

PugetSoundPartnership

our sound, our community, our chance

Action Agenda Supplement Comments

Received during the

National Estuary Program

Comment Period

March 20 - April 20, 2009

From: Neil Aaland

Comment: On page 6, counties are not listed as a caucus, but are listed in the first paragraph after the bullet points as one of several “interest groups”. Counties do not like being called interest groups, and will often react negatively based on that. They consider themselves as one of the primary implementers of action agenda items. I suggest you change that reference and describe them as a caucus, as you have with federal, state, tribal etc groups.

From: Bob Benze

Comment: Purpose: The purpose of this comment submittal is to: 1) Request that a recognized property rights caucus or organization be formally added to the list of “Soundwide interests” that the Partnership collaborates with; and 2) Request that this caucus be declared eligible for Partnership funding in the form of grants or other compensation.

Background: The Action Agenda Supplement contains a section titled: “How does the Partnership work with interests outside the formal structure of the Boards?” This section has a sub-section titled: “Working with Statewide interests;” It states that:

“Several caucuses have formed in Puget Sound as a way of collaborating with interest groups and to improve effectiveness of working with Partnership staff and leadership. The Partnership staff meets with caucuses on a regular basis to share information and concerns about work priorities, budget information, and topical issues. The Partnership also meets regularly with individual members of these caucuses on specific issues and projects. Leadership Council, Ecosystem Coordination Board, and Science Panel Members also participate in these conversations.”

These caucuses are listed as: Federal agency caucus; Tribal caucus; State agency caucus; Environmental caucus; and Boating alliance. Further: “Other interest groups participate via existing associations, including the Washington Forest Protection Association, Association of Washington Cities, Washington Association of Counties, and diverse agricultural associations.”

Discussion:

The Action Agenda’s ecosystem approach to protecting Puget Sound involves major initiatives on how the land in the Puget Sound region will be used. These include but are not limited to :

- “Focusing the growth away from ecologically important and sensitive areas by encouraging dense, compact cities, vital rural communities, and protected areas that support the ecosystem Sound-wide.”
- “Limit densities in rural areas...”
- “Amend the Shorelines Management Act.”
- “Purchase development rights or use conservation easements...”
- “Develop, fund, and implement a pilot in-lieu-fee mitigation program...”
- “Permanently protect significant intact areas of the Puget Sound Ecosystem that still function well.”
- “...a strategy to achieve and measure no-net-loss of ecological function...”
- “...on site sewage system management...” and “...new septic system treatment technologies...”.

What is not mentioned in the agenda is that much, if not most, of the land in question is private property. Article I, Section 16 of the Washington State Constitution says that: ‘... No private

property shall be taken or damaged for public or private use without just compensation having been first made..." . But land use restrictions, as advocated by the Action Agenda, often trample on the sanctity of private property. Regulations that restrict or prevent use of property can destroy its equity value as effectively as the lack of title -- with no provision for compensation to property owners for their loss.

Conclusion and recommendations:

1.To ensure the rights of property owners are represented it is essential that a property rights advocate caucus or organization be included in the list of Soundwide interests that the Partnership collaborates with. The two largest organizations in the state are the Citizens Alliance for Property Rights and the Kitsap Alliance of Property Owners. These and other property rights organization are currently working with the Evergreen Freedom Foundation's Property Rights Center to form a statewide property rights caucus.

2.It is noted that tribes and other organizations are eligible for Partnership grants. As a legitimate collaboration organization, the abovementioned property rights caucus or organization should likewise be eligible for Partnership grants to fund collaborative activities.

From: Leslie Dierauf

Comment: Dear Mr. Ruckelshaus and members of the Leadership Council,

I commend the Puget Sound Partnership for its efforts to develop a scientifically based action agenda to restore Puget Sound by 2020. Successful restoration will require sustained, coordinated efforts between federal, tribal, state, and local agencies. We must manage development and evaluate its impacts. We will need a robust research, monitoring, and data management program to learn from our restoration efforts and to be accountable to the public. One of the biggest challenges will be to develop the necessary processes to better coordinate Puget Sound restoration, resource management, monitoring, and science among the different agencies at all levels. Currently, decision-making processes are not well defined. Projects and priorities are not well-coordinated. Finally, the expertise, experiences, and responsibilities of the different Puget Sound partners are not being understood or incorporated at higher levels of the state Partnership. I urge you to better define the roles and responsibilities of all parts of the Partnership and to reach out to federal agencies, tribes, local agencies, and NGOs. In particular, I recommend that the Partnership begin to use the Ecosystem Coordination Board in a more substantive way to develop programs and initiatives. Although this Board has tremendous expertise, capabilities, and resources, it has been underused in the development of the action agenda. In 2009, the Board is scheduled to meet a total of 4 times. As a result, the current action agenda reflects this lack of coordination with non-state partners.

I applaud your continued efforts to protect and restore Puget Sound by 2020. I look forward to a more coordinated approach to defining the needed restoration and science.

From: Robert Elofson

Comment: Action Agenda Supplement: The Puget Sound Partnership's Action Agenda Supplement mentions the Tribal/United States government to government relationship but not the Tribal/State of

Washington government to government relationship. The Puget Sound Partnership set up of committees does not include the individual tribes so does not constitute Tribal participation in its decisions and or agendas. The Lower Elwha Tribe is very unhappy with our efforts to put Tribal proposals in the action agenda through the Straits of Juan de Fuca Region. We have had little or no success working with John Cambalik. Puget Sound Partnership is a state agency and must make clear that it does not have a working government to government process set up with the individual Tribes to put forward an action agenda that the Tribes have agreed to until that government to government process is set up and carried out. Until that happens the Action Agenda is a product of a Washington State agency only.

From: Stuart Glasoe

Comment: When you edit and reprint the Action Agenda, the WA Department of Health recommends changing near-term action A.3.8 on page 41 to "Develop a greywater reuse rule by December 31, 2010." This same language should be used on page 89, action #31 in the list of ranked actions for Priority A. If you have any questions please call me at 236-3246. Thanks.

From: Mazen Haidar

Comment: Using LID application for stormwater management for development projects

From: Dave Hutsell

Comment: Native salmon are over protected. For the benefit of everyone build and maintain hatcheries th build salmon for everyone not just a bunch of naturalists. pure native fish is not possible in this day and age

From: Dave Hutsell

Comment: I think is is time to concentrate on the areas closest to Puget Sound that create the most pollution, septic tanks, city stormwater, etc. You have concentrated too much effort on rural areas and now its time to go after the areas close to the sound.

From: Katrina Knutson

Comment: Dear Puget Sound Partnership,

Thank you for your hard work to develop a draft Action Agenda to restore, protect and recover Puget Sound to health by 2020. When it comes to restoring the health of the Puget Sound, where and how we grow matters. Especially in light of the one million new residents the state expects to welcome by 2020. It's more crucial than ever to focus that growth inside our urban areas so that we can preserve our farm and forest land and protect our rural areas to restore critical habitats and watersheds of the Sound.

While I applaud your effort thus far, the Action Agenda can and must go farther. We need a twenty

year plan, not a two year plan. All the actions need to be tied together into a comprehensive plan with measurable benchmarks and timelines in order to achieve recovery by 2020.

As you finalize the final Action Agenda, please:

- Balance regulatory change with land acquisition to accomplish long term recovery goals;
- Take advantage of the region's recent vote to build 34 miles of new light rail - we must capitalize on this investment by requiring more intense development near these station areas that are pedestrian, bicycle and transit friendly;
- Identify adequate and sustained funding for the long haul;
- Clearly identify timelines and responsibilities;
- Be based on science;
- Set meaningful standards for habitat protection.

The Partnership staff, the Leadership Council, Ecosystem Coordinating Board, Science Panel and stakeholders throughout the Sound deserve praise for the monumental effort involved in producing the draft Action Agenda. The next step is secure much needed funding. The 2009 legislature must adopt new funding sources dedicated to the recovery of Puget Sound by 2020.
For Puget Sound!

From: Sheldon Levin

Comment: Does the Action Agenda address the elimination of disease spreading and polluting salmon fish farms?

From: Jo Nelson

Comment: I Love the idea of getting our Salmon back,remember fishing out of Kingston and Hansville 40 years ago and blame the tribes for the depletion in this area. The Carpenter Creek/Kingston Bridges project is the BIGGEST waste of \$\$ you can find . That estuary was the Same (55 years ago) with the bridge that was there that it is today with the culvert. Why don't you restore Grover Creek that actually HAD Salmon spawning before the tribe put in the dam at Indianola? Call me if you'd like info on the truth.

From: George Robertson

Comment: I am a volunteer board member for a non-profit organization, Pacific Marine Research with its primary program, Marine Science Afloat (TM). PMR has been taking children out on Puget Sound for almost 30 years to teach children about the importance of taking care of Puget Sound. It could be that I am missing something, but in looking through the Puget Sound Action Agenda, it doesn't seem that there is much, if any, emphasis on educational programs designed to teach the kids how to take care of Puget Sound. Have I missed something in the Action Agenda? I believe that non-profit organizations like PMR can serve a very important function in this regard. Thank you very much for your work and efforts to clean up Puget Sound and I look forward to hearing back regarding the educational component.

Sincerely,

George Robertson, CFP Board Member, Pacific Marine Research

April 19 2009

Below please find a few comments regarding the December 2008 Action Agenda:

- 1. Business Caucus:** Relying on the business caucus as currently empanelled is dangerous and misrepresents the business community. AWB is not the sole voice of Washington's business community and the Partnership should strive to diversify the business caucus. This is a serious flaw in your model.
- 2. Action Areas:** Tool kits, materials, and priority action area strategies should be tailored for strategic residential, community, educational and business sectors in each of the seven action areas. This is an efficient way of developing a core set of tools which are tailored to the exigencies of each action area. All targeted communications should be integrated into these action areas because this scale is more recognizable to your target audiences than Puget Sound. Your 2006 opinion research indicated that Puget Sound, as a scale, did not resonate with folks who are more engaged at a river, stream, township or embayment scale.
- 3.** For each action area, partners should conduct an NGO, community **asset** and business sector **inventory** and tailor all priority area strategies to them. Also, a social network analysis should be conducted to identify the individuals and groups that have both credibility and leverage within their social networks. This is where change will occur.
- 4. Major underpinnings:** Rapid growth, sloppy development standards, lax shoreline standards, inadequate upland protection, weak or non-existent exurban and urban forest retention and protection and weak chemical policy/identification of preferable chemical alternatives must be addressed to get any traction on the major issues you identify. This is where the most challenging political decisions have to be made but you can't protect Puget Sound given current zoning, development standards and growth scenarios. We can have limitless, sloppy growth and protect this resource. Ecosystem payments and serious Smart Growth, transportation, LID support as well as support for sustainable forestry (FSC) and farming are also deal breakers. You should also support the University Sound Partnership since it's the only current model bridging the upland, nearshore and marine ecosystem from a practical perspective.
- 5. Economic Analysis:** Funding must be directed to quantifying the ecosystem services Puget Sound provides as well as the direct, indirect and induced economic impacts from any number of activities linked to Puget Sound's health: commercial shellfishing, recreational fishing/shellfishing/hunting etc; wildlife viewing (Peter Ross had estimated that each Orca was worth \$1.7 million in direct, indirect and induced revenue); tourism, open space (once you lock in land or waterfront in private hands, you have inexorably taken it out of commerce except taxes). Without understanding what is at stake economically, people will not sustain support over the long term. Effectively the loss of Puget Sound function's pits some economic sectors against others and taxpayers/municipalities in an undisclosed shell game. Some win, many lose.

- 6. Priority C:** Most of your preventive efforts should be spent in providing information and links to databases and organizations working on chemical policy reform: universities, PSI, NAHMMA, NW Product Stewardship Council, as well as any work on toxic use reduction and environmentally preferable purchasing as a priority. Identifying and promoting environmentally preferable alternatives to toxic chemicals currently in use in both residential and commercial applications is your best hope to change the amount of pollutants ending up in Puget Sound. The other next defense is to support LID, tree retention and all types of tax credits to ensure that vegetation, trees and LID are used everywhere possible.
- 7. A.1.1.:** You should link to ICLEI, Smart Growth efforts being undertaken by EPA and efforts outside the Regional Council's Vision 2040. Traction on Smart Growth on a state and regional basis will reinforce any Puget Sound specific efforts in this area. For near term actions, your funding and actions should support the Washington Wildlife and Recreation Coalition as well as Puget Sound NGOs- the former protects, through the Recreation and Conservation office, 9 categories of undisturbed and working landscapes.
- 8. A.4.3:** You should promote sustainable forestry in the form of FSC certification. The jury is still out on whether the Forest and Fish Agreement will adequately protect water quality under the Clean Water Act. 2011 is not far away. This entire section needs to be beefed up and would benefit from cross collaboration with forestry NGOs, and other groups since healthy forests are one of your best defenses against a polluted basin. Incorporate a diversity of forestry interests in your leadership (and not just DNR or the Forest Practices Board).
- 9. Priority B/Restoration: B2/ Revitalize Waterfront Communities:** Take a page from the NW Maritime Center in Port Townsend to see what revitalization can look like from a sustainability perspective. Supporting the three major areas you identify is necessary but the focus seems to be extremely narrow, focusing on ports and marinas. Most of the state's tourism is based in coastal communities so support of sustainable tourism strategies and collaboration with CTED, and other economic development agencies is key (Main Street program, DAHP, Historic Preservation Trust etc). This is about economic development, façade redevelopment, right sizing local businesses for visiting demographics and providing local councils the tools to make the right decisions. You should support NEMO chapters here (Non-point education for municipal officials, run from U. Connecticut Extension).
- 10. B3:** Support Stewardship Incentive Programs: investigate the use of community corporations, and community investment mechanisms such as community development banks, credit unions, development loan funds and venture capital. The Nisqually River Council has done a great job- should be used as a replicable model across Puget Sound.
- 11. C.1.1.2:** Pollution prevention emphasis is key here. Actually we do know quite a bit about PBTs and preferable alternatives. Although you may not be involved directly, you should hyperlink and support where you can statewide chemical policy reform with a strong emphasis on EPP, and cradle to cradle design. We need to get out in front of labeling issues on personal care products and other products mentioned in C.1. Private sector companies are defining ingredients in

the vacuum of public sector definitions and label guidance and greenwashing is just rampant- and threatens all efforts to get residents and businesses to purchase products with lower toxicity constituents.

- 12. C.2.2.4-2.2.5:** Support these initiatives. You should consider working with a variety of groups to ensure that GIS maps are available to anyone who wants them based on the seven action areas. Visualization tools are great ways for folks to understand where they are relative to natural resources they cannot see or touch.
- 13. Persnickety:** pp 39 and 68: Although commenters may have wanted a “long list of unconnected actions” they are all valid points and should be integrated into a larger framework. Also, the Puget Sound Partnership was not the first organization to address Puget Sound issues exclusively. You do a disservice to thousands of dedicated people who worked on Puget Sound issues since the 1970s when you make statements like this (many of whom were fired from the Puget Sound Action Team, thereby losing vital institutional knowledge).
- 14. D3:** Engage stakeholders: your priority should be to build capacity in and collaboration with stakeholders and diversify who you consider to be stakeholders.
- 15. E/Measurement:** the Social Sciences field was the mother of effective public sector performance measurement so you should consult with them. U. Wisconsin Extension is a splendid place to start.
- 16. E.4.1:** Communication should be targeted- using social marketing, visualization tools and tailored to each identified sub market. Consider using a 10,000 rivers or embayment approach and refrain from using Puget Sound as a selling point. Integrate a healthy lifestyle and economy vision into your communications. We need many more adult centered programs in addition to building literacy and stewardship in children. There is a very narrow window of time we are dealing with and while anyone would support K-12 education, we desperately need sector based strategies for people in power and who are making critical decisions.

A major focal point should be developing tool kits and training centers for municipalities, public officials, civic groups and business organizations.

Thank you for the opportunity to comment.

Best regards,

Heidi Siegelbaum
(206) 784-4265
wastenot@speakeasy.net

From: Priscilla Terry

Comment: We can't clean up the Sound unless those owning/living/governing on each feeder creek and major shoreline understands that he/she should be a willing participant in the process. Every local jurisdiction must have or hire people knowledgeable in the science of water/soil/plant relationships and act in accordance with BMP's. This is not happening now. We will fail unless we address and correct this deficiency.

From: Eugene Wasserman

Comment: The North Seattle Industrial Association a maritime/industrial businesses and property owners along the Lake Washington is requesting to extend the comment period for the supplemental EIS till the end of May 2009. Your short comment period at the end of last year did not give us any time to respond. The Partnership has done very little outreach to the Industrial Sector. Our Association has been active for over 20 years along the waterfront and has had not outreach from the Partnership. It is impossible for us to review the documents in ten days. Your outreach deliberately has not involved industrial associations. I would like the name, address and e-mail of your NEPA compliance officer at the EPA. Our lawyers would like to be in contact with him. I expect an answer to this request in the next couple of days. Your lack of outreach to the maritime industrial sector is appealing and we are prepared to make it a public issue.

From: Ryan Weber

Comment: Regarding the public comment period. I have a suggestion. Place an additional tax on products that contribute to stormwater pollution, like soaps, household cleaning agents, pesticides, etc. Eco-friendly products would not be taxed. This has the dual-benefit of promoting the use of Green products and raises needed revenue for Puget Sound cleanup and protection.

From: Arthur West

Comment: The joint NEPA-SEPA review that needs to be conducted on the supplemental changes and the revised action agenda, when it is approved by the EPA. Also, I am curious as to the public notice provided for the "30 day comment period" that allegedly commenced on March 20. Was there a legal notice for this comment? I didn't hear about the proposed changes until April 10. Will there be an additional environmental document for the amended Action Agenda? Please regard this as a request for an actual 30 day comment period, with proper notice to the public, since 10 days is clearly insufficient. Also, the proposed clarifications are still far too vague to be understandable, and the PSP Action Agenda still appears as a scam to obtain federal money for development without any real improvement in the quality of the sound. I certainly hope there were some experts working on this, because the new proposed clarifications appear to be just BS, MS and PHD. Time to sack everyone currently involved and start over. Then maybe the project might have a chance.

From: Kathleen Wolf

Comment: The Action Agenda is explicitly science-based, indicating the role of science in present and future actions. Attention to particular science perspectives is setting the foundation for the Action Agenda. The Science Panel plays a central role in how the Agenda moves forward, and will be carried out for years. My comments are about the scope of science and the Agenda.

The description of the Science Panel does not call out science disciplines, as is appropriate due to the complexity of scientific work surrounding Puget Sound Recovery. Nonetheless, ongoing communications and meetings re: the Action Agenda continue to imply that biophysical sciences are to be emphasized. Two broad realms of science – biophysical and social/human dimensions – should be specifically called out.

Successful evidence-based action for Puget Sound must include better understandings of the social dynamics of actions and performance management, with contributions from economics, psychology, sociology, political science, geography, etc. Greater representation on the Science Panel by scientists from such disciplines should also be considered (re: Supplement, p 3).

I suggest that social science evaluations and monitoring constitute companion activities to ecological sciences, rather than being the activities now broadly labeled as engagement in the agenda. There are many opportunities for social and human dimensions sciences (HDS) to be integrated in the Action Agenda and subsequent activities:

- HDS investigations can enable more effective partnership to work with ALL interests outside the formal structure of the Boards (re: Supplement, p. 4).
- HDS should be identified for Biennial Science Work Plans (re: Supplement, p. 10).
- HDS assessments and studies should be articulated in the first and subsequent Ecosystem Recovery Reports (re: Supplement, p. 11).
- HDS can contribute to Performance Management (re: Supplement, p. 11), in ways that demonstrate achievement toward ecosystem health. For instance, Richard Gelb (King County) offers a framework of Intermediate Indicators that directly frames human-based actions and interventions concerning Puget Sound biophysical conditions, and is expressed in a way that can become the basis for empirical evaluation to achieve human dimensions and ecosystem goals.

The 2008 Action Agenda starts with these words: “Puget Sound is in trouble. Most of that trouble is caused by the everyday activities of us - the humans who share this beautiful place with millions of other living things.” The social sciences offer opportunities to systematically understand how people may contribute to a more healthy Puget Sound. Such studies can review and assess human thoughts and actions ranging from the individual and household scale, to decision makers having jurisdiction over entire cities.



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April 13, 2009

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VIA E-MAIL SCOTT.REDMAN@PSP.WA.GOV

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Re: Comments re 2020 Action Agenda for Puget Sound

To Scott Redman:

The comments on the following pages are submitted on behalf of the City of Everett. Some are continued from our comments last November that still need to be addressed. Some are modified from our comments last November. Eight of the comments are focused on the issue of dissolved oxygen concerns for the Whidbey Basin that I discussed with you on March 31, 2009 at the Leadership Council meeting. Ecology evaluated dissolved oxygen data for Whidbey Basin and believed that they perceived trends of decreasing dissolved oxygen when the data actually show no such trends. The City strongly encourages the Partnership to make the revisions requested here.

I will contact you to provide more details of the dissolved oxygen analyses referred to in these comments. Please contact me if you have any questions about these comments.

Very truly yours,

Lincoln Loehr

cc: John McClellan, City of Everett.



Question 2, page 26

A statement is made that

“We have already experienced an 18% decline in freshwater flow entering Puget Sound over the past 50 years...”

This statement needs to be verified. It appears to be unlikely. Recognize that freshwater diverted to municipal use still enters Puget Sound after receiving treatment, so it doesn't just go away. How is an 18% decline in freshwater flow entering Puget Sound explained?

Question 3, part C.1, Near-term Actions, Item 9, page 51

A statement is made to

“Implement priority strategies and actions to address low dissolved oxygen in South Sound, targeted areas in the Whidbey basin, and other vulnerable areas. This includes the Ecology-led South Sound Dissolved Oxygen Study.”

At this time, there is no evidence of dissolved oxygen impacts in the Whidbey Basin. Change the statement to read:

“Implement strategies to evaluate and understand low dissolved oxygen in Puget Sound and if necessary to implement priority strategies and actions to address low dissolved oxygen where possible. This includes the Ecology-led South Sound Dissolved Oxygen Study.”

Question 3, part C.3, page 54

A statement is made that

“Many wastewater treatment plants are outdated and lack advanced treatment technology.”



The statement is incorrect. All wastewater treatment plants are meeting the current secondary treatment standard which is the state's treatment technology requirement for AKART (all known, available and reasonable methods of treatment) in Chapter 173-221 WAC. The secondary treatment standards are not "outdated".

While it is true that there are advanced treatment technologies that accomplish nutrient removal, these are not required under the state's standards for AKART. Such technologies are sometimes appropriate and required for water quality purposes depending on receiving water needs, such as for discharges to areas with a TMDL for dissolved oxygen.

A statement is made in C.3.2, Page 54, to

"Update all known and reasonable technology (AKART) standards for new treatment plant upgrades."

The term "AKART" is actually "all known, available and reasonable methods of treatment" (See RCW 90.52.040) or as expanded in WAC 173-221-010 "all known, available and reasonable methods of prevention, control and treatment".

AKART for municipal discharges is defined in state regulation as secondary treatment. (Chapter 173-221 WAC.) Secondary treatment is also the federal technology based treatment requirement. (40 CFR 133.102.) All of the permitted municipal point source discharges in the state are already meeting AKART. There is no need to update AKART because there are appropriate means to require treatment beyond AKART on a case-by-case basis where necessary for water quality. The effect of "updating" of AKART would be to impose additional treatment requirements on all discharges regardless of need, thereby diverting significant societal resources from other problems.

Although one term in AKART is "reasonable," the reasonableness of the AKART requirement specifically cannot consider receiving water quality or water quality standards and hence, is applicable regardless of need, an inherently unreasonable position. (See RCW 90.52.040 and PCHB No. 84-178 Final Findings of Fact, Conclusions of Law and Order in the matter of City of Port Angeles v. State of



Washington Department of Ecology, including the concurring opinion from the chair of the Pollution Control Hearings Board)

Treatment beyond current AKART should not be broadly imposed by the Puget Sound Partnership's action agenda, but should instead be left to Ecology to determine on a case-by-case basis through the normal NPDES permitting process or the TMDL process. Similarly, for federally permitted discharges, EPA should determine treatment needs beyond AKART on a case-by-case basis.

The statement should either be eliminated or replaced with the following:

“Implement treatment beyond AKART when necessary, as determined by assessment of the need for water quality-based or TMDL-based effluent limits during the development of new or renewed permits.”

A statement is made in C.3 Near-Term Actions, Action 1, Page 54 that

“Use advanced wastewater treatment where needed in nutrient sensitive and shellfish recoverable areas, such as Hood Canal, South Sound, and the Whidbey Basin.”

Disinfection, not advanced wastewater treatment, addresses shellfish concerns. Deep outfalls also address shellfish concerns. For southern Hood Canal it is appropriate to use advanced wastewater treatment or land application for nutrient reduction. Advanced wastewater treatment may be necessary for South Sound, but the partnership should let Ecology's ongoing South Sound study advise the determination of treatment needs. Remove the Whidbey Basin from the sentence, as there is currently not a basis for such a requirement.

The sentence can be changed to the following:

“Use advanced wastewater treatment or land application where needed in nutrient sensitive areas such as southern Hood Canal.”

.....
Question 3, page 56, item C.5



A statement is made that

”There are 115 contaminated marine sediment sites in Puget Sound...”

Please verify this. If this information comes from the 303(d) list that was submitted by Ecology to EPA for approval in 2008, then it may be incorrect. Ecology listed sediment sites as contaminated when the chemical analysis showed non-detects for a parameter, but the practical quantitation level of the chemical analysis was higher than the numerical sediment criteria. (See page 27 in Ecology’s 303(d) listing guidance at

<http://www.ecy.wa.gov/programs/wq/303d/wqp01-11-ch1Final2006.pdf>)

Ecology has since determined that they should not be listing such sites as contaminated and they have revised the list for sediments prior to EPA’s recent approval of the state’s 303(d) list.

Table 4-1 Ranked near-term actions, Priority C item 5, page 91

A statement is made that to reduce the sources of water pollution,

“Implement priority strategies and actions to address low dissolved oxygen in South Sound, targeted areas in the Whidbey Basin, and other vulnerable areas.”

Delete “targeted areas in the Whidbey Basin,” Ecology’s approach for evaluating dissolved oxygen concerns in the Whidbey Basin has been flawed, leading to the perception of trends that are artifacts of the data base and not real.

Table 4-1 Ranked near-term actions Priority C, item 28, page 92

A statement is made that to reduce the sources of water pollution,

“Use advanced wastewater treatment where needed in nutrient sensitive and shellfish recoverable areas, such as Hood Canal, South Sound, and the Whidbey Basin.”



As noted before, concerns with shellfish recoverable areas are based on bacteria, best addressed by disinfection and not advanced wastewater treatment. Change the wording to read,

“Use advanced wastewater treatment or land application where needed in nutrient sensitive areas such as southern Hood Canal, or other areas as determined from scientific studies.”

Table 4-2 Near-term action implementation responsibilities, Item C.1-9

A statement is made to

“Implement priority strategies and actions to address low dissolved oxygen in South Sound, targeted areas in the Whidbey Basin, and other vulnerable areas.”

Delete “targeted areas in the Whidbey Basin,” Ecology’s approach for evaluating dissolved oxygen concerns in the Whidbey Basin has been flawed, leading to the perception of trends that are artifacts of the data base and not real.

Table 4-2, Near-term action implementation responsibilities, Item C.3-1

A statement is made to

“Use advanced wastewater treatment where needed in nutrient sensitive and shellfish recoverable areas, such as Hood Canal, South Sound, and the Whidbey Basin.”

As noted before, concerns with shellfish recoverable areas are based on bacteria, best addressed by disinfection and not advanced wastewater treatment. Change the wording to read,

“Use advanced wastewater treatment or land application where needed in nutrient sensitive areas such as southern Hood Canal, or other areas as determined from scientific studies.”

Whidbey Basin Action Area Profile, page 176, paragraph 1



The last sentence states that,

“The Whidbey Basin has 16 sites that exhibit low dissolved oxygen, including Penn Cove, Allen Creek, Edison Slough and Nookachamps Creek; the region is the third-highest problem area for low levels of dissolved oxygen in Puget Sound after Hood Canal and south Puget Sound.”

The sentence is misleading because our dissolved oxygen standards consist of several parts. The first part is a fanciful numeric value, which actually has no technical basis that Ecology’s water quality standards person could find in agency records. The second part is a provision that recognizes that the natural conditions can be lower than the numeric value and that is ok. The third part is a provision that when the natural condition is lower than the numeric value, there cannot be human caused decreases below the natural of more than 0.2 mg/L dissolved oxygen. (See WAC 173-201A-210(1)(d)) The above sentence from the Action Agenda implies a problem exists, and a problem implies the need for a cure. There is no evidence that the observed dissolved oxygen levels in the marine waters are human caused, or changing for the worse. Rather, dissolved oxygen concentrations decrease with depth, change with the seasons in a relatively repeatable fashion, and exhibit variability. While there is a greater possibility that human causes may affect dissolved oxygen in the fresh water streams, the analysis of impairment by Ecology did so only based on comparison to the numeric values of the dissolved oxygen standards and the analyses made no effort to consider natural or human caused changes. Either delete the last sentence or change the wording to a new paragraph to read,

“The Whidbey Basin has freshwaters and marine waters that seasonally have dissolved oxygen levels below the numeric component of the state’s water quality criteria. Analyses have not been performed that demonstrate values are more than 0.2 mg/L below the natural levels, which is the significant part of the state’s water quality standards. For the 2008 303(d) list of impaired waters, Ecology did perform several different evaluations of their marine data in the Whidbey Basin and believed they demonstrated a trend of decreasing dissolved oxygen levels that supported a listing as impaired. However, these “trends” were shown to be artifacts of their data



set which sampled to different depths over time, and which sampled different months over the years. Consequently, the later years that consistently sampled the entire water column recorded more low dissolved oxygen observations than the earlier years that sampled only shallower depths. Also, years that consistently sampled the months with lowest dissolved oxygen and not the months with the highest dissolved oxygen recorded more low dissolved oxygen observations than years that consistently sampled the months with the highest dissolved oxygen and not the months with the lowest dissolved oxygen. Marine waters in the Whidbey Basin are density stratified in the summer and fall. Lower dissolved oxygen concentrations occur at depth in the fall associated with the density stratification, incoming low dissolved oxygen oceanic water, and the seasonal change to the winter wind pattern with winds from the south that slow down the natural estuarine circulation.”

Draft Action Area Priorities page for Whidbey Action Area, page 178.

Under local threats column, Pollution section, the threat of nutrient loading is identified and it goes on to say

“Nutrient loading: Contributes to eutrophication and naturally low dissolved oxygen concentrations in Penn Cove, Saratoga Passage, Possession Sound.”

The problem is that this is presented as a factual statement, a cause and effect bullet. The waters are naturally density stratified, a phenomenon that naturally results in low dissolved oxygen in deeper waters in the fall. The seaward flow of the low density surface waters is impeded in the fall and winter by the winter wind pattern, thereby delaying the replacement of the deeper waters.

It is premature to assert that there are dissolved oxygen impairments in the marine waters of Whidbey basin associated with nutrient loading.

Change the bullet to read:



Puget Sound Partnership

April 13, 2009

Page 9

“Low dissolved oxygen – low dissolved oxygen naturally occurs in the fall in the deeper waters within Penn Cove, Saratoga Passage and Possession Sound and there is concern that nutrient loading could exacerbate this.”

Draft Action Area Priorities page for San Juan Action Area, page 187.

Under local threats column, Pollution section, the threat of bacterial contamination is identified and it goes on to say

“...potential problems from poorly treated wastewater from Victoria B.C. outfall that reaches islands.”

This should be deleted. The physics of dilution from a freshwater discharge at depth to salt water, with a good diffuser, coupled with the strong currents, the net direction of the currents, and the distance between Victoria and the San Juan islands assures that the discharges from Victoria, B.C. do not, and can not pose a bacterial contamination threat to the San Juan Action Area.

City of Seattle Staff Comments on Puget Sound Action Agenda Supplement 4/20/09

Intro

Thank you for the opportunity to comment on the Puget Sound Action Agenda Supplement. We are pleased to see more specifics on implementation and believe the emphasis on building an accountability system is good. However, it is still unclear as to how these will actually work. What does "hold accountable" mean in this arena? How will decision rules be formulated, in the sense of triggering types of responses or consequences for actions or inactions? The concept models are useful problem statements - but are very general in nature. It would be helpful to articulate the science and/or pathways to science resources that provide strategy and context to these big questions. As evidenced in the "salmon world", this isn't easy - but some form of science-based framework for understanding the scope and magnitude of the problem and the key components and relationships is needed.

Specific Comments

Partnering and Implementation

1. Working with local interests, implementers and the watershed approach (page 7-8)

With respect to the third and fourth paragraphs in this section, we hope that the Partnership will build on the work done by the Puget Sound Local Integration Taskforce. Regarding Action Areas – we believe the South Central Puget Sound Action Area is too large and unwieldy to be an effective coordinating mechanism. Additionally, relying on the existing watersheds/WRIAs which are focused on implementation of the Salmon Recovery Plans is insufficient, particularly with respect to addressing stormwater which is the major problem in the urbanized areas. We look forward to working with the Partnership on arriving at a more workable approach.

2. Working with citizens (page 9)

We strongly support implementation of the public awareness campaign, in partnership with STORM, as soon as possible. This will facilitate the work of the local jurisdictions responsible for implementing the NPDES permits. Expanding the use of internet based communications, including social networking, would be very timely.

3. Partnership Agency Structure (page 9)

Regarding the second bullet, we agree with expanding staff expertise to enable the Partnership to respond quickly to emerging and time sensitive, however that is done. Regarding the third bullet, and our comment 1 above, we urge the Partnership to assign a local liaison as soon as possible to the Central Puget Sound Action Area as a key way to provide effective support for local implementation.

4. Action Agenda Implementation Strategy (page 10)

The sooner the implementation strategy is developed the better so that local jurisdictions will have a more clear understanding of expectations. When it comes to describing local implementation strategies, close communication and coordination with the local entities is critical. One way this can be done more effectively is through the local liaisons.

We understand that the current economic situation has resulted in much of the actual work being in limbo until the state budget is finalized. However, it would be helpful to have a more specific timeline regarding when the implementation strategy and work plans will be added to the Action Agenda, as well as information regarding the plan for public engagement and comment as that part of the effort moves forward.

Performance Management/Accountability

1. Ecosystem conceptual or logic models (page 11)

Please see our comments in the beginning of this document. Generally, we support the idea of using these models but it's hard to comment any more specifically other than it appears you are headed in the right direction.

2. Action Accountability (page 12)

We assume that Partnership staff will be in touch regarding how to translate the near-term actions into commitments.

Additional References

It is good to see this list expanded. We recommend making it even more complete by adding the first PSWQA Annual Report (Puget Sound Water Quality Authority: 1984 Annual Report. Pieter Booth & Scott Powell. Puget Sound Water Quality Authority, Olympia. December, 1984.) as well as referencing documents produced by the first iteration of the Puget Sound Partnership in 2006.

From: Paul Kluckner, Environment Canada

Comment: I was very pleased with the results of the Puget Sound Georgia Basin Ecosystem Conference in February and wish to extend Environment Canada's continued commitment to work with the Puget Sound Partnership on our shared interests in science and policy in the Salish Sea. I hope that the Conference Call to Action will continue to energize transboundary collaboration and we also look forward to co-hosting the next conference with the Puget Sound Partnership in Vancouver in 2011. In November 2008, we provided comments to the Puget Sound Partnership on the draft 2020 Action Agenda. More recently, we have looked over the Puget Sound Action Agenda Supplement that is now available for review. The Supplement provides informative background on the structure, process and planning of the Puget Sound Partnership. The section on "Working relationship with Canada" on page 8 provides some good examples of how the Partnership is working cooperatively with agencies in Canada. One of the ways that Environment Canada has worked with the Puget Sound Partnership is through the EC-EPA Statement of Cooperation Working Group, which also includes representatives from British Columbia Ministry of the Environment, Washington Department of Ecology and the Coast Salish Gathering coordinators. The Working Group is co-chaired by Environment Canada and Environmental Protection Agency Region 10 and is guided by the Joint Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem, signed in 2000 by the then Minister of the Environment David Anderson and then EPA Administrator Carol Browner. With the advice and guidance of the Working Group, Environment Canada and Environmental Protection Agency Region 10 developed a 2008-2010 Action Plan: Initiatives for the Salish Sea. I have attached this document for your information and invite the Puget Sound Partnership to include a reference to the Statement of Cooperation and Action Plan in the "Working relationship with Canada" section of the Supplement.

It may also be appropriate to include a reference to the Coast Salish Environmental Action Plan (<http://www.coastsalishgathering.com/01gathering/CSGpubs/2008/2008CSGReport.pdf> <<http://www.coastsalishgathering.com/01gathering/CSGpubs/2008/2008CSGReport.pdf>>), introduced at the 2008 Coast Salish Gathering in Tulalip, Washington.

Another key opportunity for transboundary collaboration is through Ecosystem Indicators development and reporting (page 12 of the Supplement). I encourage the Puget Sound Partnership to continue the collaboration started at the Ecosystem Conference with Environment Canada and Environmental Protection Agency Region 10 staff in the development of transboundary ecosystem indicators. A Transboundary Ecosystem Indicators Working Group has begun the task of updating the 2006 Georgia Basin Puget Sound Ecosystem Indicators report, which can be found at <http://www.epa.gov/region10/psgb/indicators/index.htm> <<http://www.epa.gov/region10/psgb/indicators/index.htm>> and would be a valuable reference to include in the Supplement document.

Environment Canada looks forward to continuing to work with the Puget Sound Partnership and will follow with interest the development of the performance management system and implementation strategy for the Puget Sound Action Agenda.

*Environment Canada-
United States Environmental Protection Agency*

**Joint Statement of Cooperation on
the Georgia Basin and
Puget Sound Ecosystem**

2008-2010 Action Plan
Initiatives for the Salish Sea

November 2008

1. INTRODUCTION

The Salish Sea

The three basins of Puget Sound, Strait of Juan de Fuca and the Strait of Georgia constitute the transboundary Salish Sea or Georgia Basin - Puget Sound ecosystem. This ecosystem is one of the most ecologically diverse in North America, containing a wide range of internationally significant species and habitats. Residents of the Georgia Basin - Puget Sound region share a common airshed, common watersheds, a common flyway for migratory birds and habitat for anadromous fish and common concerns over urban growth pressures. The Georgia Basin-Puget Sound region has a population of approximately 7 million with some projections envisioning an increase to over 9.4 million by the year 2025.

The Salish Sea is the homeland of the Coast Salish People, represented by 55 Nations in Canada and 23 Tribes in the United States. The Coast Salish have an inextricable and sacred connection with the environment and resources of the Salish Sea ecosystem. The ancestral homelands of the Coast Salish people are rich in a diverse array of marine and upland resources unique to this area. The environment has historically sustained Coast Salish lifeways and traditions. Salmon are the icon of this essential and yet diminishing connection of the Coast Salish people to their land and waters. Their homelands and their resources are under significant pressure from population growth, industrial expansion and economic demands. As stewards of the lands and waters we share their sacred responsibility to ensure our children's children will have a healthy ecosystem to live in.

The Joint Statement of Cooperation

The Canadian and US federal governments have a unique responsibility to address the transboundary, transpacific and global environmental challenges confronting the future of this ecosystem. At the national level, agreements are in place between the two governments for addressing issues such as air quality, migratory birds, transboundary waters and transport of hazardous waste. Regionally, Environment Canada (EC) - Pacific and Yukon Region and the U.S. Environmental Protection Agency (EPA) - Region 10 have a long standing and successful relationship. This association provided the foundation for the creation of the *Joint Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem (Statement of Cooperation)*, signed by the Administrator of the Environmental Protection Agency and the Minister of Environment Canada on January 19, 2000.

The *Statement of Cooperation* advocates a common framework for sustainability in the region. It promotes closer Canada-US collaboration in addressing the

transboundary and global environmental challenges confronting the future of the ecosystem. Specifically, the *Statement of Cooperation* serves to:

- publicly confirm the commitment by the two federal levels of government to transboundary collaboration for the health of the Georgia Basin – Puget Sound ecosystem;
- recognize the special role and interests of Coast Salish Nations and Tribes;
- acknowledge and support the excellent efforts in our region related to ecosystem management; and
- establish a formal Canada-US commitment at the regional level to work cooperatively on the challenges identified in the *Statement of Cooperation*, including sustainability

The 2008-2010 Action Plan

The *Statement of Cooperation* commits Environment Canada and the Environmental Protection Agency to develop annual action plans and report to the public on progress. This document is the 2008-2010 Action Plan. It has three focus areas:

- transboundary collaboration;
- sharing knowledge and information;
- transboundary demonstration projects that contribute to improved air quality, water quality and habitat and species health.

In addition to setting goals and actions for these three areas, the 2008-2010 Action Plan highlights opportunities for shared outreach and communication on important transboundary environmental issues in the Georgia Basin-Puget Sound.

A renewed *Statement of Cooperation* Working Group was formed in May 2007, co-chaired by EC Pacific and Yukon and EPA Region 10 with representation from the Coast Salish Gathering Coordinators, the British Columbia Ministry of the Environment, Washington State Department of Ecology and the Puget Sound Partnership to facilitate a multilateral discussion on the development of this 2008-2010 Action Plan (see Appendix 2 for a list of Working Group participants and chronology of the Action Plan development).

The last *Statement of Cooperation* Action Plan and Report on Progress signed off by EC Pacific and Yukon and the EPA Region 10 covered the 2004-2006 period. Appendix 1 provides an update for 2007/2008 on progress made on several transboundary efforts, including the Georgia Basin Puget Sound Research Conference, the Coast Salish Gatherings, transboundary indicators reporting and the International Airshed Strategy.

Several other significant developments have taken place in 2007/2008 including:

- The creation of the Puget Sound Partnership in June 2007. An Action Agenda for 2020 is being developed and will be finalized by December 2008.
- A period of transition for the Georgia Basin Action Plan and work by Environment Canada to examine the future of its Ecosystem Initiative program nationally.
- Establishment of the State of Washington – Province of British Columbia Coastal and Oceans Task Force in June 2007. This is considered the evolution of the former Georgia Basin/Puget Sound International Task Force under the BC/Washington Environmental Cooperation Council. Terms of reference and a draft work plan have been developed for the Task Force.
- The Coast Salish Gatherings as an evolving model for transboundary cooperation which has enriched the transboundary relationships and dialogue in the Salish Sea. The Coast Salish Gatherings do not replace government to government consultation, but rather provide a forum for Coast Salish leadership to share their environmental issues and concerns and provide a unified voice to protect their shared homelands and waters. A Prologue and mission statement along with a working Coast Salish Gathering Environmental Action Plan were adopted at the 2008 Coast Salish Gathering in Tulalip, Washington.

See Appendix 3 for a description of the mandate, priorities and membership of the transboundary cooperative efforts being undertaken in the Salish Sea.

2. GOALS AND ACTIONS FOR 2008-2010

2.1 Transboundary Governance

Goal: Improve functional coordination of transboundary plans and action.

- a) Continue to support and recognize the annual Coast Salish Gatherings as a unique forum for the six governing bodies in the Salish Sea to come together to find common ground on priority environmental issues, policies and projects and develop joint actions and recommendations.
- b) Develop options and convene discussions on multi-lateral institutional mechanisms that could more effectively support transboundary ecosystem planning and management for the Salish Sea.
- c) Work with the Puget Sound Partnership, the Georgia Basin Action Plan, the Coastal and Oceans Task Force, and the Coast Salish Gatherings by:
 - Identifying transboundary initiatives that could be included in the Puget Sound Partnership Action Agenda for 2020.
 - Identifying opportunities to collaborate on priorities and projects outlined in the Coast Salish Gathering Environmental Action Plan, in particular in the areas of toxics in traditional foods, water quantity and quality, and climate change impacts.
 - Working through the Coastal and Oceans Task Force to implement joint initiatives in the areas of habitat restoration, coastal and oceans indicators and climate change impacts.
- d) Continue to support the Georgia Basin-Puget Sound International Airshed Strategy via participation by core staff from agencies responsible for air quality management in the Georgia Basin and Puget Sound areas. Participating agencies include EC, EPA Region 10, BC Ministry of Environment, Washington Department of Ecology, Metro Vancouver, Puget Sound Clean Air Agency, Fraser Valley Regional District, Northwest Clean Air Agency, Health Canada, US National Parks Service, Olympic Region Clean Air Agency and others.

2.2 Knowledge and Information Sharing

Goal: Support knowledge and information sharing on transboundary ecosystem issues.

- a) Coordinate and deliver the 2009 Puget Sound - Georgia Basin Ecosystem Conference (February 8-11, 2009) with the Puget Sound Partnership. The 2009 Research Conference will present opportunities to:

- link science and Coast Salish traditional ecological knowledge to policy and management for the Salish Sea;
 - present an update of the original findings of the 1993 Marine Science Panel and identify any new drivers of change in the marine environment;
 - explore transboundary collaborative options for the Salish Sea;
 - profile the Puget Sound Action Agenda for 2020 and launch its implementation; and
 - improve understanding of climate change impacts and share adaptation and planning strategies for Salish Sea communities.
- b) Explore ways to apply and further develop the transboundary indicators for the Salish Sea ecosystem.
- Develop a strategic information map in order to identify transboundary data gaps and assist with strategic integration of data and information for wider use and application.
 - Host a transboundary information meeting on recent indicator development and emerging future directions occurring on each side of the basin, including Coast Salish knowledge across the basin.
 - Where data are immediately available, conduct an update of existing Puget Sound - Georgia Basin transboundary indicator metrics and graphics.
 - Scope out possibilities for an information system that will facilitate future updates.
 - Explore the feasibility of adding a short set of indicators to the transboundary indicator portfolio given current data sets with consideration given to human health, community health, climate change, and Traditional Ecological Knowledge indicator themes.
 - Explore collaborations with the Fisheries & Oceans Canada Strait of Georgia Ecosystem Research Initiative and similar programs in Puget Sound to enhance marine ecosystem indicators.
 - Determine the feasibility of establishing a transboundary monitoring program like the Gulf Watch program used by the transboundary Gulf of Maine Marine Council.
- c) Support coordinated efforts to develop new information on transboundary air quality issues of concern. This includes new information related to transportation sector emissions including from marine, rail, road sectors, area source emissions such as residential wood smoke and agricultural emissions and point source emissions from industrial facilities.

In addition, support work related to analysis of the effects of degraded air quality, including effects to human health from diesel combustion emissions and ozone, effects on the natural environment such as ecosystem nutrient balance changes from atmospheric deposition of pollutants and effects to quality of life such as degraded visibility from air pollution in the region.

- d) Exchange information on the respective Disposal at Sea programs of EC Pacific and Yukon Region and EPA Region 10. This may include:
 - participation on disposal site surveys in the Puget Sound/Georgia Basin;
 - sharing of disposal at sea site monitoring results; and
 - development of contact protocols for planned and emergency procedures at or near the international border.

- e) Support information sharing on toxics through the Pacific Region Contaminants Atlas to be housed on the Community Mapping Network <http://www.shim.bc.ca/> and the 2009 Puget Sound - Georgia Basin Ecosystem Conference. Encourage the development of common data and information to support development of a toxics source control strategy across the transboundary basin. The U.S. toxics working group will reach out to include key Canadian representatives in U.S. toxics assessment and source control efforts.

- f) Support the information sharing initiatives of the Coast Salish Gatherings like the Canoe Journeys Water Quality Data Gathering project, the Coast Salish Atlas project and a Coast Salish Traditional Ecological Knowledge and Science Conference.

2.3 Transboundary Demonstration Projects

Goal: Promote targeted planning and actions through transboundary demonstration projects that will contribute to positive change in air quality, water quality and habitat and species health.

- a) Address air and greenhouse gas emission issues from cross border traffic (in particular from idling trucks and vehicles), marine vessels and ports (e.g. through electrification of port facilities), rail lines and stations (e.g. from idling locomotives) and others.

- b) Protect and improve water quality in shellfish growing areas through community-based initiatives such as the Shared Waters Alliance in Boundary Bay/Drayton Harbour.

- c) Improve species recovery and marine and nearshore restoration strategies. Demonstration projects could include the removal of derelict fishing gear and creosote pilings and reducing non-essential hard-armouring of shorelines.

3. COMMUNICATION AND OUTREACH ACTIVITIES

The purpose of our communications and outreach activities will be to outline our respective mandates and priorities, highlight the uniqueness of the region and the threats to residents' quality of life, and share the intent of the *Statement of Cooperation* and the commitment of Environment Canada Pacific and Yukon and the Environmental Protection Agency Region 10 to work with others in finding solutions to common environmental problems. Specific successful projects and achievements under the Action Plan (e.g., removal of derelict gear and other projects undertaken under this Action Plan) could be more deliberately highlighted in public communication and outreach activities. Some key communications and outreach opportunities include:

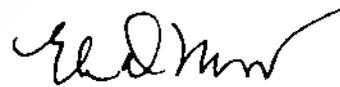
- The 2009 Puget Sound-Georgia Basin Ecosystem Conference
- The 2009 Coast Salish Gathering
- 2003-2008 Georgia Basin Action Plan Report
- Puget Sound Partnership Action Agenda fora
- Environment Canada and EPA Region 10 websites
- The British Columbia and State of Washington Environmental Cooperation Council annual meeting
- Fora like the Pacific and Northwest Economic Region and the Pacific Northwest Environmental Directors

4. ENHANCING THE PARTNERSHIP

EPA and EC agree that the partnership arrangement developed under the *Statement of Cooperation* serves to strengthen our working relationship at the regional level. In an effort to facilitate a broader relationship with our partners in the Salish Sea, we will continue to explore options for a multilateral initiative for the Salish Sea and support a *Statement of Cooperation* Working Group co-chaired by EC Pacific and Yukon and EPA Region 10 with representatives from BC Ministry of the Environment, Washington State Department of Ecology, Coast Salish Gathering Steering Committee, and the Puget Sound Partnership. The Co-chairs of the Working Group will report to the EPA and EC executive teams which will meet jointly a minimum of once a year.



Paul Kluckner
Regional Director General
Environment Canada
Pacific and Yukon



Elin Miller
Regional Administrator
Environmental Protection Agency
Region 10

Appendices

- 1. Update on Transboundary Efforts in 2007/2008**
- 2. *Statement of Cooperation* Working Group and Chronology of Action Plan Development**
- 3. Partnership Arrangements in the Salish Sea**

APPENDIX 1: UPDATE ON TRANSBOUNDARY EFFORTS IN 2007/2008

Coast Salish Gatherings in January 2007 and February 2008

www.coastsalishgathering.com

In 2007 and 2008, Coast Salish leaders from Canada and the United States continued to build on the outcomes of the first Coast Salish Gathering of 2005 to speak with one voice for the Salish Sea. Leaders at the 2007 Gathering in Cowichan, British Columbia discussed the need for effective participation of Coast Salish peoples in various treaties, agreements and policies designed to protect the Salish Sea ecosystem. In Tulalip, Washington in February 2008, the Coast Salish leadership adopted a mission statement and prologue, as well as a working Coast Salish Environmental Action Plan. A number of projects were also identified including a shared information database, a water quality monitoring project that will be conducted through the Tribal Journeys and a Coast Salish Tribal indicators project.

Georgia Basin Puget Sound Research Conference in March 2007

<http://www.engr.washington.edu/epp/psgb/>

Over 900 delegates attended and participated in the 2007 Georgia Basin Puget Sound Research Conference, "Knowledge for the Salish Sea: Toward Collaborative Transboundary Solutions" convened at the Westin Bayshore Hotel and Conference Centre in Vancouver, March 26 – 29 2007. The conference focused on four sub-themes:

1. The interface between science, policy and culture.
2. Data gaps, knowledge gaps and the uncertainties that remain.
3. Examples of partnerships for a changing environment.
4. The role of humans as part of the ecosystem.

Special features of the conference program included a keynote address by world-renowned fisheries scientist Dr. Daniel Pauly, a Coast Salish Plenary Session and a dinner hosted by the Squamish Nation, an ambitious "Greening the Conference" agenda, an exhibit of paintings from the "Islands in the Salish Sea" collection, a Poster Gala and Film Festival, and off-program field trips.

The general impression received from the post-conference survey (which echoed the general impression heard in the hallways of the conference during its delivery) was expressed in the summary report as:

... overwhelmingly positive. While participants did offer their thoughts on how the conference could be improved in future years, they also expressed thanks and congratulations to the conference organizers, commended the interdisciplinary and interjurisdictional approach taken to understanding the issues for the Georgia Basin, and offered high praise for the conference as a source of new knowledge and a resource to support effective partnership building.

Publication of the Transboundary Indicators Report in Canada

<http://www.epa.gov/region10/psgb/indicators/>

Executive summaries of the Transboundary Indicators Report were released to a Canadian policy and public audience in March 2007. These summaries were strategically designed to extract and communicate salient findings from the technical 2006 Transboundary Indicators Report. Over 1200 summaries were mailed out and made available on the Georgia Basin Action Plan website and the regional environmental indicators website simultaneously. Positive support for continuing reporting on transboundary indicators have come in the form of requests for further information and involvement in local indicators initiatives.

Georgia Basin-Puget Sound International Airshed Strategy

http://www.pyr.ec.gc.ca/airshed/index_e.htm

Two inter-agency meetings of the Georgia Basin – Puget Sound International Airshed Strategy were held in 2007/08. The meetings provided fora to discuss emerging air quality issues of concern in the transboundary airshed, including visibility science and management, agricultural emissions and atmospheric deposition. Reports were also presented from International Airshed Strategy component initiative work groups on marine and port emissions, clean vehicles and fuels, residential wood smoke, transboundary science, review of new sources and others.

APPENDIX 2: STATEMENT OF COOPERATION WORKING GROUP AND CHRONOLOGY OF ACTION PLAN DEVELOPMENT

Statement of Cooperation Working Group members¹:

Angela Stadel/Heather Wood, Environment Canada (Working Group co-chair)
Michael Rylko/Lisa McGuire, EPA Region 10 (Working Group co-chair)
Ray Harris, Hul'qumi'num Treaty Group – Coast Salish Gathering Coordinator
Debra Lekanof and Charles O'Hara, Swinomish Tribal Community – Coast Salish Gathering Coordinators
Tom Laurie, Washington State Department of Ecology
David Grace/Penny Lloyd, BC Ministry of the Environment
Ron Shultz/Scott Redman/Ron Kreizenbeck, Puget Sound Partnership

Chronology of meetings and steps in the development of the 2008-2010 Action Plan:

May 31, 2007 – Bellingham, WA – Meeting of the *Statement of Cooperation* Working Group to scope out a framework and process for the development of a new Action Plan.

September 19, 2007 – Vancouver, BC – Meeting of the *Statement of Cooperation* Working Group. Decision to develop a discussion document on existing and emerging transboundary partnerships in order to better align the actions under the *Statement of Cooperation*.

January 16, 2008 – Seattle, Washington – Meeting of the *Statement of Cooperation* Working Group. Discussion of the transboundary matrix of partnerships and issues and agreement on a framework and process for the development of a 2008-2010 Action Plan.

February 27-29, 2008 – Tulalip, WA – Coast Salish Gathering. Paul Kluckner, Regional Director General for Environment Canada and Elin Miller, Regional Administrator for EPA Region 10 listen to the Coast Salish Chiefs, Tribal Chairpersons and Elders and speak about opportunities to collaborate on shared issues through the *Statement of Cooperation*

March 27-28, 2008 – Tsleil Waututh Nation – Future of the Georgia Basin Workshop. *Statement of Cooperation* Working Group holds a short meeting at the end of the workshop to confirm contributions to the content, and how best to align 2008-2010 Action Plan: Initiatives for the Salish Sea with the Coast Salish Gathering Environmental Action Plan.

The *Statement of Cooperation* Working group represents the core group that has advised Environment Canada Pacific and Yukon and EPA Region 10 on the development of the 2008-2010 Action Plan: Initiatives for the Salish Sea. Additional guidance has come from the Coast Salish Sea Initiative, the Coast Salish Gathering Steering Committee and the Georgia Basin Action Plan staff and partners.

April - May, 2008 – EC and EPA co-chairs prepare draft 2008-2010 Action Plan: Initiatives for the Salish Sea for review by key partners in the Georgia Basin-Puget Sound region.

May 2, 2008 – Swinomish Tribal Community, WA – Coast Salish Gathering Steering Committee meets and provides initial feedback on the draft 2008-2010 Action Plan: Initiatives for the Salish Sea.

May 30 - June 30, 2008 – Draft 2008-2010 Action Plan is sent out to key partners including all Coast Salish Nations and Tribes, and federal, provincial, state and other ecosystem-based organizations in the Georgia Basin-Puget Sound for a review and comment period.

September 10, 2008 – Swinomish Tribal Community, Washington – Information meeting for Coast Salish Nations and Tribes to discuss the draft 2008-2010 Action Plan: Initiatives for the Salish Sea and opportunities for collaboration.

November 2008 – 2008-2010 Action Plan: Initiatives for the Salish Sea is finalized and released on the EPA and EC websites.

APPENDIX 3 : PARTNERSHIP ARRANGEMENTS IN THE SALISH SEA

Joint Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem

http://www.pyr.ec.gc.ca/georgiaBasin/gb-psPartnership_e.htm

Established: The Joint Statement of Cooperation (SoC) was signed by the Minister of Environment and the EPA Region 10 Administrator on January 19, 2000. The first Action Plan was developed for 2000-2002.

Mandate: To establish a formal Canada-US agreement (non-legally binding) for regional-level planning and action on transboundary sustainability challenges

Governance: Environment Canada (EC) and EPA Region 10 are signatories to the SoC. Administration and management of the SoC falls to staff of EC-Pacific and Yukon Region and EPA-Region 10. A Working Group with representatives from EC, EPA Region 10, Coast Salish Gathering Secretariats, BC Ministry of the Environment, Washington State Department of Ecology and the Puget Sound Partnership supports the Action Plan development and progress reporting.

Georgia Basin/Puget Sound/International Airshed Strategy

www.pyr.ec.gc.ca/airshed/

Established: In August 2002, a Statement of Intent was signed by the Regional Director General of EC Pacific and Yukon and the EPA Region 10 Regional Administrator to develop the Georgia Basin-Puget Sound International Airshed Strategy (IAS).

Mandate: To develop and implement initiatives to improve air quality in the transboundary Georgia Basin-Puget Sound region.

Governance: EC Pacific and Yukon and EPA Region 10 act as co-lead agencies, coordinating joint activities of the IAS Coordinating Committee which has representatives from Canadian and U.S. (federal, provincial, state and local) air quality management agencies, and Coast Salish Nations and Tribes in the Georgia Basin - Puget Sound region.

Coast Salish Gatherings

www.coastsalishgathering.com

Established: The first Coast Salish Gathering took place in 2005 in Jamestown S'Klallam, followed by the 2007 gathering in Duncan, British Columbia and the 2008 gathering in Tulalip, Washington.

Mandate: To provide a policy dialogue on environmental and natural resources issues and recommend policy and actions to federal and state agencies

Governance: The Coast Salish Gatherings are a forum for Coast Salish Nation and Tribal leaders guided by a Coast Salish Gathering Steering Committee with administrative support from the Swinomish Indian Tribal Community, Northwest Indian Fisheries Commission, Coast Salish Sea Initiative and Georgia Basin Action Plan Steering Committee Coast Salish Nation representatives. Key non-tribal senior officials also participate from: Environment Canada, Pacific and Yukon, EPA Region 10, BC Ministry of the Environment, Washington State Department of Ecology, and the Puget Sound Partnership.

State of Washington – Province of British Columbia Coastal and Ocean Task Force

<http://www.env.gov.bc.ca/spd/ecc/>

Established: In June 2007 through the Memorandum of Understanding between the State of Washington and the Province of British Columbia on Pacific Coast Collaboration to protect Our Shared Climate and Ocean, signed by Governor Christine Gregoire and Premier Gordon Campbell.

Mandate: To provide a mechanism to enhance collaboration between the State of Washington and the Province of British Columbia on coastal and oceans issues.

Governance: Washington State Department of Ecology and BC Ministry of the Environment co-chairs will be responsible for ensuring broad representation from coastal and ocean resource management agencies in respective jurisdictions. The Coastal and Oceans Task Force will report to the Province of British Columbia Washington State Environmental Cooperation Council which was established in May 1992.

Georgia Basin Action Plan (GBAP)

http://www.pyr.ec.gc.ca/georgiabasin/index_e.htm

Established: In 2003 as the second phase of the earlier Georgia Basin Ecosystem initiative (1998-2003).

Mandate: To undertake goals and actions that provide healthy, productive and sustainable ecosystems and communities in the Georgia Basin through collaborative stewardship actions, sharing of scientific and indigenous knowledge and protection of targeted ecosystems.

Governance: The GBAP is guided by a Steering Committee chaired by Environment Canada with representatives from Parks Canada, Department of

Fisheries and Oceans, BC Ministry of the Environment and five Coast Salish Nation representatives.

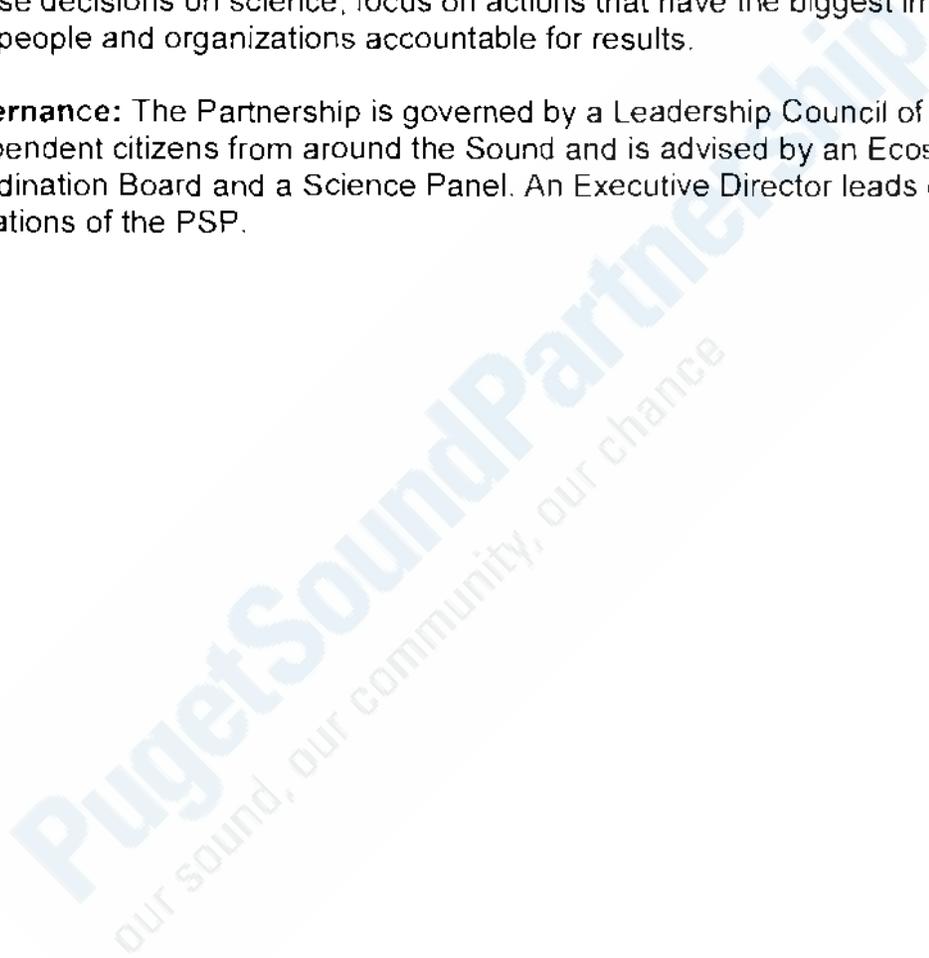
Puget Sound Partnership (PSP)

<http://www.psp.wa.gov/index.html>

Established: In June 2007 replacing the previous Puget Sound Action Team.

Mandate: To restore Puget Sound to a healthy ecosystem by 2020, through the development of an Action Agenda which will prioritize cleanup and improvement projects, and coordinate federal, state, local, tribal and private resources. PSP is to base decisions on science, focus on actions that have the biggest impact, and hold people and organizations accountable for results.

Governance: The Partnership is governed by a Leadership Council of independent citizens from around the Sound and is advised by an Ecosystem Coordination Board and a Science Panel. An Executive Director leads day-to-day operations of the PSP.





King County

Department of Natural Resources and Parks

Director's Office

King Street Center

201 South Jackson Street, Suite 700

Seattle, WA 98104-3855

April 20, 2009

David Dicks

Executive Director

Puget Sound Partnership

PO Box 40900

Olympia, WA 98504-0900

Dear Mr. Dicks:

On behalf of King County, I would like to provide comments on the proposed Supplement to the Puget Sound Action Agenda. Per the information on the Puget Sound Partnership's website, we are not re-stating any comments King County made on the draft Action Agenda last November since we understand those will also be reconsidered by the Partnership in this review. We would like to note that the December 1, 2008 edition of the Action Agenda was a good improvement over the November draft, and we appreciate the revisions made at that time to address some of our earlier comments.

In general, the Supplement appears to be a re-organization of some materials presented in the Action Agenda in order to meet the requirements of the National Estuary Program. In addition, the Partnership has assigned itself a hefty work plan by November 1, which we expect will be dependent upon the outcome of the 2009-2011 budget currently before the legislature. King County's main comment is that we would like to have opportunities for input and review as the Partnership staff develop the tasks outlined in the Supplement, which include determining agency structure; roles and responsibilities of your boards; how the Partnership will work with external interests; how action areas will function; implementation strategies for the Action Agenda; and performance management and monitoring. If you need to re-prioritize or delay some of the tasks proposed in the Supplement to accommodate possible budget cuts and resulting limits to staff resources, we would be interested in working through that with the Partnership as well.

We were pleased to see that the proposed focus for the Ecosystem Coordination Board has been broadened to include providing advice on major strategic and implementation decisions as well as considering and commenting on budgets, work plans, and future changes to the Partnership's strategic direction. We look forward to working with you and the other implementers to make this come to fruition. In these tight budget times, there needs to be continued attention to the

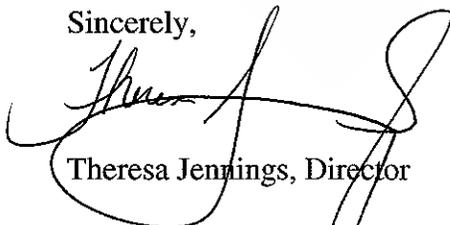
financing plan. It is important to find appropriate funding to implement the actions necessary to recover Puget Sound. The Partnership should continue to aggressively pursue opportunities through the federal stimulus funding to make up for state and local shortfalls.

We appreciate the additions on performance management, particularly the call for links among threats, environmental indicators, intermediate outcomes, and recovery goals. It is good to see that the Partnership is working on finding ways to integrate the science monitoring strategy with performance measures and accountability issues. Here are a few specific comments on the performance management system laid out in the Supplement.

1. Regarding the graphic model presented on page 5 as Figure 1, titled "Partnership structure and communication channels":
 - The clear delineation between the Partnership and 'implementers' may impede a sense of collaboration.
 - By not specifically including them, the graphic minimizes the role of business, residents, and community-based organizations.
2. Regarding the graphic presented as Figure 2, titled "Conceptual Performance Management System":
 - Performance management and adaptive management are by nature iterative; the graphic shown is linear, with no presentation of information findings looping back to adjust what actions are done by whom.
 - The performance management graphic does not show how the contributions of sectors (or clusters of actors) are considered, monitored, and adjusted in a cohesive manner.
3. On page 12, in addressing intermediate outcomes, there are no specifics on what intermediate outcome measures will be included, how targets will be established for intermediate outcomes, and how responsibility for intermediate outcomes will be attributed to various public, private, and non-profit actors in recovery. It would make sense to address this as part of the task due November 1.

King County remains committed to continuing to work with the Partnership to recover Puget Sound, and we appreciate the opportunity to offer comments on the proposed Supplement. If you would like additional information or to discuss any of our comments, please contact Jane Lamensdorf-Bucher, Regional Water Planning Manager in the Department of Natural Resources and Parks, at 206-296-1907 or jane.lamensdorf-bucher@kingcounty.gov.

Sincerely,



Theresa Jennings, Director

cc: Jane Lamensdorf-Bucher, Regional Water Planning Manager, Department of Natural Resources and Parks



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

April 20, 2009

Mr. William Ruckleshaus
Leadership Council Chair
Puget Sound Partnership
P.O. Box 40900
Olympia WA 98504-0900

Subject: Comments on Supplement to the Puget Sound Partnership Action Agenda

Dear Mr. Ruckleshaus:

We have read with interest the Supplement to the Action Agenda. The Lummi Natural Resources Department has the impression that our comments are not being heard. We allocated time from our limited staff resources to the development of the Action Agenda, but feel that the Partnership has difficulty distinguishing the roles of the different participants in the process. We are still concerned that the Puget Sound Partnership is more of a state agency or a partnership of state agencies than a partnership of responsible parties.

The Lummi Schelangen, or way of life, depends on the cycle of nature, which involves all aspects of the Puget Sound ecosystem from the whitecaps to the mountaintops. Our treaty reserved certain rights to fish, hunt, and gather at all usual and accustomed grounds and stations. The federal courts have opined that the ecosystem required to produce those resources is part of the treaty reserved right because without the ecosystem to produce the resources, there is nothing to fish, hunt, and gather. The tribal policy and technical staff members are stretched to the breaking point trying focus on ecosystem protection and restoration. We are trying to recover harvestable salmon through ensuring properly functioning habitat in the fluvial, estuarine, and marine ecosystems; provide for sufficient wildlife for harvest through protection of ecosystems supporting their habitat; and ensure that shellfish are safe to eat with growing waters devoid of fecal coliforms, organisms with biotoxins, or environmental viruses. All of this in the face of increased development pressure on the essential elements of the ecosystem to sustain our treaty right.

Our role in the recovery of Puget Sound is more than that of an implementer. The tribal governments must have their place in the primary decisions setting the Partnership Action Agenda. We are concerned that the implementation of the Puget Sound Chinook Recovery Plan has been transferred to a State Agency in which the Tribes do not have a significant role in directing that implementation. The absence of a commitment to a formal role for the Salmon Recovery Council seems to indicate a relegation of salmon recovery to a lower level of priority.

Our specific comments include:

- 1) We have not been over impressed with the action of the Science Panel, which seems to be building its own institutional structure at the expense of improving the existing science in the region.
- 2) We are concerned that monitoring required for adaptive management has not been focused on practical efficient local levels but seems to be developing grandiose schemes which are difficult to fund.
- 3) Many staff- "caucus" meetings are not announced to interested parties. This does not allow the independent tribal parties to participate in many of the scoping activities of the partnership.
- 4) Because the tribes are all sovereign governments, there is no single tribal representative, though the tribes will sometimes act through other tribal intermediaries in making their thoughts known.
- 5) The Tribes need to have more of a role in the "What" as well as the "How" as addressed by the Ecosystems Board.
- 6) The Tribes are more than implementers in this process.
- 7) The Tribes are not represented by their staff on many of the Soundwide planning and implementation processes mentioned on page 6. The explanation on page 7 is not sufficient.
- 8) We are not clear on how the Leadership Council is implementing its responsibilities for Puget Sound Chinook Recovery Plan implementation.
- 9) The Tribes have not been consulted sufficiently on the cross-border actions with our neighbors to the north.

We hope that the next iteration of the Action Agenda provides for a greater recognition of the tribal role in the recovery of the Puget Sound ecosystem. We look forward to working with the Partnership to protect and restore the Puget Sound ecosystem so that it will sustain the essential elements of the Lummi Schelangen or way of life.

Sincerely yours,

Randy Kinley
ESA Policy Coordinator.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 20, 2009

Mr. William Ruckleshaus
Chair, Leadership Council
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Ruckleshaus:

Thank you for the opportunity to comment on the Puget Sound Action Agenda and Supplement. We applaud the Puget Sound Partnership (Partnership) for your effort to define actions needed to recover the Puget Sound ecosystem and the species depending upon it. Staff members from NOAA Fisheries Service have represented NOAA in the Federal Caucus, as well as workgroups, technical committees and policy boards supporting the Partnership. We will continue to support the Partnership as you move into implementation and adaptive management of the Action Agenda.

The Supplement is a helpful addition to the Action Agenda. It describes the anticipated role of the Executive Director, Leadership Council, Ecosystem Coordination Board, and Science Panel. We would encourage you to further outline these roles and responsibilities. In particular, what will the roles and responsibilities of the Partnership's State Salmon Program and the Puget Sound Salmon Recovery Council be within the larger Partnership organizational structure? We consider the Salmon Recovery Program to be critical to the success of the NOAA approved Puget Sound Salmon Recovery Plan. Members of the Salmon Recovery Council are actively leading implementation efforts in all watersheds across Puget Sound. Understanding how their work and their responsibilities fit into the larger ecosystem recovery approach proposed by the Partnership would be helpful to NOAA, the tribes and others monitoring salmon recovery.

Beyond clarifying the role of the Puget Sound Salmon Recovery Council it would be helpful to more clearly define the operational relationship between the Partnership and the Ecosystem Coordination Board as well as the Partnership and the Science Panel. For example, the founding legislation provides for the Ecosystem Coordination Board to "upon the request of the [leadership] council", review and make recommendations regarding activities, projects, and proposals." It would help to further define the process that the Council will now use to consult with the Ecosystem Coordination Board and the Science Panel.

In Priority A of the Action Agenda, we concur with the Partnership's emphasis on protection of high quality ecological areas for ecosystem and species recovery. Because significant environmental damage can occur from actions in even poor quality ecological areas, it will also be critical to prevent losses in areas other than high quality natural areas.

NMFS strongly supports the implementation of the restoration projects in the salmon recovery three-year work plans as the highest priority in Near Term Action B. We are working with the Partnership's Salmon Recovery Council to implement recovery plans for salmon in Puget Sound listed under the federal Endangered Species Act (ESA). We agree with the Action Agenda's emphasis on and support for implementation of federally approved listed species recovery plans.

We expect to continue working with you as the adaptive management program for the Partnership is developed so we can ensure our monitoring and adaptive management responsibilities are coordinated. We strongly agree with your comments in the Supplement about the importance of ecosystem monitoring. Specifically, "Ecosystem monitoring is essential in determining the ultimate impact of efforts to protect and restore Puget Sound", that indicators "...will be critical for assessing progress toward ecosystem goals.", and "...a robust data management system..." is needed. In the Action Agenda these essential components are included in Section E with no special recognition of their overall importance. Our experience, drawn from similar ecosystem-scale recovery efforts across the nation, is that sufficient upfront investment in these components is cost-effective, and ensures accountability, leading to a higher chance of ecosystem-scale recovery. We therefore recommend consideration being given to providing a higher priority for these essential program components.

In our November 2008 letter to you commenting on the Draft 2020 Action Agenda, we offered the assistance of our offices and we are pleased to extend that effort once again. NOAA has expertise in ecosystems, climate, weather, coastal mapping, bathymetry, contaminant assessment and restoration implementation and physical, chemical and biological research that we think may be of direct relevance to the Partnership as implementation of the Action Agenda accelerates. We would be pleased to collaborate with you further to explore opportunities beyond those within which we are already involved, and to assist you in carrying out the specific elements of the Action Agenda in monitoring, science and adaptive management of key actions. We look forward to ongoing collaboration with you in the months and years ahead. Please contact us if you would like to discuss these comments further.

Sincerely,



Barry A. Thom
Acting Regional Administrator
Northwest Region



Usha Varanasi, Ph.D.
Science and Research Director
Northwest Fisheries Science Center

RECEIVED

APR 22 2009

To: David Dicks
From: Terry Wright
Date: April 20, 2009
Subject: NWIFC Comments on the Puget Sound Action Agenda Supplement

The comments below reflect the views of the NWIFC and individual tribes may also provide additional comments. Language in *Italics* and **Bold** is specific language that should be added where indicated.

Clarification of Partnership roles and work processes (pages 2 & 3)

- The “structure” of the PSP should include the PS Salmon Recovery efforts and Salmon Recovery Council, as mandated by the founding Legislation.
- The roles and responsibilities for the PSP need to include salmon recovery efforts, in each of the sections where those relationships are defined.
- The roles and responsibilities related to the Puget Sound Nearshore Partnership need to be included as they are developed.
- Tribal Caucus. ***A PSP tribal caucus has been established and includes the seventeen treaty tribes within Puget Sound.*** The NWIFC is one of several mechanisms to coordinate activities and information sharing among these tribes. More detail on working with tribes is presented below.
- The roles and responsibilities of the PSP relative to co-management with Puget Sound Treaty Tribes must specify that individual tribes will be consulted on any proposed projects in their regions.

Working with Soundwide implementers: (page 7)

- “Examples include, but are not limited to: the Puget Sound ***Treaty*** Tribes and the State as co-managers for ***tribal treaty*** resources;”



NORTHWEST STRAITS
marine conservation initiative

April 17, 2009

David Dicks
Puget Sound Partnership
PO Box 40900
Olympia, WA 98504

RE: Comments for NEP review

Dear David,

The Northwest Straits Commission and seven Marine Resources Committees were authorized as the Northwest Straits Marine Conservation Initiative by Congress in 1998 to provide a local approach to marine conservation and restoration in the Northwest Straits region of Puget Sound. The Commission receives federal funding to support locally important projects identified and designed by MRCs. The Northwest Straits Foundation, the non-profit arm of our organization leverages additional funds from public and private sources for priority projects.

We appreciate the Partnership's recognition and support of our work to remove dangerous derelict fishing gear from Puget Sound. Inclusion of this project as a priority in the Action Agenda has helped to support our recent funding requests. We applaud your work to highlight the key restoration priorities in Puget Sound.

We are concerned however, that the Action Agenda and supplement do not yet recognize the Northwest Straits Commission as an organization that has a significant role in engaging citizens in marine protection and restoration and which is implementing numerous actions necessary to restore the health of Puget Sound. Commission staff and MRC members actively participated in the Partnership's workshops and meetings to develop the Action Agenda. We provided information about our program, reports, written comments and oral testimony. We requested that the Northwest Straits Initiative's role in citizen stewardship and conservation be recognized in the Action Agenda (comment letter dated November 20, 2008, oral

County Marine
Resources Committees

Clallam

Island

Jefferson

San Juan

Skagit

Snohomish

Whatcom

In Cooperation with
Participating Tribal
Co-Managers

Northwest Straits Commission
10441 Bayview-Edison Road
Mount Vernon, WA 98273

phone: 360.428.1084

fax: 360.428.1491

e-mail: commission@nwstraits.org

web: www.nwstraits.org

comment at Leadership Council meeting November 21, 2008). We have also requested representation on the Ecosystem Coordination Board.

The Action Agenda supplement includes an appendix called "Estimates of Spending Related to Puget Sound January 2009". Page 89 of the appendix lists agencies and related spending for Puget Sound activities but does not list or acknowledge the Northwest Straits Commission which has received federal funds since 1999 (\$1.6 million in 2008 alone) specifically to carry out marine conservation and restoration work. The Appendix also fails to recognize the significant contributions made by local governments, through the MRCs and other means, to protect Puget Sound.

We request that the Action Agenda include reference to the Northwest Straits Commission as a regional organization that coordinates the work of seven Marine Resources Committees and engages citizens in marine conservation and stewardship. We also request that our annual budget be included as a Puget Sound investment in marine conservation and restoration. Restoring Puget Sound will require all of us to work together and collaborate. We welcome the opportunity to work with you.

Sincerely,



Ginny Broadhurst
Director, Northwest Straits Commission
Commission



Scott McCreery
Chair, Northwest Straits

County Marine
Resources Committees

Clallam
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Snohomish
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web: www.nwstraits.org

Puget Sound Action Agenda Supplement

March 31, 2009 ~ People For Puget Sound

We are pleased to see the focus on accountability in the Action Agenda Supplement. Implementation of the National Estuary Program Puget Sound Comprehensive Conservation and Management Plan has suffered from its start in 1986 and (adoption by EPA as a CCMP in 1991) from a lack of attention to accountability. Accountability of state agencies, local governments and the Partnership itself is the essential ingredient to success in recovering the Sound to healthy by 2020. NEP provides an additional avenue for accountability, and we look forward to EPA's adoption of the 2020 Action Agenda as the CCMP for Puget Sound.

Clearly identified benchmarks with deadlines are the key to a successful management system. The legislation establishing the Partnership recognized the importance of benchmarks when it instructed the Science Panel (in Section 10) to "recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda." The enabling legislation tasks the Leadership Council to then set "strategic priorities and benchmarks" (Section 5).

Recommended Revisions to the Supplement

Our overarching recommendation is for the Supplement to include a section-by-section analysis of RCW 90.71 that describes how the Partnership will accomplish each of its statutory duties and within what timeframe.

1. Page 1, add "and benchmarks with deadlines" to the third bullet after "outcomes."
2. Page 2, under the heading "Leadership Council," and on page 9 under "Partnership agency structure," include a full discussion of the Council's duties outlined in Sections 17 and 19 of the Act, including policy analysis and recommendations (to the agencies, the Governor and the legislature) on compliance and enforcement, funding, deficiencies in statutory authority, actions to address barriers to implementation of the Action Agenda, a review of citizen concerns provided to the Partnership and the "disposition of those concerns," among many other important responsibilities in these two sections of the law. These two sections of the law are crucial to the accountability

system. We would also note that the funding strategy called for in Section 17 and, more generally, the need for dedicated funding for implementation should be fully addressed in the Supplement and final CCMP.

3. Page 3, under the heading “Science Panel,” nothing in the law calls for “input on policy-based benchmarks.” The Act states: “By July 1, 2008, the panel shall identify environmental indicators measuring the health of Puget Sound, and recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda. The council shall confer with the panel on incorporating the indicators and benchmarks into the action agenda” (Section 10(3)).
4. Page 3, under the heading “non-profit entity” and on page 9 under “working with citizens,” we strongly encourage the final CCMP to direct the Foundation to focus its time on efforts to engage the public, rather than “provide information” to the public on a broad-scale, which has been shown to be less effective than targeted engagement in building political constituencies and in changing behavior. The Partnership and its Foundation (and Puget Sound) will get more bang for the buck by making grants to other entities that specialize in engaging the public through a multitude of activities from habitat restoration projects to Puget Sound exploration activities and events, as called for in Section 5(1)(e) of the enabling legislation: the Council may “make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter.” This should be a **competitive** grants program, which will bring forward the strongest partners in the non-governmental field for the Partnership to work with.
5. Page 7, under the heading “working with major Soundwide implementers,” please add the Department of Natural Resources and the Conservation Commission and districts, all of which have major authorities and duties pertaining to Puget Sound protection and restoration. This section should also include a meaningful description of the central role that local governments play in implementation. In addition, the Supplement should note that the Partnership has a critical role in holding these agencies and local governments accountable for their regulatory and other programs that must be enforced if the Sound is to be recovered to health by 2020. In general,

the Supplement overlooks this reality in favor of a non-regulatory and educational approach. Both these areas are important and necessary, but in and of them will not be sufficient to achieve recovery. For success, all three legs of the stool will be required – regulation, education/engagement/volunteerism, and incentives. Like the Action Agenda itself, regulation is barely mentioned in the Supplement, and this must be corrected in the final CCMP.

6. Page 10, under the heading “Additions to the Action Agenda,” specifically WHEN will the implementation strategy and the work plans will be added to the Action Agenda? The legislature will finish the state budget and the Governor will sign it by mid-May, and any implementation strategy will flow from that and should be in place by July 1st. How will the Partnership address the inevitable cuts to funding for implementation of the Action Agenda? Will there be an opportunity for public comment on the priorities in the implementation strategy? Also, the performance management system mentioned in this section must include and discuss **benchmarks with deadlines** if there is to be real accountability.
7. Page 11, under “Overview of performance management system,” again, benchmarks with deadlines are not mentioned.
8. Page 12, WHEN will the indicators be adopted? And the benchmarks mentioned must have deadlines. Are “intermediate outcomes” the same as benchmarks? “Action accountability” should be for outcomes, not outputs alone. Accountability for outcomes is the essential ingredient to being able to measure progress and make changes when needed.
9. Page 13 – for the record, numerous *State of the Sound* reports, *Puget Sound Updates*, and Issue Papers on nonpoint source pollution, point source pollution, habitat loss and so on have been produced over the last 30 years and represent basin-wide efforts to comprehensively “synthesize and document what is know about the Sound’s problems, solutions that work....” This should be reflected in the final CCMP.



2702 South 42nd Street, Suite 201
Tacoma, Washington 98409-7322
(253) 798-7250 • Fax (253) 798-2740

April 16, 2009

Ms. Martha Neuman
Action Agenda Director
Puget Sound Partnership
P.O. Box 40900
Olympia, WA 98504-0900

Dear Martha:

Here are comments on the Action Agenda Supplement. We appreciate the challenge in drafting a document that is helpful to both the policy makers and those who want to help with the implement the actions and we hope that by addressing these comments the Action Agenda will communicate more clearly.

The Supplement (Page1) indicates that the "updated Action Agenda will also include minor clarifications and updates that were identified following initial publication." It was not clear by reading the Supplement as to what those "minor clarification and updates" were. It would be appreciated if those updates could be sent to us for review.

The Partnership's webpage indicates the supplement was drafted to address "clarifications needed for the NEP acceptance, including:

- Explanation of roles and work processes of the Partnership
- Next steps on the implementation strategy
- Next steps on the performance management system that the Partnership will use to link goals and outcomes to actions and investments
- More links to the topic forum papers and other references"

These comments most directly address the first bullet. That was the area where we felt more was needed.

Page 1 – Explanation of Processes

One of the key areas in responding to National Estuary Program criteria is how the Action Agenda is intended to operate. An omission in the supplement is how the seven Action Area Profiles are or are not incorporated into the Action Agenda. Each of these Profiles articulate specific ecosystem vulnerabilities and opportunities and recommended priority actions for the discrete geographic area. This specificity is exceedingly important in order to implement actions that are targeted and transparent and that high likelihood of success. Unlike the soundwide actions which lack

specificity and whose needs and effects are highly variable spatially, the priority actions contained in the Action Area Profiles are customized and unique for those areas for optimum benefit. Additionally, the priorities in the Profiles have been developed with significant input of local implementers and citizens, thus increasing their likelihood of success. We encourage the Partnership to clarify the role of Action Area Profiles as important parts of the Action Agenda and EPA to ensure these are necessary elements of an approvable comprehensive plan under the National Estuary Program.

Page 5 - Figure 1 - Partnership structure and communication channels

In the "Implementers" section, it would be more clear if the State, federal, environmental, business, and Tribal caucuses were added to the list. They are discussed on page 4, immediately before the figure, but then not shown on the graphic.

The graphic has arrows pointing from the implementers to the PSP and back from the PSP to the implementers. But there is no detail in the narrative as to the specifics of that communication and the arrows don't actually touch or overlap. One of the concerns voiced throughout the Action Agenda process has been the concern about the lack of two-way communication. The graphic seems to reinforce that perception. More specificity needs to be added to clarify the communication methodology.

In the section starting on page 3, roles of the Boards, the Partnership acknowledges that the role of the Ecosystem Coordination Board (ECB) is to advise the Leadership Council on ecosystem management and Action Agenda development and implementation. The Supplement also acknowledges the size of the Board and its diversity of views and how "caucuses" have been formed for many of its participating interests. The Supplement does not specify how the ECB achieves its statutory function to advise the Leadership Council, nor does the Supplement provide any specific examples of advice given the Council. In order to clarify how the Partnership and its Action Area function to ensure National Estuary Program status, the Supplement should be revised to specify a formal method that solicits and documents ECB advice to the Leadership Council, with or without minority opinions and together with public comment offered at ECB meetings. This will ensure that the statutory role of the ECB is being achieved and the complexities of ecosystem management options are fully weighed and conveyed to decision-makers.

In the section starting on page 4, "How does the partnership work with interest outside the formal structure of the Boards?" the way local governments are going to be included in the process is not described. Other interests such as the watershed groups, Tribal and international groups are mentioned, but cities and counties are not. Much of the work that is needed to ensure the Sound is recovered requires the

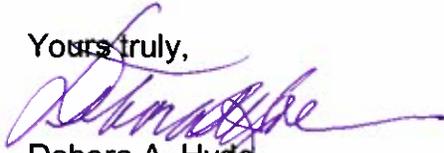
Ms. Martha Newman
April 17, 2009
Page Three

help or support of local governments. How that is going to be done in a meaningful manner, respecting the authorities, responsibilities, limitations, and priorities of the local agencies needs to be addressed.

On page 6, under the "Working with Soundwide planning and implementation process" several of significant efforts that are being undertaken in the region are highlighted. There is an acknowledgement of their work, but again there is lack of specificity of how efforts will be coordinated for efficiency. Many of these efforts are well established efforts (such as the Puget Sound Nearshore program) and are ready to provide help and guidance to the PSP. This will alleviate the need for the PSP to duplicate efforts. More detail on how the interaction will occur is needed.

Thank you for this opportunity to comment. We look forward to seeing the final supplemental with more clarity of these issues.

Yours truly,



Debora A. Hyde
Special Project Coordinator



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

APR 20 2009

William Ruckelshaus, Chair
Puget Sound Partnership
Leadership Council
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Ruckelshaus:

Thank you for this opportunity to comment on the Puget Sound Action Agenda Supplement and the Action Agenda. We appreciate that the Action Agenda continues to be a living document. We agree that an implementation strategy is needed that addresses the most urgent and time critical problems and that strategies and actions need to be linked to threats, outcomes and goals.

Since we already provided comments on the Action Agenda, we are limiting our comments to the Supplement. We agree with you that a section should be added to the Action Agenda clarifying the roles, responsibilities and work processes for the Partnership. Successful restoration and protection of Puget Sound requires a coordinated effort that includes feedback and participation by State, Federal, Tribal, and local governments; environmental groups; businesses and the public. Establishing and using a structure that allows assistance from the Ecosystem Coordination Board to the Leadership Council and Executive Director for plan implementation is essential. Meetings need to be scheduled so the Ecosystem Coordination Board can discuss and provide advice to the Leadership Council on strategic and implementation decisions including work plans and budgets.

The Puget Sound Partnership and the Environmental Protection Agency should more specifically describe how their work together under the National Estuary Program will accomplish the Environmental Protection Agency's on-going trust responsibility to uphold the Puget Sound Tribes' treaty rights. More detail should be added to the Action Agenda to ensure that the Puget Sound Partnership's decision making and implementation processes provide adequate representation of Puget Sound Tribes and protection of their treaty rights. Clarify the role of the Salmon Recovery Council in implementing recovery of Puget Sound federally-listed salmonids.



We look forward to working with you to help implement the Action Agenda and Science Plan. We intend to be involved through a coordinated effort with the Federal Caucus and directly as a natural resource agency. Please contact me at (360) 753-4065 if you would like to discuss ways that our agency can further support the Partnership.

Sincerely,



Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:

Puget Sound Partnership, Olympia (D. Dicks)
Environmental Protection Agency, Seattle (M. Gearheard)

Puget Sound Partnership
our sound, our community, our chance



State of Washington
Department of Fish and Wildlife

Mailing Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

April 16, 2009

Puget Sound Partnership
Post Office Box 40900
Olympia, Washington 98504-0900

The Washington Department of Fish and Wildlife (WDFW) appreciate the opportunity for review and comment on the Supplement to the Action Agenda (AA) by the Puget Sound Partnership (PSP). WDFW commented on the draft Action Agenda and will not repeat the comments submitted at that time.

The Supplement addresses many of the details necessary for consistency with the National Estuary Program and acceptance as the new Comprehensive Conservation and Management Plan for Puget Sound under Clean Water Act Section 320. As such, the description of PSP's structure and relationship with critical partners is outlined. While the description of the various caucus', Soundwide interests and implementers was helpful, it lacked specificity as to how these various entities will be engaged and/or deployed to implement the AA. Further, it remains unclear, at times, what the role of the PSP will be: planner, convener, funder, accountability tracker, or direct implementer. While PSP may play different roles in different venues, it is WDFW's perspective that PSP's strength will be in assisting sister agencies in deploying and/or modifying our programs and resources to best implement the AA, rather than PSP directly implementing them. Finally, the structure diagram of PSP, Figure 1, depicts a separation between the Partnership and its partners. WDFW sees itself as a critical component of this Partnership and would welcome being a part of the Partnership rather than as an outside entity.

WDFW strongly supports the development and inclusion of ecosystem conceptual or logic models. This is to be commended because these tools will greatly enhance communication among disparate (e.g., policy and science) groups. It will also greatly assist the general public's understanding of how their actions tie to particular outcomes necessary for the recovery of Puget Sound.

The text in the Supplement devoted to Ecosystem Indicators, Ecosystem Monitoring System, Intermediate Outcomes, Action Accountability, Adaptive Management, and Data Management Systems are welcome additions. WDFW voiced a concern in its first review of the AA that the AA was not presented as a "work in progress" and that it should be clear that the plan is meant to adapt as new information is developed. WDFW appreciates this section and commends PSP for including it.

Some specific comments on the tables:

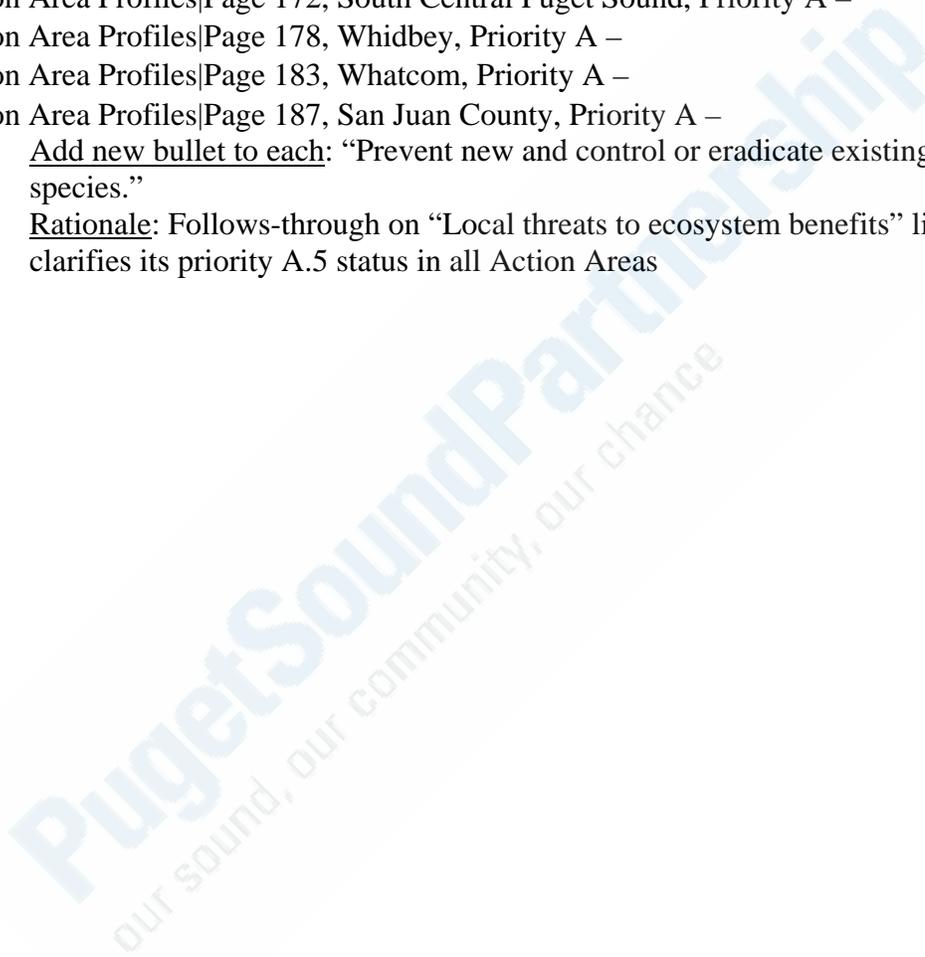
- Page 16, table linking near-term actions to the Topic Forum papers—The Habitat and Land Use category should probably add reference to A.2-5, A.2-6 (SMP funding and technical assistance) A.2-8 (CAO assistance) and A.2-9 (TDR support) in the Near Term Actions column.
- Thank you for adding WDFW as partners to A.2-5 and A.2-6 (SMA tech assistance). For similar reasons, we should be listed under A.2-8 (CAO tech assistance) as a partner along with Ecology. We provide important species and habitat information and tech asst to local CAO updates through our Priority Habitats and Species program and local PHS/GMA biologists.
- B.1-1, WDFW should be mentioned as a partner in implementing restoration projects on 3-year work plans and ESRP.
- D.4-6, in lieu fee program- WDFW should listed as a partner along with Ecology.
- D.4-7, HPA improvement, good to be mentioned, but WDFW would still like to see HPA's mentioned in Part A, protection.

PSP Action Agenda (Dec 2008 version) – Critical elements related to Invasive Species that have changed due to the commencement of WDFW's Ballast Water rulemaking.

Question 2|Page 26, Invasive Species paragraph –

- Add: “Recent studies have shown that ballast water and hull-fouling pathways account for up to 70% of all aquatic invasive species introductions worldwide. The Puget Sound receives an average of 3,000 vessel arrivals that discharge six million metric tons of ballast water annually. This volume of ballast water is equivalent to the capacity of 41,667 railroad grain cars, which if connected together would form a train stretching from the northern border of California to Seattle.”
- Rationale: Based on 11/20/08 department recommendation. Ballast water must be included in this section to reflect and clarify its priority A.5.2 status.
- Question 3|Page 43, A.5 Near-Term Actions, #2 –
- Question 4|Page 88, Priority A, Row 9 –
- Question 4|Page 99, Priority A.5, Row 2 –
 - Replace with: “Enhance the Department of Fish & Wildlife’s ballast water regulatory compliance program and support a federal/state cooperative management approach.”
 - Rationale: Based on 11/20/08 department recommendation. Reflects and clarifies the “Additional 2009-2011 Cost” priority budget item in Question 4|Page 99; Also clarifies critical support for state management as an integral strategy beyond 2011.
- Question 3|Page 68, D.5 Near-Term Actions -
- Question 4|Page 114, Priority D.5 -
 - Add new bullet/row 6: “Continue to support and enhance the Department of Fish & Wildlife’s ballast water, invasive tunicate, and early detection/rapid response compliance programs.”
 - Rationale: Based on 11/20/08 department recommendation. WDFW’s established regulatory role is a critical part of this priority and must be recognized with acknowledgment of insufficient budget to meet 2020 goals.
- Question 4|Page 99, Priority A.5, Row 1 –
 - Correct “Lead Agency” with: “DFW”

- Rationale: WDFW has been the lead agency for ballast water management since it started in 2000.
- Question 4|Page 99, Priority A.5, Row 2 –
 - Correct “Ongoing Biennial State Spending”: \$364,000
 - Rationale: This is the **state** spending budget; \$220,400 may only reflect portion of effort in Puget Sound.
- Action Area Profiles|Page 152, Strait of Juan de Fuca, Priority A –
- Action Area Profiles|Page 158, Hood Canal, Priority A –
- Action Area Profiles|Page 163, North Central Puget Sound, Priority A –
- Action Area Profiles|Page 167, South Sound, Priority A –
- Action Area Profiles|Page 172, South Central Puget Sound, Priority A –
- Action Area Profiles|Page 178, Whidbey, Priority A –
- Action Area Profiles|Page 183, Whatcom, Priority A –
- Action Area Profiles|Page 187, San Juan County, Priority A –
 - Add new bullet to each: “Prevent new and control or eradicate existing invasive species.”
 - Rationale: Follows-through on “Local threats to ecosystem benefits” line item and clarifies its priority A.5 status in all Action Areas





April 20, 2009

Mr. David Dicks, Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Dear Mr. Dicks:

Thank you for the opportunity to comment on the Supplement to the Action Agenda. The Action Agenda is a first step that is providing tremendous momentum on our way to achieving the restoration of Washington's crown jewel, the Puget Sound.

The Department of Natural Resources is a necessary and capable partner committed to this effort and, as I stated at the Leadership Council in March, I pledge the resources of my agency to help accomplish the many tasks we have before us. We look forward to continuing this collaborative effort. It is in this spirit of collaboration that I share these thoughts and recommendations with you.

As an agency, DNR has many strong programs that will benefit the Partnership and partnering entities, and I would call your attention to a few of them. First, we have four programs with the authority to acquire lands for conservation and restoration. Each of these programs has developed criteria, gathered data, and designed processes to prioritize parcels for acquisition. With limited time and resources, I believe we all must make best use of existing authorities. We also have world class GIS expertise, data and infrastructure to assist in a host of endeavors. Our state uplands Habitat Conservation Plan (HCP), Forest Practices HCP and the Natural Heritage Plan, serve as species recovery plans for many species without formal statewide recovery plans. In addition, our Aquatic Lands Program has been working on a landscape wide, ecosystem based approach to identifying aquatic lands in state ownership that merit being set aside for restoration and conservation. In all, we are working diligently to ensure that our efforts are coordinated with those called for in the Action Agenda so our work is complimentary. As you move toward implementation, I'm sure you will find all of these programs and resources invaluable to you and your staff.

As you know, a major part of the implementation of the Action Agenda over the next 11 years will involve the restoration of aquatic lands all across the Puget Sound Action Area. In many instances, these lands are under state ownership and managed by the Department of Natural Resources. Be assured that, as the manager of 1.9 million acres of state-owned submerged lands in the Puget Sound, we are committed to doing our part. Over time we have found that quite often organizations seeking to undertake activities on submerged lands don't consider ownership of the lands, and so don't include DNR in their early planning. I believe you could help prevent

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APR 22 2009

Mr. David Dicks, Executive Director
April 20, 2009
Page 2

this by highlighting our proprietary role as manager of state-owned submerged lands in the Action Agenda. For example, the section of the Supplement on page 7 "Working with major Soundwide implementers" should include mention of DNR as the landowner. I would welcome any additional measures you could undertake to promote our distinctive role in the Action Agenda so that we can work proactively with our partners.

Again, I appreciate this opportunity to share these comments with you. Enclosed are additional detailed comments on the Supplement, as well as continuing comments on the Action Agenda that I hope you and your staff will find useful.

Sincerely,



Peter Goldmark
Commissioner of Public Lands

Enclosure

c: Craig Partridge, Policy Director
Bridget Moran, Deputy Supervisor,
Aquatics & Agency Resources

Detailed Comments from the Department of Natural Resources

Comments on the Supplement

Comments on Roles and Responsibilities:

- DNR suggests that the definition of roles and responsibilities could be enhanced to provide a more robust explanation. We recommend adding clarity to what types of decisions each board makes (budget, legislation, policy etc...) and what resources they have at their disposal to accomplish their work.
 - Independent boards generate robust recommendations. DNR suggests that the science panel's independence and therefore their effectiveness could be enhanced by placing devoted resources at their disposal including staff and budget.
 - It is unclear how the Ecosystem Coordination Board will be involved with developing the implementation strategy. We recommend adding additional clarity especially in light of their obvious role, as representatives of action agencies, in facilitating the implementation of the Action Agenda.
 - Although this may be implicitly understood, we feel that the Supplement could better articulate how the salmon recovery functions are integrated into the watershed analysis efforts and work of the Science Panel and the Ecosystem Coordination Board.
 - The diagram on page 5 that depicts the interactions of the various boards could be improved to provide a richer and clearer representation of the interaction model.
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Supplement Page 7 "Working with Soundwide implementers" Please acknowledge DNR's role as the manager of 1.9 million acres of state-owned land in the Puget Sound Action Area. This will help prevent activities on state owned aquatic lands from being delayed due to the late involvement of the agency.

Supplement Page 10 "Implementation Planning": DNR recommends developing a process setting priority actions that is transparent and inclusive so that the best decisions are made with full information.

Supplement Page 12 "Ecosystem monitoring systems" The DNR feels that the work to establish the function of this monitoring has not yet been accomplished so the decision on a governance structure is premature. Therefore, we recommend that the Leadership Council defer this decision until the nature of the needed monitoring program is better established.

Comments on the Action Agenda:

Actions A1, Parts 2 and 3 and C2: There are a number of areas in which the Department of Natural Resources can contribute as we work in partnership to restore Puget Sound. One of these areas is geology. The Action Agenda calls for an ecosystem approach to restoration of the Puget Sound. Geologic information is critical to that approach. There are large gaps in our understanding of the geologic hazards and processes that exist in the Puget Sound. Action Agenda items A.1 parts 2 and 3 (protecting high risk high value habitat and completing watershed assessment maps) stand out the most as areas where geology and an integrated science approach will help. The Washington Geological Survey's expertise will be important in identifying areas of low and high infiltration potential, groundwater pathways and discharge areas, geologic material characteristics, as well as areas subject to landslides and ground failure during earthquakes and large precipitation events. Geologically speaking, Washington is an extremely active state and is ranked 2nd in the nation for earthquake risk. We at DNR want to be certain that critical facilities are built in areas where they are not subject to active faults, earthquake liquefaction, landslides or tsunami hazards which could further impair the Puget Sound."

A.1.1 / A.1.1.4 *"Build on and coordinate existing efforts to create and implement a Soundwide vision for accommodating population and economic growth while protecting the Puget Sound ecosystem... Implement scale appropriate and cost-effective ecosystem protection and restoration actions in urban areas that enhance human well-being and provide ecosystem benefits."*

Although it may not be evident, unnaturally large, human caused forest fires are a very real threat to natural and human communities in the Puget Sound Action Area. Although the natural fire return interval is over 100 years, this time frame can be substantially shorter due to human activity. Also these fires can be catastrophic in scope because they are usually driven by high winds. These wind driven conflagrations can destroy homes, businesses and infrastructure crippling the economy and causing environmental degradation. Significant to Puget Sound is the elevated erosion and sediment transport that can occur from exposed soils after a major forest fire. DNR conducts a program to help communities plan ahead for wildfires and help reduce the wide scale damage that these fires can cause. They are called Community Wildfire Preparedness Plans and we would like to pledge our support to develop these plans for some of the communities at most risk in the action area to ensure robust preparedness for a very real risk. Any measure of recognition of this effort in the Action Agenda would assist us in this work.

Action A.2, near term action 4: *"Work with the Marine Managed Areas Work Group chaired by Washington State Department of Fish and Wildlife (DFW) to develop recommendations to improve the effectiveness of Marine Protected Areas (MPAs) by December 2009. Incorporate recommendations for MPAs in Puget Sound into the Action*

Agenda and take a lead role in implementation. In consultation with the tribes and other stakeholders, complete the management plans for the Cherry Point Aquatic Reserve and develop management plans for the following nominated reserves: Nisqually Estuary, Protection Island, and Smith Island in the Strait of Juan de Fuca. Implement recommendations. Coordinate the Cherry Point Management Plan with Whatcom County Cherry Point Management Area policies. Implement existing MPA plans in coordination with the Action Agenda.”

Please acknowledge DNR as a partner in these efforts as the agency is taking lead on all portions of the actions that are underlined.

A.2 General: Many actions under A.2 call for the acquisition of properties for long term conservation. DNR has several programs and processes that may make the execution of these actions quicker and more efficient.

- *A.2.1.1 “Acquire specific lands at risk of conversion or impacts from other human activities. For the near term, complete priority acquisition projects identified through established processes (e.g., salmon recovery and others) and/or other sub-regional acquisition strategies developed using ecosystem recovery principles. Over the long term, acquire property identified through the Action Agenda-based watershed assessments and protection prioritization process (see A.1). For working farms and forests, use tools that keep land in production. Incorporate climate change projections into acquisition considerations.”*
- *A.2.1.2 “Establish a revolving fund to rapidly protect lands at immediate risk of conversion.”*

The four programs are listed below. Each has developed criteria and processes to identify high priority parcels for acquisition.

- Forest Legacy and the Endangered Species Act Section 6 Program: both identify parcels for acquisition or for long term conservation easements.
 - State trust land replacement program: this program purchases lands to replace lands that have been sold or transferred out of state ownership. It is focused on acquiring forest lands at risk of conversion and has identified a list of priority forested landscapes. In addition, existing trust land better suited for a pure conservation purpose can be acquired from the trust for that purpose through the Trust Land Transfer Program.
 - The Natural Areas Program has authority to purchase land for inclusion in our portfolio of Natural Resource Conservation Areas and Natural Area Preserves. The Natural Heritage Program which works in concert with the Natural Areas Program, has developed a highly respected process for identifying high priority parcels for acquisition for conservation based on their contribution to priority ecosystem functions or species.
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A.2.7 “Change Shoreline Management Act statutes and regulations to require a shoreline conditional use permit for: bulkheads and docks associated with all residential development; all new and replacement shoreline hardening; all seawall / bulkhead / revetment repair projects; and new docks and piers. Require soft armoring techniques be used where new armoring or retrofits are unavoidable. No-net-loss of shoreline function should be required and new shoreline hardening should be prohibited in areas with feeder bluffs. New over water structures or shoreline hardening in the vicinity of forage fish-spawning areas and eel grass beds should also be restricted. Changes will need to address special situations such as emergency repairs. Assist local governments as needed to ensure that any regulatory adjustments are reflected in local Shoreline Master Programs.”

The DNR supports changes to the Shoreline Management Act and would like to be added as a partner to this effort. We estimate that over 88% of the residential docks in the Puget Sound Action Area fall (at least partially) on state owned aquatic lands. Currently we are in the process of developing comprehensive strategies to address these docks and we will be engaging the Partnership and enlisting partners in this effort.

B.1.2 Near Term Action 2 “Complete large-scale restoration projects at the mouths of major river systems in Puget Sound where there is a high likelihood of re-creating ecosystem function. These large-scale projects often require funding amounts not typically available through current grant programs...”

Large scale estuarine restoration projects will likely involve state-owned aquatic lands managed by DNR. This should be recognized and DNR listed as an up-front partner. In addition, planning for these projects should recognize the possible existence of designated Harbor Areas and the resulting coordination need with the purposes of these areas, which are established by Washington State’s Constitution.

B2 General Comment: Creosote has been used extensively over the last 100 years as a marine wood preservative. It is now recognized as a source of toxic chemicals that leach out of the wood and into the surrounding environment. Now, thousands of tons of creosote soaked wood—pilings, structures and debris—litter Puget Sound and its beaches. In many cases, restoration projects in Puget Sound cannot proceed until these structures and the toxics-laden wood they are constructed from are removed. Evidence shows that the toxicity of creosote causes damage to forage fish eggs and other small organisms that are the foundation of the food web, and essential to salmon. Since 2003, DNR has built a robust program that specializes in the removal of creosote laden wood and derelict structures; developed technical expertise and cost effective business operations to remove creosote piers from Puget Sound waters and creosote and other chemical-laden wood from its beaches.

DNR’s program for removal of derelict creosote-treated structures as part of planned habitat restoration and renovation activities should be added to the near-term action plan either in this action set or in pollution prevention or both.

C.2.5 *“Convene a group of regulating agencies, implementers with key funding responsibilities, and other stakeholders as appropriate to evaluate the technical and programmatic solutions for CSO’s [combined sewer overflows] to meet overall program goals of improving water quality in fresh and marine water. The integration of CSO solutions into the larger range of solutions to storm water and other water quality problems may improve cost effectiveness of both programs in urban areas, notably Seattle and King County. This will require flexibility in implementation, timing, and scope of municipal wastewater NPDES program as applied to CSO’s.”*

DNR should be added as partner agency in the CSO focus group as outfalls are often located on state owned aquatic lands.

Action D.1.3 *“Implement existing species recovery and biodiversity plans”*

Please list DNR’s existing species recovery plans including our uplands HCP, the Forest Practices HCP and the Natural Heritage Plan.

Actions: D.4.3 *“Convene a process for making recommendations to the Partnership about streamlining permitting processes for habitat restoration projects. Include the following regulatory programs in the review process: building construction permits, clearing and grading regulations, Hydraulic Permit Approval (HPA) permits, Ecology’s Clean Water Act, Section 402 and Section 401 permits, and Army Corps of Engineers’ Clean Water Act Section 404 permits and Section 10 of the Rivers and Harbors Act.”*

and Action D.4.6 *“Develop, fund, and implement a pilot in-lieu-fee mitigation program for aquatic habitats in one to three Puget Sound watersheds. The program should be implemented at the watershed scale and involve the restoration of off-site, priority habitat areas as mitigation for multiple development impacts. Participation in the program should be optional and should not compete with existing mitigation banks or other in-lieu-fee programs. It should include provisions for long-term maintenance and monitoring. The program would be pre-capitalized with publicly funded mitigation projects.”*

Please add DNR as a partner agency for the restoration project permit streamlining effort, and for off-site mitigation. Where restoration is to occur on state owned aquatic lands, early DNR involvement is essential.
