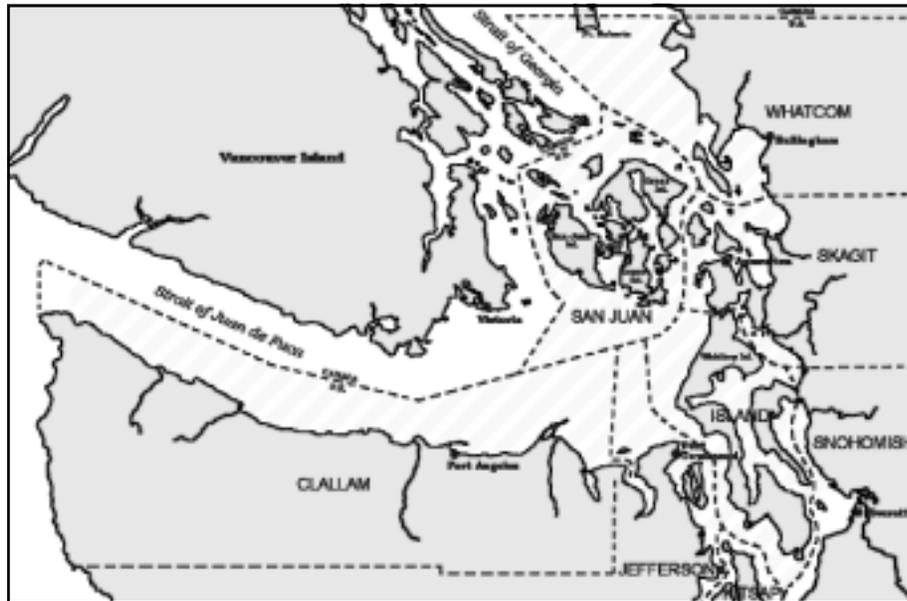


Murray-Metcalf Northwest Straits Citizens Advisory Commission

Report to the Convenors

August 20, 1998



Executive Summary

The Northwest Straits Citizens Advisory Commission is a voluntary panel of citizens brought together by U.S. Senator Patty Murray (D) and U.S. Representative Jack Metcalf (R) to assess the ecological health of the Northwest Straits marine ecosystem and to recommend steps to improve the region's sustainability. The Commission is diverse, representing economic interests, local governments, tribes, environmentalists, university faculty, and crossing the full political spectrum.

There is ample evidence, the Commission members agreed, that the Northwest Straits marine ecosystem and some of its marine resources are in serious decline, and these problems cross geographical and jurisdictional boundaries. Bottom fish, sea birds, invertebrates, salmon, and even some populations of marine mammals have declined precipitously since 1980. The depletion of marine resources has hurt economies and communities around the Northwest Straits. Existing management strategies, while sufficient in terms of legal authority, have failed to achieve the coordination and focus necessary to change these trends.

The Commission calls for urgent action, including more science-based information, increased economic analysis of the impacts of marine ecosystem decline, and broad political support to protect and restore the Northwest Straits ecosystem. While not deciding on an optimum future management strategy for the region, nor planning to replace existing management responsibilities, the Commission recommends establishing a network of local, county-based Marine Resources Committees (MRCs) committed to protecting and conserving the resources of the Northwest Straits. The MRCs will use existing state and local authorities, basing their actions on sound scientific information and the overall needs of the ecosystem. MRCs will coordinate their activities through the Northwest Straits Commission. The Commission will provide technical assistance, integrate scientific information, develop ecosystem-level coordination, and coordinate funding.

In addition, the Commission will measure the performance of the MRCs against a series of benchmarks. These Benchmarks of Performance include the assessment and establishment of a science-based regional system of Marine Protected Areas; the assessment and establishment of a science-based regional system to protect nearshore habitat; a net gain of harvestable shellfish areas, and discernible increases in bottom fish and other key marine indicators. Should these benchmarks fail to be met, the Commission will consider alternative approaches.

The MRCs and the Northwest Straits Commission were established by Congress in 1998 (HR 3461). The legislation calls for a review of the Commissions' efforts by the National Research Council, with particular emphasis on the achievement of the Benchmarks for Performance. The authorization for this local marine conservation initiative expires in six years and includes an authorization for funding to support the effort. Federal funds to jumpstart the process were made available through the National Oceanic and Atmospheric Administration in late 1998.

Introduction and Statement of Principles

Members of the Murray-Metcalf Commission came to the table one year ago with diverse viewpoints. Consensus was reached on many points, especially regarding the fact that the fabric of the Northwest Straits ecosystem — the marine waters of the Strait of Juan de Fuca and northern Puget Sound from the Canadian border to the south end of Whidbey Island — is manifesting serious problems and trends that cross geographic and jurisdictional lines. While populations of invertebrates, bottom fish, salmon, and even some marine birds and mammals have declined precipitously since 1980, there is little to suggest that current management policies have reversed these trends, or even caused them to slow down. Indeed, these declines have taken place during a period of increased attention to, and funding for, the environment of Puget Sound and the Northwest Straits. The depletion of marine resources has already harmed

economies and communities around the Northwest Straits. Continued rapid increases in population, development, and maritime traffic in the region portend far more serious impacts in the future.

Having reviewed the scientific evidence of these serious problems in the Northwest Straits, and having discussed them at length with experts, the Commission has reached an important consensus on the gravity of the problems. We view this consensus as a most important achievement, as it reflects that while there can always be more scientific research, monitoring, and planning there is ample



evidence to support the conclusion that the Northwest Straits ecosystem and some of its marine resources are in serious decline.

While there is sufficient science to support the conclusion that the Northwest Straits marine ecosystem is in serious trouble, often lacking is a clear scientific understanding of the factors for decline and effective remedies. One of the principal findings of the Commission is therefore that a powerful scientific “spotlight” must be focused on marine problems and solutions in the Northwest Straits. The Commission believes it is important that this emphasis on science be accompanied by independent economic evaluation, so that we better understand both the costs of environmental protection and the costs of ecosystem degradations.

Other major impediments to progress are a tradition of divided jurisdiction over marine resources and an inability to generate the “critical mass” of support needed to advance specific solutions, especially at the local level where effective management of upland areas immediately adjacent to or affecting the marine environment is critical to the health of nearshore habitats. In addition, local governments and interests have lacked a localized forum to focus on the marine resource issues and strategies for the Northwest Straits area.

The Commission found that there is no lack of existing governmental authority to regulate detrimental activities, implement protective measures, or generate reports. The Commission is explicitly not proposing a new regulatory authority or “layer of bureaucracy” that would duplicate the work of existing agencies.

Instead, the Commission has focused on the need to develop the coordinated science and “bottom up” consensus building that will enable and drive existing authorities to make the reforms that have so far proved elusive. Much of the authority needed to address the problems of the Northwest Straits is vested in State agencies — principally the departments of Ecology, Fish and Wildlife, Natural Resources; the mission of the Puget Sound Water Quality Action Team is especially important in addressing these problems. The Commission seeks to complement the work of these agencies by providing a sharp focus on the marine resources of the Northwest Straits area, bringing in new Federal funding for science, and forging local and regional support for scientifically sound solutions in concert with existing authorities. Given the essential role of local authorities and the needs and impetus associated with the Endangered Species Act, our recommendations are designed to promote maximum possible initiative by local governments, Tribes, and citizens within the context of a regional ecosystem approach.

Specifically, the Commission has reached consensus on the following points:

- 1) The Northwest Straits is a uniquely beautiful and ecologically rich area which is of international significance and warrants regional and national recognition.
- 2) Disturbing trends in the Northwest Straits study area call for immediate action to avoid serious degradation of natural systems, scenic beauty, recreational opportunities, economic viability, and freedoms that are likely to be curtailed if these trends develop into crises.
- 3) The long-term economic health of local communities is tied to the health of natural systems in the area.
- 4) Effective solutions must shine a spotlight on priority issues, recognize and engage existing agencies and authorities, and promote better collaboration, greater efficiency, and adequate resources for important initiatives.
- 5) Local issues should be resolved at the local level; State and Federal expertise and authorities should be brought in where necessary to protect key resources or rationalize processes (for example, to prevent duplication of effort).
- 6) Solutions cannot interfere with Tribal treaty rights.
- 7) Sound science should be the foundation of resource management in the area.
- 8) Overall ecosystem health should be our primary goal, but specific objectives — such as recovering bottom fish populations — should be highlighted.
- 9) Research, monitoring, and education focused on specific problems and remedies should be high priorities.
- 10) The primary focus of this initiative should be on the marine resources of the Northwest Straits; input regarding important upland connections to these marine resources should be made to appropriate agencies, especially those at the local level.
- 11) Military activities in the area are important to the regional economy and national security; efforts to restore and protect the area’s marine resources should not compromise defense operations; defense operations should strive to restore and protect the area’s marine resources.

The Commission found several studies and reports to be indispensable in developing a better understanding of the ecosystem dynamics, problems, and needs of the marine resources of the Northwest Straits: The 1994 British Columbia / Washington Marine Science Panel's Report; Dr. James West's May 1997 Report on the Status of Indicator Species of Puget Sound; and an unpublished 1997 Resource Report prepared for the Commission by NOAA which was drawn from the unfinished Northwest Straits Environmental Impact Statement and which will be developed into a formal NOAA document in the near future. These are foundational works which should guide additional science and recommendations for specific actions.

In moving forward on approaches around which we have achieved consensus, the Commission wishes to make it clear that we are proposing a new and experimental approach that must be monitored and evaluated.

If this approach, too, fails to produce the measurable improvements necessary to reverse the decline of the Northwest Straits ecosystem and key species, other options must be put forward. The Commission forecloses no alternative.

To advance the goals of scientific evaluation, coordination, and accountability, and to produce key actions before it is too late, the Commission proposes the following framework.



Marine Resources Committees

The San Juan County Marine Resources Committee (MRC) has been viewed by the Commission as a compelling model to increase the focus on county marine issues and help promote initiatives at the local level. The Commission believes that county-based MRCs can provide the foundation for scientifically sound, locally supported marine conservation measures if they are established by their respective county commissions, have a balanced and technically competent membership, and are provided with the mission and direction, expert assistance, and financial resources (federally funded) needed to address marine ecosystem issues within their county.

As emphasized by the BC/Washington Marine Science Panel, the loss of nearshore habitat is the single most significant reason for the decline of marine resources in the area. Without active county participation in a comprehensive program to halt the loss of nearshore habitat, incremental actions will continue to nibble away at this vital part of the marine environment. The Commission believes that MRCs, charged with responding to ecosystem needs and possessing inherent sensitivities to local dynamics, could be the best available tool to ensure counties in the Northwest Straits area are constructively engaged in effective marine conservation efforts.

Mission: The mission of the MRCs, guided by sound science and the needs of the Northwest Straits marine ecosystem, is to address local marine issues, recommend remedial actions to local authorities, and build local awareness of the issues and support for remedies. Consistent with the Benchmarks for Performance (Section V), the goals of the MRCs are to:

- Encourage strong county participation in MRCs.

- Consistent with a scientifically-based regional system of Marine Protected Areas (MPAs), identify local candidate sites and urge their inclusion at the appropriate level.
- Help ensure a net gain in highly ecologically productive nearshore, inter tidal, and estuarine habitat within the county, as well as no significant loss of existing, high-value habitat. Work with state (the Puget Sound Action Team and resource agencies), tribal and local authorities (especially local planning departments) to help map, assess and protect nearshore habitat and prevent harm from upland activities through local and state ordinances and shoreline plans.
- Help ensure a net reduction in shellfish harvest areas within the county closed due to contamination.
- Contribute to measurable increases in factors supporting bottom fish recovery (such as rockfish) — including numbers of fish of broodstock size and age, average fish size, and abundance of prey species — as well as sufficient amounts and quality of protected habitat.
- Contribute to increases in other key marine indicator species (including those identified in the 1997 West report on Puget Sound marine resources).
- Use and contribute to a scientific data pool on marine resources (for example, through the Puget Sound Ambient Monitoring Program — PSAMP), including a scientific baseline, common protocols, unified GIS, and sharing of ecosystem assessments and research.

Specific tasks of MRCs should include the following:

- Help assess marine resources, problems in concert with governmental agencies, Tribes, and other entities.
- Help identify local implications, needs, and strategies associated with the recovery of Puget Sound salmon under the Federal Endangered Species Act in concert with governmental agencies, Tribes, and other entities.
- Work with the Puget Sound Ambient Monitoring Program (PSAMP) and other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.
 - Identify current actions and the need for additional measures.
 - Prioritize actions.
 - Work closely with county leadership to implement local marine conservation and restoration initiatives.
 - Coordinate with the Northwest Straits Commission on marine ecosystem objectives.
 - Reach out to the public and other key constituencies on such issues as the link between healthy marine habitat and healthy resources and how MPAs can play an important role in habitat protection.

Membership: Participating county commissions and councils would select MRC members to ensure that the committee reflects the following attributes:

- Relevant scientific expertise.
- Balanced, with representation from:
 - local government (especially planning staff from counties and cities with marine shorelines)
 - affected economic interests (such as port, commercial fishers)
 - affected recreational interests (for example, sport fisher)
 - conservation and environmental interests.
- Constructive and knowledgeable individuals.

Each recognized tribe with a reservation in the county would be offered a seat on the MRC, with that person appointed by their respective Tribal authority. The chair of the MRC would be selected by a majority of the MRC membership.

County Participation: Establishing an MRC would be voluntary for each of the seven counties in the Northwest Straits area (Clallam, Jefferson, Island, San Juan, Skagit, Snohomish, Whatcom). Given the importance of strong county participation, the Murray-Metcalf Commission has attempted to structure this initiative in a manner that will encourage such involvement. The Murray-Metcalf Commission anticipates that most, if not all, of the counties would participate. The NW Straits Commission and/or participating entities will provide financial assistance and technical expertise through such channels as the Sea Grant program to participating counties to use for planning, scientific studies, and revision of city and county ordinances in support of the goals of the NW Straits initiative. Counties which do not form an MRC would be unrepresented on the Northwest Straits Commission. Current and future requirements of the Endangered Species Act would also provide incentives for establishing an MRC, since the proposed listing of Puget Sound Chinook salmon and potentially other species puts an emphasis on the health of estuaries, nearshore habitat, and other marine areas in addition to upland watersheds.

Northwest Straits Commission

The Northwest Straits Commission (NWSC) would be established to provide an ecosystem focus on the marine resources of the Northwest Straits as a whole, help mobilize science to focus on key priorities, guide and provide resources to the MRCs, and serve as a forum for coordination and consensus-building.

Mission: As with the MRCs, the mission of the NWSC will be driven by the Benchmarks for Performance. Its principal function would be to shine a federally-funded scientific “spotlight” on problems in the Northwest Straits marine ecosystem, develop scientifically sound recommendations to existing governmental authorities, and help develop broad support for them.

Specifically the Northwest Straits Commission would be responsible for:

- Focusing on the overall health of the Northwest Straits marine ecosystem in a manner that complements the Puget Sound Plan.
- Identifying and urging the implementation of important early actions, such as a system of marine protected areas (MPAs).
 - Establishing or identifying a science panel, using available agency resources whenever possible (Federal agency assistance will be required), to assess ecosystem status, problems, and potential remedies, and to help guide and assist the Northwest Straits Commission, MRCs, and participating entities.
 - Directing scientific, technical, and financial support to the MRCs and participating local governments and Tribes.
 - Serving as a forum to discuss Federal, State, local, Tribal, and Canadian policies and actions to restore and protect the marine resources of the NW Straits and to help respond to the requirements of the Endangered Species Act.
 - Developing scientifically sound recommendations in coordination with, and for action by, Federal, State, local, and Tribal entities.
 - Developing better economic measures of the costs of ecosystem degradation and environmental protection, both direct and indirect, to provide authorities with the analysis they need to make informed and balanced decisions.

- Increasing public and decision-maker awareness of actions necessary to protect the marine environment and build support for these initiatives.
- Establishing a close, complementary working relationship with key state agencies, especially the Puget Sound Water Quality Action Team, and support existing initiatives in scientific research, monitoring, and assessment (for example, the Puget Sound Ambient Monitoring Program), education and involvement (such as the Action Team's Public Involvement and Education Program and its outreach work), and related initiatives, including the work of the BC/Washington Environmental Cooperation Council and its International Task Force.
- Highlighting problems before they become crises and educating the public and policy leaders on issues affecting the marine ecosystem of the Northwest Straits.

Membership: The Murray-Metcalf Commission recommends that the Northwest Straits Commission be composed of up to 13 members selected in the following manner.

- **MRC appointments:** Each MRC would, by consensus, select a single representative to serve on the NW Straits Commission (total of up to seven).
- **Tribal appointment:** One Tribal representative would be selected by the Secretary of the Interior, acting in his trust capacity; additional Tribal input would be sought by the NW Straits panel on actions or recommendations affecting Tribal interests by direct consultation with the relevant Tribes meeting separately or en bloc.
- **Governor's appointments:** The remaining members of the Commission (up to five, but in no case more than the number of MRC representatives minus one) would be selected by the Governor for four-year rotating terms according to the general criteria for the counties in selecting MRC members and to ensure thoughtful, balanced representation on the Northwest Straits Commission. Included among the Governor's appointments will be a representative of the Puget Sound Water Quality Action Team. The remaining appointments by the Governor will be citizens of the State of Washington and not official representatives of State agencies.
- **Governmental Participation:** Federal, State, local, and Tribal representatives would be encouraged to participate in the deliberations of the Commission. The NWSC will also welcome informal Canadian participation.

Authority, Limitations, and Operational Requirements: The Northwest Straits Commission will be established to use science and a collaborative, bottom up approach to build support for restoration and protective measures. It will not be granted regulatory or planning power but will rely on existing authorities and implementing agencies to put its recommendations into action. It will not be charged with authoring major plans. Instead, it will complement and encourage the implementation of other major planning initiatives, such as the Puget Sound Water Quality Management Plan and the Puget Sound Water Quality Action Team's biennial work plans. To support the science, MRCs, and logistical needs of the NWSC, Congress should authorize funding for the Commission through one or more existing Federal programs within the Department of Commerce: Sea Grant, Coastal Zone Management (CZM), and Special Area Management Plan (SAMP). To prevent competition for funding with existing programs and grants to the State, the Murray-Metcalf Commission recommends that Congress establish a separate line-item account for the Northwest Straits Commission.

The Murray-Metcalf Commission contemplates that the NWSC would serve as a "board of directors" for the Northwest Straits initiative. The NWSC will select a chair from among their number and hire an executive director and administrative staff to manage day-to-day operations and communications. After an intensive set up period, it is envisioned that the Commission would meet on a bi-monthly or quarterly basis or at the call of the chair.

Federal funding appropriated for the Commission could be used for the following purposes:

- Hire an executive director and administrative staff to support the operations of the Commission.
- Cover expenses for Commission operations.
- Retain scientific experts and economists; contract for research, outreach, education, and other services.
- Provide financial support for the work of the MRCs, Tribes, and other entities related to protecting or restoring the marine resources of the Northwest Straits..

Oil Spill Prevention

All members of the Murray-Metcalf Commission agree that a large oil spill has the potential to devastate the marine resources of the straits and that reasonable and effective steps must be taken to minimize the risk of spills. The Commission recognizes that federal and state agencies are currently reviewing oil spill risk mitigation measures. In keeping with the principle of involving interested citizens and local entities, there was general support among Commission members for the concept of establishing a Regional Citizens Advisory Commission (RCAC) on oil spill prevention modeled on the Prince William Sound RCAC established under the Oil Pollution Act of 1990 following the catastrophic 1989 Exxon Valdez spill.

Benchmarks for Performance

To ensure that the Commission is recommending a mechanism that will drive real, substantive resource restoration and protection -- not just a procedural palliative — the Commission agrees wholeheartedly that this initiative must be guided by, and ultimately judged by, measurable standards of performance. If it fails to meet reasonable, substantive benchmarks, it should be eliminated.

One of the challenges in developing a system of benchmarks and evaluations in this context is the fact that “output” measures — such as whether an indicator species is recovering or continuing to decline — often require many years before clear conclusions can be drawn. The Murray-Metcalf Commission agrees there should be a full evaluation within five years. This requires that many of the measures be of the “input” or procedural type; for example, whether a system of Marine Protected Areas has been established.

Special emphasis should be placed on early actions needed to halt especially destructive trends or prevent irreversible losses; a longer evaluation period may be set for less damaging or reversible consequences.

The benchmarks are intended to emphasize substantive action and keep the pressure on to produce measurable results. At the same time, these standards should be realistic and achievable, and not set this initiative up for failure. It should be noted here that neither the Northwest Straits Commission nor the MRCs would be regulatory or implementation entities; they would rely on existing authorities to execute their recommendations. Nevertheless, it is our belief, and the basis for our proposal, that this initiative will drive real progress by these entities. If it fails to achieve this result, the initiative should be terminated.

The Commission agrees that the following benchmarks, among others, should be used as measurable standards of performance:

- Broad county participation in MRCs.
- Achieve a scientifically-based, regional system of Marine Protected Areas (MPAs).

- A net gain in highly ecologically productive nearshore, intertidal and estuarine habitat in the Northwest Straits, and no significant loss of existing, high-value habitat; improve state, tribal, and local tools to map, assess, and protect nearshore habitat and prevent harm from upland activities.

- Net reduction in shellfish harvest areas closed due to contamination.

- Measurable increases in factors supporting recovery of bottom fish (such as rockfish) — including numbers of fish of broodstock size and age, average fish size, and abundance of prey species — as well as sufficient amounts and quality of protected habitat.

- Increases in other key marine indicators species (including those identified in the 1997 West report on Puget Sound marine resources).

- Coordination of scientific data (for example, through the Puget Sound Ambient Monitoring Program), including a scientific baseline, common protocols, unified GIS, and sharing of ecosystem assessments and research.

- Coordinate with the Puget Sound Action Team and other entities on an effective outreach and education effort with measurements of the numbers of people contacted as well as changes in behavior.



Evaluation and Accountability

The Murray-Metcalf Commission believes that the benchmarks are central to the success of this initiative. To gauge progress in meeting these goals, the Northwest Straits Commission and MRCs would be required to prepare annual reports. Sea Grant would convene a panel of experts to evaluate the annual reports. This evaluation would be forwarded to the Governor and Secretary of Commerce, along with the reports.

In addition, the Commission recommends that this initiative be given a full evaluation at five years and a determination made by a nationally qualified group, such as the National Research Council in consultation with appropriate regional sources, as to whether the benchmarks have been met. The statutory authority for the effort should also sunset six years after enactment so that affirmative Congressional action is needed to continue the initiative.

If the benchmarks are not met and/or Congress does not reauthorize the initiative, funding and authority will be terminated and the evaluator will prepare a report to Congress and the Governor within one year with an assessment of the Northwest Straits marine ecosystem, including indicators and trends. In addition, the evaluator will outline a full range of policy options to better protect the marine resources of the area.

Murray-Metcalf Citizens Advisory Commission on the Northwest Straits

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