

# Puget Sound Salmon Recovery Council

Meeting Summary draft from JPA 8/22/06

Thursday, July 27, 2006, 9:30 – 2:30 | Tukwila Community Center

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## Published Agenda

- I-933 Proposal
- Decisions to be made between now & Nov.
- What are investment priorities?
  - Estimated need vs. expected \$ levels
  - Protection priorities
  - Restoration priorities
  - Operating and capacity recommendations
  - Process for addressing items not covered
- What funding level to pursue?
- Updates

## Revised Agenda

*The revised agenda reflects the discussion at the meeting, focused on items of critical importance to Council members at this time. Agenda items not covered will be carried forward to future meetings.*

- Consideration of Initiative 933
- Decision on prioritization of investments for the next three years
- Ecosystem Protection Initiative Proposal
- Review of decisions needed at the September and October Recovery Council meetings

## Welcome and Agenda Overview

Bill Ross welcomed the Recovery Council members and observers and provided a brief overview of the meeting's discussion topics.

## Consideration of Initiative 933

The Council reviewed a memo prepared by two Council members requesting that the Council oppose I-933, a measure sponsored by the Washington State Farm Bureau regarding land use protections in Washington State. Because many Council members are also public employees, concern was expressed on the legality of their taking a position on the initiative. The Council chose not to take a stand on I-933. Some Council members felt that the Council could make a statement about the importance to salmon recovery of land use regulations and their enforcement as identified in the Recovery Plan. An alternative suggestion to write an analysis of the impact the initiative would have on the Recovery Plan was accepted.

Action Item: Recovery Council staff will work with a couple of Council members to produce an analysis of the impacts I-933 would have on the recovery plan by the September Council meeting.

## Prioritization of Investment for Salmon Recovery in the Next Three Years

Setting the context for the investment discussion, Jim Kramer identified the selection of an investment strategy as a "strategic moment" and an important opportunity to build on the good work already completed across the region on behalf of salmon recovery. Through the efforts of many, we have defined what we need, who is expected to do it, and what it will take to get on a

recovery trajectory. In addition, salmon recovery work and the larger regional efforts carried on by the Puget Sound Partnership are in line to successfully work together. As a strategic moment, Jim expressed the importance of recognizing the number of opportunities we now face if we continue to expand and build on the current momentum. By reaching consensus on funding priorities—identify the best investments for fish—we better position ourselves to convince funders that their investment is going toward delivering significant results for salmon recovery.

Jim outlined the total estimated need for the first three years of salmon recovery implementation as identified by watershed groups (Summarized in the June 28, 2006 policy paper) at ~\$460 million. Although this level of cost was expected, Jim reminded the group that it is unrealistic to believe that we can achieve this level of funding in the first three years of implementation. If current funding levels from federal, state and local governments continue over the next three years, we can expect approximately \$150M for capital projects. An aggressive program at the State level could yield another \$60 to \$90M for capital projects during this same period plus hopefully \$10 to \$15M in operating funds. In light of these anticipated funding levels, setting priorities that are both strategic in terms of recovering salmon and exciting to those who will support and pay for salmon recovery work is the foundation of a successful investment strategy.

With this in mind, the Council reviewed the need for prioritization using the investment strategy policy paper prepared by staff and the graph produced by the TRT showing population status and ecological integrity (as explained at the May Recovery Council Meeting) as a basis for discussion.

The Council agreed that the TRT analysis graph was a good, generalized starting point, but asked for an updated analysis using more recent and additional data that incorporates other elements such as limiting factors, accounts for non-listed species and nearshore-marine areas. The Council was given to understand that there was a need for some additional work to determine if a genetically separate strain of Chinook exists in the Cedar River.

The Council discussed the following points regarding prioritization and the use of the technical analysis graph:

- Some members reminded the group that both technical analysis and policy decisions would be necessary to set priorities, and that clear policy questions need to be developed to guide the focus of the technical analysis.
- Many members expressed confidence that a technical analysis such as that prepared by the Technical Recovery Team would be a helpful tool for prioritization and suggested that the TRT analysis could be updated and adjusted to incorporate some of the above feedback.
- Members generally agreed that threat of near-term extinction and ecological integrity were two key factors useful for prioritizing investments. However, many members expressed concern over the data inputs to populate the graph for those two factors and suggested that other criteria related to limiting factors might also be important.
- The Council discussed their role in making policy decisions based on scientific/technical analysis. The Council recognized the need for technical tools to help inform policy decisions and develop priorities but also expressed the need to incorporate a transparent process in their development in order to avoid misrepresentation and to help promote a broader understanding -- one that ensures the technical analysis is useful and relevant to help make necessary policy decisions.
- Members affirmed that the local watershed plans are the basis for successful salmon recovery and that setting priorities are intended to increase the likelihood of securing funds and building and maintaining support for salmon recovery implementation.

- The Council discussed linking prioritization with actions and strategies in order to better illustrate potential gains for fish. The Council emphasized that this would help make a strong case to the SRFB for continuing to have regions determine the best investments for salmon by demonstrating that our region knows how to prioritize funds to make the most difference for salmon recovery while continuing to ensure an equitable distribution of funds for long-term ESU viability.

Action Item: A small, joint policy-technical group (the Recovery Council Investment Strategy Sub Group) will be formed to develop recommendations to refine the proposed investment package, especially as it relates to criteria to help prioritize the best investments for salmon in the next three years, whether a portion of funds should be used for common priorities across watersheds, and if so what those common priorities are, and to provide guidance on whether (and if so, what) criteria to use for prioritizing acquisition for protection projects. Additionally, the Council directed staff to provide an overview of the entire draft investment package to show the various elements in relation to each other. Recommendations from this group will be vetted with Council members, Watershed Leads and other interested parties prior to the September Recovery Council meeting where a final decision will be made.

Action Item: The existing TRT analysis should not be used to set priorities or allocate funds. However, given the value such an analysis would offer to future discussions and decisions, the Council requested a revised technical analysis. Staff is directed to establish and work with a subgroup to advance the technical analysis.

### **Ecosystem Protection Initiative Proposal**

One of the proposals in the recommended protection package is the Ecosystem Protection Initiative. The Council was asked to discuss whether it supports funding this initiative as one of the investment priorities.

Protecting existing functioning habitat is one of the overall priorities identified by the TRT during their plan review as well as agreed to by Recovery Council members in previous discussions. A key assumption of the Puget Sound salmon plan is that there still are enough fish and habitats to build on for recovery and that existing regulatory and incentive tools suffice to protect remaining quality habitat processes and functions.

The Ecosystem Protection Initiative would advance our understanding of the validity of the assumption that existing regulatory and incentive tools suffice to protect remaining quality habitat processes and functions. To the degree existing protection programs are not adequate to protect salmon habitat, local decision-makers, state and federal agency representatives, tribes, citizens and stakeholders would identify solutions to close the gaps. This Initiative includes an assessment of the effectiveness of the current suite of protection tools in a watershed area (regulations, incentives, education) and would build local support for improvements as needed. The assessment is geared toward evaluating the effectiveness of implementing the methods used to achieve goals from the suite of protection tools (e.g. ensuring 50' buffers exist where intended to protect marine shoreline function). It will identify why implementation was not effective where that is the case (i.e. variances) and how much of a problem exists in relation to ecological priorities. It will also assess future threat based on predicted population growth. It is not designed to conduct scientific research on what it takes to protect ecological function such as on buffer sizes.

San Juan County is embarking on an ecosystem protection initiative from which other watershed areas can learn about the assessment methodology and process issues. At the same time, it is understood that each watershed area would tailor the implementation of the protection initiative to their unique circumstances. The estimated cost of the protection initiative is \$7 million or \$500,000 per watershed.

The Council discussed the following points regarding the Ecosystem Protection Initiative:

- Many Council members agreed the proposal was an exciting concept and should be a top priority. However, some thought the best approach would be an incremental one in which the result from the San Juan County pilot study were brought before the Council and reviewed prior to extending the analysis. This would allow for a determination of whether the assessment process was most effective and whether it would be useful and possible to expand to other watersheds.
- Some Council members wondered whether water quality and water quantity would be included in this initiative.
- A few Council members were concerned that they would have to implement the entire protection initiative and felt they might want the flexibility to spend some of the money identified for this purpose in other ways.
- Several members spoke to the value and importance of building the type of community support this initiative intends to do for protecting quality habitat. Still others agreed that it would be very valuable to know how well existing programs did protect fish habitat.

Action Item: The Council requested staff to provide a written description of the proposed Ecosystem Protection Initiative (EPI) by the next meeting. Specifically, they asked for a description of its scope and expected results and what the assessment component entails. They wish to better understand the role of the San Juan pilot and the process/plan for expanding the EPI to other watershed areas in the region.

### *Enforcement*

The discussion about the Ecosystem Protection Initiative led to a discussion of the current effectiveness of enforcement, particularly as relates to state and federal regulations. The Council questioned whether it was beneficial to seek funds for enforcement as part of the protection package. Since enforcement is not specifically identified as a priority in most watershed plans and is not called out in the protection package, staff asked the Council for direction on what sort of proposal regarding enforcement they would like to see.

Some key points by Council members were:

- Some Council members expressed strong concern about highlighting enforcement in an investment strategy, citing past experience where funding requests were rejected by legislators on this basis.
- The Council discussed the relative importance of ensuring state and federal enforcement compared with local government enforcement of land use regulations—some felt that the most critical focus is at the local level due to human population growth predictions, but others felt that both are needed and that in general, enforcement is inadequate for a variety of reasons (e.g. availability of staff and resources, political support).
- The Council requested information on the current resources for enforcement and incentive programs and how they are being used by the state and federal regulatory agencies related to supporting the salmon recovery plan. An analysis of this information would be

useful to the Council in order to identify enforcement programs that already work effectively and to evaluate what else should be done to improve enforcement.

Council Decision: The Council agreed to keep the Ecosystem Protection Initiative on the table as a potential part of the high priority package with details of where it fits within overall funding to be determined later.

Action Item: The Council confirmed that the Investment Strategy Sub-Group (see Investment Strategy Action Item above) should include recommendations for: Acquisition, Capacity (inclusive of H-integration; adaptive management & monitoring; and expanding community support), as well as a Protection Package (*inclusive of enforcement*). The sub-group's recommendations will be discussed at the September Recovery Council meeting. Furthermore, staff is directed to ask the state and federal regulatory agencies about their current and future budget plans related to supporting salmon recovery priorities generally and for enforcement and incentive programs particularly.

### **Decisions Needed at the September and October Recovery Council Meetings**

In light of the number of decisions to be made prior to November, the Council agreed to extend its September 13th meeting time from 9:00am – 4:00pm. It will also add an October meeting. In place of the cancelled two-day Shared Strategy event in October there will be a Recovery Council meeting on October 26<sup>th</sup>, also from 9:00am – 4:00pm. In the meantime, staff will continue to advocate for state money for the SRFB and other state sources of funding to implement the Recovery Plan.

The September and October meetings will focus on prioritization on an ESU scale and the development of a three-year investment strategy that may be used to prepare a biennial budget request.

The following decisions will need to be made in order to move the investment decisions forward:

- Establish investment priorities according to the activities they would support
- Establish level of funding to pursue
- Establish a process for agreeing on a distribution strategy across the ESU that prioritizes funds to make the most immediate gains for salmon recovery while ensuring an equitable distribution of funds for long-term ESU viability.
- Decide how to approach and package a biennial budget request
- Propose an organizational structure to the Governor to continue salmon recovery efforts

## Council Members/Alternates Participating

Randy Acker	Washington Department of Natural Resources
Elizabeth Babcock	NOAA Fisheries
Josh Baldi	Washington Department of Ecology
Harriet Beale	Puget Sound Action Team
Bill Blake	Stillaguamish (watershed)
Scott Chitwood	Elwha/ Dungeness (watershed)
Don Davidson	Lake Washington/ Cedar/ Sammamish (watershed)
Jeanette Dorner	Nisqually (watershed)
Debby Hyde	Puyallup/White & Clover/Chamber (watershed)
Tom Eaton	EPA Region 10
Ranid Kinley	Lummi Nation
Bob Kelly	Nooksack Tribe
Kathy Peters	East Kitsap (watershed)
Rob Masonis	American Rivers
Doug Morrill	Elwha / Dungeness (watershed)
Steve Mullet	Green/Duwamish (watershed)
Bruce Roll	Nooksack (watershed)
Joe Ryan	Washington Environmental Council
Bill Ruckelshaus	Chair
Mike Shelby	Western Washington Agricultural Association
Shirley Solomon	Skagit (watershed)
David Troutt	Nisqually Tribe
Terry Williams	NWIFC
South Puget Sound Nearshore (watershed)	
WA Department of Fish and Wildlife	
TRT members: Mary Ruckelshaus and Bob Fuestenberg	

Approximately 25-30 observers attended from local watershed areas, local governments and state agencies.