



Carnation

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King County

North Bend

Snoqualmie

Snoqualmie Tribe

# S N O Q U A L M I E W A T E R S H E D F O R U M

February 18, 2010

King County Department of Natural Resources and Parks  
Attn: Cathy Jimenez  
201 South Jackson Street, Suite 600  
Seattle, Washington 98104



## **RE: Large Wood Placement Draft Public Rule**

Dear Ms. Jimenez:

On behalf of the Snoqualmie Watershed Forum, we are writing to provide comments on the King County Department of Natural Resources and Parks' (DRNP) Large Wood Placement Draft Public Rule. The Snoqualmie Watershed Forum is a partnership between King County, the Snoqualmie Tribe, and the cities of Duvall, Carnation, North Bend and Snoqualmie. The Forum provides a mechanism for coordinating and implementing water resource and habitat projects in the Snoqualmie and South Fork Skykomish Watersheds.

On April 2, 2008, the Forum submitted a comment letter to King County Council regarding large wood placement (see attached). We would like to re-submit this letter as part of our comments on the draft public rule. In that letter we emphasized the ecological importance of large wood in rivers, recommended a river-recreation inventory in King County, and stressed the importance of river recreational safety education and outreach. The Forum appreciates steps taken by DNRP since 2008 to complete an initial river recreation inventory. We also commend DNRP's past work to implement large wood placement projects in a way that considers multiple interests including recreational safety. We believe the large wood protocols developed in the spring of 2008 went a long way in setting procedural standards. The Lower Tolt River Levee Setback Project along with multiple other habitat and flood related projects have since benefited from these protocols to address public safety concerns. Our Forum questions whether the additional public rule was necessary given the 2008 protocols were just put in place, and would like to request additional information on why the protocols were deemed inadequate.

The Forum acknowledges that the ordinance mandating the draft public rule was passed on June 30, 2009 and is not up for comment. We do wish to underline, however, that the short 2-week comment period that preceded the passage of this ordinance allowed little time to get the word out and solicit balanced input. We encourage King County to allow more time for communication and comment on future such policies, particularly when considering multi-objective issues.

On a more specific level, the Forum offers the following comments on the public rule itself and on the promotion of recreational safety.

- **The public rule must allow projects to achieve multiple benefits**  
Large wood placement is an important component of the adopted *Snohomish River Basin Salmon Conservation Plan* (2005) and the *King County Flood Hazard Management Plan* (2006). Both of these plans involved several years of collaborative multi-stakeholder planning that incorporated diverse community interests including recreation interests. The public rule should not undermine the efficacy and purposes of these plans, both of which were specifically designed to address multiple objectives in a collaborative way.
- **Increased project review process will result in increased project costs**  
We must remember that the vast majority of wood in King County's rivers occurs naturally and that rivers are inherently dangerous places to recreate. The cost of the public rule will make flood repair and habitat restoration projects more expensive, without providing a significantly higher level of river safety, when we consider the protocols that are already in place. We are concerned that these extra costs will translate into larger County requests under our KCD and SRFB grant programs, thereby decreasing our ability to implement recovery actions on the ground.
- **The public rule should include a mechanism to mitigate project changes**  
We agree with the provision in the Draft Public Rule that obligates the County to mitigate for those projects that are so modified by recreational concerns that their ecological functions are undermined. This mitigation may be substantial and will only add to the county's implementation cost. It is unclear how the county will fund such mitigation actions.
- **River education and outreach are paramount for recreational safety**  
As stated in the Forum's 2008 letter and as recommended by the Stakeholder Committee's Recommendations (October 2009), education of river users about river recreation dangers and appropriate user skills are paramount. In the Snoqualmie Valley, many residents participate in the "River Sense" program. This type of education should be spearheaded by both public and private entities interested in river safety. Though this recommendation will require funding, it is likely the most cost effective and most important action to improve recreational safety. Research of other recreational safety efforts will confirm this point. For example, information and education provided to backcountry skiers by the Northwest Avalanche Center is critical to mountain safety. In addition, the US Coast Guard website promotes boating safety courses due to the fact that "operator errors account for 70% of boating accidents"<sup>1</sup>. Similar to other types of outdoor recreational safety, river recreational safety should rely heavily on safety education due to the simple fact that natural hazards are omnipresent and undereducated users are most at risk.

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<sup>1</sup> <http://www.uscgboating.org/safety/default.aspx>

▪ **Require Personal Floatation Devices (PFD) for all river users**

As the Stakeholder Report states, the best way to reduce accidental river deaths on King County rivers is to require all river users to use PFDs. Spokane County already requires PFDs for all persons on flowing waters. The vast majority of the most-vulnerable river users (e.g., inner tubers) do not currently wear PFDs.

In the Snoqualmie Watershed, we truly appreciate the beauty of our wild rivers and the opportunities they provide to us. We care for the personal safety of our residents and visitors alike. But we also acknowledge that personal responsibility and the recognition of risk are important elements of river recreation as well. We have all worked too hard and invested too much in our salmon recovery and flood hazard reduction plans to compromise these important objectives. Through thoughtful consideration of the issue, we believe both goals can be achieved – bringing back our salmon and improving public safety.

Sincerely,



Charles Peterson  
Councilmember, City of Snoqualmie Chair,  
Snoqualmie Watershed Forum



Elizabeth Walker  
Councilmember, City of Duvall  
Vice-Chair

Cc: Snoqualmie Watershed Forum Members  
Bob Burns, Interim Director King County DNRP  
Mark Isaacson, Director King County WLRD



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# SNOQUALMIE WATERSHED FORUM

April 2, 2008

The Honorable Julia Patterson  
Chair  
Metropolitan King County Council  
516 Third Avenue, Room 1200  
Seattle, Washington 98104



RE: Placement of wood in rivers to restore natural processes

Dear Chair Patterson:

On behalf of the Snoqualmie Watershed Forum, we are writing to reaffirm our support for the placement of wood in rivers as a key component of our salmon recovery plan. The Snoqualmie Forum is a partnership between King County, the Snoqualmie Tribe, and the cities of Duvall, Carnation, North Bend and Snoqualmie. The Forum provides a mechanism for coordinating and implementing water resource and habitat projects in the Snoqualmie and South Fork Skykomish Watersheds.

Our member jurisdictions, including King County, were key participants in the development of the Snohomish River Basin Salmon Conservation Plan and are currently striving to meet its ten-year implementation goals. Scientific analysis in the plan showed that 70% of the Chinook bearing rivers in the Snohomish lack large wood and feature degraded riparian conditions. It is one reason Chinook salmon in our basin are thought to be at only 4% of historical levels. Thus, key recommendations include the retention of natural wood in our rivers and the construction of 16-25 new log jams by 2015 in the King County portion of Water Resource Inventory Area 7, which includes the Snoqualmie and South Fork Skykomish watersheds.

River recreation is a cherished thread in the fabric of the Snoqualmie watershed. The Snoqualmie, Tolt and Raging Rivers - as well as numerous smaller tributaries - support recreation year-round, including fishing, boating, swimming, wildlife viewing and other activities. At the same time, not all of our citizens and visitors are intimately aware of the inherent risks associated with those activities. The swift and often murky waters of our large rivers are naturally hazardous places. Log jams are integral parts of that environment, and support many of the activities that we enjoy.

The Snoqualmie Watershed Forum recognizes that under some circumstances, wood in rivers can add to the hazards encountered by river users. We do not support efforts to curtail restoration of natural processes solely to reduce these risks. However, where there are opportunities to implement restoration actions in a way that reduces risk without compromising ecological integrity, we support efforts to do so. In other words, if there are ecologically equivalent choices for the placement of a large wood jam, the relative risk to river users is a prudent and reasonable consideration in the site-selection process.

Julia Patterson

April 2, 2008

Page 2

The Snoqualmie Watershed Forum commends King County's past and current efforts working with the boating and other recreational communities to standardize its decision process for large wood placement. We encourage the County to create a process that considers public safety, but does not stall and unduly hinder our salmon recovery efforts.

As a next step, we suggest that King County work collaboratively with the recreation community to conduct a river-recreation inventory of all major rivers in King County. The purpose of the inventory would be to:

- identify the types of recreational activities (e.g., bank fishing, boating, rafting, swimming), access points, and their seasonal intensity at specific locations,
- characterize the age of recreation participants,
- assess the level of compliance with reasonable safety precautions, such as the use of Personal Flotation Devices, and
- identify the need and opportunities for public outreach and education related to river safety.

The goals of the inventory would be to develop a location-specific assessment of risk to recreational users that can be readily integrated into the site-selection process for restoration activities, and to provide baseline information for addressing outreach and education needs.

In the Snoqualmie Watershed, we truly appreciate the beauty of our wild rivers and the opportunities they provide to us. Of course we care for the personal safety of our residents and visitors alike, but personal responsibility and the recognition of risk are also a part of river recreation. We have all worked too hard and invested too much in our salmon recovery plans to compromise these important objectives. Through thoughtful consideration of the issue, we believe both goals can be achieved – bringing back our salmon and improving public safety.

Sincerely,



Charles Peterson  
Councilmember, City of Snoqualmie  
Chair, Snoqualmie Watershed Forum



Elizabeth Walker  
Councilmember, City of Duvall  
Vice-Chair

Cc: Members of the Snoqualmie Watershed Forum



January 28<sup>th</sup>, 2010

Department of Natural Resources & Parks  
Attn: Cathy Jimenez  
201 S. Jackson Street, Room 600  
Seattle, WA 98104-3855

Re: Public Review Draft – Procedures for Considering Recreational Safety When  
Placing Large Wood in King County Rivers.

Dear Ms. Jimenez,

I wish to submit formal review comments on the above referenced Draft Rule.

I actively participated as an invited member of the Large Wood Stakeholder's Committee -- and was charged with representing the interests of the WRIAs and their long-term aquatic habitat enhancement and salmon recovery interests. My comments (outlined below) should be read as representing the WRIAs' interests, rather than the interests of the City of Redmond, for whom I work part-time. I understand that the City will be submitting their comments on the Draft Rule in a separate letter.

### **Comments**

None of the river accident data presented and discussed during our committee meetings made a strong and convincing case for the need for the proposed King County rule. Further, the language of the proposed rule suggests that "safety" concerns should be on an equal footing with habitat restoration goals for large wood placement projects. This sets a very short-sighted precedent -- even more so when we remember that much of what King County proposes gets adopted by other regional jurisdictions. *This precedent has the potential to seriously undermine much of the progress that has been so painstakingly achieved with river enhancement over the past twenty years.*

Obviously, everyone favors safety concerns -- but river systems are naturally complex and inherently dangerous, and using them in any way involves very real risks of injury and drowning. The evidence available to the Committee clearly indicates that inadequate education of some river users, as well as inadequate concern/preparation for their personal safety, is a far greater problem than anything to do with LWM placement projects. River-use must be at an individual's personal risk and personal responsibility -- no local or regional jurisdiction can make rivers "safe" and any such efforts are doomed to failure.

In many circumstances, "hard engineering solutions" such as concrete and rip-rap may appear to work from a human perspective, but field data confirm that they come at a very high cost of environmental and ecological destruction. Placement of LWM typically offers a lower-cost solution to many river-related problems and at the same time provides an effective mechanism to restore rivers more closely to their naturally functioning condition. LWM provides an indispensable tool for the environmental and ecological recovery of our presently degraded river systems – and is anticipated to substantially enhance our progress towards long-term regional salmon recovery.

I suggest that King County's proposed rule does not adequately reflect the documented conclusions of the Large Wood Stakeholder Committee:

- It completely fails to address the highly significant educational and personal responsibility issues identified by the Committee.
- It fails to clearly establish the primary reason for using large wood in rivers – i.e., to enhance and restore natural river functions, water quality, and habitat – with the clear goal of conserving and recovering our endangered salmon resources.
- It overemphasizes "recreational safety" as a primary concern, rather than clearly indicating that it is a legitimate, but lesser concern that should be viewed as an "overlay" to other project design considerations.

I appreciate the opportunity to submit comments on behalf of the WRIAs on this proposed rule and would be happy to answer any additional questions that you might have. Many thanks.

Respectfully Submitted,

Keith Macdonald, Ph.D.  
Representing WRIA interests,

A handwritten signature in black ink, appearing to read "Keith Macdonald", written over a horizontal line.



**Pierce County Lead Entity  
(Puyallup & Chambers/Clover Watershed)**

February 18, 2010

Cathy Jimenez  
Department of Natural Resources and Parks  
201 South Jackson Street, Room 600  
Seattle, WA 98104-3855

RE: Proposed Public Rule for Large Wood Placement Projects

Dear Ms. Jimenez:

The Citizen Advisory Committee of WRIA 10/12 (Puyallup/White and Chambers/Clover watersheds) Lead Entity appreciates the opportunity to comment on King County's proposed public rule, "Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers."

Our watershed includes the White River, which flows from King County into Pierce County to its confluence with the Puyallup River. Should King County adopt its proposed rules, we believe they would significantly undermine salmonid restoration in that river and thus, we request King County exempt the White River from these rules. We also request King County to consider the effect the rules would have on impeding salmon recovery regionally, even if White River were exempted.

Many northwest salmon species are listed as threatened under the Endangered Species Act, and the Puget Sound Recovery Plan identifies the loss of critical habitat as a significant contributor to the demise of these fish populations. Salmon recovery dictates the reversal of habitat destruction and the return of natural functions. One of those natural functions is the recruitment and retention of wood within our river systems. In King County, the Mud Mountain Dam and Howard Hansen Dam have for decades starved their rivers of wood. To correct this impaired natural process, large woody debris recruitment should be facilitated through maintaining high tree density in the riparian zone to allow the natural recruitment of wood; and in areas of deforestation, wood should be artificially added to the rivers. As we pointed out in our previous letter to King County dated March 5, 2009, the lead entity salmon recovery strategy for the White River focuses on habitat restoration, and a central focus of that effort is the preservation and addition of large wood to the river.

While we believe that considerations of public safety when designing a restoration project are reasonable, we also believe that King County's proposed rules to respond to the issue of public safety are unreasonable. The proposed rules require King County to:

- Develop and periodically update a list of rivers commonly used for recreation,
- Develop an annual list or database of wood placement projects (with documentation of project need, presumed ecosystem functionality, potential impacts to recreational uses, etc.),
- Hold two annual public meetings to review the project list,
- Continue public input and notification at the 30%, 60%, and 100% design stage of each project,
- Conduct post-project monitoring of the risks to recreational safety,
- Continue ongoing coordination with the Sheriff or local jurisdictions to determine if the wood placement project poses a safety concern, and
- Conduct a program-wide evaluation of wood placement projects every three years by a third party expert.

The procedures created by the proposed rules create the need for a wood placement program to maintain databases, conduct outreach, coordinate with the Sheriff and local jurisdictions, and compile and evaluate monitoring data and documentation. The additional expense associated with such an onerous process will increase the costs of individual restoration projects, and will slow salmon recovery efforts.

In addition to undermining salmonid recovery, there appears to be no public safety basis for the rules. The King County Large Wood Stakeholder Committee reported the following on page 4 of their October 2009 final report and recommendations:

*"The Committee heard from the King County Sheriff's Office regarding the types and frequency of river accidents over the past several years. The Sheriff's office provided information on a substantial number of accidents, noting that no deaths or injuries could be specifically ascribed to large wood, and that there have been no known incidents in King County involving intentionally placed wood. However, natural wood has caused boats or other watercraft to flip, but other factors – such as inexperience, the lack of life jackets, poor judgment, use of alcohol and/or drugs appear to be the primary factors in most river accidents that lead to injury or death."*

Clearly, a primary cause of boater injury or deaths is not large wood from restoration projects. If the intent of this proposed rule is to protect the safety of recreational boaters, then a focus on the primary causes of boating accidents would be a more effective approach. The interests of the boating public would be better served by providing education and training on boating safety, especially on the importance of wearing personal flotation devices, by enforcing laws regarding public intoxication, and by closing hazardous sections of rivers to recreational boating. Unfortunately, the proposed rule will do nothing to address these primary causes of boating accidents, and will further hinder salmon recovery efforts in King County.

For these reasons, we request White River be exempted from the King County rules and that King County consider impacts the rules would have on impeding regional salmon recovery.

Respectfully,

A handwritten signature in black ink that reads "Keith Underwood". The signature is written in a cursive style with a large, prominent 'K' and 'U'.

Keith Underwood  
Chair, Citizens Advisory Committee, WRIA 10/12



## SNOHOMISH BASIN SALMON RECOVERY FORUM

16 February 2010

TO: Department of Natural Resources and Parks  
Attn: Cathy Jimenez  
201 South Jackson Street, Suite 600  
Seattle, WA 98104-3855

SUBJECT: Proposed Public Rule for Procedures for Considering Public Safety When Placing Large Wood in King County Rivers

Dear Ms. Jimenez:

Starting in 1999 with the listing of Puget Sound Chinook salmon, the Snohomish Basin Salmon Recovery Forum (Forum) has worked tirelessly for salmon recovery in our basin. The 39-member Forum is composed of tribes, local jurisdictions (including King County), citizens, farmers, environmentalists, recreational interests, and interested parties, working together to create a future for fish and people in the basin. In 2005, the Forum approved the *Snohomish River Basin Salmon Conservation Plan*, which is one of fourteen chapters in the federally approved *Puget Sound Salmon Recovery Plan*. The *Puget Sound Salmon Recovery Plan* is the first approved ESA recovery plan developed by anyone other than a federal agency. As a knowledgeable, committed team, the Forum's plan is recognized in Puget Sound and the State of Washington as one of the best plans in our area.

The *Snohomish River Basin Salmon Conservation Plan* successfully integrates public safety, land uses, such as agriculture, flood protection and other uses with ESA needs. Protecting public safety is critical to the success of the Plan. Actions completed through implementation will have multiple benefits to our communities, such as increasing public safety from flooding by providing flood storage, providing economic benefits to farmers by reducing losses of land due to erosion, as well as maintaining debris-free agricultural fields as a benefit of riparian work. While we appreciate the difficulties of local jurisdictions in balancing the varied public interests – such as needs of species recovery, economic development and public safety – during implementation of habitat protection and restoration efforts, we outline below four key concerns with the County's proposed public rule.

**The proposed rule is not based on a factual cause-effect linkage between the placement of wood and the documented risk to public health and safety**

Through informal analysis by King and Snohomish County staff, virtually no emergency responses in rivers were attributed to placed large wood. Specifically in Snohomish County, of the number of deaths on Snohomish County rivers, none of the recreational users was wearing a Personal Floatation Device (PFD). With this information, the clearest and highest impact King County could have on public safety in King County rivers would be to require the use of PFDs for all persons, similar to a law adopted by Spokane County (SCC 6.03.020). Snohomish County also requires a PFD and helmet on the Skykomish River above Gold Bar (SCC 10.32.030).

**Delays and increased costs due to increased project implementation procedures puts listed fish species at risk**

Adding more procedural process to permitting impacts project sponsors increasing costs of projects, decreasing their competitiveness for scarce grant funds, as well as jeopardizing their ability to complete the work within the grant contract timelines. Many grants cap the amount of funding that

can go into permitting and administration of projects' total cost, as well as provide funding for a year's time. King County's should revise this rule to ensure that project sponsors can meet their financial and temporal obligations for projects that are vital to salmon and Puget Sound recovery.

**Concern over King County's ability to meet recovery goals, negatively impacting other watershed restoration benefits**

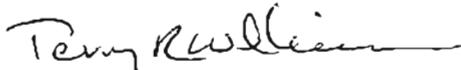
The procedures will make salmon habitat restoration in King County more difficult, which has raised the concern of the Salmon Recovery Funding Board over the certainty of implementation of fully ecologically effective restoration project in King County, an issue of great concern to the Forum with our restoration goals developed in the multi-stakeholder planning process. As stated in the proposed public rule, large woody debris placement is often required as mitigation for various impacts in river systems. The Forum is concerned that the proposed procedures will too narrowly restrict potential locations for both mitigation and restoration projects.

**No amount of procedure will grant immunity from liability or guarantee public safety**

Under current Washington law, counties have no immunity for the liability of placing large wood in river systems. The only remedy to this issue would be for the State Legislature to pass such a law. Hence, no amount of process or procedure on the part of King County will release the County from liability. We question whether such a proposed rule actually provides the public with a false sense of security in river systems that have inherent risks to public safety and health.

With the needs of recovery of salmonid populations that are as low as 4% of their historic numbers, we question the benefit to the community and the fish of the added procedure and time it would take to fulfill all the requirements as laid out in the proposed rule. The Forum appreciates King County's strong partnership in the Snohomish Basin salmon recovery effort, an effort which has become a model for restoration of listed salmonids in the State of Washington and beyond. While we appreciate the many difficulties in implementing the recommendations outlined in the County's salmon recovery plans, we ask King County to reconsider the above aspects of its proposed rule for the benefit of fish and other interests in our rivers.

Sincerely,



Terry R. Williams

Chair, Snohomish Basin Salmon Recovery Forum

CC: Snohomish Basin Salmon Recovery Forum members  
Mel Sheldon, Chair of Board of Directors, Tulalip Tribes  
Billy Frank, Jr., Chairman, Northwest Indian Fisheries Commission  
Barry Thom, Northwest Regional Office, National Marine Fisheries Service  
Phil Anderson, Director, WA Department of Fish and Wildlife  
David Dicks, Director, Puget Sound Partnership

King County Department of Natural Resources and Parks  
ATTN: Cathy Jimenez  
201 South Jackson Street, Room 600  
Seattle, WA 98104-3855

February 19, 2010

Dear Ms. Cathy Jimenez:

I am writing in regard to the proposed King County public rule titled "Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers." The Puget Sound Salmon Recovery Council is charged with overseeing implementation of the federally approved Puget Sound Salmon Recovery Plan. King County, in partnership with a wide variety of stakeholders, developed that plan in 2007. As Chair of the Puget Sound Salmon Recovery Council, I am concerned that this proposed public rule will significantly slow or impede restoration projects critical to recovering Chinook salmon and implementing the Puget Sound Salmon Recovery Plan.

Implementing the Puget Sound Salmon Recovery Plan is the responsibility of all stakeholders who participated in its development, including King County. Annually, each multi-stakeholder watershed group in Puget Sound develops a three-year work plan to guide implementation. Most watersheds' plans include multiple projects involving the placement of wood in rivers. In several rivers, like the Snoqualmie, Cedar and Green rivers in King County, placing wood in the river is the dominant restoration strategy to recover salmon populations. Strategically placing wood in rivers restores the channel complexity and provides refuge and spawning habitat for juvenile and adult salmon, respectively. Placing large wood in rivers also helps prevent erosion and improves flood protection by slowing water velocity and redirecting water flows. Without this type of restoration, rivers lose their ability to effectively support healthy salmon runs and handle flood events.

The process for developing salmon habitat and river restoration projects is robust, strategic, and effective, involving participation and collaborative decision-making by many different stakeholder groups. I agree it is important to consider public safety in developing restoration projects. However, this proposed public rule could introduce additional barriers to implementation of critical projects and affect project designs in ways that make them less effective, thereby making it harder to implement the federally approved Puget Sound Salmon Recovery Plan.

Thank you for the opportunity to comment. Please contact me at [stharinger@co.clallam.wa.us](mailto:stharinger@co.clallam.wa.us) or at 360-417-2233 if you have questions.

Sincerely,



Steve Tharinger

Chair, Puget Sound Salmon Recovery Council  
Clallam County Commissioner



Feb. 12, 2010

- Beaux Arts Village
- Bellevue
- Bothell
- Clyde Hill
- Edmonds
- Hunts Point
- Issaquah
- Kenmore
- Kent
- King County
- Kirkland
- Lake Forest Park
- Maple Valley
- Medina
- Mercer Island
- Mill Creek
- Mountlake Terrace
- Mukilteo
- Newcastle
- Redmond
- Renton
- Sammamish
- Seattle
- Shoreline
- Snohomish County
- Woodinville
- Yarrow Point

- The Boeing Company
- Cedar River Council
- Greater Maple Valley Area Council
- Greater Seattle Chamber of Commerce
- Mid-Sound Fisheries Enhancement Group
- Northwest Marine Trade Association
- Save Lake Sammamish
- Sustainable Fisheries Foundation
- Trout Unlimited

- US Army Corps of Engineers
- Washington Departments:
  - Ecology
  - Fish and Wildlife
  - Natural Resources
- Washington Association of Sewer and Water Districts
- King Conservation District

Department of Natural Resources and Parks  
 ATTN: Cathy Jimenez  
 201 South Jackson Street, Room 600  
 Seattle, WA 98104-3855

RE: King County's Proposed Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers

Dear Cathy,

I'm writing on behalf of the WRIA 8 Salmon Recovery Council (SRC) regarding King County's proposed procedures for considering public safety in the placement of large wood for projects designed and constructed by the King County Department of Natural Resources and Parks (DNRP).

In the last decade, over \$90 million in federal, state and local funding has been invested in salmon habitat projects in the Lake Washington/Cedar/Sammamish (WRIA 8) watershed. The WRIA 8 Chinook Conservation Plan (2005) calls for the addition of large wood in rivers and creeks throughout the WRIA 8 watershed. Large wood in rivers creates pools, provides refuge for juvenile and adult fish, provides food sources and habitat for aquatic insects (which fish eat), and helps to stabilize shorelines and reduce excessive erosion. Many of the most important habitat restoration projects in the WRIA 8 Plan include the placement of large wood, are located in unincorporated King County, and are likely to be constructed by King County DNRP.

We understand that there is public concern about the potential hazards posed to recreational river users by the presence of large wood in rivers. It is appropriate to create a clear, transparent process for how safety will be considered during the design of habitat projects that include wood placement. The WRIA 8 Salmon Recovery Council wrote a letter to King County Council in April of 2008 in support of creating such a process.

However, we ask the King County Council and King County DNRP to be careful of unintended consequences as you consider this draft procedure. It is already difficult to secure funding and permits for the salmon habitat restoration projects that are essential for the recovery of ESA-listed Chinook salmon, bull trout and steelhead in King County's rivers and

streams. We urge you to ensure that the final procedures do not become so onerous, time consuming or restrictive that they negate critical salmon habitat benefits of the projects.

The draft procedures call for monitoring and adaptively managing the outcomes of projects with placed wood and for third party review of the projects every three years. As written, the required monitoring seems to apply mostly to how safe the project is over time from the perspective of recreational river users. We strongly recommend that the monitoring should measure how well the projects meet their overall objectives, including their effectiveness as salmon habitat restoration projects.

The Large Wood Stakeholder Advisory Committee presented thoughtful recommendations for ways to increase awareness and reduce the risk of river dangers in King County waterways through actively educating river users. We ask that the recommendations in their report be given careful consideration. Because the amount of wood placed by King County DNRP is relatively small compared to the volume of wood naturally found in rivers, implementing the Advisory Committee recommendations would likely do more to alleviate hazards to recreational river users than King County's proposed procedures. For example, the Stakeholder Report recommends requiring King County river users to wear personal floatation devices on flowing waters. This requirement is already in place in Spokane County.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Davidson", written in a cursive style.

Don Davidson, DDS  
Chair, WRIA 8 Salmon Recovery Council  
Mayor, City of Bellevue

cc: Dow Constantine, King County Executive  
Bob Burns, Interim Director King County DNRP  
Mark Isaacson, Division Director King County WLRD  
King County Councilmembers

# WATER RESOURCE INVENTORY AREA 9 (WRIA 9) WATERSHED ECOSYSTEM FORUM



Algona  
Auburn  
Black Diamond  
Burien  
Covington  
Des Moines  
Enumclaw  
Federal Way  
Kent  
King County  
Maple Valley  
Normandy Park  
Renton  
SeaTac  
Seattle  
Tukwila

King Conservation District  
Vashon/Maury Island  
Community Council  
Covington Water District  
Port of Seattle  
Tacoma Public Utilities  
Washington Department  
of Ecology  
Washington Department  
of Fish and Wildlife  
Washington Department  
of Natural Resources  
U.S. Army Corps of Engineers

Washington  
Environmental Council  
Green/Duwamish  
Watershed Alliance  
Trout Unlimited/Mid-Sound  
Fisheries Enhancement Group  
Save Habitat and Diversity of  
Wetlands (SHADOW)

The Boeing Company  
Master Builders Association  
King County Agricultural  
Commission

February 19, 2010

Cathy Jimenez  
King County Department of Natural Resources and Parks  
201 South Jackson Street, Suite 600  
Seattle, WA 98104-3855



## **RE: Proposed Public Rule "Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers"**

Dear Ms. Jimenez:

On behalf of the WRIA 9 Watershed Ecosystem Forum, a partnership of 17 local governments including King County, we are writing to express our great concern regarding the proposed public rule on wood placement. Scientific literature supports our contention that the proposed rule would present a new, significant obstacle to implementing the WRIA 9 Salmon Habitat Plan and ultimately in recovering Puget Sound Chinook salmon and steelhead populations.

This proposed rule creates an onerous, unnecessary, and unbalanced review process for placement of wood in rivers. As the Watershed Forum wrote to the King County Council on February 27, 2008 (letter attached), wood in the Green River is paramount to achieving all other recovery objectives of the Salmon Habitat Plan. Puget Sound rivers cannot be healthy without large wood. We remain concerned about any additional citizen and design review procedures that impede successful implementation of the Plan and our goal of "Making Our Watershed Fit for a King [Salmon]."

Together with our comments below, we are submitting the Forum's 2008 letter addressing King County Council Motion 2007-0622 as official comment on the proposed public rule.

The first concern is about the process that led to the proposed public rule. Subsequent to our February 2008 comments to the King County Council, the County Council approved Motion 2007-0622 directing the development of protocols for wood placement in rivers. In March 2008, pursuant to the motion, King County issued a report containing protocols for large wood placement in rivers. A Large Wood Management Stakeholder Committee was convened by the County in June 2009 to review the protocols. Yet, on June 29, 2009, only 12 days after the Stakeholder Committee met for the first time on June 17, the County Council adopted Ordinance 16581 requiring the development of the proposed public rule that is the subject of public comment solicitation. Essentially, the County Council did not give the protocols an opportunity to be tested and work.

*Financial support provided by signers of Watershed Planning Interlocal Agreement for WRIA 9 including:  
Algona, Auburn, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Federal Way, Kent, King County, Maple Valley,  
Normandy Park, Renton, SeaTac, Seattle, Tacoma, Tukwila*

We urge the County, *before acting on the proposed public rule*, to first look to and honor the recommendations of the Large Wood Management Stakeholder Committee as presented in its October 2009 Final Report and Recommendations. We believe that the protocols issued in 2008 by the County, together with the recommendations of the Stakeholder Committee, sufficiently and appropriately address public safety concerns and balance the concerns with the objectives of placing wood in the Green River. The protocols are also much better able to accommodate changes to respond to emerging information than is a public rule that is very rigid and difficult to modify.

The Forum believes that the proposed public rule goes too far in placing extraordinarily burdensome review procedures that are not supported by the information presented to the Stakeholder Committee, including by the King County Sheriff. The Stakeholder Committee Report states:

“The Committee heard from the King County Sheriff’s Office regarding the types and frequency of river accidents over the past several years. The Sheriff’s office provided information on a substantial number of accidents, noting that no deaths or injuries could be specifically ascribed to large wood, and that there have been no known incidents in King County involving intentionally placed wood. However, natural wood has caused boats or other watercraft to flip, but other factors—such as inexperience, the lack of life jackets, poor judgment, use of alcohol and/or drugs appear to be the primary factors in most river accidents that lead to injury or death.” (Large Wood Stakeholder Committee, October 2009, page 4 of 7).

In addition to trying to solve a non-existent problem, we contend the proposed rule could actually increase risk by creating the impression that the County is “making the river safe” or eliminating risk.

Lastly, the overemphasis on undocumented public safety concerns unnecessarily threatens the ecological restoration objectives of large wood projects. The threats of the public rule to ecological objectives are real and cumulative:

- increased project costs due to ☹
- increased time to move a project from paper to the ground leading to ☹
- decreased certainty of project success contributing to ☹
- decreased dollars from all funding sources which could ☹
- stop salmon restoration project implementation.

It is not a stretch to assert that the proposed rule could cripple the ability of King County and its local government partners to implement critically important salmon recovery projects in the Green River and, therefore, inhibit and diminish all the collaborative efforts of many organizations and the public to halt salmon decline in Puget Sound.

The County can avoid this poor outcome by rescinding the ordinance requiring the public rule and, instead, use the March 2008 protocols as informed by the Stakeholder Committee. In so doing, King County would honor its commitment to salmon recovery in the Green River by implementing the scientifically-sound WRIA 9 Salmon Habitat Plan, a plan the county built and funded together with its 16 local government partners and over many thousands of hours working with the broad spectrum of interests across the Green/Duwamish and Central Puget Sound Watershed. Although we do not speak for other watershed stakeholder committees of Puget Sound, the consequences of County policy are likely to be similar in other watersheds given the similarity of ecosystem processes.

We do encourage King County to invest in river safety education and outreach (recommendation #1 of the Large Wood Stakeholder Committee), including the recommendations for educating recreational users regarding river dangers on King County waterways. Rather than open the door to general public review of engineering plans, however, we urge the County to have plans reviewed by qualified technical experts to improve safety consideration in habitat project design. We strongly urge the County to consider codes that clarify the liability of persons who participate in hazardous recreational activity versus codes, like Ordinance 16581, which put the liability of making dangerous personal choices on King County government and its employees.

Thank you for the opportunity to comment on the proposed public rule. If you have any questions, please contact Doug Osterman, WRIA 9 Watershed Coordinator, at 206-296-8069 or [doug.osterman@kingcounty.gov](mailto:doug.osterman@kingcounty.gov).

Sincerely,



Bill Peloza  
Councilmember, City of Auburn  
Co-Chair, WRIA 9 Watershed Ecosystem Forum

cc: Members of the WRIA 9 Watershed Ecosystem Forum  
Puget Sound Partnership  
Members of the King County Council

Attachment