

## San Juan County Marine Resources Committee

PO Box 947

Friday Harbor, WA 98250

Email: [sjcmrc@rockisland.com](mailto:sjcmrc@rockisland.com)

Web site: [www.sjcmrc.org](http://www.sjcmrc.org)

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.<sup>1</sup> 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.

---

<sup>1</sup> 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**

1. Share information about SJC Marine Stewardship Area planning and current marine area planning activities in the Islands Trust area: Face-to-face meeting with presentation on the MSA effort followed by roundtable discussion in preparation for step 2 - January 2007.
2. Prepare and distribute summary results from steps 1 and 2 for distribution to SJ and IT Councils - February 2007.
3. Determine possible opportunities for a new transborder action plan - March - May 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

December 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/92) 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-governmental 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  
TRANSBORDER MARINE PROTECTION AREA

S.J. PLANNING DEPT.

AMONG:

ISLANDS TRUST COUNCIL  
("Islands Trust")

JUL 27 2000

AND:

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

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 on future generations.

C: LAURA A  
PLNG 7-25-00  
2/8



## **OBJECTIVES**

Both Parties wish to pursue the follow objectives to:

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

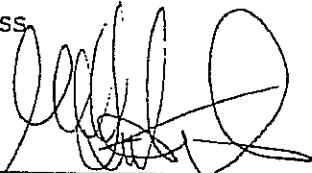
Both Parties acknowledge the following conditions:

- 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.

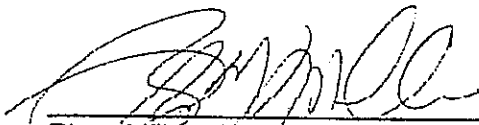
As evidence of their Agreement of the above terms, the Islands Trust Council and the San Juan County Board of Commissioners have executed this agreement as set out below:

Signed this 15<sup>th</sup> day of June, 2000

  
 \_\_\_\_\_  
 David Essig, Chair  
 Islands Trust Council

Witness   
 \_\_\_\_\_  
 Gordon McIntosh, Executive Director  
 Islands Trust

Signed this 15<sup>th</sup> day of June, 2000

  
 \_\_\_\_\_  
 Rhea Miller, Chair  
 San Juan County Board of Commissioners

Witness   
 \_\_\_\_\_  
 Laura Arnold, Planning Director  
 San Juan County

STRATEGY/OUTCOMES	ACTIVITIES	WHO	STATUS
<p><b>3. MARINE STEWARDSHIP BROCHURE</b></p> <ul style="list-style-type: none"> <li>Promote public awareness of TMPA</li> <li>Encourage responsible use of area</li> <li>Encourage stewardship efforts</li> </ul> <p><i>[Lead: San Juan County -- Pat M. &amp; Laura A.]</i></p>	<ul style="list-style-type: none"> <li>Draft a sample format</li> <li>Review draft</li> <li>Seek input/support to brochure</li> <li>Confirm brochure funding</li> <li>Distribute brochure</li> </ul>	<p>(LA/PM) IT (GM) SJC (LA)</p>	<p>Nov/2000 Dec/2000 Dec/2000 Jan-Mar/2001 April/2001 May/2001</p>
<p><b>4. LOCAL MPA DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>Develop model public process</li> <li>Consideration with LTC work program</li> <li>Assistance to LTC process</li> </ul> <p><i>[Lead: Islands Trust -- Wayne Q./Gordon M.]</i></p>	<ul style="list-style-type: none"> <li>Determine local process details</li> <li>Seek interested LTC for pilot</li> <li>Conduct pilot process</li> </ul>	<p>(WQ) (WQ) (LTC)</p>	<p>Dec/2000 Mar/2001 June//2001</p>

MRC

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
 

---

 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

December 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/92) 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-governmental 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.

---

**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 Galiano 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

**CANADA****Federal**

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

Indian and Northern Affairs Canada  
 Institute of Ocean Sciences  
 Natural Resources Canada  
 Parks Canada  
 Transport Canada  
 Fisheries and Oceans 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

Ministry of Small Business, Tourism & Culture  
 Ministry of Forests  
 Ministry of Municipal Affairs  
 Justice Institute of BC  
 BC Fish  
 Office of the Premier  
 Tourism BC  
 Fisheries Renewal BC  
 Ministry of Health

**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

Squamish Nation  
 Comox Indian Band  
 Cowichan Tribes  
 Tseycum Indian Band  
 Penelakut Tribe  
 Pauquachin First Nation  
 Qualicum Indian Band  
 Tsartlip First Nation

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

Gabriola Island Local Trust Committee  
 Gambier Island Local Trust Committee  
 Lasqueti Island Local Trust Committee  
 N Pender Island Local Trust Committee  
 Thetis Island Local Trust Committee  
 S Pender Island Local Trust Committee

Regional Districts

Capital Regional District  
 Comox-Strathcona Regional District  
 Nanaimo Regional District

Sunshine Coast Regional District  
 Cowichan Regional District  
 Greater Vancouver Regional District  
 Powell River Regional District

Municipalities

District of Saanich  
 Bowen Island Municipality

City of Victoria  
 City of Nanaimo

Harbour Commissions and Health Boards

W:\TAP\MPA 2001\Marine Mgmt Area Workbook Jan 2001.doc

PROTOCOL AGREEMENT  
ON  
TRANSBORDER MARINE PROTECTION AREA

S.J. PLANNING DEPT.

AMONG:

ISLANDS TRUST COUNCIL  
("Islands Trust")

JUL 27 2000

AND:

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

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 on future generations.

C: LAURA A  
PLNG 7-15-00  
AD

## OBJECTIVES

Both Parties wish to pursue the follow objectives to:

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.

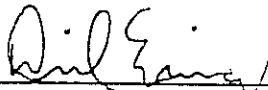
## 6.0 PARAMETERS

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 15<sup>th</sup> day of June, 2000



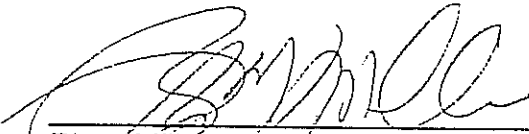
David Essig, Chair  
Islands Trust Council

Witness



Gordon McIntosh, Executive Director  
Islands Trust

Signed this 15<sup>th</sup> day of June, 2000



Rhea Miller, Chair  
San Juan County Board of Commissioners

Witness



Laura Arnold, Planning Director  
San Juan County

# TRANSBORDER MARINE PROTECTED AREA ACTION PLAN

August 29, 2000

STRATEGY/OUTCOMES	ACTIVITIES	WHO	STATUS
<p><b>1. PRODUCE A MARINE STEWARDSHIP GUIDE</b></p> <ul style="list-style-type: none"> <li>• Follow up document to Forum</li> <li>• User friendly 'how to' ideas</li> </ul> <p><i>[Lead: Islands Trust – Gordon M.]</i></p>	<ul style="list-style-type: none"> <li>• Secure resources for project</li> <li>• Set up 'Guide' Task Force</li> <li>• Discuss Forum outcomes and develop outline for guide</li> <li>• Review of Draft Guide</li> <li>• Finalize Guide</li> <li>• Distribute guide (primarily via email)</li> </ul>	<p>(GM) (GM/RA) GM/Task Force</p> <p>Task Force TPC</p> <p>EC (GM)</p>	<p>Done MELP and DFO (2,250)</p> <p>Done Done</p> <p>In progress Nov</p> <p>Nov Dec</p>
<p><b>2. CREATE A TRANSBORDER MPA STEERING COMMITTEE</b></p> <ul style="list-style-type: none"> <li>• Follow up to Forum</li> <li>• Coordination of efforts</li> <li>• Develop common vision</li> </ul> <p>IT (1), SJC (1), Gov't of Canada (2), Province (1), State (1), Gov't of USA (1), NGO (2), Salish Sea Council (1)</p> <p><i>[Lead: Islands Trust – Gordon M.]</i></p>	<ul style="list-style-type: none"> <li>• Request Federal assistance               <ul style="list-style-type: none"> <li>- DFO – Dhaliwal</li> <li>- Environment – Anderson</li> <li>- Parks Canada – T. Lee</li> </ul> </li> <li>• Approval of initiative</li> <li>• Invite/confirm members</li> <li>• Prepare draft Terms of Reference</li> </ul>	<p>(GM) (GM) (GM) (GM)</p> <p>TPC to TC GM GM to TC</p>	<p>In progress In progress In progress</p> <p>Sept Oct Dec</p>



STRATEGY/OUTCOMES	ACTIVITIES	WHO	STATUS
<p><b>3. MARINE STEWARDSHIP BROCHURE</b></p> <ul style="list-style-type: none"> <li>Promote public awareness of TMPA</li> <li>Encourage responsible use of area</li> <li>Encourage stewardship efforts</li> </ul> <p><i>[Lead: San Juan County – Pat M. &amp; Laura A.]</i></p>	<ul style="list-style-type: none"> <li>Draft a sample format</li> <li>Review draft</li> <li>Seek input/support to brochure</li> <li>Confirm brochure funding</li> <li>Distribute brochure</li> </ul>	<p>(LAPM) IT (GM) SJC (LA)</p>	<p>Nov/2000 Dec/2000 Dec/2000 Jan-Mar/2001 April/2001 May/2001</p>
<p><b>4. LOCAL MPA DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>Develop model public process</li> <li>Consideration with LTC work program</li> <li>Assistance to LTC process</li> </ul> <p><i>[Lead: Islands Trust – Wayne Q./Gordon M.]</i></p>	<ul style="list-style-type: none"> <li>Determine local process details</li> <li>Seek interested LTC for pilot</li> <li>Conduct pilot process</li> </ul>	<p>(WQ) (WQ) (LTC)</p>	<p>Dec/2000 Mar/2001 June//2001</p>

MRC

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

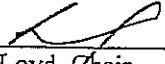
**BE IT FURTHER RESOLVED** that the Marine Resources Committee shall update the Board of County Commissioners, one year from the effective date of this Resolution, on the progress of the above mentioned Formal Study; and

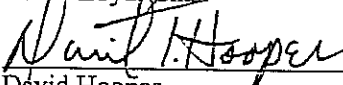
S.J.C. COMMUNITY  
FEB 13 2004  
DEVELOPMENT & PLANNING

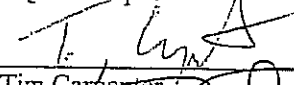
BE IT FURTHER RESOLVED that the Marine Resources shall deliver to the Board of County Commissioners, 2 years from the effective date of this Resolution, the results of the Formal Study and the Detailed Recommendations related thereto.

Adopted this 27th day of January 2004.

MARINE RESOURCES COMMITTEE

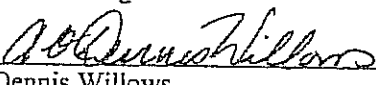
  
David Loyd, Chair

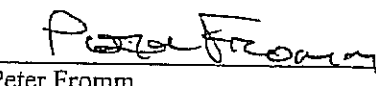
  
David Hoopes

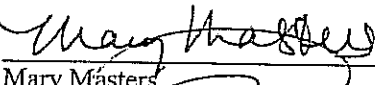
  
Tim Carpenter

  
Kelley-Balcomb Bartok

SEE ATTACHED  
Terrie Klinger

  
Dennis Willows

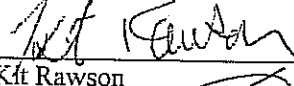
  
Peter Fromm

  
Mary Masters

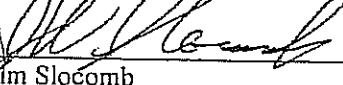
  
Laura Arnold

  
Brian Calvert

  
Mike Bertrand

  
Kit Rawson

  
Kevin Ranker

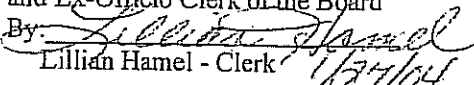
  
Jim Slocumb

BOARD OF COUNTY COMMISSIONERS  
SAN JUAN COUNTY, WASHINGTON

  
Darcie L. Nielsen, Chair

  
John B. Evans, Member

  
Rhea Y. Miller, Member

ATTEST: Si A. Stephens, Auditor  
and Ex-Officio Clerk of the Board  
By:   
Lillian Hamel - Clerk 1/31/04

APPROVED AS TO FORM ONLY  
RANDALL K. GAYLORD

San Juan County Prosecuting Attorney  
By:  12/31/03

