

Denis Law
Mayor

City of
Renton



Mayor's Office

February 3, 2012

Gerry O'Keefe, Executive Director
Puget Sound Partnership
326 East D Street
Tacoma, WA 98421.

RE: Puget Sound Action Agenda and Biennial Science Workplan

Dear Mr. O'Keefe:

The City of Renton supports the protection and restoration of Puget Sound, and we appreciate the opportunity to comment on the Puget Sound Partnership's Puget Sound Action Agenda and Biennial Science Workplan (PSAA & BSW).

The PSAA & BSW document is ambitious, especially with regard to the 2012 Prioritized List of Near Term Actions. There are a number of strategies proposed by the partnership; however, the document doesn't explain how these strategies will interface with other regulations such as locally adopted Shoreline Master Program (SMP) and the proposed National Permit Discharge Elimination System (NPDES) regulations. Much of what is proposed will be overseen by Washington Department of Natural Resources (DNR) while NPDES and SMP are managed by Department of Ecology (DOE). Therefore, it is not clear if a strategy/requirement from one document takes precedence over another.

The PSAA & BSW identifies a large number of Near Term Action (NTA) items, which have not been prioritized. Our understanding is that the prioritization process will occur following the close of the comment period. We believe that prioritization is needed now to reduce the number of NTAs to a more manageable and achievable number. Therefore, we request that the plan be circulated again for public comment following the prioritization phase. We also suggest that the NTA list include a column that consistently identifies the agencies/parties responsible for implementing each of the NTAs. This would benefit local governments as one of the primary implementing parties.

A number of the NTAs address floodplain management and set forth different processes intended to result in changes to federal and state laws and regulations. It is not clear how the current efforts to respond to Federal Emergency Management Agency (FEMA) and the National Marine Fisheries Service (NMFS) Biological Opinion (BiOp) will be affected by the NTAs or whether the NTAs will need to change as a result.

The NTAs do not address the substantial regulatory changes that local governments have implemented in response to the NPDES Municipal Stormwater Permit requirements, SMP updates and Critical Area Ordinance (CAO) updates. This gives the appearance that the NTAs assume these actions are not adequate. Yet, there has not been analysis to demonstrate that more regulations are needed. In addition, there has not been adequate time since implementation of the updated regulatory requirements to assess how effective those regulations have been and whether more are needed or not.

A number of actions relate to stewardship in section D: NTAs 5.1 through 5.6 and 6.1 through 7.6. These actions do not recognize the public education and stewardship that are currently being carried out. We recommend that a complete inventory and assessment of education and stewardship activities first be conducted to see if existing programs can be improved or modified to achieve the desired outcome before recommending new duplicative programs.

Specific comments regarding the NTAs are included by category below:

Strategy A: Upland/Terrestrial

The strategy described in NTA A.1.1 is to identify and prioritize areas that should be protected or restored and those that are best suitable for low-impact development. Renton supports this NTA provided it is developed in the context of existing land use requirements (e.g., SMP, CAO). For example, this might affect the ecological restoration requirements for SMP updates. Will local governments be expected to incorporate these standards in order to be viewed as participating in recovery? Local governments will need to participate in this NTA to ensure standards are implementable and to avoid unreasonable harm to economic growth. The ecosystem protection standards need to be developed with input from all interest groups (environmental, local government, businesses, and citizens).

NTA A.1.2 would provide guidance through model ordinances for local plans, regulations and policies to be consistent with protection and recovery targets for Puget Sound. And, NTA A.1.3 would improve local governments' ability to implement, monitor and enforce plans, regulations and permits that are consistent with protection and recovery targets for Puget Sound. It is unclear how the required balancing of different GMA goals and requirements (population growth, buildable lands, affordable housing) will be factored into these NTAs. It would be of great assistance if this NTA focused on finding examples of good things already being done, and provided those examples as a resource of existing tools.

NTA A.2.1 would seek to obtain full or partial property interests for lands at risk of conversion or impacts from human activities. It will be important to ensure the original intent of the grant program is not lost. Local agencies will need to participate in the development of criteria to add projects to the action agenda consistent with the grant programs. Local agencies will also need participate in the development of criteria to ensure that projects previously funded within these grant programs are eligible to be included in the action agenda.

As grant project proposals are incorporated into the RCO/Local Agency contract agreement, the local sponsor should be granted the ability to meet the original intent of project development as originally funded. If this cannot be accommodated, then new agreements between the local agency and the RCO should be negotiated.

NTA A.5.1 would improve data and information to accelerate floodplain protection, restoration and flood hazard management. This is a large workload for local governments, especially with the number of tasks proposed to be accomplished in 2012. The list of tasks and proposed completion dates are unrealistic and will need to involve private land owners, citizens, and local jurisdictions. In addition, the issues included may be affected by the lawsuit filed against FEMA by NWF, and by other issues related to the clarification or the potential re-opening of the BiOp. Local governments will need to participate in this NTA. Levee setbacks need to be evaluated on a cost-benefit basis especially in the highly urbanized basins where significant economic development has occurred. The proposed project to buy out businesses and require property for levee setbacks results in a significant cost, in addition to local jurisdictional economic impacts resulting from lost jobs, decreased property tax revenue and other revenues, and the displacement of businesses.

NTA A.5.3 would implement and maintain priority floodplain restoration projects. The cost of bridge replacement or road relocation/replacement along with the limited physical and engineering options for replacement/relocation will make this challenging, expensive and difficult to achieve with current revenue sources. Transportation projects go through value engineering processes that often consider cost savings over minimizing impacts to floodplain, especially if the impacts can be mitigated. Renton has also been involved in the Water Resource Inventory Area (WRIA) 8 & 9 salmon recovery process and supports the implementation of the highest priority habitat projects and the consideration for new funding sources from the state and federal the federal government.

NTA A.5.4 would protect and maintain intact and functional floodplains. Compliance with the BiOp is the subject of many ongoing discussions. In addition, a lawsuit has been filed by NWF against FEMA on BiOp implementation. Re-initiation of consultation

and amending the BiOp may occur. Thus, what will be required to comply with the NMFS National Flood Insurance Program (NFIP) BiOp is in play.

NTA A.8.1 would update Puget Sound instream flow rules and encourage conservation. This could help with the implementation of local RCW 90.58 watershed plans but will be costly for Ecology to provide the specified number of water master plans. Water supply purveyors are already highly regulated by Ecology and Department of Health. There are stringent controls on complying with permitted water rights, leak reduction, water conservation and groundwater protection requirements to protect both the surface and groundwater resources in the state, including instream flows.

NTA A.8.2 relating to Water Demand and Water User Conservation would decrease the amount of water withdrawn or diverted and per capita water use. There are already conservation requirements, including higher rates for irrigation water meters and water use. This NTA is duplicative of existing requirements and programs. Local governments and purveyors will need to be involved in this NTA, especially if the goal is to establish a tiered pricing structure that has to be implemented within their water service areas.

Strategy B: Marine and Nearshore

NTA B.2.1 would take actions that protect priority nearshore physical and ecological processes consistent with the Soundwide restoration priorities identified in B1.1. Renton supports Ecology continuing to provide funding and technical assistance to local governments for the development and implementation of new regulations that are required by the state to be adopted and implemented by local governments.

NTA B.2.4 would take actions to protect migratory corridors and vegetation particularly in sensitive areas such as eelgrass beds. We question whether this applies only to marine nearshore areas or whether it could also apply to river and lake tributaries to Puget Sound. Private property owner input, along with local government input, will be needed as part of any WAC revision. Allowances for public overwater structures should be considered if the access to the shoreline is going to be limited.

Strategy C: Reduce Sources of Toxic Chemicals

NTA C.1.1 would implement and strengthen authorities and programs to prevent toxic chemicals from entering the Puget Sound environment. However, this NTA doesn't seem to account for current monitoring programs and the proposed Regional Storm Water Monitoring Program that is a mandatory requirement in the draft NPDES Municipal Stormwater Permits. The NTA appears to be duplicating what is proposed in the draft NPDES Municipal Stormwater Permit. The value and monitoring effectiveness will be questionable due to condition(s) variability and the fact that monitoring is problematic. As proposed, Ecology has incorporated this NTA as a mandatory

requirement in the draft NPDES Stormwater Permits that requires the permit holders to fund the program.

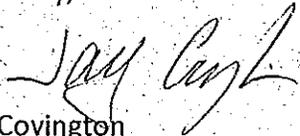
NTA C.2.2 would prevent problems from new development at the site and subdivision scale. The City of Renton strongly supports this NTA. State funding will need to be increased significantly if the draft NPDES Municipal Stormwater Permit requirements become final as proposed.

NTA C.2.3 would correct problems caused by existing development (structural upgrades, regular and enhanced maintenance). We support retrofit projects provided that there is a funding source to absorb the added cost.

NTA C.2.5 would provide focused stormwater-related education and training. The requirements for LIDs are significant issues that are proposed as a mandatory requirement in the Draft NPDES Municipal Stormwater Permit, which is currently being reviewed and scheduled for finalization in July 2012. We support more training and evaluation of LID requirements for local governments and developers, engineers and property owners before such requirements are made mandatory in the NPDES Municipal Stormwater Permits.

In closing, we realize that this is an enormous undertaking and thank the partnership for the work being accomplished to protect Puget Sound. We appreciate the opportunity to comment, and look forward to future participation with the Puget Sound Partnership.

Sincerely,


Jay Covington
Chief Administrative Officer

JC/aa

cc: Denis Law, Mayor
Renton City Council
Alex Pietsch, CED Administrator
Chip Vincent, Planning Director
Jennifer Henning, Planning Manager
Suzanne Dale Estey, Economic Development Director
Gregg Zimmerman, Public Works Administrator
Lys Hornsby, Utility Systems Director
Ron Straka, Utility Engineering Supervisor
Terry Higashiyama, Community Services Administrator
Leslie Betlach, Parks Planning and Natural Resources Director
Terry Flatley, Urban Forestry and Natural Resources Manager



