

February 23, 2015

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Water Resource Inventory Area 8 (WRIA 8 - Lake Washington/Cedar/Sammamish Watershed) Update and Interlocal Agreement Renewal Process

STAFF CONTACTS

Joyce Nichols, Intergovernmental Relations Director, (425) 452-4225
City Manager's Office

Alison Bennett, Policy Advisor, (425) 452-2808
Kit Paulsen, Watershed Planning Supervisor, (425) 452-4861
Utilities Department

POLICY ISSUES

Bellevue has been participating in watershed efforts to support the recovery of Puget Sound Chinook salmon in the Lake Washington/Cedar/Sammamish watershed since the Sammamish and Lake Washington Forums merged in 2000. Bellevue entered into the most recent WRIA 8 Interlocal Agreement (ILA) in 2006, and the ILA terminates at the end of December, 2015. Regional discussions regarding continuing the ILA for another ten year term have begun at the WRIA 8 Salmon Recovery Council, and Council will be asked to consider an ILA renewal later this year.

DIRECTION NEEDED FROM COUNCIL

Action
 Discussion
 Information

No formal direction is needed at this time. This item is the first briefing on this topic, and WRIA 8 staff will provide background and an update of WRIA 8's activities and accomplishments in supporting salmon recovery in the watershed. A subsequent briefing will review the draft ILA with Council and solicit feedback. Final action will be requested before the end of 2015.

BACKGROUND/ANALYSIS

Interlocal Agreement (ILA)

In 2006, the Bellevue City Council voted to participate in a 10 year ILA to support recovery actions for Chinook salmon in WRIA 8 that were listed for protection under the federal Endangered Species Act (ESA). When the Chinook were first listed under the ESA in 1999, local governments in the Puget Sound region were concerned about the possibility of the federal government directing salmon recovery actions that were not appropriate for urban areas and that could negatively impact the region's economic development. To address these concerns, local governments volunteered to develop the salmon recovery plan in order to retain control through local collective action and allow a more efficient and appropriate identification of watershed health issues and implementation of salmon habitat protection and restoration actions.

The ILA provides an effective, long-standing forum for regional coordination and a governance structure to implement the WRIA 8 Chinook Recovery Plan. The WRIA 8 salmon recovery plan was compiled into the Puget Sound Chinook Recovery Plan under the Shared Strategy for Puget Sound. This was later incorporated into the Puget Sound Action Plan. The plan was adopted by the federal government as the official Puget Sound Chinook Salmon Recovery Plan under the ESA on January 19, 2007. The federal agencies have initiated a review of the status of chinook, starting this year.

The total annual budget under the ILA for 2015 is \$541,900 funded by 28 local governments based on population, assessed value, and size of jurisdiction. Bellevue's portion is \$52,487. This funding provides support for 3.5 FTE and education and outreach expenses. Other actions and project implementation are provided by local governments and regional, state, and federal grant funds. If the new ILA is approved later in 2015, the agreement is anticipated to have similar cost implications for Bellevue, depending on how many jurisdictions continue to participate.

The ILA funding provides staff (housed at King County) that support a variety of tasks, including:

- Coordinating the Salmon Recovery Council work plan and meetings,
- Providing links to salmon recovery at the regional, state, and federal levels,
- Providing technical support and coordination for scientific studies and monitoring,
- Administering policies,
- Encouraging advocacy for more sustainable funding for salmon recovery projects from the state and federal governments,
- Coordinating grants for the salmon recovery projects and program, and
- Coordinating and tracking implementation of the WRIA 8 Plan, including associated grants.

Chinook Salmon Listing under Endangered Species Act

Puget Sound Chinook salmon were listed as "threatened" under the ESA in 1999. As a listed species, any actions that could be viewed as having an adverse effect on Chinook survival could be considered a "take" and be prohibited unless steps are taken to reduce or eliminate impacts. As long as the species is listed, "take" can include private and public development activity, release of stormwater that carries pollutants into lakes and rivers, or operation and maintenance of the public street system. Lawsuits regarding "take" can be initiated by third parties including citizens, non-governmental organizations, and Indian Tribes. The four basic categories of items impacting salmon populations include: habitat, hatcheries, hydropower, and harvest. Of these, habitat is most under control of local governments, as they guide land use and operate and maintain public infrastructure that can affect local streams.

In response to the listing, local governments and stakeholders in WRIA 8 jointly developed a plan to address habitat protection and restoration for two populations, Cedar River Chinook and Sammamish Chinook. The Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan (WRIA 8 Plan) was completed and approved by local government partners in 2005 (<http://www.govlink.org/watersheds/8/planning/chinook-conservation-plan.aspx>). WRIA 8 recovery efforts are directed by the Salmon Recovery Council (SRC), a body of elected officials from 28 participating jurisdictions and representatives of various interest groups (see attachment 3). Councilmember John Stokes represents Bellevue on the SRC. WRIA 8 also has committees with donated staff time from various jurisdictions, including Bellevue, for technical, plan implementation, and project prioritization.

Puget Sound Indian Tribes have federal treaty rights guaranteeing them the ability to harvest salmon and the habitat necessary to support the salmon. These tribes have expressed their concern at the lack of progress towards meeting habitat recovery goals. They are requesting local, state, and federal governments to do more to adopt and enforce protective regulations and have threatened lawsuits over the continued decline of habitat and fisheries.

While the ESA only prohibits “take” and does not require species recovery, the WRIA 8 Plan has the goal of recovery and eventually the de-listing of Chinook salmon. In addition to preserving and sustaining a species important to Puget Sound’s economy, this effort reduces the risk of third party lawsuits regarding impacts from development and city maintenance activities.

Progress of WRIA 8 Plan Implementation

The WRIA 8 Chinook Recovery Plan (Plan) had an ambitious list of programs and projects to achieve salmon recovery. Approximately 22% of the listed actions in the Plan have been accomplished. Due to the policy direction and oversight of the SRC, these activities are those that are most likely to protect and maintain the two Chinook populations in the watershed. This is based on the technical strategy of the Plan that identifies the core areas for the populations (Tier 1), important areas for recovery (Tier 2), and supporting areas (Tier 3). The accomplishments include:

- 2,625 acres protected through acquisition or easement
- Over 200 acres of riparian area planted
- Nearly one mile of levees removed or set back
- Over 73 acres of floodplain reconnected
- Over 8,000 linear feet of lakeshore restored
- Fish in/fish out monitoring (since 1998): Tracks trends in adult abundance and juvenile productivity with local/regional partners
- Land cover change analysis (2011): Assessed forest cover change from 1991 to 2006
- Habitat status and trends monitoring (2009-2014): Monitored stream habitat conditions in partnership with the Department of Ecology and USFWS
- Monitoring and adaptive management (2013-14): Developed monitoring and adaptive management plan as part of regional effort to improve recovery implementation
- Helped secure \$4.1 million (2013) in Floodplains by Design funding for lower Cedar River habitat restoration and flood risk reduction priority projects

Because ESA is based on recovering Chinook populations, these actions directly benefit all jurisdictions within the watershed even if the project is not located within their jurisdictional boundaries.

Since 2002, Bellevue has conducted Tier 2 and Tier 3 salmon habitat restoration activities consistent with the Plan. This includes fish passage projects and stream habitat enhancement efforts totaling over \$17.5 million which includes over \$750,000 of regional and state grant funds. Projects that addressed Chinook recovery included:

- Improved fish passage at six culverts, two fish ladders, and 9 weirs.
- Improved over a mile of instream habitat and streamside vegetation.
- Reduced invasive knotweed throughout Kelsey and Sunset Creeks.

Many of these projects were needed for failing infrastructure, such as the Coal Creek Parkway. Many of these projects provided multiple benefits, such as reduced flooding or stabilized erosion.

Chinook salmon population numbers fluctuate dramatically on a year-to-year basis due to their life cycle. Recent monitoring indicates increasing numbers of juvenile chinook leaving the Cedar River, indicating that progress is being made. However, more work remains both at the local and regional levels. Although there is evidence that Chinook populations are increasing in other areas of the watershed, Kelsey Creek populations have continued to decline. Other factors, such as water quality and flow, may need additional efforts to recover salmon in this basin. More detailed information about the health and status of Bellevue streams and stormwater will be presented to Council as part of the Storm and Surface Water System Plan later this year.

Next Steps

This item is the first briefing on this topic; a subsequent briefing will review the draft ILA with Council and solicit feedback. Final action will be requested before the end of 2015.

ALTERNATIVES

N/A

RECOMMENDATION

N/A

ATTACHMENT(S)

- (1) Map of Puget Sound Recovery Areas
- (2) Map of WRIA 8
- (3) List of WRIA 8 Salmon Recovery Council Members