

RESOLUTION 2005/005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, PERTAINING TO THE IMPLEMENTATION OF THE SNOHOMISH RIVER BASIN SALMON CONSERVATION PLAN AND RELATED COMMITMENTS AND CONDITIONS.

WHEREAS, in March 1999, the National Oceanic and Atmospheric Administration (NOAA) Fisheries listed the Puget Sound Chinook salmon evolutionary significant unit as a threatened species under the Endangered Species Act (ESA); and

WHEREAS, the United States Fish and Wildlife Services (USFWS) listed the Puget Sound bull trout distinct population segment as threatened species under the ESA in November 1999; and

WHEREAS, under the ESA, it is illegal to “take” a listed species, and the ESA defines the term “take” to include actions that could harm listed species or their habitat; and

WHEREAS, actions that are directly or indirectly authorized by local governments, could potentially expose local governments to civil or criminal penalties under the ESA; and

WHEREAS, Under the ESA, section 4(f), NOAA Fisheries (for Chinook Salmon) and the USFWS (for bull trout) are required to develop and implement recovery plans to address the recovery of the species; and

WHEREAS, the most essential ingredient for the development and implementation of effect recovery program is coordination and cooperation among federal, state, and local agencies, tribes, academic researchers, non-governmental organizations, and private citizens; and

WHEREAS, NOAA Fisheries and the USFWS can provide certain regulatory assurances to jurisdictions that have committed to a Recovery Plan; and

WHEREAS, Shared Strategy for Puget Sound, a regional non-profit organization, has assumed a lead role in the Puget Sound response to developing a Recovery Plan for submittal to NOAA Fisheries and the USFWS; and

WHEREAS, Shared Strategy intends that its recovery plan will include commitments from stakeholders; and

WHEREAS, the City of Monroe is a member of the Snohomish Basin Salmon Recovery Forum and assisted in the development of the Snohomish River Basin Salmon Conservation Plan; and

WHEREAS, the City of Monroe values ecosystem health, the protection of salmonids, water quality, and flood hazard reduction; and maintaining a legacy for future generations, including commercial, tribal, and sport fishing; aesthetic quality of life; and cultural heritage; and

WHEREAS, the City of Monroe has consistently implemented habitat restoration projects and improved its critical areas regulations and shoreline master program over the past five years as outlined in Exhibit A; and

WHEREAS, the City of Monroe, together with the other jurisdictions of the Snohomish Basin Recovery Forum, have conducted a joint regulatory review as directed under the Snohomish Near Term Action Agenda and updated policies and local regulations to address consistency with recommendations necessary for salmonid recovery and watershed health as outlined in Exhibit A; and

WHEREAS, the City of Monroe supports regional cooperation to set common priorities for action among partners, efficient use of resources and investments, and distribution of responsibility for action and expenditures; and

WHEREAS, it is important to provide jurisdictions, the private sector and the public with certainty and predictability regarding the course of salmon recovery actions that we as a region will be taking in the Snohomish river basin:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

- A. The council hereby indicates its support for:
 - 1. The goal of the Snohomish Basin Salmon Recovery Forum to protect, restore, and enhance the productivity of all wild salmon stocks in the Snohomish Basin to a level that will sustain fisheries and non-consumptive salmon-related cultural values.
 - 2. The long-term vision of the Plan.
 - 3. The ten-year habitat improvement milestones in the Plan, which provide a clear path to make significant progress towards salmon recovery.
- B. The council further indicates its support of continued work with NOAA Fisheries and the USFWS, and Shared Strategies for Puget Sound, or future Puget Sound regional recovery organizations, to implement the Plan, such as:
 - 1. Continuing to participate on the Snohomish Basin Recovery Forum to support Plan implementation, evaluation, and management;

2. Implement restoration and protection projects in the City of Monroe consistent with the Plan;
3. Implement policies, programs, and regulations consistent with the intent of the Plan an necessary to achieve salmon recovery needs and goals;

C. The support of the City of Monroe Council is conditioned upon the following:

1. If the City of Monroe commits to plan implementation, then NOAA Fisheries and the USFWS will agree each adopt the Plan, as an operative element of their separate ESA § 4(f) recovery plans for the Puget Sound Chinook salmon and the Puget Sound bull trout; and
2. If the City of Monroe commits to implementing the Plan and is making progress, NOAA Fisheries and the USFWS will:
 - a. Shall take no direct enforcement actions against the City of Monroe under the ESA, and
 - b. Shall endorse the Plan and its actions, and shall defend the City of Monroe against legal challenges by third parties.
3. If the City of Monroe commits to implement the Plan, then the federal and state governments will reward commitments through:
 - a. Direct funding and other monetary incentives to cover the majority of costs of implementation, and
 - b. Streamlined permitting of the City of Monroe projects implemented primarily to restore salmonid habitat.
4. To the extent that the commitments described in Subsection B require future legislative action then such commitments are conditioned upon further legislative action by the City of Monroe Council.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, Washington, at a regular meeting thereof, held this 6th day of April, 2005.

CITY OF MONROE, WASHINGTON

Donnetta Walser, Mayor

ATTEST:

Betty King, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney