

PugetSoundPartnership

our sound, our community, our chance

Draft Action Agenda Comments

State

Nov. 6 - 20, 2008

Set 7 of 8

From: Nathan Mantua, University of Washington Climate Impacts Group

Comment: Note that the page numbers listed for each comment are the page numbers in the pdf file, while page numbers in parentheses are those printed on the draft action agenda.

1. Page 10: the “percent exceedance” of instream flows target seems to be a low standard – that in “wet years”, instream flows in all watersheds exceed minimum low flow levels set by rule or other agreement; Wouldn’t it be more meaningful to have a target aimed at “average years”? I can understand not having a goal of meeting the minimum flow target in especially dry years, but if you only measure the wettest years you are aiming so low for this performance metric that it may not be ecologically meaningful.

2. Page 10-11: For the Salmon and Steelhead status and trends indicator, the target of “two to four viable populations of Chinook salmon in each of five regions” may not be a great indicator for “species and food webs” within Puget Sound. I agree that Chinook are likely a good integrative indicator for aspects of Puget Sound food webs and watershed health. However, I wonder if Chinook population trends even provide a good indicator for the status and trends of other Puget Sound anadromous fish populations (steelhead, pink, chum, sockeye, coho, cutthroat and bull trout). Perhaps this is likely to be true for multi-decade trends, but based on analyses of historic salmon catch and escapement data, shorter-period variations and trends for different species and even different populations within a species appear to vary in at least partly independent ways. To better track changes in Puget Sound webs I think it would be worthwhile to add at least two additional food web indicators targeting higher and lower trophic levels. For instance, herring populations likely serve as a good indicator for zooplankton production and eel grass health, and are also a key forage item for many higher trophic levels in Puget Sound. At the highest trophic level, aren’t Puget Sound Orcas the ultimate integrator for the health of Puget Sound’s food-webs?

3. Page 16 (Question 2, page 5): This statement - “The April 1 snowpack at mid and low elevation basins is projected to decline by 44% by the 2020s”- should be deleted and replaced with the following text:
“April 1st snow pack in the low and mid-elevations of the Cascades has a high sensitivity to surface temperatures. Projected warming in the future will substantially diminish springtime snow pack in these watersheds and cause large changes in the timing of stream flows. In the Snohomish basin, the second largest watershed draining to Puget Sound, hydrologic simulations show a 68% reduction in average April 1 snow water equivalent for a projected 2 degree C warming (now projected for mid-21st century climate change scenarios), relative to simulated average April 1 SWE for mid-20th century temperatures.”

4. Page 28 (Q3, p10): under “A.3 Protect and conserve freshwater resources to increase and sustain water availability for instream and human uses”, #2, add “Water Quality” here too. Identifying and protecting cold-water refugia in Puget Sound streams as a hedge against the likely impacts of climate warming on cold water habitat for salmonids should also be high priority action items.

5. P46 (Q3, p28): this bullet point is listed twice:

Build and sustain long-term capacity of partners to effectively and efficiently implement the Action Agenda

6. P65 (Q3, p47): under E.3, near-term action number 8, include “future climate scenarios” along with projections for land use and related habitat changes.

Puget Sound Partnership
our sound, our community, our chance



Washington State Association of Local Public Health Officials

An Affiliate of
Washington State Association of Counties

November 20, 2008

Cullen Stephenson
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Puget Sound Partnership Action Agenda

Dear Mr. Stephenson:

On behalf of the Washington State Association of Local Public Health Officials (WSALPHO) I am writing about the DRAFT Action Agenda.

We appreciate the effort the Partnership has made developing the Action Agenda. We support both its comprehensive approach and philosophy that focus on protection, prevention and cooperation, along with a decision process guided by adaptive management and science. We also appreciate that Action Agenda takes into account many recommendations from the Washington State Environmental Health Directors.

Protecting and restoring Puget Sound will require extensive work by local health jurisdictions. We have responsibilities and expertise in many disciplines, from permitting and managing on-site sewage (septic) systems, to less obvious areas such as hazardous waste management, education and outreach, water quality monitoring and land use planning. We need and want to be involved as efforts to protect and improve Puget Sound go forward.

While we look forward to this work we do so with some trepidation. The work will demand much from local public health agencies at a time when our resources are both over taxed and being reduced. No matter how noble the goal, we do not have resources to fulfill our current obligations and take on the substantial new responsibilities as envisioned in the Action Agenda. We ask that the Partnership consider the needs of local public health as they work to find the resources needed to perform this important work.

Please keep in mind that much has already been done by local health jurisdictions and counties to protect and improve Puget Sound. We need to be careful that as new programs are developed they do not diminish or unnecessarily override already successful local programs.

Thank you for considering our concerns. If you have questions or wish to discuss this matter further, please contact Art Starry, WSALPHO Legislative Committee Chair, at Thurston County Public Health and Social Services at (360) 786-5456 or starrya@co.thurston.wa.us.

Sincerely,

Sherri McDonald, R.N., MPA
Chair

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PUGET SOUND PARTNERSHIP



STATE OF WASHINGTON
CONSERVATION COMMISSION

PO Box 47721 • Olympia, Washington 98504-7721 • (360) 407-6200 • FAX (360) 407-6215

November 20, 2008

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

RE: WSCC Comments on the Draft 2020 Action Agenda

Mr. Dicks:

On behalf of the Washington State Conservation Commission, thank you for this opportunity to provide comments on the Puget Sound Partnership's Draft 2020 Action Agenda.

First, I would like to commend you and your staff on the quality of the Action Agenda. The draft document clearly represents thousands of hours of work by many members of your staff and the staff of other interested parties throughout the region. The completion of the draft represents a great achievement and an important first step in advancing the Governor's objectives for a clean Puget Sound.

The Conservation Commission and the 12 Conservation Districts in the Puget Sound basin stand ready to support, assist, and advance the actions in the Action Agenda. To accomplish this, the Districts have organized into a Puget Sound District Caucus where they share information on what they are doing, learn about the work of the Partnership and other entities around the Sound, and strategize on how to link their work to the priorities of the Action Agenda.

The Districts are developing a District Action Agenda to help them organize their work around the 2020 Action Agenda priorities. This document will build on the zero-based budget development process the District's currently use by linking their proposed work plans for the next biennium to the necessary near-term actions identified in the 2020 Action Agenda. This work will also be linked to specific threats in each Action Area so that the work of the Districts will be more targeted to address the threats to Puget Sound.

This approach will support several proposed near-term actions, including:

- A.4.2.1 and .2 which call for focusing stewardship programs on Action Agenda priorities and to expand rural participation rates in voluntary site stewardship programs.
- A.4.3.1-3 which address actions to support economically viable farms and agriculture that are protective of watershed health and reduce land conversion.
- B.3.1 – Support and implement stewardship incentive programs to increase private landowner’s ability to undertake restoration projects.
- D.1.2 – Integrate and coordinate implementation of existing Sound-wide and local plans and programs to improve efficiency and effectiveness in addressing Action Agenda priorities.
- E.2.1.1 – Align federal, state and local funding with Action Agenda priorities.

A key strategy in the draft Action Agenda is the acquisition of specific, key lands at risk of conversion (A.2.1.1). In conjunction with our Office of Farmland Preservation and our Farmland Preservation Task Force, we have explored the approach of land acquisition in a variety of forms (fee simple, easements, etc.) as a tool for preserving lands at risk of conversion and although we support this tool, we do have some concerns about the affordability of this tool in our current budget climate. We are also concerned that land that is acquired, particularly viable agricultural lands, are taken out of production or are not managed well. While we should continue to pursue acquisitions as a tool, we recommend scaling them back in the near-term and focusing resources on more targeted technical assistance for landowners who are located in areas where there are threats to the Puget Sound system. This approach can be more cost effective while achieving better environmental results. For example, recent acquisitions of conservation easements on farms in the Puget Sound basin cost approximately \$3 million for two farms. This same amount of money would fund all 12 Conservation Districts for their work with small acreage farms (“hobby farms”) resulting in better environmental performance.

Another key element to the draft Action Agenda is the desire to move forward quickly with projects that are part of a considered sequence, function, and scale. That is, where the projects are not based on the “opportunity” to do them, but are “targeted” to specific problems or inputs that threaten the Sound. To support this approach, the District Action Agenda will identify the threats and help the Districts to target their work to those threats. For example, the Mason Conservation District has identified potential for 16 forest management plans with landowners in the district area. Using the threats identified in the District Action Agenda, which will also be linked to the Action Area threats, Mason CD can determine if these management plans will be addressing the threats to the Hood Canal area.

Finally, an earlier draft of the Action Agenda had identified “loss of farmland” as a provisional indicator. In the most recent draft of the document, this was removed as an indicator and replaced with “loss of forest cover”. We recommend adding “loss of farmland” back as a provisional indicator, perhaps combining it with the “loss of forest cover”.

Mr. David Dicks
November 20, 2008

Loss of farmland is a key indicator for our Office of Farmland Preservation and is a key indicator of conversion of currently open space land to impervious surfaces. We are currently working with the UW School of Forestry to see if they can modify their existing forest land conversion map to apply to agricultural lands as well. As this project moves forward we will be able to have very accurate data on the trends for loss of farmland. We will share this information with the Partnership as it is developed.

Thank you again for this opportunity to provide comments to the Draft 2020 Action Agenda. We have some specific suggestions which are attached in a separate document. The Commission and the Puget Sound Conservation Districts are ready to help support the work of the Partnership and to use the goals of the Action Agenda as organizing principles for our work in the Puget Sound basin. We look forward to working with you and your staff.

Sincerely,



Mark Clark
Executive Director

cc: Martha Neuman, Action Agenda Director, Puget Sound Partnership
Chris Townsend, Special Assistant to the Executive Director, Puget Sound Partnership

Washington State Conservation Commission
Specific Comments on the Draft 2020 Action Agenda
November 20, 2008

Question 1 – pg 1. Description of PS as an economic engine. Along with identifying the abundant natural resources, this section should also mention that the high quality soils in the basin are the foundation of a strong agricultural economy in the region.

Question 1 – pg 2. What Defines Success? In the description of “human well-being” we appreciate the mention of agriculture, aquaculture, and forestry as components of a healthy ecosystem.

Question 1 – pg 3. Provisional Indicators. A previous version of the draft had “loss of farmland” as a provisional indicator, which was deleted from this draft and replaced with “land cover”. We recommend putting loss of farmland back as an indicator. We will be developing a mapping approach that will provide the data. Retention of open space and agricultural lands is not only important for the economic viability/human health goal.

Question 2 – pg 2. Again, add loss of farmland to the provisional indicators for “human well-being”.

Question 2 – pg 3. Water quality measure focuses on the contaminant level in herring. Where’s the data demonstrating water quality is directly related to herring population health? The measure for water quality should be based on monitoring of the water, not one particular species. If we don't have the data, then we need to develop the structure to get it.

Question 3 – pg 4. Priority A – “Current situation” section – we support the statement that the region lacks a comprehensive, integrated habitat protection strategy to protect sites and areas with the highest ecological value. This is why recommendations for quick acquisition of habitats are premature until we know where the sites are. In the rational for action section, we support the statement that protection of Puget Sound ecosystems should be done in the context of protecting and maintaining working resource lands.

Question 3 – pg 6. At A.1, in the descriptive paragraph under the section “Focus growth away from ecologically important and sensitive areas...” in addition to the phrase “retain rural lifestyles” add “and maintain working and viable resource lands”.

Question 3 – pg 7. A.1.3.3 “Using the results of the characterization, identify near and long-term strategies and targets to protect and restore local ecosystem processes, structures and functions...” Insert: “target incentive strategies”.

Question 3 – pg 8. A.1 “Near-term Actions”. We support item 1 regarding convening a regional planning forum to create a coordinated vision for guiding growth and we stand ready to help, and we appreciate the specific mention of agricultural lands in this topic.

Mr. David Dicks
November 20, 2008

Question 3 – pg 8. A.2.1.1. The proposal is to acquire specific lands at risk of conversion or impacts from other activities. This proposal recommends acquisition as a tool for keeping working farm and forest lands in production. We support this proposal and the current State Office of Farmland Preservation is working to implement this proposal.

Question 3 – pg 9. A.2.2.5. At the end of this item, add the phrase “and maintain economically viable working farm and forest lands”.

Question 3 – pg 9. A.2. Near-term Actions. Item 1 regarding the purchase of high value habitat and land that is at immediate risk of conversion, this item should include a statement regarding establishing criteria for identifying and prioritizing which land will be acquired.

Question 3 – pg 12. A.4. Support long-term protection and stewardship of working farms. We strongly support this section, particularly the reference to landowner incentive programs such as direct financial incentives, technical assistance, and recognition programs.

Question 3 – pg 12. Action items A.4.2.1 and 2 call for focusing stewardship programs on Action Agenda priorities and to expand rural participation rates in voluntary site stewardship programs. At the WSCC, we are working with the Districts to develop the District Action Agenda to align the work of the Commission and Districts with the PSP Action Agenda to accomplish these purposes. Same for A.4.3.1, .2, .3 on the action item “Support economically viable farms and agriculture that are protective of watershed health and reduce land conversion”.

Question 3 – pg 18. Near-term action B.3.1: “Implement coordinated incentive and technical assistance programs for private landowners...” Need to add the Conservation Commission to the list of entities doing this work.

Question 3 – pg 20. Action C.1 “Prevent pollutants from entering the Sound...” The list of source control tactics should include incentives, cost-share and technical assistance.

Question 3 – pg 22. Action C.2 relating to stormwater, support near-term actions C.2.3 and C.2.4 both relating to assistance to local governments and others on incentives for landowners on stormwater LID actions, and we hope they will remember the role of Districts in these activities.

Question 3 – pg 22. Near-term action C.2.8: “Implement private property stewardship, incentive, and technical assistance programs (e.g. Conservation Districts, WSU Extension, local government programs) that focus on reducing sources of water pollution, particularly in priority areas.” We support this action and are currently engaged in activities that support the work necessary to complete the action. We request that the Commission is added to the list of implementers.

Question 3 – pg 41. Action E.2.1.1 “Align federal, state and local funding with Action Agenda priorities.” The District Action Agenda that the Commission is developing with the 12 Puget Sound Conservation Districts will accomplish this, and we hope the Partnership will support it.

November 17, 2008

David,

Based on the comments at today's meeting, I think it would be an endless task to outline all of the various programs and responsibilities of state agencies that were not included in the priority list. The Action Agenda seems to be rather extensive already and I agree with the comments made. I would like to see the wording in many of the items changed to specifically state where we can make progress even if funds are not available to acquire habitat. Many landowners are willing to cooperate on providing good ecosystem habitat as long as regulations are not overly burdensome and that there is an equitable way to resolve differences. Since it is unlikely that we will be able to restore the Sound to its former "wild state" given the expected population growth, we may get further ahead by encouraging programs that make the landowner a partner in keeping a healthy Sound.

I talked with Kathleen about the best way to approach the Action Agenda to be sure that several of our programs are not overlooked although they are not specifically mentioned. She suggested that I email you with items where WSDA should be listed in Table Four and that WSDA be added to the list of acronyms.

This is not a comprehensive list as the agency is active in many areas not normally associated with agriculture or pollution prevention and that tend to get overlooked. For example, we do have regulations regarding bulk storage and secondary containment for pesticides and fertilizers, we have an active program on insect and plant invasive species, we work with state fairs (promotes interest in agriculture), we regulate filling devices at gas stations (on site observation potential), we work with slaughter houses and food packing plants (again, more on site work), and we provide a great deal of technical assistance for small farmers, industry and individuals in complying with (anti pollution) regulations.

Keeping this to a minimum, would you list WSDA in the following Action Items as a "Partner" so that we are not lost in the upcoming legislative discussions and add WSDA to the acronyms?

A1.3 – Mapping Puget Sound watersheds. WSDA is mapping agricultural areas and crops as part of our Endangered Species/pesticides protection program

A4.3 – Protecting agricultural areas. WSDA also channels funding as provided through state and federal programs which encourages continuation of productive agriculture

A4.5 – Aquaculture and upland uses. WSDA provides technical assistance to reduce impacts from agricultural activities and participates in local discussions on best management planning.

A5.3 – Invasive species. WSDA has an invasive species program for insects and weeds. We work with the county weed boards on invasive and noxious weeds and the nursery industry for invasive and harmful insects.

C1.1 - Reduce pollutants. Although WSDA does not conduct cleanups, we feel that we have an important role in preventing pollution from happening. In particular, the waste pesticide cleanup program removes legacy pesticides from storage so that they are not accidentally released and require cleanup.

C1.2 – PBT program. Same comment as C1.1. Many of the pesticides collected and properly disposed of are on the PBT list.

C1.5. No discharge zone. I am not sure of the exact meaning of this. Do you mean from pipes or vessels only? In any case, in some section of pollution prevention, the WSDA dairy and confined animal feeding program should have WSDA incorporated as a partner. It could be here or maybe section C1.7.

C 2.8 – Technical Assistance. Again, WSDA works with agricultural landowners, industry and local governments to assist in activities that reduce pollution from animals, farming activities, pesticide and fertilizer applications, etc.

D5.2 – Compliance inspectors. Can this be stated to include “state agencies” as additional compliance inspectors would be beneficial to nearly all programs?

Please call me if you have any questions.

Ann Wick
Washington State Department of Agriculture
902-2051



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DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT
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November 20, 2008

David Dicks
Executive Director
Puget Sound Partnership
PO Box 40800
Olympia, WA 98504-0900

Dear Mr. Dicks:

Congratulations to you and your staff on developing a visionary and comprehensive strategy to protect and restore Puget Sound by 2020. The Action Agenda is an ambitious and needed prescription to help us coalesce around the important work facing us. We appreciate the invitation to comment on the draft Action Agenda and we look forward to continuing to work with you and the many local, state, federal and private partners during the coming years.

We agree that population growth and climate change pose significant threats to Puget Sound and we are pleased to see that addressing them through land use and development patterns are central priorities for action. Many of the proposed actions are aligned with recommendations being made by a number of groups working on climate change. Directing growth into compact urban centers while also reducing low-density development will not only benefit Puget Sound directly, but will also help to meet state law targets for significantly reducing greenhouse gas emissions and vehicle miles traveled.

We are submitting a few overarching comments along with some broad comments in two key areas, land use and financing. While we are also including more detailed comments on some of the actions, we have worked diligently to keep our comments as brief as possible, knowing your timeframe for finalizing the agenda. Finally, we are including a list of actions that should involve the Department of Community, Trade and Economic Development (CTED), either as a lead agency or as a partner and some suggestions for shifting actions between categories.

General Comments

Overall, CTED is supportive of the Action Agenda's priorities. While we may not agree on all of the proposed actions, or on their priority ranking, we recognize the enormity of the charge to lay out the steps to protect and restore Puget Sound within the next 11 years.

1. Many of the proposed actions are presented at a conceptual level, out of necessity. In some cases, we need to better understand how the action would be implemented to effectively comment. Some of our specific comments reflect this uncertainty. We continue to be available to discuss various approaches to carrying out the recommended actions, as implementation planning moves forward.



2. Leveraging opportunities exist to advance several important Action Agenda priorities while also making significant progress to address climate change. Consider additional emphasis on these shared strategies, primarily around land use planning and transportation, which already enjoy the support of diverse stakeholders.
3. It appears that huge implementation responsibilities will rest with local government entities, and the Action Agenda does not recognize the other state and local policy goals that they are also charged with meeting. Finite resources may lead to competing priorities, and this should be acknowledged in the Action Agenda. It is not clear if all implementation costs to local communities have been calculated and included in the implementation cost estimate.
4. The emphasis on using existing programs over creating new programs is appreciated and we fully endorse this strategy.

Land Use Planning and Development

CTED strongly supports the actions that recommend directing growth to compact urban centers, and the supporting tools of transfer of development rights and funding up-front State Environmental Protection Act (SEPA) programmatic reviews. We appreciate the inclusion of these actions, and again, believe that land use patterns can significantly affect Puget Sound's ecosystem processes, structures and functions.

SPECIFIC COMMENTS AND CLARIFICATIONS

Provisional targets - Land Cover: The initial proposed region-wide measures for forest cover and impervious surface may benefit from refinement. For example, land cover targets may be much more useful if we differentiate between urban areas and land outside urban areas. We suggest considering regional targets rather than applying a single target to the entire Puget Sound Basin.

A.1.1 If this is intended to deliver a long-term shared vision for directing growth to compact urban development and away from low-density areas, then it will likely take a large amount of staffing, local support and significant time. The PSRC's 2040 effort was a 2-3 year process, with large staffing. With the next wave of local plans under GMA due beginning in 2011, this is essential to begin immediately if it is to affect on land use patterns during the next decade. Also, the language about "retain rural lifestyles" could be misinterpreted. It might be more useful to emphasize protection of resource and rural lands, which is consistent with the GMA requirement that counties clearly define their rural character.

A.1.2. We support the goal of providing clear direction to local communities about protection; however, it is not clear how these criteria or standards for protection would relate to other existing priorities that locals are required to address. It is also unclear how the new criteria or standards would relate to the GMA requirement to include best available science in critical areas. It is important to understand how new criteria would be weighted. We also support clear guidance on acquisition, including the idea of linking it to a priority goal in a local plan.

A.2.2 The actions listed under A.2.2 are high priorities, and will require additional resources for local governments and also for CTED and Ecology to carry out all of their responsibilities. Also, A.2.2.1 does not address the legal uncertainty of the intersection of the Growth Management and Shoreline Management Acts. Resolving this should be a very high priority, as it will determine whether locals can accomplish the action proposed. Last, the Partnership's role on these actions should be explained.

A.4.1 Transfer of development rights and purchase of development rights programs are important tools to encourage higher density urban development. Also, please insert, "Open Space Tax Program which can include the" before "Public Benefit Rating System." As currently written, it is not accurate.

B.2 While the narrative here refers to the significant new development and economic activity that goes along with waterfront revitalization, the proposed actions do not. Significant investment in comprehensive planning, shoreline planning, SEPA and infrastructure are key to actually accomplish revitalization. We suggest making this more explicit in the actions.

D.1.1 and D.1.2 The idea of coordinating planning, implementation and decision-making is a good one. We need more information about how this might be approached, though, and clarification about what plans would be included. If, for example, local comprehensive plans that implement the GMA are included, we are concerned about competing priorities between Puget Sound and other local or state policy goals.

D.2.1 We are encouraged to see the connection between the Action Agenda and the work of the various climate change efforts. Please consider including specific actions around the following:

Promoting compact urban development and reducing low-density development is one of the cornerstones of climate change recommendations being made to the Governor and the legislature. This will reduce greenhouse gas emissions related to transportation, and will also help reduce vehicle miles traveled, while helping to preserve rural and resource lands. Specific strategies that would also advance the goals of protecting and restoring Puget Sound include:

- Requiring local comprehensive plans to be consistent with regional transportation plans
- Requiring local governments to consider all modes of transportation in their planning efforts
- Providing technical guidance to local governments on multimodal transportation system planning and transportation concurrency
- Providing developer incentives that local governments can use to encourage compact development in urban growth areas or designated urban centers
- Fund and encourage greater use of SEPA during subarea and neighborhood planning processes to streamline project-specific environmental analysis for compact development (already in Action Agenda D.4.1.4)
- Support transfer of development rights programs (already in Action Agenda A.4.1)
- Encourage bicycle and pedestrian accessibility, including adoption of the concepts in the Complete Streets national movement
- Parking incentives and management designed to decrease trips by automobile
- Promote Brownfield redevelopment as a way to encourage infill and also to promote economic activity
- Establish incentives and code requirements to increase energy efficiency and green building techniques
- Provide housing and employment density incentives, including expanding use of the multi-family tax exemption in HB1910; maximizing existing infrastructure and development supportive financings; and leveraging public/private partnerships

D.4.1.4 Funding for local programmatic-level SEPA reviews is a very important incentive for developers to build in urban centers and we are pleased to see it included in the Action Agenda. The wording seems to limit this to Urban Growth Area (UGA) expansions, however, which would encourage rather than discourage UGA expansions. We request revising the language to fund upfront SEPA in designated urban centers within existing UGAs.

Geographic Action Area Tables A map of areas for which the actions are listed would be very helpful. Also, the South Central table mentions that the Transfer of Development Rights (TDR) programs in Pierce and King Counties should be implemented. Please also include the Snohomish, Kitsap and Whatcom TDR programs in this list.

Financing

These comments reflect thoughts from CTED, including the Public Works Board.

1. We agree that strategic investment of federal, state and local monies is essential to ensure that priority needs are met and also to maximize effectiveness of the limited dollars available. We also agree that additional funding will be needed to implement the Action Agenda.
2. It is difficult to determine exactly how some of the financing recommendations would be implemented, and we appreciate that time has not allowed you to plan implementation details. Therefore, we ask to remain involved as implementation planning gets underway.
3. We support a coordinated approach and are willing to collaborate with the Partnership to develop workable strategies for ensuring a coordinated approach to addressing Action Agenda priorities. We believe that the Partnership's priorities and local needs in the Puget Sound area can align in several areas.
4. Existing funding programs, including the Public Works Trust Fund (PWTF) are designed to meet specific goals and needs. It is important to involve us in planning any changes to processes, policies and priorities to also address Action Agenda priorities. We can help to avoid unintended consequences, and we also want to ensure that any changes will enable the PWTF (and other funding programs) to continue effectively financing critical local public works projects.

ACTIONS TO INCLUDE CTED

Please include CTED as a partner in the following proposed actions:

A.1.1	A.4.2	C.2.6
A.2.5	A.4.3	D.1.1
A.2.6	A.4.5	D.1.2
A.3.4	C.2.3	D.2.1
A.3.5	C.2.4	D.4.1
A.4.1		

David Dicks
November 20, 2008
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Finally, please consider shifting the following actions from Category D, "Work Efficiently and Effectively Together" to Category A, "Protect Intact Ecosystem Processes, Structure and Function." As the group discussed at Monday's State Caucus meeting, some of these actions would fit much better in a different category.

D.1.1

D.2.1

D.4.5

D.5.1

Again, thank you for the opportunity to provide comments. Please contact Cheryl Smith of my staff if you need additional information. Cheryl can be reached at 360-725-2808 or at cheryls@cted.wa.gov.

Sincerely,



Juli Wilkerson
Director

cc: Dennis Hession, Chair – Public Works Board
Karen Larkin, CTED Local Government Division
Cheryl Smith, CTED Director's Office



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 20, 2008

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

Re: Department of Ecology comments on Draft Action Agenda

Dear David:

Puget Sound is a national treasure and restoring its health has been elevated appropriately to the national stage. As you well know, Governor Gregoire has made Puget Sound recovery by 2020 a priority, and she has the strong support of Washington's Congressional delegation to make this happen. Restoring this economic and environmental treasure to health is an ambitious and worthy undertaking.

I want to commend the Puget Sound Partnership (PSP) staff and leadership for developing a comprehensive 2020 Action Agenda (Agenda). You were given an audacious mission with insufficient resources and an impossible deadline. Yet, you and your team have managed to deliver a great first step on our shared path to 2020.

The Department of Ecology (Ecology) has worked hard to support PSP in development of the draft Agenda and we look forward to being a key partner in its refinement and implementation. In addition to my comments below, attached for your review are:

- Appendix A, which provides comment on our lead agency status proposed in Table 4;
- Appendix B, which provides comments on proposed actions to move us to 2020;
- Appendix C, which offers an alternative to the proposed indicators; and,
- Appendix D, a short response to the Action Area Profiles.

PSP has done an excellent job of describing the myriad actions needed to achieve our 2020 goal. In terms of our summary observations, please consider the following:

- 1) **Encourage Policies that Support Puget Sound Recovery, Reduce Emissions of Greenhouse Gases and Produce other Environmental and Economic Benefits.** Ecology believes there is significant opportunity to advance the Agenda in ways that support other state priorities, and we are interested in working with PSP toward that end. Specifically, several of the ideas in the draft Agenda are consistent with concepts emerging from the Climate Action Team. For example, promoting compact, high-density, transit-oriented urban development, while discouraging sprawl and forest and agricultural land conversions is one of the cornerstones of



the climate change recommendations being made to the Governor and the legislature. These land use policies would also provide great benefits to the Puget Sound ecosystem. Urban bay cleanup and restoration and associated redevelopment is another example of actions that support Puget Sound restoration and pedestrian and transit friendly downtowns that minimize greenhouse gas emissions from single occupancy vehicles. These policies will also stimulate the economy and create jobs. These “two-fer” and “three-fer” will be enormously powerful if we work together to effectively make the policy and communication crosswalks.

- 2) **Be Explicit that Existing Efforts are Critical to Puget Sound Recovery until PSP Determines Otherwise.** The draft Agenda references many but not all existing laws, policies and programs. For example, not mentioned are core programs like NPDES wastewater permitting and lesser known but important programs such as Dredged Material Management Program. This could create a perception that programs not referenced in the draft Agenda are not essential to Puget Sound recovery – which we are confident is not PSP’s intent. Thus, we believe it is critical that the Agenda explicitly state something like the following: “Until PSP has completed an assessment and recommends specific programs be modified or eliminated, it should be assumed that existing programs that protect and restore Puget Sound are necessary for recovery.”
- 3) **Leverage and Maximize Existing Programs to Achieve 2020.** The draft Agenda emphasizes that the region lacks a comprehensive ecosystem approach to Puget Sound recovery and laments the fragmentation of existing laws, policies and programs. While there is merit to this statement, we urge PSP to leverage existing authorities to the greatest extent possible. Perhaps the best example is the Shoreline Master Program revisions that all Puget Sound jurisdictions are undertaking. Early results from the update process demonstrate significant environmental and policy integration opportunities. Another example is using the Clean Water Act’s Total Maximum Daily Load approach to achieve watershed-based pollution prevention strategies. Using your leadership and accountability role, PSP can ensure that these programs are optimized.
- 4) **Focus PSP Capacity on Your Leadership Role by Providing Clear Direction and Accountability.** It is important that PSP’s limited capacity not be overwhelmed by the myriad complicated actions needed to implement the Agenda. In reviewing the table that describes lead agency status, it is noticeable the number for which PSP is proposed as “lead” agency. We are unclear what “lead” means, but are concerned because direct engagement in even a few of the actions is likely to limit PSP’s ability to influence the broader Agenda. We suggest PSP define its “lead” status by initiating discussions and establishing expectations (e.g., deliverables by a certain date). For example, defining a framework and creating expectations for a toxics prevention and control strategy provides Ecology with the opportunity to offer commitments through our toxics reduction efforts. Such a relationship will allow PSP to identify policy gaps and opportunities

(e.g., affirm legislative mandate to achieve a “zero spills strategy”) and be consistent with your role of setting benchmarks for progress.

- 5) **Adopt an Indices Approach to Achieve Meaningful Indicators.** As you have heard, we are concerned about the proposed use of a limited number of indicators to judge/track the health of Puget Sound. We believe that a narrow set of indicators will not serve as a useful and meaningful way to track the health of a complex ecosystem. Ecology suggests using an index approach that combines several parameters into an index of overall health. Such indices are now the favored measures in Chesapeake Bay. We stand ready to work with you to develop a set of indices that works for both of our agencies.
- 6) **Further Expand Your Influence to All Levels of Government.** Given existing law and how Puget Sound protection has historically been defined, it is not surprising that the initial Agenda is largely focused on state agencies (i.e., Table 4 lead agencies are almost exclusively state focused). It is critical, however, that all levels of government, business and non-governmental organizations step up and play their part in Puget Sound recovery. We look forward to working with PSP to help define how that can happen.

Puget Sound recovery is one of our highest priorities and Ecology is committed to working with PSP to achieve our 2020 goal. There are issues on the horizon – limited resources; our statewide responsibilities; the need to agree on priorities – that will test us and our agencies. I am absolutely confident we can work through such challenges.

Again, I want to commend PSP staff and leadership for creating an ambitious Action Agenda to place us on the path to 2020.

Sincerely,



Jay J. Manning
Director

Enclosure – Appendices

Appendix A: Comments on Question 4: Where Do We Start?

Ecology responses to proposed actions in which we are “lead agency”:

A.2.5. Provide SMP funding: Support, though budget increased needed to meet current 2012 schedule for all PS jurisdictions.

A.2.6. Provide NNL guidance: Support, though will need increased resources.

A.3.1. Complete instream flow setting: Support, though completion may take up to four years with current resources.

A.3.2. Begin to update existing instream flows: Increased resources needed, though we question the value of this action. Addressing exempt wells would be the primary value of updating older rules; an action that can be taken independent of revisiting existing instream flows.

A.3.4. Implement watershed projects consistent with AA: Need to determine what consistency with Action Agenda means and there are concerns about reduced resources for this work given that it is funded by the General Fund.

A.3.5 Evaluate/implement exempt well solutions: Supportive and have convened work group though outcome uncertain.

A.3.6. Establish water masters: Support, though need increased resources.

A.3.8. Gray water reuse rule: DOH is lead.

A.5.1. Advocate for regional ballast rules: WDFW is lead.

C.1.1. Conduct toxics education effort: Support, though more resources needed, suggest broadening scope of toxics reduction education beyond loadings study, and believe more entities should be included as partners.

C.1.2. Implement PBT program: Support, though if expectation is to accelerate, more resources needed.

C.1.4. Obtain enhanced authority to inspect vessels: Support.

C.1.6. Implement existing air management plans: Support though need to understand what consistency with Action Agenda means.

C.1.9. Implement priority strategies and actions to address low DO: Support, though Ecology is lead, not DOH.

C.2.2. Provide financial assistance to Phase I and II communities: Support. Some base level funding exists, though additional resources are needed if we are to provide trainings and other assistance.

C.2.4. Develop and implement LID incentives: Support, though resources needed. PCHB ruling now requires LID standards for Phase I municipalities.

C.3.1. Ensure AKART is met: AKART is currently met. Updating AKART will be timely and costly, whereas other approaches, such as the "South Puget Sound Oxygen study" addressing low DO, may get you to the desired outcome of better treatment where needed.

C.4.3. Enhance and target septic loan programs: Uncertain how to respond here; Ecy's program is currently tailored to counties in need of addressing failing septic. Suggest querying Shorebank to better understand how their program can be better targeted.

C.5.1. Continue to implement high priority clean up projects: Support.

C.5.2. Refine Ecology's near-term prioritization criteria for site clean ups consistent with the Action Agenda. Ecology has a solid set of criteria vetted through the GMAP process and used to develop the site list for the Ten-Year Financial Report (required by HB 1761), but we're open to this conversation.

D.5.2. Provide additional hazardous waste state compliance inspectors: Support, though more resources needed.

D.5.3. Support state water quality fee revisions: Support, though resetting the fee will take a couple years.

D.5.4. Provide additional Ecology staff for shoreline compliance: Support, though more resources needed.

E.2.12. Develop agreements with Corps and other relevant permitting agencies by 2010 on the design of a regional in-lieu-fee program: Support, though should clarify in-lieu-fee program is for "aquatic habitat."

E.2.13. Identify and implement one or more in-lieu-fee pilot projects: Support, though action is dependent upon increased resources and clarify that in-lieu-fee program is for "aquatic habitat."

E.2.14. Evaluate use of a water quality trading program to address dissolved oxygen issues in south Puget Sound: Support dependent upon additional resources. Ecology's preliminary analysis is there are no viable trading scenarios in less complicated watersheds, but we can engage in this dialogue.

E.2.15. Develop a framework policy for permit-specific trading in the Puget Sound region: We can engage in this discussion though concerned about delaying needed work on addressing CSO impacts.

E.3.3. Convene the stormwater monitoring work group as a continuing project of the Puget Sound Monitoring Consortium. Support, though contingent upon continued funding.

Appendix B: Comments on draft Action Agenda

Priority A: Protect Intact Ecosystem Processes, Structures and Function

- A.1.2 Suggest moving this action to Priority D and rephrase as: “Based on existing knowledge of Puget Sound ecosystems and ongoing ecosystem assessments and research, develop recommended measures to protect and restore the processes, structures and functions of these systems. This can include appropriate land use activities, their density and pattern upon the land, development standards and regulations such as buffers and setbacks and types and location of mitigation based on the importance of ecosystems processes, the types of ecosystem impairment and priority areas for protection and restoration (see policy A.1.3, watershed assessment). These recommended measures shall be developed for each key Puget Sound ecosystem type (e.g. marine: intertidal, estuarine – freshwater: riverine, lacustrine, depressional wetlands – terrestrial: lowland hemlock forest, prairie, etc.) . These measures shall be used to guide local decisions to ensure consistent protection and restoration of Puget Sound ecosystems.”
- A.1.3 Ecology supports this action. Suggest moving it to Priority D and rephrase as: “Set priorities for local protection and restoration work through use of rapid watershed assessments. The assessment approach used shall be based on scientifically valid, peer reviewed methods and will complement existing watershed knowledge, studies and analysis. The assessment will identify the areas most suitable for protection, restoration and development at the watershed scale and shall be performed collaboratively with local governments. Characterizations should be conducted first in the rapidly developing areas that involve conversion of rural and suburban lands.” This would negate the need for actions A 1.3.1 and A 1.3.2.
- A.1.3/1.4 Suggest rephrasing the two actions as: “Using the results of the watershed assessment, work with local governments to identify required actions and their implementation through appropriate designations, policies, standards and development regulations. The implementation shall apply at scale of the assessment and shall integrate SMA and GMA regulated areas through a sub-area plan or similar. The implementation actions shall include near and long term strategies and targets to protect and restore local ecosystem processes, structure and functions, refine local and regional acquisition strategies, reduce water pollution and accommodate growth and economic development, including natural resource industries as appropriate.”
- A.2.2.1 Ecology strongly supports this action. Updating Shoreline Master Programs provides a tremendous opportunity to improve environmental protection and integrate programs, policies and management.
- A.2.2.7 Suggest deleting the highly specific language regarding Conditional Use Permits and criteria. Ecology strongly supports assessing the Shoreline Management Act statute and regulation

revisions related to bulkheads and docks. However, we need a careful assessment of outcomes under current regulations and permits; the outcomes we desire; and then identifying measures that will achieve our intended outcome – which might or might not include the detailed proposals in this draft.

A.3.1.1 Ecology supports this action, however, consistent with past statements, we do not believe setting instream flows in WRIA 2 (San Juan) and WRIA 6 (Island) is needed. The remaining basins that lack instream flows rules (i.e., 3/Samish Basin portion of this WRIA; 16/Skokomish-Dosewallips; 17/Quilcene-Snow; 18/Elwha-Dungeness; and, 19/Lyre-Hoko) may take up to four years to complete.

A.3.2.1 We are interested in better understanding the specifics of this action and need to be included in future discussions.

A3.2.4 We are very supportive of this action, though additional funds and political support needed.

A.3 Near-term Actions

A.3.2 This action affects WRIsAs 1, 7, 8, 9, 10, 11, 12, 13, 14 and 15 and would require considerable staff time, funding, and stakeholder involvement. Ecology questions the value of this investment and believes an assessment of environmental and other benefits should be determined before a commitment is made. A significant shortcoming of the older rules is the failure to address permit-exempt wells, which can be addressed by other means.

A.3.6 We are very supportive of this action though funding is needed. Local water masters can be an effective response and deterrent to illegal and excessive water use. However, without adjudication, the water masters powers are very limited when it comes to regulating between rights.

A.4 General statement: Runoff from agricultural lands contributes nutrients, bacteria and pesticides/herbicides to stormwater and surface waters; forest roads cause water quality and habitat problems; aquaculture can also introduce contaminants. Suggest that the working lands' goals be clearly tied to water quality compliance (e.g., farm plans for agriculture).

A.5 Near-term Actions

A.5.3 Ecology strongly supports development of baseline data and developing a dbase of invasive species.

Priority B: Restore Ecosystem Processes, Structures and Functions

B.X Suggest adding the update of Shoreline Master Programs as a significant restoration opportunity. Every jurisdiction in the basin will develop a restoration strategy as part of their

SMP update, which provides a tremendous opportunity to improve environmental protection and integrate programs, policies and management.

- B.1 This section (unlike earlier sections of the document) reverts to a species-oriented approach to restoration. It is vital that we move to an ecosystem-based approach for long-term effective action. Consider rephrasing language as follows: “The continued implementation of ecosystem restoration projects and plans ~~species recovery plans~~ ~~is a~~ ~~the~~ cornerstone of the restoration strategy for species recovery for Puget Sound. Salmon recovery plans provide a broad suite of high priority restoration projects that have been scientifically reviewed and have substantial community support. Those projects that restore ecosystem processes will result in ~~expanded salmon habitat as well as~~ broader ecosystem benefits such as habitat and improved water quality, scenic values, and improvements to other species, including salmon. Restoration project types are highly varied and are tailored to local watershed conditions. ~~Reconstruction~~ Restoration of river delta processes and resulting habitat is a high priority in many river systems. Other project types include reforestation, removal of levees and shoreline armoring, and the removal of derelict fishing gear.”

Priority C: Reduce the Sources of Water Pollution

- Rationale (Second paragraph, sixth bullet). Add “the air” to statement to read: “Continue monitoring programs which reduce human exposure to health hazards in the air, marine, nearshore, and estuarine environments.”
- C.1.1.2 Suggest rephrasing as “Participate in the Interstate Chemicals Clearinghouse (IC2) to reduce chemical hazards and promote safer chemical alternatives.” Ecology strongly supports national toxics policy reform, but concurrent advocacy by states is critical given that national reform is likely to take years. Ten states have drafted an MOA to establish IC2 to: 1) avoid duplication of effort through collaboration; 2) build states’ capacity on safer chemical alternatives; and 3) provide ready access to high quality chemicals information. An additional issue for Washington is addressing ESA concerns. Suggest Action Agenda specify that federal partners adopt region specific standards that address ESA and CWA concerns.
- C.1.1.5 Suggest rephrasing as: “Invest in partnerships with higher education to conduct research and development on safer chemical alternatives, green chemistry and technologies that reduce toxic pollutants.” This action is supported by the legislatively-directed Toxics Reduction Advisory Committee.
- C.1.1.3 Suggest rephrasing as: “Implement a comprehensive Puget Sound chemicals policy initiative”, which would include a strategy related to industrial chemicals used in manufacturing processes and products, including creating incentives and economic

development in safer chemical alternatives and products. Ecology can be a strong partner and provide considerable input on a comprehensive state chemicals policy.

- C.1.1.4 Suggest rephrasing as: “Assess Creation of a Puget Sound Chemical Action Plan to Accelerate reduction of the loading of Persistent Bioaccumulative Toxic chemicals to Puget Sound.” Ecology has identified approximately 1,800 chemicals based on the definition of “high priority chemical” under the Safe Children’s Product Act. Using these results, Ecology has the ability to use the screening methodology for the Puget Sound region to identify a broader class of chemicals than the 12 chemicals identified in the initial Toxics Loading study. It may be possible to develop a “Puget Sound Chemical Action Plan” to accelerate chemicals of concern and PBT reductions for the entire geographic region.
- C.1.2.4 Suggest rephrasing as: “Continue to implement existing air quality management plans and provide additional funding to enhance plans to decrease risks to human health and reduce pollution, as part of the overall pollution reduction strategy.”
- C.1.3.1 Strongly support emphasis on developing and implementing Total Maximum Daily Loads (TMDLs) to reduce pollutant loads. Technical note: the correct title for TMDLs is “Water Quality Improvement Plans.”
- C.X Suggest adding the state’s Beyond Waste Plan as an action. This program strives to eliminate most wastes and toxics over the next 30 years. There are many ties to the priorities of Agenda, such as the call to reduce hazardous substances both from larger quantity generators such as industries, and small quantity generators such as households. The Beyond Waste organics initiative ties into reducing hazardous substances as well, by calling for the increased use of compost to improve soil health and reduce the need for pesticides and synthetic fertilizers. And, the green building initiative promotes low-impact development, urban infill, natural landscaping, and reduced water and energy use.

C.1 Near-term Actions

- C.1.1 Suggest recasting as: “Conduct a focused business and public source control outreach effort on reduction of high priority chemicals, including emerging pollutants and pharmaceuticals.” The toxic chemicals considered in Phase 2 are not all top “priority threats.” Rather, the toxic chemicals were originally selected as representatives of pathways to inform a control strategy. Revise this to clarify that the priority threats are identified in other scientific work. Also, loading studies on pharmaceuticals began in Phase 3, not Phase 2.
- C. 1.4 Ecology strongly supports this action, but suggest clarifying language as follows: “Obtain delegated authority from the USCG to expand and enhance the scope of authority for the Department of Ecology’s vessel and facility inspections, marine incident investigations, and the agency’s ability to augment USCG prevention activities and review various spill prevention and response plans on behalf of the USCG.” The current language has been misconstrued by some that Ecology does not have any existing vessel boarding and

inspection authority. Both Ecology and USCG have concurrent jurisdiction in several areas affecting marine pollution prevention. Delegated authority would streamline and strengthen spill prevention plans and operations manuals required by both agencies. Further, USCG delegation would provide stronger enforcement authority than Ecology currently possesses.

- C.1.9 Believe this action refers to the Ecology-led “South Puget Sound Dissolved Oxygen study”. This should be clarified. Ecology strongly supports implementing recommendations from the study and using the approach in other areas vulnerable to low dissolved oxygen.
- C.2.1.1 Suggest deleting this action and instead incorporate stormwater management programs into integrated watershed planning. At this time Ecology believes watershed-based municipal stormwater permits are neither appropriate nor feasible because of variable geographic coverage, existing permit coordination structures, and the time and expense to write individual watershed permits and with local governments to establish a new framework for NPDES stormwater permits. Stormwater management must be part of the integrated approach from the start because it is driven by land use and essential to habitat and water quantity. Suggest adding stormwater management to related actions A.1.3, A.3.1.2 and A.3.1.3, and integrate TMDL Water Quality Improvement Plans. Ecology municipal stormwater permits allow for integration into watershed plan implementation.
- C.2.2.1 Support this action but implementing the municipal stormwater permits will not achieve water quality standards so delete “so that water quality standards are met.”
- C.2.2.2 Ecology has established a petition process for consideration of additional jurisdictions to be covered by the municipal stormwater permits, but the agency does not have resources to undertake this type of investigation. The reference to 303(d) does not make sense so delete.

C.2 Near-term Actions

- C.2.1-4 We support these actions.
- C.2.5 Suggest clarifying that this action will not result in backsliding. State and Federal laws require the correction of CSOs at the earliest possible date to eliminate discharge of raw sewage. We are concerned that further evaluation of solutions that require statutory and regulatory change will delay the needed CSO corrections.
- C.2.X Request inclusion of additional opportunity: “Utilize Ecology’s Coastal Training Program to provide training on Low Impact Development.”

C.3 Near-term Actions

- C.3.1 All permits currently require and are meeting AKART. Updating AKART to include nitrogen removal is a long and costly process. Ecology has, however, just started a project to evaluate the economic and technical feasibility of nutrient removal. Suggest focusing on water quality

based approaches, like the “South Puget Sound Dissolved Oxygen study” that will recommend advanced treatment where needed.

- C.4.1 Technical point/reminder: perfectly functioning septic systems still contribute nitrogen.
- C.5.1 The Toxics Loading Study was designed to inform a source control strategy. Therefore, it is not an appropriate tool to aid in prioritizing cleanup as it was not designed for this purpose.
- C.5.2 Ecology’s believes our prioritization criteria for clean ups is in synch with Agenda priorities but welcome the opportunity to discuss further with PSP. We have implemented new baywide cleanup/restoration efforts under the Puget Sound Initiative in areas with important nearshore and estuarine habitat critical to a healthy ecosystem. These bays were selected based on their environmental threat, habitat value, and “return of investment” in terms of clean up and habitat restoration.

Priority D: Work Effectively and Efficiently Together

- D.1.1 Add “air quality” to statement to read: “Develop methods for and conduct future planning for biodiversity and species recovery, air quality, water quality, water supply and reuse, land use in an integrated way.”
- D.2.3 Suggest deleting the phrase: “~~based on the watershed assessment work outlined in Priority A.~~” The watershed characterizations are not a suitable tool at this time to lead climate change adaptation. The elements listed here (infrastructure, sea level rise) are appropriate.
- D.3 Near-term Actions
 - D.3.X. Suggest new action: “Work with our Federal delegation to support reauthorization of the Coastal Zone Management Act and other legislation vital to supporting Puget Sound.”
 - D.4.1 Ecology would welcome more communication with PSP about how this rates in terms of priorities and how “desired outcomes” will be identified. TPEAC, ORA and other efforts have looked at this issue and reforms have and are being implemented.
 - D.4.2 & 6 Ecology is very supportive of the ILF approach, but suggest making it clear that the pilot is for aquatic habitats, not work for water quality and stormwater. Under state and federal (CWA) laws, ILF is neither appropriate nor legal. Also the state has clear requirements for doing water quality trading or off sets that are identified in the Washington Water Quality Standards WAC 173-201A-450.
 - D.4.2.2 Clarify that the Mitigation that Works Forum did not recommend aligning watershed and salmon projects with mitigation funding. Rather, the Forum recommended that existing plans be used as “an inventory of potential sites and projects that might be candidates for

mitigation.” Additionally, the Forum recommended that: “Ecology and the Corps should identify criteria for which projects/sites or types of projects/sites may be eligible for consideration as mitigation for wetland, stream, shoreline and nearshore impacts.”

- D.4.2.3 Please delete “advanced mitigation” from the list of “market-based techniques.” We are very supportive of this innovative compensatory mitigation tool, but it is technically not market-based.
- D.5.1.1 Great idea, but one inspector for all regulations is likely impractical. Suggest team approaches, and/or focusing on a set of related media as a first step. For example, the work being done through the Urban Waters Initiative assesses compliance with stormwater and hazardous waste management and is implemented by a partnership of state and local agencies.

Priority E: Build and Implement the Management System

- Rationale In regard to developing an information management framework, Ecology encourages the Partnership to utilize the proposed information management working group (proposed in the Biennial Science Workplan) to define a set of information exchange protocols and standards for sharing activities and performance information rather than having the Partnership unilaterally establish a set of standards which the partners must adhere to.
- E.2.3.2 Ecology has trading policies articulated in State Water Quality Standards – WAC 173-201A. We can engage in this discussion but are unaware of any approaches that actually simplify permitting or achieve greater environmental performance. Nationally, trading programs have been elongated, expensive, resource intensive, and not highly protective of water quality.
- E.4.1-3 Suggest linking this to the Phase I and Phase II municipal stormwater permits, which was the catalyst for STORM.

Appendix C: Comments on Proposed Indicators

PSP has proposed the use of a limited number of indicators to judge/track the health of Puget Sound. While it is appealing to adopt a narrow set of indicators for simplicity's sake, it falls far short of serving as a useful and meaningful way to track the health of a complex ecosystem.

On the proposed indicators themselves, Ecology believes the water quality indicator is unacceptable and has numerous concerns about the others. For example, we are concerned about the use of hydrologic parameters, which can be confusing and are often misused. Many instream flows set by rule are based on an exceedance value (such as 50%) which means that when the flows were set there was an expectation the flows would not be met 50% of the time. The Skagit River rule has not fully met instream flows set in the rule during any year of the period of record – back to 1941. Moreover, a "wet year" should be defined. Instream flows were set with the thought that they would not be met every day of any particular year. This goal is unrealistic and very, very hard to achieve without either getting buyoff from those who own and manage large dams and reservoirs or constructing dams and large reservoirs specifically for the purpose of capturing the high flows and releasing the water at a rate to match those set in the instream flow rules. It is not clear that new dams to control flows would be well received by the citizens of Puget Sound.

Specific concerns aside, Ecology recommends that PSP adopt a set of higher level indices that can effectively capture many parameters that influence the health of Puget Sound. The index approach is not new, and has been adopted by many management agencies (see References): CCME Environment Canada, San Francisco Bay Institute WQI, Chesapeake Bay Program WQI, Long Island Sound (City College of New York), Maryland coastal Bay WQI, Gulf of Mexico WQI.

The Strength of Indices

Indices group several independent measurements into one number. They are designed to convey complex information effectively, allowing a comparison between different locations, regions, and times. Their wide application includes economic, scientific, and environmental applications. Water quality indices are an effective tool for comparing and reporting water quality trends both in fresh and marine water. They provide the advantage of combining diverse types of environmental information into one over-arching number. The use of indices allows the detection of subtle and fundamentally different changes in environmental conditions such as magnitude, frequency and scope of pollution in conjunction with spatial statistics.

The selection of PBDEs in herring as an indicator of water quality (as proposed in the 11/6/08 draft Action Agenda) is very limited. Long-term indicators such as toxics in fish provide a good food-web and time-integrated signal of diffuse toxics sources. However, any effort to measure the health of the Puget Sound marine environment must include other critical water quality parameters such as dissolved oxygen and sediment toxicity.

Using the index approach, PBDEs in herring could be combined with other toxics measures in biota to yield a toxics in biota index which could be tracked alongside marine water column and sediment indices to generate a single, high-level index or “report card” on Puget Sound health. This approach is now applied in Chesapeake Bay (see Williams M. et al. 2008) and offers several advantages over the single indicator chosen:

- Behavioral switches in organisms (food spectrum, migration, avoidance) are balanced by water and sediment data.
- Different responses to increasing (fast) and decreasing (slow) ambient toxics concentrations by fish are bracketed by the short term response of a water quality index and the long-term response of a sediment index.
- Population and food-web dynamics that affect indicator quality (switch in food spectrum and location, migration, competitors for food) are balanced by water quality and sediment indices.
- Accumulation of toxics in migrating fish precludes the analysis of point-source pollution. Using site specific water and sediment indices that integrate signals on different time scales address point source pollution more appropriately.

Proposed Indices

We are proposing four indices be adopted by the PSP to evaluate Puget Sound water and ecosystem quality. Some are already developed and in use (such as the Freshwater Quality Index and Marine Sediment Quality Triad Index) and some are presented in concept and need to be further refined:

Provisional Indicator	Target – desired condition for 2020	Benchmark – interim milestone
<p>Freshwater Quality Index A combination of eight Water quality parameters in streams. Range 1-100</p>	<p>By 2020, 80% of stations will have Water Quality Index scores \geq 80.</p>	<p>By 2014, 60% of stations will have Water Quality Index scores \geq 80.</p>
<p>Marine Sediment Quality Triad Index Index combines measures of sediment chemistry, toxicity, and biological health.</p>	<p>By 2020, 100% of sediments should be of <i>high</i> quality based on this indicator.</p>	<p>Sediment quality in each of 4 categories should improve 50% over 2003 levels by 2014. (2003 baseline data: 0.8% <i>degraded</i> quality, 5.6% <i>intermediate/degraded</i>, 29% <i>intermediate/high</i>, 64.6% <i>high</i> quality.)</p>

Provisional Indicator	Target – <i>desired condition for 2020</i>	Benchmark – <i>interim milestone</i>
<p>Marine Water Quality Index Current indices (Water Quality Concern Index and Sensitivity to Eutrophication Index) use fecal bacteria, persistence of nutrients, physical conditions and oxygen concentrations as criteria.</p>	<p>The improved single Marine Water Quality Index will capture the achievement of benchmarks on a scale 0-100, 100 reflecting the highest water quality measured anywhere in Puget Sound within the last decade.</p>	<p>Both indices are being currently re-evaluated in their formulation to reflect the increased scope of the Puget Sound Partnership and to include improved index formulations available through Environment Canada.</p>
<p>Habitat and Biological Indices Habitat and biological conditions of rivers and streams to support viable species including salmon and steelhead.</p>	<p>80% of river and stream miles are classified to have good habitat and biological conditions.</p>	<p>Measured every four years: Increase in stream miles classified to have good habitat and biological conditions.</p>

References

CCME Canadian Council of the Ministers of the Environment: CCME (2001), Canadian water quality guidelines for the protection of aquatic life. CCME Water Quality Index 1.0 User's Manual. In: Canadian environmental quality guidelines, 1999, Canadian Council of Ministers for the Environment, Winnipeg.

Development of a Water Quality Index for the Maryland Coastal Bays. Maryland's Coastal Bays: Ecosystem Health Assessment Chapter 4.4 p. 4-59.

Gulf of Mexico Coastal Condition National Coastal Condition Report II. Chapter 5, p. 135-169.

Williams M. et al. (2008), Development of an Integrated and Spatially Explicit Index of Chesapeake Bay Health (Bay Health Index - BHI) Draft Technical Documentation (v 1.6), March 22nd, 2008 (draft).

San Francisco Bay Water Quality Index. INDICATOR ANALYSIS AND EVALUATION (2003). The Bay Institute Ecological Scorecard San Francisco Bay Water Quality Index.

Zhang, P. et al., (2007) A Long Island Sound-Specific Water Quality Index Based on Cluster Analysis and Discriminant Analysis. American Geophysical Union, Fall Meeting. 2007.

Appendix D: Comments on Action Area Profiles

Whatcom

- 1) Freshwater Resources: Bellingham also diverts water from the Middle Fork of the Nooksack River into Lake Whatcom to bolster their water supply.

Whidbey

- 1) Please add: “Continue cleanup/restoration in Fidalgo and Padilla Bays.” These Puget Sound Initiative embayments are contaminated with industrial pollution including PAH’s, metals and wood waste threatening human health, habitat, and aquatic life.
- 2) Please add: “Continue cleanup at Coronet Bay.” The area is contaminated with petroleum.
- 3) Skagit River provides water supply for Anacortes, Oak Harbor, and Whidbey Naval Station.

South Central

- 1) Please add: “Continue cleanup/restoration in Port Gardner/Everett”. This area is a Puget Sound Initiative embayment. It is contaminated with industrial pollution including PAH’s, metals, PCB’s and wood waste threatening human health, habitat, and aquatic life.
- 2) Local threats column: Air pollution, change to read: “Impacts from particulate pollution (wood smoke, automobiles, diesel emissions, etc)”
- 3) Add to strategies C: “Conduct local source control and urban waters inspections to reduce toxics in stormwater, hazardous waste and environmental threats”. This basin comprises ~50% of the hazardous waste generated in the state and this recently launched program is showing success.
- 4) Add to strategies C: “Prioritize in-water and upland toxic cleanup sites: implement Superfund cleanup at Duwamish River, continue with post superfund and ongoing source control in Commencement Bay.”

South Sound

- 1) Local threats column: Air quality, change to read: “Impacts from particulate pollution (wood smoke, automobiles, diesel emissions, etc.)”
- 2) Regarding strategies C: Do not limit the wastewater plant upgrades to Shelton, LOTT, and Chambers Bay. Others will need upgrades and a focus should be placed on reducing nitrogen.
- 3) Add to strategies C: “Implement recommendations of Sound Puget Sound Dissolved Oxygen study.”

Hood Canal

- 1) Regarding strategies A: Consistent with our detailed comments, Ecology questions the value of revisiting existing instream flow rules at this time.

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From: David Pater, Washington State Department of Ecology

Comment: Questions 3 Page 10 A-2 Near term actions #7 states the following: "Change Shoreline Management Act statutes and regulations to require a shoreline conditional use permit for bulkheads and docks associated with all residential development; for all new shoreline hardening; for all seawall/bulkhead/revetment repair projects; and for new docks and piers. Changes should be made to 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." A more effective approach for dealing with Bulkheads and overwater structures would be the following: - Remove the permit exemption under WAC 173-27-040 - Require an approach similar to mitigation sequencing that makes it more difficult to install new piers and bulkheads. State Shoreline Master Program guidelines have requirements under WAC 173-27-231 that restrict new and replacement bulkheads. The implementation of these standards need to be emphasized. _ SMP guidelines don't have similar restrictions for piers and docks. Emphasizing US Army Corps Regional general permit standards, in addition to encouraging joint use would help reduce over water structure impacts. - The above items can be implemented just as effectively through a shoreline substantial development permit as a conditional use permit(CUP). Requiring a CUP for bulkheads, docks and piers would require funds for hiring additional Dept. of Ecology staff to review CUP's. The Ecology workload would significantly increase if this item is fully implemented.



State of Washington
Department of Fish and Wildlife

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November 20, 2008

Puget Sound Partnership
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The Washington Department of Fish and Wildlife (WDFW) congratulates the Puget Sound Partnership on the completion of the draft Action Agenda (Draft), and appreciates the opportunity for review and comment. The Draft represents a significant accomplishment for the Puget Sound Partnership. We recognize the incredible amount of effort that went into crafting such a broad ranging document in a relatively short period of time. This Draft will begin to organize and direct the wide scope of agency, tribal, and other efforts necessary to achieve the goals of the Puget Sound Partnership, which WDFW shares.

While it is widely recognized that the Action Agenda, when finalized, will need to be updated, there is no acknowledgement that the current product is a “work in progress.” A clearly defined path for updating the Action Agenda would signal that the work of identifying and prioritizing the necessary actions to restore and sustain the ecosystem health of Puget Sound is an on-going process. As we implement and learn from our collective actions, we must continually refine and redirect our efforts. We recommend that the December 1, 2008, version of the Action Agenda explicitly acknowledge that this is a “work in progress”, so that the legislature and the Puget Sound region recognize this as a truly living document, not to be mistaken for an unchangeable blueprint that, if followed exactly, guarantees success by 2020. This further provides the Partnership with the opportunity to incorporate and build upon new science, mitigation and adaptation strategies developing from the climate change arena.

Another initial observation relates to the scope of the Draft. While it is defined early in the Draft the region of interest is, “the crest of the Cascades and Olympics to the floor of Puget Sound and the Strait of Jan de Fuca,” the document as a whole, specifically the near-term actions, predominately focuses on the uplands region as to its effect on the waters of the Sound. There does not appear to be much focus on the uplands for its own sake, i.e., ecosystems, ecological functions, biodiversity value, etc. The document would be strengthened by an acknowledgement, that the uplands are critical to the overall success of the Partnership. Currently, there is a tremendous amount of attention focused on the Partnership, and whether it will address what many consider the ultimate cause of harm to the Puget Sound ecosystem, population growth in its current form. Developing early action steps to maintain biodiversity and ecological resiliency in working lands, public lands, private lands, etc. will greatly enhance the strength of the Partnership’s success.

WDFW is encouraged to be listed as a partner in many of the actions identified in the Draft. We are currently engaged in, and will play a key role in implementing, each of the five primary objectives identified by the Partnership for the recovery of Puget Sound. Our agency provides science about fish and wildlife resources; manages hatcheries and harvest activities; supports implementation of regulatory and non-regulatory programs (Forest and Fish law, GMA, SMA, HPA, Salmon Recovery); provides research and policy support to statewide initiatives regarding working lands, climate change, and invasive species; and we provide technical assistance to landowners and local governments charged with planning and stewardship of Puget Sound land and aquatic resources.

We have been appropriately listed as partners or lead in many of the priority actions listed in the Draft, although we are not mentioned as a key partner for implementing some actions, see below for table edits. WDFW's roles should be recognized under these priorities, and supported for the necessary funding to maintain and maximize our effectiveness in these roles. It will be critical to line up the funding that will enable us to continue fulfilling these roles. As we face severe budget reductions, our ability to implement all of these priorities will be severely limited.

Comments that follow are in the order as written in the Draft.

What can people do now to help? (Introduction, page 6)

Add a topic titled Invasive Species, and include the following text and bullets:

What invasive species released or hitchhike on your ship, boat, or gear will be introduced or spread into Puget Sound.

Retain, exchange, or treat ballast water before discharging

Clean, drain, and dry boat hulls and raw water holds

Clean and dry all camping, fishing, and hunting equipment before entering a new area

Never release pets or animals into areas they can escape or directly into the wild.

Question 1 What is a healthy Puget Sound?

A healthy Puget Sound includes a thriving natural world, high quality of life for people, and a vibrant economy. Using goals set out by the legislature, the Partnership has, for the first time in Puget Sound, identified measurable indicators that can be monitored over time to assess progress. We have also set targets and benchmarks to guide our actions.

WDFW Comment: Three of the six 2020 goals are related to stream flows, ground water, and fresh water inflow to Puget Sound. This appropriately recognizes the critical role that fresh water hydrology plays in supporting a healthy Puget Sound. However, fresh water resources protection and enhancement (especially for stream flows) has a long history of being one the more difficult areas to move forward.

How will we hold ourselves accountable? Indicators and benchmarks. (Question 1, page 3)

The rationale for selecting the subset of six provisional indicators, and their associated targets and benchmarks, from the list of provisional indicators that were adopted by the Partnership needs to be better defined. The six selected indicators only partially address the Partnership goals but it is uncertain whether the portions of the goals that are addressed are a higher priority than the portions that are not addressed. WDFW supports the development of Phase II indicators to measure progress towards the Partnership's goals.

Benchmarks introduced at page 3-4, do not line-up well with their associated targets. In most cases, the benchmarks, understandably conservative in this 1st assessment period, are not sustainable in the long term. Most of the benchmarks, if carried forward into subsequent biennium, would lead to a failure to achieve desired targets. For instance, a net increase of 1,000 acres of commercial shellfish by 2011, would only achieve a 5,000 acre increase by 2020, missing the targeted 10,000 acres. Similarly, a five percent loss of forest acreage per biennium would lead to a loss of over one-quarter of forested area by 2020, far short of the ten percent loss targeted over the same period. The draft Action Agenda should acknowledge that benchmarks will need to become increasingly stringent if 2020 targets are to be achieved.

Targets specify the desired condition that defines success and benchmarks describe interim milestones toward the target. Each of the goals for Puget Sound will have at least one indicator with a target and benchmark to start as shown below:

WDFW comment: In Phase 2 suggest considering other indicators, including the following:

Provisional Indicator	Target– desired condition for 2020 (unless other date specified)	Benchmark – interim milestone
Status of Forage Fish	Obtain accurate estimates of forage fish abundance trends.	Identify and improve methods for efficiently and accurately estimating abundance of forage fish, including Pacific herring and sand lance, by 2010.
Invasive species status and trends	The number of new invasive species introduced each year has declined significantly	Baseline invasive species survey completed by 2010; all vessels will meet or exceed state or national ballast water performance standards by 2016.

WDFW Comment:

Water Quality indicator: We support a measure of minimum flow attainment as an appropriate and practical indicator of progress in protecting and improving stream flows. An agreed upon and meaningful flow exceedence parameter, e.g., “percent exceedence” is certainly one way to provide for this. However, minimum flows represented by percent exceedence in instream flow rules are not likely to meet this need. Instream flow rules are intended to be a water allocation regulatory tool. Minimum flows in these rules are set at a level to protect flows for fish from new allocation in a range of years. They do not provide for water to meet a guaranteed minimum flow during all years (including most “wet years”) and are intended to be exceeded in only the wettest years. A 10% exceedence flow, for instance, is expected to be achieved, on average, only once in every ten years. Because of the longer time base inherent to measurement of this statistic, exceedence of minimum flows in instream flow rules may not be practical for either biennial reporting or as a measure of achievement within a 2020 time frame. Also, we are concerned that older (pre-1986) instream flow rules may not be consistent with current stream flow and fish science (and have, in general, been set at lower levels).

WDFW Recommendation: Flow exceedence, in an appropriate context, can be used as a practical indicator of progress in providing for healthy stream flows. A small stream flow

technical/ policy group should be convened early to advise the Partnership on how best to use flow exceedence to support this need.

Toxics in Pelagic Fish:

The indicator on toxics in pelagic fish is limited to data on Pacific herring. Pacific herring are a great indicator species for contaminants in pelagic food web because they are consumed by many other fish species, birds and marine mammals. Additionally, the contaminant levels in their tissues should respond directly to reductions in loadings of PCB/PBDEs to Puget Sound.

Question 2: What threatens the health of Puget Sound?

Habitat Alteration and Land Cover: The link between dock installations and starving orcas (Question 2, Page 4) is tenuous at best and not well developed. Herring stocks in the central and southern Puget Sound are stable, yet these areas have the largest land conversions to unnatural covers in the Puget Sound.

Surface and groundwater supply and availability: The “quality” as well as supply and availability of surface and groundwater should be highlighted as a significant threat to Puget Sound. For example, altered runoff patterns associated with land development can increase flooding but it also serves as a conveyance system for pollutants that are deposited onto the land. Thus, the surface and groundwater supply and availability represents an even greater threat to Puget Sound than is portrayed. A discussion of the “quality” of the surface and groundwater supply and availability should be added.

The Action Agenda clearly states that it was based in part on the integrated ecosystem assessment (IEA) efforts led by NOAA. However, these efforts, in addition to the indicator and conceptual modeling efforts, have been focused on aquatic systems, primarily marine. DFW would like to see an explicit statement in the Action Agenda (preferably as a near-term action) that identifies the need to commence complementary assessment efforts for the upland portions of the Puget Sound region (and freshwater, if needed) in order to fill this gap. DFW would like to partner with PSP in this effort. The Biodiversity Council could be the policy body that could oversee the IEA effort.

How healthy is Puget Sound?

Other threats due to invasive species, artificial propagation, harvest and other activities:

WDFW comment: see inserted underlined text.

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- Invasive species enter Puget Sound through importation of seeds, fruits, plants, and vegetables; ballast water discharges from ships; soil brought in with nursery stock; on

commercial and recreational boat hulls; and from people releasing exotic pets and plants “into the wild.” While a comprehensive inventory of invasive species across Puget Sound has not yet been conducted, the magnitude of the problem is beginning to emerge from regional studies. The threats from invasive species vary across the Puget Sound action areas. Vessels annually discharge the equivalent of 41,542 railroad grain cars (a train stretching from the Pacific coast to the Idaho boarder) of ballast water into Puget Sound that contain innumerable species from around the world. Purple loosestrife, Spartina species, knotweed, Scotch broom and other invasive plants are here now and could transform estuaries and river corridors. Tunicates are invading marine waters and are found in over 50 locations. Domesticated animals can transmit potentially fatal diseases to native species.

Question 3: What actions should be taken that will move us from where we are to today to a healthy Puget Sound by 2020?

A.1 Focus growth away from ecologically important and sensitive areas by encouraging dense, compact cities, vital rural communities, and protected areas that support the ecosystem Sound.

WDFW Comment: Add new item:

A.1.1.4 Incorporate results of the PSNERP General Investigation Study in indentifying priority nearshore restoration and protection actions.

A 1.1.5 Hydraulic Project Approval (HPA): Add statement as follows as an action: “Improve Hydraulic Project Approval compliance, effectiveness, and enforcement. Provide WDFW with targeted support for project compliance inspections, as well as pre- and post-project monitoring to aid in evaluating the effectiveness of Hydraulic Project Approvals in achieving the intended aquatic habitat protection benefits. Provide WDFW with enhanced civil authority for the Hydraulic Project Approval authority, including the ability to issue stop work orders and levy monetary penalties commensurate with other state regulatory programs (e.g., water quality).”

A.2 WDFW is an important source of technical assistance to integrate local land use, shoreline planning and salmon recovery. (A.2, D.3)

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A.2.5 WDFW was not listed as a lead or a partner under A.2.5 or A.2.6, which discuss the need for the state to provide technical assistance to local governments to update and implement shoreline master programs. This is an oversight. WDFW biologists can (and do) provide data about fish and wildlife location and

protection needs to local governments updating SMPs (e.g., priority habitats and species maps that show locations of key habitat such as forage fish spawning areas, heron rookeries, seal haulouts, etc.). We have worked with Ecology and others to produce a guidance document on Puget Sound nearshore, protection this document has already been used by some jurisdictions updating their SMPs. White papers and studies coming out of the Puget Sound Nearshore Partnership are sources of science to inform local shoreline restoration plans and protection policies and regulations. We are currently working on additional guidance for marine riparian protection and alternatives to shoreline armoring. Our agency needs to be listed as a co-lead or partner under A.2.5 and A.2.6.

A.3 Question 3, Page 11. Protect intact ecosystems. Priority A.3. Near term actions A3.1-3.

Comment: The availability of WDFW stream flow/fish science to support early and longer-term stream flow actions is critical to their success. We expect that instream flow rule development and adoption in basins currently without rules will be completed adequately within existing processes and continued funding. However, providing the stream flow/fish science and information needed to support a.) updating pre-1986 instream flow rules, and b.) the development and implementation of comprehensive basin flow protection and enhancement programs, within a 2020 time frame, will require additional staffing support.

Recommendation: Funding to adequately support stream flow/fish science staff is essential to the success of action plan flow setting, protection, and enhancement elements.

A.4.1: Add DFW as a partner – we should be part of developing criteria for and identifying specific parcels for acquisition, so ecological values important to wildlife diversity are considered. Additionally, the Habitat Program has been working with WFWPA to identify opportunities for this kind of activity in working forests.

A.5 Near-term Actions

1. Advocate for national or west coast regional ballast water discharge standards.

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2. Enhance the Department of Fish and Wildlife's ballast water regulatory compliance monitoring program.
3. Develop a Puget Sound baseline and database of invasive species to guide control efforts.

Comments: WDFW plays an important role in the detection and interception of aquatic invasive species. Limited funding is currently used to operate this program within WDFW. Additional

funding is necessary to increase WDFW Enforcement of this very important issue to ensure these invasive species, particularly the zebra and quagga mussels do not jeopardize our freshwater ecosystems that affect Puget Sound.

4. Continue to support and enhance the Department of Fish and Wildlife's tunicate response program.

5. Develop a team at the Department of Fish and Wildlife to lead rapid response actions for new introductions of invasive species.

Priority B: Restore Ecosystem Processes, Structures, and Functions

Question 3, Pages 15-18. Priority B; restore ecosystem processes, structure, and functions.

Comment: Attainment of adequate freshwater flows is among the key goals for the Action Plan. However, stream flow restoration actions are lacking among proposals for this section.

Recommendation: Stream flow restoration should be supported as an early action. For instance, support for early development of stream flow restoration priorities and actions within a comprehensive basin flow protection and enhancement program might be considered. Other projects might be developed as a component of reclaimed water grant funding, Lake Tapps mitigation, King County's Brightwater Project, etc.

B.1 Near-term Actions

B1.3 Complete the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP)'s General Investigation (GI) in a timely way to identify restoration priorities. Support US Army Corps of Engineer's GI results to receive Congressional authority to implement large-scale ecosystem restoration projects in Puget Sound.

B.3.1: Add DFW as a partner – while our private lands efforts have historically been focused more on the eastside of the state, we are working to expand our available resources to private landowners, especially with working forests, on the west side of the state. Additionally, as stated above, we should be part of identifying what

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types of lands/habitat will be targeted, to ensure that ecological values important to wildlife diversity are considered.

Priority C: Reduce the Sources of Water Pollution

C.2.8: Add DFW as a partner – reasons similar to the above

- C.5** Whenever possible, implement toxic cleanup in a manner that restores shoreline habitat (Manchester EPA project, Indian Island project are superfund projects that did this) rather than use of armoring to cover sediments.

Priority D: Work effectively and efficiently together as a coordinated system to ensure that activities and funding are focused on the most urgent and important problems facing the region.

- D.1** Conduct planning, implementation and decision-making in an integrated way and from an ecosystem perspective consistent with the Action Agenda.

Add New: D.1.8 Identify and develop method for annually forage fish abundance to document trends. Determine genetic stock identification for Pacific herring in Puget Sound.

D.1.2: Include the statewide Comprehensive Wildlife Conservation Strategy as one of the specified plans that need to be integrated/coordinated as implemented.

Near-term D.1.2: Why this near-term action is limited to steelhead/salmon when the objective/action is much broader and includes all kinds of biodiversity and related plans that are ready to be implemented?

Near-term D.1.3: Clarify action – is this a typographical error? Is it intended to be a set of actions – use and augment species plans when they exist, but also develop workplans for those species that don't have existing plans? Or is it intended to mean that existing plans for one species should be used/augmented to address other species with similar needs? Regardless of the intent, DFW agrees that there are currently species without plans (specifically listed species) that should have them. DFW would like this action to represent the need for an existing recovery plan for each listed species, in addition to a comprehensive plan that addresses species of greatest conservation need (listed and non-listed) through a coarse-filter/fine-filter approach (not each species individually) – this could be accomplished through development of a step-down plan

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from the Comprehensive Wildlife Conservation Strategy that is specific to the Puget Trough region.

Near-term D.1.3: PSP is identified as lead agency on this action. DFW is comfortable with this if the 'lead' is in coordinating an integrated approach to implementation of existing species/biodiversity plans. However, if any additional planning is intended in this action, it is important that DFW retain a lead role in the action.

D.2: This objective focuses on mitigation strategies, not adaptation strategies, but adaptation strategies are also greatly needed.

D.3.1 Increase and improve the ability of collaborative groups and processes to implement Action Agenda priorities, address conflicts and balance competing needs in a manner consistent with Puget Sound recovery. Utilize PSNERP GI study results to help inform restoration and protection priorities for action areas.

D.3.1.2 and Near-Term Actions D.3

Salmon Recovery/Lead Entities (see 2)

This priority identifies the need to “Fund salmon recovery and other collaborative groups such as RFEGs and 2514 watershed planning groups..” These groups, particularly RFEGs, have been very successful and should continue to be funded. However, this action/priority omits mention of WDFW’s management of the Lead Entity Program. Lead entities are also key and critical players in implementing salmon recovery. It makes sense for the Puget Sound Partnership to build on the success of this local watershed based program. Puget Sound Lead Entities have leveraged over \$315 million into the PS region for habitat restoration projects. The Salmon Recovery Act (ESHB 2496) empowers citizens at the community level to engage in salmon recovery through a locally driven habitat protection and restoration program. Lead entities continue to play a critical role in effective implementation of the Puget Sound Chinook recovery planning process. WDFW has been a successful and efficient grant manager of this important program, and our continued role should be supported.

Additionally, the November 9, 2008 memo from Joe Ryan to the Puget Sound Recovery Council regarding the Action Agenda and salmon recovery priorities does not indicate the Partnership’s support for the Lead Entity Program under the Recreation and Conservation Office Decision Package “Lead Entities for Salmon Recovery (PL-NC)”. This budget request of \$1.235 million would provide increase in Puget Sound lead entity support beginning in the FY 09-11 biennium.

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The action D.3.1.2 “Clarify and align the roles and responsibilities of the numerous collaborative planning and implementation groups that were established for salmon recovery, water supply, marine resources, and other issues. This includes clarifying the role of watershed stewards, liaisons and outreach staff.” This is quite vague – what is it that PSP would like to achieve? What is working & what isn’t?

D.3 Near-term Actions

1. Integrate the work of the Puget Sound Nearshore Partnership (PSNRP), including the Estuary and Salmon Restoration Program, into the Puget Sound Partnership to improve

efficiency, coordination and to avoid overlap and duplication of efforts. Utilize PSNERP GI Study results to help inform restoration and protection priorities for action areas.

8. Continue and expand collaboration with and support to the Invasive Species Council and its partners including the Aquatic Nuisance Species Committee, Noxious Weed Control Board, Ballast Water Work Group, Tunicate Response Advisory Committee, and others.

D.5 Near-term Actions

2. Provide additional state compliance inspectors to ensure that business producing hazardous waste are complying with regulations. The WDFW Enforcement Program is responsible for patrolling contaminated shellfish beaches to detect and intercept illegal harvest of shellfish that would be incorporated in this section of the document. Additional funding for WDFW to increase patrol effort will be an important benefit for the Puget Sound Action Agenda related to public health and safety.
6. Continue to support and enhance the Department of Fish and Wildlife’s ballast water management program.
7. Continue to support and enhance the Department of Fish and Wildlife’s tunicate response program.
8. Develop a team at the Department of Fish and Wildlife to lead rapid response actions for new introductions of invasive species.

D.3.5.4 Model stewardship behavior. This was listed for feds, but it should be across the board (including WDFW & PSP).

D.5.3.1 “Train state and local government staff with regulatory responsibilities in customer service.” This is not an across-the-board problem and should be dealt with on a case-by-case basis. It is expensive to provide training, and is not

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necessary when the issues are not ubiquitous. Better to set criteria for excellent public service and deal with staff that can’t meet the criteria (additional training, supervisory, etc.). This is a more cost effective approach to meet the goal.

Action area profiles

Unclear why “hunting practices” is identified as a local threat to ecosystem benefits. What is the specific issue/set of issues? Hunting is highly regulated. The Federal Marine Mammal Protection Act protects all marine mammals from hunting, as does the Federal Migratory Waterfowl Act, except for hunting of specific duck and goose species with non-toxic shot tightly regulated

through a joint State/Federal process. There could be an issue related to control of resident Canada goose (related to water quality impacts). We need to specify what is meant in this threat.

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ACTION	TYPE	PARTNERSHIP ROLE	LEAD AGENCY	PARTNERS
		Fund Convene Implement Facilitate Advocate funding Participate Advocate policy		
Priority A: Protect Intact Ecosystem Processes, Structure, and Function				
A.1 Focus growth away from ecologically important and sensitive areas by encouraging dense compact cities, vital rural communities, and protected areas.				
1 Convene a regional planning forum to create a coordinated vision for protecting and restoring Puget Sound ecosystem.	Program (new)	Implement Convene	PSP	Add PSNERP CLC, Quality Growth Alliance, CTED, Local Gov't
3 Initiate or complete maps for each of the watersheds within the Puget Sound basin.	Science / research / monitoring	Lead fund	PSP	Add PSNERP DOE, DFW, CTED, Local gov't, tribes
Watershed Mapping - We are pleased to be listed as a partner in Action A.1.3 (watershed mapping), as we have data and mapping tools to contribute along with other partners. In addition to priority habitat and species mapping, we have provided Local Habitat Assessments to several Puget Sound jurisdictions and have worked with Ecology in Whatcom County to integrate our habitat assessment with Ecology's watershed characterization models for purpose of a local land use planning project. We suggest that mapping be integrated with Action B.1.3 (General Investigation Study- PSNRP) so that watersheds are presented holistically with data about both high functioning and low functioning areas.				

Mapping should identify shoreline modifications that are causing continuing impacts to ecological functions (dikes, bulkheads, riprap revetments, non-functional riparian areas, and pollution sources, including sources of polluted stormwater runoff, failing septic systems). We support watershed mapping being a high priority if it is done with significant scientific review to ensure that data is current and from credible sources. Maps should be at a scale useful to landowners, planners, and regulators- preferably with jurisdiction and parcel lines visible.

WDFW was not listed as a lead or a partner under A.2.5 or A.2.6, which discuss the need for the state to provide technical assistance to local governments to update and implement shoreline master programs. This is an oversight. WDFW biologists can (and do) provide data about fish and wildlife location and protection needs to local governments updating SMPs (e.g., priority habitats and species maps that show locations of key habitat such as forage fish spawning areas, heron rookeries, seal haulouts, etc.). We have worked with Ecology and others to produce a guidance document on Puget Sound nearshore, protection this document has already been used by some jurisdictions updating their SMPs. White papers and studies coming out of the Puget Sound Nearshore Partnership are sources of science to inform local shoreline restoration plans and protection policies and regulations. We are currently working on additional guidance for marine riparian protection and alternatives to shoreline armoring. Our agency needs to be listed as a co-lead or partner under A.2.5 and A.2.6.

Similarly, under Priority D.3.1.6, "Identify where technical expertise is needed to assist in the creation of strategies and actions to protect and restore ecosystem processes", WDFW field staff play a role by assisting in development and implementation of salmon recovery restoration projects identified in the salmon recovery 3-year work plans; Steelhead Recovery Plan development; and assistance in implementing water quality plans under the Watershed Planning Act (2514).

A.5 Prevent and rapidly respond to the introduction of new invasive species.

1. Advocate for national or west coast regional ballast water discharge standards.	Legislation (federal), Regulatory change	Policy	DFW	DOE, NMFS, USFWS, Invasive Species Council
2. Enhance the Department of Fish and Wildlife's ballast water regulatory compliance monitoring program.	Program	Funding	DFW	Coast Guard DOE
3. Develop a Puget sound baseline and database of invasive species to guide control efforts	Program (new)	Funding	DFW	Invasive Species Council, DOE USGS

4. Continue to support and enhance the Department of Fish and Wildlife's tunicate response program.	Program	Funding	DFW	DOE, DNR, USFWS
5. Develop a team at the Department of Fish and Wildlife to lead rapid response actions for new introduction of invasive species.	Program (new)	Funding	DFW	DOE, DNR, USFWS, Invasive Species Council
Priority B: Restore Ecosystem Processes, Structures, and Functions				
B.1 Implement and maintain priority ecosystem restoration projects for marine, marine nearshore, estuary, freshwater riparian and uplands.				
1 Implement restoration projects in the salmon recovery three-year work plans and the Estuary and Salmon Restoration Program of the Nearshore	Capital	Lead fund	PSP	Add Nearshore Partnership, Watersheds, NMFS
3 Complete of the Puget Sound Nearshore Partnership's General Investigation in a timely way to help identify and refine nearshore restoration opportunities and move toward implementation.	Program (continue)	+	DFW US Army Corps of Engineers	PSNERP Partners

Priority C: Reduce the Sources of Water Pollution				
C. Use a comprehensive, integrated approach to managing urban storm water and rural surface water runoff to reduce storm water volumes and pollutant loadings.				
C.7 Implement road maintenance and abandonment programs for federal and state owned lands (including trustlands) as well as private timber lands.	Program (continue)	Funding	DNR	DFW, Forest Landowners
Priority D: Work effectively and efficiently together				
D.1 Conduct planning, implementation and decision-making in an integrated way and from an ecosystem perspective consistent with the Action Agenda.				
D.1.8 Expand Forage Fish Management Plan to include annual estimation of Pacific sand lance.	Program (expand)	Lead Fund	DFW	NMFS
D.3 Build and sustain long-term capacity of partners to effectively and efficiently implement the Action Agenda.				

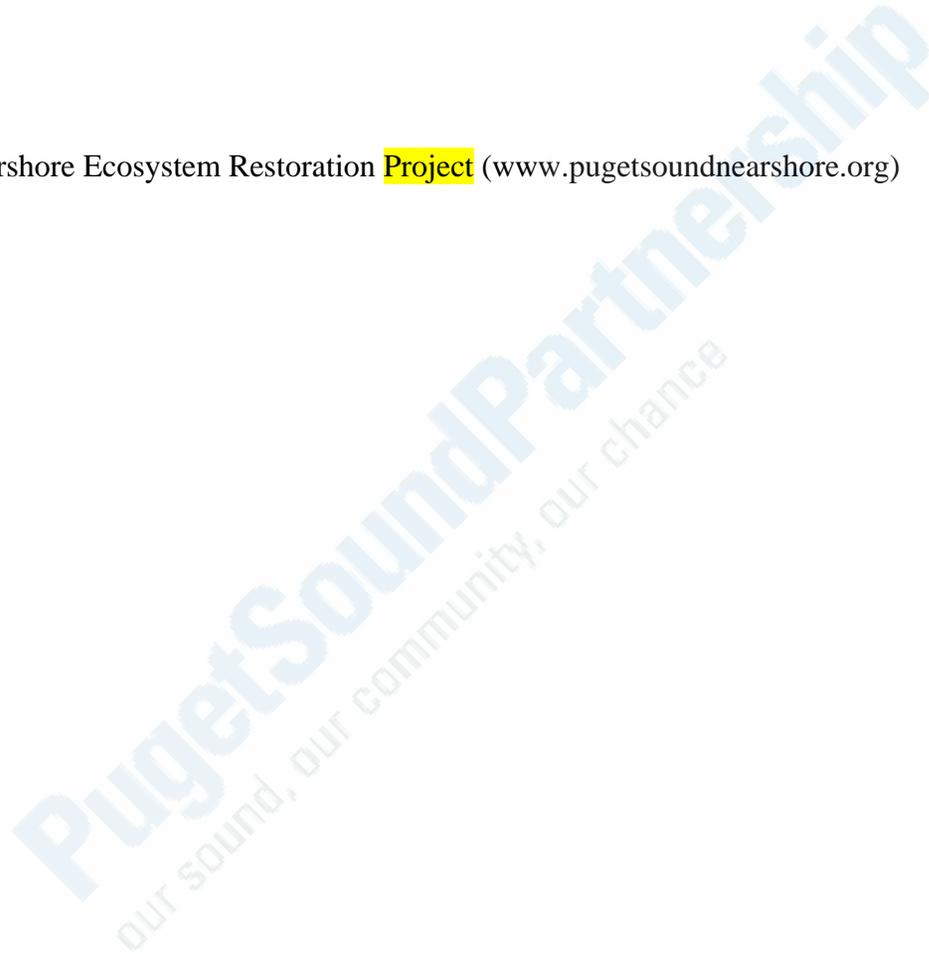
<p>8. Continue and expand collaboration with and support to the Invasive Species Council and its partners including the Aquatic Nuisance Species Committee, Noxious Weed Control board, Ballast Water Work Group, Tunicate Response Advisory Committee, and others.</p>	<p>Program</p>	<p>Policy, funding</p>	<p>RCO (Invasive Species Council)</p>	<p>WDFW, DOE, DNR, AGR, DOH, DPR, USFWS, USDOA, USCG, USGS, NMFS, etc.</p>
<p>D.5 Improve compliance with rules and regulations to increase the likelihood of achieving ecosystem outcomes.</p>				
<p>D.5.4. "Provide additional staff at the Department of Ecology to conduct field visits to improve compliance with shoreline and aquatic regulations." Given the significant technical assistance provided by WDFW field biologists and our authority through the HPA program, it makes sense to fund staffing at WDFW as well. These staff are essential to meet the "do no harm" baseline of ecosystem recovery.</p>				
<p>6. Continue to support and enhance the Department of Fish and Wildlife's ballast water management program.</p>	<p>Program</p>	<p>Funding</p>	<p>DFW</p>	<p>DOE, Coast Guard</p>
<p>7. Continue to support and enhance the Department of Fish and Wildlife's tunicate response program.</p>	<p>Program</p>	<p>Funding</p>	<p>DFW</p>	<p>DOE, DNR, USFWS</p>
<p>8. Develop a team at the Department of Fish and Wildlife to lead rapid response actions for new</p>	<p>Program (new)</p>	<p>Funding</p>	<p>DFW</p>	<p>DOE, DNR, USFWS, Invasive Species</p>

introductions of invasive species.				Council
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ACRONYMNS

GI General Investigation

PSNERP Puget Sound Nearshore Ecosystem Restoration Project (www.pugetsoundnearshore.org)



From: Bob Burkle, Washington State Department of Fish and Wildlife

Comment: The indicators for Toxics in Pelagic Fish and Water Quality on question 1, page 3, are not "indicated" properly. Use the Water Quality indicator "PCBs and PBDEs in winter resident Chinook not higher than 20 and 10 ppb(wet weight), respectively" for the Toxics in Pelagic Fish indicator, as there are overwhelmingly other factors needed to recover Chinook, such as all the rest of the "H's" (habitat, harvest, and hatcheries mostly), whereas the measure of PCBs and PDPEs directly addresses the toxics problem. For water quality indicators, use the obvious, "A decrease and Eventual Elimination of Low Oxygen 'Dead Zones' in Hood Canal and South Puget Sound"

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From: David Heimer, Washington State Department of Fish and Wildlife

Comment: Invasive species- The plan mentions interdicting and combating new invaders, but doesn't do much to address/improve the current control efforts/needs. Although, some weeds (Spartina, knotweed) received the cursory mention, others, like reed canary grass and blackberry impact considerably more acreage along riparian corridors. Weed control/native-beneficial plantings should be part of any improvement, restoration, or construction project.

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From: Dave Parks, Washington State Department of Fish and Wildlife

Comment: There was a mistake on the reference for the Twins Fish Use Paper, (Shaffer and Ritchie, 2008. Fish Use of Twins Nearshore. Washington Department of Fish and Wildlife, Port Angeles, Washington.) Is the correct reference, not Washington Department of Natural Resources.

Thanks for including our comments.

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From: Allen Pleus, Washington State Department of Fish and Wildlife

Comment: These comments are based on my expertise as the WDFW Aquatic Invasive Species Coordinator, Alternate on the Invasive Species Council, and Chair of the Aquatic Nuisance Species Committee, Ballast Water Work Group, and the Tunicate Response Advisory Committee. The following recommended changes/additions to the action agenda are offered to provide greater consistency, accountability, and clarity to the problems of invasive species as already identified in the agenda.

Introduction - Page 3: "Inside the Action Agenda" - bullet 3 - ADD TEXT to emphasize a significant threat as noted in question 2 and question 3 - priority A.5. A. Protect the intact ecosystem processes, structures, and functions that sustain Puget Sound. Avoiding problems before they occur "and preventing the introduction of invasive species at their pathway sources are" the best and most cost-effective approach to ecosystem health.

Introduction - Page 7: "What can people do now to help?" ADD NEW PARAGRAPH to emphasize key citizen actions for dealing with invasive species. "Invasive Species What invasive species released or hitchhike on your ship, boat or gear will be introduced or spread into Puget Sound" Retain, exchange or treat ballast water before discharging
Clean, drain, and dry boat hulls and raw water holds
Clean and dry all camping, fishing, and hunting equipment before entering a new area • Never release pets or animals into areas they can escape or directly into the wild

Question 1- Page 4: "How will we hold ourselves accountable? Indicators and benchmarks" ADD NEW ROW ON TABLE to promote accountability for invasive species with indicators and benchmarks.

Column 1: "Invasive species status and trends"

Column 2: "The number of new invasive species introduced each year has declined significantly"

Column 3: "Baseline invasive species survey completed by 2010; All vessels will meet or exceed state or national ballast water performance standards by 2016"

Question 2 Page 6: Other threats due to invasive species, artificial propagation, harvest and other activities:

ADD TEXT that illustrates the magnitude of the ballast water problem and how tunicates have invaded Puget Sound. "...threats from invasive species vary across the Puget Sound action areas. Vessels annually discharge the equivalent of 41,542 railroad grain cars (a train stretching from the Pacific coast to the Idaho boarder) of ballast water into Puget Sound that contain innumerable species from around the world. Purple loosestrife, Spartina species, knotweed, Scotch broom and other invasive plants are here now and could transform estuaries and river corridors. Tunicates are invading marine waters <<and are now found in over 50 locations. Domesticated animals can transmit potentially fatal diseases to native species.

Question 3 Page 1: "What actions should be taken"

ADD TEXT for consistency with introduction. A. Protect the intact ecosystem processes, structures, and functions that sustain Puget Sound. Avoiding problems before they occur "and preventing the introduction of invasive species at their pathway sources are" the best and most cost-effective approach to ecosystem health.

Question 3 Page 14: A.5 Near-term Actions

ADD TEXT AND NEW BULLETS to correct errors, address reference to tunicates in previous sections of the agenda, and address what is mean by the A.5 title to "rapidly respond" to invasive species. #4 addresses the continuation a currently PSP-funded program for tunicates.

2. <<Enhance>> the Department of Fish and Wildlife ballast water regulatory compliance monitoring <<program>>.

4. Continue to support and enhance the Department of Fish & Wildlife's tunicate response program.

5. Develop a team at the Department of Fish & Wildlife to lead rapid response actions for new introductions of invasive species.

Question 3 Page 33: D.3 Near-term Actions

ADD NEW BULLET to identify and support a critical partnership for dealing with invasive species.

8. Continue and expand collaboration with and support to the Invasive Species Council and its partners including the Aquatic Nuisance Species Committee, Noxious Weed Control Board, Ballast Water Work Group, Tunicate Response Advisory Committee, and others.

Question 3 Page 37: D.5 Near-term Actions

ADD NEW BULLETS to address the need to improve existing critical regulations with ongoing management programs.

6. Continue to support and enhance the Department of Fish & Wildlife's ballast water management program.

7. Continue to support and enhance the Department of Fish & Wildlife's tunicate response program.

8. Develop a team at the Department of Fish & Wildlife to lead rapid response actions for new introductions of invasive species.

Question 4 Page 3?: A.5 Prevent and rapidly respond to the introduction of new invasive species
MODIFY & ADD

1 "Advocate..." Lead agency is DFW - not DOE; move DOE to Partners column. 2 "Implement..."

Change "Implement" to "Enhance" and remove "(new)" from Program

3 "Develop..." Add "Funding" to Partnership Role column; add "DFW" as Lead Agency; add "Invasive Species Council, DOE, USGS" to Partners column NEW

4. Continue to support and enhance the Department of Fish & Wildlife's tunicate response program; Program; Funding; DFW; DOE, DNR, USFWS NEW

5. Develop a team at the Department of Fish & Wildlife to lead rapid response actions for new introductions of invasive species; Program (new); Funding; DFW; DOE, DNR, USFWS, Invasive Species Council

Question 4 Page 5?: D.3 Build and sustain long-term capacity of partners to effectively and efficiently implement the Action Agenda

ADD NEW BULLET

8. Continue and expand collaboration with and support to the Invasive Species Council and its partners including the Aquatic Nuisance Species Committee, Noxious Weed Control Board, Ballast Water Work Group, Tunicate Response Advisory Committee, and others; Program; Policy, Funding; RCO (Invasive Species Council); WDFW, DOE, DNR, AGR, DOH, DPR, USFWS, USDOA, USCG, USGS, NMFS, etc.

Question 4 Page 6?: D.5 Improve compliance with rules and regulations to increase the likelihood of achieving ecosystem outcomes

ADD NEW BULLETS

6. Continue to support and enhance the Department of Fish & Wildlife's ballast water management program; Program; Funding; DFW; DOE, Coast Guard

7. Continue to support and enhance the Department of Fish & Wildlife's tunicate response program; Program; Funding; DFW; DOE, DNR, USFWS

8. Develop a team at the Department of Fish & Wildlife to lead rapid response actions for new introductions of invasive species; Program (new); Funding; DFW; DOE, DNR, USFWS, Invasive Species Council

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH

OFFICE of SHELLFISH and WATER PROTECTION

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November 20, 2008

David Dicks, Executive Director
Puget Sound Partnership
Post Office Box 40900
Olympia, Washington 98504-0900

Dear Mr. Dicks:

Thank you for the opportunity to comment on the draft *2020 Action Agenda for Puget Sound*. We appreciate your fine work on the draft agenda and the contributions and hard work of the Leadership Council, Ecosystem Coordination Board, Science Panel, and the Partnership staff.

I especially want to thank you for your follow through on the human health priorities outlined in the authorizing legislation and Governor Gregoire's call for a Puget Sound that is swimmable, fishable, and diggable. The draft *Action Agenda* covers a suite of issues and actions that are key to protecting people's health and Puget Sound's health, including improved sewage management, shellfish restoration, swimming beach and shellfish monitoring, and education and outreach. Here are a few related points I'd like to emphasize as you revise and move forward with the *Action Agenda*.

We're facing many challenges in our effort to improve the management of on-site sewage systems to better protect public health and environmental quality. This includes the work local health jurisdictions are doing with the region's half million on-site sewage systems and the Department of Health's work with the large on-site sewage systems (LOSS). The department provided significant pass-through funding for the twelve Puget Sound counties to develop and start implementing their on-site sewage management plans. We need to continue to provide sufficient funding until local governments can establish reliable, dedicated revenue sources of their own. To that end, we would appreciate your support of our budget package requesting additional funds to help implement the local on-site sewage management plans. The department's work on the large on-site sewage systems is similarly critical to reducing pollution, and we request your support helping to implement and fund our LOSS program. We've also recommended edits to the *Action Agenda*'s draft implementation table (Table 4.1) in our enclosed technical comments to highlight the need for funding support for our work on the graywater reuse rule and the alternative technologies rule.

David Dicks, Executive Director

November 20, 2008

Page 2

Discussion of the local on-site sewage programs underscores the broader need of local governments to secure dedicated and sustained funding for their water resources programs. We encourage you to add language to the *Action Agenda* supporting and calling on local governments to establish comprehensive programs to effectively control and prevent nonpoint source pollution. One of the region's model programs is the Kitsap Surface and Stormwater Management program (SSWM). Simply put, the Kitsap SSWM program gets results, due largely to its coordinated approach to planning, budgeting, priority setting, and problem solving. If we can replicate this type of program around the Sound in the next few years, our chances of restoring 10,000 shellfish acres by 2020 will be greatly enhanced.

We're excited to champion the effort to restore 10,000 shellfish acres by 2020. We think this is precisely the type of bold vision people have in mind for Puget Sound and the *Action Agenda*. As we move forward with this work, I want to mention a few things about this goal so you know where we're coming from in recommending the use of this indicator and in setting the recovery target. The 10,000 acre target is a "stretch goal" that we think is ambitious and doable. It originally grew out of Governor Gregoire's GMAP forum. The recovery target takes into account both point and nonpoint source pollution projects and factors in many positive assumptions, including political will, citizen action, project funding, and strong local programs with the capacity to clean up our marine waters and the adjacent watersheds.

While the *Action Agenda* effectively touches on many issues and programs we oversee at the department, the Action Area profiles are less clear and complete in laying out a vision and plan for the necessary work in these sub-regions. We'll continue to follow-up with your staff and the people who live and work in these areas to assist with the projects, programs, and plans that connect with our work at the Department of Health.

I'm enclosing a list of technical edits and comments that our staff prepared and that we shared with your staff late last week. Please note that we've highlighted a few additional comments that were not in the earlier version. If you have any questions or if you need additional information, please contact me at (360) 236-3050 or gregg.grunenfelder@doh.wa.gov, or contact Stuart Glasoe of my staff at (360) 236-3310 or stuart.glasoe@doh.wa.gov.

Again, I want to thank you and everyone at the Partnership for your fine work on the *Action Agenda* and for your commitment to protecting and restoring the valuable water resources of Puget Sound.

Sincerely,



Gregg L. Grunenfelder
Assistant Secretary

Enclosure

Washington Department of Health
Staff Technical Comments on 11/6/08 Draft of *2020 Action Agenda for Puget Sound*

Introduction, Page 6 – The list of things people can do to “clean up” Puget Sound should include boaters (e.g., don’t dump wastes, use pumpout stations) and farmers, especially hobby farmers (e.g., properly manage manure).

Introduction Page 7 – Suggest using the term “on-site sewage system” throughout the document (this is the term used in C.4, the human health topic paper, the 2006 on-site sewage legislation, and most other professional documents). We also suggest editing bullet two to say “Do not abuse or overuse its abilities (~~toilet paper only~~ only those items that should go down toilets and sink drains).

Question 1, Page 3, Indicators and Benchmarks – The list of example indicators in paragraph three starts with drinking water quality. Given the lack of available metrics for drinking water quality, we recommend deleting this example from the list.

Question 1, Page 3, Indicators and Benchmarks – It would be helpful to briefly explain how and why these six indicators were selected and what they are intended to represent. For example, are these six indicators intended to represent the six goals in the legislation, or are they simply intended to serve as a set of ecosystem indicators?

Question 1, Page 3, Provisional Targets and Benchmarks, Shellfish Growing Areas – Edit the target and benchmark for shellfish growing areas to include “commercial or recreational shellfish growing area”. Also, to avoid confusion, you might consider adding a footnote or sentence explaining that “Shellfish growing areas are marine areas classified by the Washington Department of Health for growing and harvesting oysters, clams, and other bivalve shellfish. The shellfish can be natural or cultivated, and the areas can include intertidal areas exposed by tides or subtidal areas covered by marine water.”

Question 1, Page 4, Provisional Targets and Benchmarks, Toxics in Pelagic Fish – It’s our understanding that this indicator is intended to be used as a water quality indicator. If it is intended to be used as a human health indicator, you should know that this species and this chemical have not been evaluated for human health risk by the Department of Health. However, this is a good indicator for tracking changes in the pelagic foodweb. You might consider adding PCBs in herring to this indicator. Also, as an alternative to herring, Chinook salmon have direct links to human health and marine mammals, but residency determines toxic levels and residency is hard to determine. As such, if you consider using this species you should focus on resident Chinook because preliminary data suggest that they are better indicators of toxic levels in Puget Sound than other Chinook populations.

Question 2, Page 2, Human Health Action Agenda Measure – Edit sentence two to say “. . . commercial or recreational shellfish growing area . . .”

Question 2, Page 2, Human Health Current Condition – The 30,000 acres is the approximate net loss between 1980 and 2005. The actual area closed to shellfish harvest in Puget Sound is much greater, and gains toward the 10,000 acre target could come from any part of this larger area. We suggest rewriting the first sentence in this paragraph to say “. . . , approximately 30,000 acres downgraded since 1980 remain closed.”

Question 2, Page 5, Pollution – The description of the region’s sewage infrastructure needs to accurately represent the flows and impacts associated with municipal sewage treatment plants and large and individual on-site sewage systems. Sentence 5 in paragraph two, for example, should say “Numerous wastewater treatment plants and a ~~The~~ half million on-site sewage systems”

Question 3, Page 11, A.3.2.2 – Recommend editing to say “~~U~~Encourage utilities to use pricing structures” to identify the service providers who set the pricing structures.

Question 3, Page 11, A.3 – This section lays out strategies to expand opportunities to reuse, reclaim, and recycle water resources. However, the only near-term action specifically related to reclaimed water use is the graywater reuse rule. We recommend adding a near-term action, with DOE as the lead agency and DOH as a partner, reflecting the Department of Ecology’s efforts to adopt rules on reclaimed water use.

Question 3, Page 13, A.4.5.2 – Change the second sentence to “Continue the work of the Shellfish Advisory Regulatory Committee (SARC).” (The Department of Health coordinates a different group with a different mission known as the Shellfish Advisory Committee.)

Question 3, Page 19, Priority C, Current Situation – Recommend changing the second sentence to say “. . . legacy toxic pollutants, ~~disease-bearing-disease- or illness-causing organisms (pathogens)~~ from on-site sewage systems”, and using “pathogens” in the following section on rationale and thereafter in the document, as you do in C.1 on page 20.

Question 3, Page 19, Priority C, Current Situation – Reference to “harmful algal blooms” in a list of pollution sources and pathways is curious. Although blooms can occur in one water body and then drain to another, essentially acting as a pollution source, this is rare. We recommend taking harmful algal blooms out of this list.

Question 3, Page 21, C.1.3 AND Near-term Action 7 – Recommend adding the following to C.1.3, or Near-term Action 7, or both: “Use the Department of Health’s 2020 shellfish restoration projections as a framework to coordinate and track shellfish restoration projects in the Puget Sound region.”

Question 3, Page 21, C.1.3 AND Question 3, Page 21, C.1 Near-term Action 7 – Chapter 90.72 RCW calls on counties to create shellfish protection districts and programs, but not plans per se. To avoid confusion, and to fill the gap created by the loss of Element SF-7 of the Puget Sound Management Plan calling for the development of “shellfish closure response strategies” when shellfish beds are downgraded by pollution, we recommend rewording this to say “. . . shellfish protection district programs and related restoration plans,”

Question 3, Page 21, Near-term Action 7 AND Question 3, Page 25, C.1.3 – You seem to use the term “Marine Managed Areas” in different parts of the document (Priorities A and C) to address different issues and authorities. In these two sections of Priority C, you are apparently referring to the designation and protection of “marine recovery areas” called for under 3SHB 1458 by the 2006 legislature (as you note in C.4.1.1). If this is the case, we recommend editing the action on page 21 to say “Implement . . . Marine Managed Area plans on-site sewage management plans in marine recovery areas, . . .” See below for suggested wording for the related item on page 25.

Question 3, Page 23, C.2 Near-term Action 8 – Does this item address runoff from commercial and non-commercial (hobby) farms? If so, we recommend editing this action to say “. . . reducing sources of water pollution from commercial and non-commercial farms and other nonpoint pollution sources, particularly in priority areas.” If not, then we recommend adding an action item to address this pressing need. On a couple of related notes, with respect to agricultural pollution, the document does not appear to offer any actions to improve the state’s livestock nutrient management program, and with respect to nonpoint pollution, the document does not offer any actions to address impacts from recreational boaters except for consideration of no-discharge zones, which we appreciate and support.

Question 3, Page 24, C.3.1 AND C.3.2 – We recommend editing C.3.1 to say “Implement priority upgrades . . . in nutrient sensitive areas and recoverable shellfish areas of Puget Sound”, and C.3.2 to say “Improve local government project readiness . . . in locations where significant nutrient and pathogen loading originates.”

Question 3, Page 24, C.3.3 – Suggest editing to say “Require federal facilities and federally regulated facilities to reduce”

Question 3, Page 24, C.3 Near-term Action 1 – Edit to say “Ensure that AKART (All Known Available and Reasonable Technology)”

Question 3, Page 24, C.3 Near-term Action 2 – We recommend editing to say “Provide funding and technical assistance . . . in nutrient sensitive areas and recoverable shellfish areas”

Question 3, Page 24, C.4 – Recommend editing sentence one to say “Rural communities . . . typically use on-site wastewater treatment techniques for sewage systems to treatment treat wastewater.”

Question 3, Page 25, C.4.1, C.4.2, C.4.3 and C.4 Near-term Actions – Recommend editing these section as follows.

C.4.1 Establish, in each county, a coordinated way to systematically identify, inspect, repair and, if needed, replace failing or poorly functioning septic and on-site treatment sewage systems, as well as address long term maintenance needs for these systems.

C.4.1.1 Implement on-site septic-sewage management plans to help ensure proper management of on-site sewage systems in marine areas, especially in designated

~~Marine Managed Recovery Areas~~, per 3SHB 1458 (On-site Sewage Disposal Systems 2006).

C.4.1.2 Investigate the contribution of on-site ~~septic-sewage~~ systems to pollutant loadings in freshwater and marine environments.

C.4.1.3 Establish ~~septic-on-site sewage~~ utilities or other funding authorities to help ensure that ~~existing septic systems small~~ and large on-site ~~septic-sewage~~ systems are well maintained, and increase capacity of local health jurisdictions to implement their on-site ~~septic-sewage~~ management plans and the Department of Health to help ensure proper management of large on-site sewage systems. This effort should focus first on South Sound, Hood Canal, and other areas prone to increasing levels of hypoxia and in shellfish areas threatened or degraded by bacterial pollution areas. Encourage community systems in areas of high residential density and promote nitrogen-reducing technology where feasible.

C.4.2 Review and, as appropriate, approve new ~~septic-on-site sewage system treatment~~ technologies for use in Washington State.

C.4.3 Provide innovative cost-share and loan programs for homeowners.

C.4 Near-term Actions

1. ~~Develop and Fully~~ implement ~~septic system~~ the on-site sewage management plans in each Puget Sound county. With assistance from the Department of Health, evaluate plans and develop and implement appropriate updates. Enable and help counties establish local funding sources to sustain plan implementation and updates. Assure existing large on-site sewage systems are consistent with local on-site sewage management plan objectives and related legislation.

2. Revise the current ~~septic state on-site sewage system rule no later than December by June 30, 2010~~ **December 2011** so that standards are established to address new ~~septic on-site sewage system~~ technologies. Review technologies and address operation and maintenance issues.

3. Enhance and target ~~septic-on-site sewage~~ loan programs to ensure that programs are targeted to areas with demonstrated loading issues and vulnerable waters. Leverage public and private funds to increase the scope of loan programs.

Question 3, Page 26, C.6 – Recommend editing sentence four to say “. . . assess the safety of beaches for ~~recreational~~ shellfish harvesting” We also recommend adding an additional sentence after sentence four saying, “The Department of Fish and Wildlife monitors chemical contamination in Puget Sound fish.”

Question 3, Page 26, C.6 Near-term Action 2 – Recommend editing the action to say, “Fund the shellfish and fish ~~advisory~~ monitoring and advisory programs.”

Question 3, Page 45, E.3.1.2 – In order to provide meaningful data on the state of the Sound and the effects of management actions, the region’s monitoring programs must be well designed and funded. This includes fish and shellfish monitoring for toxics, pathogens/indicator organisms, and biotoxins that is conducted over appropriate time and spatial scales to provide the right data to answer the most important questions.

Question 3, Page 46, E.3. Near-term Actions – The near-term actions should acknowledge and reference recommendations of the Puget Sound Monitoring Consortium to provide ongoing funding for the region’s monitoring programs, to fund the necessary transitional work on the regional monitoring program in the 2009-11 biennium, and to have the Partnership take action

and adopt a revised management structure for a coordinated regional monitoring program by June 30, 2009.

Question 4, Implementation Table – We recommend the following edits to the implementation table:

- A.3.8 – change lead agency from DOE to DOH; add “funding” under Partnership role.
- C.1.7 – change action to “. . . shellfish protection district programs and plans, on-site sewage plans in marine recovery areas”; add tribes as partners.
- C.1.8 – change lead agency from DOH to DOE; continue to list DOH as a partner.
- C.1.9 – change lead agency from DOH to DOE; continue to list DOH as a partner.
- C.4.1 – change action to “. . . on-site sewage management plans in each Puget Sound Puget Sound county and the state LOSS program”; add DOH as lead agency for LOSS program.
- C.4.2 – change action to “. . . on-site sewage system rule by ~~June, 30, 2011~~ December 2011 so that standards are established to address new on-site sewage technologies”; add “funding” under Partnership role.
- C.4.3 – change action to “. . . on-site sewage”.
- C.6.2 – change action to “Fund the shellfish and fish monitoring and advisory programs”.

Draft Financing Chapter, Page 7 – Recommend adding a bullet to the “roles and responsibilities” of local government acknowledging the importance of local funding and encouraging them to use their funding authority to establish dedicated and sustained revenue sources to provide services, implement programs, and complete projects called out in the Action Agenda.



Doug Sutherland
Commissioner of Public Lands

November 21, 2008

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

Dear Mr. Dicks:

Thank you for the opportunity to comment on the draft Puget Sound Action Agenda. As an active member of the Puget Sound Partnership, the Department of Natural Resources (DNR) appreciates the hard work that has occurred to reach this step in recovering a healthy Puget Sound, and looks forward to continuing collaborative efforts.

We support the integrated ecosystem approach of the Agenda. We're encouraged by the commitment to an ongoing science-driven strategy and encourage the Partnership to stay focused on that objective, not diverting attention toward "low hanging fruit". In that regard, we remind you of several strong DNR science programs related to Puget Sound, including aquatic lands, state trust forest land, forest practices, and geology science programs.

We appreciate the clear emphasis on protecting working natural resource lands, including the Agenda's stated intention to build on existing protection, restoration, and landowner incentive programs.

We also appreciate the recognition in this draft of some of the many positive actions being implemented by DNR that should be incorporated into the Partnership Agenda.

We support the intention to adopt a performance-driven implementation effort, and we especially support the use of forest conversion, availability of shellfish beds, and area of eelgrass as measurable indicators. We encourage you to be very clear about the baseline to be used for setting performance objectives and measuring progress.

We also support the recognition of the adverse influence of bulkheads and other shoreline armoring, and are ready to join in efforts to control these effects.

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PUGET SOUND PARTNERSHIP



Mr. David Dicks
November 21, 2008
Page 2 of 2

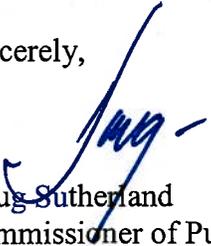
Finally, we applaud the attention to outreach and education, which will have to be effective in order to sustain any short-term gains in Puget Sound health into the future.

We look forward to continued strong involvement in improving and protecting the health of Puget Sound ecosystems as an active member of the Puget Sound Partnership.

Attached are the DNR's detailed comments on the draft Action Agenda.

Thank you again for the opportunity to make these comments.

Sincerely,



Doug Sutherland
Commissioner of Public Lands

Puget Sound Partnership
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DETAILED COMMENTS

Comments on Prioritization

In the most recent Partnership documents, listing near-term actions in priority order, we suggest the following opportunities to better prioritize specific near-term actions.

1. In the Protection Strategy, A.4.6, we appreciate mention of DNR's aquatic lands Habitat Conservation Plan (HCP), and believe it has the potential for a much stronger role in protection actions than is reflected in a priority of 20 out of 27 actions. We recommend a higher priority.
2. Also in the Protection Strategy, and given the important threat posed by invasive species in Puget Sound, we believe the invasives database, A.5.3, should be considered a higher priority than 25 out of 27 actions.
3. In the Pollution Prevention Strategy, much work needs to be completed in contaminated site remediation, C.5.1, meriting a higher rank than 26 out of 27 actions.

Specific Comments on DNR's Role in Near Term Actions

We appreciate the attention given to DNR's role in several priority near-term actions. However, we have a series of suggestions to more clearly specify DNR's role, or to add DNR to the noted partners, both in the detailed strategies in the Question 3 section of the draft Agenda, and the action plan table accompanying the Question 4 section of the draft Agenda. We key these comments to the lists of proposed near-term actions.

A.1.1 DNR would like to be involved in the "regional planning forum" guiding regional growth, as it applies to protection of working forests and state-owned lands.

A.1.2 DNR supports the development of criteria for high-risk habitat protection. The Aquatic Lands HCP should be one source of such criteria, and DNR would like to be listed as a partner.

A.1.3 DNR has a great deal of aquatic resource and geologic mapping expertise and data to contribute to watershed maps and recommends these extend into estuarine and marine areas, with are state-owned aquatic lands (SOAL).

A.1 (general) We support efforts toward compact urban development to help protect natural resource lands, but note that a crucial factor is improving and increasing the livability of urban areas. One important livability factor is urban forests. We therefore recommend the Partnership recognize and support full implementation of the legislatively directed Evergreen Cities pilot program. Through this effort by DNR's Urban and Community Forest Program, the state is increasing its ability to compete for federal funding.

A.2.1 In recommending purchase of high value habitat and land at immediate risk of conversion, we draw your attention to several DNR programs, including the federal Forest Legacy program, and the legislatively authorized effort for DNR to target at-risk working forest lands for purchase as replacement state trust lands. In the latter effort, we ask the Partnership to support promised legislative funding to also purchase development rights on these future trust lands, which would allow for the lands to be permanently managed as working forests.

A.2.3 DNR should be added to the “rapid acquisition” task force if target areas include SOAL.

A.2.4 In discussing “marine managed areas”, please include recognition of DNR’s Aquatic Reserves, the only statewide program to establish new protected marine areas. Aquatic Reserves protect overall habitat and ecosystem health. Cherry Point is an example. Continued funding and support for Aquatic Reserves will enable DNR to expand these efforts.

The Partnership should also recognize the positive role in Puget Sound ecosystem health played by several DNR protected Natural Areas, such as Cypress Island in the north Sound, and Kennedy Creek in the south.

A.2.7 DNR supports changes to the Shoreline Management Act to require a conditional use permit for bulkheads and residential docks. Research conducted by DNR’s aquatic HCP staff indicates there are approximately 23,000 residential docks across the state. The HCP will work to condition the size and location of docks in order to protect aquatic habitat. DNR hopes to have local governments incorporate DNR’s aquatic HCP conservation measures into local shoreline master programs.

In any amendment of the SMA, it will be critical to retain the priority status given in the Act to shellfish harvest and aquaculture.

In general, we support the recommendations to amend existing regulatory programs to enhance restrictions on bulkheads, docks, piers and new over-water structures in the vicinity of eel grass beds.

A.4.1 DNR has multiple programs which purchase development rights and conservation easements for working lands at risk of conversion, including the federal Forest Legacy Program, the Endangered Species Act “Section 6” Program, and the state trust forest land replacement program mentioned above under A.2.1. DNR should therefore be a partner in this action.

A.4.4 We appreciate inclusion of several aspects of DNR’s core mission related to protection of forests. We request the wording of this near-term action be amended to read: “Continue to implement the state Forest Practices Rules, as well as habitat conservation plans and similar agreements between forest landowners and federal or state agencies, including the state trust forest land HCP. Forest Practices Rules comprise the

forest practices regulatory HCP, and include requirements for Road Maintenance and Abandonment Plans.” Focus should be on the rules, and a distinction should be made between the HCP for the forest practices regulatory program and landowner HCPs like the state trust forest land HCP.

A.4.5 The Aquatics HCP should be recognized as a source of best management practices for shellfish aquaculture that are relevant to resolving aquaculture-upland conflicts

A.5.3 DNR should be listed as a partner for development of the invasive species database, reflecting our long-standing successful collaboration with partners including the Washington Departments of Agriculture and Fish & Wildlife.

A.5 (general) DNR currently leads the long term monitoring of eelgrass distribution and abundance that has been identified in the Action Agenda as one of the six provisional indicators. The Nearshore Habitat program has also been monitoring the areal extent of bull kelp and giant kelp canopies along the Straits of Juan de Fuca since 1989, and has been monitoring the intertidal plant and animal communities in south and central Puget Sound since 1997. These programs can be expanded and adapted to detect population changes indicative of harmful abundance of invasive species – including macroalgae, benthic flora, and invertebrates.

Strategy B Restoration (general) Restoration is increasingly a critical element of ecosystem management, including for Puget Sound. Identifying only six near-term restoration actions, compared to 27 actions each for ecosystem protection and pollution prevention, and 26 and 62 near-term actions for Strategies D and E, respectively, seems to downplay that importance, which we don't believe is the Partnership's intent.

B.1.1 Please list DNR as a partner in PSNRP.

B.1.2 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.

B.2.1 & B.2.2 DNR supports restoration efforts in Port Angeles harbor and Bellingham Bay, and requests being listed as a partner.

B.2 (general) 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 (C.1), or both.

B.3.1 DNR supports attention to incentive programs for forest landowners, and we request that specific mention of DNR as a leader in incentive and technical assistance programs to forest landowners be reflected in the action detail.

C.1.7 Add DNR to the list of partner agencies for implementation of shellfish protection district plans.

C.2.5 Add DNR to the list of partner agencies for the CSO focus group.

C.2.7 DNR supports the inclusion of road maintenance and abandonment programs for all forest landowners as part of the near-term action plan. The language should read, "Continue to implement . . ." in recognition of the great progress most landowners (possibly excluding federal lands) have made since 2001.

C.2.8 See comment for B.3.1.

C.2 (general) The draft Action Agenda is silent on the role of geologic information in ecosystem protection for Puget Sound. This should be corrected. Detailed geological mapping in the complicated glacial terrain of Puget Sound is essential to creating a healthy ecosystem and to using an integrated science approach in solving problems. Geologic information is important in understanding water runoff areas, water infiltration, discharge areas, groundwater pathways, and shoreline landslides. Examples are DNR's project in Hood Canal, in which geologic mapping is beginning to show water pathways critical to understanding nitrogen distribution, and DNR's geologic and landslide mapping program to identify unstable slopes along the shorelines of Puget Sound.

Also, DNR's surface mined land reclamation regulatory program should be recognized as a partner in programs of stormwater runoff control.

C.3.1 DNR authorization of state-owned aquatic lands is necessary for wastewater outfall structures on those lands. Therefore, DNR needs to be included as a partner in this action.

D.1 (general) We strongly recommend explicitly referencing the existing multi-jurisdiction Dredged Material Disposal Management program as an example of excellent collaboration and coordination.

D.1.3 The Aquatic HCP should be listed as an existing species protection plan.

D.2.1 DNR should be listed as partner in any natural resource-related efforts regarding climate change. DNR has been an active leader in state and regional climate change initiatives over the past several years, including participation in the workgroup developing climate change recommendations for the State Environmental Policy Act and rules.

D.4.1 (See separate comment under "Questions" below.)

D.4.3 & D.4.6 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.

The following comments on the science management aspects of Strategy E refer to the main strategy sections rather than only near-term actions.

E.1 The Plan/Do/Asses./Adapt framework proposed in Section E.1 is a passive adaptive management approach. It will elucidate correlations between management actions and results, but will not demonstrate cause-effect relationships. In order to do that, an active adaptive management approach is needed using an experimental approach. We suggest a combination of these two approaches be used, using the experimental, hypothesis-testing active approach only in those instances where uncertainty is high.

Section E- DNR is anticipating continuing to play a major role in status and trends monitoring, cause/effect research, and in the development of indicators risk assessment and integrated ecosystem assessment.

E.3.1 DNR nearshore and stewardship scientific staff will be actively involved on the development of coordinated monitoring plan.

E.3.1.1 DNR nearshore and stewardship scientific will be actively involved in the alignment of existing monitoring to better meet Action Agenda needs.

E.2.1.2 DNR nearshore and stewardship scientific will continue it's two programs currently under the nearshore component of PSAMP- Submerged Vegetation Monitoring and Stressor-Response research linking management actions to responses using eelgrass as an indicator.

E.3.1.3 DNR nearshore and stewardship scientific staff will assist Partnership and Science Panel staff in this effort.

E.3.2.1 DNR nearshore and stewardship scientific staff will participate in linking marine vegetation (eelgrass and kelp) into the IEA modeling and identify ecosystem indicators and thresholds, assess threats, and evaluate potential management strategies.

E.3.2.2 DNR nearshore and stewardship scientific staff will propose as leads or participate as collaborators in these studies.

E.3.3 DNR nearshore and stewardship scientific staff will assemble and synthesize status and trends information on the eelgrass ecosystem indicator and findings from cause-and-effect monitoring (stressor and response) studies for it's results from SVMP

E.3.3.2 DNR nearshore and stewardship scientific staff will assist in the preparation of State of the Sound reports,

E. 3.3.3 DNR nearshore and stewardship scientific staff will assist as needed in the preparation of the Puget Sound science update reports.

E.3.5 DNR will participate in building and sustaining scientific capacity and will lead or participate in working groups, peer review, and through it's staff contributions coordinate with PSNERP.

Questions

In Strategy D, more specificity and transparency is needed in all discussions about integrating planning, decision-making, funding, and implementation “consistent with the Action Agenda.” Clarity is needed as to who will be deciding what is and is not “consistent”, how those decisions will be made, and what measures will be included to ensure transparency and external participation.

Specifically, in the regulatory analysis mentioned briefly in near-term action D.4.1, the “institutional analysis” should strive to avoid unintended consequences. For example, when refocusing regulatory programs on the ecosystem as a whole, care should be taken that regulations don't lose their effectiveness by becoming too broad, i.e., non-specific to the point that no one can understand how to comply with them and/or they become unmeasurable and unenforceable. Requirements to conduct complex scientific processes and analyses should be avoided for frequently-occurring permitted actions or where there are short time periods for permitting actions.

Care should be taken to anticipate the impacts to statewide regulatory programs if modifications specific to Puget Sound are being considered. Impacts might include additional layers of enforcement, with accompanying costs.



**Washington State
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Paula J. Hammond, P.E.
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November 19, 2008

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

Dear Mr. Dicks:

Washington State Department of Transportation (WSDOT) appreciates the opportunity to comment on the Puget Sound Partnership's draft Action Agenda. We support the direction in this plan. WSDOT funds several activities that contribute to a cleaner Puget Sound and we expect to increase that investment in the future.

We particularly appreciate the Partnership's leadership in establishing a new mechanism to improve environmental mitigation results – the “fee-in-lieu” program. This will allow those that need to conduct mitigation to contribute to larger watershed projects. We also support the concept of a coordinated monitoring program. We currently participate in several monitoring forums and think that a coordinated monitoring program will produce better results at potentially lower cost. Finally, the plan's focus on watershed-based approaches to environmental protection and restoration reinforces important new policy at both the federal and state levels. WSDOT has played a leadership role in developing watershed-based approaches to environmental protection.

WSDOT is active in many areas identified in the Action Agenda. As an example of WSDOT's environmental stewardship, we are pursuing funding to substantially expand our stormwater management program. We recognize that stormwater represents an important pathway for transporting pollutants to Puget Sound. Another stewardship example is our investment in correcting fish barriers.

We suggest that discussion on implementing the new Phase 1 and 2 permits in the Action Agenda also specifically reference WSDOT's new stormwater permit. This is a separate stormwater permit that is expected from Ecology some time later this year. The permit sets out an ambitious set of new requirements. I recognize that you don't want to include a long list of existing activities that agencies are undertaking to protect and clean up Puget Sound. However, given questions that have come up from reviewers of the agenda with respect to WSDOT's activities, this clarification would be helpful.

Mr. David Dicks
November 19, 2008
Page 2

Thank you for your efforts to involve the full range of stakeholders in putting together the Action Agenda. Several of our staff participated in the various forums your agency held. And, we look forward to continuing to work with your agency as part of the state agency caucus.

Sincerely,



Megan White, P.E., Director
Environmental Services Office

Puget Sound Partnership
our sound, our community, our chance



November 19, 2008

Cullen Stephensen
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

RE: Puget Sound Partnership Action Agenda

Dear Mr. Stephensen:

This letter is written on behalf of the 12 Puget Sound County Environmental Health Directors. We would like to share with you a number comments and concerns we have about the draft Action Agenda.

First, we applaud the Partnership in developing a very comprehensive approach to cleaning up Puget Sound by 2020. Most if not all of our recommendations set forth in our September 9, 2008 letter to the Partnership, were addressed in one fashion or another in the Action Agenda. We also very much agree with your basic strategy to: Protect – Restore – Prevent – Work together - and Build a new system to adaptively manage all aspects of Action Agenda implementation.

As you have identified, one of the biggest challenges we face is how to protect and restore Puget Sound while welcoming the estimated one million additional people coming to live in the Puget Sound region. The depth and breadth of this undertaking will mean extensive work for local health jurisdictions (LHJs). Most people identify environmental health as the folks who permit septic systems. However, our programs run the gamut of:

- everything related to septic systems
- hazardous and solid waste management and local source control programs
- water quality monitoring, TMDL plan implementation addressing and non-point pollution impacting, ground water, freshwater, and marine environments
- monitoring water quality for water recreation and shellfish growing areas
- drinking water programs (including individual and public water systems)
- instream flow rule implementation
- education and outreach activities regarding environmental public health and environmental resource issues

Have no doubt that the LHJs have been and will continue to be heavily involved in the work of protecting, cleaning up and restoring the Sound.

As stated, we support the Action Agenda but have called out some specific items to comment on:

A.1.1

We support better land use planning and focusing growth in the areas best suited for that purpose. Many LHJs in urban areas promote “the built environment” concepts which by design promote healthy living habits. We would hope that any regional planning groups include people with expertise in this subject.

A.3.1

As instream flow rules are enacted more LHJs may be involved in developing and enforcing local ordinances to implement, at the local level, the programs that support instream flow rules. At this point, Skagit and Clallam County LHJs are in that process. Just as the Action Agenda identified the need to build capacity at the local level for assisting local governments in completing and implementing GMA, Critical Areas Ordinances, and Shoreline Master Programs, we also need assistance and funding with instream flow rule implementation at the local level.

A.3.2

Many LHJs make the determination regarding water availability for building permit issuance. Many of us believe that Washington State’s water law is at best complicated, vague, and conflicting, and at its worst: is an impediment to wise land use planning, growth management, and ecosystem recovery and sustainability, and is in need of reform.

A3.3 We support the further development of the water reuse concept. The Washington State Department of Health needs to have the capacity to develop rules that implement safely the use of reuse water and gray water as a resource and not a waste product.

C.1.1 There is compelling evidence that pharmaceuticals are making their way into surface water, ground water, and the marine environment. A very positive step for the Puget Sound area would be a prescription drug take-back program. We also need to further investigate the impact to the environment, particularly drinking water sources, from pharmaceuticals and personal care products not only from sewer treatment plant effluent but also onsite septic discharges.

C.4.1 LHJs in the 12 Puget Sound Counties have already begun implementation of SHB1458 (codified as RCW 70.118A) (On-site sewage disposal systems – marine recovery areas). We meet on a regular basis with the Department of Health to “compare notes” and coordinate activities where we are able. We need stable funding to continue this work.

C.4.1.1 SHB 1458 (RCW 70.118A) uses the term Marine Recovery Areas, not Marine Managed Areas, as the designation for areas where onsite septic system may be impacting marine water quality.

C.4.2. An impediment to identification and timely repair of failing on-site sewage systems occurs when LHJ’s cannot survey properties of uncooperative property owners. This issue should be considered as part of the septic system regulation revision process.

C.4.3. Providing a method for homeowners to pay for needed on-site septic system repairs, replacements, or connecting to a municipal sewer system is paramount to successfully

implementing our local on-site management plans. We have identified that using the ShoreBank model appears to work very well and we believe that this type of program needs to be available to all of the 12 Puget Sound counties that wish to use such a program. We consider this a priority action for the Puget Sound region.

C.5 The public health risk and environmental protection basis for toxic clean up standards need to be confirmed. This information needs to be made available to the public in plain English so they can understand whether contamination levels at a site warrant clean up and if proposed remediation activities are sufficient. Unfortunately low levels of contamination are ubiquitous in our environment and we cannot achieve "0" contamination through clean up actions. The public struggles when clean up is achieved yet low levels of highly toxic chemicals remain.

C.6.2 We support and in many cases are the local implementers of the BEACH, algae blooms in lakes (cyanobacteria), and shellfish monitoring programs. We concur that these important programs have been very much under funded and in need of funding to continue the work at a local level.

D.5.1 Many of the environmental permits cited in this section may be "touched" by LHJs during development of the permit. We suggest that LHJ representatives be included in the process to develop an ideal compliance assistance program (see D.5 Near Term Action #1).

Priority E Performance Management System

We support this concept with the caveat that whatever is put in place must be efficient, effective, reasonable, and are not duplicative of other reporting systems we already are required to use.

Sufficient stable funding

This is also a priority action for LHJs. In most cases, we have no mechanism that is politically palatable at the local level to fund much of the work called out in the Action Agenda. Stable funding is one of the basic supporting beams of the Action Agenda structure. Without it, the Action Agenda will collapse on itself.

Communication, Outreach, and Education

This is another priority action of LHJs. We believe that this activity needs to be done on a regional scale, address the critical issues in the Agenda, and educate and assign responsibility to the residents of Puget Sound to do their share.

Our last comments are that although we highly support the Partnership and the Action Agenda we also have some trepidation about how implementation will proceed. At this juncture, we are saying that we need to be involved, at the table, in developing some of the processes to be used and coordinating with other stakeholders, knowing full well that in 2009 we are losing capacity and funding within our ranks due to the economic downturn. How we will stay engaged, at the level the Partnership expects and needs in these formative years of Agenda implementation, will be a struggle. We are mindful that the Partnership will ask us to "use our new method" of reporting progress and show certainty of success even if the "old" method was easier and less costly. We are nervous about loss of local control because we have spent years developing programs, building a rapport with local residents, and building constituencies to get work done. We do not want to see that existing work damaged.

In closing, we wish to thank the Partnership for its extensive effort to collect input on the Action Agenda and in giving us this opportunity to once again provide comments. We anticipate being

actively engaged with the Partnership as you move into the priority-setting and implementation stage of the Agenda.

Sincerely,



Andy Brastad R.S., Director, Clallam County Environmental Health on behalf of the 12 Puget Sound county environmental health directors

Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom

cc: Gregg Grunenfelder, Washington State Department of Health
Aaron J. Henderson, Environmental Health Director, Island County Public Health
Art Starry, R.S., Director, Thurston County Environmental Health Division, 2000 Lakeridge Drive SW, Olympia, WA 98502

Puget Sound Partnership
our sound, our community, our chance

Washington State Noxious Weed Control Board

1111 Washington Street; P.O. Box 42560; Olympia, WA 98504-2560

Alison Halpern, Executive Secretary
(360) 902-2053
FAX (360) 902-2094

Email: ahalpern@agr.wa.gov

November 20, 2008

Dear members of the Puget Sound Partnership:

On behalf of the Washington State Noxious Weed Control Board, I would like to commend you on your draft of the Action Agenda to restore the Puget Sound. Overall, it takes a thoughtful, carefully researched approach to a monumental but certainly necessary task. I do have a few brief comments I am submitting on behalf of the WSNWCB.

The PSP lists invasive species as one of its six threat categories (Question 2|Page 4, p. 15 in PDF) and invasive species are addressed in the five primary objectives of the Action Agenda. The objective reads "Prevent and rapidly respond to the introduction of new invasive species." (Question 3|Page 5 and A.5 heading Question 3|Page 13).

- While prevention and early detection/rapid response (EDRR) are critical components in invasive species management, they do not address the invasive species already present in the Puget Sound.
- A suggestion would be to change the language of the primary objective to read "Prevent and rapidly respond to the introduction of new invasive species and support ongoing efforts to contain, control, and eradicate existing infestations."

The first of the two action measures (A.5.1) is too vague (implementing key recommendations as identified in the Invasive Species Council strategic plan) and again focuses solely on the prevention of new introductions. The PSP action measure should also be supporting efforts to reduce populations of existing invasive species. For example, county noxious weed control boards are present in all Puget Sound counties and are working to prevent, reduce, contain, and control noxious weeds that threaten the Sound and adjacent regions. Moreover, the weed boards are working on many more invasive plant species that are also harmful to the Puget Sound than the priority invasive species in your plan.

Under A.5. Near-term Action 3 (Question 3 | Page 14, page 32 in PDF), it indicates that the PSP will develop a baseline assessment and database to *guide* control efforts.

- In what context will the PSP be guiding control efforts? Again, we recommend that the PSP enhance and support current activities.

Under Priority B (Question 3 | Page 15; page 33 in PDF), "vegetation removal" is listed as one of the activities that damages some ecosystem processes.

- Please clarify or elaborate upon “vegetation removal” for without doing so this could be seen as being contradictory to Action Agenda A.5. Additional limitations on critical or shoreline areas could impede efforts to remove invasive plant species.
- We suggest that you also mention and support Integrated Pest Management (IPM) to control invasive species. This approach is key in maximizing both safety and efficacy of invasive species control, and it includes the safe use of herbicides, which is the *only* way to completely eradicate some invasive plant species (e.g., knotweed). Furthermore, in some cases herbicide use can have a lesser environmental impact on a site than other methods (e.g., habitat disturbance by heavy machinery, fossil fuel consumption, etc.).

Please feel free to contact me with any questions.

Sincerely,

Alison Halpern
Executive Secretary, WSNWCB
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ahalpern@agr.wa.gov



**STATE OF WASHINGTON
RECREATION AND CONSERVATION OFFICE**

November 20, 2008

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

Subject: November 6, 2008 Draft Action Agenda for Puget Sound comments

Dear David,

Thank you and congratulations to the Puget Sound Partnership for your hard work on the Draft Action Agenda for Puget Sound. You have done an impressive job on this very important task. Please consider these comments on behalf of the Recreation and Conservation Office (RCO) and the boards and councils that my agency supports: Recreation and Conservation Funding Board; Salmon Recovery Funding Board; Biodiversity Council; Invasive Species Council; Forum on Monitoring Salmon Recovery and Watershed Health (Monitoring Forum); and the Habitat and Recreation Lands Coordinating Group (Lands Group). We are eager to partner with you and others to implement this ambitious Agenda.

The RCO suggests that the Partnership strengthen the Agenda by:

- ✓ Changing the tone to recognize the value of existing programs;
- ✓ Applying key conservation principles;
- ✓ Specifically identifying where the RCO, its boards, and councils can help;
- ✓ Clarifying the document's audience, utility, and rationale; and
- ✓ Integrating climate change strategies.

Tone and emphasis

While we agree that there are problems with fragmented management, the Agenda could do a better job of recognizing programs that are making a difference as well as the ongoing and successful efforts by all levels of government and by private entities to protect and restore Puget Sound. While we agree that now, more than ever before, there is a dire need for the Partnership to succeed in implementing an ecosystem approach to Puget Sound recovery, the Agenda is unnecessarily critical of the so-called "fragmented" management approach and "piece-meal" regulatory framework¹. There are many programs and coordinated efforts that are working and will continue to be the foundation of Puget Sound's recovery. You need to encourage and foster those programs on which you will rely.

¹ (Introduction – page 2, inside the agenda; page 3, strategy D; Question 2, page 7; Question 3, page 1, strategy D; Question 3, page 10, A3; Question 3, page 27, 1st bullet; Question 3, page 33, D4; Question 3, page 37, D5;).

Most often, limited funding and the lack of political will has limited the inter-jurisdictional coordination that is necessary to enable integration across conservation and regulatory programs. We suggest that you focus on the problem areas, without casting doubt on successful programs or programs that are just beginning to show promise. As written, the Agenda's critical focus on fragmented government approaches raises doubts about continuing the successful programs and regulations in place today – the same programs that the Agenda calls upon to clean up Puget Sound by 2020. We believe this critique also could be leveraged by skeptics to raise doubts about the potential for the Partnership and the Agenda to succeed. We should be cautious not to throw the baby out with the bathwater here. The existing programs and regulatory approaches are the best thing we have until the Agenda can improve upon them.

A good example is the Agenda's discussion of monitoring. The Agenda describes the inadequacy of current monitoring programs (Question 3, page 44, E.3.1) in a manner that impugns good, strong, on-going efforts. There is no mention of the state Comprehensive Monitoring Strategy, the Forum on Monitoring Salmon Recovery, and Watershed Health, the Puget Sound Ambient Monitoring Program, and the ongoing efforts by numerous agencies. In particular, the Salmon Recovery Funding Board is funding status and trend monitoring, effectiveness monitoring, and several intensively monitored watersheds, that will be useful in monitoring Puget Sound health. The Monitoring Forum should be recognized in E.3.1, E.3.4.5, and E.3 near-term action 2. The Partnership should consider recognition of the other monitoring efforts mentioned here also.

Monitoring for ecosystem condition, salmon recovery, and watershed health should be conducted consistently across the state to avoid incompatibility among regional and statewide monitoring designs and data management systems. The Action Agenda (especially Sections E.3.1, E.3.4.5, and E.3 near term action 2) should clearly acknowledge the intent of the Partnership to work with the Monitoring Forum to ensure that Puget Sound monitoring efforts are coordinated and aligned to meet statewide goals and objectives for monitoring salmon recovery and watershed health.

Instead of critiquing the many praiseworthy conservation efforts that have preceded the Partnership, the Agenda would do well to focus on the major factors that have limited the success of Puget Sound recovery to date. These include the lack of a comprehensive ecosystem approach, inadequate funding and resources, poor public understanding of the severity of the problem, and the unprecedented population growth and related development in the region.

Conservation principles

The Agenda should apply evolving conservation principles that are essential to the success of Puget Sound ecosystem recovery. We request that you incorporate and use the principles of ecosystem resilience and adaptability and of landscape approaches to planning.

Ecosystem resiliency and adaptability should be more specifically and clearly addressed in the sections on ecosystem health (Question 1, page 1), defining success (Question 1, page 2), and especially the section on guiding principles (Question 3, page 4). A healthy ecosystem is resilient (able to resist stresses) and adaptable (able to adapt to stresses). Since the effect of long-term stressors, such as climate change and population growth and related development,

are difficult to predict and plan for, the most important thing we should be doing is restoring and protecting ecosystems in a way that they can resist and adapt to these stressors.

In addition, the Agenda should address working lands and residential and recreation planning at a landscape level. Although both the need for concentrating the places where people live and the importance of agricultural and forest land is addressed in the report, they should be linked through a comprehensive approach to landscape planning. This should be addressed in Guiding Principles (Question 3, page 4), Priority D (Current situation, Question 3, page 27; rationale for action, page 28, and action D.1, page 28).

Where the RCO and its boards and councils can help

The Recreation and Conservation Funding Board (RCFB) and Recreation and Conservation Office (RCO) will play key roles in implementing some of the strategies identified in the Agenda. Yet they are not referenced in the Agenda, with the one exception of the acronyms table near the end of the document. However, several of our grant programs are mentioned in the report and in the Partnership's authorizing statute.

The RCO administers grants and contracts made through the Salmon Recovery Funding Board (RCW 77.85.130), Aquatic Lands Enhancement Account (ALEA –RCW 79.105.150), and the Habitat and Conservation Account (RCW 79A.15.040), which is part of the Washington Wildlife and Recreation Program (WWRP). The RCFB is the policy body for certain appropriations to the ALEA and all monies to the WWRP.

For these grant programs the Puget Sound Partnership Act of 2007 requires that *"After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded...only if the project is not in conflict with the action agenda developed by the Puget Sound partnership..."*

In addition, RCW 90.15.340 requires that *"The partnership shall work with other state agencies providing grant[s]...[to], develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda..."* and *"The partnership shall... designate...Puget Sound partners...agencies shall create a preference for... partners for funds allocated to the Puget Sound basin..."*

In light of this, and because of our historic and successful role in providing interagency coordination around habitat acquisitions, restoration, and planning efforts, I see the RCO and its boards, councils, and work groups as key partners in implementing related Agenda strategies. Nevertheless, the document makes no mention of their key roles.

Because near term action E2.2 (question 3, page 43) is a statutory requirement, the action should not call on the Partnership to "advocate for changes to policies and priorities" for state grant programs, but rather to work with our agencies and boards to make the necessary changes to ensure that state grant programs are contributing to implementing the agenda.

It is noteworthy that if the \$100 million WWRP funding level from last biennium is carried forward this biennium, the RCFB is likely to approve a WWRP project list that will provide over \$40M in habitat and farmland preservation and recreation lands in the Puget Sound region. The approved ALEA funding list for this coming biennium includes another \$4M in Puget Sound aquatic lands enhancement projects. Both of these programs are managed by a very carefully designed competitive grant cycle that is helping to maximize the strategic investment of the

state's limited funds. We look forward to improving on these already proven processes to better assist in the recovery of the Puget Sound Ecosystem.

Thus, we request that Agenda recognize the role that the RCO plays in interagency coordination and in prioritizing the strategic investments of much of the states land acquisition and habitat restoration monies. The near term action table (question 4 page 2-6) should be amended to reflect the actions in which the RCO and its boards can provide expertise and support action implementation as indicated below.

Table 4 (Question 4, pages 2-6)		
Action#	Priority/Action	Please add these "Partners"
Priority A: Protect Intact Ecosystem Processes, Structure, and Function		
<i>A.1 Focus growth away from ecologically important and sensitive areas by encouraging dense, compact cities, vital rural communities, and protected areas.</i>		
2	Prepare a set of criteria to guide decisions for acquiring and protecting high-value, high risk habitat.	RCO, SRFB, Biodiversity Council
<i>A.2 Permanently protect the significant intact areas of the Puget Sound ecosystem that still function well.</i>		
1	Purchase high value habitat and land at immediate risk of conversion as identified through existing processes such as the salmon recovery plans and others.	RCO, RCFB, SRFB
3	Convene task force to develop a recommended mechanism to the Partnership on options to rapidly acquire properties with high ecological value and imminent risk of conversion	RCO, Biodiversity Council
<i>A.4 Protect and support long-term stewardship of working farms, forests, and aquatic lands to help maintain ecosystem functions, sustained quality of life, and improved viability of rural communities.</i>		
1	Purchase development rights or use conversation easements for working lands at immediate risk of conversion.	RCO, SRFB
3	Support the Conservation Commission's efforts to protect productive agricultural areas consistent with the Action Agenda priorities.	RCO, Biodiversity Council
4	Continue to implement existing forest practice plans and regulations consistent with the Action Agenda including the state trust lands HCP, state forest practices rules, and Road Maintenance and Abandonment Plans as informed by the Forest and Fish Plan, and others.	RCO, SRFB (we administer the Family Forest Fish Passage Program)
6	Implement components of the Washington Department of Natural Resource Aquatic HCP that protect critical habitat.	RCO (e.g. ALEA administration)
3	Develop a Puget Sound baseline and database of invasive species to guide control efforts.	RCO, Invasive Species Council
Priority B: Restore Ecosystem Processes, Structures, and Functions		
<i>B.1 Implement and maintain priority ecosystem restoration projects for marine, marine</i>		

<i>nearshore, estuary, freshwater riparian and uplands.</i>		
1	Implement restoration projects in the salmon recovery three-year work plans and the Estuary and Salmon Restoration Program of the Nearshore.	RCO, SRFB
2	Complete large-scale restoration projects at the mouths of major river systems in Puget Sound where there is a high likelihood of recreating ecosystem.	RCO, SRFB
Priority C: Reduce the Sources of Water Pollution		
<i>C.2 Use a comprehensive, integrated approach to managing urban stormwater and rural surface water runoff to reduce stormwater volumes and pollutant loadings.</i>		
1	Establish a regional coordinated monitoring program for stormwater, working with the Monitoring Consortium of the Stormwater Work Group.	RCO, Monitoring Forum
Priority D: Work effectively and efficiently together		
<i>D.1 Conduct planning, implementation and decision-making in an integrated way and from an ecosystem perspective consistent with the Action Agenda.</i>		
2	Develop and implement the Steelhead Recovery Plan, building on the Chinook Recovery Plan and integrating the Action Agenda priorities.	RCO, SRFB
4	Continue habitat, harvest, and hatchery integration efforts in salmon recover plans and watershed 3-year work plans.	RCO, SRFB

In addition, the RCO also administers and coordinates the Habitat and Recreation Lands Coordinating Group (Lands Group) which is charged with coordinating state habitat and recreation land acquisitions and disposals through improved communication, documentation, reporting, transparency, long-term planning and prioritization. The group was chartered by the legislature in 2007 (RCW 79A.25.260) and could be very helpful to the Partnership in prioritizing strategic state investments in land acquisitions and restoration projects. We will work with the Partnership to identify ways to leverage their work into the actions to prioritize acquisition and restoration actions with state funds.

The Biodiversity Council is highlighted nicely in the Agenda, both by emphasizing biodiversity and the work of the Council. We suggest some technical corrections. The Council has developed the "Washington Biodiversity Conservation Strategy," which is a 30-year plan to conserve and sustain the state's biodiversity. Part of this Strategy is the "Conservation Opportunity Framework" that identifies areas of greatest potential for acquisition, restoration or stewardship based on biodiversity and risks. In several places in the Agenda, these items are inaccurate or confused. On Question 3, page 7, A.1.3.1. and on Question 3, page 28, D.1.2 and D.1.3 should refer to the "Washington Biodiversity Conservation Strategy" not the biodiversity plan. In A.1.3.1 the Conservation Opportunity Framework should be referenced as a part of the Biodiversity Conservation Strategy.

The Invasive Species Council and invasive species issues also are nicely addressed in the Agenda. The Agenda should consider making the following additions. The "What can people do now to help?" (Introduction - page 7) should include a paragraph to emphasize key citizen actions for dealing with invasive species:

"Invasive Species

"The invasive species that your vessel releases or that hitchhike on your ship, boat or gear will be introduced or spread into Puget Sound

- **Retain, exchange or treat ballast water before discharging**
- **Clean, drain, and dry boat hulls and raw water holds**
- **Clean and dry all camping, fishing, and hunting equipment before entering a new area**
- **Never release pets or animals into areas where they can escape or directly into the wild"**

The "What actions should be taken..." (Question 3 – Page 1) should include text consistent with the introduction by adding the underlined text below:

"A. Protect the intact ecosystem processes, structures, and functions that sustain Puget Sound. Avoiding problems before they occur and preventing the introduction of invasive species at their pathway sources are the best and most cost-effective approach to ecosystem health."

In Question 3, page 7, A.1.3.1 add "State Invasive Species Plan" to the second sentence that lists sources to build upon. Also, under Question 3, page 14 the Agenda should add these near term actions:

- **Add Item #4 - Establish emergency fund for rapid response to new infestations;**
- **Add Item #5 - Support boating education and decontamination efforts; and**
- **Add Item #6 - Encourage use of native species in restoration activities.**

The "D.3 Near-term Actions" (Question 3 – Page 33) should include a new bullet to identify and support a critical partnership for dealing with invasive species:

"8. Continue and expand collaboration with and support to the Invasive Species Council and its partners including the Aquatic Nuisance Species Committee, Noxious Weed Control Board, Ballast Water Work Group, Tunicate Response Advisory Committee, and others."

This new bullet 8 (above) should be incorporated into the near term actions table (Question 4 – Page 5) under D.3: Build and sustain long-term capacity of partners to effectively and efficiently implement the Action Agenda. It should include these partners:

"Aquatic Nuisance Species Committee, Noxious Weed Control Board, Ballast Water Work Group, Tunicate Response Advisory Committee, RCO, Invasive Species Council, WDFW, DOE, DNR, AGR, DOH, DPR, USFWS, USDOA, USCG, USGS, NMFS, etc."

The PSP lists invasive species as one of its six threat categories (Question 2|Page 4, p. 15 in PDF) and invasive species are addressed in the five primary objectives of the Action Agenda. The objective reads "Prevent and rapidly respond to the introduction of new invasive species." (Question 3|Page 5 and A.5 heading Question 3|Page 13). The primary objective language should be changed to read:

"Prevent and rapidly respond to the introduction of new invasive species and support ongoing efforts to contain, control, and eradicate existing infestations."

"Invasive Species

The invasive species that your vessel releases or that hitchhike on your ship, boat or gear will be introduced or spread into Puget Sound.

- Retain, exchange or treat ballast water before discharging
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The Salmon Funding Recovery Board's work and roles are well represented in the Agenda. However there is a missed opportunity in the Agenda to highlight the leadership role that the Partnership can play with other regions across the state to advance salmon recovery. The Agenda also should recognize the fact that salmon recovery is a statewide effort, of which Puget Sound is only one part.

The "quality of life" outcome, indicator and targets are unclear. The work of the Quality of Live Topic Forum has not been well integrated into the report, including the connection between quality of life and Puget Sound Health. Using forest land cover as an indicator of human well-being makes little sense (Question 1, page 3). Some explanation for this decision would be helpful. Similar questions have been raised by our staff and boards regarding the other indicators and targets and why they make the most sense. The Agenda should better illuminate the decisions, process, and rationale behind these decisions.

In addition to these recommendations that directly relate to the RCO, its board, and councils, we advise the Partnership to consider these suggestions which we think will also improve the Agenda.

Audience, utility, and rationale

The Agenda suggests that it is designed for use by a diverse array of audiences in addition to the legislature, ranging from federal and state agencies, to tribal and local governments, to businesses and concerned citizens. The final Agenda should be explicit about whom it anticipates as the target audiences, and how they should use the document.

The "How to use this draft document" section (Introduction, page 5) should be updated to reflect the intended audiences for the document and instructions for how those audiences can use the document and move quickly to become partners in implementation.

The "What can people do now to help?" section (introduction, page 6) should be expanded. In every Puget Sound recovery publication, it may be prudent to include clear and concise personal actions that can easily be taken by any Puget Sound resident or visitor that reads the document. However, this section of the draft leaves some conspicuous gaps in appropriate actions. It also assumes an unrealistic knowledge base of the reader. This section should incorporate other "personal actions" that reinforce the Agenda's other strategies related to invasive species, land use, and transportation.

The Rationale behind outcomes, indicators, and targets is not transparent. The Agenda describes the stakeholder processes surrounding the Agenda, but there is little explanation of how the desired outcomes (Question 1, page 2) and provisional indicators and targets (Question 1, page 3/4) were developed. Similarly, the Agenda does not illuminate what is meant by "future work" to refine and finalize the current "provisional indicators" adopted by the Partnership. The Agenda should describe the processes, science, and rationale used to determine these metrics and provide citations to the detailed documentation of that thinking.

For example, PBDEs in Pacific herring are used as a target for measuring toxics in Puget Sound (Question 1, page 4). However, this is the only place where PBDEs are explicitly mentioned in the entire agenda. Many other toxics (mercury, PCBs, oil, nitrogen) are explicitly mentioned throughout in addition to the class of biocumulative toxins. Nowhere in the Agenda is there a way to infer why PBDEs are being used as the indicator target. This is questionable since the

legislature has recently banned PBDEs in many products in Washington. The Agenda should describe why this is a good measure of Agendas effectiveness and the health of Puget Sound.

Climate change strategy integration

Cleaning up Puget Sound, reducing greenhouse gas emissions, and adapting to climate change are the state's top environmental priorities. The Agenda clearly raises the alarm of how climate change will continue to amplify the problems in Puget Sound. However, there is little identification or prioritization of analogous actions identified by both the Agenda and climate change strategies being developed for our state. Since there are draft climate strategy reports and recommendations being circulated by our sister agencies today, the Agenda should better incorporate and leverage the actions and strategies common to both strategies with particular emphasis on land-use and transportation strategies.

In closing, I want to reiterate our support for your efforts and our sincere appreciation for your leadership on this daunting task which has only just begun. We look forward to your final draft Agenda and to working hard in the coming years to implement and adapt these strategies. It will take every one of us doing everything we can to succeed in this enormous effort.

Congratulations, good luck and thank you for your time and consideration.

Sincerely,



Kaleen Cottingham
Director

Comments on Puget Sound Partnership Action Agenda Washington Sea Grant

November 20, 2008

Thank you for the opportunity to comment. The Partnership's personal and organizational commitment is clearly reflected in the document. The proposed actions offer real progress for Puget Sound restoration and for those of us who live and work around its shorelines. The primary purpose of our comments is to define the contribution of Washington Sea Grant (WSG) to the action agenda and to request our inclusion in the Action Agenda.

Based at the University of Washington, WSG has worked for more than 40 years to support Puget Sound research, provide technical assistance and translate university science to serve those who manage, use and enjoy Washington's oceans and coasts. At the present time, we have eight full-time field staff with almost a century of combined experience working with the public on practical ways to reduce toxic pollution, restore habitat, promote eco-friendly businesses and reduce impacts on Puget Sound. Much of our work is conducted in cooperation with the Partnership and is authorized jointly with Washington State University Extension in ESSB 5372. WSG technical experts work in almost every county around the Sound and are ready to adapt their work to the new Action Agenda.

In addition to supporting public outreach, education and communications, WSG has more than 40 ongoing research projects that address many critical Puget Sound issues. Included within this research is the Geoduck Research Program, a state-funded six-year program to assess the effects of geoduck aquaculture on the Puget Sound environment.

1. With respect to the 2020 Action Agenda Possible Ranking of Actions released on 11/10/2008, WSG requests inclusion in the following actions:

- **B.3.1** "Implement coordinated incentive and technical assistance programs" currently cites the Conservation Commissions and WSU Extension. Please revise the action to include "Washington Sea Grant" as a partner. Our field staff and specialists are on the ground providing this technical assistance to local shoreline homeowners.
- **C.2.8** "Implement private property stewardship, incentive and technical assistance programs" examples should be revised to read "(e.g. Conservation Districts, WSU Extension, *Washington Sea Grant*, local government programs)".

2. With respect to the Implementation Table in Question 4 of the Action Agenda, WSG has key roles and responsibilities in several of the listed actions and requests inclusion as a partner in the following sections of the table:

- **A.4.5** “Continue ongoing work to resolve conflicts between aquaculture and upland uses.” The success of this action will rely in large part on the Geoduck Research Program authorized by SSHB 2220 and administered by WSG. Please include WSG as a partner.
- **B.3.1** “Implement coordinated incentive and technical assistance programs for private landowners through the Conservation Commissions and WSU Extension.” As indicated above, WSG works extensively to provide technical assistance and engage private residents in restoration activities. In addition, WSG will be working with other partners to implement Green Shores, providing options and tools for professionals who are interested in minimizing construction costs and environmental impacts of their projects. WSG requests inclusion as a partner in this action.
- **C.2.8** “Implement private property stewardship, incentive and technical assistance programs (e.g. Conservation Districts, WSU Extension, local government programs)”. Please include WSG as an example and as a partner in this action.

3. Question 3, Strategies E.3 and E.4 identify a number of near-term actions to improve the scientific basis for management and to support a sustained and coordinated communications, outreach and education program. WSG requests inclusion as a partner in the following near-term actions:

- **E.4.6-9** Working in partnership with WSU Extension through the university-supported Sound Future initiative, WSG is prepared to play a central role in providing trainings for education and outreach providers, development of citizen science programs and expansion of Beach Watchers throughout Puget Sound. Both organizations have extensive experience in these issues, with WSU taking lead in volunteer coordination and WSG taking lead in technical assistance and citizen science efforts. Please include WSG and WSU Extension as partners for these actions.

E.3.16-18 WSG currently works to provide scientific expertise to train and advise education and outreach specialists, administers several fellow and intern programs and routinely solicits science projects through competitive requests for proposals. For example, WSG already administers and supports science writing interns, WA state marine policy fellowships, national policy fellowships, oceans and human health trainees, Sea Grant-NMFS fisheries fellowships, and NOAA coastal management fellowships. In addition to the Geoduck Research Program discussed above, WSG operates a peer-reviewed selection process for science proposals on a biennial basis. Please include WSG as a partner for these actions.

4. In addition to the above listed actions in the Implementation Table in Question 4 of the Action Agenda, WSG plays an important role in several other listed actions and requests inclusion as a partner in the table:

- **A.5.1-3** on West Coast regional ballast water discharge standards, ballast water compliance monitoring and invasive species database. A WSG specialist is responsible for analysis of DFW samples from ships that arrive in Puget Sound ports, serves as a member of the DFW Ballast Water Working Group and routinely provides technical advice to DFW and DOE. A second WSG specialist serves as vice-chair of State Aquatic Nuisance Species Committee and leads its listserv. Please include WSG as a partner for these actions.
- **B.1.1** on ecosystem restoration. WSG provides unique expertise in this area and is currently on contract with DFW and DOE to create a Marine Riparian Guidance Document for local jurisdictions. In Whatcom County, WSG is working with local jurisdictions involved in implementing salmon recovery projects to facilitate community understanding and support for somewhat controversial projects. Please list WSG as a partner for this action
- **C.1.7-8** on shellfish protection and Hood Canal low dissolved oxygen. Mason and Whatcom County WSG staff work with local health officials to support septic system education efforts in sensitive watersheds. WSG has produced a variety of important outreach materials that are being used to educate septic system owners. Please list WSG as a partner on these actions.

Thank you for your consideration.

From: Pete Granger, Washington Sea Grant

Comment: SeaGrant is working on initiatives around the Sound and is poised to expand. We would like to request that you include Washington SeaGrant in your references in Question 3 page 18, Question 3 page 23, Question 3 page 50 (with WSU). We are doing outreach and education already and align with Partnership priorities. We are excited to work with the Partnership. We will be aligning future work with the Action Agenda.

Puget Sound Partnership
our sound, our community, our chance

From: Donald Meehan, Washington State University Extension

Comment: Washington State University Extension

Toxins: Lack of specific toxins to target is an issue. Many of us thought the science panel would focus on some of the major pollutants that are causing concern such as copper and some home and garden chemicals. Getting the public to recognize some of the common everyday materials we use are harming species is an important part of the education process. Everyone gets the loss of habitat, but few understand that minute quantities of certain chemicals cause great havoc to certain fish species reproduction and survivability.

Action Areas: Action Area recommendations need to be revisited. There is strong consensus that many important players did not have adequate time to fully engage in that process and were uncertain of the value of engaging at the time those areas groups were formed. There action lists need to be fine tuned.

Water Supply: The current legal and management framework to ensure adequate water supplies for instream and out-of-stream uses has a number of deficiencies that are not likely to be solved by the near-term actions described.

Suggested New Language - A.3.1.4. Encourage the local development of collaborative, innovative pilot strategies to meet instream and out-of-stream needs that may provide insight to solutions in other geographic areas.

Regulations Enforcement: What about support for the existing regulations? That doesn't seem to be included. It would be ideal to have an integrated, continuous enforcement system...but while that is in development, let's make sure the current system (fragmented and uncoordinated as it may be) is getting the energy it needs. Provide funding and support for Soundwatch Data getting used: Make sure that data is turned into information that can fuel our corrective or preventive actions..." Translate research into actionable education. There exists lots of research data that is not getting translated. More efforts need to be made on this.

Education is under the surface of a lot of the Action Agenda, but it seems to be quietly hidden. We think it ought be more obvious.

Transboundary Ecosystem: San Juan County sits in the center of a transboundary ecosystem. The orcas that make the county famous are affected by Fraser River salmon and the actions of Canadian citizens as well as the residents of Puget Sound. Efforts like the MRC Transboundary Initiative reflect this awareness, as does the language used by many local organizations, businesses and transboundary associations like the Whale Watch Operators Association. We need a much stronger educational awareness of our transboundary ecosystem, call it the Salish Sea or the Puget Sound Georgia Basin Ecosystem, and we need the same title for it as our Canadian counterparts. This section needs to have specific actions spelled out, such as including a transboundary Management Action Task Force, funding and supporting frequent communications and cooperation on both sides of border, especially on the subjects of salmon and orca recovery, creating transboundary outreach and relationship building with similar Canadian organizations. The tribes should also be included in this mix.

Orcas: The Orca Recovery Plan must be linked to the Salmon Recovery Plan (this is not the case currently). Increase public outreach about salmon, with specific and prioritized action strategies to help in their recovery. The Whale Watch Operators Association should be asked to develop specific educational plans, with links to the orca and salmon recovery plans for each company, each season. This would also give the consumer a better way to pick those who have a better emphasis on education. Fund training and increase funding for enforcement of whale and harvest regulations.

Human Well Being Measure: Maintaining 90% cover over a 20 yr period seems like a low goal, when compared to retaining 96% over the 10 yr period from 1991-2000. Shouldn't this be revisited?

Water Quality Measure: To encompass the nutrification issues a measure should be added to: "reduce the size and duration of critically low dissolved oxygen conditions where they currently exist"

Protection strategies for PS ecosystems: Increase peoples motivation and capacity to steward the landscape. In A4 there should be something recommending stewardship education programs.

Forest Stewardship in the lowlands: With the fragmentation of commercial forest into 2-40 acre parcels it is very important that the education of family forest owners be included in any plan for the protection of the Puget Sound. This state has over 200,000 of them, managing over 4 million acres! This acreage would stretch a four-mile wide swath from Seattle to Rochester MN. The majority of them reside west of the Cascades and many within the Puget Sound watershed. These family owners really care for their lands and want to do what is right for long-term stewardship and sustainability –but they need education to know what actions to take. The WSU coached planning program, conducted in collaboration with the Washington DNR Forest Stewardship Program, has shown that this group of landowners are very excited about protecting wildlife, fish, water and forest health in general. They rate these things far and above the economic value of their forests to their family. We have seen hundreds of small forest parcels where the owners have not only planted the required number of trees in the riparian zones but have initiated programs of invasive weed control, understory revegetation, stream rehabilitation and wetland native plant protection that were above and beyond what the forest practices laws require. Unfortunately, some of these lands are being converted to housing and other urban uses. In many cases these converted lands influence riparian functions and are outside the current forest practices laws. If you look at a map of the Puget sound you will see how almost every river, lake, stream wetlands that feeds into the sound is now surrounded by forested home lots big and small. If we recognize these parcels as being important to water quality, quality of life, wildlife protection than we have a very large audience for our educational programs. Educational assistance, spearheaded by WSU Extension coupled with technical assistance, offered by Washington DNR and the USDA Natural Resources Conservation Service are the key to providing guidance to this large landowner group.

From: Pat Pearson, Washington State University Extension

Comment: I want to tell you about the scope of WSU Ext can and does do. We were listed B.3.1 C.2.8 but we also do work in A 3.4 C 1.8 C 2.4 C 1.7 C 1.9 C 4 1 C1.1 (will contact directly with complete list). I wanted to let you know that we were divided into northwest and southwest districts but we started a Puget Sound Ext. Subset so that we can be ahead of you and that we can help as much as we can. Our mission is to respond to and anticipate community needs. We're looking ahead. There are a lot of partnerships going on out there because of the Puget Sound Partnership. Thanks you for providing the regional vision, we want to bring together the local communication and enthusiasm for the cause.

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