

February 19, 2010

Cathy Jimenez
King County Department of Natural Resources and Parks
201 S. Jackson Street, Room 600
Seattle, WA 98104-3855
Cathy.Jimenez@kingcounty.gov

RE: Comments on Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers in response to Ordinance 16581

Dear Ms Jimenez:

American Rivers appreciates the opportunity to comment on the Draft Public Rule and Draft Department Procedures developed in response to King County Ordinance 16581, adopted by the Council on June 29, 2009. We appreciate all the work King County has invested in this important issue.

As you know, state and local governments are committed to recovering salmon species listed under the Endangered Species Act (ESA). Many areas in King County are heavily developed and rivers and streams in the area have been significantly altered over time. These changes include logging and land use development that reduce the amount of trees and wood debris in rivers, which results in degraded habitat for federally protected salmon and steelhead stocks. We support policies to mitigate for the loss of natural sources of large woody debris.

We also recognize the importance of ensuring that local rivers are safe places to recreate by fishing, swimming, and boating. As such, we support the draft rule, which largely strikes the right balance between preserving public safety, facilitating recovery of listed fish species, protecting the County's economy, and maintaining the high quality of life that our environment provides.

Thank you for the opportunity to comment. We welcome the opportunity to help refine the rule and answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Garrity". The signature is stylized and includes a long horizontal stroke at the end.

Michael Garrity
Washington Conservation Director
American Rivers

February 19, 2010

ATTN: Cathy Jimenez
King County Department of Natural Resources and Parks
201 S. Jackson Street, Room 600
Seattle, WA 98104-3855
Cathy.Jimenez@kingcounty.gov

RE: Comments on Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers in response to Ordinance 16581

Dear Ms Jimenez:

Thank you for the opportunity to comment on the Draft Public Rule and Draft Department Procedures developed in response to King County Ordinance 16581, adopted by the Council on June 29, 2009. We appreciate all the work you and your staff have invested in this rulemaking and offer specific comments below.

Interest of American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 6,500 members and 100 local-based affiliate clubs, representing approximately 80,000 whitewater paddlers across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. As a conservation-oriented paddling organization, American Whitewater has an interest in rivers throughout King County which include some of the nation's highest profile whitewater resources. One of our founding clubs was the Washington Kayak Club based in King County and today a significant percentage of American Whitewater members reside in King County. Our members include weekend paddlers who enjoy the outdoor recreational opportunities our rivers provide as well as the nation's top expert paddlers and members of the U.S National Team who live and train here.

American Whitewater has been actively involved in education and policy discussions regarding the role of large wood in rivers including both naturally recruited wood and engineered structures. Large wood is a recognized hazard for boaters on rivers and has played a role in a number of fatal accidents on rivers across the country.¹ Standard materials used in whitewater instruction discuss large wood including techniques for self-

¹ American Whitewater has maintained a comprehensive database of whitewater accidents for the past several decades < <http://www.americanwhitewater.org/content/Safety/view/>>. In accidents this past year in Washington State fatalities on the Nisqually and Little White Salmon were at least in part wood related.

rescue, avoidance, and victim rescue.² Wood is however a natural element of river systems and while many wilderness runs enjoyed by our membership still maintain their natural supply and recruitment of wood, a number of rivers in King County have been extensively modified through wood removal and past harvest within riparian zones. We have worked on extensive outreach to the boating community and river managers through national publications and presentations at conferences such as the River Management Society Symposium. Our primary message has been that if we as boaters cherish and respect these rivers then we have an ethical obligation to consider and lessen our impacts on them. When we are looking at strainers with pragmatism and disdain we should weigh the advantages that that log provides the stream with our own situation. In short, the stream's health should be considered before our whimsical urge to spend a few seconds paddling a few feet of river.

We appreciate the efforts of King County to take up this issue and consider public safety as a critical consideration in the development of engineered wood projects. We have participated in discussions with county staff over the past several years, have testified before the King County Council, and were members of the Large Wood Stakeholder Committee convened by King County Department of Natural Resources and Parks. The issues associated with large wood placement projects are not easy and we appreciate the fact that the County has taken up this issue and in so doing is demonstrating regional leadership.

Comments on the Draft Department Procedures

Page 3, Line 12-15

We fully support the statement that the decision to recreate in rivers is ultimately the responsibility of each individual and agree that public education and outreach is the most important strategy for reducing risks for recreational river users. As the organization that publishes and distributes the whitewater safety code, best known as the document that describes the class I through class V rating scale, we are committed as partners in this effort and note that the first section in our code covers personal preparedness and responsibility.

Page 3, Line 19-21

The procedures focus on recreational safety on rivers “commonly used for recreation”. Ordinance 165812 clearly states that the rules “shall apply over all rivers within the jurisdiction of the department of natural resources and parks” and in the broader context of “public safety.” We do agree that different rivers have different levels of recreational use and some rivers not extensively used for recreation may require a less extensive review step, but at a minimum a preliminary analysis should be completed for every project. In work we do in hydro relicensing to evaluate recreational opportunities we use

² Walbridge, C. and W.A. Sundmacher. 1995. Whitewater Rescue Manual. Ragged Mountain Press.

a staged approach with Level 1, Level 2, and Level 3 analysis. In level 1 we evaluate basic recreational interest in a reach and we only go to Level 3 if there is a strong interest by recreational users. A similar approach here could meet the need of having a more extensive safety review on high-use rivers while still meeting the requirement to consider all rivers (i.e. every project on every river may not require the same level or extent of safety review).

Page 3, Line 21-34

In defining large wood placement, it should apply to all rivers. Wood placement in a river not commonly used for recreation would still constitute wood placement.

Page 4, Line 21-28

The database should include all projects with a field for recreational usage. The value for recreation could be “no documented usage” but this should be explicitly identified in the database to provide greater transparency for how decisions are made.

Page 5, Line 23-25

The sequence should be reversed. Instead of determining if a river is commonly used for recreation and then determining type and level of use, the type and level of use should be first identified to inform whether the river is commonly used for recreation.

Page 5, Line 35-39

In defining the recreational season it is important to note that whitewater recreation does not follow the typical recreation season as typically defined by park managers. Because many rivers in King County are rain-dominated systems, the months of October to April can be extremely popular for whitewater recreation—a time of year when other recreational activities such as hiking, biking, or camping may see reduced participation. River recreation occurs throughout the year in King County.

Page 6, Line 4-7

In addition to skills listed, public safety should be included. While we applaud the efforts of the County to find ways to integrate knowledgeable members of the public in the design process, this should be matched with appropriate staff expertise.

Page 6, Line 18-19

In the design phase the project manager should also identify the specific response to situations where a project fails. We note that there have been recent advances in project design that have depended less on cables and applied techniques of natural ballast. A primary safety issue we have observed is associated with failure of structures that involve cables. These can be extremely dangerous and difficult to see and there are examples of

failed projects in the region where cables, and not the wood, are the most significant hazard.

Page 7, Line 3-5

We are strongly opposed by any policy directive to close rivers to recreational boating for purposes of protecting public safety. We believe the appropriate approach is public education and outreach including public advisory notices.

In the past the King County Sheriff has cited KCC 12.44.200 as providing authority for river closures.³ The ability to close waterways specifically applies to “vessels”, any contrivance one hundred ten feet or more in length, and "watercraft" which is twelve feet or greater but less than one hundred ten feet in length or equipped with motor propulsion machinery of more than five horsepower. Many of the boats specialized for whitewater recreation do not fall within these definitions.

In jurisdictions where local river closures have been adjudicated, they have generally not been upheld. Washington generally uses the federal test of navigability to determine all navigable waters within the state because the state owns the beds of all navigable rivers.⁴ Navigable waters include only such waters capable of navigation for general commercial purposes,⁵ but that includes floating shingle bolts down the river,⁶ a standard that generally encompasses rivers used for whitewater recreation. We are firmly committed to preserving the public right to float rivers that represent navigable waterways.

Perhaps most importantly however, most jurisdictions avoid policies that involve determinations of whether a river is safe or not and the associated responsibility that comes with making these decisions. As stated earlier in the document the decision to recreate on rivers is ultimately the responsibility of each individual. What is safe for one individual may not be for another. We feel it is inappropriate for a jurisdiction to start making decisions on what is safe and what is not safe and the associated liability that comes with making those determinations. We reiterate the conclusion found earlier in the document that public outreach and education is the most important strategy for reducing risks.

Page 9, Line 33-35

For reasons described above we are strongly opposed to signing rivers as “unsafe for recreational use”. Some of the steep creeks in King County represent some of the most

³ Email correspondence from Sgt. John Urquhart to Thomas O’Keefe, May 29, 2008.

⁴ *Kemp v. Putnam*, 288 P.2d 837, 839 (Wash. 1955), overruled on other grounds by *Save a Valuable Environment v. City of Bothell*, 576 P. 2d 401 (Wash. 1978). See also Wash. Const. Art. XVII, § 1. The federal title test is the test that determines which beds to which states retained title at statehood.

⁵ *Kemp*, 288 P.2d at 839.

⁶ *Monroe Mill Co. v. Menzel*, 77 P. 813, 815 (Wash. 1904). A shingle bolt is a bundle of wooden shingles.

challenging rivers in the country and for all but a small population of individuals these may be “unsafe” for recreation. However this decision should rest with the individual and we are strongly opposed to efforts by the County to start making these determinations. We instead fully support efforts to sign rivers in a manner that clearly identify hazards and even recommends against recreational use in certain situations.

Page 10, Line 4-6

For reasons described above we are strongly opposed to using river closures as a management tool. We fully support posting of warning signs and other education efforts.

Comments on Draft Public Rule

2.1

To be consistent with Ordinance 16581, public safety needs to be taken into account in all rivers. The degree to which safety measures may be considered could vary in consideration of the amount of use a river receives, but it needs to be evaluated in all situations.

5.3

The terms “readily accessible” and “high use” are overly vague.

Conclusion

Thank you for the opportunity to provide comment on this rule. We are committed to working together with other stakeholders and County staff on the implementation of this rule. We strongly believe that fish restoration objectives can and should be met, but doing so in a manner that evaluates public safety is important. We greatly appreciate the leadership of King County in taking up this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. O'Keefe', with a stylized flourish at the end.

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

Jimenez, Cathy

From: MarthaLParker@aol.com
Sent: Sunday, January 31, 2010 11:08 PM
To: Jimenez, Cathy
Cc: LaBrache, Lisa; Kinno, Erika; Spohr, David
Subject: River Safety Council comment on proposed Public Rule

Hello, Cathy,

The River Safety Council chair, Judy Fillips, is out of town, so it was suggested I use the attached open letter as comment on the proposed woody debris public rule.

I note that the web site, listed in the last paragraph is obsolete.
Instead, the correct web site is <http://sites.google.com/site/riversafetycouncil2/>

Thanks, Martha Parker, member, River Safety Council

River Safety Council

January 21, 2009

OPEN LETTER REGARDING CONSTRUCTION IN WASHINGTON RIVERS

The many fine rivers and streams in Washington State are heavily used for recreation. The State actively promotes this use. But dangerous construction in many rivers threatens the safety of river users – fishermen, swimmers, boaters and juveniles on inner tubes, the most vulnerable of all.

Construction for fish habitat restoration can and should be done so as not to endanger the public.

Without providing specific comments on any project, the River Safety Council advises that it considers any project with the following attributes dangerous to river users:

Hazardous types of construction

Use of LWD that includes the following features:

- Structures that have openings large enough to entrap hands or feet
- Rootwads and brush in places that the current allows them to function as a sieve or strainer, or close enough to the main current that they snare people and objects
- Wood set adrift by unsecured dumping. It should be placed and anchored where it is desired so it doesn't endanger river users, levees and other construction.

Hazardous locations

Placement of rough, sharp or porous LWD or other construction material should be specifically excluded from:

- Outside of bends where the river current may push users into structures
- Projects in or immediately adjacent to the main current of straight stretches, or other locations in the current where river users may be swept into the project
- In restricted channels
- In canyons or other areas where egress is difficult or impossible
- Overhanging a stream at a level that would pose a threat to river users swept under it
- Projects that impact a significant portion of the river channel
- Sequential projects where the combined effect exceeds the individual risk

We believe it is not only possible, but relatively straightforward to build projects in rivers that protect banks, provide wood for fish habitat, and ensure public safety. This may entail using rock for the structure and wood for the fish enhancement in another, safer location.

In many or most cases, fish mitigation in rivers can be placed directly across the river from the structures that are being built to prevent or repair damage to levees on the outside bend of a river.

Safer locations for LWD placement:

- The inside of river bends where the current is slow
- In eddies and slack water where the current is slow
- Behind large obstacles that deflect the current
- In shallow side channels

Safer techniques:

- Shield LWD with deflector rock or smooth wood in front of entangling wood.
- Pull the ends of the rootwads and LWD significantly closer to the bank behind the deflector so tendrils don't snare anyone or anything in the current
- Shiplapped or shingle-lapped wood structures
- Deflector rocks or wood high enough to break the surface of the water to prevent inadvertent public exposure to the project

What rivers and streams have recreational use? – Virtually all!

Safe construction techniques should be used on any stream or creek with an appreciable current flow without regard to known use by river users. The extent of river usage can never be fully known. However, often inexperienced youth on inner tubes and other minimal floatation devices are frequent users of our streams throughout the state.

Monitor regularly and modify existing projects as necessary

Projects change over time with high water events, and often become more dangerous. Periodic monitoring should be part of any project.

Please see our web site, www.RiverSafetyCouncil.org, for other information and examples of dangerous projects.

Judith Fillips, Chair
River Safety Council
3405 S.E. 7th Street
Renton WA 98058

River Safety Council

www.riversafetycouncil.org

February 17, 2010

King County
Department of Natural Resources & Parks
ATTN: Cathy Jimenez Cathy.Jimenez@kingcounty.gov
201 S. Jackson Street, Room 600
Seattle, WA 98104-3855

Cc: Janne Kaje janne.kaje@kingcounty.gov 206-205-8309

Re: Comments on proposed rules "PROCEDURES FOR CONSIDERING RECREATIONAL SAFETY WHEN PLACING LARGE WOOD IN KING COUNTY RIVERS" dated 1/4/2010

Published at <http://www.kingcounty.gov/environment/watersheds/general-information/large-wood.aspx>

The proposed LWD procedures developed in response to King County Ordinance 16581 (2009), which is referenced below as the Ordinance.

We wish to thank the King County Council for requiring that rules be developed that will make public safety the primary consideration for in-stream construction on King County rivers. We find that the Proposed LWD Rules dated 1/4/2010 falls short of that specified goal and would like to offer the following comments and suggestions:

The reasons for incorporating LWD are well identified in the Proposed Rules document.

What is not identified, and is not even acknowledged, is the types of hazards and the conditions under which man-made structures pose a hazard to people in the river. After providing the same comments repeatedly since 1995 on a succession of projects designed by the King County River Section and its predecessor organizations, the River Safety Council feels that changes adequate to ensure public safety will not occur until those hazardous procedures are acknowledged by the King County River Section designers and incorporated into the proposed LWD procedures. These include:

(1) Hazardous types of construction

Use of LWD that includes the following features is hazardous to humans and should be avoided:

- Structures that have openings large enough to entrap hands or feet
- Rootwads and brush in places that the current allows them to function as a sieve or strainer, or close enough to the main current that they snare people and objects
- Wood set adrift by unsecured dumping. It should be placed and anchored where it is desired so it doesn't endanger river users, levees and other construction.

(2) Hazardous locations

Placement of rough, sharp or porous LWD or other construction material in locations that is hazardous to humans should be specifically excluded from:

- Outside of bends where the river current may push users into structures
- Projects in or immediately adjacent to the main current of straight stretches, or other locations in the current where river users may be swept into the project
- In restricted channels
- In canyons or other areas where egress is difficult or impossible
- Overhanging a stream at a level that would pose a threat to river users swept under it
- Projects that impact a significant portion of the river channel
- Sequential projects where the combined effect exceeds the individual risk

The public review process, while desirable, should be used for identifying unforeseen situations, and is not a substitute for responsible engineering.

With regards to the section titled “Background and policy “:

While there are many different permitting processes for design and construction of in-stream structures, none of these processes require analysis and evaluation of river user safety, thus the need for this new King County procedure to fill this gap and ensure that public safety is being properly reviewed in design of LWD projects. These procedures being developed by King County are an important and necessary addition to policies, procedures and documentation on this issue.

“Recreational” safety

The proposed LWD procedures document fails to acknowledge the broader public safety issues that were mandated by King County Ordinance 16581 as the primary objective.

Furthermore, references to recreational safety rather than public safety trivialize the issue and imply that recreation is unnecessary, whereas the State of Washington actively promotes recreational opportunities on our rivers. This is a public safety issue. Please replace references to “recreational” safety with “public” safety wherever it appears, including (Title; Page 1 line 2; Page 2 line 32; Page 3, lines 3, 8, 9; Page 4, lines 4, 10, 19; Page 5 lines 4, 8, 13, 35; Page 6 lines 27-30; Page 7 line 33).

We are pleased that King County has taken a first step in assessing the recreational usage of rivers in the County. Knowledge of river use is important in planning and we hope this limited baseline survey will be supplemented by growth projections identified in the King County Comprehensive Plan and regular survey updates of actual river use.

However, the King County Council Ordinance requires planning for public safety on all King County rivers, not just those identified as being used for recreation.

We do not agree with the statement (page 2, line 34-35) that all river activities carry “considerable” risk. The level of risk depends on many factors, not the least of which is the “artificial structures and debris” identified. We believe much can be done in the placement and construction of these structures so that they do not increase the level of risk to river users.

Project Design references (Page 5, lines 2 - 9) are problematic for the following reasons:

King County's Guidelines for Bank Stabilization in the Riverine Environments of King County was not updated as scheduled and contains designs that are dangerous to river users.

WDFW's Integrated Streambank Protection Guidelines (ISPG) lack procedural safety checklists to ensure public safety, and is in the process of review for updating. Both documents are significantly lacking in engineering design of structures, but King County Ordinance No. 16581 requires them to be included as references in the proposed procedures. This, however, does not preclude the inclusion of more comprehensive and up-to-date references in the procedures for considering public safety when placing large wood in King County rivers.

We suggest that the National Engineering Handbook, Technical Supplement 14 J "Use of Large Woody Material for Habitat and Bank Protection" published August 2007 by USDA Natural Resources Conservation Service be incorporated by reference. (publicly available at:

<http://policy.nrcs.usda.gov/OpenNonWebContent.aspx?content=17819.wba>).

Technical Supplement 14J is the standard for design of LWD structures in the USDA NRCS National Engineering Handbook (publicly available from: <http://policy.nrcs.usda.gov/RollupViewer.aspx?hid=17092>) and is much more up-to-date and contains much more comprehensive engineering reference materials than either the King County "Guidelines for Bank Stabilization" or the WDFW's Integrated Streambank Protection Guidelines.

We applaud the requirement for review of projects by a Licensed Professional Civil Engineer. This review should include a review and approval of engineering plans, analysis, and safety considerations from a Licensed Professional Civil Engineer. This review should be extended to projects in all rivers and creeks.

With regard to page 5, lines 34 – 39 and page 6 lines 1 – 14, "Consideration of recreational safety in the conceptual design will include but not be limited to the following factors: the location, orientation, elevation, and size of the wood placement, and the overall degree of interaction between flowing water and the placed wood during flows commonly experienced in the recreational seasons".

Please add "risk of entrapment of a person swept by the current into the structure" to the factors listed, and remove the reference to "recreational seasons" unless specific information is available that confirms the absence of recreation during some seasons.

With regard to page 6, line 4-7:

"Conceptual project designs will be informed by standard design practices with input from professional designers with expertise in fluvial geomorphology, ecology, river hydraulics and civil engineering with hydraulic analysis expertise, as appropriate."

The River Safety Council recommends the removal of the phrase "as appropriate". The River Safety Council believes that any time a wood structure is placed in a river, hydraulic analysis should be done. Several failed projects and expensive repairs in

recent years might have been avoided by such analysis, including the Hamakami levee on the Green, the Elliott levee on the Cedar and the Cedar Rapids project on the Cedar which lost eight groups of 3 trees downstream in 2008 flooding.

With regard to page 6, lines 8-10:

“vi) All projects that incorporate large wood in rivers commonly used for recreation will undergo review and approval of engineering plans, analysis, and safety considerations from a Licensed Professional Civil Engineer.”

This paragraph should be modified to include all rivers and creeks as directed by the Ordinance.

With regard to page 6, lines 18-19:

“Wood stability and anchoring technique, if applicable, and whether the wood is intended to remain fixed or be moveable.”

We strongly encourage that wood be anchored to protect downstream structures and prevent the hazard of it lodging in dangerous locations. Please reference the comments of U.S. Army Corps of Engineers Col. Anthony Wright regarding the wood “torpedoes” on the Green River as a result of loose wood dumping policies.

With regard to page 6 lines 20-22, “Intended functions of placed wood features (e.g., effects on bank, bed, hydraulics, fish, forest, sediment, nutrients, organic matter), including whether the accumulation of natural wood is an intended outcome of the project.”

Accumulation of natural wood should not be a goal of the project unless the accumulation can be ensured in locations that do not pose a hazard.

With regard to page 7 lines 3 – 5:

“Work with the King County Sheriff to restrict recreational use in the project area so that the project can meet its objectives while also protecting public safety”

Restricting recreational use of rivers in the design phase of a project so that other project objectives can be met (effectively overriding public safety in the design phase) is not an acceptable design alternative within the Ordinance passed by the King County Council, which mandates designing for public safety as the primary consideration in all King County rivers and creeks, not just those identified as used for recreation, when designed by the department of natural resources and parks.

Furthermore, arbitrary closure of a river may be at variance with federal navigable water law.

With regard to Section 4 (page 8), Public outreach:

Much broader outreach than proposed, including paid media, will be required to adequately inform the public regarding public safety issues on rivers. If website posting and email notification is to be the County’s only public outreach, an effort needs to be made to recruit a broad representation from each user group and each river reach who will agree to develop and disseminate the information to others in their area. We also suggest development of electronic flyers that can be printed on standard size paper and posted by citizens at libraries, bulletin boards and other community forums.

With regard to Section 5 Public input at concept level design stage. (Page 9 lines 6 – 16):

Please specify the information that would be provided in a 30% design stage review. We are concerned that it may be inadequate for many concerned citizens to provide meaningful input. Furthermore, please clarify that public input will supplement, not replace, the requirement for public safety to be designed into the project.

With regard to page 9 lines 28-35:

“Signing a river as hazardous and unsafe for recreational use, or in extreme circumstances and when deemed necessary by the King County Sheriff’s Office, “closing” a portion of a river to recreational use”

Signage regarding risks posed by placed LWD and closing a portion of a river to recreational use due to unsafe placement of LWD appears to be an attempt to circumvent the requirements of the Ordinance. We believe public safety is a requirement of government construction of all types and is a primary tenant of most professional engineering societies who regulate the licensing of the engineers who design and approve construction of such structures. If after construction of LWD structures, whether due to poor design, construction, or subsequent damage, a river should only be closed until the dangerous structure can be safely removed or modified to correct the public safety problem.

With regard to Third Party Monitoring (Page 10, lines 7 – 10)

If third party monitoring will be conducted on a representative sampling of LWD projects every 3 years, who will monitor the remainder of the projects, and on what schedule? Will they also be reported to County Council?

We wish to thank the Rivers Section for their continuing efforts on this difficult and divisive issue, and their leadership in advancing discussion and ideas to the state level.

We believe that restoration of our fish runs is important, and that it can be done with public safety as the primary objective as mandated by Ordinance No. 16581 (2009).

Thank you for the opportunity to provide comments on this important issue.

Judith Fillips

Judith Fillips, Chair
River Safety Council
3405 SE 7th Street
Renton WA 98058



February 19, 2010

Cathy Jimenez
King County Department of Natural Resources and Parks
2001 S Jackson Street, Ste 600
Seattle, WA 98104-3855
Renton, WA 98057

RE: Proposed Public Rule ‘Procedure for Considering Recreational Safety When Placing Large Wood in King County Rivers’

Dear Ms. Jimenez:

Thank you for the opportunity to comment on the above referenced proposed public rule. We are extremely concerned that this procedure could have devastating effects on the efforts to restore the ecological health of the Green/Duwamish watershed and to achieving the recovery of the threatened Chinook salmon population.

While we fully recognize the need for public safety in our rivers, these procedures do not appear to be the best way of achieving such safety and it creates an onerous and unneeded review process for the placement of wood in our rivers. The common occurrence of large wood in our river systems is historically natural. And this occurrence is extremely important to create and maintain a healthy, balanced ecosystem in our watershed.

Further, there is no real documentation that the wood creates substantial danger in the river such that necessitates this procedure, as heard from the KC Sheriff’s Office, who noted that there were ‘no known deaths or injuries (that) could be specially ascribed to large wood, and there have been no known incidents in King County involving intentionally placed wood,’ (Large Wood Stakeholder Committee, October, 2009, page 4 of 7).

This procedure would allow the review of engineering plans by members of the public who do not necessarily have the technical background to accurately comment on such documents. We encourage King County to re-evaluate the merits of this procedure and, alternatively, to invest in river safety education and outreach, as recommended by the Large Wood Stakeholder Committee.

Sincerely,

Brooke Alford, President
Green/Duwmaish Watershed Alliance



MID-PUGET SOUND FISHERIES ENHANCEMENT GROUP

February 19, 2010

Cathy Jimenez

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

Re: DRAFT Public Rule on Large Woody Debris in King County Rivers

Greetings,

The Mid Sound Fisheries Enhancement Group (Mid Sound) appreciates this opportunity to comment on the above referenced DRAFT Public Rule concerning the placement of large woody debris in King County rivers.

Mid Sound has just celebrated twenty years of proposing and implementing habitat restoration projects in fulfillment of salmon recovery goals. We are proud of our partnerships with the multiple local governments that have come together within the Cedar and Green/Duwamish watersheds (WRIAs 8 and 9) to understand the challenges facing us within the context of “Extinction is Not an Option” adopted under Governor Locke’s administration and the Chinook Salmon Recovery Plan adopted by NOAA. We have also been pleased to work with Tribal governments and federal and state natural resource trustees in identifying and implementing habitat restoration projects that benefit salmon and other natural resources.

King County has been recognized as one of the governments participating in – and indeed taking a leadership role -- in salmon recovery through the adoption of watershed recovery plans. Early action projects taken by King County and the City of Seattle in concert with the Elliott Bay/Duwamish Restoration Program Panel serve as examples of the significant achievements possible through collaborative efforts. In 2005, the King County Council, along with 16 other local governments approved the *WRIA 9 Salmon Habitat Plan: “Making Our Watershed Fit for a King”*. This plan identifies adding significant amounts of wood to the river as a critical component of salmon recovery.

Simply, habitat restoration incorporating woody material in rivers is critical to achieving all other recovery objectives in the Salmon Habitat Plan. Similarly, we are opposed to any wide-scale removal of woody material from rivers.

Safety is obviously important on our rivers, and as a group representing many river-users, we support the recreational opportunities available throughout King County. We also recognize that recreation of any kind on our rivers is very dangerous. We support educational activities aimed at making river-users more aware of the need for woody

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7400 Sand Point Way, Suite 202 North — Seattle, WA 98115

Phone: (206) 529-9467 Fax: (206) 529-9468 (upon request)

www.midsoundfisheries.org — e-mail: info@midsoundfisheries.org

material, the risks associated with river recreation and the safety measures available to ensure a pleasant experience for all. In fact, if given the chance we would like to offer our services in providing such educational activities.

In closing, I would like to emphasize our support for the placement of woody material in rivers as an essential component of salmon recovery. We also support programs that inform people of the inherent dangers of river recreation while providing safety education to potential river-users.

We are pleased to provide these comments for your consideration.

Sincerely,
Paul Dorn
President, Mid Sound Board of Directors

CC: Mid Sound FEG Board of Directors
Doug Osterman, WRIA 9 Coordinator
King County Council
David Dicks, Executive Director, Puget Sound Partnership

Jimenez, Cathy

From: Larry Reymann [fulmen8@hotmail.com]
Sent: Thursday, February 18, 2010 3:31 PM
To: Jimenez, Cathy
Subject: New Regulations for Habitat Restoration, Large Wood Placement in King County Rivers

Dear Ms. Jimenez:

Thank you for the opportunity to elaborate on the concerns of the Watershed Steward Association about the new regulations King County is considering. As President, I had the opportunity to speak at the Mercer Island Hearing 1/28/10 and express the concern that these regulations vastly complicate and obstruct the already challenging work of restoring the native habitat absolutely essential for the survival of salmon in King County Rivers and Watersheds. We are also concerned about regulations that seem to give agriculture a higher priority than sustainable habitat for salmon. These legitimate priorities should be balanced and accommodated where ever possible, but if they conflict, the fish have no other option but extinction, and that we cannot allow. I was struck at the 1/28 hearing by the genuine sincerity and emotion of the citizens testifying in favor of further regulation and review of wood as a component in natural river habitat, and I respect their sincerity: but, I was even more shocked at the lack of accuracy and scientific basis in their concern. King County can not assume the responsibility (or liability) of making our native rivers as safe as an amusement park ride geared toward an adolescent. Passionately expressed opinions such as "There was no wood in King County Rivers before the 70s." or "There is no wood in the rivers of Alaska, and they have plenty of salmon." or "There is no evidence that wood in rivers benefits salmon." cannot be allowed to drive policy directing the County's efforts to prevent the extinction of these iconic symbols of the Northwest. The existence of these salmon runs in King County Watersheds is precarious enough as it is; please do not impose regulations that make the survival and restoration of these magnificent and unique creatures any more difficult. Our children and grandchildren would not and should not forgive us if we fail to preserve this heritage.

Respectfully,

Lawrence Reymann
President Watershed Stewards Association

Jimenez, Cathy

From: wsabrahamse@comcast.net
Sent: Thursday, February 18, 2010 1:14 PM
To: Jimenez, Cathy
Cc: Alan Moore; Bart Madison; Georgia & Andy; Bill Robinson; Barrie, Al
Subject: Comments on Draft Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers
Attachments: King County Large Wood Rulemaking Comments.pdf

Ms. Jimenez,
Trout Unlimited respectfully submits the attached comments on the proposed public review draft "Procedures for Considering Recreational Safety when Placing Large Wood in Kin County Rivers" dated January 4th, 2010. We look forward to continuing to work with King County on this important issue in the near future.

Bill Abrahamse
President /CEO - Washington Council of Trout Unlimited
509-209-4048



Washington Council of Trout Unlimited
P.O. Box 2652 Issaquah, WA 98027



February 18, 2010

King County Department of Natural Resources and Parks
Attn: Cathy Jimenez
201 South Jackson Street
Seattle, Washington 98104-3855

Dear Cathy Jimenez:

The Washington Council of Trout Unlimited (WCTU) and Trout Unlimited (TU) thank King County for this opportunity to comment on the proposed public review draft "Procedures for Considering Recreational Safety When Placing Large Wood in King County Rivers" dated January 4th, 2010.

Trout Unlimited concurs with the assessments of the Washington Department of Fish and Wildlife and many others who have concluded that based upon the information reviewed by and recommendations from a significant majority of the Large Wood Stakeholder Committee members the proposed Procedures for Placing Large Wood in King County Rivers are not warranted.

The rivers and the fish impacted by King County Ordinance 16581 (Placing Large Wood in King County Rivers) are Washington state assets, which are managed for the benefit of Washington state citizens. A number of them are threatened or endangered and fish have local, state, regional, national and international implications. Impacted treaty tribes are the co-managers of the salmon and steelhead that rely on natural functioning river systems to continue natural salmonid processes which have occurred for tens of thousands of years. Anadromous salmon and steelhead that are born and reared in Washington, rivers which are located in King County, contribute to fisheries (recreational, tribal, commercial) that take place in their natal rivers, Puget Sound and throughout their expansive Pacific Ocean range.

Additionally, Chinook salmon are known to be primary components of Orca Whale and other marine mammal diets. Just as importantly, the ocean-derived nutrients transported by Washington salmonids are key to the recovery of naturally-spawned salmonids and to the overall health of the affected watersheds. Indeed, an estimated 137 separate species have been shown to depend directly on the nutrients contributed through the course of the salmon and steelhead's life history.

The county plays an important role in Salmon recovery and since 1999 has invested more than \$51 million to enhance 639 miles in 63 salmon recovery projects. Extensive research



Washington Council of Trout Unlimited

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has led us to recognize the functions and values of LWD to the ecology and survival of fish and incorporate LWD in a significant number of these projects.

In the county's own draft guidance, "Procedures for Considering Recreational Safety when Placing Large Wood in King County Rivers" it is noted that: "Large wood placement is frequently included as a major component of habitat restoration projects in the Puget Sound Salmon Recovery Plan, in part to compensate for the long time-lag between riparian reforestation efforts and subsequent, natural wood recruitment. Wood placement is also often required as mitigation for habitat impacts resulting from public works projects and other human activities." The National Ocean and Atmosphere Administration (NOAA) prescribes the use of LWD as an enhancement tool in their "Adaptive Management of ESA-Listed Salmon and Steelhead Recovery Guidance". Placing unnecessary limitations or restrictions on use of LWD, will make it difficult or impossible to achieve long-term success in salmon and steelhead recovery.

Trout Unlimited agrees. The benefits of large wood placement are known, quantifiable, and accepted, making large wood projects one of the cornerstones of habitat restoration and salmon and steelhead recovery. As the benefits and effectiveness of large wood placement projects are myriad and seemingly universal agreement and awareness among the parties of those benefits and effectiveness, there is no need to list them here.

Clearly, no one wishes to make public safety or the prevention of injury or death on King County's rivers a backseat priority in resource management. The Washington Council proudly counts its thousands of members among the day-to-day river users somewhere on a waterway here in Washington State. However, while constantly emphasizing water safety, Trout Unlimited seriously questions the level of threat of public injury from large wood placement projects, when compared to the other, ever existing hazards of river use.

It is exactly the dynamic features of waterways that draw the public to use them, and respect them, as the moving, flowing, changing – and inherently dangerous – treasures of our natural areas. To imply that a waterway was deemed "safe" for recreation because any large wood placement projects had been through a more onerous and intense screening process first would both mask the natural risks still present, create a false sense of security and also betray the true nature of the natural river systems that gave us the salmon, steelhead, and recreation opportunities we value so highly. The stakeholder committee report identifies several opportunities to improve river safety without adversely impacting existing or planned, engineered large wood placement projects in Washington streams and rivers located in King County. We support those recommendations.



Washington Council of Trout Unlimited

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We respectfully request that the proposed rule not be adopted as written in the review draft. Trout Unlimited supports a level of scrutiny for recreational user safety commensurate with the known risk, and a level that also reflects the urgent need for aggressive, timely, cost-effective and ecologically sound recovery efforts.

Thank You Again for the Opportunity to Comment,

A handwritten signature in black ink, appearing to read "William S. Abrahamse".

Bill Abrahamse
President/CEO – Washington Council of Trout Unlimited

A handwritten signature in black ink, appearing to read "Alan T. Moore".

Alan T. Moore
NW Director of Habitat Programs - Trout Unlimited



Wild Fish Conservancy

N O R T H W E S T

S C I E N C E E D U C A T I O N A D V O C A C Y

February 19, 2010

King County Department of Natural Resources and Parks
Attn: Cathy Jimenez
201 South Jackson Street
Seattle, Washington 98104-3855

**SUBJECT: PUBLIC REVIEW DRAFT – PROCEDURES FOR CONSIDERING
RECREATIONAL SAFETY WHEN PLACING LARGE WOOD IN
KING COUNTY RIVERS**

Dear Cathy Jimenez:

Wild Fish Conservancy appreciates the opportunity to provide comment on the proposed public rule “Procedures for Considering Recreational Safety When Placing Wood in King County Rivers.” These procedures were mandated by Ordinance 16581 which required the adoption of rules addressing procedures for establishing large wood emplacements in rivers or streams. Unfortunately the Council passed this motion with very little opportunity for public input, and did not wait for the report of the already convened LWD stakeholder committee. If the Council would have waited for the report from the stakeholder committee, which spent considerable time deliberating this issue, they could have passed a better informed policy that was recognizant of actual rather than perceived threats, and better balanced the multiple responsibilities of the County and its staff. The ordinance that was passed required design options affording the greatest safety for river users be the primary concern in the placement of LWD. This is a serious mistake that will result in direct impact to salmon habitat and recovery efforts, while at the same time affording little to no benefit for the safety of the recreational boating community.

The Wild Fish Conservancy does not believe that these procedures are warranted and is concerned that these rules set a precedent that will compromise salmon recovery efforts in King County and other jurisdictions where recreational boaters and LWD placement efforts overlap throughout the Northwest. WFC staff participated in the stakeholder committee that developed a report and recommendations regarding the management of

large wood in King County Rivers, and we feel that those recommendations are not reflected in the proposed rule.

It is our belief that the County Council needs to reject these procedures and to overturn Ordinance 16581. This would allow the Council to adopt a different set of rules consistent with the recommendations of the Large Wood Stakeholder Committee. Specifically, we feel the County needs to respond to the recommendation to enhance river safety education and outreach. Sgt. James Knauss, of the King County Sheriff's Office Marine Unit stated to the group that not one death in the past fifteen years could be attributed to placed LWD in King County rivers, while there were annually multiple deaths that occurred as a result of swimmers or boaters not wearing PFDs, over consumption of alcohol, or a lack of common sense preventative measures. Moving water is an inherently dangerous environment that requires boaters and swimmers to use proper means of protection and to be educated in the hazards presented by these settings. If the County Council wishes to decrease the number of preventable deaths in County waters it would be better served to pass legislation requiring the use of PFDs by all boaters and tubers in County rivers, or by requiring a licensing program for boater and tubers using county waters.

Large Woody Debris has played an integral role in the formation of productive fluvial habitat for salmon for thousands of years. Within the last 150 years, through riparian logging and the direct removal of LWD from rivers, this habitat has been decimated. This alteration of the physical habitat structure has been one of the primary drivers in the decline of salmon populations in our region. The placement of LWD in restoration and mitigation projects is a relatively new practice; however it is considered an integral component of regional recovery efforts for Puget Sound chinook, and has been incorporated into the Salmon Recovery Plans for all of the County's WRIAs. As such, the placement of LWD in King County River's by DNRP should be viewed as a part of the County's obligation to recover Puget Sound chinook populations, and any decrease in the function of these LWD placements as a result of these procedures should require mitigation. The function of LWD in the river in terms of habitat value is directly related to the amount of interaction the LWD has with main flow of the river. The loss of interaction between placed wood and the main flow of the river as a result of these procedures needs to be quantified by the DNRP project manager at the 30% design phase. If this loss of function is still present in the final design of the project we suggest that this loss of function requires mitigation by the county at other locations of similar ecological value.

Thank You,

A handwritten signature in black ink, appearing to read "Kurt Beardslee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kurt Beardslee
Executive Director
Wild Fish Conservancy