

Management Plan Review Summary Update

Transitions between Draft and Final Documents

Public Comment Submissions

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| Individuals | 10 |
| Environmental Non-governmental Organizations | 5 |
| Governments/Agencies | 10 |
| <u>Special Interest Organizations</u> | <u>8</u> |
| TOTAL | 33 |

General Comments

- Simple edits - many specific edits to text suggested; most easily accommodated
- Interest in strengthened partnerships - Port Townsend Marine Science Center, Aramark/Kalaloch Lodge, Grays Harbor Historical Seaport Authority, National Coast Trail Association
- Supportive of effective involvement during early phases of MPR process

Responses to Comments

- New document; standard NEPA format and procedure; to be incorporated into the Final MP/EA and Final Rule
- Public comments binned into 70 unique comments under 13 headings
 - Vessel Discharges (n=14)
 - General – structure and content (n=11)
 - Natural Resource Management (n=9)
 - Military Activities (n=6)
 - Overflight Regulations (n=4)
 - Treaty Trust Responsibility (n=4)
 - Oil Spill Planning and Prevention (n=4)
 - Collaborative and Coordinated Management (n=4)
 - Sanctuary Science (n=3)
 - Visitation and Recreation (n=3)
 - Acoustics (n=3)
 - Cultural and Historical Resources (n=3)
 - Permitting (n=2)

Changes to Proposed Rule (regulations)

- Added definition of “harmful matter” as needed to support use of “clean” in association with allowable discharges.
- Cruise ship industry’s discharge prohibition comments
 - Unfair focus on cruise ship industry
 - Lacks distinction between advanced and traditional treatment systems
 - Not responsive to threat or impact to water quality
- Tribal welfare permit language
 - Makah concerned that new language might limit future opportunities.
- Additional modifications suggested by Makah Tribal Council (e.g., consideration of tribe’s interest when OCNMS is conditioning another agency’s permit)

Background on Tribal Welfare Permit Language: OCNMS can issue permits allowing otherwise prohibited activities if the activity will not substantially injure Sanctuary resources and qualities and if the activity supports various purposes (e.g., research, outreach, salvage) including to “promote the welfare of any Indian tribe adjacent to the Sanctuary”. OCNMS was concerned that this provision is ambiguous; an entity not affiliated with a tribe could apply for a permit; and the concept of “promote the welfare of any Indian tribe” is not defined or explained.

The Proposed Rule included revised language (“to promote or enhance tribal self-determination, tribal government functions, the exercise of treaty rights, the economic development of the tribe, subsistence, ceremonial and spiritual activities, and/or the education or training of tribal members”). Additional changes were recommended through government-to-government consultations with the Makah Tribe. OCNMS desires to create a procedure to assure that at least one person or entity among the co-applicants, or the applicant itself, has been formally designated by the tribe to apply for the permit as a means to advance the interests of the tribe. New provisions are:

- Either a Coastal Treaty Tribe (i.e. Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation) or its designee may apply for or be a co-applicant for a permit to promote or enhance tribal self-determination.
- The governing body of the tribe must certify the tribal designee as applicant or co-applicant for a permit, but the tribe need not itself be the applicant or co-applicant.

Management Plan/Environmental Assessment

- Improve ocean noise/acoustic impacts characterization –
 - Revised/corrected text on seafloor mapping sonar impacts
 - Otherwise, minimal edits accomplished. This is a recognized need but acknowledge little data is available as basis of characterization. Need is addressed in several strategies (OCE01; ECO7; WD3).
- Improve characterization of Navy operations and impacts analysis
 - Expanded characterization and updated reference to final Navy EIS documents
- Revisit analysis of vessel discharge impacts
 - Extensive reworking of Affected Environment (section 6) and regulatory context for vessel discharge prohibitions in other locations. Incorporation of new references and text related to dilution of cruise ship effluents following discharge, as suggested in public comments.
 - Revised impacts analysis – expanded on complexity of having differing regulations for ships with advanced vs. traditional treatment systems; strengthened rationale for socioeconomic benefits of regulation.
- A few comments supported parts of Alternative C
 - No substantive changes to alternatives B (preferred) and C were made.
- Four management plan activities were added or edited; these are identified below with new text in bold italics.

New Strategies in the Final OCNMS Management Plan (new text in bold italics)

Strategy CCM2: COASTAL TREATY TRIBES

Consult with the Coastal Treaty Tribes (Makah, Quileute and Hoh Tribes and Quinault Indian Nation) in accordance with Executive Order 13175, and partner with tribal staff members to address sanctuary projects and management issues that are of interest to the tribes.

Activity A: Consult early and often with the Coastal Treaty Tribes on any changes to OCNMS regulations that could affect the tribes.

Activity B: Ensure individual tribes are kept informed about sanctuary projects, permit applications and management issues of interest.

Activity C: *Work with individual Coastal Treaty Tribes to develop more specific, individually defined tribal consultation procedures (beyond those outlined in section 2.4).*

Strategy CCM3: OLYMPIC COAST INTERGOVERNMENTAL POLICY COUNCIL

Continue OCNMS' partnership with the IPC.

Activity A: Implement the ONMS-IPC Memorandum of Agreement (MOA) by supporting quarterly IPC meetings, including an annual meeting with the ONMS Director and OCNMS staff.

Activity B: The Sanctuary Superintendent will brief the IPC annually on the previous year's progress in implementing the OCNMS management plan and on proposed annual operating plan activities for the coming year.

Activity C: In 2012, the respective parties will review and update the ONMS-IPC MOA with the intent to initiate another five-year term.

Activity D: *Collaborate with the IPC to develop a long-term research and monitoring plan that focuses on issues of mutual interest.*

Strategy CCM7: UNITED STATES NAVY

Improve collaboration and coordination with the U.S. Navy.

Activity A: Coordinate with other NOAA agencies in providing NOAA comments on Navy environmental compliance documents.

Activity B: Periodically meet with the Navy to identify ways to share, combine and maximize resources to conduct mutually beneficial research activities (e.g., habitat mapping) *and to declassify data that may support OCNMS management (e.g., bathymetric data).*

Activity C: Collaborate with the Navy to establish a mechanism through which the Navy and NOAA can work together on an ongoing basis to ensure Navy activities within OCNMS continue to be conducted in a manner that avoids to the maximum extent practicable any adverse impacts on resources in the sanctuary.



Strategy MAP1: REGIONAL COORDINATION

Develop and sustain partnerships to maximize and leverage seafloor and habitat mapping resources and to promote the use of established mapping standards.

Activity A: Participate in regional forums to advance alignment and collaboration with broader mapping efforts, including initiatives of the Washington State Seafloor Mapping Committee and the West Coast Governors' Agreement on Ocean Health.

Activity B: Establish standards for the collection, assessment, verification, and application of seafloor mapping data in collaboration with regional forums.

Activity C: *Pursue opportunities to acquire and share existing seafloor and marine habitat data from federal, state, and local partners.*