

APPENDIX C

Legal Drivers for Salmon Conservation Planning in WRIA 8

DIRECT DRIVERS FOR SALMON CONSERVATION PLANNING IN WRIA 8

STATUTE AND DESCRIPTION	GOVERNMENTS/AGENCIES AND RESPONSIBILITIES	
<p>WRIA 8 INTERLOCAL AGREEMENT In 2000, local jurisdictions throughout the Lake Washington/Cedar/Sammamish watershed agreed to cost-share services to conduct WRIA-based salmon conservation planning. This shared interjurisdictional effort is focused on responding to Endangered Species Act needs.</p>	King and Snohomish counties 25 cities	<ul style="list-style-type: none"> Parties to the agreement are committed to jointly funding salmon conservation planning efforts. Participation is voluntary.
<p>FEDERAL ENDANGERED SPECIES ACT (ESA) Provides significant protection for species of insects, animals, and plants in the United States that are listed as needing protection. When a species is listed under the ESA, “critical habitat”, or habitat containing physical or biological features essential to the species’ conservation, is designated. Federal agencies are prohibited from authorizing (through permits, licenses, easements, or contracts), funding, or carrying out any action that will result in the destruction or adverse modification of critical habitat. In WRIA 8, chinook salmon and bull trout are both listed as “threatened” under the ESA.</p>	National Marine Fisheries Service (NMFS)	<ul style="list-style-type: none"> Responsible for listing and protecting marine species, including anadromous fish.
	U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> Responsible for listing and protecting freshwater and terrestrial species.
<p>WASHINGTON STATE SALMON RECOVERY ACT (RCW 77.85, also referred to as 2496 or 5595) Passed by the State Legislature in advance of the ESA listing of chinook salmon. Multi-stakeholder steering committees and the Salmon Recovery Funding Board were created as a result of this legislation.</p>	Governor’s Salmon Recovery Office Steering committees Business and environmental interests Water/sewer districts State agencies	<ul style="list-style-type: none"> The WRIA 8 Steering Committee is charged with recommending habitat project lists to the Salmon Recovery Funding Board (SRFB). Steering committees are responsible for submitting prioritized lists of habitat protection and restoration projects to the SRFB based on limiting factors analysis.
<p>TRIBAL AGREEMENTS AND RELATED CASE LAW Salmon and steelhead fisheries are managed cooperatively by the State of Washington and Indian tribes whose rights were established in treaties signed with the federal government in the 1850s. A 1974 federal court case (known as the Boldt decision) re-affirmed the tribes’ rights to harvest salmon and steelhead and established tribes as co-managers of Washington fisheries.</p>	State of Washington (primarily Washington Department of Fish and Wildlife) Federally recognized Indian tribes in Washington state	<ul style="list-style-type: none"> The state and the tribes are charged with overseeing management of harvest and hatcheries for the state’s fisheries. As such, they have been working with federal agencies to develop appropriate scientific tools to quantify harvestable salmon populations.

OTHER RELEVANT LAWS

STATUTE AND DESCRIPTION	GOVERNMENTS/AGENCIES AND RESPONSIBILITIES	
<p>STATE LAWS</p>		
<p>GROWTH MANAGEMENT ACT (GMA) The Washington State Legislature found that uncoordinated and unplanned growth threatened the environment and sustainable economic development. It therefore established a process for citizens, local government, and the private sector to cooperate in and coordinate comprehensive land use planning and zoning. The GMA establishes goals and policy direction on a wide range of issues, including environmental protection and shoreline management.</p>	<p>City and county governments</p>	<ul style="list-style-type: none"> • Directed to implement and develop mechanisms to meet the GMA’s goals. • Most counties have adopted development regulations that require permits for activities in or near critical areas, one of the designated land use areas. Critical areas include Fish and Wildlife Habitat Conservation Areas.
<p>SHORELINE MANAGEMENT ACT (SMA) Designed to manage and protect the shorelines of the state by regulating development in the shoreline area. A major goal of the act is “to prevent the inherent harm of an uncoordinated and piecemeal development of the state’s shorelines.” The SMA also states that shorelines should be managed to foster all reasonable and appropriate uses and to ensure uses are designed and conducted in a manner that minimizes damage to the ecology and environment.</p>	<p>Washington Department of Ecology</p>	<ul style="list-style-type: none"> • Serves in a support and review capacity to assist and ensure that local governments implement the Act via Shoreline Master Programs (SMPs). Ecology must approve SMPs.
	<p>Local governments</p>	<ul style="list-style-type: none"> • Must develop SMPs and administer shoreline permits.

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OTHER RELEVANT LAWS (continued)

STATUTE AND DESCRIPTION	GOVERNMENTS/AGENCIES AND RESPONSIBILITIES	
<p>STATE LAWS (continued)</p>		
<p>STATE ENVIRONMENTAL POLICY ACT (SEPA) Establishes a policy for state agencies to use all practicable means and measures to create and maintain conditions under which people and nature can exist in productive harmony. Requires that state agencies analyze the environmental impacts of proposed projects. This analysis is intended to coordinate with permit reviews, including those required for activities in nearshore and riparian habitats.</p> <p>Amendments made to SEPA regulations in November 1997 integrated SEPA requirements with those of the Growth Management Act.</p>	<p>All state, county, and city agencies</p>	<ul style="list-style-type: none"> • An environmental impact statement (EIS) is required for all non-exempt developments. Elements of the EIS include water, plants and animals, unique species, shoreline uses, and habitat. • Department of Ecology and local governments have programs for monitoring, compliance, and enforcement.
<p>WATER QUALITY PROTECTION ACT Established the Puget Sound Water Quality Action Team and a nine-member Puget Sound Council to take the lead on water quality protection efforts for Puget Sound.</p> <p>The Act directs state and local agencies to coordinate with each other in order to produce a biennial work plan that clearly delineates state and local actions necessary to protect and restore the biological health and diversity of Puget Sound.</p>	<p>Puget Sound Water Quality Action Team</p>	<ul style="list-style-type: none"> • Brings together federal, state, local and tribal representatives to lead and coordinate efforts to protect Puget Sound. • Responsible for developing a biennial Puget Sound Water Quality Work Plan that identifies actions necessary to correct regional water quality problems.
<p>AQUATIC LANDS ACT In 1982, the Washington State Legislature acknowledged that state-owned tidelands are a finite resource of great value. This Act states that aquatic lands are to be used to provide a balance of public benefits for all the state's citizens, including encouraging direct public use and access and ensuring environmental protection.</p>	<p>Washington Department of Natural Resources (WDNR)</p>	<ul style="list-style-type: none"> • Any activity that interferes with the public's use of state-owned tideland area requires WDNR authorization. • WDNR focuses management of tidelands on protecting areas of statewide significance, meaning areas with statewide implications and/or benefits. The primary means used by WDNR to identify significant tidelands is through the Shoreline Management Act.

OTHER RELEVANT LAWS (continued)

STATUTE AND DESCRIPTION	GOVERNMENTS/AGENCIES AND RESPONSIBILITIES	
STATE LAWS (continued)		
<p>WATER RESOURCES ACT (RCW 90.54) Outlines water resource policies and provides guidance to local governments in comprehensive water resource planning. The statute emphasizes cooperation and coordination among local governments, the state, and federally recognized Indian tribes. Local governments are directed to explore all possible measures for the protection of groundwater aquifers that are the sole source of drinking water within a jurisdiction. Policy guidelines in the statute are largely advisory.</p>	State and local governments	
<p>WATERSHED PLANNING ACT (RCW 90.82, also referred to as 2514) Enables counties, cities, and water utilities, in cooperation with Indian tribes with reservation lands in the management area, to form WRIA (water resource inventory area) planning units and to receive state assistance for watershed planning. Watershed planning performed under the authority of RCW 90.82 must address water quantity, which includes an estimate of water resources present, existing and claimed water rights, and underground resources. This statute restricts watershed planning from conflicting with existing state statutes, federal laws, or tribal treaty rights or from impairing existing water rights.</p>	State and local governments	
FEDERAL LAWS		
<p>CLEAN WATER ACT (CWA) The primary federal law that protects the nation’s waters, including coastal areas. Among its purposes is “the protection and propagation of fish, shellfish, and wildlife.” The two fundamental goals of the Clean Water Act are to:</p> <ul style="list-style-type: none"> • Eliminate the discharge of pollutants into the nation’s waters • Achieve water quality levels that are fishable and swimmable. 	Environmental Protection Agency (some authorities delegated to the Washington Department of Ecology)	Charged with implementing most of the CWA, including: <ul style="list-style-type: none"> • § 303 (water quality standards and TMDLs) • § 402 (NPDES permitting).
	U.S. Army Corps of Engineers	Charged with implementing: <ul style="list-style-type: none"> • § 404 (dredge and fill permitting).

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OTHER RELEVANT LAWS (continued)

STATUTE AND DESCRIPTION	GOVERNMENTS/AGENCIES AND RESPONSIBILITIES	
FEDERAL LAWS (continued)		
<p>ANADROMOUS FISH CONSERVATION ACT Authorizes the Secretary of the Interior to enter into cooperative agreements with the states and other non-federal interests for the conservation, development, and enhancement of the nation’s anadromous fishery resources that are subject to depletion from water resource developments and other causes.</p>	<p>National Marine Fisheries Service</p> <hr/> <p>U. S. Fish and Wildlife Service</p>	
<p>NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) Designed to “encourage productive and enjoyable harmony between man and his environment; promote efforts to prevent or eliminate damage to the environment and biosphere; and enrich the understanding of the ecological systems and natural resources important to the nation.”</p>	<p>All federal agencies</p> <hr/> <p>The White House Council on Environmental Quality was established as a result of this legislation; it is responsible for reviewing and appraising all federal agencies’ programs and activities and for determining whether the objectives of the policy are being achieved. It is also responsible for documenting and defining changes in the natural environment.</p>	
<p>COASTAL ZONE MANAGEMENT ACT Adopted to encourage and assist the states in developing and implementing management programs that preserve, protect, and, where possible, restore or enhance the resources of the nation’s coastal zone. This covers all marine shorelines, including Puget Sound (and shorelines along the Great Lakes). Requires that federal agencies or licensees carry out their activities to conform with each state’s coastal zone management program.</p>	<p>Department of Commerce</p>	<ul style="list-style-type: none"> • The Secretary of Commerce has the authority to make grants to any coastal state, including grants for up to 80 percent of the administrative cost of the programs

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