

October 26, 2006

To: PUGET SOUND PARTNERSHIP

From: Puget Sound Environmental Caucus (members listed on page 7)

Thank you for the opportunity to comment on the Puget Sound Partnership's draft recommendations to the Governor on how we can work together to meet the 2020 goal for a clean and healthy Puget Sound. While this draft acknowledges more detail must be included in the final report, the draft recommendations are a good start that the environmental community endorses. We recognize the huge amount of work the Partnership has accomplished in a short period of time, and the importance of the November Partnership meeting as an opportunity to add further details that will set the stage for immediate, long-term, and sustained action.

What the Governor recommends in December, and what the legislature adopts in the 2007 session, will set the course for Puget Sound recovery—or not. The Partnership's final recommendations are the crucial first step in that process and must be bold. To that end, we recommend the following revisions and additions. First, we list 4 priority areas that must be improved your final recommendations to the Governor that are the key to success. Second, we lay out several specific modifications to policy areas in the draft 2020 action agenda. We close with a summary, beginning on page 5, of our vision of a 2020 action agenda that would truly produce a clean and healthy Sound by 2020.

## FOUR PRIORITIES

### Governance

1. The questions posed in the report on the **overarching issue of accountability** must be resolved in the final report in favor of a new regional entity with the money and the clout to get the job done and to sustain the effort over the long term. The new entity must be endowed by the legislature with the powers it will need to be effective and so that it is not viewed as just another advisory committee or consensus-building process. **It cannot be a non-profit entity** itself, but it should be empowered to establish a non-profit arm to help with private fund-raising and building private support for the effort. It must be able to hold state agencies, local governments **and** watershed and other local groups accountable. A nonprofit cannot perform that critical function. Unlike the effort in the 1980's, the legislature should make the Puget Sound recovery plan binding on state agencies and local government. We do not support the proposal for conflict resolution where an appointed Advisory Board would convene ad hoc groups to "create solutions and resolve conflict" (page 31), a model that is put forth several more times in the report (pages 23, 24, 26, 32, 33, 34), although not discussed by the Partnership. **The governance proposal should be revised to clarify that the Partnership recommends that "this biggest gap" in the management system for Puget Sound be addressed with a new structure, not an enhancement and empowerment of the existing fragmented and non-decisive one.**

The General Accountability Office (GAO) did *not* call for a "decision-making process" to set overall direction, as the report misstates on page 25. The GAO report to the Partnership clearly states that **"an entity needs to be established as the final decision-maker with the authority to set priorities and resolve conflicts."** This is a key distinction that is fundamental to the

effectiveness of any new system of accountability. Reliance on process, rather than an entity empowered to make decisions and assure they are carried out, would continue the status quo that is not working, namely fragmented and ineffective decision-making. The change needed is to make the responsibility for decision-making and conflict-resolution clear and effective.

**If this initiative is truly to scale-up the effort to save the Sound by 2020, we must fundamentally change the current system of decision-making from what everyone can agree to or wants to do, to one that identifies and implements a set of priorities for what needs to be done to save the Sound.** We will be working with the legislature to see that a new mission-driven agency is established in 2007, endowed with the following tools:

- Direction to set clear goals and benchmarks, with meaningful performance measures that will achieve a clean and healthy Sound by 2020;
- Direction to take bold action and make decisions based on best existing information and ensure these decisions are carried out;
- Control over the allocation of funds to state agencies and local government Puget Sound plan programs so that resources are efficiently dispersed to ecosystem priorities regardless of geography, including the ability to redirect funds from agencies not meeting the goals and performance measures;
- Establish Puget Sound restoration as a top priority for action, make the recovery plan binding, and report annually on progress;
- Require accountability for all current programs focused on improving the health of the Sound.

### Funding

2. **Sustainable funding** that will implement the effort over time is critical to successfully recovering the Sound to health by 2020, and the Partnership must address this in its November report. We note that the Partnership did not get to the funding issue during its October meeting, so most of what is in the draft report on this subject must be quite preliminary. That said, the draft report does a good job of articulating that, to be successful, Puget Sound recovery will require significant additional resources. Although the hard work of identifying potential new funding sources will not be complete until the final November report, the draft makes clear that it will take many billions of dollars over the next decades to get the job done.

However, the draft recommendations appear to endorse delaying the pursuit of such new funding until more public discussion has occurred. While we agree that public support will be key to securing new funding, we strongly urge the Partnership not to shy away from a bold stand in pushing for new funding sources for Puget Sound recovery. The final report should fully describe the need and propose potential new sources that will generate the resources needed for Puget Sound recovery over the long term. Whether the Governor and the legislature are ready to move forward in 2007 on new funding sources should not be undermined at the outset by a weak recommendation from the Partnership.

We understand that the current state budgetary surplus creates an immediate—and welcome—opportunity to increase Puget Sound protection efforts in the next biennium, but without a sustainable, long-term source of funding, increased efforts in one biennium will quickly become history. Puget Sound provides well over \$20 billion annually of benefits to the state and nation, and we must make the investments in cleanup and protection that will protect these benefits. It is the Partnership’s responsibility, having made forward-looking policy and action recommendations, to support funding their implementation over the long haul. The Partnership’s public opinion poll found that 76% agree “*we should do everything we can to protect the Sound, even if it requires us to spend more money through taxes or fees.*” It is entirely possible that the current momentum for legislative action will have dissipated rather than increased if funding issues are not fully addressed in 2007. In addition, securing federal funds will in large part be based on the state’s demonstration of a significant financial commitment to the effort. The **2007** legislature must address both funding needed during the next biennium and the funding sources necessary to sustain the effort over time. The history of this issue in the mid-1980’s is a good reminder that it is important to include all of the ingredients of success in the initial legislative push.

#### Enforcement of Existing Programs

3. Positive steps to cleanup the Sound have been overshadowed by further deterioration due to, primarily, **weak enforcement of regulatory programs**. Every meeting of the Partnership has included a discussion of this problem, and the final report must address it head-on. Improving the success rate of mitigation is important, but certainly should not be offered as a substitute for protection of existing habitat and achievement of water quality standards through adequate enforcement of laws. A clear proposal to fund enforcement and to hold agencies accountable for implementing existing laws and regulations need to come from the Partnership.

#### Stormwater

4. The final **report must significantly strengthen the tools for controlling stormwater, including** requiring universal low-to-zero impact development standards; linking land use programs to the achievement of water quality objectives by requiring permittees to undertake basin planning; retrofitting existing developed areas, including roads and highways; and strengthening and enforcing all stormwater permits for municipalities, industries, construction sites, and boatyards. We do support moving ahead with the Phase I and II permits, but Ecology has already determined that these permits are insufficient to meet water quality standards. Endorsing the permits as the centerpiece of the Partnership’s stormwater recommendations is to endorse what is already in the works--again, the status quo--rather than calling for what is needed to achieve the Governor’s goal of a healthy Sound by 2020.

### **MODIFICATIONS AND ADDITIONS TO POLICY PROPOSALS**

**A. Human Health and Puget Sound.** We strongly urge the Partnership to complete the essential work it began several months ago on the connection between a clean and healthy Puget Sound and human health. The policies that would save the Sound, especially the prevention of toxic chemical pollution, are critical also to protecting human health as well. “The Sound’s health is our health” is not just a slogan, and the final report must recognize that our health *depends* on a healthy Sound.

Just today, for example, the state Department of Health has issued fish consumption advisories for Puget Sound chinook, rockfish, and bottom fish, vividly demonstrating how human health is affected by the health of Puget Sound. The toxic chemicals getting into these fish are all around us, in the air we breathe and in the streams, beaches, wildlife and fish we so enjoy. The Partnership should make human health an integral and central part of its message to the public on why protecting and cleaning up the Sound is so important, as well as advance the policies that will support human *and* ecological health.

**B. Economic Value of Puget Sound.** Please include in a prominent place in your final report a summary of the work the Partnership has done on the huge economic value of Puget Sound to Washington State and the nation. Ecology estimates that the value is in the range of \$20 billion annually, without accounting for ecological services provided to us by the Sound! This information provides important context to the estimate the Partnership has put forward that it will cost at least \$12 billion to recover the Sound to health by 2020. This number will not seem so daunting to the public and to the Governor and the legislature if it is accompanied by the economic (and other) values we stand to lose if we don't act. The message should be that we cannot afford *not* to do what needs to be done to save the Sound.

**C. Empower local groups.** Marine Resource Committees and the success of the Northwest Straits Initiative have thus far gotten short shrift from the Partnership. While MRCs are not a good vehicle for regulatory efforts, they have proven very effective at engaging citizens in North Sound and Straits, gathering important scientific information, and carrying out significant restoration efforts in the seven-county area. Their efforts have been tied together by the Northwest Straits Commission, and have filled the void in the marine environment left by the watershed process. MRCs and the Northwest Straits Initiative deserve support and attention. In addition, an independent evaluation (chaired by Bill Ruckelshaus) of the Northwest Straits Initiative led to a strong recommendation to replicate its success. We request that the Partnership put a priority on replicating the Northwest Straits model in the five counties of the Central and South Sound.

**D. Aquatic Lands HCP.** The HCP should specific standards to adequately protect all Puget Sound fish and wildlife species and their habitats as well as habitat-forming processes that contribute to ecosystem processes, structures and functions. In addition to protecting federally listed species, it should prevent further decline of species on the Department of Fish and Wildlife's endangered, threatened and candidate species list. The HCP needs to address the impacts of DNR activities on the marine aquatic food web, such as forage fish, benthic and epibenthic communities, and species that the Puget Sound Action Team has used as indicators of Puget Sound health, such as marine birds, including western grebes, surf scoters, and rockfish, for which some populations are down 90 percent from historical levels. The HCP should also address the impacts of state aquatic land activities on wild shellfish stocks, such as geoducks, and Olympia oysters. The HCP should incorporate a detailed, adequately funded monitoring and adaptive management program to ensure that timely course corrections can be made if the HCP is not effective in protecting Puget Sound health.

**E. Scientific and economic advisory bodies are crucial.** We appreciate the Partnership's acknowledgment of the need for scientific support for the Leadership Council and Advisory Board, and we urge the Partnership to include in its final recommendations that a standing

Independent Science Advisory Group be formed to provide cohesion and comprehensive oversight of scientific support efforts. We believe that a body of independent scientists, who interact regularly with the Leadership Council and Advisory Board, understand the policy context in which the scientific issues arise, and develop a historical perspective as the process matures is essential for good scientific support. If specialized scientific expertise were needed, the IEAG could appoint ad hoc science groups to provide the needed information and oversee the analysis to ensure that it is on track.

**F. Protect Puget Sound Rivers and Streams.** The health of Puget Sound is directly connected to the health of the rivers that feed it. The Partnership's final recommendations should include specific measures to permanently protect Puget Sound's healthiest and most ecologically intact rivers, such as for example, the designation of outstanding resource waters under the Clean Water Act.

## **2020 ACTION AGENDA**

**Final 2020 ACTION Agenda – Creating a Vision.** The summary of our recommended program of action is included below. It reflects the agenda we have put forth to the Partnership in our letters of February 23, March 27, and April 24, where we described our vision of what a healthy Puget Sound would look like and spelled out specific targets and actions the Partnership could endorse that would put the Sound on the path to recovery. We strongly encourage you to review these letters as you prepare your final recommendations. The Partnership, for example, could make the 2020 goal real by calling for no net increase in pollution in Puget Sound beginning in 2010, a 75% reduction of pollution by 2020, and a 50% net gain of healthy nearshore habitat by 2020. Species recovery should also be reflected in benchmarks—downward trends in species to be reversed within five years, and sustainable populations to be re-established by 2020. We encourage you to incorporate the following actions in your final recommendations:

### ***1. Stormwater***

- Begin reduction of stormwater volume, using basin planning approach
- Phase I and Phase II permits – significantly strengthen the Stormwater Manual and permits, hold agencies and local governments accountable for effective and comprehensive implementation
- Low Impact Development standards – adopt throughout the Puget Sound basin, for both new development and redevelopment

### ***2. Toxics***

- Cap wastewater discharges of toxics in Puget Sound at existing levels, reduce by 75% by 2020
- Phase out mixing zones for persistent, bioaccumulative toxics in discharge permits by 2010
- Accelerate technical assistance to help industry and public wastewater treatment systems eliminate toxic loading, including establishment of a Technology Center
- Accelerate toxic site cleanups in Puget Sound, with all sites clean by 2020
- Pass legislation to phase out toxic flame retardants (PBDEs)

### ***3. Dead Zones and other human and animal waste pollution***

- Cap discharges of nutrients and pathogens at current levels, with a goal to achieve a 50% reduction by 2020
- Implement advanced water reclamation at all sewage treatment facilities; develop requirements and incentives to use reclaimed water (where available) for appropriate non-potable uses
- Set a goal of 2008 (maybe 2010?—should probably tie this to timing of the septic legislation?) for Hood Canal dead zone to be eliminated
- Accelerate nutrient/pathogen clean up plans for Puget Sound embayments
- Fund and accelerate farm conservation plans

#### **4. *Habitat Loss***

- Conserve habitat through:
  - smart growth that concentrates density and connects with transportation projects that take us away from reliance on single occupancy vehicles
  - support of truly protective and fully implemented critical areas ordinances and shoreline master programs
  - integration of storm- and waste -water into comprehensive plans and other relevant local ordinances
  - techniques and requirements for redevelopment projects to meet healthy habitat goals
- Individual projects that diminish shoreline habitat should not be permitted
- Fund estuary and shoreline restoration on an aggressive timetable, leading to a 50% increase in healthy estuarine and shoreline habitat by 2020; the 100 miles in 2-3 years is an excellent start
- Create basin-wide grant and loan program to help landowners protect and restore shoreline habitat
- Cap shoreline armoring at today's level and reduce it by 50% by 2020
- Conserve marine and estuarine habitat through expansion of Marine Protected Areas, with respect to Tribal obligations.
- Permanently protect the most ecologically-intact and biologically-important Puget Sound rivers through their designation as Outstanding Resource Waters.
- Re-establish functional floodplains by identifying areas of potential floodplain restoration in each basin along with specific actions (levee set-backs, rip-rap removal etc.) to reconnect the floodplain.
- Remove or replace fish-passage barriers across Puget Sound to reconnect 25-50% of high-quality salmonid spawning and rearing habitat for the most imperiled stocks, by 2020; ensure that State permitting does not hinder timely progress of Elwha River dam removals.
- Extract, collate, and prioritize all fish-passage barrier restoration measures from each watershed chapter of the Puget Sound Chinook Salmon Recovery Plan.

#### **5. *Spills***

- Establish a permanently-funded network of rescue tugs, and maintain escort tug requirements
- Limit tanker and ship operations in periods of severe weather
- Ban intentional ship discharges into Puget Sound
- Address other vessel pollution, commercial vessels, recreational boaters

**6. *Instream flows***

- Set instream flow rules for every Puget Sound river. With regard to the Partnership’s identified action of “complete setting of instream flows by 2009,” it should be made clear that this includes updating of flow rules that are outdated
- Eliminate or substantially restrict the use of exempt wells, which pose a major threat to river and stream flow, groundwater supplies, and existing water rights holders
- Meter all water users and require that the metering information be available to the public
- Identify geographic areas in each Puget Sound basin where improved stormwater infiltration could significantly improve flows in river and stream reaches with low flow problems
- Establish “water masters” in every Puget Sound watershed to prevent and end illegal diversions from groundwater and surface water

**7. *Public access to the shorelines***

It is also important that the Partnership support new opportunities to provide the public with increased access to the shorelines, which will help sustain public support for their protection.

Thank you again for your hard work to make best use of the extraordinary opportunity that the Governor’s Puget Sound Initiative, supported by the clear public momentum for action, gives us to save Puget Sound.

Sincerely,

Washington Environmental Council  
Puget Soundkeeper Alliance  
The Nature Conservancy  
Washington Toxics Coalition  
National Wildlife Federation  
Conservation Northwest  
American Rivers  
Seattle Aquarium Society  
EarthCorps  
Citizens for a Healthy Bay  
Washington Invasive Species Coalition  
Transportation Choices  
Washington Trout

Washington Conservation Voters  
People For Puget Sound  
The Trust for Public Land  
FutureWise  
Re-Sources  
Audubon Washington  
Sierra Club  
Hood Canal Coalition  
Surfrider Foundation  
The Mountaineers  
Seattle Audubon  
WA Conservation Voters Education Fund