

RECORD OF DECISION

For the Proposed Issuance of Multiple Species Incidental Take Permits to The City of Kent

The U.S. Fish and Wildlife Service (USFWS) developed this Record of Decision (ROD) in compliance with the agency's decision-making requirements, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended. The purpose of this ROD is to document the decision of the USFWS, in response to an application for an Incidental Take Permit (ITP) (USFWS - TE 04197A-0), for species listed under the Endangered Species Act of 1973(Act), as amended, based on the submission of a Habitat Conservation Plan (HCP) by the City of Kent (Kent), Washington (City of Kent 2010a). The ITP application and supporting HCP were submitted to the USFWS pursuant to section 10(a)(1)(B) of the Act.

This ROD is designed to: (1) state the USFWS 's decision, present the rationale for the decision, and describe its implementation; (2) identify the alternatives considered in the Environmental Impact Statement (EIS) in reaching the decision; and (3) state whether all means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted (40 CFR 1505.2).

Project Description

Kent made one permit application to the USFWS for species under its jurisdiction and one permit application to the National Marine Fisheries Service (NMFS) for species under its jurisdiction. The USFWS's ITP would apply to the operation of Kent's Clark Springs Water Supply System in Rock Creek, King County, Washington. The USFWS's ITP would provide for the incidental take of the threatened bull trout (*Salvelinus confluentus*) and three currently unlisted species: the coastal cutthroat trout (*Oncorhynchus clarki clarki*); Pacific lamprey (*Lampetra tridentata*); and the river lamprey (*L. ayresi*), should they become listed during the ITP term (Appendix A). The HCP would, to the maximum extent practicable, minimize and mitigate for take of all covered species.

Issuance of the ITP would be conditioned upon implementation of the HCP. Kent developed its HCP with technical assistance from the USFWS and NMFS. Activities proposed for coverage under the ITP include the following:

- (1) Kent will continue to withdraw water from the aquifer in the Rock Creek Watershed. The water withdrawal system, located adjacent to Rock Creek at river mile 1.94, includes an infiltration gallery (i.e., buried pipes that collect groundwater), surface water diversion, and wells. Kent withdraws an average of 6.2 cubic feet per second from the aquifer.
- (2) Operations, maintenance, and improvements to the water supply facilities located in the Clark Springs Watershed such as the buildings, wells, access roads, fences and security infrastructure, infiltration gallery, and water transmission main, except for portions

within the ordinary high water boundaries of Rock Creek. Kent will install and use all appropriate and applicable best management practices such as erosion and sedimentation control devices, as appropriate, when implementing these activities.

- (3) Vegetation management as needed by Kent to maintain its facilities. This includes, but is not limited to, maintaining open areas, service roads, and clearing/trimming fence lines and power line/telephone line areas associated with the facilities. Kent will not use chemical applications to manage vegetation. Vegetation management may also include relocation of large woody material to protect the integrity of the water supply and infrastructure.
- (4) Operation and maintenance of the flow measuring structure (flume) and U.S. Geological Service flow-gaging station (No. 12118400). This includes cleaning the flume to remove algae, minor repairs, and repositioning of coarse substrate (primarily boulders and cobbles) or woody material upstream or downstream of the flume, if needed, to maintain its structural integrity and to facilitate accurate measurement of instream flows.
- (5) Wildlife management activities within the Clark Springs Watershed required to protect and enhance the quality of the water supply (e.g., beaver trapping and beaver dam removal).
- (6) The electrical, control, and telemetry operations including maintenance, improvement and replacement of equipment, conduit, cabling, and related above-ground and buried infrastructure to meet the needs of the water supply facilities within the Clark Springs Watershed. Kent will use best management practices for erosion and sediment control as needed during implementation of the covered activity.
- (7) The delivery and storage of chemicals, the chemical treatment processes and the operation, maintenance, replacement and improvement of equipment, conduit, piping, and sampling infrastructure required to monitor and treat Kent's water supply. The site contains multiple spill kits, capable of containing both dry and liquid releases.
- (8) The maintenance and replacement of storm water conveyance, control, and distribution facilities within the 320-acre Kent property boundaries at the Clark Springs Facility.
- (9) Installation of monitoring wells along the eastern boundary of the Clark Springs property to monitor groundwater quality. Wells and access roads will be located at least 50 feet from the ordinary high water mark and outside wetland boundaries.
- (10) Habitat Conservation Measures including: 1) Rock Creek flow augmentation (includes augmentation system relocation and maintenance); 2) fish passage improvements at the mouth of Rock Creek; 3) off-channel habitat enhancement; 4) culvert replacement for improved fish passage at the Summit-Landsburg Road crossing; 5) large woody

- (11) material supplementation in Rock Creek; 6) a city-wide water conservation program; and 7) establishment of a streamside acquisition, easement, and enhancement fund in the Rock Creek Basin.
- (12) Monitoring and evaluation measures to include: 1) flow monitoring in Rock Creek to document compliance with the flow augmentation habitat conservation measure; 2) precipitation monitoring to allow refinements in determining water year types; 3) fish spawning surveys to document effectiveness of the passage improvements at the mouth of Rock Creek and track salmon escapement trends; 4) monitoring the low flow weirs at the mouth of Rock Creek to document their functionality; and 5) document if fish use the newly connected off-channel habitat.

The duration of the proposed ITP is 50 years.

Decision

Based upon the USFWS's review of the alternatives and their environmental consequences described in the draft EIS (DEIS) (NMFS and FWS 2010) and final EIS (FEIS) (NMFS and USFWS 2011), Kent's HCP (City of Kent 2010a), the Implementing Agreement (Appendix B, City of Kent 2010a) between the USFWS, NMFS, and Kent, our Biological Opinion (USFWS 2011a), and our Statement of Findings (USFWS 2011b)(all herein incorporated by reference); the USFWS's decision is to adopt Kent's proposed HCP Alternative and issue an ITP to Kent pursuant to section 10(a)(1)(B) of the Act. The ITP would cover the incidental take of the bull trout and the three currently unlisted species under specific provisions of the ITP, should these species be listed under the Act during the term of the 50-year ITP pursuant to the USFWS's "No Surprises" Rule (50 CFR Parts 17 and 22).

Alternatives

Two alternatives are analyzed in the final EIS: (1) the No-Action Alternative, and (2) the Proposed HCP Alternative. Under the No-Action Alternative, Kent would not receive incidental take coverage for its operation of the Clark Springs Facility and would not implement the HCP. Under this alternative, Kent would assume some potential liability for unauthorized take of listed species under section 9 of the Act. The No-Action Alternative is the baseline against which the effects of the proposed action alternative are compared. Under the Proposed HCP Alternative, Kent would conduct operations and maintenance activities at the Clark Springs Facility in accordance with the implementation of the proposed HCP and issuance of ITP.

Five alternatives to the Proposed HCP Alternative were raised during scoping (FEIS section 2.5) but eliminated. Four of the five alternatives were not analyzed in detail because they would not produce reliable sources of water that would meet Kent's current and future water demands with sufficient excess capacity to augment or replace withdrawals at the Clark Springs Facility during the biologically critical low-flow periods between October 1 and

December 31. The fifth alternative, which considered a shorter permit term, was eliminated because the USFWS and NMFS determined that the environmental impacts between a shorter permit term and a 50-year permit term (the proposed HCP alternative) would not differ significantly, and that such an analysis would not garner enough additional information to make an informed decision regarding impacts of a shorter permit term versus a 50-year permit term on the Covered Species or the surrounding environment.

Following is a brief description of the water withdrawal alternatives that were analyzed in detail.

- (1) **Water Withdrawal Alternative A – No-Action Alternative.** Under this alternative, Kent would not receive incidental take coverage for its operation of the Clark Springs Water Supply System and for its effects of water withdrawal on listed species in Rock Creek. Kent would also not implement the HCP. Kent would ensure that the Clark Springs Water Supply System complies with the take prohibitions under section 9 of the Act, as well as all applicable local, State, and Federal laws and regulations. Kent would continue operations at the Clark Springs Facility consistent with its water rights and, at its discretion, may continue its voluntary augmentation of flows in Rock Creek.
- (2) **Water Withdrawal Alternative B – Proposed HCP Alternative.** Under this alternative, Kent would receive an ITP from the USFWS authorizing incidental take of listed species, and would implement the proposed HCP in its entirety. Covered activities would include the operation and maintenance of facilities for Kent’s Clark Springs Water Supply System, and the implementation of the habitat conservation measures and monitoring and evaluation measures contained in the HCP. The ITP and the HCP would run concurrently and be in effect for 50 years.

Rationale for Decision

Decision. Kent’s proposed HCP, Water Withdrawal Alternative B - Proposed HCP Alternative, was adopted because it meets the statutory criteria for issuance of an ITP under section 10 of the Act. This alternative will ensure flow augmentation in Rock Creek from October through December, a critical low flow period when many covered species are migrating, rearing, and/or spawning.

Conditions. Since the Kent HCP was found to meet the statutory criteria for issuance of an ITP under section 10 of the Act, the USFWS has concluded it is not necessary to condition the ITP using features of the other feasible alternative.

Environmentally Preferred Alternative. Water Withdrawal Alternative B - Proposed HCP Alternative is the environmentally preferable alternative. Flow augmentation implemented under this alternative will help minimize impacts to aquatic habitat as compared to the No-Action Alternative. The additional conservation measures to be implemented under this alternative will further improve spawning, rearing, and migration habitat conditions in Rock Creek for the covered species, relative to the No-Action Alternative. Kent’s commitments will mitigate potential adverse effects to the

maximum extent practicable (USFWS 2011a), as required in Section 10(a)(2)(B)(ii) of the Act. If the USFWS did not adopt Water Withdrawal Alternative B - Proposed HCP Alternative, Kent would still withdraw water from the Rock Creek aquifer per their water rights, but there would be no guarantee that any of the conservation measures would be carried out.

Public Involvement

The USFWS along with NMFS formally initiated an environmental review of the proposed HCP permit action through a Federal Register notice on June 19, 2006 (71 FR 35286). This notice stated that an EIS would be prepared. The notice also announced a 45-day public scoping period during which other agencies, tribes, and the public were invited to provide comments and suggestions regarding issues and alternatives to be considered. A Scoping Report was prepared (NMFS and USFWS 2006).

A DEIS (NMFS and USFWS 2010) was subsequently produced and made available for a 60-day public comment period beginning on April 23, 2010 (75 FR 21344). Seven comment letters were received by the USFWS pertaining to the DEIS and draft HCP (City of Kent 2010b): four from government agencies, one from a tribal organization, and two from non-governmental organizations. Appendix B of the FEIS (NMFS and USFWS 2011) contains copies of all of those letters and the USFWS's responses. Many of the comments and suggestions were incorporated into the FHCP and FEIS. A summary of major changes made to the DEIS is included in the Preface section of the FEIS. A summary of major changes made to the draft HCP can be also found in the USFWS's Findings and Recommendations document (USFWS 2011b).

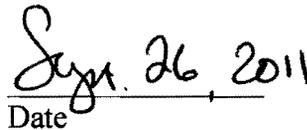
The FEIS was noticed in the Federal Register on July 5, 2011(76 FR 39072). The Fish and Wildlife Service received three comment letters regarding the FEIS. Summaries and responses to these comments are contained in Appendix B of this document.

References

- City of Kent. 2010a. Final Clark Springs Water Supply System Habitat Conservation Plan. Kent, Washington.
- City of Kent. 2010b. Draft Clark Springs Water Supply System Habitat Conservation Plan. Kent, Washington.
- National Marine Fisheries Service and the U.S. Fish and Wildlife Service. 2006. Scoping Report for the proposed Clark Springs Water Supply System Habitat Conservation Plan. Lacey, WA.
- National Marine Fisheries Service and the U.S. Fish and Wildlife Service. 2010. Draft Environmental Impact Statement for the Clark Springs Water Supply System Habitat Conservation Plan. Lacey, WA.
- National Marine Fisheries Service and the U.S. Fish and Wildlife Service. 2011. Final Environmental Impact Statement for the Clark Springs Water Supply System Habitat Conservation Plan. Lacey, WA.
- USFWS (United States Fish and Wildlife Service). 2011a. Biological Opinion on the issuance of an Incidental Take Permit to the City of Kent for their Clark Springs Water Supply System Habitat Conservation Plan, Rock Creek, King County, Washington. Washington Fish and Wildlife Office, Lacey, Washington.
- USFWS (United States Fish and Wildlife Service). 2011 b. Findings and Recommendations for the Proposed Issuance of Incidental Take Permit (TE04197A-0) in Association with the City of Kent Habitat Conservation Plan. Washington Fish and Wildlife Office, Lacey, Washington.



Richard Hannan
Deputy Regional Director, Region 1



Sept. 26, 2011

Date

Appendix A

Species Covered by the City of Kent Incidental Take Permit and Habitat Conservation Plan

Threatened
Bull trout, <i>Salvelinus confluentus</i>
Other covered species
Coastal cutthroat trout, <i>Oncorhynchus clarki clarki</i>
Pacific lamprey, <i>Lampetra tridentate</i>
River lamprey, <i>Lampetra ayresi</i>

Appendix B

Response to Comments Received on the Final Environmental Impact Statement for the City of Kent Clark Springs Water Supply System Habitat Conservation Plan

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (jointly, Services) issued the Notice of Availability for the FEIS on July 5, 2011 (76 FR 39072) with a 30-day comment period through August 4, 2011. The Services received three comment letters on the FEIS. Many of the comments received were similar to those received during the comment period for the draft HCP and DEIS, for which responses are available in Volume II of the FEIS. However, a few new issues were raised and some comments, although similar to those made during the previous comment period, included points that the Services felt would benefit from further clarification.

Consideration of Previous Comments

One commenter was concerned that the final EIS shows minimal or no changes to proposed alternatives and proposed mitigation measures in response to their earlier comments.

Response: While the commenter prefers different mitigation or monitoring, the proposed HCP is not expected to result in substantial environmental impacts. Several potential alternatives were identified through the original scoping process and were described in the final EIS, Subsection 2.2, Background and Identification of Water Supply Alternatives. Regarding mitigation, the Services believe that proposed HCP mitigation is commensurate with the low level of expected environmental impacts.

Stream Flows, Mitigation, and Adaptive Management

Two commenters believed stream flows could remain too low for covered species and that mitigation measures may be inadequate. Two commenters were also concerned that there is not a detailed adaptive management plan in place.

Response: Kent has a responsibility to provide commercial and domestic water supply within its service area, and is dependent on water from the Rock Creek basin to supply a majority of that water under its guaranteed water rights. The Habitat Conservation Measures proposed in the HCP, especially flow augmentation from October through December, will improve the baseline flows in Rock Creek during a critical spawning migration period for the covered Species while still meeting the need and water rights of Kent. Without the HCP, there would be no guaranteed improvement of flows in Rock Creek.

Through the HCP, Kent and the Services become long-term conservation partners. If changing conditions such as extended drought occur, the Services would document resulting effects on ESA-listed species and open discussions with Kent under the “No Surprises Rule,” 50 CFR §222.22 (g) and (h). New information from any source can lead the Services to re-analyze

effects of the conservation measures on covered species. In the meantime, there are adaptive management measures built into the HCP. For example, the beginning of the augmentation period under Habitat Conservation Measure 1 will be managed adaptively based upon an assessment of the timing of Chinook salmon spawning in the Cedar River Basin. On a 5-year interval, Kent and the Services will evaluate whether a significant shift in Chinook salmon spawn timing has occurred based upon the available spawning survey information from the Cedar River mainstem and its other tributaries. If a significant shift has occurred, the beginning of augmentation may occur as early as September 17 or as late as October 15. Another example includes Monitoring and Evaluation Measure 1. This measure ensures maintenance of a United States Geological Survey gage in Rock Creek that will be used to monitor precipitation in the Clark Springs watershed to assist in refining classifications of “Wet,” “Normal,” “Dry,” and “Drought” conditions. These conditions will then be used to determine augmentation targets.

Water Resource Inventory Area (WRIA) 8

One commenter was seeking Kent’s active participation in the WRIA 8 salmon recovery process.

Response: Although the Services cannot require Kent to join the WRIA 8 Salmon Recovery Council, through the HCP process, Kent has collectively, as well as separately, met with several major stakeholders including, but not limited to, King County, the Friends of Rock Creek, the Washington Department of Ecology, Washington Department of Fish and Wildlife, the Muckleshoot Indian Tribe, and the Center for Environmental Law and Policy. In addition, Kent has presented information to the Cedar River Council on several occasions and notified WRIA 8 members on the availability of the HCP documents for public review and comment, including a voluntary issuance of a preliminary draft HCP to stakeholders for their early input in developing the HCP.

During development of the Lake Washington/Cedar River/Sammamish Watershed Chinook Salmon Recovery Plan, Kent contracted with a consulting fisheries biologist to participate on the WRIA 8 Technical Advisory Committee. Former council member Tim Clark also represented Kent on the WRIA 8 Forum through the majority of this process. When identifying potential mitigation projects for its HCP, Kent consulted the WRIA 8 Lake Washington/Cedar River/Sammamish Watershed Chinook Salmon Recovery Plan (WRIA 8 Plan). Several projects included in the WRIA 8 Plan, which was adopted by Kent, are also included as Habitat Conservation Measures in the HCP.

Furthermore, Kent’s HCP provides a funding source to implement some of the WRIA 8 projects identified for the Rock Creek watershed. Kent’s HCP also includes a 1.6 million dollar Habitat Fund for projects not yet identified. As the HCP is implemented, Kent is open to project or acquisition ideas from WRIA 8 members or any other stakeholder. The Habitat Fund must be used in the Rock Creek watershed, and expenditures approved by the Services.

Kent’s Environmental Engineering Manager was recently designated as the alternate for Kent’s elected representative on the WRIA 8 Salmon Recovery Council. The Services and Kent are looking forward to working with stakeholders and WRIA 8 members participating in the salmon recovery process, and Kent is committed to funding and implementing projects identified in the HCP and the WRIA 8 Plan. As part of this process, Kent is willing to provide plans for HCP

Conservation Measures to the WRIA 8 Technical Committee for its review and comment prior to Kent submitting them to the Services for approval.

Consideration of Available Data and Accuracy of Data

Two commenters were concerned that the Services have not looked at all available data (e.g., regarding Chinook salmon use of Rock Creek) and that the Services considered inaccurate data (e.g., flow measurements in Rock Creek) in its analyses. For example, one commenter stated that “NMFS has not acknowledged Kent’s large and increased withdrawals over time and inaccurate, as well as underestimated flow measurements.”

Response: We recognize differences of opinion regarding the status of Rock Creek as a Chinook salmon stream. The Services have looked at the available data, including 1950s and 1960s Washington Department of Fisheries spawning ground survey data. We acknowledge that Chinook salmon use Rock Creek, in low numbers, in some years. However, there is no evidence to suggest that Rock Creek ever did or could support a self-sustaining Chinook stock. Similarly, the Lake Sammamish tributaries that are believed by some to be Chinook salmon streams were not historically Chinook salmon habitat. For example, although Cottage Lake Creek (slightly smaller than Rock Creek) also has Chinook salmon, these are mainly hatchery fish and there is no evidence showing that this stream could, or ever did support a self-sustaining Chinook population.

Regarding potential inaccuracies in flow data and withdrawals in the past, the Services were not aware of these inaccuracies and have not seen data to support these claims. However, Kent is not authorized to take more water than its water right allows. In addition, whether there were inaccuracies or not, our effects analyses were based on more recent data accepted as accurate. For example, the most current data source for flow information is from the flow gage at the Kent’s Clark Springs facility that has been operated by the United States Geological Survey since May 2001.

Disposition of Mitigation Land

Two of the commenters noted that Kent did not own the lands or currently did not have agreements in place to use such land where some of the Habitat Conservation Measures are proposed to occur.

Response: In these situations, Kent does acknowledge this discrepancy in ownership in the HCP and commits to working with the existing landowners to develop Memoranda of Understanding. The Services support this position because several of the proposed conservation measures are projects that have been identified in the WRIA 8 Steering Committee Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan. The Services are also willing to work with Kent and pertinent landowners to develop such memoranda to facilitate the construction and monitoring of the Habitat Conservation Measures. If suitable agreements cannot be reached between Kent and a landowner, funds that would have been spent on a particular Habitat Conservation Measure (HCM) will be deposited into the Riparian

Acquisition, Easement, and Enhancement Fund in the Rock Creek Watershed (HCM 8). These funds must be spent on mitigation/restoration/acquisition projects that benefit covered species in the HCP and improve water quality within the Rock Creek basin.

Stream Flow Monitoring

One commenter suggested that Kent continue to fund the operation of the lower United States Geological Survey stream flow gage #12118500 in lower Rock Creek near Maple Valley.

Response: Kent will continue to fund operation of the stream flow gage at the Parshall flume (at its Clark Springs facility), which is the compliance point for its HCP. Gage #12118500 is outside Kent ownership and lower in the drainage where flows are likely affected by other factors that Kent has no control over and will be less directly related to its water withdrawals. Therefore, Kent will likely stop funding this lower gage.

Spawning Salmonid Monitoring

One commenter believes that surveys scheduled for every fourth year in the monitoring plan for spawning salmonid monitoring plan is inadequate for evaluation of impacts to fish populations and appears to be underfunded.

Response: The Services previously responded to a similar comment made on the draft EIS. We stated that the spawning surveys are not intended to provide a full picture of effects or estimate survival of the anadromous species utilizing Rock Creek for spawning. As described in Subsection 5.3.1 of the HCP, the spawning surveys are intended to document salmon spawning utilization and to track broad population trends. The Services believe that spawning population and outmigrant monitoring conducted by WDFW, King County, and the City of Seattle in the Cedar River provide detailed trend and survival information for Cedar River salmon populations. Kent is required to conduct the proposed monitoring in the HCP irrespective of cost.

Steelhead Considerations

One commenter believes that the HCP does not adequately consider Rock Creek's full value for steelhead production and that Instream Flow Incremental Methodology (IFIM) analyses did not account for summer low flow periods when fish would be most stressed.

Response: An index of habitat availability, weighted usable area (WUA), was quantified in the HCP, as was the change in WUA with the proposed action (implementation of the HCP). The HCP proposes flow augmentation for October through December only, which would result in a slight increase in WUA for steelhead in October. With implementation of the HCP, summer flows are not expected to change relative to the baseline. The Services acknowledges that summer flows are not ideal for steelhead in Rock Creek, but believe that even under ideal conditions, potential habitat availability would be insignificant relative to that in the Cedar River.

Habitat Conservation Plan Role in Chinook Salmon and Steelhead Recovery

One commenter believes that NMFS has not fully and properly considered Rock Creek's potential for supporting ESA-listed Chinook and steelhead, and that the HCP does not adequately describe the effect of the HCP's actions on recovery of ESA-listed Chinook and steelhead.

Response: The WUA analysis showed that, with implementation of the HCP, the amount of suitable habitat for Chinook salmon and steelhead would increase relative to the baseline (i.e., the conditions that would occur under the No-action Alternative). Habitat Conservation Measures proposed under the HCP address some limiting factors identified in the WRIA 8 Chinook salmon recovery plan. These measures include flow augmentation, fish passage improvement, and creation of off-channel habitat. Under the No-action Alternative, there is no guarantee any of these factors will be addressed in Rock Creek. The HCP improves conditions for ESA-listed Chinook salmon and steelhead while meeting Kent's purpose and need to protect its long-term municipal, commercial, and domestic water supply derived from the Clark Springs Facility while complying with the ESA.

Climate Change

One commenter urged the Services and Kent to look at existing information on the impacts of climate change on Puget Sound lowland streams from the Climate Change Impact Group and incorporate that information into our assessments.

Response: The Services responded to a similar comment made on the draft EIS as follows: The Climate Change Technical Committee for the regional water planning process identified climate change as a likely significant impact upon municipal water resources for snowpack-driven systems in the Final Report of Climate Change Technical Committee, December 2007 (Regional Water Supply Planning Process). Clark Springs, however, is not dependent on snowpack. Furthermore, the Climate Change Technical Committee noted that current climate models are not consistent with anticipated impacts to precipitation in the Puget Sound Lowlands. Some models are showing a potential increase in summer precipitation.

Reclaimed Water

One commenter stated that the final HCP should incorporate management actions reflecting a more accurate assessment of reclaimed water as an alternative means for Kent to meet its non-potable water demands, and thus take pressure off Rock Creek in the 10 to 50-year timeframe.

Response: The Services responded to a similar comment made on the final EIS as follows: Reclaimed water is addressed in Subsection 2.5 of the FEIS, Alternatives Considered but not Analyzed in Detail. The Services consider alternative water supplies, including reclaimed water, as part of the Kent's water system planning process, and such efforts would occur with or without the HCP in effect.

In addition to the above response, we add the following information. As noted in the FEIS (Subsection 2.5.4.1, Wastewater Reuse), Kent has been informed by King County that reclaimed water produced by the Renton treatment plant will be used by the adjacent cities of Tukwila and Renton. Furthermore, on September 16, 2010, King County reduced the strategies for regional reclaimed water from seven to three in the draft King County Reclaimed Water Comprehensive Plan (http://your.kingcounty.gov/dnrp/library/wastewater/rw/CompPlan/1012_RWCPStrategyReport.pdf). This includes the elimination of the Kent area. On May 31, 2011, the King County Council approved this reduction of strategies in this plan.

Given the elimination of the Kent area for reclaimed water use, lack of infrastructure, limited sites for the use of reclaimed water in Kent, and costs associated with the delivering reclaimed water, use of reclaimed water in Kent does not appear to be viable in the foreseeable future. In accordance with existing and anticipated regulations, Kent will continue to evaluate the feasibility of offering reclaimed water to its customers in the future. New regulations regarding costs, demands, and potential customer uses will be critical factors in that evaluation.

Adequate Funding

Two of the three commenters were concerned that the amount of funding specified in the final HCP would not be sufficient to fund the Habitat Conservation Measures and Monitoring and Evaluation Measures committed to by Kent in the final HCP.

Response: The Services do not share this concern. Funding amounts in the final HCP were given as estimates by Kent based on preliminary engineering efforts conducted by Kent staff and consultants. The Services recognize these figures as estimates only, and costs will be refined as the various conservation measures benefit from additional levels of engineering design by Kent with review by the Services. Kent is required under the HCP to implement the Habitat Conservation Measures and Monitoring and Evaluation Measures committed to in the final HCP irrespective of cost.