

**MARINE RESOURCES COMMITTEE
AND CITIZEN'S SALMON ADVISORY GROUP**



MEETING AGENDAS

Wednesday, January 4, 2017
8:30-10:30 AM

Legislative Hearing Room
55 Second Street - Friday Harbor, WA

8:30 AM	Convene MRC Meeting <i>Terry Turner, Chair</i>
8:35 AM	Citizen Input
8:40 AM	Approval of Minutes 12/7/16 Minutes
8:40 AM	Presentation: Dr. Megan Dethier, Research Professor. Friday Harbor Labs, UW <i>Multiscale impacts of armoring on Salish Sea shorelines: Evidence for cumulative and threshold effects.</i>
9:30 AM	<p>Operations</p> <ul style="list-style-type: none"> • Update on Interviews for new Northwest Straits Commission Director • New MRC Members Training Support • 1st Qtr Report to Northwest Straits Commission <p>Policy Advisory</p> <ul style="list-style-type: none"> • Update on Petition to NOAA for Protection Zone for <i>Orcinus Orca</i> <p>Monitoring</p> <p>Marine Stewardship Area (MSA) Plan</p> <ul style="list-style-type: none"> • MRC 2017 Workplan Retreat - Draft Report • Marine Manager's Workshop 2017 - April 3-4, 2017 <ul style="list-style-type: none"> ○ Announcement – Early January ○ Agenda – Refining to dynamics of Regional Developments ○ Location – Camp Orkila ○ Speakers List ○ Attendees List ○ Awaiting Vessel Traffic Risk Assessment 2016 update ○ Awaiting Marico Marine Analysis <p>Outreach</p> <ul style="list-style-type: none"> • Website Updates • Facebook Campaign <ul style="list-style-type: none"> ○ Draft Playbook on Facebook Outreach ○ Call for photo and story submissions • Orcas Landing Experience – Update to timeline- Aligning with Public Works Funding & Development Schedule
10:00 AM	Questions/Citizen Input
10:05 AM	Adjourn MRC Meeting

See reverse of page for Salmon Citizen Advisory Group Agenda, and upcoming events Calendar

**Salmon Citizen's Advisory Group
Watershed Regional Inventory Area (WRIA) #2
Agenda—1/04/17**

10:05 AM**	Convene Salmon Citizen's Advisory Group Meeting <i>Terry Turner, Chair</i>
10:05 AM	Citizen Input
10:10 AM	Adoption of Timeline and Evaluation Criteria for 2017 Salmon Recovery Grant Round.
10:25 AM	Citizen Input
10:30 AM	Adjourn Salmon Advisory Group Meeting, <i>Chair</i>

Upcoming Meetings/Events

Date	Event	Location	Time
1/18/2017	MRC Meeting	Orcas Landing	8:30 AM – 10:30AM
1/18/2017	Salmon Citizen's Advisory Group Meeting	Orcas Landing	8:30 AM – 10:30AM
1/26/2017	Executive Committee MRC	Orcas Landing	9:30 AM – 1:30 PM
2/01/2017	MRC & Salmon Recovery Meeting Presentation: To be arranged	SJ County Council Chambers	8:30 – 10:30AM

(MRC meeting, see reverse of the page)

SAN JUAN COUNTY

MARINE RESOURCES Committee (MRC) and Salmon Citizen's Advisory Group

Meeting Minutes

Wednesday, January 4, 2017, 8:30 – 10:30am

Legislative Hearing Room

55 Second Street, Friday Harbor, WA

Members Present: Terry Turner – chair, Tom Temple, David Tribolet, Phil Green, Bob Wilson, Megan Dethier, Mark Herrenkohl, Barbara Bentley, Ken Carrasco, Craig Winghart (via phone), Cheryl Kummer (via phone)

Members Absent: Patti Gobin, Laura Jo Severson, Mark Broman

Staff: Arnie Klaus (MRC Coordinator), Byron Rot (Salmon Lead Entity Coordinator), Jamie Stephens (County Council Liaison), Chandler Colahan (Minutes)

Citizens in Attendance: Tina Whitman – Friends of the San Juans, Brian Goodremont – San Juan Safaris, Jeff Friedman – President of the Pacific Whale Watch Association

****Denotes pre-meeting reading material sent to members with meeting agenda**

Convene MRC Meeting: Terry Turner, chair, called the meeting to order at 8:38am.

Citizen Input – Brian Goodremont of San Juan Safaris Whale Watching and the Pacific Whale Watch Association introduced himself to MRC members and expressed that he would like to make himself available for discussion with members about the new proposed petition from NOAA calling for a whale protection zone for endangered Southern Resident killer whales on the west side of San Juan Island. He feels the petition is a polarizing topic and that the petition itself is misunderstood. He would like to discuss it with members so that there is a clear understanding of what is being proposed before the MRC continues the conversation as facilitators of this topic for NOAA.

Discussion from MRC members followed. It was reiterated among members that the MRC advises the county council on relevant issues and uses all expertise to do that, including expertise from members. It is important for members to remember the MRC is there to facilitate discussions, not take sides, and base decisions about policies on best available science. The MRC is an advisory group. Members collectively agreed that this topic needs to be further investigated and the conversation should continue at the next meeting.

****Approval of Minutes:** Marine Resources Committee Meeting from December 7, 2016. A motion to approve revised minutes was made by David, seconded by Megan. Minutes approved unanimously.

Presentation – Dr. Megan Dethier, Research Professor, Friday Harbor Labs, UW “*Multiscale Impacts of Armoring on Salish Sea Shorelines: Evidence for Cumulative and Threshold Effects.*” Megan presented data from her six year, collaborative project that focused on impacts of shoreline armoring around the Salish Sea. Armoring is using hard structures to stabilize the shoreline and the bank or bluff behind it for erosion control. About 14% of all shorelines in the continental United States are armored. About 30% of all shorelines in the Salish Sea are armored, and about 60% of shorelines in the south-central Puget Sound are armored. There is about one mile of new armoring added every year in the Salish Sea. Sea level rise will increase requests for armoring. There has been very little research on problems associated with shoreline armoring in the Salish Sea. Armoring has caused many types of impacts on shorelines in the Salish Sea, including placement lose, land-sea connectivity, sediment processes, and hydrodynamic processes. The challenge of researching these impacts is that beaches around the Salish Sea are variable types, so it is difficult to tell what the true factors are. Salish Sea shorelines are messy, so it was necessary to use paired surveys of similar beaches when doing research. Megan also used drift cells to look at sediment movement. Many of the sites that were looked at for impacts of armoring for this project were also forge fish spawning survey sites for the Washington Department of Fish and Wildlife at the same time. The project methods included beach profiles, biological surveys including invertebrates and beach wrack, looking at maximum elevation, and bird surveys. Results show that on average, armored beaches are consistently narrower, have less shade (which is important for spawning forge fish,) have fewer invertebrates, and have consistently less wrack. Preliminary conclusions show that armoring shorelines has a clear affect, causing beaches to gradually become steeper and coarser. This, in turn, probably affects forge fish spawning. The lower on the beach the armoring is the more impact it has on the shoreline. Enforcement will be important in the planning of construction projects focused on armoring. The take away from this project is that building should be done set back from the edge of the shoreline, allowing sediment to naturally get to the beach.

Action Plan:

1. Operations: (Arnie)

- Update on Interviews for New Northwest Straits Commission Director – Phil reported that Ginny Broadhurst left her office at the Northwest Straits Commission. Candidates have been interviewed to fill her vacancy, but no word yet on her replacement.
- New MRC Members Training Support – Arnie reported that there is still one vacancy for the MRC that needs to be filled.
- 1st Quarter Report to Northwest Straits Commission – Arnie reported that the report is due this week. He also asked that all volunteer hours be reported to Cheryl for recording.

2. Marine Stewardship Area (MSA) Plan: (Arnie)

- MRC 2017 Workplan Retreat – Arnie reported that he has a copy of the draft report and he would like MRC member comments on it.
- Marine Managers’ Workshop –Arnie reported that the 2017 Marine Managers’ Workshop is scheduled for March 3rd and 4th at Camp Orkila on Orcas Island. Save the dates need to be sent out to people interested in attending. Arnie will also forward two studies that pertain to the workshop out to members for review.

3. Outreach: (Arnie)

- Facebook Page – Arnie will be updating member bios and will be in touch with people about photos for the website. He is still putting the playbook together.
- Call for Photo and Story Submissions – Arnie will put a call out for stories and pictures for San Juan County happenings to post to the Facebook page.
- Orcas Landing Experience – Arnie reported that the design process for the Orcas Landing project has begun, with the state currently doing surveys.

Citizen Input: Brian Goodremont addressed the MRC again about the NOAA petition proposal. He had a list of bullet points addressing his concerns about the petition that he will email the MRC members. Terry invited Brian back to continue the conversation in the future.

MRC Meeting Adjourned at 10:11am

Salmon Citizen's Advisory Group,

Watershed Regional Inventory Area (WRIA) #2 Meeting

Wednesday January 4, 2017

CAG Meeting called to order at 10:11am by Terry Turner

Citizen Input: N/A

Update: Byron reviewed the timeline and criteria for the 2017 Salmon Recovery Grant Round. He explained that this year is a small grant round year. There will be about \$500K of funding if the NOAA Pacific Coastal Salmon Recovery Funding (PCSRF) is the same as last year. We can get good projects done with this funding. The Sucia Island project with Friends of the San Juans will be ready for funding.

Byron will be attending mid-month MRC meetings so he will have more time to discuss salmon recovery with SCAG members.

There are not enough members to form a quorum today to vote to adopt the timeline and evaluation criteria for the 2017 Salmon Recovery Grant Round, so the vote will be pushed back to February's meeting.

The Putting It All Together II (PIAT 2) program will help identify priority properties of projects and focus restoration efforts. This year will be a little tougher to find projects; Byron will be working with groups he's worked with in the past. It will be easier in the future to find new projects. Protection is still the priority. The Puget Sound Acquisition and Restoration funding (PSAR) is focused on Chinook recovery, not freshwater at all, so the funds lend themselves to protection projects.

Jamie Stephens discussed the Salmon Recovery Council's review of the Zylstra Lake project. There were some good reasons for the project not to be approved. The review panel began weighing in on the policy side, which is not their role. There are five salmon recovery regions in Washington State, Puget Sound has nine lead entities, and the other regions only have one. The funding has not been dealt out fairly. We have not had support for large cap projects from the salmon recovery community. There will be less money for everyday projects, but once the salmon recovery funding board made that decision and the recovery council has voiced approval of it, there will be more support going into the next biennium for large cap projects.

Meeting adjourned at 10:33am.

**MARINE RESOURCES COMMITTEE
AND CITIZEN'S SALMON ADVISORY GROUP**



MEETING AGENDAS

Wednesday, February 1, 2017
8:30-10:15 AM

Legislative Hearing Room
55 Second Street - Friday Harbor, WA

8:30 AM	Convene MRC Meeting <i>Terry Turner, Chair</i>
8:35 AM	Citizen Input
8:40 AM	Approval of Minutes 1/7/16 Minutes
8:40 AM	<p>Presentations:</p> <ul style="list-style-type: none"> • Jay Lind, Dr. Paul Dinnel, Dr. Emily Grason – <i>European Green Crab Monitoring</i> • Lynne Barre (by phone) – <i>NOAA Public Input process on Endangered and Threatened Species; Petition for Rulemaking To Establish a Whale Protection Zone for Southern Resident Killer Whales</i> • Ken Carasco: <i>Electric Propulsion Marine Vehicles.</i>
9:45 AM	<p>Operations</p> <ul style="list-style-type: none"> • Update on Interviews for new Northwest Straits Commission Director <p>Monitoring</p> <p>Marine Stewardship Area (MSA) Plan</p> <ul style="list-style-type: none"> • Marine Manager's Workshop 2017 - April 3-4, 2017 <ul style="list-style-type: none"> ○ Announcement ○ Agenda – Refining to dynamics of Regional Developments ○ Speakers List ○ Attendees List <p>Outreach</p> <ul style="list-style-type: none"> • Facebook Campaign <ul style="list-style-type: none"> ○ Draft Playbook on Facebook Outreach ○ Call for photo and story submissions • Orcas Landing Experience – Update to timeline
10:00 AM	Questions/Citizen Input
10:05 AM	Adjourn MRC Meeting
See reverse of page for Salmon Citizen Advisory Group Agenda, and upcoming events Calendar	

End of MRC Agenda

**Salmon Citizen's Advisory Group
Watershed Regional Inventory Area (WRIA) #2
Agenda—2/01/17**

10:05 AM**	Convene Salmon Citizen's Advisory Group Meeting <i>Terry Turner, Chair</i>
10:05 AM	Citizen Input
10:10 AM	Approval Vote of the Timeline Update on the planning work to develop a prioritized project list
10:25 AM	Citizen Input
10:30 AM	Adjourn Salmon Advisory Group Meeting, Chair

Upcoming Meetings/Events

Date	Event	Location	Time
2/15/2017	MRC Meeting	Orcas Landing	8:30 AM – 10:30AM
2/15/2017	Salmon Citizen's Advisory Group Meeting	Orcas Landing	8:30 AM – 10:30AM
2/23/2017	Executive Committee MRC	Orcas Landing	9:30 AM – 1:30 PM
3/01/2017	MRC & Salmon Recovery Meeting	SJ County Council Chambers	8:30 – 10:30AM

(MRC meeting, see reverse of the page)



MEETING AGENDAS

Wednesday, March 1, 2017
8:30-10:30 AM

Legislative Hearing Room
55 Second Street - Friday Harbor, WA

8:30 AM **Convene MRC Meeting** *Terry Turner, Chair*

8:35 AM **Approval of Minutes of the February 1, 2017 meeting**
Staff Update on MRC Projects

8:40 AM **Citizen Input – The MRC is gathering comments on the request that the National Marine Fisheries Service (NMFS) establish a whale protection zone to support the recovery of Southern Resident killer whales.**

Summary: NMFS received a petition under the Administrative Procedure Act requesting that they use their authority under the Endangered Species Act and Marine Mammal Protection Act to establish a whale protection zone to support recovery of endangered Southern Resident killer whales. Here is the link to the NOAA webpage on Regulations on Vessel Effects.

http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/vessel_regulations.html

The MRC is convening this forum and gathering public comments for three reasons

1. To help it formulate a response to the petition
2. To help inform San Juan County Council about the public's comments on the petition
3. To encourage San Juan County citizens to respond to NMFS by writing and/or on their public comment website for this matter.

This Citizen Input is very informative to the MRC and San Juan County Council. **However, the MRC encourages and recommends that citizens submit their comments directly to NOAA to ensure their comments are part of the official record.**

You may submit information on the Federal Register notice published by NMFS (identified by NOAA-NMFS2016-0152) and the petition by either of the following methods:

Electronic submission: Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the Federal e-Rulemaking Portal, go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-20160152, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

Mail or hand-delivery: Lynne Barre, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115

10:15 AM **Adjourn MRC Meeting**

See reverse of page for Salmon Citizen Advisory Group Agenda, and upcoming events Calendar

**Salmon Citizen's Advisory Group
Watershed Regional Inventory Area (WRIA) #2 Agenda—
2/01/17**

10:20 AM**	Convene Salmon Citizen's Advisory Group Meeting <i>Terry Turner, Chair</i>
10:20 AM	Updates on Salmon Recovery <i>Byron Rot,</i>
10:25 AM	Citizen Input
10:30 AM	Adjourn Salmon Advisory Group Meeting, <i>Chair</i>

Upcoming Meetings/Events

Date	Event	Location	Time
3/6/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/14/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/15/2017	MRC Meeting	Orcas Landing	9:30 AM – 11:00AM
3/15/2017	Salmon Citizen's Advisory Group Meeting	Orcas Landing	11:00 AM – 11:30AM
3/21/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/28/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/30/2017	Executive Committee MRC	Orcas Landing	9:30 AM – 1:30 PM
4/03-04/2017	Marine Managers Workshop 2017	Camp Orkila	Two Days
4/04/2017	MRC & Salmon Recovery Meeting	SJ County Council Chambers	8:30 – 10:30AM

(MRC meeting, see reverse of the page)

Marine Resources Committee – San Juan County For more information contact: Arnie Klaus

arniek@sanjuanco.com

Office: (360) 370-7592

Cell: (360) 317-6467

SAN JUAN COUNTY

MARINE RESOURCES Committee (MRC) and Salmon Citizen's Advisory Group

Meeting Minutes

Wednesday, March 1, 2017, 8:30 – 10:30am

Legislative Hearing Room

55 Second Street, Friday Harbor, WA

Members Present: Terry Turner – chair, Tom Temple, David Tribolet, Phil Green, Bob Wilson, Megan Dethier, Laura Jo Severson,

Members Absent: Patti Gobin, Kathleen Dolsen, Mark Broman, Barbara Bentley, Mark Herrenkohl, Ken Carrasco, Cheryl Kummer

Staff: Arnie Klaus (MRC Coordinator), Byron Rot (Salmon Lead Entity Coordinator), Chandler Colahan (Minutes)

Citizens in Attendance: Janet Thomas, Scott West, Russ Mullins, Kyle Loring, Janet Alderton, Emily Geyman, Tina Whitman, Brian Goodremont, Tim White, Jeff Friedman, Hobbes Buchanan, Sara Hysong-Shimazyu, Ken Rea, Sandra Chalk, Peter Ancich, Barb Leiming, Tim Ragen, Sarah McCullagh, Emily Schaller, Laurie Saccio, Andy Derksema, Michellene Halliday, Katie Fleming, Jane Wentworth, Ben Bama, Ken Christensen, Greg Hertel, Gretchen Krampf, Jacob Wagner, Molly Elder, Carrie Newbury, Monika Wieland Shields, Carrie Coskey, Lovel Pratt

Convene MRC Meeting: Terry Turner, chair, called the meeting to order at 8:31am.

Updates on Salmon Recovery: Byron Rot gave an update on salmon recovery. The state is currently deciding on a biennium budget. He noted that legislators are not hearing from constituents about the importance of salmon recovery, and he encourages everyone who is concerned to contact their representatives. The state legislative website is www.leg.wa.gov

Citizen Input – The MRC is gathering comments on the request that the National Marine Fisheries Service (NMFS) establish a whale protection zone to support the recovery of Southern Resident killer whales.

Summary: NMFS received a petition under the Administrative Procedure Act requesting that they use their authority under the Endangered Species Act and Marine Mammal Protection Act to establish a whale protection zone to support recovery of endangered Southern Resident killer whales. Here is the link to the NOAA webpage on Regulations on Vessel Effects. http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_w_hale/vessel_regulations.html

The MRC is convening this forum and gathering public comments for three reasons

1. To help it formulate a response to the petition. 2. To help inform San Juan County Council about the public's comments on the petition. 3. To encourage San Juan County citizens to respond to NMFS by writing and/or on their public comment website for this matter.

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Mail or hand-delivery: Lynne Barre, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115

Citizens wanting to give comments were asked to keep comments to a maximum time limit of three minutes. They were also asked to make comments directly to the MRC members and to avoid any personal or political attacks. Citizens wishing to give input were asked to sign up in the order in which they would like to speak, and was ordered as follows:

Janet Thomas – Janet has been a resident of San Juan Island for twenty-five years. She is the San Juan County contact for Orca Relief. Orca Relief will also be holding meetings on the island to address this issue. She will be sending more information out to the MRC, please contact her with questions.

Scott West – Scott is working with Orca relief and has been with Sea Sheppard in the past. He spent part of his career working as a federal agent sending environmental criminals to jail. He sees this petition as just the beginning of saving the orcas. The southern resident killer whales (SRKW) are on the edge of extinction and are facing many threats. Scott feels the most serious threats for the whales are oil spills, followed by lack of salmon, and motorized vessels. There are more than 55 papers on this subject; reports from Soundwatch include interesting information.

Russ Mullins – Russ is a Sargent with the Washington Department of Fish and Wildlife. He has spent the last fifteen years working on orca protection, including drafting the original RCW for orca protection and writing grants. There about fifty dedicated patrols in targeted locations with the whales in the summer in an effort to reduce vessel interactions with animals. He supports this effort. There are enforcement issues with the "no go" zone proposal. If the whales are not in the zone and a boater goes through the zone, it would still be illegal for the boaters to be there. There are lots of regulatory issues with transit through a "no go" zone. He is working with WDFW in Olympia to consider some alternatives, possible a "go slow" bubble around the whales, no matter where they are. WDFW wants to work with everybody to find a solution that is tolerable and enforceable at the same time.

Kyle Loring – Kyle is the staff attorney with Friends of the San Juans. He recommends that the MRC recommend that the county council supports this petition and keep conversations about it going. He submitted a comment letter to the MRC, including attached studies siting threats to orcas. This petition is the opportunity for NOAA to work on the threat of vessel impacts on the orcas. It is his understanding that SRKW have historically fed on the west side of San Juan Island and continue to do so, but they feed differently there now than in the past. This could be for many reasons, but vessel noise could have significant impacts on feeding behaviors.

Janet Alderton – Janet is a retired biologist and resident of Orcas Island. She supports the petition. She believes that an exact impact of threats on the SRKW cannot be ascribed, but a resting zone would certainly help animals be less disturbed. Also, threats might not be discreet additive impacts, but could have a multiplier effect. A whale protection zone should be tried because it may have a larger impact than we realize.

Emily Geyman – Emily has been a San Juan County resident for more than forty years. She feels a whale protection zone makes a great deal of sense. She also feels that naturalists on whale watching boats can do a great deal to educate people about how to protect this natural resource.

Tina Whitman – Tina works with Friends of the San Juans and is a resident of Orcas Island. She was also on the San Juan County MRC for eight years. San Juan MRC was the first in the state and was created as an alternative to a proposed National Marine Sanctuary so the local government could maintain control of the area. It is our responsibility to take care of this issue. She feels that because both orcas and their prey (salmon) are on the endangered species list, this is a dire situation. Noise from boats is part of the issue, and we must decide what we are willing to do to protect these animals.

Brian Goodremont – Brian owns San Juan Safaris Whale Watching and is a San Juan Island resident. He has represented the Pacific Whale Watch Association (PWWA) as president in the past. Brian agrees that everyone wants the SRKW to recover, but he is tired of there being no concrete actions to recover them. The 2006 Endangered Species Act (ESA) listing is not helping the whales, as there are the same numbers of whales now as there were eleven years ago when they were listed as endangered. He feels that the first step should be to not continue to scapegoat vessel effects. There has been no new best available science out since 2009 for NOAA to readdress the effects of vessel traffic on whales. What we're learning from studies since 2011 is that vessel impacts depend on the type of vessel, speed of vessel, and size of vessel. Best available science supports the idea of a "go slow" zone rather than a "no go" zone around the whales would be more effective as a protection measure for SRKW. The 55 studies often cited in the petition includes a lot of old research. The MRC will be provided with a position paper from the PWWA that will include data that will show there is great best available science that needs to be considered for this petition.

Tim White – Tim has been a San Juan County resident for more than 25 years. He worked with Dian Fossey helping protect gorillas in Africa. He recognizes that there is a crisis here with SRKW. He has witnessed a flotilla of boats pushing up and down the west side of San Juan

Island. Because we are in a crisis, we have to err on the side of protection. We can do something about this.

Jeff Friedman – Jeff is the U.S. president of the Pacific Whale Watch Association and the owner of Maya's Legacy Whale Watch on San Juan Island. The whale watch operators share the sentiments, concerns, and frustrations that everyone has expressed. Everyone is concerned about the SRKW. It is a critical time for the SRKW, and as educators, the whale watching industry sees this everyday on the water with the animals. The PWWA agrees that this is the time to take bold actions, but is concerned about the direction of those actions. Peak season for commercial whale watching with SRKW used to be May through September, but now it is July through September due to the decline of spring Fraser River salmon runs. The orcas go where their food is. Salmon is the number one issue. NOAA and the federal government have limited budgets for protection and restoration efforts, and those budgets may be shrinking. Our efforts must be very targeted. Vessel speed is the primary factor in vessel noise. Jeff supports a "slow go" zone around the whales at all times instead of a geographically limited "no go" zone.

Sarah McCullagh – Sarah has been the lead naturalist for San Juan Safaris for four years and has a background in wildlife management and conservation biology. When looking at how to best manage wildlife, it is important to consider the biology of the animals. SRKW can move up to 100 mile per day, so having a geographically defined protection zone for these animals does not make the best sense. Having a "no go" zone in an area that represents less than 1% of their critical core habitat as defined by NOAA does not make sense. What make sense is creating a "slow go" zone around the whales that is dictated by the movement of the animals. The PWWA has already implemented a voluntary half mile "slow go" zone around all marine mammals. Speed of vessels has impacts on animals. Protection for the animals throughout the county rather than just the one mile of the west side of San Juan Island is what Sarah is asking the MRC to advocate for.

Sara Hysong-Shimazu – Sara has been a naturalist and has volunteered with many organizations, including the PWWA. She is concerned that this petition only covers 1% of the SRKW critical core habitat. If we are looking at the proposed one mile of the "no go" zone as the major source of noise for the SRKW, we are ignoring the biggest source of acoustic pollution in Haro Straits and in the critical core habitat of the SRKW, which is tankers, freighters, and bulk carriers that transit through these waters. That was defined by Beam Reach, which does the hydrophones on the west side of San Juan Island. She is more concerned with an increased number of larger vessels creating more acoustic pollution in the critical core habitat of the SRKW. A "slow go" zone with follow the animals for more complete protection.

Ken Rea – Ken is a professional mariner and the captain and naturalist for Spirit of Orca whale watching on San Juan Island. He was also an ocean-going tugboat captain for more than 38 years. Ken is opposed to this petition because it only covers a one-mile area on the west side of the island. When his guests leave their trip, they leave with a conservation message about the SRKW. It is his hope that everyone can come together to find a solution to increase food for the SRKW so that their populations can continue.

Sandra Chalk – Sandra is a new resident to San Juan Island, and she used to work with the Mystic Seaport Museum in Connecticut educating people about all aspects of whales and whaling. Sandra believes that whale watching boats are important resources for educating

people about whales because people are fascinated by whales and whale watching educates people about them in an entertaining way. Emotional knowledge of the animals is also important for people to have. Sandra understands the need for a place the whales can be undisturbed, and feels a good approach to address the issue of vessel noise is to have a “slow go” zone around the whales no matter where they are.

Peter Ancich – Peter owns San Juan Excursions whale watching in Friday Harbor. He opposes this petition and encourages the MRC to oppose it to county council. Peter read a letter from Ken Balcomb, senior research scientist at the Center for Whale Research on San Juan Island, who could not attend this meeting. As a cetacean researcher and a citizen of San Juan Island, Ken feels it is important to give input on the proposed petition. The proposed “no go” zone area is .5% of the designated critical core habitat for the SRKW in San Juan County, but is a tiny fraction of the entire 50,000 + square miles of habitat used by the SRKW. It is Ken’s opinion that this petition grossly misrepresents the protection zone as the SRKW’s primary foraging and resting area. Ken notes that the SRKW, particularly L Pod animals, rarely come into the proposed zone area, as there is not enough prey (primarily Chinook salmon) to sustain them. He is firm that he believes this petition will do nothing to help protect the SRKW, nor will it have any benefit to the whales.

Barb Leeming – Barb and her husband own and operate Island Boat Rentals on San Juan Island. She is very opposed to this petition. She noted that the petition does not address the economic impact of the “no go” zone, and she believes that it will impact businesses. This will have a ripple effect throughout the community. Also, it does not address the fact that the whales are often spread out when they are foraging, leaving little room for boats to maneuver around a fixed protection area, and sometimes boats get “pinched” by whales. Looking at the petition, Barb found that the word “may” was used 41 times and the word “could” was used 11 times. She feels that is a lot of maybes that could really impact the economy.

Tim Ragen – From 2000 – 2013 Tim was the Scientific Director and Executive Director for the U.S. Marine Mammal Commission in Washington, D.C. He supports the petition, and encourages the MRC to take a broad perspective on what they recommend moving forward from here. There is a lot of discussion about what issue causes what effects, but the truth is no one knows which action causes change in killer whale behavior. When we look at problems like this, we have to determine what we can change. The population of SRKW is declining and it could get worse. Ultimately, this will be a social decision. Recovery of these animals will take decades. Tim encourages the MRC to recommend NOAA go ahead with the investigation of this petition.

Emily Schaller – Emily is a resident and naturalist for San Juan Safaris and San Juan Outfitters. She opposes the whale protection zone. She feels that this petition is a misallocation of funds and time, and that those funds could go to help salmon recovery and improve the “slow go” zone that is already in place. The proposed “no go” zone is such a small area within the SRKW critical core habitat that it seems ridiculous to protect that tiny area when the whales are using thousands of miles for foraging. If time and funding is not put towards salmon recovery, it doesn’t matter if there is a “no go” zone on the west side of San Juan Island. If there are no salmon here, the SRKW will not be here.

Laura Saccio – Laura owns the Earthbox Spa and Bird Rock Hotel in Friday Harbor. She agrees that everyone wants to recover the SRKW, but this is a somewhat stab in the dark approach.

This petition needs to be more thought out. The economic impact from this petition would be huge and immediate. This petition is not starting at the right end of the spectrum. Large vessels like tankers are a bigger concern for noise pollution. Laura is also concerned that if this petition goes through, it might make it more difficult later on to do something that would be more beneficial to the whales.

Andy Derksema – Andy is opposed to the petition. He is concerned that funds would be put into these efforts and years later it will be determined that these efforts didn't do anything to help the animals. Recovery efforts for the SRKW should focus on salmon recovery first.

Michelline Halliday - Michelline is in favor of the petition. She feels it will take all the actions we can do to recover the whales. She doesn't know if a "no go" zone will work, but she would like for it to be tried to see if it will work. If the orcas disappear, San Juan County will lose hundreds of jobs. Let's put the orcas first.

Katie Fleming – Katie works with Friends of the San Juans. Katie supports the petition. It is something that could be put in place tomorrow and could potentially have immediate benefits. Even though the proposed area for the "no go" zone is small, it is an important place for the SRKW. It is important for there to be a larger conversation about this.

Jane Wentworth – Jane is a Hanna Heights resident. She is extremely concerned about increased risks for the SRKW including oil spills, shipping traffic, lack of salmon, sound pollution, and harassment. Orcas need a place of refuge. Jane sees this petition as one of the pieces of the solution and encourages the MRC to continue to work it out.

Ben Bama – Ben is a resident of San Juan Island. He supports this petition in addition to addressing vessel speed and recovering salmon. We are in a unique position to be able to protect the SRKW. When we look back we want to be able to say we did everything we could for these animals.

Ken Christensen – Ken is the manager of the Snug Harbor Resort and a longtime resident of San Juan Island. He opposes this petition. Ken believes that salmon recovery should be the priority of recovery for the SRKW. Orcas need food first, then we can think about a "no go" zone.

Greg Hurtel – Greg is a longtime resident of San Juan Island and owns a small scenic tour boat company. He is opposed to the petition. He feels that this petition is not enforceable and that bad laws will drive out good behavior. Without enforcement, it will not work. He is in favor of a "slow go" zone around the whales, as it will cover a lot more area. And there needs to be more enforcement.

Gretchen Krampf – Gretchen has been a resident of Orcas Island for 29 years and has been involved with Leadership San Juan Island and Orcasong Farm and Institute. She is in favor of the petition. SRKW are part of our community and deserve our protection. How can we protect them? Gretchen would like this conversation to continue.

Carrie Coskey – Carrie works with the Whale Museum for almost 20 years and helped develop the Soundwatch program and the voluntary "no go" zone. She encourages the MRC to recommend continuing the conversation. There is a lot of vessel congestion that overlaps where the whales are in San Juan County. It is important for us to look at what we can do and come up with solutions.

Molly Elder – Molly is a resident of San Juan Island and a kayak guide. She opposes the “no go” zone. She feels that salmon recovery, including riparian restoration, should be the first action in recovery of the SRKW. Other threats, including potential oil spills from increased tanker traffic, are also immediate issues we all face.

Carrie Newbury – Carrie has been a SJI resident for 11 years and manages Chrystal Seas Kayaking in Friday Harbor. Carrie opposes this petition. She believes resources could be better allocated to other solutions.

Monika Wieland Shields – Monika is the president of the Orca Behavior Institute. She opposes this petition. There is no evidence this proposed “no go” zone will help SRKW. This petition is targeted to whale watching vessels, but it needs to address the shipping fleet. Monika supports the “slow go” zone proposed by the PWWA. This petition is a token effort. Funds and resources for recovery are limited; let’s focus on salmon recovery.

Hobbes Buchanan – Hobbes owns San Juan Island Whale and Wildlife Tours. He opposes this petition. SRKW need our help. PCBs and polluting chemicals from many human sources are killing the whales. These are issues we need to address. Whale watch boats often get bad press when they should be getting good press because they educate people about the animals and pressures facing the animals. SRKW need clean, healthy salmon to survive. We need to address the issues affecting the food chain for the whales. Hobbes feels that this proposal is an assault on the tourist industry and has the potential to severely hurt the economy.

Lovel Pratt – Lovel is a San Juan Island resident. Everyone wants to do something for the SRKW. It is important to think about what San Juan County can do, what can make a difference, what can be enforced. There are opportunities for the MRC to advocate for actions San Juan County can take. Commercial shipping impacts need to be addressed, especially with the current Centerm project expansion proposals in Canada. This expansion will bring increased vessel traffic into waters of San Juan County. We need to consider the entire vessel route with this new expansion proposal. Love will pass on the information about the public comment period on the proposal that is happening now. Raising awareness about impacts of shipping on the SRKW is one way the MRC can advocate for the SRKW. Recognizing the bigger picture about salmon and the SRKW is also an important part of what the MRC does.

Terry Turner thanked all participants for coming to the meeting and expressing their thoughts. Byron wrapped up the meeting. He explained that San Juan County gets about one-third of its salmon recovery funding from the federal government and about two-thirds from the state of Washington. We don’t know what will happen with federal funding, and the state is struggling with developing a budget for salmon recovery. It is important to let your voice be heard to the government about salmon recovery. Here, we focus on forage fish salmon need as prey. If we can keep the forage fish populations healthy, the salmon will have food, and the orcas will have food.

David motioned to end the meeting, Megan seconded the motion; Motion to adjourn unanimously approved.

MRC Meeting Adjourned at 10:11am



Special MEETING AGENDAS

**Wednesday, March 15, 2017
9:30 -11:30 AM**

**Orcas Landing County Meeting Room
Orcas Landing (future) Ferry Ticker Office - Lower Level**

9:30 AM Convene MRC Meeting *Terry Turner, Chair*

9:35 AM Approval of Minutes of the March 1, 2017 meeting

9:40 AM Develop the MRC report to County Council on Citizen Input and MRC recommendations.

- Tabulations of opinions and recommendations compiled.
- Step by step discussion and walkthrough of the MRC recommendation process.
 1. Comments and recommendations by the Committee as a whole.
 2. Comments and recommendations by individual members
- **Entertaining Motion to Forward report to Council**

MRC Meeting minutes as a submission to the NOAA process

- **Entertaining Motion to submit the minutes and video record of March 1, 2017 meeting to NOAA**

BACKGROUND - The MRC is convened a forum on March 1, 2017 to gathering public comments for three reasons

1. To help it formulate a response to the petition
2. To help inform San Juan County Council about the public's comments on the petition
3. To encourage San Juan County citizens to respond to NMFS by writing and/or on their public comment website for this matter.

11:00 AM Adjourn MRC Meeting

See reverse of page for Salmon Citizen Advisory Group Agenda, and upcoming events Calendar

End of MRC Agenda

Salmon Citizen's Advisory Group Watershed Regional Inventory Area (WRIA) #2 Agenda—3/15/17	
11:10 AM**	Convene Salmon Citizen's Advisory Group Meeting <i>Terry Turner, Chair</i>
11:15 AM	Updates on Salmon Recovery <i>Byron Rot,</i>
11:25 AM	Citizen Input
11:30 AM	Adjourn Salmon Advisory Group Meeting, <i>Chair</i>

Upcoming Meetings/Events

Date	Event	Location	Time
3/14/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/15/2017	MRC Special Meeting	Orcas Landing	9:30 AM – 11:00AM
3/15/2017	Salmon Citizen's Advisory Group Meeting	Orcas Landing	11:00 AM – 11:30AM
3/21/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/28/2017	Marine Managers Workshop Planning	Orcas Landing	9:30 AM – 11:30AM
3/30/2017	Executive Committee MRC	Orcas Landing	9:30 AM – 1:30 PM
4/03-04/2017	Marine Managers Workshop 2017	Camp Orkila	Two Days
4/04/2017	MRC & Salmon Recovery Meeting	SJ County Council Chambers	8:30 – 10:30AM

(MRC meeting, see reverse of the page)

Marine Resources Committee – San Juan County For more information contact: Arnie Klaus

arniek@sanjuanco.com

Office: (360) 370-7592

Cell: (360) 317-6467

MRC Whale Protection Zone meeting

March 15, 2017

In person: Mark H., Bob W., Ken C., Lauro Jo S., Phil G., David T., Tom T., Terry T., Barbara B.,

On phone: Megan D.

Staff: Arnie K., Byron R.

Council asked us for a recommendation on the petition.

David, we don't have all the facts.

Terry, yet we've been asked to advise the Council, plays into procedural issues.

Bob, asking us to give a recommendation, salmon are separate.

Barbara, yes there are many issues.

Mark, clarification, Council asking for our recommendation. Arguments for and against are important, but stage for that is NEPA process under NOAA.

Terry one of the arguments at play is the recommendation is simply whether to proceed or not.

Phil, does this petition have to go forward to get NOAA to look at other options? Why isn't NOAA doing their job? I don't like this petition, but Lynn not doing anything. She said had a lot of issues last time they didn't examine.

Mark, there's a chance that NOAA does nothing because they don't have the personnel to do it.

Phil, are we spending money on this instead of salmon?

Terry, we should figure out a structure how to discuss this.

David, there were some good comments from the public meeting. Conclusion was the two sides probably should have spoken to each other before they forwarded.

David, tendency to throw out salmon as a way to not deal with Whales.

Mark, NEPA would look at a list of categories of potential impacts.

Arnie, goal to today is some outcomes to recommend to Council. Whether NOAA has strength to carry it out. We have to verbalize what is needed.

Terry, agree, when listen to comments, and tabulating, started to track what both sides were agreeing on. Pro and con arguments were more like additional statements. Maybe will track how we go forwards. Craig suggested formate.

Byron, should we have NOAA do the NEPA process, or should we do a local process?

Bob, agree with Byron's question, been thinking a lot about the same.

David, advantage to a petition going forward.

Terry, for the conversation to continue is what we heard over and over in the comments. Comments ranged for whether this is an appropriate part of the process to details on moving forward.

Mark, don't think it is either or, NEPA process allows for local involvement.

Terry, what were talking about is what we are going to present to the Council. Keep it local vs petition go forward. Also issues we heard that if it goes forward to NOAA is the issues we heard.

David, what Arnie is asking whether we recommend to Council the petition goes forward or not.

Terry, we're jumping ahead.

Phil, take a straw poll.

Bob, recommend we don't have it go forward.

Mark, lets do a straw poll to start to see where we are. Then discuss issues.

Terry, yes. Matt S. just spoke to him and he had important things to say.

Straw poll to recommend support to Council to advise NOAA we support petition going forward. Megan yes, David yes, Tom yes, Barbara abstain, Mark yes, Bob no, Ken yes, Laura Jo Yes, Phil Yes. Terry abstain to against. Seven yes, One no, two quasi abstain.

Barbara why no? Why shouldn't we go forward to the process?

Bob, don't see this as a barricade. I'm not a fan of whale watching, but I like to fish and I watch boats chase whales around. But one of the comments changed my petition. This petition only targets whale watching boats. Commercial fishing excluded. Sargent Mullins, said Whale Protection zone not enforceable. Don't think going through NOAA is right, need to do it locally.

Terry, six people at MRC public meeting said petition will initiate a strong process. People against it are against a different decision. Spoke to Matt as a whale watching industry. Not many changes to last petition that came through. We need to understand that this process may not lead to what we hope for. Hopefully they will consider all the options. They don't trust that the process.

Phil, yes I agree NOAA hasn't gotten off their butts. I want to see it go forward, but my concern from past experience is NOAA will not look at all options. I don't want to see the result from the petition, but want NOAA to look at all issues.

Terry, from MRC public meeting; both sides agreed that NOAA should do something, a major consensus.

Arnie, extrapolate that the "someone," could be this group.

Bob, WDFW is patrolling, they should be part of the conversation.

David, Important for whale watchers is to address their behavior. Lots of recreational boaters out there. PWWA do a good job on a lot of issues. What we need to do is determine whether it moves forward. Orca relief created this petition. Very important. We shouldn't direct who is doing implementation.

Barbara, agree that making local, but how to we guarantee to get action at local level?

Bob, doubt even with petition that anything will change.

Byron, because SRKW listed as Endangered under ESA, there is a federal nexus, NOAA has to be involved either way.

Terry, we shortcut process to start our deliberation with a yes/no. Crux argument of what will be effect if this petition goes forward.

David, public will have more opportunities to comment. I move that the MRC recommends to Council that the Council recommend that NOAA move forward with the petition.

Mark, I second.

Barbara, what role does the County Council have with NOAA?

Terry, NOAA is seeking their input as part of the public.

Barbara, is it NOAA?

Arnie, NOAA is requesting comment, and County is part of the public.

Bob, just a recommendation to consider petition, no decision on the petition iteself.

Arnie, what would come out of this is a letter from County to NOAA.

Barbara, now is where we provide a bit more substance that is beyond citizen input. Do we feel there are certain components to advise NOAA of why this should go forward?

Mark, we should list the issues that were raised and include that as what we send to Council. Once NOAA picks this up, there will be plenty of opportunity for interaction with NOAA as this moves forward.

Barbara, bullet points would be questions vs issues during NOAA consideration of this petition.

David, Terry's chart is a good addition to our recommendation to Council.

Terry, let's go around the table.

Bob, better is a local option, don't trust NOAA, local enforceable. Question is whether we can take care of ourselves as a community vs NOAA. Jetski and PWWA is an example of local enforcement. We are relinquishing our control if NOAA goes ahead. Listening to WDFW enforcement etc, everybody agrees something should be done. I'll support whatever. Have had two meetings with petition author.

Bob, last time public overwhelming against a whale protection zone.

Ken, important emphasis to discuss. Losing Orcas rapidly, feds will be de-toothed next four years. We let NOAA know we need their services, assure NOAA will stay around. Ultimately may come down to local anyway, and it's political. Tough decision for politicians to weigh in on. Huge impact. Working w recommend to County Council to move forward is nebulous. Agree we bring up issues in recommendation to Council. Table is great for MRC use, but need to present as a written discussion.

Laura Jo, 1. Support petition goes forward to Council and recommend they support it. 2. Many people support it, our recommendation gives MRC a little publicity that we are working on issues. 3. One of MRC goals is education in community, approaches to educating recreational boaters. Important to get communication out so locals know we are doing something. Our involvement will generate naysayers, but that is to be expected.

Arnie, Craig had some suggestions via email. MRC needs to be strong and to localize solution. Orcarelief, Soundwatch, and WDFW enforcement is local and we need to strengthen. Feds may be checked out for a while.

Phil, last time we didn't want the feds in here and nothing has changed. My fear is we have to go through this process to get NOAA to act and they may not act. And previously wanted local solutions, told NOAA to bow out, and for five years we have done nothing.

Terry, PWWA has internal meetings.

Phil, no county-wide meetings. Recommended to NOAA a limited entry for boats, etc, NOAA ignored. We told NOAA to go away. Only way to bring in alternatives is to have this petition to move forward. I wish all the money we are spending on this to pay for another agent on the water.

Megan, exclamation point on Phil, a little more enforcement would help this problem. Something needs to be done, currently what we are doing is not working. If to get something done, need to move petition forward, then so be it. Enforcement is part of larger discussion, we need more salmon. Way less expensive alternative is to enforce the existing rules. Part of the rulemaking process is considering alternatives, go slow zone is another alternative. Good idea to move forward some petition.

David, Marine Stewardship Area addressed of areas of sensitivity. Problem is it's not well-defined to public what it represents. Application and enforcement is not identified. We have not done a good job as a MRC in publicizing what we are doing and how we are doing it. Not good at advertising our meetings and shout out to public to thank for their input. Local solutions engendered by creating PR. Have to do better education, more press releases. We have all online resources and print media. How we can allocate each meeting as a deliverable to the community and Council. These are all issues have been raised, so relate to this petition. Phil's comment consistent with Russ Mullins, WDFW agent; should consider a bubble zone; very appropriate comment. PWWA floating MPA zone around whales was their suggestion. Confusion even with enforcement about what existing whale watch protection zones are.

Terry will rule making process effectively move from no go to bubble zone?

David, petition should go forward.

Byron, Orcas are listed as Endangered under ESA so NOAA has to issue new rules. The feds have taken over rulemaking from state/locals for SRKW because they are listed as Endangered. NOAA rulemaking

only way legally there will be new rules, local or state rules not enforceable without NOAA going through rulemaking.

Terry, most people want to see petition go through, we hope the process lead to something different than the petition. So I'm presenting that we are considering why we should vote no to the motion. Recommendation to receive the petition, with condition that it considers all the alternatives. Want to vote no on the motion and create a new motion. Ken Balscomb letter in my mind, he said petition would make us a laughingstock and would not protect whales. We must take Kens words into consideration. Others in opposition to petition as written and not NOAA process. Petitioners see a view it's terrible out there looks like boats herding whales, noise a problem, therefore the assumption is it's impacting the whales. Noise we hear from boats is not what the noise the whales are hearing. Recommend we modify.

Barbara, propose an amendment.

Mark, I have a comment, I want to vote on motion on table. Last NOAA evaluation had several alternatives that the locals couldn't agree on. Here's a story: Blanchard Mtn in Bellingham, an advisory group was created with diverse interest to protect a core area. One thing we could propose to Council is MRC orchestrate an advisory committee to NOAA, local solution. Might be a way to get to a solution we want, with MRC facilitating. We have time, NOAA process will take a long time. Get's to Phil concerns about not trusting NOAA process, and with NOAA needing to do their thing. Vote is X, and in addition here is what MRC will coordinate.

Barbara, if we don't pass this motion right now, recommend that we say yes that the Council support NOAA accept the petition, and also these are our concerns.

Mark, my goal is to come to consensus whatever the vote.

Barbara, want to amend the motion.

David, opens another round of discussion.

Barbara, want public record to show it's not just an up/down vote.

Phil, my understanding of the motion just to answer the basic petition question, and then we would send a letter accompany that describes all the issues we have discussed.

Terry. The motion was called to a vote: Nine in favor. One opposed.

Terry, motion that our recommendation to Council in support of NOAA accepting petition includes all the issues we discussed. We keep working on this for the Council meeting. Megan seconded.

Mark, should not give our opinions, just opinions of the public. Be objective.

Terry I suggest additional things to the yes could take a variety of forms. Could be table, public input, but motion implied that MRC would say very strong things such as we think rule making process moves towards slow-go zone. Several MRC members disagreed with supporting slow-go zone.

Phil, we can discuss as a group such as a moving MPA, we don't have time and don't have another meeting set up before Council meeting. MRC could take on another time to look at all these issues. Needs to be a committee vote. Can't legally vote through internet.

Terry, really unsatisfied with a one-word recommendation to Council.

Barbara, notification to Council is a letter, so can include the other issues.

Terry, today we are missing opportunity to explore other opportunities. Going forward without other information.

David, we've had this petition on our dockets for months. We've failed to consider this petition.

Bob, we were not formally asked; Jamie just asked us a week ago from Friday.

Barbara, we don't need to make recommendations one way or the other. Just identify areas of concern. And that the MRC will be working on them, and happy to work with Council on them.

Mark agree have a list of issues is important. Plenty of time and opportunity for more discussion. If we want to take a significant action, let's become a liaison so a larger local group for discussion.

Ken, agree just needs a list of topics.

Phil agree that if Council asks, this is what we are working on.

Terry, after hearing what you're suggesting, it aligns with what I was thinking of.

Mark can I amend the motion? Amend all the issues raised by the public.

Terry, accept a recommendation. Craig offered issues in addition to the public.

David, the first motion will include the issues.

Megan, MRC comments are value-added to public.

Barbara, let's pass it as is. Motion called for a vote. Motion carries 10 yes, 0 no, 0 abstain.

Bob, I reached out to public for comments following the MRC public meeting. #1 comment is how well they thought Terry facilitated meeting.



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March 27, 2017

San Juan County Council
350 Court Street #1
Friday Harbor, WA 98250

Re: MRC Recommendation on Whale Protection Zone Petition submitted to the National Marine Fisheries Service

Dear San Juan County Council:

This purpose of this letter is to provide the County Council with the MRC's recommendations and concerns regarding the petition submitted to the National Marine Fisheries Service (NMFS) requesting a Whale Protection Zone for San Juan County.

Background/Timeline

- On November 10, 2016, three environmental groups (Orca Relief Citizen's Alliance, Center for Biological Diversity and Project Seawolf) submitted a petition to NMFS proposing the establishment of a WPZ for Southern Resident Killer Whales (SRKW) along the west side of San Juan Island.
- On January 13, 2017, NMFS published a Federal Register notice announcing its receipt of the petition and the opening of a 90-day public comment period to solicit comments on the petitioned action. The public comment period officially closes on April 13, 2017. NMFS subsequently made an informal request that the County Council or MRC convene a public meeting to solicit citizen input on the petition
- On March 1, 2017, the MRC convened a public forum to hear citizen input on the petition.
- On March 6, 2017, the County Council's MRC Liaison formally requested that the MRC provide the Council with a recommendation on the petition.
- On March 15, 2017, the MRC met to discuss the Council's request for a recommendation and passed two motions regarding its recommendation to the Council.

Public Forum

A total of 33 speakers provided comments to the MRC at the March 1, 2017, public forum. We have included a transcript of the comments received and recorded video of the entire proceeding. This public



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forum was limited to the presentation of public comments and an informational presentation by Byron Rot, San Juan County Salmon Recovery Coordinator, that our State Legislators are not hearing from the public on the importance of funding salmon recovery, and that we are in danger of losing both state and federal funding. Subsequent to the public forum and prior to our MRC meeting on March 15, 2017, our members had some internal discussion regarding the various issues and comments that were raised by the public at the forum as well as our own opinions. This discussion resulted in a tabulation and characterization of the comments presented at the public forum which is attached to this letter. The MRC reached the following conclusions after reviewing the public testimony.

- 1) Both supporters and opponents of the WPZ petition recognize and support the need to recover the SRKW population.
- 2) The reduced availability of Chinook salmon is the key threat to recovery of the SRKW population and is one of the reasons the County Lead Entity is actively engaged in Chinook salmon recovery efforts in the San Juan Islands. However, vessel noise and disturbance are also recognized threats to the SRKW population and should be addressed concurrently with ongoing efforts by NMFS and others to recover Chinook and other salmon populations.
- 3) Because the SRKW population faces multiple threats, including those associated with vessel noise and disturbance, most speakers were supportive of any recovery efforts that have been thoroughly and carefully evaluated in terms of their recovery benefits to the SRKW population and the socioeconomic impacts and costs to San Juan County. This petition attempts to address one set of impacts to the SRKW population -- from vessel noise and disturbance -- and that should be the primary consideration in reviewing and commenting on this petition.
- 4) Enforceability (and funding for enforcement) should be a primary concern in evaluating the proposed WPZ in the petition as well as any other alternative protective measures that NMFS may consider. The difficulty of enforcing the proposed WPZ was a key point made by one of the WDFW's primary enforcement officers who provided comments at the forum. None of the other speakers at the forum disagreed with this assessment.
- 5) There was considerable disagreement among researchers (perhaps the most disagreement of any one issue) about the significance of the geographic area delineated by the proposed WPZ to the SRKW population, as well as the expected effectiveness of the WPZ in protecting the population. . On the other hand, many opponents of the petition argued that while the proposed WPZ was relatively insignificant to the SRKW population, its implementation by NMFS would have a very detrimental effect on the quality of the whale watching experience and potentially result in negative economic impacts to our community and the broader whale watch industry. It



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should also be noted that no other specific geographic area was suggested by speakers at the forum that would likely be more effective.

- 6) Most of the opponents of the petition argued that the most viable alternative to the proposed WPZ would be a moving slow go zone around SRKWs because vessel speed and the associated noise frequencies were the most important factors in the observable disturbance of whales. If the petition goes forward, we would assume that continued public input would bring this proposition to the forefront in the consideration of alternatives.
- 7) In regard to items 5 and 6 above, we would point out that the implementation of a moving “slow go zone” instead of the “fixed no go zone” as proposed in the petition would eliminate the opportunity to effectively conduct future observations and scientific research to evaluate the effectiveness of a geographically fixed protection area, which has been a matter of inference and speculation. It is also possible that creating both types of protective measures would provide an opportunity to compare the relative effectiveness of each in protecting SRKWs.

MRC Meeting to discuss a Recommendation to County Council

On March 15, 2017, the MRC met to discuss the petition, the public forum and other issues related to the petition.

Meeting Discussion

During the MRC’s meeting the primary topics of discussion included: 1) the NMFS and National Environmental Policy Act (NEPA) process that would occur if NMFS decides to move forward with the petition, 2) the importance of local involvement in the NEPA process in that scenario, and 3) the experience of several MRC members with NMFS’s previous attempt to address SRKW protections. There was less discussion of the specific arguments for and against the petition. *There was no generalized consensus among MRC members at the meeting on the expected effectiveness or outcome of the NMFS process, or of the expected effectiveness of the specific measures proposed in the petition. The motions that were made and passed, however, did reflect a broad consensus on the importance of NMFS taking action, the importance of continued local involvement in the process, the critical nature of the time element, and given the above consensus, the importance of evaluating other alternatives to recover SRKW in addition to the specifics of the petition being addressed by NMFS.*

Motions

Following the discussion, the MRC passed two motions:



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- 1) **The MRC recommends to County Council that it recommend that NMFS move forward with the petition.** After a second and discussion of the motion, the motion was passed 9 in favor, 1 opposed and no abstaining.
- 2) **The MRC recommendation to the County Council should include discussion of its concerns with the petition, NMFS review of the petition and any future rulemaking that NMFS may undertake if it accepts the petition.** (as brought forward in MRC deliberations including the Public Forum Comment Tabulation). This motion passed unanimously, 10 in favor and 0 opposed.

Additional MRC Concerns

The MRC has numerous concerns about the WPZ petition, NMFS' review of the petition and any future rulemaking that NMFS may undertake if it decides to accept the petition. The following list represents a series of comments the MRC recommends that County Council consider submitting to NMFS based on our concerns. These comments are organized according to the types of information that NMFS requested in its January 13, 2017, Federal Register notice opening the public comment period.

- 1) Advisability/need for WP
 - a. In order to accept the petition, NMFS must clearly demonstrate that its 2011 regulations and all other management measures currently in place aimed at reducing the impacts of noise and vessel traffic on SRKWs have not been effective and that existing levels of vessel traffic and noise in the proposed WPZ are having significant adverse impacts on the SRKW population.
 - b. In evaluating the petition, NMFS must consider the feasibility of enforcing (and funding) the proposed WPZ or any future proposed regulations.
- 2) Geographic scope of proposed WPZ
 - a. In considering the petition, NMFS must consider the importance of proposed WPZ to the overall habitat of the SRKW and the fact that SRKWs do not utilize this habitat on a full time basis.
- 3) Alternative management options for regulating vessel interactions with SRKW
 - a. If NMFS accepts the petition, it should identify and evaluate a full range of management alternatives. These could include a go-slow zone with vessel speed limits, significantly increasing monitoring and enforcement, particularly of recreational vessels, a possible limited entry system to control the number of commercial vessels operating on the west side of San Juan Island, a permitting system, and possible requirement of tracking devices on commercial whale watch vessels so that they can be better monitored.



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- b. In addition, NMFS should evaluate alternatives suggested by the whale watch industry (e.g. a go-slow bubble around SRKWs rather than a geographically fixed WPZ) as well as voluntary alternatives either as stand-alone measures or as part of a phased management alternative that begins with voluntary measures as a first stage and only leads to mandatory regulations if voluntary measures are ineffective.
 - c. The Council should consider indicating that it wants to participate with NMFS in any scoping effort aimed at identifying alternatives to the proposed WPZ in the petition as well as any NEPA analysis that is conducted by NMFS to evaluate the alternatives in support of future rule making.
- 4) Scientific and commercial information relating to effects of vessels/noise on SRKW and their habitat
- a. NMFS must use the best scientific information available in evaluating the petition or in the development of any future rulemaking including:
 - All new scientific data relating to SRKW usage of the habitat delineated by the proposed SRKW and the behavioral responses of SRKWs to vessel noise including the most recent research conducted by NMFS's Northwest Fisheries Science Center, and
 - A thorough analysis of the effectiveness of all current efforts to protect SRKWs from vessel noise and disturbance including NMFS's 2011 SRKW regulations.
 - b. Prior to making a determination on the petition, NMFS should make the information described in the bullets above available to the public and re-open the public comment period on the petition. This is critical information relating to whether or not the petition should be accepted, as well as whether or not new regulations are needed, and NMFS should not make a determination about the petition until the public has an opportunity to review and comment upon it.
- 5) Information on economic effects on WPZ regulations
- a. The Council should consider offering to provide whatever existing information it has on the economic importance of the whale watch/wildlife viewing industry to local tourist economy – e.g. # of trips per year, revenue per year to the operators, # of people directly employed, indirect benefits such as restaurants, hotels, etc.
 - b. The Council should consider expressing concern about potential economic impacts to the County's tourism industry as a result of accepting the petition and the possible implementation of WPZ regulations including those proposed in the petition.
 - c. If the petition is accepted, NMFS should conduct a thorough analysis of the economic impacts to the whale watch industry and the county's tourist industry. It must be



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comprehensive and address all possible impacts to the county's economy including impacts to small business entities.

- d. The Council should consider indicating that it wants to work with NMFS in defining the scope of this economic analysis and in gathering data necessary to carry out the analysis.
- 6) Any other relevant information NMFS should consider
- a. The Council should reference and summarize the County Prosecutor's letter to NOAA that questions the legality of any WPZ. We recommend to the Council that this letter be discussed at the beginning of any comment letter to NMFS.

Thank you for your support in the MRC's hosting of the Public Forum and for the opportunity to provide analysis and input to you on this critically important issue.

Respectfully,

A handwritten signature in blue ink that reads "Terry Turner". The signature is fluid and cursive.

Terry Turner, Chair

San Juan County Marine Resources Committee