

To our Partners in Puget Sound Recovery,

At its March 13 meeting, the Puget Sound Partnership's Leadership Council adopted a resolution urging timely implementation of the water cleanup plan (commonly referred to as a "TMDL") for water temperature in the lower Skagit River and its tributaries. The attached resolution, first and foremost, is the Leadership Council's affirmation that Skagit River Chinook salmon populations are of crucial importance to local tribes, recreational fishers, Southern Resident orcas, and the overall survival of Chinook salmon in Puget Sound. There has never been a more important time to do everything within our power to put Chinook Salmon on a pathway toward recovery.

We know that Chinook salmon need cold, clean water to survive. Based on data collected by the Department of Ecology and Skagit County, we also know that water temperatures in many of the tributaries of the lower Skagit River regularly exceed what is considered safe for salmon streams in Washington.

In statute, the Leadership Council of the Puget Sound Partnership is the designated regional salmon recovery organization for Puget Sound. In that capacity, we advance important policy issues and make funding recommendations that aim to improve the effectiveness of the actions we all take to recover salmon in Puget Sound.

The Puget Sound Salmon Recovery Council (Recovery Council) advises us in carrying out the roles and responsibilities of a salmon recovery regional organization. We rely substantially on the expertise of the Recovery Council's dozens of member organizations – including tribes; watersheds; non-profit organizations; business interests; and federal, state and local government entities – to guide where we focus our work.

The Recovery Council brought the issue raised in this resolution to our attention in November, and we have worked hard since then to respond to it in a manner that incorporates the experience of our partners, who we are calling on to implement it. The Department of Ecology (Ecology) has acknowledged the problem of elevated water temperatures in its [2008 Lower Skagit Total Maximum Daily Load Water Quality Improvement Report](#). We are asking that Ecology now take the next step and develop a plan for implementing the actions called for in this report.

We recognize that taking the actions called for in the report is difficult. We therefore recommend that Ecology consider a wide range of tools to achieve better water quality in the lower Skagit River. Some of these tools may be in the form of incentives, while others may focus on compliance with regulations. We also urge the involvement of local governments, Tribes, farmers, environmental advocates, federal partners and non-tribal fishers in the development and implementation of the water cleanup plan.

As we considered whether to adopt this resolution, we heard from elected officials, representatives of the agricultural community, and other local organizations who felt their perspectives had not yet been heard. We also understand that many of these same partners were unable to attend our most recent Leadership Council meeting, and so were unable to convey their concerns to us in person.

In offering our full support to Ecology as it develops an implementation plan for lowering temperature on the lower Skagit River, we are grateful for the opportunity to hold a meeting in the Skagit watershed this summer to help ensure that local perspectives strongly inform our approach moving forward.

Thank you for all that you do to support the health of Puget Sound, and the well-being of all of us who live here.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay Manning". The signature is stylized and cursive, with a prominent vertical stroke on the right side.

Jay Manning, Chair  
Puget Sound Partnership Leadership Council

**Advancing Implementation of the Lower Skagit Temperature TMDL for the Benefit of Chinook Salmon and Southern Resident Orca Recovery**

Washington state law has provided the Leadership Council with certain powers and authorities set forth in RCW 90.71, based on which the Leadership Council makes the following findings and adopts the resolution described.

**Section 1. Findings.**

Skagit River Chinook salmon populations are crucially important for local tribes, Southern Resident Orcas, recreational anglers, and the survival of Chinook salmon in Puget Sound.

Water quality in the Lower Skagit was categorized as “impaired” in the Department of Ecology’s 2004 Lower Skagit River Tributaries Temperature Total Maximum Daily Load (TMDL) as a result of temperatures that regularly exceed the state water quality standards for salmon streams in WAC 173-201A-200.

Salmon require cold, clean water to survive. According to a [Department of Ecology fact sheet](#), warm water has a number of sub-lethal effects on salmon, including disrupted metabolism, decreased supply of oxygen, increased susceptibility to toxins and disease, reduced ability to avoid predators, and reduced food supply. Water temperatures of 23-25<sup>0</sup> C (73-77<sup>0</sup> F) kill salmon.

The Department of Ecology published a [TMDL Water Quality Improvement Report in 2008](#) that provides a clean-up plan focused on incentives, outreach, and communication, but stated that Ecology would consider enforcement action if voluntary programs were not successful (p. 43). The modelling conducted for the 2004 TMDL study generated load allocations based in part on the effective shade that would result from 100-year-old riparian vegetation; the model defined the future vegetation at 100 years to be represented by average tree heights ranging from 37 to 53 meters, and riparian zone widths estimated as 75% of average tree heights (FEMAT 1993), which ranged from 28 to 40 meters (p.87).

The Governor’s budget includes additional capacity for the Department of Ecology to work specifically on voluntary compliance with the Lower Skagit TMDL.

The TMDL Water Quality Improvement Report (p. 45) states that the Department of Ecology’s “goal is for 100% of all stream miles of these creeks to be protected by riparian shade or enrolled as part of larger creek restoration and improvement projects by 2020.”

The Swinomish Tribe maintains that approximately 50% of stream miles still need to be planted to reach this goal.

RCW 90.71 stipulates that the Leadership Council is the regional organization for salmon recovery in Puget Sound, excluding Hood Canal summer chum salmon.

The Puget Sound Salmon Recovery Council is responsible for advising the Leadership Council in carrying out its responsibilities as the Puget Sound salmon recovery regional organization.

On November 15, 2018, the Puget Sound Salmon Recovery Council adopted a recommendation to the Leadership Council entitled “Prioritize and Fund Skagit River Pilot Project,” which calls for the Department of Ecology to achieve compliance with the Lower Skagit Temperature TMDL.

The Puget Sound Partnership has worked with the Department of Ecology and Swinomish Tribe to respond to the Salmon Recovery Council’s policy recommendation.

**Section 2. Resolution.** The Leadership Council requests that the Department of Ecology develop and implement a nonpoint strategy to achieve temperature standards called for in the Lower Skagit Temperature TMDL. This strategy should be developed by December 31, 2019, and should identify targeted near term actions to attain measurable progress as well as longer-term area-wide strategies. The Department should use the full mix of tools at its disposal, including incentives, technical assistance, and development of local partnerships, as well as enforcement to achieve our mutual goals of meeting Water Quality Standards in the Lower Skagit. The Department should take action to reduce water temperatures in the Lower Skagit even while working to complete this plan.

The Partnership will support the Department of Ecology’s efforts to implement this strategy. The Leadership Council requests an update on progress at its meeting on October 1-2, 2019.

The Leadership Council recognizes that other parties also must act to protect and restore water temperatures. Therefore, the Leadership Council further requests that all relevant state agencies work with the Governor’s Office, the tribes, the agricultural community, local governments, and other interested parties to improve the state’s approach to meeting water quality standards for temperature in salmon-bearing streams.

The Leadership Council urges the Washington State Legislature to include funding for increased capacity for the Department of Ecology to achieve compliance with the Lower Skagit TMDL in its 2019-2021 budget, as highlighted in the Governor’s budget.

Resolution Moved by: Russ Hepfer

Resolution Seconded by: Deborah Jensen

Date Adopted: March 13, 2019