrial areas (emphasis added).

We believe that a common set of standards for protection is needed as 120+ jurisdictions, all developing and implementing their own standards for protection, cannot lead to restoration of a complex ecosystem. These standards need to be science-based and aimed not just at maintenance of attributes at the site-scale, but also maintenance and recovery at the ecosystem level. Task A.1.2 should read:

> Prepare and consistently use a set of land use and habitat protection standards (including stormwater management measures) to guide government in land-use decisions. The standards should be designed to be applied anywhere in Puget Sound, and when applied these standards will bring consistency to decision-making across the region.

We strongly support Task A.1.3.1, which calls to "update and map ecosystem forming processes," as there is strong evidence that we lack a complete inventory of ecosystem attributes in each watershed, but that the current regulatory structure allows local governments to make land-use decisions without having an inventory or performing a ground-truthing exercise if they do not possess credible information.

For example, local governments depend on a process called water typing to identify, catalogue, and classify streams on public and private land based on their ecological and human-use significance. In general, the proper application of conservation regulations like buffer-width requirements depends on the accuracy of water-typing classifications. The process was developed by the Washington Department of Natural Resources (WDNR) for forest practice applications, but water typing is also used by city and county governments in non-forestry applications under their GMA responsibilities to classify and protect streams. WNDR maintains an interactive GIS (FPARS) that is used by most local governments to identify and protect streams as critical areas.

Unfortunately, the current water typing records and regulatory maps maintained by WDNR often underestimate the actual miles of fish-bearing waters by 50% or more (fish-bearing waters merit greater protection than non fish-bearing streams). Studies have revealed widespread and consistent water type classification error throughout Puget Sound and thousands of miles of aquatic habitats are subject to degradation – or elimination -- because they have been misidentified and are not receiving the protection they warrant. An accurate inventory of ecosystem attributes is crucial if any protection strategy is to be effective.

Near-term action A.1 #3 should be revised to insert the words "including a basic inventory of all fresh water resources" after the word "functions."

Task A.1.3.2 also needs to include a characterization of the current protection measures in a watershed and an assessment as to how effective those will be in protecting the attributes (see comments below in regard to A.2.2).

A.2 Permanently protect…

While Task A.2 speaks of permanent protection, and Task A.2.1 speaks directly to this through acquisition, Task A.2.2 relates to regulatory programs which are not nearly as "permanent" as acquisition. We suggest deleting the word "Permanently" from Task A.2 as the entire section speaks to protection, A.2.1 to more "permanent" measures through designation and acquisition, in contrast to A.2.2, relating to regulatory protection.

WFC agrees that permanent protection of well-functioning and important habitat is needed, but we caution that society will be unable to simply buy the required habitat to restore and protect the Sound. Our protective regulations must be sufficiently strong and adequately enforced so that future land-use actions do not degrade ecosystem functions, at both the site-scale and in regard to the Sound.

Regarding near-term action A.2 #2, we agree that Wilderness and Wild and Scenic designations are important. But equally important are Outstanding Resource Water designations (Tier III antidegradation) in that they can provide strong protection for rivers, lakes, wetlands, and marine waters. A Tier III designation does not have a riparian buffer requirement like a Wild and Scenic designation does, so high quality reaches lower in a watershed can still be protected through a Tier III designation. Therefore, we urge that the Action Agenda include as a new, separate, near-term action under A.2.:

> Advocate for proposed Tier III designations to protect critical aquatic habitat in priority areas.

Regarding near-term action A.2 #4, we also need to fully implement the DNR Aquatic Reserve program and look for more innovative ways to protect our marine and estuarine waters, such as Marine Protected Areas. We are pleased to see the Action Agenda mention Marine Protected Areas, and believe that Washington's efforts on this particular issue should be coordinated with the efforts of Canada and British Columbia. Both nationally and internationally, MPAs have been used effectively to conserve biodiversity, manage natural resources, and protect endangered species. The 2005-2007 Puget Sound Conservation and Recovery Plan names the designation and management of "aquatic reserves" by WDNR as a key step toward protecting marine areas with important ecological function in the Sound. The Action Agenda should outline a plan to integrate existing and new Puget Sound MPAs under federal, state and local jurisdiction into a *network* of protected areas whose conservation value exceeds that of individual, functionally disconnected MPAs.

MPA networks are systems of discrete MPAs with explicit ecological linkage. Such networks are designed with an interconnected ecosystem perspective, which includes knowledge of the life history and behavior of the marine biota therein, and understanding of the human uses of and impacts upon the marine environment. Selection of areas for inclusion in an MPA network must take into consideration larval and adult migration patterns, food web relationships as well as commercial and recreational activities. An MPA network is not merely a collection of "hot spots" of

abundance or diversity, but instead a carefully planned system of areas each of which supports critical ecosystem processes.

MPA networks ideally include a range of critical habitats for species targeted for conservation, especially when such habitats are not concentrated in a single area. Other important considerations in the development of MPA networks include the size, proximity and location of individual MPAs, as well as the number of at-risk marine species. In the case of Puget Sound, a regional MPA network should also take into account salmonid migratory corridors that span U.S. and Canadian waters.

We suggest that near-term action A.2 #4 include "Work to integrate Puget Sound MPA efforts with those underway in British Columbia, to better conserve our shared resource, and with the long-term goal of establishing MPA networks."

Task A.2.2.1 recommends assisting local governments in completing and implementing shoreline master program updates on the current schedule. That means that Island, Mason, Skagit, and San Juan Counties will not update their regulations until 2013, meaning that their regulations will not include "no net loss" provisions, or soft shoreline armoring provisions. A tremendous amount of shoreline degradation can occur in four years and therefore we believe that these important shoreline areas need to be protected on an expedited schedule by accelerating the updates of shoreline master programs.

Near-term action A.2 #5 should instead provide "additional" funding to allow remaining counties to complete their updates by 2010, not 2013.

We support proposed action A.2 #7 on page 10 of Question 3, which recommends changes to the SMA rules that would require conditional use permits for bulkheads and docks for residential development. We support limits on new or replacement shoreline armoring, the requirements that soft or bioengineered alternatives be used where armoring is unavoidable, and limits on docks and prohibitions on new shoreline armoring at feeder bluffs, forage fish spawning areas, and eelgrass beds.

The Action Agenda acknowledges that alteration of nearshore habitat through dock and bulkhead construction can threaten broad components of the ecosystem. The draft states the act of putting in a dock or building a bulkhead could very well make it more difficult for our killer whales to find food, because habitat alteration can affect herring populations that are a source of prey for killer whales, salmon, and other predators.

However, for SMA reform to be truly protective, the Action Agenda also needs to include reforms to WDFW's HPA process. Current HPA regulations authorize the permanent, unmitigated loss of shoreline habitat through allowing up to six feet of encroachment onto the beach for new bulkhead construction. And, the current regulations fall far short of protecting shoreline processes and functions by allowing continued armoring of important sediment sources. The Partnership's Habitat and Land Use Discussion Paper (July 11, 2008) states the HPA process has "significant limitations and is an ineffective

tool to protect habitat in most cases". The HPA process also does not consider cumulative impacts, but this is required for SMP implementation. To prevent regulatory inconsistencies and ensure effective implementation of Puget Sound protection and recovery strategies, the HPA process should be amended to better protect nearshore habitat from impacts of shoreline armoring.

The remainder of our comments on Priority A relate to Task A.2.2. WFC believes that the watershed should be the basic unit for protection, both in an inventory or characterization of the attributes of a watershed (functioning habitat and the habitat-forming processes) **and** in regulation, to determine if, through the regulatory protection process afforded by the GMA, SMA, and other authorities, habitat and habitat-forming processes are indeed maintained and protected. We believe this means that protection afforded by local municipalities through their GMA and SMA authorities needs to be better integrated with the stormwater permitting program of the Clean Water Act.

Stormwater management must be an integral part of habitat protection. It is difficult to see how our current stormwater management program can lead to recovery of Puget Sound. Ecology's 2005 Stormwater Management Manual for Western Washington, after citing studies that indicate that biological integrity can be lost with as little as five percent total impervious area in a watershed, admits that

> Ecology understands that despite the application of appropriate practices and technologies identified in this manual, some degradation of urban and suburban receiving waters will continue, and **some beneficial uses will continue to be impaired or lost due to new development.** This is because land development, as practiced today, is incompatible with the achievement of sustainable ecosystems (p. 1-25, Volume I, emphasis added).

Unless we change the way we make land-use decisions, and also require stormwater permits to meet water quality standards, as well as make other fundamental changes, we will not recover Puget Sound by 2020 and most likely will observe further degradation of the ecosystem.

Over the years, various entities have pointed out the need for "watershed permitting" in stormwater permitting, including NOAA and the Independent Science Panel, in regard to Washington (commenting on the very Stormwater Management Manual cited above), and now, on a national basis in a recent report by the National Research Council (NRC). A recent release from the NRC stated:

> The report concludes that the most likely way to halt and reverse damage to waterbodies is through a substantial departure from the status quo—namely a watershed permitting structure that bases all stormwater and other wastewater discharge permits on watershed boundaries instead of political boundaries.
>
> The proposed watershed permitting structure would put both the authority **and accountability** for stormwater discharges at the municipal level. A municipal lead permittee, such as a city, would work in partnership with other municipalities in the watershed as co-permittees. Permitting authorities (designated states or, otherwise, EPA) **would adopt a minimum goal in every watershed to avoid any further loss or**

degradation of designated beneficial uses in the watershed's component waterbodies and additional goals in some cases aimed at recovering lost beneficial uses. Permittees, with support by the states or EPA, would then conduct comprehensive impact source analyses as a foundation for targeting solutions.

The approach gives municipal co-permittees more responsibility, with commensurately greater authority and funding, to manage all of the sources discharging to the waterbodies comprising the watershed. The report also outlines a new monitoring program structured to assess progress toward meeting objectives, diagnosing reasons for any lack of progress, and determining compliance by dischargers.

We strongly urge the Partnership to examine the NRC report, re-examine the watershed-based activities outlined in Priority A, and link them with watershed-based stormwater permits, suggested in Task C.2.1.1. We recommend an additional task in A.2.2:

Integrate watershed-scale stormwater permits with other protection efforts (e.g., GMA and SMA protections,) and conduct a comprehensive watershed-based assessment of habitat protection. Use comprehensive plans to project to build-out conditions.

We recommend that the protection initiatives be assessed in a collaborative manner by scientists and policy experts in local, state and federal government, along with Tribes, academic experts, public interest groups, and business interests, and be conducted in conjunction with near-term action D.4 #1, an institutional analysis of agencies and regulations.

We also need mechanisms to hold accountable the governmental units that are the first line of protection. This language should be added to the additional task described above:

The long-term goal for this process is that funding for protection and restoration efforts, as well as economic development funding, should be linked to protective measures judged to be adequate for Sound recovery.

B.1 Implement and maintain…

The Action Agenda should explicitly state that Elwha River dam removal is a priority for the state. Near-term actions in B.1 should include:

While removal of the Elwha River dams is primarily a federal responsibility, the state should contribute funds as necessary to avoid delay. Federal agencies should timely implement all actions necessary to timely remove the Elwha River dams.

An additional measure that should be implemented immediately is an inventory of fish passage barriers. In a recent US District Court decision, Puget Sound area Tribes

(Treaty of Point Elliot) prevailed over the state, asserting that culverts on state highways block fish passage, resulting in fewer salmon and therefore violate treaty. Even if the legislature appropriates the money to fix the state's culverts, the same streams may be blocked by other culverts maintained by counties and local governments. There may be other non-transportation related fish passage impediments in those same watersheds.

The projects' financial scales fall outside of funding by the Salmon Recovery Funding Board and the National Fish and Wildlife Foundation (funders of many salmon restoration projects). And many relatively low-cost culverts have already been fixed; therefore many of the ones that remain are too expensive for local governments (and the SRFB process) to tackle without assistance. Therefore, sufficient funding from the Legislature, without regard to ownership, would allow the improvements to proceed at a faster pace and result in a greater benefit to the resource. An additional near-term action in B.1 should read

> The Partnership recommends that the Legislature appropriate sufficient funds to begin the process of removal fish-blocking culverts. The Partnership will investigate other sources of funding as well.

Priority C: Reduce the sources…

Please see our above comments under Priority A regarding an integrated, watershed-based approach to protect habitat. This task should include integration of stormwater management.

Another task that should be included under Priority C is an examination of Ecology's numeric water quality criteria in light of ESA listings and depressed numbers of other aquatic life in Puget Sound. In 2006, a notice of intent (NOI) to sue for violations of the Endangered Species Act was filed against EPA by People for Puget Sound, Puget Soundkeeper Alliance, National Wildlife Federation, Public Employees for Environmental Responsibility (PEER), Wild Fish Conservancy (then Washington Trout) and the Audubon Society. We believe that EPA is violating the ESA by failing to consult with NOAA Fisheries and the US Fish and Wildlife Service on EPA's continuing oversight of Ecology's NPDES (CWA Section 402) program. We included an extensive report with the NOI outlining how the current NPDES permitting program was inadequate to protect ESA-listed species. The Partnership cannot compel EPA to consult, but the Action Agenda can recommend that action. Please consider adding the following near-term action:

> EPA should undertake Section 7 ESA consultation with NOAA and the USFWS on its oversight of Ecology's NPDES program. Ecology should be a partner in this consultation. If EPA refuses, Ecology should convene an interagency science panel (including Tribal scientists) to examine Ecology's NPDES program and water quality standards and make recommendations so that the NPDES program and the water quality standards support recovery of ESA-listed species and of Puget Sound.

Priority D: Work effectively and efficiently…

Task D.1 speaks to integrated decision-making from an ecosystem perspective. All of the programs examined in Priority D must meet a recovery standard, not just ESA species recovery but Puget Sound ecosystem recovery.

Task D.1.2 includes species recovery plans and salmon recovery plans as well as a host of other plans. Similar to regulations and permitting programs, all of these plans must meet an ecosystem recovery standard. At the Leadership Council meeting on July 26, 2007, a NOAA scientist acknowledged that salmon recovery goals were not set with other goals, such as killer whales, or larger ecosystem needs, in mind. A greater re-examination of all of the practices that affect the Puget Sound ecosystem is needed, and certainly salmon recovery planning must be included.

NOAA Fisheries is currently considering whether to list additional Puget Sound fish species under the ESA as it notes that "there is evidence that the bocaccio, canary rockfish, yelloweye rockfish, greenstripe rockfish and redstripe rockfish species are much reduced from historical levels." We may soon have additional ESA-listed fish species, with additional protection and restoration requirements. This again speaks to the need for an integrated approach that considers the ecosystem and not simply each species in isolation.

Task D.1.4 states that harvest rates are to be set "based on ecosystem needs, in addition to tribal treaty right, economic, and quality of life concerns." We agree that harvest must be adjusted so that the numbers needed for ecosystem recovery are conserved. Recent reports of the possible starvation of killer whales is just the latest indication that we need to re-examine harvest practices from top to bottom.

Unfortunately, ecosystem needs were not considered whatsoever in the past and current management strategies remain inadequate. For example, salmon harvest has been reduced from historic levels by 30% to 50%, depending on the run -- but the "baseline" harvest was very high, as typically 60% to 90% of returning populations were harvested. Under the current management plan, allowable harvest impacts on listed chinook in Puget Sound vary from 22% to 76% for different populations. Many scientists inside and outside the federal agencies believe that chinook recovery will also require consistently achieving spawning levels of wild salmon high enough to conserve as much of the genetic, geographic, and life-history diversity within and between salmon populations as possible. That will likely require much lower total fishing impacts than current management allows.

The Action Agenda, while not needing to go into great detail on harvest, should state some additional points in Task D.1.4 as the basis for an examination of harvest in regard to recovery of the Puget Sound ecosystem:

- Escapement goals and harvest rates are initially consistent with ESA recovery goals, set to assure that adequate numbers of native adults actually do return.

- Allow less non-selective, non-Tribal intercept fishing.
- Changes focus on non-Tribal fisheries, respecting conservation necessity principles.
- Any changes in Tribal fisheries should be voluntary, with incentives.
- As our knowledge of ecosystem needs increases, adjust harvest accordingly.

Task D 1.6 speaks to hatcheries and other artificial propagation methods. Similar to harvest, hatchery programs must be considered in light of ecosystem effects and needs. We note that near-term action D.1 #7 calls for implementation of the recommendations of the Hatchery Scientific Review Group, and we support this near-term action. Many HSRG recommendations are complex and theoretical. Some are even controversial and many will require validation. But the general tone and substance of the HSRG findings are consistent with the findings of other review panels and independent researchers. Indeed, WDFW and the Fish and Wildlife Commission have endorsed the HSRG reports. Nevertheless, our communications with some members of the HSRG indicate that little progress has been made in addressing what we consider to be one of most critically important priorities of meaningful hatchery reform, namely, broodstock maintenance.

WDFW hatchery management continues to tolerate too high a proportion of hatchery salmon and steelhead spawning naturally with wild fish, compromising the fitness of natural populations, and jeopardizing the recovery of ESA-listed populations. In many cases, current levels of hatchery interaction with naturally spawning salmon and steelhead populations are over ten times higher than levels recommended by the HSRG and other authoritative advisory bodies.

We note that most of the HSRG's effort focused on Puget Sound hatcheries. Given the goal of to restore Puget Sound by 2020, and the fact that this effort is to rely on existing plans and efforts, such as the HSRG process, we believe that no additional delays are acceptable. It is time for WDFW staff to state clearly and unequivocally how and when it will address this critical issue. It must develop and implement a scientifically credible, legally responsible, and publicly transparent plan to curtail unacceptably high levels of hatchery salmon and steelhead spawning in the wild. Otherwise, WDFW's hatcheries will continue to hinder, not assist, in recovery of Puget Sound and its ESA-listed species.

Resource management plans submitted to NOAA Fisheries by WDFW and the Puget Sound Treaty Tribes describe 113 hatchery programs in Puget Sound, and the US Fish and Wildlife Service operates additional hatchery facilities and programs. As the detrimental effects of hatcheries on wild fish are well-documented, it is inconceivable that the huge numbers of hatchery fish produced are compatible with the legislative goal of "healthy and sustaining populations of native species."

We do not believe that an ecosystem-based review of hatchery programs can be delayed until we are realizing "healthy and sustainable populations of native species," because if the hatchery programs continue to operate more or less as they have, the

negative effects will prevent recovery of native species and Puget Sound. Rather, we must re-examine hatchery programs and probably modify or terminate many of them, thereby removing the detrimental effects and giving Puget Sound an opportunity to recover. Therefore, we believe that a new near-term action under D.1 should state:

> Begin a comprehensive scientific review of Puget Sound hatchery programs to determine their compatibility with ecosystem recovery.

Task D.3.5 speaks to increasing the role of the federal government, and near- term action D.4 #3 mentions an examination of "Ecology's Clean Water Act Section 402 and Section 401 permits…" in regard to habitat restoration projects. We support such a task but believe it should be expanded to include "Washington's water quality standards" in the list of included programs, and should not be limited to habitat restoration projects. As we stated above, we believe that greater integration of habitat protection efforts is needed, and that integration should include the federal governmental agencies' roles.

We agree with near-term action D.5 # 2 and #4 to provide additional staff but believe that other agencies have also been starved of enforcement staff (e.g., WDFW in its HPA program) and should be included.

As stated above, WFC is a member of the Puget Sound Environmental Caucus and these comments supplement the ones submitted by the Caucus. Please contact Mark Hersh of my staff at mark@wildfishconservancy.org or at 425-788-1167 if you have any questions. Thank you for the opportunity to comment.

Sincerely,

Kurt Beardslee
Executive Director

PugetSoundPartnership
our sound, our community, our future

From: Jason Ziemer, Worldwide Water

Comment: Worldwide Water and its subsidiary corporation, Clear Water Compliance Services, Inc., have been dealing with difficult stormwater issues for the past ten years. We have set an industry standard in being able to achieve significant pollutant reductions within stormwater on behalf of our clients, even in the most inclement weather. We work with construction, industrial and municipal clients and to date, we have achieved 100% compliance to NPDES water quality discharge parameters through our systems.

We feel that the Puget Sound Partnership (PSP) objectives are meaningful and that the Draft 2020 Action Agenda for Puget Sound (Action Agenda) is a positive first step for addressing the region's water quality issues. In reading through the Action Agenda, we would like to provide comments specific to construction stormwater impacts and the importance of working in concert with developing EPA regulations.

EPA Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category

The Federal EPA has spent the last several years developing stormwater effluent guidelines for the construction industry for the purpose of reducing water quality impacts associated with construction stormwater runoff. The EPA effluent guidelines, which were released on November 19, 2008 (http://www.epa.gov/waterscience/guide/construction/) state:

-Despite substantial improvements in the nation's water quality since the inception of the Clean Water Act, 45 percent of assessed river and stream miles, 47 percent of assessed lake acres, and 32 percent of assessed square miles of estuaries show impairments from a wide range of sources. Improper control of stormwater discharges from construction activity is among the many contributors of sediment which is one of the major remaining water quality problems throughout the United States.

Sediment is the leading cause of water quality impairment for streams and rivers. It is also one of the leading causes of lake and reservoir water quality impairment and wetland degradation. Turbidity and suspended solids are also major sources of water quality impairment nationwide. Turbidity or suspended solids impair 695,133 miles of streams nationwide. In addition, 376,832 acres of lakes and reservoirs have been documented as impaired by turbidity or suspended solids nationwide. The sediment and turbidity entrained in stormwater discharges from construction activity contributes to harm in aquatic ecosystems, increases drinking water treatment costs, and contributes to impairment to recreational uses of impacted waters. Sediment can also accumulate in rivers, lakes, and reservoirs, leading to the need for dredging or other mitigation.

The effluent guidelines were developed by the EPA under court order based on a case raised by the National Resource Defense Council (NRDC). These effluent guidelines will likely become federal law, as mandated, in December of 2009. The effluent guidelines will change the requirements of construction stormwater NPDES permit and for larger projects (over 30 acres) will require an effluent limitation on stormwater discharges of 13 Nephelometric Turbidity Units (NTU).

This is a technology-based limitation that is designed to protect water quality from harmful pollutants commonly associated with construction stormwater (sediment, nutrients, metals and petroleum-based products).

We encourage the PSP to review and incorporate the proposed EPA effluent guidelines - http://www.epa.gov/waterscience/guide/construction/proposed/PREPUB-fr-proposed20081119.pdf within the Action Agenda.

We believe that incorporating existing regulations within a long-term water quality protection program is critical to future success.

Enforcement of Existing NPDES Permit Requirements

We would also like to take this opportunity to reinforce the portions of the Action Plan that put a high priority on enforcement of existing NPDES permit requirements. One of the least expensive, quickest and most effective methods of reducing water quality pollution within the Puget Sound Basin is enforcement of existing NPDES permit regulations. Existing Phase II NPDES stormwater permit programs cover three broad categories:

1. Municipalities over 1,000 people who own and operate a separated storm sewer system (MS4).

2. Industrial facilities which contribute pollutants in stormwater runoff.

3. Construction sites which disturb 1 acre or larger and discharge to waters of the State. The programs, which are administrated by the Washington State Department of Ecology, are fairly well developed but educational outreach, compliance and enforcement have not reached their potentials due to lack of funding.

We encourage the PSP to focus on the benefits of working with municipalities and the legislature to improving funding for these efforts. We appreciate this opportunity to provide comments and look forward to participating in the efforts to protect and restore the water quality within the Puget Sound Basin.

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WRIA 16 Planning Unit Comments on the Draft Action Agenda[1]

1. Actions the WRIA 16 Planning Unit Strongly Supports

- **Action A.3.1.3, on page 11 of the "Question 3" section**: Implement the existing watershed management plans, including water resource plans under the state Watershed Planning Act (HB 2514), consistent with the Action Agenda and coordinated with other local protection and restoration efforts including salmon recovery.

  Comment: WRIA 16 strongly supports this but recommends that you do not call these "water resource" plans as many of these plans also address water quality and habitat. Also, we suggest you use the RCW citation (Chapter 90.82 RCW) rather than the original bill number of 2514. This comment applies to all references to 2514 throughout the document.

- **Near-Term Action on page 11 (A.3 Near-Term Actions, number 4):** Implement the recommendation from the approved water quantity plans under the Watershed Planning Act…

  Comment: Same comment as above; WRIA 16 strongly supports this but recommends that you do not call these "water quantity" plans as many plans also address water quality and habitat.

- **Action D.3.1.3, Question 3, page 31,** provides funding for local staff to participate in collaborative planning and implementation processes.

- **Action D.3.1.4, Question 3, page 31,** provides adequate funding support to implement 2514 plans.

  Comment: Same comment as above; WRIA 16 strongly supports this but recommends you use the term "Watershed Management Plans" and the RCW citation (Chapter 90.82 RCW) rather than the original bill number of 2514. This comment applies to all references to 2514 throughout the document.

- **Hood Canal Action Area Priority Action:** Establish ambient water quality and quantity monitoring programs for surface and groundwater.

- **Hood Canal Action Area Priority Action:** Complete the Skokomish River Ecosystem Restoration and Flood Damage Reduction Study.

2. WRIA 16 Recommended Revisions to the Action Agenda

1. **Draft Action Area Priorities for the Hood Canal Action Area : 1st Column (Ecosystem benefits)**

   - **Under Food and Timber, 2nd bullet:** revise to read: Internationally renowned oysters <u>due to unique environmental attributes for oyster hatcheries</u>.

     Comment: You may have a better way to word this, but it is important to note that the importance of oysters is due to two factors: the international demand for their flavor AND

[1] If you have questions or need additional information, please do not hesitate to contact Susan Gulick, WRIA 16 Facilitator and Project Manager, at Susan@soundresolutions.com or 206.548.0469.

the unique environmental conditions in Hood Canal that create the best oyster hatchery and production conditions in the world.

- **Under Recreation and Tourism, 1st bullet**: add birding, kayaking and camping. Also, delete reference to Fort Warden and replace with state and local parks.

- **Under Recreation and Tourism, 2nd bullet:** Use the term Seasonal residences instead of vacation residences.

2. **Draft Action Area Priorities for the Hood Canal Action Area : 2nd Column (Threats)**

- **Under pollution, 4th bullet:** Revise to read "Surface water runoff impacts: Impervious surfaces, and pollutants from forest practices, stormwater and agricultural runoff

3. **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies)**

- **A. Protect Intact Ecosytem Processes…4th bullet:** Why are working forests in the Tahuya Peninsula singled out? If there is not a specific reason we recommend deleting this phrase and simply saying "Protect working forests".

- **C. Reduce Sources of Water Pollution, 1st bullet (prevent pollution) last sub-bullet:** Insert and between "existing" and "future".

- **C. Reduce Sources of Water Pollution, 2nd bullet :** Because stormwater problems are not confined to urban areas, delete the word "urban" so it reads: "Manage stormwater runoff"

3. Actions WRIA 16 Recommends be Added to the Action Agenda

- **Question 3, page 16-17, add a 4th bullet to the list of examples of restoration projects**: Finish restoration of 225 acres of Skokomish Estuary, by removing dikes to return the area to tidal influence.

- **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies), A. Protect Ecosystem Processes**: Add a new bullet that reads "Fund and Implement the WRIA 16 and 14b and WRIA 17 Watershed Management Plans"

- **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies), A. Protect Ecosystem Processes**: Add a new bullet that reads "Investigate and implement water supply and/or storage projects that provide water for public use and improve stream flows during low flow periods"

- **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies), B. Restore Ecosystem Processes**: Add a new bullet that reads "Implement Conservation District Work Plans"

- **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies), C. Reduce Sources of Water Pollution:** Add a new bullet that reads "Expand Low Impact Development Practices.

- **Draft Action Area Priorities for the Hood Canal Action Area : 3rd Column (Priority Action Strategies), C. Reduce Sources of Water Pollution:** Add a new bullet that reads "Retrofit existing road system for improved control of stormwater.

4. Other Comments

- The financing chapter is incomplete. It may be impossible to complete a thorough analysis of costs and potential funding sources by the legislative deadline for this document. However, the final Action Agenda should clearly describe how and when a more thorough financial analysis will be completed.

- In general, this document does not place adequate emphasis on the need to provide water supplies for human populations. While this is stressed in the Action Agenda goals (RCW 90.71.300) the draft Action Agenda does not include a clear discussion of this issue. In particular, the Action Agenda should clearly describe (and address) the interactions between groundwater withdrawals from wells and the impacts on stream flows and habitat. While the Action Agenda mentions establishing instream flows, it does not include strategies to address the very real problem of limited seasonal water availability even after instream flows are in effect. There is also no clear link between the reference to forecasted increases in population, and its associated impact on these resources. It would be greatly beneficial if the Action Agenda provided some distinct actions to address water supply issues in the Hood Canal Action Area, particularly with regard to exempt wells.

- This document is difficult to follow. The organization based on Questions, apparently prepared by different groups, causes redundancy and confusion. In Question 1, the Legislative Goals are addressed with each goal supposedly having an INDICATOR with a TARGET and a BENCHMARK. However the Table on Q1P3 does not have any traceability to the legislative goals. In Question 2 each Legislative goal has an Action Agenda MEASURE and current condition. At this point we now have goals, indicators, targets, benchmarks, and measures. In Question 3 are priority KEY OBJECTIVES for attaining OUTCOMES. So now we have goals, indicators, targets, benchmarks, measures, key objectives, and outcomes. Many of these terms are redundant. In Question 3 are listed five strategies with considerable detail and action step breakdown. None of these, however, are linked back to the Legislative goals or the Indicators for these goals. Finally, buried in Q3P4, are the Guiding Principles for ecosystem management of Puget Sound.

  Recommendation: The target audience of this Action Plan, if it is going to work, is the general public, not the legislature. The general public needs to know what the problems are , how the Action Plan is going to fix them, how much it's going to cost, and the impact on their personal life. The plan needs to be revised to communicate the problem, the five strategies with measures (benchmarks, interim goals, targets, pick a synonym you like) and final outcome (goal). The introductory overview should address how the plan was put together, i.e. number of meeting, attendees etc. and should include the Guiding Principles. The mapping of how the Action Plan addresses the Legislative goals should be an appendix that is stand alone and separable from the primary Action Plan.

Martha Neuman
Action Agenda Director
Puget Sound Partnership

Dear Ms. Neuman,

The WRIA 17 Planning Unit would like to congratulate you on the completion of the draft 2020 Action Agenda. Planning Unit members acknowledge the monumental effort that went into creating this very thorough document and the Partnership's genuine effort to listen to the people in each Action Area.

The WRIA 17 Planning Unit also appreciates the opportunity to comment on the draft. The Planning Unit met on the evening of November 18, 2008, to agree upon the comments described in this letter. I have organized this letter into three sections: actions that the Planning Unit strongly supports, actions that the Planning Unit believes are missing or need to be revised, and changes to the Hood Canal Action Area profile that the Planning Unit believes would be helpful.

Actions the WRIA 17 Planning Unit Strongly Supports

The WRIA 17 Planning Unit wishes to register its strong support for the following actions in the draft 2020 Action Agenda:

- A.3 Near-Term Action 4 and Action A.3.1.3, both on page 11 in the Question 3 section. These actions call for implementation of "existing watershed management plans, including water resource plans under the state Watershed Planning Act (HB 2514)…"

- Action D.3.1.3, Question 3, page 31, which would provide funding for local staff to participate in collaborative planning and implementation processes.

- Action D.3.1.4, Question 3, page 31, which would provide adequate funding support to implement 2514 plans.

The WRIA 17 Planning Unit, which has completed its Watershed Management Plan and Detailed Implementation Plan under HB 2514, applauds the Partnership for including implementation – and adequate funding for implementation – of these plans in the draft 2020 Action Agenda. These plans were created by the local people and, if implemented, will help the Partnership achieve its goals of protecting water quality and providing sufficient water for people and fish.

The Planning Unit also recognizes that many of the individual actions listed in the draft 2020 Action Agenda would help advance implementation of its own WRIA 17 Watershed Management Plan. While these are too numerous to list here, the Planning Unit does commend you for the thorough nature of your planning effort, and looks forward to working with you to maintain waters supplies, preserve and improve water quality, and protect and restore ecosystem processes.

The Planning Unit also would like to commend the Partnership for including a focus on human well-being in the draft 2020 Action Agenda: members of the WRIA 17 Planning Unit are deeply invested in maintaining and improving the quality of life in eastern Jefferson County. Planning Unit members particularly appreciated the inclusion of guiding principle "i" on page 4 of the Question 3 section, which states in part that the Partnership should "ensure that no region or economic sector bears the entire brunt of the responsibility for implementing solutions."

Actions the Planning Unit Believes are Missing or Need Revision

While the WRIA 17 Planning Unit is generally pleased with the draft 2020 Action Agenda, it does believe that some actions are missing or need to be revised, as follows:

- Planning Unit members are very concerned that the draft 2020 Action Agenda does not address water quantity issues thoroughly. At its meetings, the Planning Unit grapples with the tension between the need for water for people and water for fish. Planning Unit members did not see an acknowledgement of the inherent conflict between these issues in the Action Agenda, and urges the Partnership to include more of the recommendations of the Water Quantity Topic Forum in the draft Action Agenda.

- The WRIA 17 Planning Unit currently is working with the United States Geological Survey to model groundwater availability and connectivity in the Chimacum basin. Members strongly suggest adding groundwater modeling to the draft Action Agenda so that we have a better understanding of the availability of water. This information would be extremely helpful to the Department of Ecology as it evaluates water rights and develops instream flow rules, as well as to local governments as they develop Critical Areas Ordinances and Shoreline Management Plans.

- The Planning Unit appreciates the inclusion of Action A.2.2 (Question 3, page 9), which refers to completing regulatory updates. Members believe that one issue that needs to be addressed is that the laws call for the Shoreline Master Program (SMP) to be at least as protective as the Critical Areas Ordinance (CAO). Therefore, once a local government updates its CAO, its SMP is out of date. Since updating them both at once is virtually impossible, this problem will require a legislative solution.

- On page 10 of the Question 3 section, A.2 Near-Term Action 7 needs to include guidance to local governments on how they should handle emergency situations, with homes at risk of immediate destruction or damage.

- Action C.4, Question 3, page 25, calls for implementation of county on-site septic system management plans. We need to find a low cost way of funding this implementation.

- While the Planning Unit generally supports making the permitting process more efficient, as called for in D.4 Near-Term Action 3, Question 3, page 35, members stressed that this efficiency should not come at the expense of habitat or functional loss.

- Action E.2.2, question 3, page 42, calls for loans to implement infrastructure projects. The Planning Unit would prefer to see grants with minimal to no match, instead of loans.

- Several places in the Action Agenda refer to pilot programs. The WRIA 17 Planning Unit would like to suggest that the Partnership consider expanding the Jefferson County critical areas stewardship program.

- While Planning Unit members were glad to see human health addressed in the draft Action Agenda, they urge the Partnership to expand its focus beyond shellfish to include the ability to grow food, and the benefits (not just the threats) of having people on the land in rural areas.

Changes to the Hood Canal Action Area Profile

The Planning Unit also examined the Hood Canal Action Area Profile, and would like to suggest the following improvements, organized by column.

Ecosystem Benefits Provided by Action Area

- Add that wells provide drinking water across the upland portion of this (and the Strait of Juan de Fuca) Action Area. This is a freshwater resource provided by the Action Area.
- Add the mixing zone in Admiralty Inlet.
- Add to the Food and Timber section: agricultural production with an extended growing season, focused on small-scale sustainable agriculture
- Under Community and Economy, please add:
    - rural communities
    - Port Townsend Ferry (WA State highway 20) provides transportation linkage for North Olympic Peninsula
    - Marine trades and marine vessel passage

Priority Action Area Strategies

Under Protect Intact Ecosystem Processes, Structures, and Functions, please add the following:

- Complete and/or implement 2514 plans

Under Restore Ecosystem Processes, Structures, and Functions, please add the following:

- Restore instream flows and improve aquifer resources in the Chimacum Creek basin and other flow-limited basins
- Implement Conservation District work plans

These edits would make the Hood Canal Action Area profile consistent with the Strait of Juan de Fuca Action Area profile. WRIA 17 is in both Action Areas.

Thank you for this opportunity to comment. Again, we commend you upon the completion of this monumental task, and we look forward to working with you to protect and restore Puget Sound over the coming years. If you have any questions about these comments, please do not hesitate to contact me at laura@blackmoreconsulting.com or 206-257-0867.

Sincerely,
Laura Blackmore
WRIA 17 Facilitator and Project Manager

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our sound, our country, our city, our chance