

Snohomish-Stillaguamish LIO Executive Committee Meeting Summary

*Thursday, March 31, 2016
1:00 – 3:30 p.m.*

Snohomish County Campus, Drewel Building, 6A04

LIO EC Members

Allan Giffen, City of Everett
Bill Blake, City of Arlington, Acting Chair
Christie True, King County, Co-Chair
Jason Walker, City of Duvall/ Snoqualmie
Watershed
Terry Williams, Tulalip Tribes
Will Hall, Snohomish County

LIO Support Staff and Anchor QEA

Ann Bylin, Snohomish County
Beth Liddell, Snohomish County
Kit Crump, Snohomish County
Lynn Turner, Anchor QEA
Mary Hurner, Snohomish County

Participants and Guests

Barbara Dykes Ehrlichman, Tulalip Tribes
Dan Opalski, US EPA
Gregg Farris, Snohomish County
Ikuno Masterson, ROSS
Marc Daily, Puget Sound Partnership
Monte Marti, Snohomish Conservation District
Morgan Ruff, Tulalip Tribes
Patty Gobin, Tulalip Tribes
Perry Falcone, Snoqualmie Watershed Forum
Sono Hashisaki, Springwood/Tulalip Tribes
Tom Ehrlichman, Tulalip Tribes
William Stelle, NOAA Fisheries

Welcome, Introductions, Public Comments, Announcements

Co-Chair Christie True initiated introductions. She welcomed the members as well as the guests who came to hear Terry Williams' presentation. There were no public comments.

During the introductions, Will Hall announced that he had been appointed by Dave Somers to serve on the Executive Committee as Snohomish County's representative.

Joint Conference Pilot for Regulatory Harmonization in the Snohomish Basin

Christie thanked Terry Williams for providing a white paper in advance of his presentation. Christie explained that the Executive Committee would listen to Terry's proposal, and then, via email, she would poll committee members and later provide the Executive Committee's response.

Terry began with an overview of his history and involvement in regional water quality and salmon recovery issues over the past 30+ years. He stated that the state and the tribes have invested a lot of money and time on restoration efforts, but salmon runs continue to decline and the Coho are failing altogether. Now we are facing extra pressures with a population that is likely to double in the next 30 years and the exponentially growing impacts of climate change. Terry explained that even before we experience this new wave of population growth and climate change impacts, restoration could not keep up with habitat loss and water quality degradation due to development, and development that is vested in older regulations amplifies the effect. He believes that there is a pressing need for alignment of federal, state, local and tribal regulations to reduce inconsistencies and close regulatory gaps in the development permit process.

Patty Goins, a Tulalip Tribal member and participant in the San Juan MRC and San Juan LIO, stated that “we live a wonderful life here, but it’s not going to last.” She agreed that it was important to align the regulatory codes of adjacent jurisdictions to better support the natural environment that we all enjoy and to provide protection tools for future generations.

Terry proposed a joint conference for local, state, federal and tribal governments to come together to initially focus on a couple areas for regulatory harmonization. He suggested that riparian forest protection and shoreline armoring may make sense as two areas to begin with. Through the conference venue, participants could discuss what regulatory changes might make a difference for tribal and local government objectives, what barriers and opportunities exist, set measurable goals and agree on a means of measuring tied to land use policies and regulations. Terry sees land use as a key element in the Ecosystem Recovery Plan the LIO is currently working on, with regulatory harmonization as one of the goals.

The proposal generated discussions that touched on the land-consumptive effects of current regulations, the challenge of accommodating growth, and the opportunities for ecosystem recovery present in the upcoming salmon plan updates and adaptive management.

Will Stelle, NOAA Fisheries, stated that streamlining regulations needs to be examined from a technical perspective (standards and processes) as well as a machinery perspective (efficiency). He believes that we need to find the common themes of our various regulatory programs and see if they are sufficiently common, so that our administrative standards and processes can use the same metric.

Marc Daily, Puget Sound Partnership, stated that the land use decisions we make and don’t make every day have an impact. He commented that, to get everyone on board with harmonizing regulations, we would have to “get more of the region to see through the lens you are asking us to see through today.”

Jason Walker agreed that generating the political will to address this issue will be challenging, and he also believes that vesting results in projects that are less likely to contribute toward recovery.

Terry explained that the LIO was developed to focus on local ecosystem-related issues, and he would appreciate the Executive Committee’s consideration in co-sponsoring the regulatory harmonization conference. Christie responded that she sees Terry’s request as two-fold:

1. Improving and expanding data collection and scientific analysis, which she believes King County would be interested in
2. Supporting/co-sponsoring the regulatory harmonization conference.

Christie committed to polling Executive Committee members to gage their support in these two areas and responding to Terry within the next week or two.

Update on LIO-related activities since 12/10/15 EC Meeting

Mary Hurner reported on the milestones completed and deadlines met in the process of developing the Near Term Actions (NTAs), which is part of updating the Action Agenda for 2016, and in completing the LIO’s Ecosystem Recovery Plan. She noted that the handout in the meeting packet with that list, and more information to come later in the agenda on key topics.

Mary introduced Lynn Turner, environmental planner, of Anchor QEA. Anchor QEA was hired to assist the LIO in completing the Ecosystem Recovery Plan. Mary stated that Anchor QEA has a wide range of

experience in natural resource management, facilitation and technical expertise. Lynn most recently assisted Surface Water Management with the Snohomish Basin Protection Plan.

Report on the Ecosystem Recovery Planning Process

Lynn introduced the schedule and timeline (see handout in meeting packet) developed to meet PSP's identified actions, decisions, and milestones to successfully complete the (now Draft) Ecosystem Recovery Plan, due September 11, 2016. She stated that the guidance for this plan shifted in the last few months from two drafts and a final plan to six worksheets and a draft plan. Essentially, the progression of decisions affecting the plan remained the same, but some of the formats for capturing that information changed.

Lynn identified the two decisions the EC needed to make:

- Approval of, or modifications and approval of, the vision statement for the plan recommended by the Implementation Committee at their 3/14 IC Meeting
- Approval of, or modifications and approval of, the list of Vital Signs and Components, including new Human Health and Quality of Life Vital Signs, recommended by the Implementation Committee at their 3/14 IC Meeting as the focus of the Ecosystem Recovery Plan

The Committee first considered the recommended vision statement, which read as follows:

The Snohomish-Stillaguamish LIO Ecosystem Recovery Plan presents an integrated framework for progress and actions toward a healthy, resilient ecosystem that advances current plans and policies for the protection and recovery of Puget Sound and a sustainable future for our communities.

In the meeting, the Executive Committee agreed to add "the culture and economy of" before "our communities" in the last sentence, resulting in this statement:

The Snohomish-Stillaguamish LIO Ecosystem Recovery Plan presents an integrated framework for progress and actions toward a healthy, resilient ecosystem that advances current plans and policies for the protection and recovery of Puget Sound and a sustainable future for the culture and economy of our communities.

Addendum: Final Vision Statement for LIO Ecosystem Recovery Plan

After the meeting, Terry Williams asked Lynn Turner to also change "advances" to "builds on" – as follows:

The Snohomish-Stillaguamish LIO Ecosystem Recovery Plan presents an integrated framework for progress and actions toward a healthy, resilient ecosystem that builds on current plans and policies for the protection and recovery of Puget Sound and a sustainable future for the culture and economy of our communities.

Through email during the following week, this change was brought to the Executive Committee members for their feedback and a consensus agreement was reached.

Lynn referred to a 5-column graphic in the meeting packet which outlined the LIO's process to date in determining the focus for the Ecosystem Recovery Plan. The first column shows all the Vital Signs Puget Sound Partnership has identified as present in the Puget Sound area. The second and third columns show the consensus of LIO Committee members' opinions on which of those Vital Signs are also present in the Snohomish and Stillaguamish watershed, and of those present, which are the priorities for our

area to focus on. In this stage of the project, given what we know now and as we prepare to complete the plan, we stepped back and asked Implementation Committee what Vital Signs and Components should be addressed in the plan. The fourth column represents the Implementation Committee's consensus on that question, which is presented as a recommendation for Executive Committee consideration.

After some discussion, the Executive Committee agreed with the Implementation Committee on the Vital Signs they chose and the proposed addition of two habitat components outside the Vital Signs: 1) Freshwater Wetlands and 2) Marine Shorelines and Nearshore. The Executive Committee indicated interest in including the new Human Health and Quality of Life Vital Signs, with the exception of Air Quality, which was not carried forward.

Report on EPA response to 3/15 meeting with PSP, LIOs

Will Hall reported on the EPA/PSP meeting, which he attended on behalf of our LIO along with Gregg Farris and Terry Williams. Will stated that the LIOs clearly communicated their disappointment with unmet expectations of direct funding to LIOs, which is contrary to the EPA's new funding model made public last summer. They strongly requested some mechanism be presented to get local priorities funded, and the EPA committed to providing a response in early April.

Our LIO submitted a document to PSP (in today's meeting packet), "LIO Committee Members and NTA Owners Comments: 2016 Action Agenda NTA Submittal Process and New EPA Funding Model", dated March 15, 2016.

Report on Draft NTA Rankings – Sno Stilly NTAs

Kit Crump reported the ranking of the Snohomish Stillaguamish LIO NTAs by the SITTs and what that ranking meant. The SITTs rankings correspond to ecosystem recovery, not funding.

Referring to a handout in the meeting packet, "2016 Near Term Actions: SITTs and LIO-IC Subcommittee Scores," Kit stated that our NTAs were largely ranked similarly to how our subcommittees ranked them earlier in December, but there were a few exceptions. Perry Falcone pointed out that King County's "Balancing Fish, Farms and Floods in the Snoqualmie Valley", ranked #126 of 205 was essentially the same as Snohomish County's "Integrated Floodplain Management," which ranked #33 of 205.

The appeal period closed on March 30th. One NTA owner, the City of Everett, has appealed the SITTs ranking of NTA 2016-0311, "Fisherman's Harbor Stormwater Quality," as #82 out of 119. The project scored high in the rankings of our LIO IC Subcommittee in December.

On-going Business

Approval or Changes to the 12/10 EC Meeting Notes: The Committee approved the meeting notes with no changes.

Selecting EC Chair and Vice Chair, or Co-Chairs: The Committee unanimously supported Christie True, to continue as Co-Chair and Will Hall, to serve as the other Co-Chair.

Implementation Committee Recommendations for Changes to Bylaws: The Implementation Committee agreed by consensus to recommend the following:

1. Re: Bylaws section 3.2.2, Leadership, and 3.2.3, Terms: proposed that the IC also have the option of electing Co-Chairs as well as a Chair and vice chair.
2. Re: Bylaws section 3.2.3, Terms: proposed the word “minimum” be added as follows: LIO Implementation Committee members serve a two year term minimum.

The Executive Committee unanimously approved these changes.

The Implementation Committee also discussed, but did not reach consensus on, a proposal by the Snoqualmie Tribe for a seat on the LIO Executive Committee. Both the Tulalip Tribes and the Snoqualmie Tribe submitted letters to LIO IC Chair Bill Blake addressing this proposal. The letters were included in the meeting packet. EC Co-Chair Christie True recommended that the two tribes work together to resolve their perspectives on this issue and that the Executive Committee would not be making a decision at this time. Bill Blake will be sending a letter of reply to each of the Tribes in the near future, and copies will be made available to all.

Next Steps/Adjourn

- The Implementation Committee will be meeting again to focus on goal setting for the Vital Signs and Human Well Being components identified as important to our watersheds.
- The next meeting of the Executive Committee will be on Thursday, June 30, 2016.
- In the interim, LIO Support Staff will keep the Executive Committee apprised of progress on planning activities and any adjustments that might be made in the EPA’s funding model.

The meeting was adjourned at 3:35 p.m.

Attachment: Tulalip Joint Conference Proposal

Tulalip Tribes Briefing Document

Joint Conference Pilot for Regulatory Harmonization in Snohomish Basin, Washington

March 24, 2016

Need

The Tulalip Tribes (Tulalip) has long been working to protect and restore the healthy ecosystems that support salmon. Even after 30 years and more than \$50,000,000 of investment in planning and habitat restoration in the Snohomish Basin, salmon stocks continue to decline, such that some runs are nearly extinct. Restoration cannot keep up with habitat loss and water quality degradation due to development. Progress has been made in the updated stormwater regulations and critical areas ordinances, but is often hampered by development that is vested in the old regulations. There is a pressing need for alignment across agencies and all levels of government to close regulatory gaps and inconsistencies, set measureable standards for performance and accountability and to bundle and streamline regulatory requirements. To date, no processes for accomplishing this regulatory harmonization have been developed, nor have mechanisms been created for increasing the effectiveness and accountability of land use rules and regulations.

The Joint Conference Pilot for Regulatory Harmonization recommended here provides an opportunity for agreement on sideboards, direction, and common goals that address priority tribal trust resources, local government needs, climate adaptation, new information, and more agile decision-making in response to emerging issues and understandings. In addition, the Joint Conference model invites state and federal agency participation and sets the table for achieving regulatory alignment across all levels of government with agreement on program and policy changes that remove barriers, set common standards, and identify measurable outcomes to show progress in ecosystem recovery and economic, cultural and environmental gains that meet both local government and Tulalip objectives.

The Time is Right

Currently there are several national and local drivers for a Joint Conference Pilot for Regulatory Harmonization in the Snohomish Basin, Washington. These include:

1. Climate change affecting sea level rise, ocean acidification, hydrologic shifts, ecosystem shifts and increasing hazard (flooding, landslide, and fire) and impacts to both the built environment and the natural world that our cultures and economies depend on.
2. Rapid population growth in Puget Sound and Snohomish basin puts increasing development pressure on working lands, infrastructure needs, and environmental conditions, especially water quality and habitat and requires review and revision of existing regulations.
3. Federal agency response to Treaty Rights at Risk (TRAR):
 - a. Gina McCarthy, EPA Administrator, commitment to uphold treaty rights and consult with all tribes on the protection and recovery of treaty trust resources (Policy Statement, December 9, 2014) and

- b. Karen Divers, special assistant to the President for Native American Affairs, requires federal agency response to TRAR by January 31, 2016 (tribal - white house meeting in Washington, DC on December 4, 2015). Agency support for regulatory harmonization and the Joint Conference model will demonstrate responsiveness to TRAR as well as provide incentives and funding to tribes, state and local governments to undertake regulatory harmonization to meet tribes' stated goals.
- 4. A measurable standard for performance and accountability:
 - a. The Ecosystem Diagnosis and Treatment (EDT) model (Lars Mobrand, 1997) used by Tulalip and other Snohomish Basin salmon recovery partners (Including local, state, and federal governments) to develop Chinook salmon recovery goals. EDT also provides a framework for assessing which habitat protection measures will be most effective in supporting salmon recovery in concert with ongoing restoration work. This framework can be used as a way of determining which land use rules and regulations will best support salmon recovery and priority trust resources. With agreement, EDT can be used as the technical basis for setting goals and measuring habitat gains and losses, as well as progress in ecosystem recovery for the Snohomish Basin Joint Conference Pilot Regulatory Harmonization Initiative.
- 5. Intergovernmental coordination:
 - a. The Joint Conference Pilot for Regulatory Harmonization in the Snohomish Basin provides the pilot setting for Washington Dept. of Ecology, Washington Dept. of Commerce, NOAA, EPA and other agencies to work through needed program changes.
 - b. Tulalip is proposing the Snohomish-Stillaguamish LIO host the Joint Conference Pilot for Regulatory Harmonization.
- 6. The Snohomish Basin, one of four watersheds nationwide recognized by CEQ as a Resilience Showcase, received this designation in part due to the Sustainable Land Strategy where farmers and the Tulalip Tribes have agreed to support each other's cultures and economies using a Net Gain approach to agricultural and ecosystem productivity. Partnering local governments and Tulalip are currently identifying projects and developing plans for the Snohomish Basin that meet trust resource obligations and the goals of the Puget Sound Estuary Program and will become part of the President's Climate Plan. As such, this pilot project will be recognized as a national initiative.

Current Status of the Joint Conference Pilot as of March 2016 and Schedule of Next Steps

Building relationships, conducting assessments and inventories, and growing the vision regarding the need for regulatory harmonization has been years in the making. Currently there is wide spread interest from local governments and state and federal agencies. This section provides an update of where things stand currently and briefly describes next steps and a timeline to a Joint Conference in September 2016.

- 1. Intergovernmental Coordination: Conversations with local government partners, Snohomish County, City of Everett, and King County are ongoing. In addition, the Puget Sound Partnership

(PSP), EPA, NOAA, NRCS, and Washington Dept. of Ecology and Dept. of Commerce have all been notified of the intent and interest of Tulalip Tribes to pursue the Joint Conference Pilot for Regulatory Harmonization in the Snohomish Basin. Interest is strong from all parties and further conversations to understand this initiative are being proposed by PSP and Snohomish County.

Commitment from federal agencies by April 2016, participating local government commitments by May 2016.

2. LIO/Local Government Next Steps (Steps 2a-c in Joint Conference Diagram): Much of the information regarding hazard liabilities and climate impacts already exists and/or is in the process of being updated by various local governments. ***Identify where revision to codes and regulations would be needed to reduce risks and hazard liabilities. June-July 2016.***
3. Tulalip Tribes Next Steps (Steps 1a-c in Joint Conference Diagram): Tulalip has already completed much of the work identified in Steps 1a, 1b and 1c. ***Identify key regulatory changes needed to better protect and restore priority trust resources. Identify information needs for monitoring climate, habitat changes, and effectiveness of regulatory changes in protecting priority trust resources. To be completed by July 2016.***
4. Joint Conference: At the discretion of Tulalip Tribes and the Snohomish LIO, separate pre-conferences can be held with invited state and federal agency representatives to identify goals, issues and potential solution in advance of the Joint Conference. ***The Joint Conference to be convened in September 2016.***

end

Appendix A: Joint Conference Model Explained

The Joint Conference model provides parallel pathways for the identification of key regulatory changes needed for 1) tribes (in this case, Tulalip) to address protection and enhancement of priority treaty trust resources including fish, wildlife, plants and water and tribal needs for climate adaptation; and 2) local government partners including Snohomish County, King County, the City of Everett, and other agencies with land use authority to identify program revisions (e.g. Critical Areas Ordinances and Shoreline Master Programs) needed to better address public safety, reduce risks and liabilities associated with climate change, and meet Puget Sound recovery goals.

By invitation, state and federal agencies can participate in pre-conference meetings to better understand the needs, intent opportunities, and barriers to regulatory alignment. At the Joint Conference for Regulatory Harmonization issues and solutions will be discussed with all parties present (state and federal agencies will be active participants) to agree on direction, goals and key program revisions that address stated tribal and local government needs.

Steps in the Joint Conference Model

This section describes the steps shown in the Joint Conference Diagram below.

Steps 1 and 2 can take place concurrently, Step 3 follows. Steps 1c, 2c and Step 3 should occur on a regular and ongoing basis to monitor progress and accommodate new information and needs.

Steps 1a-c: Tulalip Tribes Pathway

- 1a) Tulalip identifies priority trust resources (Tulalip Chapter of NWIFC State of Watersheds Report, local/traditional knowledge);
- 1b) Tulalip identifies barriers to priority trust resources, potential solutions and information or other critical needs including key changes to policy/regulation as well as identifying opportunities for net gain increases in productivity or ecosystem function;
- 1c) Tulalip Board of Directors in conjunction with Tulalip Office of Treaty Rights develop treaty sideboards, review progress, incorporate new information, update needs and identify draft goals in regular tribal pre-conference meetings.

Steps 2a-c: Local governments/Snohomish LIO pathway

- 2a) Local government partners and the Snohomish Local Integrating Organization, as entities with land use authority, identify hazard liabilities, climate and other needs;
- 2b) Local governments review current rules and regulations, identify needed changes to respond to climate guidance, treaty rights and other needs, identify barriers and opportunities to rule changes;

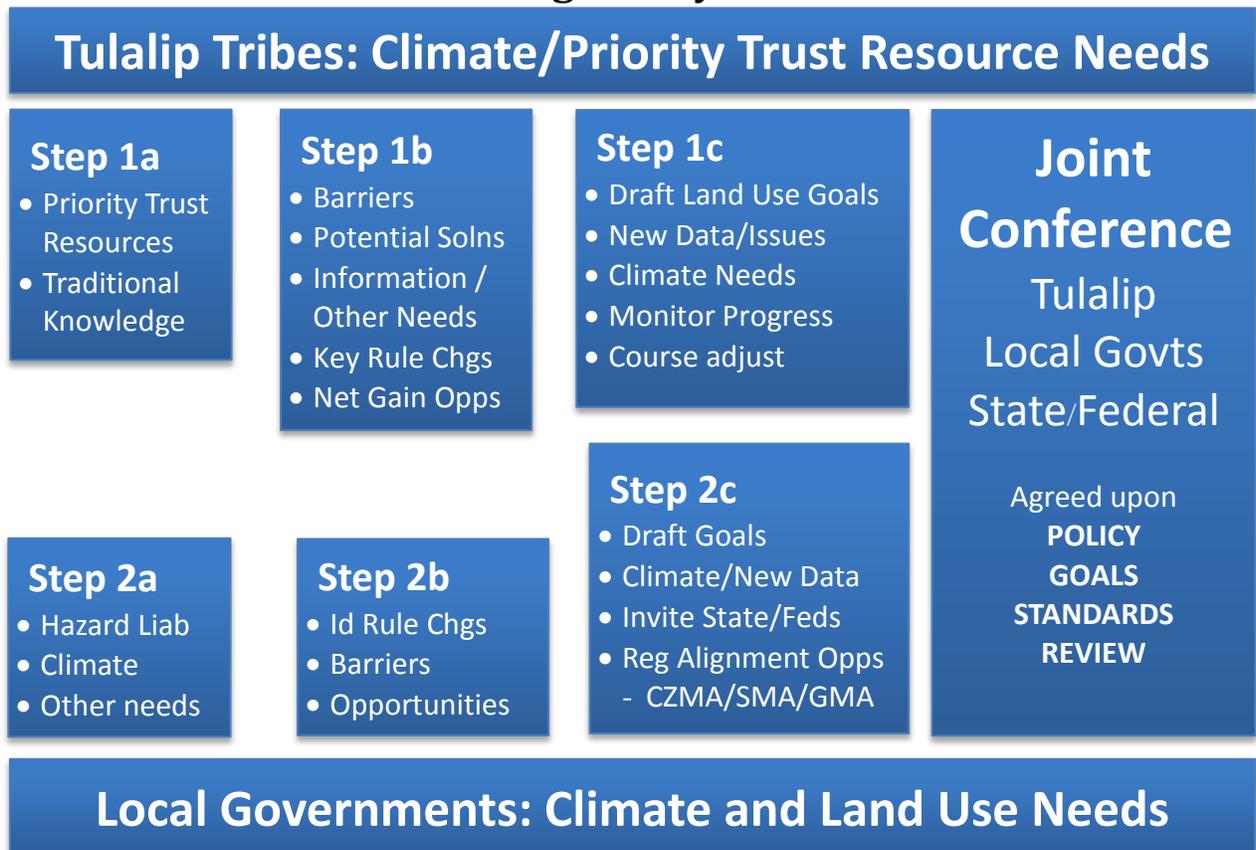
2c) Under the auspices of Snohomish LIO, Local governments receive new information, update needs, and identify draft goals in regular pre-conference meetings. Invite state and federal agencies as needed and identify regulatory alignment needs and opportunities.

Step 3. Joint Conference

Convene Joint Conference with representatives from the Tulalip Tribes and local governments/Snohomish LIO to share needs and recommended solutions, and to negotiate land use policy direction. Invite state and federal agencies to help resolve gaps and barriers to regulatory alignment, bundle and streamline regulations, share resources and leverage opportunities.

Note: Implementation of this model is not intended to displace mandated processes for amending and updating rules and regulations nor to displace SEPA and other public process requirements.

**Joint Conference Diagram:
Land Use and Regulatory Harmonization**



**Appendix B: The use of EDT for assessing progress (or lack thereof) in
restoring and protecting habitats that support Snohomish basin Chinook salmon**

Tulalip Tribes, January 29, 2016

The Ecosystem Diagnosis and Treatment (EDT) approach (Mobrand et al. 1997, Lestelle et al. 1996) has been the principal way of relating habitat condition (quantity and quality) to the abundance, productivity, and diversity of Pacific northwest salmon populations, especially Chinook and Coho salmon. The Puget Sound Technical Recovery Team used EDT, in combination with population viability analysis, to develop recommended recovery goals for the 22 populations that comprise the threatened Puget Sound Chinook Evolutionarily Significant Unit (Rawson et al. 2009).

When recovery goals were under development, the Tulalip Tribes contracted with Mobrand Biometrics to develop a detailed EDT model for the entire basin, including both component Chinook populations: Skykomish and Snoqualmie. Mobrand Biometrics worked with technical experts from Tulalip, Washington Department of Fish and Wildlife, Snohomish County, King County, and others familiar with the relationships of Chinook salmon production to habitat conditions throughout the basin. This work provided the basis for the quantitative recovery goals for these two populations. In combination with Shiraz (Scheuerell et al. 2006), another model that quantitatively relates habitat condition and salmon population performance, it also provided the basis for the basin's recovery plan (Snohomish Basin Salmonid Technical Recovery Committee 2004), including the geographic structure of subbasin strategy groups and the priority recovery strategies, especially habitat restoration strategies, to be followed within these subbasin strategy groups. The Snohomish Basin Technical Committee also used the EDT results to evaluate the interaction of different levels of habitat restoration and protection with different hatchery and harvest management strategies (Kaje et al. 2009).

EDT computes a production curve for a salmon population based on habitat conditions throughout a watershed. The habitat conditions are determined for a number of habitat factors in a large number of reaches delineated throughout the system in the areas used by Chinook salmon. Habitat conditions are expressed as discrete levels, which can be called very good, good, fair, and poor. Typically, good conditions are the same as properly functioning conditions as defined by NMFS (1996), and very good conditions are historical, or pre-contact conditions. Fair conditions represent habitat conditions that can support salmon at some level below viable abundance and productivity. Poor conditions represent nearly fully degraded habitat that is not suitable for supporting even hatchery produced salmon.

The original EDT analysis for the Snohomish, completed approximately 15 years ago, included an assessment of production under then current habitat conditions. This required a comprehensive review of conditions then prevailing throughout the basin, which was part of the work done by the local technical experts. That set of current conditions from 2000 could be used as a baseline against which to compare population performance today based on now current habitat conditions.

It would be necessary to convene a group of local experts again to develop the set of habitat conditions that are current today. This would be a worthwhile exercise because it would enable us to compare the tradeoff between the effects of the restoration work that has happened to date (presumably beneficial) and the losses due to the lack of adequate habitat protection (presumably detrimental). Figure 1 shows how different habitat scenarios are output from EDT in terms of population performance curves. In those graphs, Scenario 1 is the “current path,” which was close to the current conditions scenario. The “Goal” scenario is the recovery goal, which was based on inputting NMFS’s properly functioning conditions as the habitat conditions. The other scenarios were intermediate steps towards recovery, representing different levels of recovery effort and of habitat protection. A current, “2016” scenario could be shown on these graphs as well to give us an idea of whether we have gotten closer to, or farther away from, the recovery goal in the past 15 years.

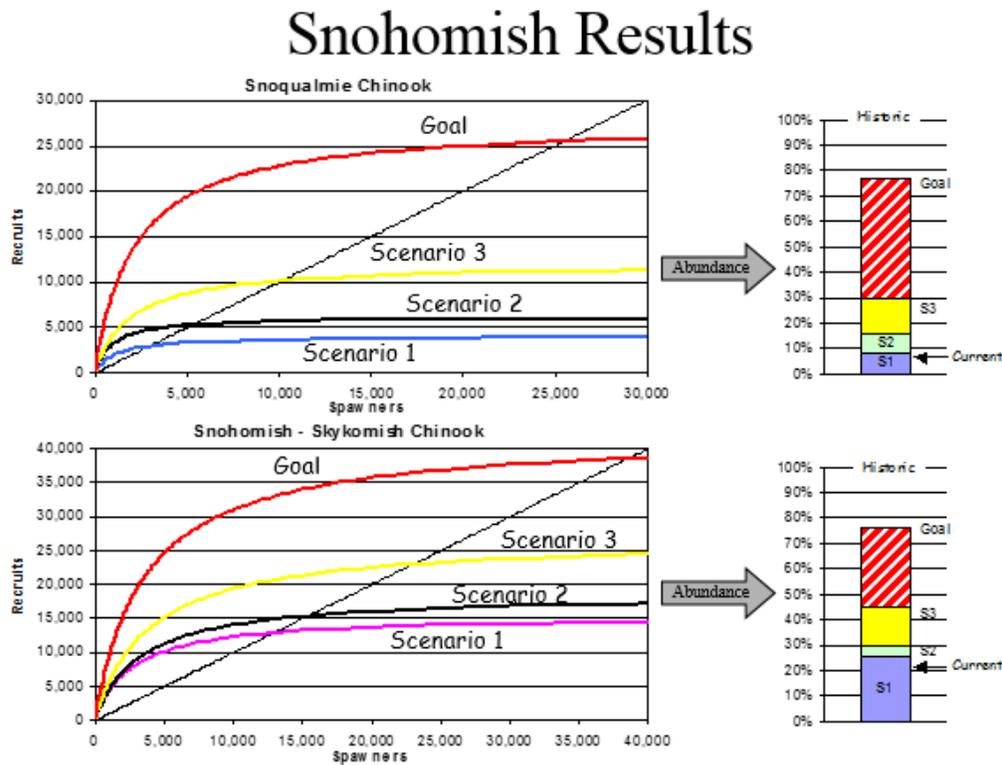


Figure 1. Example of population performance resulting from scenarios modeled in EDT during Snohomish recovery planning.

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Appendix C: A Brief History of Tribes and Environmental Regulation, Planning and Assessment in Puget Sound, Washington

February 4, 2016

Indigenous peoples from around the world are here today because their cultures and lifeways are resilient and adaptable. The native peoples of the Salish Sea are no exception with a 10,000 year history in one of the most dynamic landscapes in the world. The ancestors of today's tribes experienced glaciation, floods, fires and landslides and like salmon adapted and thrived in a landscape built on disturbance. In the nearly 200 years since first contact, disease, starvation, termination, and assimilation have tested the resilience and adaptability of tribes.

Recent tribal history, dating back to the 1960s, shows northwest treaty tribes exercised their sovereignty through direct action, the courts, and formal engagement with all levels of governments to defend, protect and restore treaty trust resources. However current conditions today and future projections for the health of salmon and Puget Sound ecosystems show that landmark agreements notwithstanding, federal, state and local government regulatory, planning and assessment processes have failed to show progress. Basic assumptions about monitoring, accountability, adaptive management, ecosystem stability, and the efficacy of regulatory systems of delegated authorities, have shown themselves to be unachievable, unreliable, or wrong with little political will or institutional ability to course correct as needed. The following briefly describes this history.

I. National Environmental Law and Policy (1970s) and the Boldt Decision

Longstanding public concern over human health and safety from pollution led to the enactment of national environmental laws and policy throughout the 1970s including the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Coastal Zone Management Act and the Endangered Species Act. These laws provide a federal backstop to all state, local and tribal environmental regulations and led to a 40 year era of science based regulation, watershed planning and environmental assessment in processes that invited participation from tribes, all levels of government, and often included landowners and other stakeholders.

In this same decade, the Boldt decision in *US v Washington* (1974, 1979) affirmed treaty tribes as sovereign nations with a treaty right to salmon. Tribes have increased their standing through self-determination and self-governance as well as expanding the definition of trust resources to include fish, wildlife, plants and water and including the protection and governance of traditional knowledge as a further exercise of tribal sovereignty.

II. The Timber Wars (1975-1985)

An early exercise of tribal sovereignty was the defense of habitat critical to salmon through the courts.

- a. Timber Fish and Wildlife (1986-1994) ended a decade of litigation. Tribes negotiated with the Washington governor, lands commissioner, and state legislature to set up a landmark process between tribes, state, local governments and private landowners (timber companies).

III. State Environmental Regulation and Water Quality Management (1985 -1996)

Federal law is delegated to states. Water quality drives state environmental regulations and watershed water management plans.

- a. Puget Sound Water Quality Authority developed Puget Sound Water Quality Management Plans (1987, 1989, 1991) for marine and freshwaters. Local governments, tribes and landowners participate in joint planning processes.
- b. Tulalip fish consumption surveys with invitation to Swinomish and Squaxin tribes resulted in agreement on a process for setting fish consumption standards.
- c. Snohomish Watershed Plans (1988) Tulalip staff (Dave Somers) established policy and technical structure for federal, state, and local governments to follow.
- d. Local and tribal watershed plans provided a legal framework and resulted in statewide support for Watershed Analysis allowing for science driven, measurable watershed goals.
- e. Northwest Straits Commission (1992) and Puget Sound Action Team (1996) implement PSWQA Water Quality Management Plans using coordinated state, local, tribal and citizen efforts

IV. Endangered Salmon (ESA) and Puget Sound Recovery (1997 to present)

- a. Throughout the 1990s tribes reduced harvest quotas to mitigate declining salmon runs.
- b. NOAA Shared Strategy (2001-present) response to Chinook listing led to collaborative multi-agency/stakeholder forums for the development of local Salmon Recovery Plans.
- c. Puget Sound Partnership (PSP) formed in 2007, coordinates state agencies, local governments and tribes to develop biennial Action Agendas for salmon and Puget Sound recovery.
- d. PSP-Local Integrating Organizations (2011) create tribal-local government partnerships to develop and implement local plans for salmon and ecosystem recovery on a watershed basis.

V. Treaty Rights at Risk (2011 to present) and a new Resilience

- a. Northwest Treaty Tribes issue "Treaty Rights at Risk" (TRAR)(2011) describing insufficient federal response in meeting treaty obligations.
- b. Tribes and Tulalip staff response to federal inaction builds on the rule of law, watershed planning, and watershed analysis. Now with EDT and other ecosystem models, impacts can be measured, and making the federal agencies liable for ensuring tribal rights and property under TRAR can be achieved and ensuring the treaty obligations to trust resources are met.
- c. The major issues from climate change are the loss of glaciers and hydrologic change resulting in flooding and drought, sea level rise impacting shoreline aquifers, and increased erosion and damage from winter storms. Currently under No Net Loss policies, federal, state, and local governments are not meeting the standards that would cause recovery under current conditions. Now with climate change, predictive science and Net Gain policy is needed to offset climate impacts and to meet recovery goals. The focus on individual habitats and ecosystems needs to scale up to recovery of whole landscapes with healthy working lands.
- d. Finally, we need **traditional knowledge and better science** to provide the information needed to better assess where we're headed, how we're doing, what is coming (forecasting), and where we need to make course corrections.

end