

November 19, 2008

David Dicks, Executive Director
Puget Sound Partnership
P.O. Box 40900
Olympia, Washington 98504-0900

Dear David,

On behalf of American Whitewater and our affiliate clubs in Western Washington I am writing to provide our input on the Draft Action Agenda for the Puget Sound Partnership. We wish to express our appreciation for all the work you and your staff have invested in this planning effort to date and thank you for your commitment to develop an integrated vision for restoration and long-term stewardship of Puget Sound.

Interest of American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. One of our initial founding clubs was the Washington Kayak Club whose members have paddled the waterways of Puget Sound for decades. Today 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 that flow into Puget Sound which provide world-class whitewater recreation and are a defining feature of the quality of life for our members who make their home here.

Whitewater paddlers traverse almost every sizable headwater stream in Puget Sound. Thanks to our spirit of adventure, the paddling community is in a unique position to witness human caused ecological changes at the top of our region's watersheds. Likewise, our community is often the first group to speak on the behalf of rivers, in defense of their ecological integrity and societal value.

Comments on the Draft Action Agenda

1) Wild and Scenic Rivers

Among the near term action items listed for protection of intact ecosystem processes is a recommendation to "advocate for proposed Wilderness designations: a) Support Alpine Lakes Wilderness addition and b) Pratt River Wild and Scenic Designation."¹ While we agree with this near-term action item we believe that the case for Wild and Scenic Rivers should be broadened in a document designed to spell out a vision for 2020. The Mt.

¹ Draft Action Agenda Question 3, Page 9

Baker Snoqualmie National Forest, Olympic National Forest, and Olympic National Park have reviewed rivers for eligibility as part of their most recent efforts.² Eligible rivers include the Elwha and Dungeness on the Strait of Juan de Fuca; Dosewallips, Duckabush, and Hamma Hamma on Hood Canal; the forks of the Nooksack, several tributaries of the Skagit River; the forks of the Stillaguamish; the Skykomish and several tributaries; the forks of the Snoqualmie; and the White and Carbon in the Puyallup River drainage. While Congressman Reichert is to be commended for his initiative in proposing legislation to protect the Pratt River, this is but one small part of the Puget Sound watershed that the Forest Service has specifically recommended for protection under the Wild and Scenic Rivers Act. Given the focus of the Action Agenda on watershed rather than political boundaries we believe it is appropriate to place the need for Wild and Scenic designation in a broader watershed context and not limit it to the boundaries of the 8th Congressional District.

There are several benefits to Wild and Scenic designation. First it protects these rivers from future water development projects. While those of us living in this region would likely not consider harmful projects that would degrade our investment in river restoration, outside developers can propose hydropower projects with limited local input given the federal authority of the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. As recently as 2002, FERC recommended construction of the Clearwater Hydroelectric Project in the Nooksack drainage which was proposed by an out-of-state developer. Following an extensive process under the National Environmental Policy Act (NEPA), FERC issued the Final Environmental Impact Statement on June 28, 2002.³ While FERC determined that the project would be inconsistent with Washington Department of Natural Resources 1997 Habitat Conservation Plan and despite widespread public and agency opposition, FERC recommended development of the project as “in the public interest.” While the developer was ultimately unsuccessful in securing financing for the project it points to the need to protect these places from any future consideration for development and protect our significant regional investment in watershed restoration.

An additional benefit of the Wild and Scenic Rivers Act is that it requires the agency to, within three years, develop a comprehensive management plan for the waterway. These management plans are designed to specifically protect and enhance the outstanding

² See Page 4-95 and table 4-5 and 4-6 in Land and Resource Management Plan, Mt. Baker-Snoqualmie National Forest, 1990, <http://www.americanwhitewater.org/content/Document_view_documentid_535_>; Appendix F in Land and Resource Management Plan, Olympic National Forest, 1990, <http://www.americanwhitewater.org/content/Document_view_documentid_533_>; Designation of Eligible National Park Service Rivers into the National Wild and Scenic Rivers System, Olympic National Park Memo, 1993, <http://www.americanwhitewater.org/content/Document_view_documentid_364_>; and Elwha Wild and Scenic River Eligibility Report, Olympic National Park 2004, <http://www.americanwhitewater.org/content/Document_view_documentid_369_>.

³ FERC eLibrary Accession 20020705-0121 <http://elibrary.ferc.gov/idmws/search/intermediate.asp?link_file=yes&doclist=2294006>

resource values that make the river eligible for Wild and Scenic designation. With a clear management plan, federal resources often become available for land acquisitions, habitat restoration projects, and overall stewardship of the river. Through these plans, stewardship of the river becomes a primary agency responsibility.

With the vast majority of our region's river miles in headwater areas on public lands, protecting these waterways through Wild and Scenic designation is one of the most cost effective measures we can make to protect our investment in restoration efforts downstream. Our specific recommendation is that reference to Wild and Scenic Rivers be included in the introductory paragraph under section Q3.A.2 or as a program under A.2.2 that can help achieve the goals of increasing levels of protection.

2) Outstanding Resource Waters

Section A2 focuses on the need to permanently protect intact areas of the Puget Sound Ecosystem through protection tools that include regulatory programs⁴ and Section A3 focuses on the need to conserve freshwater resources and proposes a fundamental realignment in policy and regulation.⁵ Either or both of these sections should cite the need and opportunity to implement and improve existing regulatory tools with the designation of Outstanding Resource Waters serving as a prime example. We currently have the criteria and requirements for this designation in our water quality standards but unlike other states we are not using them to protect our high quality rivers, lakes, wetlands, and marine waters.⁶ Outstanding Resource Waters must satisfy one or more of the following conditions: exist in relatively pristine condition, provide unique aquatic habitat, maintain regionally unique recreational value, have statewide ecological significance, or provide cold water refuge for aquatic species. This designation would serve as an excellent complement to Wild and Scenic Rivers designation for areas downstream of federally-managed headwater areas. With the standards already in place we provide the specific recommendation that designation and implementation the Outstanding Resource Waters program should be pursued as a near-term action item in Section A2 and/or A3.

2) Public Access to Waterways

On the question of the status of Puget Sound and human well-being, "shoreline access opportunities" is listed as a performance measure that could be used.⁷ However the paragraph concludes with the statement that the "measure [of human well being] for the Action Agenda is the loss of forests and other natural land cover across the Puget Sound landscape" with the stated 2020 target goal of retaining "90% of the low elevation forest acres measured in 2001 and to increase the impervious land area not more than 20% from 2001 levels." We believe there are more appropriate measures for human well-being than endorsing the concept of increasing impervious surface area. Impervious surface area is a

⁴ Draft Action Agenda, Question 3, Page 8

⁵ Draft Action Agenda, Page 3, Question 10

⁶ The legal basis for Outstanding Resource Waters is found in Clean Water Act §303, 40 C.F.R. §131.12 (Antidegradation Policy), and WAC 173-201A-330. See also Department of Ecology overview <<http://www.ecy.wa.gov/programs/wq/swqs/antideg.html>>.

⁷ Draft Action Agenda, Question 2 Page 2

more appropriate measure of hydrologic function of the Puget Sound watershed and it is difficult to see how an increase by 20% could in any way be beneficial toward human well being.

We have two specific alternative suggestions for human well-being. These include proximity to parks and open space and access to both river and marine shorelines. The Cascade Agenda, proposes 30,000 acres of urban parks that will provide important ecosystem benefits for our region and greatly enhance human well being. We propose adoption of more appropriate measures as outlined in the Cascade Agenda as follows: 1) Provide a park within a half-mile walk of all urban residents or within an eighth mile of more densely populated areas, and 2) make water and shoreline access available at least every eight miles along our rivers and shorelines.⁸

As development pressure increases along our region's waterways the need for shoreline access increases. Parks and public access points along waterways can serve as a more ecologically friendly alternative to development. They also engage and connect citizens to aquatic resources which helps develop a sense of stewardship among members of the general public. For example this past year we worked with a group of stakeholders to develop a water trail map of the Duwamish River.⁹ A primary goal was to make it easier for citizens of Seattle to experience and enjoy Seattle's river which is the focus of a major Superfund cleanup effort. A similar effort is in progress along the Green River through the National Park Service Rivers and Trails Conservation Assistance program¹⁰ and we have a long-term vision of water trails along all the rivers in Puget Sound. By clearly identifying access points and making the rivers and Puget Sound shoreline more accessible we believe that individual citizens will develop a personal connection to the resource and become vested in stewardship. The State of Oregon has already recognized this through the recent publication of their Statewide Water Trail Plan¹¹ which is currently being implemented and we believe a similar visionary plan is needed for Puget Sound Waterways.

Under near term action items for stable funding there is a recommendation to "develop targeted procurement for a portion of the largest state environmental grant programs, including the Salmon Recovery Funding Board, Washington Wildlife and Recreation Program, Aquatic Lands Enhancement Account and Conservation Commission."¹² To the extent that this funding is focused on Puget Sound, we propose a watershed perspective that includes consideration of the hundreds of miles of rivers and streams in the watershed. We provide the specific recommendation that any targeted procurement explicitly include the rivers that flow into Puget Sound.

3) Transfer of Development Rights

⁸ At page 11 and 12, Cascade Agenda, <http://www.cascadeagenda.com/ourstory/files/cascade-agenda-report-downloads/clc_book.pdf>

⁹ <http://www.duwamishcleanup.org/uploads/MapOrderForm.pdf>

¹⁰ <http://www.nps.gov/pwro/rtca/index.htm>

¹¹ <http://www.oregon.gov/OPRD/PLANS/docs/trails/water.pdf>

¹² Draft Action Agenda, Question 3 Page 43

Under Section Q3.A.2.2.7 Transfer of Development Rights (TDR) is listed as an incentive to increase and improve redevelopment within urban growth areas.¹³ and, in Q3.A.4.1 it is listed as a tool to allow working lands to stay viable.¹⁴ As you are aware the state legislature has provide general authority for these programs under the Growth Management Act, chapter 36.70A RCW. With this authority in place the time is now to encourage adoption of TDR programs and this should be specifically noted as a near-term action item in section A.4.¹⁵ The first action item in that section identifies the need to “purchase development rights”. While we fully support this alternative the reality is the capital is simply not available for outright purchase of all lands that need protection. Any program to purchase development rights must be complemented by innovative market-based solutions such as TDR programs. Specific needs that could be accomplished by designating TDR programs as a near-term action item include market-based studies to generate interest from potential buyers and sellers and creation of banks or brokerages to facilitate transactions. These steps will help eliminate some of the technical barriers to implementation of the programs.

4) USDA Forest Service Roads and impacts on water quality

The Draft Agenda notes the need to build and sustain long-term capacity of partners to implement the agenda. As an example of model stewardship behavior the plan cites: “maintain, repair, and decommission roads and fish passage barriers on United States Forest Service and other federal lands.”¹⁶ As you are likely aware the Washington State Department of Ecology and U.S. Forest Service signed a Memorandum of Agreement (MOA) in November 2000 to deal with water quality issues associated with unmaintained Forest Service roads, however this can only be considered a model stewardship program if we make a commitment to funding this effort at a level that will achieve the objectives outlined in the MOA.¹⁷ The agreement specifically states that by year five 20%-30% of road stabilization activities will be completed and by year ten 55% to 65% of road stabilization activities will be completed. Unfortunately however the basic inventory of the problem has only just begun and by its own estimates the Forest Service has said that it could take 100 years to fix the problem at the current rate of funding.

To address this issue, Congressman Norm Dicks introduced the Legacy Roads and Trails Remediation Initiative in FY 2008 with the following report language:

\$40,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs

¹³ Draft Action Agenda, Question 3 Page 9

¹⁴ Draft Action Agenda, Question 3 Page 12

¹⁵ Draft Action Agenda, Question 3, Page 13

¹⁶ Draft Action Agenda, Question 3 Page 32

¹⁷ <http://www.ecy.wa.gov/programs/wq/nonpoint/ForestPractices.html>

*required due to recent storm events.*¹⁸

Success from this program is already being realized as work is currently underway to remove unnecessary roads in the Suiattle River watershed.¹⁹ We offer a specific recommendation for a near term action item to encourage funding and implementation of the Legacy Roads and Trails Remediation Initiative at a level that will bring Forest Service roads into compliance with the Clean Water Act in a timely fashion.

5) Restoring the Elwha

Section B1 of the Draft Action Agenda identifies a need to maintain priority ecosystem restoration projects and identifies three projects in the near-term action items: Nisqually Estuary, Snohomish River Estuary, and Dungeness River floodplain restoration.²⁰ Noticeably absent from this list is the Elwha River restoration. Although the Elwha River restoration is listed as a priority for the Strait of Juan de Fuca Action Area in the table at the end of the document it should be included in the list of near-term action items in Section B1 of the document. In 1992, Congress passed Public Law 102-495, the Elwha River Ecosystems and Fisheries Restoration Act. With the potential to restore salmon runs of over 400,000 fish, no single project in the Puget Sound basin offers as much opportunity as the Elwha.²¹ The watershed represents more than 20% of the land area of Olympic National Park, most of it protected as wilderness, and this is unquestionably the most significant restoration opportunity in the Puget Sound basin. Investing in removal of the Elwha dams in 2010 also provides significant opportunities for “green jobs” and economic benefits.²² Funding problems have delayed the restoration of the Elwha for long enough – it’s time to proceed with one of the world’s great environmental restoration projects.

Conclusion

Thank you for the opportunity to comment on the Draft Action Agenda for the Puget Sound Partnership. We believe this document represents an excellent starting point for the discussion on how to restore Puget Sound, a defining landscape feature of our region

¹⁸ House Interior Appropriations Bill (HR 2643), FY 2008

¹⁹ See King 5 News Story, Demand for Green-Collar Jobs Growing
<<http://www.king5.com/video/environment-index.html?nvid=293235>>

²⁰ Draft Action Agenda, Question 3, Page 15

²¹ Final Environmental Impact Statement (EIS) on Elwha River Ecosystem Restoration Implementation <<http://www.nps.gov/olym/naturescience/upload/ElwhaFinalEIS2.pdf>>

²² Final Environmental Impact Statement (EIS) on Elwha River Ecosystem Restoration Implementation <<http://www.nps.gov/olym/naturescience/upload/ElwhaFinalEIS2.pdf>>
 (“Major long-term beneficial impacts would occur to the county’s economic base. Over the 10-year pre-construction, construction and restoration period, an additional 1150-1240 jobs, \$60-65 million in business activity, and \$32-34 million in personal income would be generated in Clallam County. After restoration completed, 446 annual jobs, \$4.6 million in annual payroll in the recreation/tourism sector, and an annual increase in local sales taxes of \$296,000 would be generated.”)

whose health reflects the overall health of our region. Should you require any additional information on our suggestions please do not hesitate to contact me.

Sincerely,

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

Thomas O'Keefe
Pacific Northwest Stewardship Director

cc:

Washington Kayak Club
P.O. Box 24264
Seattle, WA 98124

Paddle Trails Canoe Club
P.O. Box 24932
Seattle, WA 98124

University Kayak Club
University of Washington
Campus Box 354090
Seattle, WA 98195

Washington Recreational River Runners
330 SW 43rd St., Suite K, PMB# 501
Renton, WA 98055