November 2, 2006

Memorandum

To: San Juan County Council
Re: Background and Proposal for Renewal of Transborder Cooperation on Marine Stewardship

The Marine Resources Committee (MRC) and the County Council have scheduled half an hour at 11am on November 14th to discuss an MRC proposal for steps to renew and update the original 1998 Transborder Cooperation Agreement and the 2000 Transborder Marine Protection Protocol Agreement between San Juan County and the Islands Trust. Below is a summary of the background and the MRC's request for Council action.

1. A Short History of Cooperation: San Juan County, the Islands Trust, and Marine Stewardship

A short history is inherently incomplete. This is an attempt to hit the highlights and provide background for the MRC members, the County Council, the County Administrator, and the interested public, to inform discussion at the November 14th Council meeting. This bit of history is intended to help explain the MRC recommendations for updating the County/Trust Joint Action Plan.

Islands Trust
The Islands Trust was established in 1974 to "preserve and protect" the environmental and cultural values of the Gulf Islands as rapid growth occurs in and around the islands. The Trust is a regional land use planning body with limited legislative authorities and is not equivalent in its scope to a County government. The Gulf Islands are assigned to 13 Trust areas which each elect two Trustees to the Islands Trust Council. Two of the islands are now incorporated municipalities but remain within the Trust area and subject to the Islands Trust Act, with Trustees elected to the Council.

The Trust Council works through its executive committee and its executive director (based in Victoria). Individual islands have official community plans (OCPs) and bylaws guiding land use and certain aspects of development not reserved to the province. The OCP jurisdictions include marine areas.

Transborder Focus
As in Washington, population growth and development in BC boomed in the late 1980s. By 1993 the Georgia Basin Initiative was launched to address long-term environmental sustainability and the economy of the region. Among the early outcomes was the creation of a Washington/BC
Environmental Cooperation Council and of its International Task Force on marine issues by the Governor and the BC Premier.

In the context of growth management, San Juan County and the Islands Trust re-established communications about growth and sustainability issues for islands surrounded by major and rapidly growing metropolitan areas. Tourism growth as well as resident population growth was marked on both sides of the border. In December, 1995, the Trust and the Georgia Basin Initiative Office sponsored a "People on Islands" forum in Victoria, in which San Juan County and the Puget Sound Action team participated. Among six topic areas, recommendations from the forum included establishing a transborder partnership for marine protection. In time, this took on its own momentum between the County and the Trust.

In the context of marine issues, through participation at Task Force meetings, County and Trust staff began to work with Task Force members to promote the concept of a network of marine protected areas in the transborder waters to underscore the idea that the border artificially separated ecosystem elements that both the US and Canada rely on and are responsible for. These efforts were joined by Canadian and US NGOs (including People for Puget Sound and the Georgia Strait Alliance). The Task Force itself was made up of state and provincial agency representatives working on marine resource issues through work groups assigned to several research and policy areas. Detailed results of Task Force efforts are beyond the scope of this document; in summary the Task Force provided a forum (if not a solution) for cooperation between the County and the Trust specifically on marine stewardship and to engage state and provincial and federal authorities as well as NGOs and local communities to cooperate as well.

**County/Trust Cooperation Background**

In December of 1998, at a joint meeting of the Islands Trust and the BOCC, a "Transborder Island Agreement" was signed calling for the development of an action plan. The agreement itself recognizes the circumstances and challenges shared by island communities on both sides of the border and calls for creating topical task forces.

In June 2000, a "Protocol Agreement on Transborder Marine Protection Area" (copy attached) was signed with an action plan developed and attached shortly after. The MPA action plan focused in large part on activities by the Islands Trust to foster political and financial support for its own efforts but incorporated participation from San Juan County in producing an MPA "workbook" - a marine stewardship guide for local communities - and the Orca Pass Transborder Marine Stewardship Initiative - a public awareness campaign - entered into by the County and Trust in partnership with US and Canadian NGOs.

By 2003 much of the work initiated under the MPA action plan was completed, including a brochure about the transborder marine system and a "Marine Management Area Workbook", which was a guide for citizen stewardship action. Since then, while the county staff has been challenged with other matters, the former Board of County Commissioners adopted a resolution (attached) declaring the county a marine stewardship area and charged the MRC with the development of a stewardship plan. The MRC has made progress toward its deadline of June 2007 to produce this plan but has had little recent coordination with the Islands Trust on what's being done here and how it may inform or support further transborder stewardship efforts.

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1 At the time, the Islands Trust representatives remarked that the Gulf Islands are "our San Diego."
Opportunity
For several years the BOCC and Trust Council had met once a year. In 2006, at a joint meeting on Saturna, the two Councils agreed to meet twice a year. Since its return the County Council has discussed whether or not to update the previous agreements. The MRC has offered, and the Council has requested, MRC suggestions for an update in advance of the next joint meeting, scheduled for December 7th in Victoria.

The MPA Agreement of 2000 relates to the work of the MRC as an advisory committee for the Council. The MRC believes this is an opportunity for the county to propose a new action plan in December, based on the strides being made here on a local marine stewardship program and on others yet to be made on the Washington side of the border.

2. Proposal

The focus of such a plan from the County's side would be 1) sharing information (ranging from resource documentation and public information strategies to learning from mistakes) and 2) promoting awareness of San Juan County's marine stewardship approach in the Gulf Island communities. This is not intended to be a vigorous or costly action but rather to facilitate communications formally from government to government and from community to community about what San Juan County is pursuing, the avenues it's exploring, and the preliminary outcomes of Phase 2 of the developing Marine Stewardship Area Plan. It may ultimately foster actions north of the border that benefit stewardship efforts here.

The MRC is proposing that a version of the following suggested steps be introduced at the joint meeting in December. The object is not to update the action plan itself now but to explore how that might be done in a way beneficial to the county, the Trust, and the transborder marine environment.

Transborder Marine Stewardship - Steps Toward a Draft Transborder Plan Update


2. Prepare and distribute summary results from steps 1 and 2 for distribution to SJ and IT Councils - February 2007.


4. Report to a joint session of the Trust and County Councils - June 2007 (or at the next scheduled joint meeting).

Requested Action
The San Juan County Council will offer to the Islands Trust Council, in December 2006, a general set of steps to explore ways to advance a new transborder marine stewardship action plan to accompany an updated Transborder Cooperation Agreement.

If the County Council agrees, it will authorize the MRC to coordinate communications through the Islands Trust staff over the first half of 2007.
And, if the County Council agrees, the MRC will work within its approved 2007 budget to take these steps and will of course keep the Council and the County Administrator informed of its contacts, invite Council members' participation, and report results along the way.

Attachments:

1998 Transborder Island Agreement
2000 Protocol Agreement on Transborder Marine Protection Area
Resolution 8-2004 Designating San Juan County as a Voluntary Marine Stewardship Area
APPENDIX 1

TRANSBORDER ISLAND AGREEMENT BETWEEN THE ISLANDS TRUST AND THE SAN JUAN COUNTY, DECEMBER 2, 1998

TRANSBORDER ISLAND AGREEMENT
Between
The ISLANDS TRUST
And
The SAN JUAN COUNTY

January 2, 1998

WHEREAS the Islands Trust:

- Is authorized to enter into interagency agreements through the Islands Trust Council on behalf of fourteen local trust committees;
- Is responsible through these corporate entities for achieving the legislated object of the Islands Trust Act "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia"; and
- Is the local government responsible for land use planning and regulation for 470 islands situated in the Georgia Basin and Howe Sound.

WHEREAS San Juan County:

- May enter into interagency agreements through the San Juan County Board of Commissioners; and
- Is the local government responsible for providing municipal services and land use and resource management planning for 172 named islands situated in the Puget Sound.

WHEREAS both these agencies acknowledge that:

- Together they represent the interests of over 642 islands within the Howe Sound, Georgia Basin and Puget Sound that share airspace, watersheds and a marine environment;
- Within and immediately surrounding the Puget Sound, Georgia Basin and Howe Sound, the population is expected to increase from 6 to approximately 8.5 million by 2010;
- The management of the above projected growth and its impacts will require the timely development and implementation of effective strategies, while preserving and protecting the unique qualities of islands in the Georgia Basin, Howe Sound, and Puget Sound;
- Growth and environmental issues and impacts transcend physical and political boundaries;
- Local government can make a significant contribution to the successful implementation of the Environmental Cooperation Agreement (May 62) signed by the Premier of the Province of British Columbia and the Governor of the State of Washington which aims "to promote and coordinate mutual efforts to enhance, protect
and preserve shared environments for the benefit of current and future generations; and

- This, in turn, will require the timely sharing of information and coordination of activities among all levels of government, island communities and other organizations.

NOW, therefore, the San Juan County Board of Commissioners and the Islands Trust Council wish to recognize their spirit of partnership and friendship by entering into a Transborder Island Agreement with the following considerations:

1.0 SHARED VALUES
Both agencies share the following values:
1.1. The protection of significant terrestrial and marine environmental features and ecosystems;
1.2. The preservation of the unique quality of life on islands and in the surrounding waters;
1.3. The management of impacts of population growth and development in a manner consistent with the values of island communities; and
1.4. The encouragement of island communities to achieve and maintain a viable economy.

2.0 SCOPE OF EFFORTS
Both agencies acknowledge that their transborder efforts would include activities which:
2.1. Relate to their areas of jurisdiction with a commitment to respect the decision-making discretion of either agency;
2.2. Enable island organizations to work together in addressing island community issues; and
2.3. Support government agency and non-government organization coordination efforts to address transborder island issues.

3.0 ACTIVITIES
Both agencies wish to coordinate activities within the following areas:
3.1. Identifying current and emerging issues to focus interagency activities;
3.2. Sharing information which may be of mutual interest;
3.3. Undertaking research and policy development projects;
3.4. Facilitating and recognizing citizens and community organizations;
3.5. Promoting communications with initiatives by and between state, provincial and federal governments to ensure awareness of island community needs;
3.6. Promoting communications with First Nations and Tribal governments;
3.7. Supporting cooperative initiatives by non-profit organizations, the private sector and other local government agencies; and
3.8. Sharing materials and resources for public awareness and education programs.

This agreement is intended to nurture an Ongoing Relationship utilizing the following:

3.9. Developing a Transborder Island Action Plan of specific joint activities along with responsibility assignments and timelines;
3.10. Conducting regular public meetings of agency representatives to review and update the Transborder Island Action Plan;
3.11. Coordinating workshops that may involve other agencies and the public to discuss specific Transborder Island topics; and
3.12. Creating Transborder Task Forces to examine specific Transborder Island topics.

4.0 **ADMINISTRATION**

Administration of this agreement will involve:
4.1. The officials of each agency who shall be responsible for the notices and the administration of this Transborder Island Agreement are:
   San Juan County Planning Director
   Islands Trust Council Executive Director
4.2. Either agency may terminate this agreement at any time upon 30 days' notice to the other agency.
4.3. This agreement may be amended upon the mutual consent of both agencies.
4.4. This agreement may be extended to another agency upon the mutual consent of all relevant agencies.
4.5. An acknowledgement that this agreement is not intended to be legally binding, nor interfere with any international laws or treaties.

As evidence of their agreement to the above spirit of partnership and friendship, the San Juan County Board of Commissioners and the Executive Committee of the Islands Trust Council have executed this Transborder Island Agreement dated this 2nd day of December, 1998.

Approved by the San Juan County, this 3rd day of December 1998.
Approved by the Islands Trust Council, this 3rd day of December 1998.
PROTOCOL AGREEMENT
ON
TRANS BORDER MARINE PROTECTION AREA

S.J. PLANNING DEPT.

AMONG:

ISLANDS TRUST COUNCIL
("Islands Trust")

AND:

SAN JUAN COUNTY BOARD OF COMMISSIONERS
("San Juan County")

JUL 2 7 2000
By

WHEREAS:

Both Parties have acknowledged their spirit of partnership and friendship concerning island communities in the Puget Sound, Georgia Basin and Howe Sound by way of a Transborder Island Agreement; and

Both Parties wish to promote the establishment of a transborder network of marine protected areas within the above area, also known as the Salish Sea, recognizing that marine ecosystems transcend international boundaries or the limits of individual government agency jurisdiction.

NOW THEREFORE the Islands Trust and San Juan County agree as follows:

1.0 PRINCIPLES

Both Parties share the following principles to:

1. Acknowledge the jurisdictional authority of other agencies;
2. Nurture a spirit of shared decision making among relevant jurisdictions;
3. Involve the public with meaningful engagement and stewardship;
4. Utilize a precautionary approach to the use of resources in the face of uncertain knowledge;
5. Develop a diverse range of cooperative management strategies suitable for different situations;
6. Reflect the values and interests of indigenous peoples, and island communities;
7. Take the initiative to act now and provide a model for cooperative Marine Protected Area initiatives; and
8. Recognize the important effects of our decisions or future generations.

C: LAURA A
OBJECTIVES

Both Parties wish to pursue the following objectives:

1. Protect the biological diversity, representative ecosystems and special natural features;
2. Conserve fish and their habitats;
3. Promote understanding and appreciation of the cultural heritage of the region;
4. Recognize marine resource values for recreation, tourism and commerce;
5. Pursue scientific research opportunities; and
6. Promote increased public education and awareness of the marine environment.

3.0 AREA OF INTEREST

The boundaries of the "Salish Sea" Marine Protected Area, on either side of the United States/Canadian international boundary, is shared by both San Juan County and the Islands Trust within their respective jurisdictions (see map – Schedule A).

4.0 PARTNERSHIP EFFORTS

Both Parties wish to consult and work with other organizations that have jurisdiction or an interest in the Area of Interest:

- Other levels of government including local, Provincial, State and Federal agencies;
- First Nation and Tribal Councils;
- Non-government organizations; and
- Island community citizens, groups and visitors.

5.0 SCOPE OF ACTIVITIES

It is the intent of both parties to use best efforts to maintain a work program to undertake the following potential scope of activities:

- To promote further research of the nature of marine ecosystems;
- To develop criteria to designate habitats and areas most important for protection;
- To establish co-management guidelines and programs to achieve shared goals for marine protected area designations;
- To enlist the input and involvement of other entities for designations, co-management and monitoring activities;
- To undertake consultative processes to engage public awareness and involvement;
- To facilitate the sharing of information on data, activities and plans of various citizens and agencies;
- To promote the voluntary application of best practices concerning human activity in the marine environment; and
- To encourage the establishment and enforcement of regulations as appropriate.
6.0 PARAMETERS

Both Parties acknowledge the following conditions:

- This agreement may be amended upon mutual consent of both parties;
- This agreement may be endorsed by other entities with the consent of both parties;
- Nothing in this agreement shall be construed so as to fetter the legislative discretion of either Party or other entities;
- The officials responsible for administration of this agreement are:
  - Islands Trust - Executive Director
  - San Juan County - Planning Director
- This agreement is not intended to be legally binding, nor interfere with any international laws or treaties.

As evidence of their Agreement of the above terms, the Islands Trust Council and the San Juan County Board of Commissioners have executed this agreement as set out below:

Signed this 15th day of June, 2000

David Essig, Chair
Islands Trust Council

Witness
Gordon McIntosh, Executive Director
Islands Trust

Signed this 15th day of June, 2000

Rhea Miller, Chair
San Juan County Board of Commissioners

Witness
Laura Arnold, Planning Director
San Juan County
<table>
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<th>WHO</th>
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**June 2001**
- Conduct pilot process
- Seek interested LTC for pilot
- Determine local process details

**June 2000**
- LTC (WG)

**June 2000**
- Seek assistance in LTC process
- Program considerations with LTC work
- Develop model public process
- Local NPA designations

**May 2001**
- Distribute brochure
- Conclude brochure funding
- Seek print\support to brochure

**April 2001**
- SC (LA)

**Jan 2001**
- IT (MN)

**Dec 2000**
- Draft a sample format

**Dec 2000**
- Review draft

**Nov 2000**
- Marine Stewardship Brochure
- Promote public awareness of TMDP
- Encourage stewardship efforts
- Encourage responsible use of area

**Lead: San Juan County – Pat M. A.**
- Lead: San Juan County – Pat M. A.
RESOLUTION NO. 8 - 2004

RESOLUTION DESIGNATING SAN JUAN COUNTY AS A VOLUNTARY MARINE STEWARDSHIP AREA

WHEREAS the defining characteristic of San Juan County is the natural marine environment and rural island ambiance; and

WHEREAS it is beneficial to tribes, residents and visitors alike to protect and preserve said natural marine environment; and

WHEREAS historic tribal and cultural practices are dependent on the protection and preservation of said environment; and

WHEREAS much of the local economy is dependent on the protection and preservation of said environment; and

WHEREAS bio-diversity, and water quality are important characteristics of said environment; and

WHEREAS sustainability of harvest for all people, both commercial and sports fishers, has substantial economic value to the county; and

WHEREAS natural maritime outdoor recreation(s) such as kayaking, whale watching, sailing and cruising have substantial economic value to the county and will benefit from conservation efforts; and

WHEREAS the State has already declared the county a preserve relating to Marine Biological Materials (RCW 28B.20.320); and

WHEREAS the County is home to 82 National Wildlife Refuges; and

WHEREAS the County contains habitat important to threatened and endangered species of wild salmon, rockfish and other marine species; now

THEREFORE BE IT RESOLVED that the Board of County Commissioners hereby designates San Juan County, State of Washington, as a Voluntary Marine Stewardship Area in accordance with Executive Order 13158 in order to facilitate the protection and preservation of our natural marine environment for the tribes and other historic users, current and future residents, and visitors; and

BE IT FURTHER RESOLVED that the Marine Resources Committee shall undertake a formal study of unique areas of the county and shall recommend to the Board of County Commissioners those measures necessary to further the intent of this resolution; and

BE IT FURTHER RESOLVED that the Marine Resources Committee shall update the Board of County Commissioners, one year from the effective date of this Resolution, on the progress of the above mentioned Formal Study; and

S.J.C. COMMUNITY

FEB 13 2004

DEVELOPMENT & PLANNING
APPENDIX 1

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The SAN JUAN COUNTY

December 2, 1998

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APPENDIX 2
CANDIDATE SITES – ISLANDS TRUST AREA

1. Puget Sound/Georgia Basin
2. Active Pass
   - Localized high current
   - High concentration salmon, ling cod spawning
   - Upwelling/downwelling
   - Migratory birds
3. Saturna to border (Java Island)
   - Bird breeding
   - Seals
   - Orca corridor
4. Submerged land adjacent to projected park
5. Janes BC/Gooch Islands (Rum)
   - Poaching
   - Rare and endangered species
   - Exploited beds
   - Unusual shallow water
   - High current
   - Shellfish
6. Trincomali Channel (Wallace to Gallano Island)
   - Diverse
   - Rockfish nursery
7. Convergence off Patois to E. Point
   - Salmon influx
   - Upwelling
   - Bird use
   - Food chain
   - Rockfish
   - Kelp
8. Boundary Bay South
   - Migratory birds
   - Shellfish
   - Eelgrass
   - Crabs
   - Logical trans-boundary
9. Bell Chain marine area
10. Turnpoint Triangle between Stuart, Moresby and South Pender
    - Whale protection
APPENDIX 3

EXCERPTS FROM SAN JUAN COUNTY COMPREHENSIVE PLAN AND SHORELINE MASTER PROGRAM RELATING TO MARINE STEWARDSHIP

The portions of the San Juan County Comprehensive Plan dealing with marine resources were written specifically to address watershed management approaches to Marine Protected Areas, but could be adapted for other purposes.

1. Comprehensive Plan, Section 3, Shoreline Master Program Goals and Policies:

3.3.1 Marine Habitat Management Area Environment

Purpose:
The purpose of the Marine Habitat Management Area environment is to preserve and restore critical marine habitat areas and may be applied as an overlay to another shoreline environment designation. It is designed to be applied to specific water bodies only in concert with designation of the associated watershed as provided for in the Land Use Element of the Comprehensive Plan.

Designation Criteria:
Areas to be designated a Marine Habitat Management Area should meet at least three of the following criteria:

a. areas currently designated Aquatic, Conservancy or Natural by this Master Program;
b. areas supporting recreational and/or commercial shellfish growing;
c. areas representing enclosed embayments or having limited tidal flushing and therefore more sensitive to sedimentation and non-point pollution sources than open waters;
d. marine spawning and nursery areas; and
e. areas particularly vulnerable to probable, cumulative adverse impacts of the forms of human use and development along and in the water that may otherwise occur in accordance with this Master Program.

Management Policies:
1. This environment designation should be applied only upon concurrent designation of a watershed as provided in the Land Use Element of the Comprehensive Plan and completion of a specific management plan for the watershed and marine habitat area.
2. Management plans should specify any use and development limitations or prohibitions established to accomplish the purpose of the environment designation for the specific area. While this designation may impose additional standards it should not be construed to preclude uses allowed in upland designations through the Land Use Element of the Comprehensive Plan and its implementing regulations. Uses allowable in upland portions of
the watersheds shall be mitigated as necessary to protect critical marine resources.

3. Because each management plan will be specific to the characteristics and sensitivity of a particular location and to its associated watershed, plan development should include appropriate interdisciplinary study. Study participants should include, at a minimum, representatives from the County Planning, Health and Community Services and Public Works departments, a representative from the area affected, and a representative from the University of Washington Friday Harbor Laboratories.

2. Unified Development Code. Shoreline Master Program Implementing Regulations

The County's Unified Development Code provides additional direction for projects in marine habitat areas. In Section 3.6.4 of the Unified Development Code, the Environmentally Sensitive Overlay District is established, including Fish and Wildlife Habitat Areas. Section 3.6.9 of the Unified Development Code defines marine habitat areas as one category of Fish and Wildlife Habitat Areas as follows:

Marine Habitat Areas. These areas include the following:

i. All kelp and eelgrass beds associated with herring spawning and juvenile salmon;

ii. Priority shellfish areas as follows:
   A. All public and private tidelands or bedlands which are approved or conditionally approved by the Washington Department of Health for shellfish harvest;
   B. Any Shellfish Protection Districts created under RCW 90.72; and
   C. Areas with all of the following attributes: broad intertidal areas, bays with geographically restricted wave action and circulation, poor or limited flushing, warmer water temperatures, seasonally reduced salinities, and increased potential for algae bloom; and

iii. All identified smelt spawning areas.

Protection standards for development in marine habitat areas are established in Section 3.6.9 for Marine Habitat Areas as follows:

Marine Habitats:

A. Septic drainfields and a 100 percent repair area must be at least 100 feet from the edge of the habitat area.

B. Uses and developments in or over water must minimize changes to natural water circulation and must be designed and operated in a manner that minimizes the introduction of contaminants and debris.

C. Uses and developments must minimize disruption of the substrate, and the location and design of structures and activities must minimize obstruction of light in the habitat area.
APPENDIX 4

RELEVANT AGENCIES AND GOVERNMENTS INTERNATIONAL

1. International Joint Commission
2. North American Free Trade agreement - Environmental Committee
3. Law of the Sea

USA

Federal
US Army Corps of Engineers
US Coast Guard
US Environmental Protection Agency
US Fish & Wildlife Service
US Department of the Interior
US Department of State
National Marine Fisheries Service
National Oceanic & Atmospheric Administration

State
WA Department of Ecology
WA Department of Fish & Wildlife
WA Department of Natural Resources
Washington State Ferries
Washington State Parks & Recreation Commission
Puget Sound Water Quality Action Team
Salmon Recovery Funding Board
Northwest Straits Commission

Tribal
Lummi
Nooksack
Squamish
Swinomish
Tulalip
Port Gamble S'Klallam
Jamestown S'Klallam
Lower Elwha Klallam
Northwest Indian Fisheries Commission

Local
San Juan County
Town of Friday Harbor

Special Districts
Port of Friday Harbor
Port of Lopez

A Guide to Protecting Marine Life in the Islands
January, 2001
CANADA

**Federal**
Canadian Coast Guard
Canadian Heritage
Canadian Hydrological Services
Department of National Defense
Environment Canada

**Provincial**
BC Assets and Land Corporation
BC Hydro and Power Authority
Ministry of Transportation and Highways
Office of the Lieutenant-Governor
Land Use and Coordination Office
Ministry of Aboriginal Affairs
Ministry of Agriculture, Food and
Fisheries
Ministry of Environment, Lands and Parks

**Other**
First Nations
Snuneymuxw (Nanaimo) First Nation
Sliammon Native Council
Tsawwassen First Nation
Tsawout First Nation
Lyackson First Nations
Kwakiutl Laich-Kwil-Tach Nations Treaty
Society

**Islands Trust Council**
Denman Island Local Trust Committee
Galiano Island Local Trust Committee
Hornby Island Local Trust Committee
Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee

**Regional Districts**
Capital Regional District
Comox-Strathcona Regional District
Nanaimo Regional District

**Municipalities**
District of Saanich
Bowen Island Municipality

**Harbour Commissions and Health Boards**

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A Guide to Protecting Marine Life in the Islands
January, 2001
PROTOCOL AGREEMENT
ON
TRANSBORDER MARINE PROTECTION AREA

S.J. PLANNING DEPT.

AMONG:

ISLANDS TRUST COUNCIL
(“Islands Trust”)

AND:

SAN JUAN COUNTY BOARD OF COMMISSIONERS
(“San Juan County”)

JUL 27 2000

By__________________________

WHEREAS:

Both Parties have acknowledged their spirit of partnership and friendship concerning island communities in the Puget Sound, Georgia Basin and Howe Sound by way of a Transborder Island Agreement; and

Both Parties wish to promote the establishment of a transborder network of marine protected areas within the above area, also known as the Salish Sea, recognizing that marine ecosystems transcend international boundaries or the limits of individual government agency jurisdiction.

NOW THEREFORE the Islands Trust and San Juan County agree as follows:

1.0 PRINCIPLES

Both Parties share the following principles to:

1. Acknowledge the jurisdictional authority of other agencies;
2. Nurture a spirit of shared decision making among relevant jurisdictions;
3. Involve the public with meaningful engagement and stewardship;
4. Utilize a precautionary approach to the use of resources in the face of uncertain knowledge;
5. Develop a diverse range of cooperative management strategies suitable for different situations;
6. Reflect the values and interests of indigenous peoples, and island communities;
7. Take the initiative to act now and provide a model for cooperative Marine Protected Area initiatives; and
8. Recognize the important effects of our decisions or future generations.

C: LAURA A
PLNG 7/15/00

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OBJECTIVES

Both Parties wish to pursue the following objectives:

1. Protect the biological diversity, representative ecosystems and special natural features;
2. Conserve fish and their habitats;
3. Promote understanding and appreciation of the cultural heritage of the region;
4. Recognize marine resource values for recreation, tourism and commerce;
5. Pursue scientific research opportunities; and
6. Promote increased public education and awareness of the marine environment.

3.0 AREA OF INTEREST

The boundaries of the “Salish Sea” Marine Protected Area, on either side of the United States/Canadian international boundary, is shared by both San Juan County and the Islands Trust within their respective jurisdictions (see map – Schedule A).

4.0 PARTNERSHIP EFFORTS

Both Parties wish to consult and work with other organizations that have jurisdiction or an interest in the Area of Interest:

• Other levels of government including local, Provincial, State and Federal agencies;
• First Nation and Tribal Councils;
• Non-government organizations; and
• Island community citizens, groups and visitors.

5.0 SCOPE OF ACTIVITIES

It is the intent of both parties to use best efforts to maintain a work program to undertake the following potential scope of activities:

• To promote further research of the nature of marine ecosystems;
• To develop criteria to designate habitats and areas most important for protection;
• To establish co-management guidelines and programs to achieve shared goals for marine protected area designations;
• To enlist the input and involvement of other entities for designations, co-management and monitoring activities;
• To undertake consultative processes to engage public awareness and involvement;
• To facilitate the sharing of information on data, activities and plans of various citizens and agencies;
• To promote the voluntary application of best practices concerning human activity in the marine environment; and
• To encourage the establishment and enforcement of regulations as appropriate.
6.0 PARAMETERS

Both Parties acknowledge the following conditions:

- This agreement may be amended upon mutual consent of both parties;
- This agreement may be endorsed by other entities with the consent of both parties;
- Nothing in this agreement shall be construed so as to fetter the legislative discretion of either Party or other entities;
- The officials responsible for administration of this agreement are:
  - Islands Trust - Executive Director
  - San Juan County - Planning Director
- This agreement is not intended to be legally binding, nor interfere with any international laws or treaties.

As evidence of their Agreement of the above terms, the Islands Trust Council and the San Juan County Board of Commissioners have executed this agreement as set out below:

Signed this 15th day of June, 2000

[Signature]
David Essig, Chair
Islands Trust Council

Witness
[Signature]
Gordon McIntosh, Executive Director
Islands Trust

Signed this 15th day of June, 2000

[Signature]
Rhea Miller, Chair
San Juan County Board of Commissioners

Witness
[Signature]
Laura Arnold, Planning Director
San Juan County
<table>
<thead>
<tr>
<th>STATUS</th>
<th>WHO</th>
<th>ACTIVITIES</th>
</tr>
</thead>
</table>

**Dec**
- GM to TC
- TPC to TC

Prepate draft Terms of Reference
- Involving/consulting members
- Approval of Initiative
- Parks Canada – T. Lee
- Environment – Anderson
- DFO – DiBolaver
- Request Federal assistance

1. **Create a TRANSBORDER MPA**

2. **Draft COMMON VISION**

   - Develop common vision
   - Coordination of efforts
   - Follow up
   - Steering Committee

**Nov**
- GM
- EC
- TPC
- Task Force
- GM/Task Force

- Review of Draft Guide
- Develop online for guide
- Discuss forum outcomes and set up guide, task force
- Secure resources for project

- User friendly, how to ideas
- Follow up document to forum
- Guide
- Produce a Marine Stewardship

**Aug**
- 29, 2000

**TRANSBOUNDARY MARINE PROTECTED AREA ACTION PLAN**
<table>
<thead>
<tr>
<th>STATUS</th>
<th>WHO</th>
<th>ACTIVITIES</th>
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</thead>
<tbody>
<tr>
<td>June/2001</td>
<td>June/2001</td>
<td>Conduct Pilot Process</td>
</tr>
<tr>
<td>Mar/2001</td>
<td>Mar/2001</td>
<td>Seek Interested LTC for Pilot</td>
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<tr>
<td>Dec/2000</td>
<td>Dec/2000</td>
<td>Determine Local Process Details</td>
</tr>
<tr>
<td>May/2001</td>
<td>May/2001</td>
<td>Distribute Brochure</td>
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<tr>
<td>Apr/2001</td>
<td>Apr/2001</td>
<td>Confirm Brochure Funding</td>
</tr>
<tr>
<td>Jan-Mar/2001</td>
<td>Jan-Mar/2001</td>
<td>Seek Input/Support to Brochure</td>
</tr>
<tr>
<td>Nov/2000</td>
<td>Nov/2000</td>
<td>Draft a Sample Format</td>
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<tr>
<td>3. Marine Stewardship Brochure</td>
<td></td>
<td></td>
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<tr>
<td>4. Local MPA Designations</td>
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- Assistance to LTC Process
- Consideration with LTC Work
- Develop model public process

Lead: Islands Trust - Wayne Gordon

Lead: San Juan County - Pat M &
RESOLUTION NO. 8-2004

RESOLUTION DESIGNATING SAN JUAN COUNTY AS A VOLUNTARY MARINE STEWARDSHIP AREA

WHEREAS the defining characteristic of San Juan County is the natural marine environment and rural island ambiance; and

WHEREAS it is beneficial to tribes, residents and visitors alike to protect and preserve said natural marine environment; and

WHEREAS historic tribal and cultural practices are dependent on the protection and preservation of said environment; and

WHEREAS much of the local economy is dependent on the protection and preservation of said environment; and

WHEREAS bio-diversity, and water quality are important characteristics of said environment; and

WHEREAS sustainability of harvest for all people, both commercial and sports fishers, has substantial economic value to the county; and

WHEREAS natural maritime outdoor recreation(s) such as kayaking, whale watching, sailing and cruising have substantial economic value to the county and will benefit from conservation efforts; and

WHEREAS the State has already declared the county a preserve relating to Marine Biological Materials (RCW 28B.20.320); and

WHEREAS the County is home to 82 National Wildlife Refuges; and

WHEREAS the County contains habitat important to threatened and endangered species of wild salmon, rockfish and other marine species; now

THEREFORE BE IT RESOLVED that the Board of County Commissioners hereby designates San Juan County, State of Washington, as a Voluntary Marine Stewardship Area in accordance with Executive Order 13158 in order to facilitate the protection and preservation of our natural marine environment for the tribes and other historic users, current and future residents, and visitors; and

BE IT FURTHER RESOLVED that the Marine Resources Committee shall undertake a formal study of unique areas of the county and shall recommend to the Board of County Commissioners those measures necessary to further the intent of this resolution; and

BE IT FURTHER RESOLVED that the Marine Resources Committee shall update the Board of County Commissioners, one year from the effective date of this Resolution, on the progress of the above mentioned Formal Study; and

S.J.C. COMMUNITY
FEB 13 2004
DEVELOPMENT & PLANNING
BE IT FURTHER RESOLVED that the Marine Resources shall deliver to the Board of County Commissioners, 2 years from the effective date of this Resolution, the results of the Formal Study and the Detailed Recommendations related thereto.

Adopted this 27th day of January 2004.

MARINE RESOURCES COMMITTEE

David Loyd, Chair
Ncil Hooper
David Hoopes
Tim Carpenter
Kelley-Baldock Bartok

See Attached
Terrie Klinger
Dennis Willows
Peter Fromm
Mary Masters
Laure Arnold
Brian Calvert
Mike Bertrand
Art Rawson
Kevin Rankel
Jim Slocomb

BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON

Darcie L. Nielsen, Chair
John B. Evans, Member
Rhett Miller, Member

ATTEST: Si A. Stephens, Auditor
and Ex-Officio Clerk of the Board
By: Lillian Hamel - Clerk

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD
San Juan County Prosecuting Attorney
By: Karen Velasquez 12/31/03

Jack Mastertso