



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 7, 2010

Motion 13381

Proposed No. 2010-0600.1

Sponsors Phillips

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

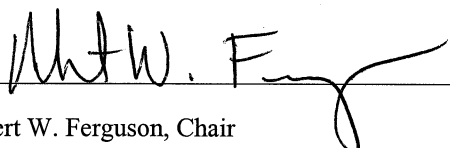
57 B. Encourages Congress to act immediately to reestablish Clean Water Act
58 jurisdiction to the full scope of waters protected prior to the Supreme Court decisions,

59 and to work in cooperation with King County and the Conservation Leaders Network and
60 other interested organizations to resolve Clean Water Act jurisdiction issues.
61

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

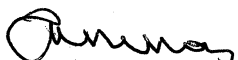
Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None