



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 3, 2005**

**Motion 12114**

**Proposed No.** 2005-0080.2

**Sponsors** Edmonds and Phillips

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

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

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WHEREAS, the United States Fish and Wildlife Service ("USFWS") listed the  
Puget Sound bull trout distinct population segment as a threatened species under the ESA  
in November of 1999, and

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WHEREAS, under the ESA, it is illegal to "take" a listed species, and the ESA  
defines the term "take" to include actions that could harm listed species or their habitat,  
and

17           WHEREAS, certain federal court opinions may be interpreted to suggest that  
18 "take," if caused by actions that are directly or indirectly authorized by local  
19 governments, could potentially expose local governments to civil or criminal penalties  
20 under the ESA, and

21           WHEREAS, under ESA Section 4(f), NOAA Fisheries (for Chinook salmon) and  
22 the USFWS (for bull trout) are required to develop and implement recovery plans to  
23 address the recovery of the species, and

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

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

30           WHEREAS, Shared Strategy for Puget Sound, a regional nonprofit organization,  
31 has assumed a lead role in the Puget Sound response to developing a recovery plan for  
32 submittal to NOAA Fisheries and the USFWS, and

33           WHEREAS, Shared Strategy for Puget Sound intends that its recovery plan will  
34 include commitments from stakeholders, and

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

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

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

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

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

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

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

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

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

- 68 1. The goal of the Snohomish Basin Salmon Recovery Forum to protect, restore  
69 and enhance the productivity of all wild salmon stocks in the Snohomish basin to a level  
70 that will sustain fisheries and non-consumptive salmon-related cultural values;
- 71 2. The long-term vision of the Plan; and
- 72 3. The ten-year habitat improvement milestones in the Plan, which provide a  
73 clear path to make significant progress towards salmon recovery.

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

- 77 1. Continuing to participate on the Snoqualmie Watershed Forum and  
78 Snohomish Basin Salmon Recovery Forum to support Plan implementation, evaluation,  
79 and management;
- 80 2. Implementing restoration and protection projects in unincorporated King  
81 County consistent with the Plan;
- 82 3. Facilitating the achievement of forty to sixty percent of the Plan's mainstem  
83 habitat condition milestones in the King County portion of the watershed;

84 4. Implementing policies, programs and regulations consistent with the intent of  
85 the Plan and necessary to achieve salmon recovery needs and goals;

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

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

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

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

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

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

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

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

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

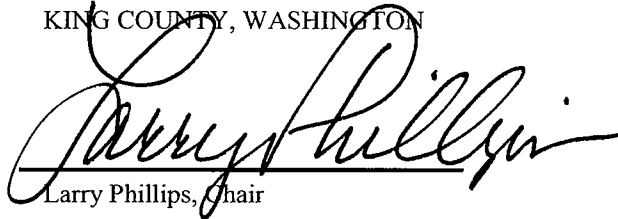
105 b. streamlined permitting of King County projects implemented primarily to  
106 restore salmonid habitat; and

107           4. To the extent that the commitments described in Subsection B. of this motion  
108 require future appropriations beyond current appropriation authority, then the  
109 commitments are conditioned upon future appropriations by the King County council.  
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Motion 12114 was introduced on 2/22/2005 and passed by the Metropolitan King County Council on 5/2/2005, by the following vote:

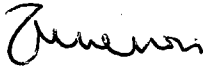
Yes: 12 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Ms. Patterson and Mr. Constantine  
No: 0  
Excused: 1 - Mr. Irons

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



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Anne Noris, Clerk of the Council

**Attachments**      A. Draft Snohomish Basin Salmon Conservation Plan