

March 26, 2019

The Honorable Rod Dembowski  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Dembowski:

This letter transmits an ordinance that will update King County's Shoreline Master Program (SMP), in accordance with the Washington State Shoreline Management Act. This ordinance will bring the King County Comprehensive Plan and King County Code up to date with state law, and increase protections for natural resources, the environment, and wildlife. Strong, science-based protections for shorelines are an essential part of King County's overall strategy for protecting and restoring clean water and healthy habitat.

State law requires King County to review and update its SMP by June 30, 2019. Following review of the SMP and conducting public engagement, this update satisfies periodic review and update requirements.

This ordinance will update Chapter 6 of the King County Comprehensive Plan and the shoreline development regulations in King County Code, Titles 20 and 21A, to be consistent with changes in state law and to update and strengthen aquaculture regulations, including:

- Prohibiting all nonnative finfish aquaculture,
- Expanding the prohibition of all fish net pens to all portions of Quartermaster Harbor, Vashon-Maury Island,
- Prohibiting commercial salmon net pens,
- Clarifying conditions for commercial native finfish net pens and noncommercial native salmon net pens to further environmental and ecological protections while retaining options for salmon recovery,
- Recognizing pending state agency work with Tribes to update guidance for net pens,
- Adopting additional permitting requirements for geoduck aquaculture, and
- Allowing regulatory relief for certain shoreline restoration projects.

The catastrophic failure of commercial salmon net pens for Atlantic Salmon in the San Juan Islands in the summer of 2017 and escape of hundreds of thousands of these non-native

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salmon into the Salish Sea underscored the risks of net-pen aquaculture to native Puget Sound salmon. This SMP update to policies and regulations strengthens, and makes permanent, the adoption and extensions of the moratorium on commercial nonnative salmon net pens that the Council adopted in Ordinances 18617, 18736, and 18808, which will expire in 2019.

King County has a long history of protecting and restoring clean water and healthy habitats. Even with these efforts, Southern Resident Orca Whales remain critically endangered and Puget Sound salmon runs continue to decline. Specifically, many native salmon species have become extinct or are in danger of extinction, such as the Chinook Salmon that Southern Resident Orca rely upon heavily for their survival. To reverse this trend and recover salmon runs, King County, Native American Tribes, cities, the State of Washington, and the federal government have collectively invested hundreds of millions of dollars over many years toward restoring native salmon species. Conditioning and prohibiting the use of certain fish or salmon net pens will help to protect sensitive shoreline resources, reduce risks to native salmon runs, and protect tribal treaty rights and King County's investment in native salmon recovery.

The legislation also furthers the goals of the King County Strategic Plan goal of safeguarding and enhancing natural resources and environment. The legislation furthers the King County Equity and Social Justice Initiative by allowing the evaluation of impacts from net pen fisheries on Native American Tribes. The legislation is consistent with the Rural Economic Strategies Plan by helping to ensure compatibility of uses and environmental protections along King County's marine shorelines along Vashon and Maury Islands.

In developing the legislation, the County consulted with Native American Tribes, engaged with the Washington State Department of Ecology (Ecology), and sought input from adjacent jurisdictions, stakeholders, and the public.

To streamline the SMP review process, Ecology is offering the option of "joint review," coordinated with the Council's public notice and hearing process. This joint review should help to expedite final Ecology review of the updated SMP and provide greater certainty for permit applicants about regulatory changes. Executive Office and Permitting Division staff stand ready to support a joint review process.

Thank you for considering this ordinance. This important legislation will enhance the protection of the shorelines in King County and will further support orca and salmon populations and the health of the Salish Sea.

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If you have any questions, please feel free to contact Jim Chan, Director, Permitting Division, Department of Local Services, at 206-477-0385.

Sincerely,

Dow Constantine  
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Carolyn Busch, Chief of Staff

Melani Pedroza, Clerk of the Council

Dwight Dively, Director, Office of Performance, Strategy and Budget

John Taylor, Director, Department of Local Services

Jim Chan, Director, Permitting Division, Department of Local Services