

The premise of the proposed assessment project is that a new local governance structure will overcome a perceived inability of the existing process to adequately protect salmon habitat in San Juan County. In order to meet the technical review criteria for SRFB funding, the application should provide clearer documentation to support this premise and should explain precisely how the project activities will achieve the desired objective. Specific issues which need to be clarified are listed below.

Response: We want to amend the Technical Panel's characterization of the premise of this proposal. We do not see the Initiative as creating "a new local governance structure" but rather creating a leadership group that provides the support to develop and implement recommendations on improving protection efforts in San Juan County. It is our understanding from the preliminary findings of the Marine Resources Committee's 5-S planning process and from issues raised by the Friends of the San Juans that existing processes are not sufficient to address the highest priorities for protection. More detail in response to this overarching concern is provided in the responses below.

1. The application should clearly explain why existing regulations and planning processes are unable to adequately protect salmon habitat in WRIA 2. Which regulations and programs will be reviewed as part of this proposal? What are some examples of conflicting directives between regulatory programs? Why aren't existing processes, such as the MRC in its dual salmon recovery and marine resources planning roles, effective? Would this proposed process replace any existing programs? How existing regulatory programs might be amended to include voluntary, incentive-based elements and how would these incentives be implemented within the context of the local government's staff and budget resources?

Response: One of the main uncertainties highlighted in the salmon recovery plan by regional and local scientists is that there is a great deal of uncertainty that existing regulations and planning processes are adequately protecting existing habitats. In San Juan County, this is because there has not been an evaluation of the effectiveness of the County's regulatory programs and a clear understanding of how what is on the books actually translates to protection on the ground. In conversations with the Friends of the San Juan's they have often raised the issue of cumulative impacts, variances and exemptions and lack of enforcement. There is no information that clearly documents and analyzes the geographic impact of these short-comings or the extent to which they limit the ability to protect existing functions. There is also no analysis to determine the cause of the short-coming (lack of information on the part of the landowner, lack of will to implement a legal requirement, lack of funding for enforcement, legally valid exercising of property rights, etc) Without this spatially specific and detailed information it is not possible to ensure that voluntary and incentive programs are efficiently directed at the areas most vulnerable to loss because they are not protected through regulatory measures. It is also difficult for the County to prioritize very limited resources to ensure that necessary improvements to its regulatory package are made. It is the intent of this Initiative to build on

## San Juan Initiative Response to Technical Panel Comments

local efforts and to be driven locally by a Policy Leadership Group. For the program to be successful the organizations being assessed will need to agree willingly to the assessment and to the process.

The following describes the likely direction the effort will take based on our understanding of existing local priorities and information, but will be shaped and finalized by the Policy Leadership Group. The regulatory programs that will likely be reviewed as part of this process thus include San Juan County's zoning and permitting work, Critical Areas Ordinance and Shoreline Masters Program; WDFW's Hydraulic Permit Approval program, US Army Corps of Engineers 404 permits and potentially Clean Water Act programs. In addition to assessing the effectiveness of the regulatory programs, assessments will also be conducted looking at the success of local and regional land trust efforts, education and outreach efforts, and incentives such as the CREP program for farmers.

There are indeed conflicting directives between regulatory programs. A few examples include the State's charge to both encourage shoreline development and protect existing function through their Shoreline Masters Program. Another example is that development pre-platted plots must be allowed to prevent a "taking" of property owner rights, while the Critical Area Ordinance mandates that buffers and other sensitive areas are protected. We have also heard from the building community that there are mixed and conflicting directives about what actions are acceptable and effective in protecting functions from USACE, San Juan County and WDFW which is both confusing and frustrating.

Contrary to the Panel language above, we do not make a statement nor do we believe that existing processes such as the MRC are not effective. What we have heard is that an effort like this will enable processes like the MRC to be more effective and will increase the likelihood that the work they have produced will be incorporated at the policy and local level necessary to produce on the ground results. This program also seeks to link upland areas and terrestrial processes with the work of the MRC which is marine-focused. This land-sea connectedness is integral to protecting the functions and processes critical to salmon. This process does not seek to replace any existing programs but hopes to bring additional resources that will help advance existing efforts and increase the coordination amongst existing programs.

As agreed to by the MRC chair, one of the first steps, upon the formation of the Policy Leadership Group, is to receive a briefing from the MRC on their key findings and priorities from their 5-S planning process and marine managers workshops. This important work will form the basis of the Initiative. The process will also be bringing forward information from other County-sponsored groups such as the Agricultural Resources Committee, the Water Resource Group and the Planning Commission in addition to local information provided by groups such as the San Juan Conservation District, Friends of the San Juans and regional and local land trusts.

It is not likely that existing regulatory programs would be replaced by voluntary or

incentive-based elements as is somewhat suggested in the last question. What is likely is that the assessment will clarify where voluntary and incentive programs could be targeted on the landscape based on the findings of the effectiveness of regulatory programs. There is also the potential that additional County efforts will need to be taken to ensure that regulations are producing the necessary on-the-ground actions. It is also clear that the current ability of the County to advance these issues given local staff and budget resources is limited. Part of the interest in creating a public-private partnership is to garner the resources necessary for the County to achieve what is best to do not just achieve what is mandated. It will be necessary for an effort like the Initiative to deliver more resources to the San Juan community over time to ensure that implementation is effective.

2. The application should explain in more detail how the results of past and current WRIA 2 nearshore protection activities will be evaluated for effectiveness. What criteria will be used to measure “effectiveness?”

Response: We agree with your comment that it is important to better understand how we use the term effectiveness as a key component of the Initiative. There are two types of effectiveness that must be evaluated to ensure the long-term health of ecosystems. One is a determination if any given method for protecting ecosystem function actually protects those desired functions. For example, does a riparian buffer of a given size ensure that the necessary riparian functions are protected and functioning? This type of evaluation is best conducted through a clearly defined research program that is supported by the parties who will base their decisions on the results. The second type of effectiveness that must be evaluated is have the methods been implemented. For example, was the riparian buffer maintained as a site was developed? This type of evaluation is best conducted by assessing whether implementation occurred and if it didn't occur a clear understanding of why. Similar to the first example, we believe this evaluation is best designed and conducted in partnership with those who will need to resolve any discrepancies that are found. This is the importance of having the Policy Leadership Group formed and driving the advancement of the Initiative.

In regard to the first type of effectiveness, this Initiative will discover areas where the community is not in agreement about what methods best protect ecological function through the evaluation of what a variety of interests (scientists, citizens, non-governmental and governmental organizations) are currently trying to protect. It will bring these issues forward to the Policy Group to determine a next step for resolving. No research will be conducted through this process to advance these issues, nor will research be conducted generally to explore the effectiveness of any given method of protection (i.e. is a 50 foot buffer effective at protecting marine functions).

In regard to the second type of effectiveness, this Initiative will focus on the following areas. Programs and policies that are evaluated will be selected by the Leadership Policy group based on their priority.

- (1) What are the current conditions- use existing assessments and research to show existing quantity, quality and location of intact habitats and habitat forming processes (i.e. intact riparian areas on 187 miles of shoreline)
- (2) What do existing programs and policies strive to protect (i.e. protect marine shoreline function) and what is their method of achieving protection of that function (50 ft. buffer along marine shorelines or conservation easement program)?
  - (a) What are the goals and methods across management efforts for protection (incentives, voluntary, regulatory and education)?
  - (b) Where protection goals and methods are the same (protect marine riparian function with a 50 ft. buffer) and where are there differences (no need to protect marine riparian function or protect marine riparian function with a 100ft. buffer)?
- (3) Was implementation of the method effective (were 50 ft. buffers implemented)?
- (4) Determine why implementation wasn't effective (variances granted due to sub-standard lot size)
- (5) Scale of issue relative to ecological priorities (how many undeveloped sub-standard lots exist in the highest priority riparian areas)
- (6) Future threat (future growth predicted in these areas)
- (7) The assessment won't:
  - (a) determine if methods are effectively protecting function (Is a 50ft. buffer adequate to protect marine riparian function)  
Where there are concerns and significant differences of opinion these will be noted and built into next steps (there is a need for the community to agree on a research program to determine how to protect marine riparian function)
  - (b) be conducted for every ecosystem function and habitat (water quantity/quality)

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| <p>3. While the proposal lists six "Project Objectives," these tend to read more like general "mission statements" than tangible outputs, and it is difficult to understand precisely what deliverables the project intends to produce. Elsewhere, the proposal states that the project will "...seek to deliver a package of programs that work in concert to meet community and ecological needs." What specifically will this "package" include? It is inferred from the large GIS budget that the package will include some kind of mapping. Will this map prioritize specific geographic areas for different kinds of protection? Will there be site-specific prioritized projects in addition to the package of programs?</p> |
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Response: This Initiative will produce significant results for protection that include both the programmatic and project-specific recommendations. This piece will focus on the project-specific deliverables as the programmatic pieces are discussed in more detail in the existing application and the concern expressed

by the technical panel appears to relate more to the lack of detail on the project-specific deliverables.

Scientists and policy-makers alike agree that to ensure protection given the intensive growth pressures, we must combine programmatic with project-specific protection efforts to have any strong degree of certainty. The purpose of the Initiative is to ensure that the entire suite of protection programs: voluntary, incentive, education and regulatory in combination result in site specific and on-the-ground protection measures.

Through the course of the Initiative we will be working with local and national land trusts as part of the assessment of voluntary and incentive programs. As mentioned above we will evaluate the effectiveness of their acquisition programs in protecting what is most important in San Juan County. The result will be an analysis that demonstrates spatially and site specifically where acquisition is the best and potentially the only option to ensure protection of key habitats.

In addition to key acquisition sites, the Initiative establishes a process where citizens, land owners and key implementers (e.g. land trust staff) are involved throughout the process such that the final result will be a detailed list of projects with a high likelihood of landowner support and land trust or other interest in implementation. The package will also include cost estimates and will be rolled into the Salmon Recovery Plan 3-Year work program. We believe that by building a strong and broad base of support for the package the ability to leverage funding for implementation will be increased as is seen through the recent interest in significant support from the State and the Puget Sound Partnership to fund the 2005 Puget Sound Salmon Recovery plan. This is an example that is also to be applied to other incentive and other education programs. For example, if we determine that most shoreline landowners ultimately remove their riparian buffer after recent development then we will show where riparian areas are most intact, where new development is likely to occur and link County permitting efforts with local education efforts and enforcement.

The GIS package associated with this process is to address the local need we have heard for more resources to combine the existing local layers that cannot currently be combined for analysis because they are not compatible. The cost estimate provided for the GIS analysis was determined after talking with local leaders and people working with GIS layers in San Juan County about the amount of money they felt was necessary to accomplish this task. Their guidance was based on their understanding of the existing data layers in San Juan and the amount of time and effort it would take to combine these layers to do the requisite analysis. For example, these funds are expected to be used to conduct analysis that combines planning projections and information with MRC findings. The work of the assessment will also need to be translated into a spatial database such that the ultimate analysis can drive the identification and prioritization of high habitat value areas with areas that are not being protected based on findings from the assessment. The final result will indeed be a site-

specific map of key areas for protection and the methods most likely to ensure they are protected into the future (regulatory, acquisition, education, incentive).

4. The "Project Approach" includes convening a "Policy Leadership Group" and a "Technical Team" to advise and hopefully guide the eventual implementation of the project results. What will the process be for recruiting these teams? Who are the key stakeholders that will be represented and how will the teams be structured to balance diverse community interests? If the current MRC, with its diverse community constituency, and the county's local political process itself have not been effective enough in achieving buy-in from stakeholders and producing salmon recovery results, what will the two new committees do differently to achieve the desired outcomes? What measures will the project take to help ensure that recommendations proposed by the policy and technical groups actually become implemented in county governance?

Response: The process for recruiting the Policy Leadership Group is to work with local community members to identify key organizations and participants. For example, the MRC was briefed on the Initiative on October 4<sup>th</sup> and asked to provide input based on their work, experience and preliminary findings/recommendations as to key groups to include in such a leadership group. They responded to the request in early November and their comments and thoughts will be considered as well as feedback from other key committees and individuals. The Leadership Group will be appointed, per the Memorandum of Agreement signed by the San Juan County Council, and their appointments. The technical team will be formed under the guidance of the Leadership Group as it will need to be a team that has the trust of the Leadership Group. Details for roles and decision-making are outlined in the MOA that is attached. The Leadership Policy Group has not yet been defined and we have just begun outreach to the community to determine their feedback on which groups should be represented. Nevertheless, the San Juan Community is small and it is likely that the group will include some combination of the following representatives: San Juan County Council, San Juan County Administrator, MRC, local environmental groups, San Juan Conservation District, local and regional land trusts, tribal, WDFW, USACE, Realtor's Association, Port, Agricultural Resource Committee, Water Resources Group, and builders.

Community and citizen interests will also be balanced by an aggressive process for working directly with the communities on the main islands in both the identification of the problem as well as the crafting of the solutions. The MRC does indeed have a diverse representation of the local community, but it does not have the decision-makers at the table who direct policies and change programs. Part of the interest of the MRC that we have heard is the Initiative bring decision-makers to the table who can implement the recommendations that they are creating. It will also provide a broader base of support for looking at regulatory programs as it will be done in concert with a broader community process as well as other programs such as voluntary, incentive and education.

The County has clearly expressed an interest in “doing the right thing” with their Critical Area Ordinance but feels unable to adequately engage the whole community given their extremely limited budget and staff time. The County feels that a key to their long-term success is garnering more resources to not just meet their mandates but to actually involve and engage their community in protection.

The Initiative is not in a position to guarantee that proposals created through this process will be implemented. However, we feel that the Resolution and MOA signed by the San Juan County Council demonstrate the seriousness of the County in embarking on this process. They have also demonstrated their commitment through staff and Council participation to date and a willingness to commit staff time and resources in the future. This process has been carefully designed to create the broadest base of support for the recommendations which will increase the likelihood that the Council will be supported in adopting the recommendations proposed.

5. What exactly are the proposed responsibilities of the technical coordinator position? The application states that the position will coordinate GIS overlays and communicate the technical team’s findings to the public. It is not clear how these activities justify a full-time staff person, given that existing local stakeholders already have GIS capabilities and that the project also includes a large budget for external consulting assistance. If the technical capacity of existing stakeholders is lacking, what specific steps will the project take to improve it and ensure that it is sustainable after the project ends? Please elaborate on the duties of this position and why it is necessary for the success of the project.

Response: The role of the technical coordinator is actually currently scoped as a part-time position for the duration of the project. The position certainly could be fulfilled by a local GIS person in support/advancement of their current work. The responsibilities of this person which will be formalized and finalized by the Leadership Policy Group will likely include combining the existing data sets for analysis as described above and preparing the information for use by the policy makers. This may include maps or written descriptions of the conclusions of the analysis. The technical coordinator will also work closely with the community work groups to help ensure that the science pulled together is brought forward to the community in a manner that is understandable and maintains its integrity through their local discussions focused on solutions to gaps identified in the assessment phase. The technical coordinator will also play a critical role in taking the information produced through the assessment phase and linking it to existing information on current conditions as well as information that projects into the future like growth projections or pre-platted lots that are not currently developed. The Initiative is focused on bringing resources to the local community to build a long-term sustainable program. It is the hope that many of the consultant dollars and the GIS money is provided to local groups to enhance their work in contribution to this Initiative. The Conservation District has also expressed an interest in helping specifically focus their efforts on building local

capacity through this process and will be a significant resource in ensuring that this goal of the Initiative is reached.

The Review Panel supports community-based processes for engaging stakeholders to protect critical nearshore habitat. Nevertheless, we are mindful of the 7<sup>th</sup> Round Nearshore Project Review Group's comment that "the proposal should capitalize on the existing level of commitment to nearshore and ecosystem protection and restoration in the San Juans and adaptively manage those programs for improved function and sensitivity to broader community goals, rather than create a new governance structure that could delay implementation." In order to dispel this perception of the proposed project, the application should more clearly articulate what the shortcomings of the existing programs are and how the project will correct these shortcomings.

Response: As mentioned above we do not view the Initiative as proposing a "new governance structure" but rather creating a leadership group and a process that can build a broader base of public and policy support, link upland and marine efforts, and garner additional resources for the community. The "short-comings" of existing programs are not a situation unique to San Juan County. There is no place in Puget Sound that currently has a high degree of certainty that their existing functions will be protected into the future or can describe how their local network of protection programs (voluntary, incentive, regulatory and education) deliver results for salmon recovery. This is because there has never been a structured and rigorous process for accessing the adequacy of the combination of those programs and the results that they produce on the ground. As a result education, voluntary and incentive programs are targeted to both areas known to not be covered through regulatory protection (i.e. floodplain habitats within growth boundaries as seen in the example presented by the Stillaguamish Lead Entity) as well as areas where there is a perception that existing regulations may not actually deliver the protections necessary to protection salmon habitats and habitat forming processes.

We cannot overstate the importance of protection of existing habitat to the success of salmon recovery in the future. The chinook populations of Puget Sound are on the brink of extinction. A weir recently set up to start a broodstock program in the South Fork of the Nooksack caught no South Fork fish. Population growth and development continues to put increasing pressures on the remaining stocks. It is critical to salmon recovery both at the watershed and the regional scale that we better understand the results that our cumulative efforts to protect are producing and that we at the same time develop a process that allows for those finding to have a foothold with both the policy-makers as well as the citizens to ensure that the results are actually acted upon. This Initiative is an attempt to create a process and results that will deliver on that hope.