



B R I E F L Y

In September the National Marine Fisheries Service may issue a rule prohibiting many activities that harm Puget Sound Chinook salmon.

Local officials hope that their efforts to craft fish recovery strategies will minimize the disruption to the local economy.

Salmon Update

State officials say the National Marine Fisheries Service in September likely will issue a rule prohibiting activities, unless otherwise exempted, that harm Puget Sound chinook salmon.

In March, the federal agency listed seven more Pacific salmon and steelhead runs under the Endangered Species Act (ESA). Washington now has 16 salmon species listed as threatened or endangered.

“The decision by National Marine Fisheries Service to list seven additional species, including Puget Sound chinook, guarantees that virtually everyone in Washington State will be affected in one way or another by future efforts to comply with the ESA,” according to Gov. Gary Locke’s Salmon Recovery Office.

In crafting fish recovery plans, local governments will more severely regulate actions that affect salmon, ranging from tree removal, paving and grading to industrial water runoff, new housing and to new bulkheads and cattle grazing.

Rules against harming a threatened species are known as 4(d) rules, after the section in Endangered Species Act authorizing them. It’s hoped that the Puget Sound rule will include exemptions resulting from fish-recovery actions proposed by the Tri-County ESA Response

The Tri-County ESA Response is a voluntary assembly of King, Pierce and Snohomish county and local governments, tribes, business and environmental groups and representatives of Gov. Gary Locke’s Salmon Recovery Office.

The Puget Sound region is one of seven regions across the state that are marked by existing Endangered Species Act fish listings, proposed listings or probable future listings.

In regions with fish listed as threatened or endangered, the National Marine Fisheries Service (NMFS) must devise recovery plans that spell out recovery goals, strategies for achieving them and de-listing criteria.

Elizabeth Babcock, NMFS area coordinator of Puget Sound, said the agency is feeling a “renewed urgency” to complete a 4(d) rule for the Puget Sound region, because delay in issuing a like rule for steelhead in the Lower Columbia River has spawned half a dozen notices of intent to sue the agency for failing to fulfill its duty under the Endangered Species Act.

Coordinator Bruce Laing said the Tri-County ESA Response has been working with NMFS to identify specific local governmental activities that can be done in such a way that salmon are more helped than harmed, and therefore exempted in the federal agency’s 4(d) rule.

In March, the Tri-County team submitted to the agency a three-volume package of proposed early actions intended to assist in “developing a 4(d) rule that would be flexible enough for general purpose local governments and special purpose districts to continue their normal functions – albeit with more substantial commitment to protect and restore habitat for threatened species,”

108 S. Washington St., Suite 406

Seattle WA 98104-3408

PH 206-467-7088

FX 206-467-6957

www.researchcouncil.org



the three county executives said in a letter to NMFS regional administrator William Stelle, Jr.

Laing said the Tri-County team wants NMFS to take into account the team’s proposals for at least one set of governmental activities, or “topics,” in preparing the agency’s initial rule, and to recognize that other topic proposals will follow in time for the final rule.

The topics include road-maintenance management practices, critical area ordinances, storm water regulations, shoreline regulations, monitoring and adaptive management, planning processes, training for code enforcement, and integrated pest management.

Once NMFS issues a 4(d) rule, the agency triggers Section 9 of the Endangered Species Act, which prohibits any “take” – harm, killing, harassing and other actions —of the listed species. However, the rule also may include exemptions from the prohibition, known as “incidental take permits.” In return for acceptable conservation plans, such permits allow the take of a listed species if it is incidental to an otherwise legal activity, such as building or logging.

At the state level, Locke’s Salmon Recovery Office plans to complete its draft final statewide salmon recovery strategy, called “Extinction Is Not An Option,” by September, put it out for public comment and then submit it to NMFS by the end of October.

In its first draft, released in January, the Recovery Office described the statewide salmon recovery strategy as “a flexible framework to support and guide the different, locally driven salmon recovery efforts in each region of the state.”

Meanwhile, various state agencies are taking steps to protect salmon, according to Salmon Recovery Office team leader Chris Drivdahl. The Department of Ecology, for instance, is circulating proposed new guidelines for local governments to follow when upgrading their local shoreline regulations, under the state Shorelines Management Act. Updated shoreline guidelines are part of the state’s salmon and steelhead recovery strategy.

“If the state doesn’t develop adequate fish recovery plans, federal agencies or the courts could dictate how state and local government must respond to endangered fish runs,” DOE has warned.

Other steps include:

- The Department of Transportation is replacing culverts that have been blocking the movement of fish.
- The Department of Agriculture is working with irrigation districts to bring them into compliance with the Endangered Species Act’s standards for water quality and quantity. Each district must produce a comprehensive plan or amend an existing one to address fish issues. Also, in September, the department will begin a process of upgrading the conservation practices farmers use related to fish and water quality.
- The Forest Practices Review Board is working on regulations implementing The Forests & Fish Plan, a salmon-protection bill approved by the legislature and signed by Locke on June 7. The plan affects 60,000 miles of streams and 8 million acres of privately owned forests.