American Rivers
Rivers Connect Us

February 3, 2012

Puget Sound Partnership
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Tacoma, WA 98421

Via email: actionagenda@psp.wa.gov

Puget Sound Partnership:

Thank you for the opportunity to review and comment on the draft Puget Sound Partnership Action Agenda, released on December 9, 2011. We appreciate all the work that the Partnership and its partners have undertaken to update the Action Agenda and support many of the elements of the Agenda. However, much work remains to be done to recover Puget Sound and the rivers that feed it by 2020. We urge the Partnership to make a number of changes, as outlined below, and to incorporate stronger measures and a clear path for funding and implementing the Agenda throughout. In addition, it is imperative that the final Agenda address climate change adaptation needs in a more comprehensive manner.

We look forward to working with the Partnership now and after the final Action Agenda is released to make implementation and recovery of Puget Sound and its rivers a success.

Thank you again for the opportunity to comment. Please contact me at bswift@americanrivers.org or (971)344-5510 if you have any questions or need additional information.

Sincerely,

Brett Swift

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Permanent Protection of Intact Areas (Section A2):
The draft Action Agenda correctly points out that permanent protection of intact habitat is an important priority action for recovering Puget Sound to health. As noted in Section A2.2, the Wilderness Act and the Wild and Scenic Rivers Act are two valuable tools to protect some of the region's most pristine and high quality lands and rivers. The 2008 version (updated May 27, 2009) of the Action Agenda included support for Wilderness and Wild and Scenic designations. In the near term action A.2.2 of the 2008 version, the Puget Sound Partnership committed to, "Advocate for proposed Wilderness designations: a) support Alpine Lakes Wilderness addition and b) Pratt River Wild and Scenic designation."

This near-term action was an important first step, and efforts to secure protections for lands near the Alpine Lakes Wilderness and the Pratt River are ongoing. Therefore, we strongly support the inclusion of this action in the updated Agenda. We also urge the Partnership to expand this action by including the following protection priorities:

- Wild and Scenic designation of the Middle Fork Snoqualmie River;
- Wild and Scenic designation of Illabot Creek in the Skagit basin;
- Wilderness and Wild and Scenic designations for important rivers and lands on the Olympic Peninsula; and
- Wild and Scenic designations in one of the region's most important watersheds, the Nooksack River basin.

Each of these protection actions are part of well-established campaigns that are driven by robust local and regional support. In total, these designations would permanently protect thousands of acres of land and over 550 miles of rivers. If the Partnership includes these protections in the updated Action Agenda, it would send a strong and positive messaging about the importance of protecting headwater areas and help ensure that these protections are secured within the next few years.

Climate Change Pressures in Puget Sound:
The climate change discussion beginning on page 15 is a good start toward integrating a strong climate adaptation strategy into the Action Agenda. The discussion rightly highlights the multitude of impacts of climate change on hydrology, including smaller snowpack, earlier runoff, lower summer streamflows, and higher winter flows. The Action Agenda also identifies several steps to adapt for a changing climate and states that the final document will reflect an initial consideration of climate adaptation.

What needs to be added, however, is a discussion of how those changes – and the resulting competition between instream and out-of-stream water uses – can be mitigated through a number of actions now. Ongoing studies on the regional impacts of climate change are important, but we already know much of what it will take to best adapt to the changes that are headed our way. In other words, we believe it is unnecessary to wait for perfect predictions of future climate before undertaking actions that we already know will serve as bulwarks against a variety of pressures facing the Puget Sound basin.

It is clear that a number of key actions will help reduce current and future development and climate pressures on Puget Sound basin rivers and the human and fish and wildlife communities that they support. These include increased water conservation by municipal, domestic well, industrial, and agricultural water users and protection and restoration of wetlands, headwater forests, and floodplains. Taking full advantage of restoration and water conservation is a necessity if the Puget Sound region is going to maintain streamflows sufficient for native fisheries and healthy river systems in the face of climate change and continued population growth and attendant development pressure.

In addition, better managing the effects of domestic permit exempt wells is one essential and often overlooked step that will be necessary in some river basins to ensure adequate late summer flows. While the housing crisis has offered some relief from this pressure, the proliferation of exempt wells is likely to resume as the market recovers. Better regulating exempt wells will likely require administrative action and legal changes to declare moratoria on new wells where necessary to protect stream flows, to allow for a "dimmer switch" that limits daily use of well water well below the current 5,000 gallon per day limit, and additional incentives for denser development that hooks up to municipal water sources that can be better monitored to minimize impact on streamflows.

More generally, the Action Agenda should embrace a "no regrets" climate adaptation strategy that looks to implement win-win solutions like water conservation and floodplain restoration before serious consideration of expensive projects like new or expanded water storage projects that often carry significant environment al trade-offs. Knowing what tools are appropriate in a given basin requires a strong understanding of in- and out-of-stream supply and demand for water.

Finally, it is unclear what opportunity for public comment there will be on the climate change additions in the final Action Agenda. The final document should clarify what opportunities will be provided.

Protect and Restore Floodplain Function (Section A5)
We strongly support the Action Agenda's goal of no loss of healthy floodplains from the 2011 baseline and 15 percent of degraded floodplains restored or clearly on their way toward restoration by 2020. This goal is ambitious but achievable with a concentrated, well-coordinated regional effort.

We are concerned, however, that the draft Action Agenda section on floodplains focuses perhaps too much on acquiring data and issuing reports, which while necessary to some degree may come at the expense of meeting your worthy on the ground protection and restoration goals. We urge you to rely, to the extent possible, on the expertise of flood management experts with King County, Pierce County, FEMA, NMFS, tribes, and non-profit conservation organizations (including American Rivers) in order to expedite information gathering and move onto implementation as quickly as possible.

With respect to the Army Corps' levee vegetation policy (discussed on pp. 67-68 of the draft Action Agenda), the final Action Agenda should be more specific with respect to the challenges posed for Puget Sound levee managers by the Corps' existing levee vegetation policies and how those challenges appear likely to be compounded by the issuance of new policy guidance on this topic from the Corps. The existing four inch variance is too inflexible to allow mature, native trees to remain on levees where they benefit salmon without harming public safety. The forthcoming policy is likely to make even retaining this inadequate variance more difficult. And, even if the "matrix" for a new updated variance discussed at the recent regional roundtable is allowed by the Corps to go into effect, we fear it will at least initially be too limited in geographic scope and perhaps its flexibility to allow enough large vegetation to benefit most rivers in Puget Sound. Finally, the final Action Agenda should call on the Corps to consult on an aggressive timeline with NMFS on the effect on listed salmon, steelhead, and orcas of whatever levee vegetation management policy ends up governing Puget Sound levees. That consultation should be on all affected rivers in the Puget Sound basin rather than just a "pilot" consultation in the Green River basin, for instance. This will help identify mitigation needs resulting from the levee vegetation policy, create more pressure for the Corps and other entities to fund floodplain restoration projects, and/or create pressure for a more flexible levee vegetation policy at least locally.

In addition:

- While specific floodplain restoration and protection actions are outlined in the watershed chapters, some highlights of those projects in the main floodplain section would be helpful in illustrating what is possible.

- The Action Agenda should discuss ways to work with counties and other local levee managers to raise money for proactive floodplain restoration and protection programs. Money, not knowledge, appears to be the biggest barrier to success. Consult with King County on how they managed to pass their strong funding mechanism for progressive floodplain management.

- A5.3 NTA 1 is essential – a commitment to improving floodplain function when WSDOT is repairing or replacing roads and bridges will be a key avenue toward achieving the Action Agenda's floodplain restoration goals.

- We strongly support the need to protect and maintain intact and functional floodplains, as identified in A5.4, and a critical path to do so is through FEMA's consultation on the National Flood Insurance Program. NTA 1 in that section focuses on FEMA completing augmented annual reporting requirements, however, does not identify the need for FEMA to comply with the requirements of the BiOp in a timely manner and to implement the seven actions set forth by NMFS.

Urban Stormwater Runoff (Section C2)
Polluted stormwater runoff is one of the leading causes of pollution to our streams, rivers, the coastal marine environment and other large waterways around the country, including Puget Sound. However, existing pollution controls and management approaches for these discharges are inadequate. Therefore we strongly support the draft Action Agenda finding that reducing and controlling the sources of pollution, including stormwater runoff, to Puget Sound is of paramount importance to the long-term health of the Puget Sound ecosystem.

Section C2.2 focuses solely on problems associated with new development. However, at the site and subdivision scale, problems from both new development *and* redevelopment should be addressed and discussed in the Action Agenda, with the same requirements applying to both. This approach is consistent with Ecology's recently released draft Phase I permit for W. Washington and draft Phase II permits for W. and E. Washington all of which incorporate requirements applicable to both types of development.

In general, the ongoing impacts of stormwater runoff to Puget Sound require a paradigm shift in how we regulate and control stormwater. The draft Action Agenda identifies several key elements of this shift, in particular the need to focus on Low Impact Development (LID), which we strongly support. In the context of stormwater management, prioritizing LID stormwater management practices that mimic natural hydrology and provide cost effective solutions that measurably reduce flooding and improve water quality is required. Requiring LID solutions such as pervious pavement, green roofs and rain barrels in stormwater permits will improve the health of Puget Sound. The Action Agenda should support strong LID requirements in all stormwater NPDES permits, including maximizing native vegetation and decreasing impervious areas.

It is also important to expand the coverage of the stormwater permits to areas not currently subject to permit requirements. Current permits cover only a portion of stormwater dischargers, leaving

discharges from many developing areas subject to few if any controls. This disparity needs to be addressed, in particular because of the significant impacts that result from initial development in those areas not currently covered. We urge the Partnership to call for bringing additional local governments under municipal permits to ultimate cover all of the land in the basin, not just to evaluate the need. The need is clear. And, failure to do so will lead to additional degradation of Puget Sound waters.

- C2.2 NTA 1: We strongly support efforts to secure long-term funding for the implementation of stormwater runoff permits. NTA1 is a good start, although it should prioritize funding for LID projects.

- In addition to financial assistance from Ecology, we urge the addition of another near term action that calls for state legislation that will help ensure long-term stable funding for stormwater improvements.

Section C2.3 addresses the need to fix problems caused by existing development, including retrofits and redevelopment. As noted above, consistent with Ecology's draft Phase I and Phase II permits, the Action Agenda should call for the same requirements to apply to redevelopment as new development.

We strongly support timely implementation of retrofits to address ongoing impacts from existing development. Due to the extent of the problem and the potential for significant improvements to the health of Puget Sound, we urge the Partnership to include more meaningful retrofit targets in the Action Agenda. While the Agenda calls for stormwater NPDES permits to include retrofit requirements, it fails to specify what the appropriate level of effort should be, stating merely that upgrades should occur over time as needed. There is a broad recognition that substantial investments need to be made across the landscape retrofitting existing stormwater infrastructure to reduce pollutants and protect streams. This work needs to start now with specific targets and deadlines established.