

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Meeting Notes

OCNMS Advisory Council Meeting
November 19, 2010
Washington Department of Natural Resources Conference Room
Forks, WA

Olympic Coast National Marine Sanctuary
NOAA, Office of National Marine Sanctuaries
115 E. Railroad Avenue, Suite 301
Port Angeles, WA 98362-2925
FAX # 360-457-8496

Reviewed by AC Secretary



Reviewed by OCNMS Superintendent



Approved by AC Chair



Advisory Council (AC) Members in Attendance: Bob Bohlman, Chip Boothe, Diane Butorac, Mike Doherty, Steve Fradkin, Joe Gilbertson, Jennifer Hagen, George Hart, Steve Joner, Jody Kennedy, Roy Morris, Meri Parker, Rebecca Post, David Price, Jeff Ramos (USCG), Joe Schumacker, Brady Scott, Lee Whitford

Intergovernmental Policy Council (IPC) Members in Attendance: Micah McCarty, Lonnie Foster, David Hudson*, Bob Nichols, Mel Moon*

* a representative on both AC and IPC

OCNMS Staff in Attendance: Carol Bernthal, George Galasso, Liam Antrim, Ed Bowlby, Jacqueline Laverdure, Heidi Pederson, Rob Rountree, Nancy Wright

Office of National Marine Sanctuaries Staff in Attendance: Karen Brubeck (National Sanctuary Advisory Council Coordinator)

Members of the Public in Attendance: Ed Bowen, Paul Dye, Rob Jones, Amanda Murphy, Rich Osborne, Eric Wilkins

NEW ACTION ITEMS:

- Remind Jeff Ramos, USCG, about potential AC review of and support for proposal to IMO re: ATBA provision in Coast Guard Authorization Act of 2010. (possibly at March AC meeting)
- Strengthen new AC member orientation information on tribal treaty rights; perhaps have tribal staff assist.

FUTURE AGENDA TOPICS:

- Review proposed wording of USCG proposal to IMO in June, and consider if the AC can offer support for the proposal.

DISCUSSION SUMMARY:

AC Business Meeting

AC Executive Committee (ExCom): Jody nominated Brady for Vice Chair, Ellen for Secretary; seconded Bob Bohlman. Brady stated he is willing to serve. Voting will occur at the January 2011 AC meeting. Chip will continue as Chair. The AC Charter allows for an additional ExCom position that is not filled; Carol solicited interest.

AC Charter Review: The charter will expire on March 8, 2011 before the March AC meeting. A new/revised charter must be approved by Office of National Marine Sanctuaries (ONMS) Director (Dan Basta). Other ACs plan a 6 month review process; the Director's approval generally is quick. A subcommittee was formed: Brady, Lee, George Hart, Rebecca, Jennifer. Options are 1) the subcommittee generates a revised document for approval at the January 2011 AC meeting, or 2) request a time extension from the Director (action required at January 2011 meeting) and revise the charter as required within the intervening period. Carol suggested that this review might not be too time consuming because existing Charter is good, anticipated changes are few – adding new seats (e.g., North

Pacific Coast Marine Resources Committee) and ensuring that current policies are consistent with national directives (term limits).

2011 Annual Work Plan: With management plan review responsibilities winding down, the AC can expand to more issues, so we need to identify key issues for AC to address in 2011. Carol suggested this as subcommittee work. ExCom members will participate; Jody also volunteered; Liam will staff.

AC Membership Changes: Carol thanked AC members whose terms are expiring. Bob Bohlman is stepping down after 10 years as the Marine Business and Industry representative. Frank Holmes (Marine Business and Industry), and Bob Boekelheide and Roy Morris (Citizen at Large) are seeking continued appointment to the council. Recruitment for new members closed today. The goal is to have new members seated in January 2011.

Superintendent's Report: Starting in January 2011, Carol will be based in Monterey on a 9-month appointment as West Coast Regional Director for sanctuaries; George Galasso will serve as acting OCNMS Superintendent. While Lauren Bennett is on maternity leave, Liam is acting AC Coordinator.

September 2010 AC Meeting Notes: Jennifer made comments: 1) suggested contact information for presenters be provided in meeting notes, and 2) raised concern that not all discussion is captured in the "meeting notes" format used. For specific September notes edits, Jennifer will provide revised text to Liam. Meri offered a motion to adopt minutes as corrected (pending Jennifer's submission); Rebecca seconded; unanimous approval was provided. Meeting recordings are available for review. The AC Charter provides general guidance that meeting minutes be drafted to include a summary of matters discussed. The Charter Review Subcommittee should consider if more detail in the charter is needed on the format, content, and detail provided in such meeting notes/minutes.

2011 AC Schedule and Topics: Proposed dates and locations for 2011 meetings are Jan. 21 (Port Angeles), Mar. 18 (Ocean Shores), May 20 (Neah Bay), Jul. 15 (Taholah), Sep. 23 (La Push or Forks), and Nov. 18 (Olympia). Jennifer made a motion to adopt this calendar (subject to change of location); David Price seconded; unanimous approval was provided. For agenda topics in Jan. 2011 and beyond, some ideas were provided in Sep. 2010 meeting notes; council members should send additional suggestions to Liam.

Joint AC-IPC Meeting

Lonnie Foster, Quileute Tribe, welcomed the councils and visitors, expressed hope for good working relationships between the councils, and that things get accomplished in a manner that supports and benefits the tribes. David Hudson provided a prayer song.

In welcoming participants, Chip noted this is the first joint AC-IPC meeting, an historic event at which each council has opportunity to introduce their work and share ideas for common interests and future collaborations. Micah, representing the IPC in Ed Johnstone's absence, noted that Native Americans are place based, with links to their ancestors and to the modern world, and expressed optimism for a

productive meeting. Rebecca made a motion to adopt the proposed meeting agenda; Brady seconded; unanimous approval was provided.

AC Presentation: Chip presented a summary of AC work and identified opportunities for AC-IPC collaboration (available at http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule2010.html), which include:

- Improve resources at risk identification and damage assessments to OCNMS waters and affected tribal U&A areas
- Data management and assessment in support of management plan activities
- Marine spatial planning advice (advice to OCNMS on compatible uses of sanctuary resources, including fishing activities)
- Outreach and education to communities
- Developing working groups to address specific issues of mutual interest in the draft management plan
- (National) Ocean Council issues

Update on Management Plan Review: George Galasso outlined the 3 alternatives (status quo, preferred MP, non-preferred alternative) developed for the draft management plan/draft environmental assessment (DMP/DEA) document. The IPC had reviewed a version in July, and their comments were addressed in the current version. The sanctuary is working to get the DMP/DEA and associated proposed rule (covering regulations changes) released together in mid-January 2011 initiating a public comment period to extend through late March. Pacific Fishery Management Council's (PFMC) Habitat Committee (AC members Joel Kawahara and David Price are on this committee) has initiated review of publically available documents, and plans to review the DMP/DEA and generate PFMC comments at their March meeting. Finalization of their response is on PFMC's March 2011 agenda. Also, OCNMS plans to host public comment hearings in Port Angeles and Forks, probably in late February.

Coast Guard Authorization Act of 2010: George Galasso reviewed sections related to OCNMS. Section 704 requires Coast Guard and OCNMS to collaborate in extending the applicability of the Area to be Avoided (ATBA) to cover all vessels required to have contingency plans. DMP/DEA needed to be modified to address this new legislation, specifically the removal of a considered alternative that is no longer relevant. Additional requirements of the act (all without funding appropriated) are: 1) section 705 - regional assessment of small oil spills, clean marina programs, and derelict vessel risks; 2) section 706 – improved coordination with tribal governments; 3) section 710 – high volume port area extended to include all waters west of Port Angeles out to Cape Flattery (will result in more spill response equipment to be staged west of Port Angeles); and 4) section 711 – includes several elements related to evaluation of tug escorts of laden oil tank vessels, emergency response vessel capacity at western entrance of Strait of Juan de Fuca, Cooperative Vessel Tracking System, spill response capability in shared US/Canada waters. Jeff Ramos, USCG, mentioned that for the ATBA provision, this will be addressed by a subcommittee (safety of navigation) of International Maritime Organization (IMO) in June 2011; later in year the IMO's Marine Safety Committee will put it into guidelines. Also, the section 704/ATBA provision needs evaluation because contingency plans are required for different sized vessels depending on classification (non-tank vessels 400 gross tons and above; tank vessels 150 gross tons and above). Jeff Ramos will share proposed wording of USCG proposal to IMO, and AC can consider if they can offer support to the proposal. Micah noted success of cooperation between Makah Office of Marine Affairs and US Coast Guard Command in pioneering of their government-to-government relationship.

National Marine Sanctuaries Act Reauthorization: Carol did not yet have a response to the AC's letter encouraging action on reauthorization; expects a generalized response; has nothing to report. Several other ACs are considering submission of similar support letters.

IPC Presentation: Micah acknowledged the support Dan Basta has provided the IPC, and noted that the AC is an appropriate forum for tribal staff participation, whereas the IPC is more appropriate for government-to-government or policy level discussions.

Bob Nichols and Mel both acknowledged that the IPC provides a forum for discussion of coast-wide issues that had been lacking. Joe Gilbertson commented that he was looking forward to collaborative research on priorities identified in the sanctuary's new management plan. Steve Joner provided a historical perspective on strengthened acknowledgement of tribal treaty rights in fisheries management and growth in tribal management capacity. He noted that with regular staff changes at government agencies, education of resource managers on treaty rights has been needed continually.

Micah spoke of Native American forefathers at the time of treaty signing expressing a sense of ownership that is manifest in treaties as preservation of rights (not granting of rights by US government), and more recently with development of tribal self-governance and autonomy, and current emphasis on government-to-government consultation. Modern interpretation of treaty rights extends beyond access to natural resources and includes an environmental conservation and sustainable management ethic under which the integrity of habitats that support the resources is itself a treaty right. Micah summarized IPC goals, priorities and projects (presentation available at http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule2010.html).

Primary goals of the IPC are to enhance intergovernmental relationships and improve communication between the parties towards identifying consensus on management priorities within the boundaries of the OCNMS.

IPC priorities are (with brief elaboration):

- Ocean Ecosystem Initiative (an IPC document that addresses seafloor habitat mapping off Washington, regional groundfish stock structure)
- OCNMS management plan review (IPC and AC had similar ideas for priority topics)
- IPC-AC relationship
- Research (collaborations; peer review; ecosystem indicators)
- IPC Capacity (support from Northwest Indian Fisheries Commission staff was acknowledged; IPC needs additional capacity development)
- OCNMS budget (more funding needed for ocean monitoring equipment)

IPC projects also include:

- Climate Change Symposium (ONMS is working with IPC representatives to plan a national symposium focusing on Indigenous Peoples' unique perspectives and challenges)
- Science Panel (could serve technical review and advisory role for research similar to PFMC's Scientific and Statistical Committee)

Mel noted the need to institutionalize the IPC within the legal framework (e.g., NMSA), which will help reinforce treaty rights messages in D.C. He recommended the book "Pagans in the Promised Land" that provides a historical perspective on tribal-government relationships.

Carol mentioned the IPC-AC Comparison handout in meeting briefing materials (available at http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule2010.html) as a good primer on the two councils.

Fostering Communication between IPC and AC: Chip summarized past inter-council interactions much of which has been in support of OCNMS management plan review (presentation available at http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule2010.html).

Carol noted that the AC new member orientation includes but could have stronger emphasis on tribal treaty rights. These materials could be improved, perhaps with assistance from tribal members or staff.

Roy emphasized the importance of defensible science in support of policy and management decision making; how communication during development of research priorities and data sharing are critical elements; how citizen science can be beneficial in gaining community support for science-based policies.

Micah commented on how the councils have led to an improved mutual understanding of and respect for the multiple and sometimes conflicting demands and priorities that both tribal and government staff have on their time.

Several people discussed how humans are part of the ecosystem(s); tribal members have a long history of sustainable use of natural resources; and treaty rights ensure that tribal use is considered with area-specific management decision-making.

Specific Suggestions for Inter-Council Relationship Building:

1. Annual IPC-AC meeting
2. Invite AC Chair or other members to attend IPC meeting(s)
3. AC could provide support for formalization of IPC in National Marine Sanctuaries Act (NMSA), which is required for sense of permanence for IPC and important for continued financial support for IPC
4. In revision of the AC Charter, IPC/AC collaborations could be noted specifically
5. Collaborate on comments during NMSA reauthorization
6. Encourage a local field hearing during NMSA reauthorization
7. Each council (and each council member) can help educate others about tribal treaty rights, and how OCNMS is unique within national marine sanctuary system, especially as recommendations for NMSA reauthorizations are developed
8. Each council should consider consulting with other before specific actions are taken or recommendations made

Carol noted that neither the Sanctuary Superintendent nor the AC can lobby congress members or their staff directly. Chip reminded folks that AC communications must go to the Sanctuary Superintendent, who then considers the AC recommendations and takes action.

Public Comment

Amanda Murphy, University of Washington graduate student, is interested in intergovernmental consultation in context of environmental management; is reviewing IPC activities and developing a process model.

Ed Bowen expressed concern that Olympic National Park was noted in the national inventory of Marine Protected Areas without public process. During OCNMS management plan review, public involvement was at scoping meetings and through the Advisory Council. Only two public meetings are planned with release of the draft management plan, and he's especially concerned about regulatory changes that have not received much public vetting. Mr. Bowen also expressed concern that the IPC meetings are not open to the public, and wants the IPC to consider how IPC deliberations can be available to the public.