

Habitat and Land Use Topic Forum Workshop
Bremerton, April 28, 2008
Workshop Summary

Meeting Purpose

In April 2008, the Puget Sound Partnership asked experts from around the region to lead a series of six topic forums, each designed to address one of the six Partnership goals (human health, quality of life, water quantity, water quality, species/biodiversity, and habitat/land use). Forum leads helped identify a core team and developed a discussion paper guided by science and policy questions provided by the Partnership. Each topic forum (with the exception of quality of life) hosted a public workshop to present their findings and solicit feedback.

Meeting Overview

Approximately 164 people attended the Habitat and Land Use Topic Forum at the Kitsap Conference Center in Bremerton. Among those represented were local and tribal governments, local organizations, businesses, federal and state agencies, non-profit organizations, and citizens.

Meeting Summary

The meeting facilitator, Margaret Clancy, welcomed participants to the meeting and introduced presenters, Partnership staff and topic forum core team members. Martha Neuman, Action Agenda Director, gave a brief overview of the Action Agenda, highlighting the six ecosystem goals and the four basic questions, and reminded the participants that the Action Agenda will prioritize activities and serve as a living, evolving plan. She reminded participants that the topic forums are designed to help provide input on the status of Puget Sound and what actions to prioritize. Martha reiterated that the discussion paper is in draft form and that there are multiple opportunities for people to submit comments.

Session 1: What do we know about the status and threats to Puget Sound?

Mary Mahaffy, United States Fish and Wildlife Service, provided an overview of the NOAA Risk Analysis work. The draft results of the risk analysis will be available for peer review by summer 2008. Stephen Stanley from the Department of Ecology presented on the ecosystem approach model investigated by the Habitat and Land Use core team in their analysis.

Margaret Clancy facilitated a discussion based on the following questions:

- Have we identified all of the important ecosystem processes, structures and functions that exist in Puget Sound?
- Do you see any major gaps in the discussion presented?

- Can you provide additional literature or research that will deepen our understanding of the Puget Sound ecosystem?
- Do you need anything clarified from the summary paper?

The following is a list of question and comments heard regarding this session's discussion questions. Answers are indicated with italics:

- I'd like to make three points. First, I think the paper does a good job of covering the threats. It's a little difficult to figure out the take home message about threats for habitat and land use. I disagree that we haven't focused on processes – I think there has been a lot of work done. The question is how to address the breakdown between science and policy. I think the driver we often lose is economics and I suggest that there be more attention paid to this and the effect it has on land use. *The Quality of Life Core Team is working on economic issues. We are recording your comments and are listening to your concerns.*
- To add to the previous comment, I think there is a need to dramatize these issues in a way that the public will respond to. One effective way is to talk about specific places rather than broad principles. This will be important to the planning process. I understand you're trying to distinguish between science and policy, but to some extent I think this is a false dichotomy. I find the paper to be much too conceptual and far from actual, practical recommendations.
- There were a lot of great things in this paper, and I commend the authors. Picking up on the previous two comments – there is a gap in the social sciences that needs to be filled in between science and policy. We need an analysis of the institutional barriers to implementation that have met other plans and impeded full implementation of previous efforts. We need this information to figure out how we are going to overcome things like lack of political will and lack of funding. If we don't focus in on how to solve the “people” problem and past challenges, I don't see what is going to be different about this effort, and we need it to be different.
- I think most of us would agree that an ecosystem approach is ideal. The reality, however, is that most watersheds are multi-jurisdictional. As a small watershed group we often go to one jurisdiction and they redirect us to another. Does the Partnership have a component to address this matter? *The Partnership doesn't have anything like that right now, but this is a need we may want to address.*
- I'm from the Washington Department of Fish and Wildlife (WDFW). We felt like the treatment of the science around aquatic ecosystems was good, but there was a discrepancy between the stated scope of the paper (mountaintops to ocean), and what was covered. Terrestrial ecosystems were not adequately addressed. Either the stated scale of the paper needs to be changed to cover only threats to aquatic

ecosystems, or the paper needs to have a broader scope and comprehensively examine ecosystems throughout the region. At WDFW we would prefer the latter.

- One of the gaps that I've noticed is that this paper does not show alternative future solutions. Watershed modeling uses historic practices to project into the future. What might those modeling results look like? Don't just rely on historic practices.
- I think one of the elements that could help answer the threats question is more information on the degree and extent of projected population growth. What does this mean for the threats to Puget Sound?
- We need to look at jurisdictional authority before future development is done. This is not happening right now.
- In my opinion, the ecosystem approach is science on the cheap. We need to study specific locations to get the answers. What we've heard this morning is an assumption that man causes all of the problems and that's not quite accurate. I expected to hear things about Environmental Protection Agency (EPA) assessments and benthic assessments. I think the approach being used is simplified and it will not give you the answers that you need to have a real effect on Puget Sound.
- One of the problems with the field of ecology is that it's possible to never really see the whole picture although there is a desire to do so. The analysis that we have right now may be simplistic but is quite good. The "perfect" is going to bury the "good" if we don't act. There is much that can be done now.
- Another gap is the oceanographic and deep water portions of the Sound, or uses of these areas such as dredging. It would be nice to have the same treatment of the oceanographic processes as the others mentioned earlier. *The paper has identified this area specifically as a gap. If you can point the core team to any specific information, that would be great. There is also indicator and risk analysis work going on separately that will be incorporated into this process along with the topic forum work, and will ultimately be part of what informs the Action Agenda.*
- There is currently a lot of dependence on mitigation, and not a lot on avoidance. Maybe there needs to be more recognition that we should avoid some activities rather than always relying on mitigation.
- We felt in our preliminary review that there were two gaps: linking habitat and land use issues to water quality were not brought up in much detail, and threats such as impervious surfaces were not well prioritized in the report.

- I think the paper underestimates the number of people projected to come to the Puget Sound. I think that the paper is overly critical of regional planning. There is a realistic approach being taken in places such as Thurston County. I brought a map prepared by the Nature Conservancy and the Biodiversity Council showing areas of opportunity and risk. I recommend that the Partnership get this mapping tool and translate it into something that people can understand. This is an untapped resource.
- Actions of the Army Corps of Engineers (ACE) affect water resources, including sediment transport, flow levels, supply, and water quality. Federal actions are discussed on the side, with the most emphasis put on state and local actions. Our actions are typically driven by federal laws that are fairly rigid. This gap needs to be taken into account. The ACE has dredged in all of the major rivers around Puget Sound. There have been major changes in sediment levels, which is another gap in science and restoration planning. The actions of the ACE have a major impact and represent a major gap.
- I don't feel that the threat of invasive species has been adequately captured. The United States Geological Survey (USGS) has an aquatic invasive species database that has not been integrated. *Some invasive species issues are covered in the draft Species, Biodiversity and Food Web discussion paper.*
- One thing that is not clear is how far to take the science – how many degrees of certainty. How do citizens know when we are at a high level of threat? The paradigm shift mentioned in the presentation is another concern. We need a new definition of what an ecosystem is, because we have to take into account that human impacts cannot be removed from the Puget Sound ecosystem.
- Another gap is the nutrients from salmon spawning. Salmon have declined, and we cannot fully restore the streams unless we get these nutrients back in the stream.
- We need to expand our conceptual model to look something more like the one used in Phoenix that looks at human ecology. Humans are deeply embedded into understanding how their ecosystem works.
- I'd like to add to the paper the topic of keystone species that affect the habitat of streams and basins. Beaver and salmon are two examples. They have effects on delivery of sediment and creation of pools. This may be covered in the Species and Biodiversity report, but it also impacts habitat.

- If we do have information that we think would be useful, to whom should we give that information and when? *As soon as possible. Information can be given to any Partnership staff person until May 6.*
- The references were better cited in the Species, Biodiversity and Food Web discussion paper than in this paper.

Session 2: What are the management tools that are available to protect ecosystems in Puget Sound? How effective are our management tools?

Millie Judge, Habitat and Land Use core team lead, gave a brief report back to topic forum participants. Millie reminded everyone of the core team's tight deadline, and thanked the core team for their help. She affirmed that some of the comments mentioned at the forum caused her to think differently about the paper. She stressed that the social sciences and barriers to implementation will be addressed. She stated that science and policy gaps can be further explored, and assured everyone that the core team members would do their best to address the concerns raised.

Harry Reinert from King County gave a presentation on regulatory and incentive tools, followed by a presentation from Gino Lucchetti, King County, on effectiveness.

Margaret Clancy facilitated a discussion based on the following questions:

- Have we identified all of the important land use tools that exist in Puget Sound and the known effectiveness measures?
- Do you see any major gaps in the discussion presented?
- Do you know of any programs or tools from around the country that may work well in Puget Sound?
- Can you provide additional literature or research that will deepen our understanding of protection tools and effectiveness?
- Do you need anything clarified from the summary paper?

The following is a list of questions and comments heard regarding this session's discussion questions. Answers are indicated with italics:

- One of Harry Reinert's concluding points noted potential conflicts between regulatory layers. I think this is an important point. When implementing a regulation, there is usually another regulation that conflicts. I think it is important to look at potential conflicts and try to weave a path to effectiveness. This paper does not address those regulatory conflicts at all. Also, there are various recovery plans under the Endangered Species Act. Although they are non-regulatory, it would be good to point these out and hold local jurisdictions accountable for implementing recovery plans and Shoreline Management Act. *Your comments are well stated. We didn't get into how different statutes conflict or the confusion they*

create. I do believe this decreases our effectiveness. I think the recovery plans are unique in that they are a grassroots, scientifically founded effort. You brought up the Shoreline Management Act and federal agencies. Everyone has an approach to balancing; we are finding out that these make sense from each agency's particular mandate. Ultimately, you have to balance competing interests, have agencies that are open to this and use the science to help guide this process.

- You mentioned transfer of development rights. In the King County Comprehensive Plan most of the rights are being bought by the government. I would like to see you put education in the plan, not just regulation. Teaching property owners how to manage for themselves is important. Property owners have rights.
- I keep hearing context, context, context. The context is very different in East Puget Sound than in Jefferson County where I live, a largely rural area. One of the pieces that is missing in your toolbox is the opportunity to engage the individual landowner in planning, to fit their parcel's individual context. This could provide a much greater benefit and is your biggest opportunity. *Good point. We will work on trying to emphasize this, as well as education.*
- I think effectiveness is one of the most important questions. We are implementing a program in San Juan County called the San Juan Initiative. Scientists are working on identifying what is good, what is not so good, and what doesn't work. We worked with property owners in case study areas. Most people have lived on the landscape for many years. Property owners did not know what they could and couldn't do on their land. Currently we are not communicating clearly and effectively with property owners. More training and education are needed. It will take a big shift in our thinking to get property owners, scientists, and policymakers on the same page.
- We need more conceptual models for regulatory programs. We need to put down our assumptions and examine regulatory programs to see if they're really working.
- Urban growth areas will be taking a lot more growth. The paper lacked a discussion and recommendation of how we are going to make growth work and balance it with the economy and the environment.
- I was very surprised to see 76 pages of information and recommendations. It might make sense to extend the deadline for the comment period. I would recommend to the Leadership Council to keep in mind that human beings are an integral part of the ecosystem we are trying to define. We need to figure out responsibly how to accomplish the goals and objectives of the Governor's

mandate. I was very much surprised to see the suggestion to integrate all of our existing land use laws and policies and replace them with something new. I think this will be a hard sell politically, and it will ignore good things that have been done across sectors. This is something we will not be able to support. There is a recommendation to give the Puget Sound Partnership regulatory authority, which our organization opposes. A new layer of bureaucracy will not solve the problem. You recommend changing our state's laws for vested development rights, which we also oppose. What is the right approach? Educating people. If they know what to do, they will do the right thing. Dedicate monetary resources for incentives.

- I have two remarks on effectiveness. Effectiveness sometimes tends to disregard the unique needs of different areas. For example, what is happening in Skagit and Snohomish Counties is very different than King and Pierce Counties in terms of land pressure. This effort is going to be won or lost in the cities. We need much more intensive urban development if we are to reduce pressure on the greater Puget Sound.
- We need to reframe environmental arguments for the general public – this is an important component of any solution.
- Looking at local and state programs for protecting marine ecosystems, there are some gaps. The Department of Natural Resources (DNR) Aquatic Reserve program for protecting marine resources is missing. It would be important to look at why the Hydraulic Project Approval program was ineffective. There was also no mention of the Puget Sound Water Quality Authority, which adopted a management plan for the Puget Sound and focused largely on education and policy recommendations; this plan never came close to being fully implemented.
- I am not sure I agree that people will do the right thing if they know about the problem. Within the context of regulation and incentives I think we need to be much more creative and expansive about what we are providing people. We need to frame the issues in a positive manner. When we ask people to make sacrifices, they need to know what they will gain as a result.
- State sovereignty is something we have, but we can't change the federal political climate.
- Trend diagrams were presented earlier by the core group. If we are to have effective analysis of cumulative impacts, I think we need better tools that look at multiple dimensions. *Steve Stanley presented a model of process-structure-function. These models are just starting to come out now. It is difficult to put these together quantitatively, but in a qualitative sense we need to do better.*

- This is a process. We should not jump directly to compensation. Proprietary authority is a key issue; DNR has the ability to say yes and no. This is a big, important tool. DNR manages fresh and saltwater and our authority is in both. As well as effectiveness monitoring, we need to look at compliance monitoring – are we doing what we said or were told we needed to do?
- The flip-side of pollution prevention through conservation is a cities' approach on regulatory programs – fostering development in the places we would like to encourage.
- It seems like we're dealing with a present reality and a future reality, and should not confuse the two. In both cases I think there are jurisdictional questions (not only cities and counties but others). There is the mitigation component as well, even before more people arrive. Right now we are stuck on jurisdictional boundaries, and we need to get past this. Could a cap and trade model possibly be applied to land use?
- The fragmentation of the landscape seems to mirror the fragmentation of regulatory and management tools. Are there any specific places where we can identify mechanisms that make exceptions to the ways by which the regulatory system works? *Allowing the regulator to make the decision can result in a one size fits all approach. The environmental community often times distrusts the locals and assumes they are at the beck and call of the development community. We need an ability to get out of prescriptive regulations into an arena where people can make common sense decisions.*
- There is a huge investment, as a state, in the Growth Management Act processes. The public expects to be involved every step of the way. If citizens are not involved, it doesn't work. If no one is complying, regulations are not effective.
- I would like to see a follow up on regulatory accountability. With better enforcement of existing regulations, could we achieve the goal of those regulations?
- I am worried that the current tools in this paper were not developed with the protection of the ecosystem in mind. If we had perfect execution and implementation of laws and tools referenced as written, given the 1.3 million people we are expecting, would the habitat of Puget Sound improve? *Good question. It depends on how people manage their lands. This is something the team will revisit.*
- I think the fact that we can't answer this question is instructive. I think a conversation about accountability is important. It is going to be very difficult for

the Partnership to hold everyone accountable, especially those affiliated with Federal agencies. The Partnership should lay out conceptual models for existing programs and see where gaps exist.

- What are the growth trends in rural areas and effects of rural development? More broadly, what are trends throughout Puget Sound? These trends are significant. I disagree with the recommendation for consistency. We will not get everyone agreeing to the same standard. It would be ideal if we could get landowners thinking before obtaining development permits. *The paper discusses efforts of the Puget Sound Regional Council. A lot of other areas do good work, and we need to bring regional planning efforts into our paper. If you are aware of this information, we would really appreciate your input.*
- We don't have adequate science to deal with emerging issues such as biopharmaceuticals. We don't have adequate funding for baseline research.
- Agencies need to partner with citizens. In Alaska, citizens monitor water quality and teams of scientists follow up on hot spots. Agencies need regulatory tools for cross-cutting programs and sharing compliance and enforcement responsibilities. Agencies can look at other agencies that have the time to help. Someone from the tribe mentioned the Critical Area Ordinance and that sometimes there has been a lack of enforcement.
- We need more incentives to accompany regulatory approaches. A study at the University of Washington found that the price tag of regulatory efforts is linked to prices for homeowners. This historic approach is not working or we wouldn't be here. We need to use economics to find a solution.
- What are the most critical habitat areas? Are we going to get input from the science on how to prioritize where resources are spent? We are looking forward to the best articulation we've had to date on where those threats are occurring. *This analysis will help inform the Action Agenda analysis on threats.*
- This is a monumental task to protect Puget Sound. A big part of the approach has to be conservation. Conservation easements and particularly transfer of development rights are a good approach. More counties should adopt legislation on the transfer of development rights.
- A lot of people we meet in our outreach efforts just moved to the area. We have been talking to title companies about having a packet of information to hand out to people when they move here. We would appreciate your input for these packets.

- There should be consistent, stringent environmental review both on the uplands and in the tidal lands. A lot of times waterfront owners are not included on committees, but they need to be included if we would like their buy-in.

Session 3: Our solutions, our future for Puget Sound

Millie Judge gave an overview of the Core Team's findings including key science concepts, science recommendations, regulatory and non-regulatory policy recommendations, and governance recommendations.

Five facilitated workgroups were asked to consider the following questions:

- What is your immediate response to the recommendations?
- Do you need anything clarified from the summary paper?
- What would you like to add or change?
- What else should we recommend?

Discussion notes from these workgroups will be available upon request. Key responses are highlighted below:

What is your immediate response to the recommendations? What would you like to add or change? What else should we recommend?

- Evaluate existing regulatory programs. Can they be implemented? Are they efficient / effective?
- Explore non-regulatory approaches:
 - Community-based
 - Incentive-based
 - Education
- Promote low impact development / retrofitting
- The paper lacks a science and social perspective
- Need more focus on growth as an over-arching driver
- Assess the Growth Management Act for value and consistency with other regulatory acts

Do you need anything clarified from the summary paper?

- Definitions
- Baselines – i.e. what is a “healthy Puget Sound?”
- How do you prioritize recommended actions

Wrap up and Next Steps

Bill Ruckelshaus, Puget Sound Partnership Leadership Council, thanked everyone for participating in the conversation. He stated that the Partnership will come out with a new draft paper, examine other successful and unsuccessful efforts, and adapt actions to local community needs. He thanked Millie for bringing together an excellent group and draft background paper to inform the discussion. Bill encouraged the group to move forward and adapt without giving up. He reminded everyone of the human nature of agencies and the need for outside recommendations and feedback. He concluded with a reminder that this effort will take time; we are all in the same boat and must work together with effort and creativity. Millie Judge thanked everyone for participating and working hard. Millie highlighted the uniqueness of the Partnership's approach which examines science and policy in parallel. She reminded everyone that broad-based support throughout this process will provide for a successful effort. Martha Neuman thanked participants for attending and reminded everyone to submit comments by May 6, 2008. Martha also mentioned that the Partnership is doing work on education, funding, and adaptive management in parallel with topic forum work.