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November 20, 2008

Mr. Williams Ruckelshaus, Chair  
Leadership Council  
The Puget Sound Partnership  
PO Box 40900,  
Olympia, WA 98504-0900

**Re: Cities' Comments on the DRAFT Action Agenda**

Dear Chairman Ruckelshaus,

On behalf of the 112 cities in the 12-county Puget Sound Basin, I wish to extend our sincere thanks to you, the other members of the Leadership Council, your fine staff and the countless hours you and hundreds of citizens spent in the development of this Action Agenda. This phase of your ambitious assignment is nearing an end. We look forward to working in partnership with the Council during the coming years to help implement strategies and projects that indeed restore health to the Sound and support efforts by cities to maintain and enhance the quality of life in our communities.

Succeeding at both simultaneously will be challenging, but we believe achievable.

**Our comments have been developed in consultation with cities within the 12-county area – several of whom you will hear from directly:**

- Many have followed the development of this Action Agenda and participated directly in the Partnership's outreach efforts.
- Several serve on an AWC Puget Sound Advisory Group and have continuously advised AWC throughout this process.
- Several more responded to our request for input both on the Council's initial set of Priority Initiatives and most recently, the Draft Action Agenda and Preliminary Ranking of Near-Term Actions.

Given the deadlines under which you are operating, it is not possible to give full consideration to all the comments and issues in a few days, and meet the December 1 deadline. The AWC comments submitted here are intended to capture issues and concerns raised by a number of cities. However, we commend for your review and evaluation all of the comments you have received thus far from cities.

**Cities share the following perspectives:**

- They care about the health of the Sound and want to help meet the goal of restoring its health by 2020;
- Those right on the Sound and those upstream from it have roles to play, while simultaneously planning for and accepting population growth and expanded economic development;
- With help from the state and others, cities can –
  - Continue to grow in more compact ways as long as needed infrastructure and quality of life elements exist;
  - Better manage urban stormwater as required in most Puget Sound cities through implementation of NPDES Phase I or Phase II permits;

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- Update local Shorelines Master Programs and GMA Comprehensive plans that are sensitive to the needs of the Sound's health and well being; and
- Help citizens and businesses better understand how they can take actions to prevent added pollution of our rivers, streams and the Sound.
- Now is not the time to initiate new planning or regulatory efforts. Instead, help cities and others implement the ones we have and are updating.
- There are many appropriate "measurement of success" variables in the Action Agenda. Missing are ones that identify whether needed responses are fundable, sustainable and supportive of continued growth in cities.
- **Funding is a key** – there isn't enough money now to support compact, prosperous and livable communities, let alone meet the ambitious goals of restoring the Sound's health by 2020.

Please find as an ATTACHMENT, more specific comments on the Action Agenda.

We look forward to continuing our efforts to forge an effective and workable strategy for restoring and sustaining the health of Puget Sound and the communities that surround it. We thank you again for your leadership, creative thinking and commitment to this all important task.

Sincerely,



Karen Rogers, President  
Association of Washington Cities

# Association of Washington Cities Comments Regarding the Puget Sound Partnership Draft Action Agenda

11/19/08



## A. Overarching Comments, Concerns and Issues

### I. Funding

Cities, and their budgets, come in all shapes and sizes. Significant fiscal constraints are an unfortunate circumstance affecting all cities large and small, and the gap between revenues and services is widening by the day. Even in good economic times, cities increasingly find themselves cash strapped with growing mandates and failing infrastructure.

Most jurisdictions are preparing to weather current financial and economic challenges with budget cuts and reductions in workforce. Many of these reductions will impact the ability to deliver essential services to protect public health safety and welfare including those tasks associated with a cleaning up Puget Sound. With these reductions come risks and liabilities. New programs and mandates to address Puget Sound must have identified funding sources other than traditional local government sources of revenue, and be permanent and sustainable vs. biennium-at-a-time.

### 2. Recognize Appropriate Urbanization and Reduce Pollution at the Source

All parties to the Partnership agree that reduction of pollution at the source is the best strategy for saving Puget Sound, and it is the most cost effective. Urbanized areas tend to be concentrated in the lowland areas of the Sound, where essential nearshore, estuarine, and lower river habitat is found.

The accommodation of density, with appropriate transportation systems, infrastructure, surface water management, and utilities is as essential to cleaning up Puget Sound as any other habitat protection or restoration measure. So too in cities is protecting existing urban habitats – many of which include healthy nearshore environments.

In fact, providing for human habitat as well as marine habitat is essential for the survival of both. Since most sources of pollution are the result of human activity, how we provide for urban living is essential to reduce pollution at its source. Viable cities need to be an essential part of the Action Agenda.

### 3. Appropriate Scale for Recovery Efforts

Restoration and recovery efforts need to reflect the larger scale of the WRIA and the associated subareas vs. a one size fits all approach at a smaller, site specific scale. WRIAs are the drainage basins and the building blocks to restore Puget Sound and they represent a significant investment in time, money and local working agreements already in place by governments and the private sector.

Each WRIA is unique with different characteristics, geography, habitat, water quality and quantity, degrees of urbanization and landscape, degrees of disturbance and restoration opportunities. Many cities have been investing in these areas and this work needs to be respected in the Action Agenda.

A number of cities commented they wanted to see recognition of good work already underway regarding restoration and to incorporate local science, local working groups and knowledge as to what works, and what does not, in their areas. Such a 'bottoms up' approach is consistent with the structure of the State Growth Management Act, and to some degree, the Shoreline Management Act. Local grass roots efforts represent a human and technical resource that can make a significant difference, will aid and support restoration efforts, will help with education efforts and are relatively cheap to employ.

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#### **4. Broaden the Measurements Defining a Healthy Puget Sound**

The work of the Partnership correctly portrays the rich diversity of habitat, water characteristics and diversity of plant and animal species. Yet the action agenda relies heavily on the recovery plans for Chinook salmon as an overriding indicator. There can be no doubt that salmon recovery is a critical element for measuring the health of Puget Sound and the work done in support of it must be respected.

The Action Agenda should reflect a broad biological diversity of plant and animal life, full scope of water quality, water quantity, and other measurements including of course salmon and other marine life. Focusing on Chinook Salmon to the exclusion or diminishment of other biological, chemical and physical factors misses critical pieces and connections, like how a healthy food web is critical to all species using Puget Sound including humans, or the value of bio-diversity, or the various measurements related to water and soils.

#### **5. Coordination of Regulatory Frameworks**

There are a number of federal, state, tribal and local entities involved in the various regulations associated with Puget Sound. We need to seek strategies that coordinate these efforts and efficiently marshal scarce resources toward clear policy, regulatory and operational objectives. This will require an extraordinary effort and that effort must begin with the establishment of clear objectives and strategies. Cities must be full partners in these efforts. Furthermore, new initiatives associated with climate change, mitigation and adaptation, need to be incorporated into the Action Agenda.

#### **6. Build on Success**

There are success stories and we need to use them and export them to accelerate these efforts. Cities are currently making significant environmental investments for stormwater management, levee repair and maintenance, waste water treatment plant upgrades habitat restoration, and other projects. These stories need to be told and the examples and lessons learned from these successes and good efforts should be replicated around the Puget Sound.

## **B. Specific Comments**

### **Q 1. Defining a Healthy Puget Sound**

**More recognition can and should be given to accommodating population and employment growth in appropriate areas.** In fact, the economic engine for cleaning up Puget Sound is the economic capacity of the region (cities). Without it, there will not be sufficient funds to address clean-up and restoration. This is a critical balancing task and one that should be more clearly recognized in the definition of Puget Sound. This is consistent with the enabling legislation that created the PSP.

**It is unclear whether the 'provisional indicators' are only those identified in the table. If so, the six identified are insufficient to assess success at meeting the rather broad goals identified in this section.** For example, forest cover should be used to assess upland habitat for integrity of hydrologic cycles. Integrative biological indicators like salmon runs are vary useful in describing success, but not in identifying failures. The provisional indicator list should be expanded to include bottom-of-food chain organisms, or key water quality parameters such as biological oxygen dements, or nutrient loadings.

### **Q 2. What is the Status of Puget Sound**

The document should provide a sense of the full scope of what is included in a healthy Puget Sound. Focusing simply on indicators, such as Chinook salmon, misses critical pieces and connections, as well as the depth and breadth of plant and animal species, and other indicators such as qualitative measures related to water, soils, biological and chemical measurements.

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We appreciate the recognition of climate change impacts in the 'Surface and Groundwater supply availability' section. It should also be recognized in the 'Other threats... Invasive species' section as a species migration is a phenomenon and consequence directly associated with climate change.

### **Q 3. Guiding Principles for Ecosystem Management in Puget Sound**

This section recognizes that: "Actions should have realistic expectations that they will be effective in addressing the identified threat". Such actions must also be capable of being implemented. This should be added to Q.3.

#### **Priority A: Protect Intact Ecosystem Processes, Structures and Functions**

This section appears to recognize the difference between urban and rural areas. Cities believe urban areas need to accommodate density and growth, population and job creation in order to meet projected demand, and to create the economic climate to sustain protection efforts for cleaning up Puget Sound. Conversely, providing greater protection for natural resources in more rural areas is essential for protecting these resources. Priority A appears to recognize this distinction and incorporate it into the body of the Action Agenda. While we believe it needs to be strengthened, we appreciate it being incorporated into the document.

##### **A.1.3: Use watershed characterizations to set priorities for local protection and restoration.**

While cities agree in concept, we are concerned regarding the application of this recommendation. Retrofitting storm water systems may be desirable but it is not yet a common practice and carries significant financial, legal and technical challenges. Significant funding and technical assistance is necessary in order to implement this recommendation.

We appreciate the focus on regional planning forums, base maps, and the inclusion of SMA and GMA plans. We would recommend city professionals such as planning and public works officials be included in any regional coordinating groups that may be established.

##### **A.2 Permanently protect the significant intact areas of the Puget Sound ecosystem**

We concur with the general direction expressed in this recommendation and the recognition for additional funding. However, we do not agree with the recommendations to amend the Shoreline Management Act, expanding the jurisdiction and the use of conditional use permits for bulkheads. There are significant property issues here that will create havoc and conflicts of rights, responsibilities and liabilities for local governments and the State of Washington. This issue may be better addressed through providing incentives to reduce the impacts of bulkheads and shoreline armoring. Additionally, cooperative approaches between local governments, DOE and CTED to develop coordinated GMA and SMA strategies will be more effective and timely than amending the statutes.

##### **A.3.2 Reform state water laws to be more protective of in stream flows**

Cities have significant concerns regarding these recommendations as they have the potential to impact water rights and waste water discharges already regulated under the Clean Water Act, TMDL requirements and could raise conflicts with existing municipal water rights. This topic needs significantly more review and discussion.

#### **Key Priority A Actions Needed in the Near-Term:**

- Provide funding and technical assistance to cities to update local shoreline management programs by 2013 (A2.5).
- Implement the recommendations from the approved water quantity plans under the Watershed Planning Act consistent with the Action Agenda and coordinated with other local restoration and protection efforts (A3.4).
- Support municipal water systems implementation of Washington Department of Health's Water Use Efficiency Rule, including establishing water conservation goals, metering, and reporting from municipal suppliers **now required to do so (A3.7) The smallest systems and those not experiencing growth aren't currently required to implement such a program. Adding them would require legislation.**

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## **Priority B: Restore Ecosystem Processes, Structures and Functions**

Cities generally concur with the recommendations; we want to emphasize the need to rebuild ecosystems at a larger scale. Cities have a clear mandate under a number of state laws including GMA and SMA to accommodate population and employment growth. Looking at larger scale ecosystem restoration will help place appropriate emphasis on urban and rural capacities to address growth, clean-up actions, development, redevelopment and resource protection and restoration. However, we must caution that restoration projects are inherently complex and costly and will likely exceed the capabilities of all but the largest cities and utilities. Large projects will likely require multiple sponsors and will need to target multiple restoration objectives. Funding will be a challenge and must be resolved before this recommendation can be implemented.

### **B.1: Implement and maintain priority ecosystem restoration projects for marine, marine near-shore, estuary, freshwater riparian and uplands.**

This recommendation places a disproportionate emphasis on salmon recovery plans vs. broader ecosystem recovery. While salmon recovery plans are a critical element, salmon are a listed species and there are clearly other stressors that impact their life cycle. Other indicators and species need to be incorporated into measuring Puget Sound ecosystem restoration. Again, funding is a critical factor in the success of this recommendation.

### **B.2: Revitalize waterfront communities**

We agree and appreciate this recommendation. We want to place greater emphasis on livable communities as an important element in addressing Puget Sound health and the Action Agenda. We recognize that cities are being asked to accommodate increased density and job growth. Funding for infrastructure and services will be necessary in order to successfully accomplish this recommendation.

## **Priority C: Reduce the Sources of Water Pollution**

We concur with these recommendations. Also, we agree with the statement that: "Many new and emerging pollutants are not well understood." Treating pollution at the source is clearly desirable. However, funding to address these issues is not available today.

As noted in the Action Agenda, the upgrade of water and water treatment facilities will require capital. Funding priorities will need to be clearly established to meet the objectives and expectations in the Action Agenda.

### **C.2: Use a comprehensive, integrated approach to managing urban storm-water**

While we agree with the concepts set forth in this recommendation, we are concerned that the reliance on LID as the principal storm-water management tool may not be realistic and may not accurately reflect the existing conditions in cities. The NPDES Phase I and Phase II rules do address these issues, and LID is an important tool. However, we believe most of the models upon which the expectations for LID applications are based are "suburban development" models and do not reflect the extensive increases in density and intensity of development necessary to accommodate population and employment growth.

With this noted concern, we believe that as familiarity and examples increase, LID will become an ever-easier choice for developers, regulators and land owners. The Action Agenda should help foster increased familiarity.

We greatly appreciate the support for funding for Phase I and II implementation and we want to work with the Partnership to better manage storm water.

### **C.3 Upgrade of storm-water systems**

As noted, storm water treatment systems are expensive. Furthermore, the circumstances surrounding storm water management vary from jurisdiction to jurisdiction including percentage of impervious surfaces, soils, and capacity of the water treatment and storm water treatment facilities. As noted in the Action Agenda, there are areas within Puget Sound where these issues are at a critical threshold. We believe these areas need attention first, and that more work needs to be done on the management of storm water for the remainder of the jurisdictions.

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**Cities generally agree** on the need to reduce the discharge of contaminants into the Sound by upgrading and improving existing sewage treatment plants and septic systems, and by providing incentives to local governments and developers to use innovative methods to manage stormwater. **Our collective challenge is to figure out how, when and at what cost to achieve this while simultaneously addressing all the other needs of growing communities? There also needs to be more emphasis on reducing pollutant discharges BEFORE they enter the public rights-of-way.**

#### **Key Priority C Actions Needed in the Near-Term:**

- Provide financial and technical assistance to cities and counties to implement NPDES Phase I and II permits (C2.2).
- Assist cities and counties in adopting low impact development stormwater codes for development and redevelopment (C2.3).
- Develop high-level criteria **in partnership with cities and counties** that can be applied in 2009 to determine the highest priority areas around the Sound for stormwater retrofits (C2.6).
- Provide funding to local government, particularly in nutrient sensitive areas, to initiate projects to upgrade wastewater treatment facilities (C3.2).
- Establish a regional coordinated monitoring program for stormwater, working with the Monitoring Consortium of the Stormwater Work Group (C2.1)
- Fund the swimming beach monitoring program (C6.1)

#### **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.**

Cities agree that fundamental changes are needed in how we go about the business of protecting Puget Sound. We want to remind the Partnership that the essential mission of cities, to accommodate growth, development and commerce, are also part of this mission to save Puget Sound. Without this focus, the Action Agenda is not possible because the dollars necessary for cleaning up Puget Sound will not be available. Thus, the success of our economy and the quality of our environment are inextricably linked.

##### **D.1.1 Develop methods for and conduct future planning for biodiversity**

The coordination of federal, state and local efforts is essential for Puget Sound recovery. While we support this direction we raise a caution regarding water supply, water quality and land use laws. There are various obligations that local governments must meet including the protection of water rights and potable water supply that need to be accounted for in these efforts.

##### **D.1.2 Integrate and coordinate action plans and programs**

We agree with the premise of this element; the coordination of the Action Agenda with other plans and programs including GMA and SMA plans. However, the legal basis for these various plans is different, and the obligations of local governments to comply with the procedural and substantive elements of the statutes (GMA & SMA), presents a challenge that must be recognized and accounted for as we attempt to integrate elements of the Action Agenda with these obligations. The language in the Action Agenda presumes the Action Agenda to be controlling. Such is not the case in current law.

##### **D.2 Support the integration of Climate Change programs and strategies into the Action Agenda**

Most cities in the 12 county Puget Sound Basin likely support this recommendation. Puget Sound recovery and climate change response with mitigation and adaptation issues are critical issues facing us all. The strategies to address both of these policy directions are not entirely consistent and need to be coordinated. Cities look forward to working cooperatively with the PSP or any other forum charged with addressing these issues.

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### **D.3 Build and sustain long-term capacity**

Cities agree and appreciate the recognition that much of this work will be done at the local level, that local governments vary widely in capabilities and sophistication, and that resources are essential to accomplish the Agenda. We believe this is the essential element – the glue – to hold the package together, and to accomplish the desired integration outlined in “Priority D”.

### **D.4 Reform environmental regulatory systems to protect habitat**

The alignment of federal, state and local regulatory actions is essential to accomplish the Action Agenda. We appreciate this element and support it in concept. However, we also appreciate that some of these efforts emanate from statutory mandates that are not entirely compatible, or are in conflict. Care needs to be taken to identify and address these areas and resolve conflicts where they arise. Also, local government control needs to be respected in this process.

#### **D.4.1.3 Investigate opportunities to use CWA general permits**

Federal and state agencies have indicated a willingness to delegate permit authority to local governments on the basis of pre-approved resource management plans or strategies. Cities generally support the use of general and programmatic permits for federal and state laws. These approaches tend to be larger in scope and provide better resource management and protection, as well as clear directions for local governments in resource management.

Similarly, other elements of D.4 are essential to larger scale restoration opportunities. Cities support these efforts and believe they can be more effective than attempting to maximize resource management (restoration and mitigation) on a site-by-site basis as is often the practice. The “Mitigation That Works” group identified strategies for larger scale mitigation and restoration efforts. Cities agree with this concept but are concerned about the applications since the discussions are at a theoretical level. In our judgment, there needs to be more discussion regarding the practical applications of these strategies, and resource agencies need to help in expediting the permitting of habitat restoration and mitigation banks (see D.4.1.5 & D.4.2.3). We believe the D.4 Near-term Actions are appropriate steps.

### **D.5 Improve compliance with rules and regulations to increase the likelihood of achieving ecosystem outcomes**

An essential element of compliance is monitoring, as noted in this recommendation. However, if the strategies and elements of a healthy Puget Sound are not clearly defined or identified, then the monitoring and compliance program will be fragmented, uncoordinated and inefficient at best. At worst, it will be harmful to both Puget Sound and the region’s economy. The elements of “D.5” must follow, and be subordinate to, the defining and coordination recommendations set forth in “Priorities A, B & C”. This should be clarified in the Action Agenda. It is said: “You cannot manage what you do not measure”. Likewise, you cannot measure what you cannot define. The Action Agenda needs to clearly establish this link.

Cities appreciate and support the call for resources to provide technical assistance and support for the actions set forth in these sections: monitoring, compliance, inspection, education, and enforcement. Furthermore, the “Near-term Actions” include convening a process that includes local governments as well as state and federal entities, and training. These are essential for success in this element.

### **Priority E: Build and implement the management system to support the implementation and continual improvement of the Action Agenda.**

In general, cities agree and support the concepts set forth: performance management systems, stable funding, scientific program and communication, outreach & education. In addition, we believe there needs to be some recognition of the other agendas that are essential to a healthy Puget Sound including accommodation of population, employment and a healthy economy. These are essential elements because, in the final analysis, they will fuel and fund the recovery. These other elements are identified in the scope of the legislation, in the early

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references of the Action Agenda and are part of the regulatory fabric that local governments are obligated to address. These elements need to be identified here as well.

**There are many good ideas within the proposed suggestions.** Many are “internal”. The most important “external” one is the need to have a sustained effort for communication, outreach and education of the public and their officials to know what’s threatened, what’s most important to do, how is it working and how to adjust efforts as needed. To help ensure successful implementation of the Action Agenda and to improve our chances of reaching our goal of a restored Sound, cities need clear points of contact at the Partnership and a more clearly-defined ongoing working relationship with the Partnership on the ground.

### **E.1. Build and use performance management systems to improve accountability for outcomes**

While we agree with the premise of these recommendations, as noted earlier, we are concerned with the reliance on salmon recovery as the primary determinant for accountability. There are too many other factors that influence or impact salmon populations, and there are other more reliable means to measure the relative health of the Puget Sound ecosystem.

#### **E.2.1 Focus funding on the Action Agenda**

This is at the essence of the Action Agenda and cities concur with the recommendation (E.2.1.1) to align funding with the Action Agenda priorities. Cities have identified infrastructure funding as the highest priority for the coming biennium. We believe the recommendations set forth here are consistent with those identified by cities for the upcoming legislative session. This is particularly critical for waste water and storm water improvements. We recognize this is a multi-biennial process and while near term objectives are focused on 2009-11, the 2011-13 and 2013-15 biennium funding will be critical to our success. Serious consideration should be given to establishing a stable and sufficient revenue source to address these critical issues – not the continued reliance at the state level on funding efforts one biennium-at-a-time.

The “Fee-in-Lieu” program and broader geographic look at resource management is essential for the success of these efforts. Coordination with federal, state and local entities is also critical for our success.

### **E.3 Improve the science**

Cities support the general direction of these recommendations. Further, we support ongoing scientific work, research and expansion of efforts beyond reliance on salmon recovery as the key indicator to Puget Sound health. We believe other species and other indicators need to be factored into the equation (see Near-term Actions 6, 7, 9 & 10)

### **E.4 Increase and sustain coordinated efforts for communications, outreach and education.**

We agree and support these recommendations.