

4 MANAGEMENT PLAN REVIEW PROCESS

Management Plan Review, or MPR, is the process by which ONMS reviews and revises the management plans for all national marine sanctuaries. A sanctuary management plan is a site-specific planning and management document that describes the goals, objectives and activities for a sanctuary, and guides future management activities. Sanctuaries are currently mandated under the National Marine Sanctuaries Act (NMSA) to review and, if necessary, revise their management plans on 5-year intervals.

Phases of the Management Plan Review Process

Phase I – Initiation (2005-2008)

Phase II – Project Planning (2005-2008)

Phase III – Public Scoping & Issues Analysis (2008-2010)

Phase IV – Develop Draft Management Plan (2010)

Phase V – Public Review (2011)

Phase VI – Issue Final Management Plan & Environmental Analysis (2011)

4.1 OVERVIEW OF THE MPR PROCESS

Olympic Coast National Marine Sanctuary's (OCNMS) MPR process consists of six distinct phases:

Phases I and II began in 2005, years before ONMS began the formal public scoping process. During Phases I and II, ONMS planned for the public phases of MPR by briefing the OCNMS Advisory Council (AC) on details of the MPR process, developing a communications plan for the MPR process, and developing a detailed MPR timeline and process outline. Additionally, during these early phases ONMS worked with the Coastal Treaty Tribes and the state of Washington to form the IPC in 2007. Early work of the IPC included discussions on the proposed MPR process and preliminary priority topics for MPR.

The final task in Phase II was the production of the 2008 OCNMS Condition Report (ONMS 2008). The Condition Report provided a summary of resources in the sanctuary, pressures on those resources, current resource conditions and trends, and management responses to the pressures that threaten the integrity of the sanctuary's marine environment. This report served as one source of background and supporting material for the MPR process.

Phase III, Public Scoping & Issues Analysis, was initiated when ONMS published a Notice of Intent (NOI) in the *Federal Register* (73 FR 53162; Appendix B) announcing a 60-day public comment period on the scope and need for conducting OCNMS' MPR. This NOI initiated the public portion of the MPR process. Phase III continued for 16 months after the close of the public comment period to allow for in-depth public and stakeholder involvement in analyzing the comments received and developing a suite of priority issues to address in the revised management plan. Also during this phase, OCNMS went through a detailed priority issue

analysis process with the AC and the IPC, which included a series of AC working group meetings and workshops to explore priority issues in greater detail.

The AC working groups and workshops involved over 100 subject area experts and interested members of the public. Through these meetings specific strategies and activities for the revised management plan were developed. The AC then reviewed these suggested strategies and activities, recommended minor changes and voted to forward them to the OCNMS Superintendent with a recommendation they be included in the revised management plan.

Phase IV of the MPR process focused on developing the Draft Management Plan (DMP), proposed regulatory changes and requisite environmental compliance documentation. ONMS took the strategies and activities forwarded by the AC, as well as some developed internally based on agency priorities, and shaped them into the 20 action plans provided in section 5.0 of the DMP. Staff also developed a draft environmental assessment (DEA) to analyze the environmental impacts of the DMP, as required under the National Environmental Policy Act (NEPA). Lastly, ONMS developed changes to the OCNMS regulations in order to implement several activities identified in the DMP. The regulatory changes were published separately through a notice of proposed rulemaking in the *Federal Register* (76 FR 2611). The publication of the DMP, DEA and the notice of proposed rulemaking marked the end of Phase IV and beginning of Phase V of the MPR.

Phase V, public review of the DMP/DEA, occurred from January 14 to March 25, 2011, and included public hearings and receipt of written comments. Phase VI was finalization of the management plan and environmental compliance documentation in response to comments received, which led to this final management plan and environmental assessment document (FMP/EA). All documents produced as part of the MPR process can be found on-line at <http://olympiccoast.noaa.gov/>.

4.1.1 Public Involvement

There has been continual and significant public involvement in the MPR process and the development of the FMP. Nationwide, the ONMS MPR process is driven largely by the input of sanctuary advisory councils, members of the public and topic area experts. ONMS has strived throughout the MPR process to offer its partners and the public numerous opportunities to contribute to and shape the revised management plan.

During Phase III of MPR, Public Scoping and Issues Analysis, ONMS encouraged public involvement by:

- Hosting seven public scoping meetings in Port Angeles, Neah Bay, La Push, Westport, Ocean Shores, Olympia and Seattle;
- Holding a 60-day public comment period during which members of the public could submit MPR comments via e-mail, fax or letter;
- Hosting 23 additional public meetings related to MPR, including AC meetings, workshops and working group meetings;
- Posting approximately 20 updates to OCNMS' MPR Current Status website (<http://olympiccoast.noaa.gov/>) to keep the public informed about the MPR process;

- Sending approximately 20 updates to the OCNMS MPR listserv, which has over 1,000 members; and
- Making all MPR documents available on the OCNMS MPR Documents webpage in a timely manner (<http://olympiccoast.noaa.gov/>).

Public attendance at bi-monthly AC meetings has varied throughout the MPR process. Usually, a minimum of one or two members of the public were present at any given meeting. At meetings during which major MPR decisions were made, upwards of 20 members of the public attended. Additionally, a few individuals expressed participated in AC working group meetings and workshops held during Phase IV, development of the draft management plan.

Throughout phases III, IV and V, ONMS informed the public about MPR-related meetings by sending out press releases and listserv e-mails, and posting notices on its website in advance of every public meeting. Additionally, OCNMS staff actively sought out opportunities to present information about the MPR process at various public events and meetings. ONMS also produced and publicized numerous documents detailing each step in the MPR process so the public could stay informed as progress was made.

During Phase V, public review of the DMP/DEA, ONMS announced the availability of the DMP/DEA and Proposed Rule in a *Federal Register* notice, newspaper articles, web site updates and listserv e-mails. In addition, two public meetings were held in Port Angeles and Forks to provide opportunity for public comment.

4.2 MPR PRELIMINARY PRIORITY TOPICS

In preparation for the public scoping process, OCNMS staff and the IPC identified six topics anticipated to be high priorities for consideration during the MPR process. These preliminary priority topics were published in the Notice of Intent (Appendix B) initiating the public scoping period in order to share with the public the best professional judgment of OCNMS and the IPC on important issues needing to be considered during MPR, and to encourage public comments on specific issues. Preliminary priority topics were:

1. **Improved Partnerships**

Recent initiatives for regional ocean management, including the formation of the IPC, the Washington Ocean Action Plan and the West Coast Governors Agreement on Ocean Health, provide the sanctuary with new opportunities to strengthen partnerships, particularly with the four Coastal Treaty Tribes and the state of Washington in their role as governments. OCNMS will work in active partnership to provide a more transparent, cooperative and coordinated management structure of Olympic Coast marine resources within tribal, state and federal jurisdictions.

2. **Characterization and Monitoring**

There is a need to develop an understanding of baseline conditions of marine resources and ecosystem functions of the sanctuary, and status and trends of biological and socioeconomic resources to effectively inform management. OCNMS, in conjunction with the IPC and other entities, will work to address these needs.

3. **Spill Prevention Contingency Planning and Response**

The risk from vessel traffic and other hazards remains a significant threat to marine resources. The potential for a catastrophic oil spill remains a primary concern and while advances in maritime safety have been made since the sanctuary was designated, better coordination is needed for response to these threats. Oil spills cause immediate and potentially long-term harm to marine resources as well as socioeconomic impacts to coastal communities.

4. **Climate Change**

Climate change is widely acknowledged, yet there is considerable uncertainty about current and future consequences at local, ecosystem and oceanic scales. Increased coordination and cooperation among resource management agencies is required to improve planning, monitoring and adaptive management to address this phenomenon.

5. **Ocean Literacy**

Enhancing the public's awareness and appreciation of marine, socioeconomic, and cultural resources is a cornerstone of the sanctuary's mission. Recent regional initiatives offer opportunities for the sanctuary, in conjunction with the IPC and other entities, to expand education contributions and reach a larger audience.

6. **Marine Debris**

Coastal marine debris is a persistent and poorly diagnosed problem within the sanctuary negatively impacting natural and socioeconomic resources and qualities.

ONMS clarified in the NOI the publication of these six preliminary priority topics in no way restricted the content and scope of comments the public could submit. ONMS encouraged members of the public to submit comments on any topic or issue that they felt was important for ONMS to address in its revised management plan. All of the six preliminary priority topics were retained in the FMP, though the topic titles and characterizations were modified as a result of public comment and the issue prioritization process.

4.3 SUMMARY OF PUBLIC SCOPING

The 60-day public scoping comment period was open from September 15 to November 14, 2008. A total of 166 people attended the seven public scoping meetings, and they provided 516 recorded comments. During the public scoping comment period, an additional 688 letters, e-mails and public comment forms were received, of which approximately 600 were from an e-mail campaign and included the same five comments.

Many of the letters and e-mails contained comments on multiple topics, which were separated for analysis. The total number of unique or individual comments analyzed by ONMS staff was 1,009 (516 from the public meetings and 493 from written comments). Staff summarized and analyzed these comments by grouping them under 37 topics (Table 2).

Table 2 List of 37 topics raised during scoping

Public Scoping Topics (in alphabetical order)	
1	Administration - Flexibility to Respond to Emerging Issues
2	Administration -Infrastructure
3	Administration - Sanctuary Goals & Objectives
4	Boundary Adjustment
5	Climate Change
6	Collaborative and Coordinated Management
7	Community Outreach
8	Ecosystem Impacts of Fishing
9	Fisheries Stock Assessment
10	Habitat Characterization
11	Habitat Protection
12	Invasive Species
13	Living Resource Conservation
14	Living Resources Monitoring
15	Local and Customary Knowledge
16	Marine Debris - Abandoned Submerged Equipment
17	Marine Debris - Shoreline Clean-Up
18	Maritime and Environmental Safety - Harbors of Refuge
19	Maritime and Environmental Safety - Navigation
20	Maritime and Environmental Safety - Vessel Management
21	Maritime and Environmental Safety - Weather Forecasting
22	Maritime Heritage - Cultural Resource Management
23	Maritime Heritage - Living Cultures
24	Military Activities
25	Non-point Source Pollution
26	Ocean Literacy
27	Public and Private Resource Use - Commercial Development
28	Public and Private Resource Use - Compatibility Analysis
29	Public and Private Resource Use - Recreational Opportunities
30	Public and Private Resource Use - Socioeconomic Values & Human Use
31	Regulations, Permitting & Enforcement
32	Research to Support Ecosystem Management
33	Spill Prevention, Contingency Planning and Response
34	Treaty Trust Responsibility
35	Visitor Services
36	Water Quality Monitoring
37	Water Quality Protection

In December 2008, ONMS published on its website (<http://olympiccoast.noaa.gov/>) and presented to the AC and IPC:

1. All of the public comments received
2. A Scoping Summary describing the process by which the public comments were binned under the 37 public scoping topics, and showed which comments were binned under each topic
3. A Topic Analysis Report analyzing each of the 37 topics in greater detail and summarized the types of public comments submitted on each topic

4.4 ISSUE PRIORITIZATION AND FINAL PRIORITY TOPICS

In January 2009, ONMS worked with the OCNMS AC and the IPC to begin the issue prioritization process, which was also part of Phase III, Public Scoping and Issues Analysis. To initiate this process, the AC hosted a two-day, facilitated Issue Prioritization Workshop in January 2009. IPC members were invited to participate along with AC members. The workshop was open to the public and members of the public were given several opportunities to comment during the workshop.

In preparation for the workshop, each AC seat was asked to score each of the 37 public scoping topics based upon 1) benefits to sanctuary resources, 2) urgency of the topic, 3) extent to which the topic advances the mission and goals of the ONMS, and 4) any limiting factors that could prevent ONMS from successfully addressing a topic. The compiled scores were reviewed by the participants at the workshop.

During the workshop, AC members made comments and suggestions about potential grouping/combining of topics, ways in which the topics should be characterized, and OCNMS' specific role in addressing the topics. By the end of the workshop, the AC had generated lists of 1) highest priority topics, 2) second-tier topics, 3) topics that should be grouped under other topics, and 4) topics that should not be addressed in the revised management plan. A detailed description of the workshop and its outcomes can be found in the AC Issue Prioritization Workshop Report published in March 2009 (<http://olympiccoast.noaa.gov/>).

Final list of priority topics, which are described in the Priority Issue Work Plan as priority issues:

- A. Fulfill treaty trust responsibility
- B. Achieve collaborative and coordinated management
- C. Conduct collaborative research, assessments and monitoring to inform ecosystem-based management
- D. Improve ocean literacy
- E. Conserve natural resources in the sanctuary
- F. Understand the sanctuary's cultural, historical and socioeconomic significance

After analyzing the workshop results, ONMS drafted a Priority Issue Work Plan. The aims of the Priority Issue Work Plan were to 1) identify the final list of priority topics to be addressed in the revised management plan, and 2) identify a suite of working groups and workshops supported by the AC through which each priority topic would be addressed in greater detail. The AC and IPC were intimately involved in developing the Priority Issue Work Plan, which went

through several iterations of review. The final Priority Issue Work Plan was the result of a detailed, facilitated discussion between the AC, OCNMS staff and IPC representatives at the May 2009 AC meeting. At that time, all parties agreed on the final list of priority topics, as well as the working groups and workshops the AC would host and organize. The Priority Issue Work Plan was published on the OCNMS website in July 2009. (<http://olympiccoast.noaa.gov/>).

4.5 WORKING GROUPS AND WORKSHOPS

The final stage of Phase III (public scoping and issues analysis) involved the AC sponsoring several working groups and workshops to address the six priority issues identified in the Priority Issue Work Plan. AC members and IPC members, with support from OCNMS staff, hosted the working group meetings and workshops between July and December 2009. It should be noted some priority issues were addressed solely by OCNMS staff, who reported their findings to the AC for review and comment. Additionally, the working group addressing treaty trust responsibility was comprised solely of IPC and federal representatives (United States government, state of Washington, Hoh Tribe, Makah Tribe, Quileute Tribe and the Quinault Indian Nation). This group was not considered an AC working group and did not report to the AC. Below is a list of all the working groups and workshops, grouped under the six priority issues:

Working Groups and Workshops Grouped under the six priority issues identified in the Priority Issue Work Plan	
Fulfill treaty trust responsibility	
1.	Governments Working Group: Treaty Trust Responsibility
Achieve collaborative and coordinated management	
2.	OCNMS Staff Working Group: Collaborative and Coordinated Management
3.	OCNMS Staff Working Group: Sanctuary Operations
Conduct collaborative research, assessments and monitoring to inform ecosystem-based management	
4.	Advisory Council Working Group: Collaborative Research, Assessments and Monitoring to Inform Ecosystem-Based Management
Improve ocean literacy	
5.	Workshop: Ocean Literacy
Conserve natural resources in the sanctuary	
6.	Advisory Council Working Group: Spills Prevention, Preparedness, Response and Restoration
7.	Advisory Council Working Group: Living Resources Conservation
Understand the sanctuary's cultural, historical and socioeconomic significance	
8.	Workshop: Maritime Heritage
9.	Workshop: Socioeconomic Values of Resources in the Sanctuary

OCNMS staff worked with AC members to identify subject-area experts to participate in the working group meetings and workshops. All working group meetings and workshops were open to the public with the exception of the working group addressing treaty trust responsibility.

With the exception of the governments working group, which developed section 2.0 (Treaty Trust Responsibility) of this document, all working groups and workshop organizers submitted reports to the AC detailing their final recommendations and findings, including specific strategies and activities to be included in the revised management plan. Representatives from each working group and workshop presented their reports to the AC during its November 2009 and January 2010 meetings. All reports were published on-line (<http://olympiccoast.noaa.gov/>) in advance of the AC meeting at which they were presented.

The AC discussed each report and voted to forward all of the strategies and activities recommended by the working groups/workshops, with minor changes, to the OCNMS Superintendent with a formal endorsement and recommendation that they be included in the revised management plan. The AC's recommendations were published on-line (<http://olympiccoast.noaa.gov/>), along with a letter of support from the AC.

4.6 ACTION PLANS

OCNMS staff took the strategies and activities recommended by the AC and used them to develop a suite of 20 action plans:

A. Achieve Effective Collaborative and Coordinated Management

- A1. Collaborative and Coordinated Sanctuary Management Action Plan*
- A2. Community Involvement in Sanctuary Management Action Plan*
- A3. Sanctuary Operations Action Plans*

B. Conduct Collaborative Research, Assessments and Monitoring to Inform Ecosystem Based Management

- B1. Habitat Mapping and Classification Action Plan*
- B2. Physical and Chemical Oceanography Action Plan*
- B3. Populations, Communities and Ecosystems Action Plan*
- B4. Data Management, Sharing and Reporting Action Plan*

C. Improve Ocean Literacy

- C1. K-12 Education Action Plan*
- C2. Higher Education Action Plan*
- C3. Visitor Services Action Plan*
- C4. Community Outreach Action Plan*

D. Conserve Natural Resources in the Sanctuary

- D1. *Spills Prevention, Preparedness, Response and Restoration Action Plan*
- D2. *Climate Change Action Plan*
- D3. *Marine Debris Action Plan*
- D4. *Wildlife Disturbance Action Plan*
- D5. *Water Quality Protection Action Plan*
- D6. *Habitat Protection Action Plan*
- D7. *Regional Ocean Planning Action Plan*

E. Understand the Sanctuary's Cultural, Historical and Socioeconomic Significance

- E1. *Maritime Heritage Action Plan*
- E2. *Socioeconomic Value of Resources in the Sanctuary Action Plan*

ONMS staff presented the preliminary draft action plans to the AC and the IPC at their March 2010 meetings and received comments from both councils that were used to refine the action plans. Between spring and fall 2010, ONMS worked to develop the Draft Management Plan and Draft Environmental Assessment (DMP/DEA). The DMP/DEA was available for public comments from January through March 2011. The final management plan and environmental assessment (FMP/EA) presented here is based on the January 2011 DMP/DEA, modified after comments from the public, agencies and governments.

4.7 IMPROVING COLLABORATION THROUGH THE MPR PROCESS

One of the most beneficial aspects of the MPR process is it has given ONMS a vehicle through which to build stronger relationships with its partners. Throughout the MPR process, ONMS has focused on improving its communications and relationships with the IPC, the AC, each Coastal Treaty Tribe, the Pacific Fishery Management Council (PFMC), National Marine Fisheries Service (NMFS), Olympic National Park, the Washington Maritime National Wildlife Refuge Complex, the state of Washington Ocean Caucus, the local marine resources committees and a host of others.

ONMS has worked to make the MPR process transparent and inclusive of all interested partners with the goal of building the support necessary to implement the revised management plan in a collaborative manner. Given the multitude of jurisdictions overlaying the sanctuary and the paucity of resources of all agencies and organizations, successful marine conservation efforts in the sanctuary will require OCNMS to build long-term, trusting and functional partnerships allowing groups to pool resources, share information and manage ecosystems in an effective manner that protects our ocean resources for future generations.

During the MPR process, ONMS made great strides in improving relationships with its partners. ONMS is committed to maintaining and growing these relationships while it implements the management plan.

4.8 SCOPING IDEAS CONSIDERED BUT NOT DEVELOPED AS ALTERNATIVES

Most of the 37 topics identified through public scoping are addressed in some manner in the FMP (section 5). However, a few topics or particular aspects of topics raised by the public were not incorporated into the FMP or into the other alternatives analyzed in this document. In most cases, these scoping topics were eliminated from further consideration early in the MPR process. The reasons for their elimination are provided below. It should be noted any of these issues can be identified and considered again during future MPR cycles.

4.8.1 Boundary Expansion

Several public comments requested NOAA expand OCNMS' boundary to include the Strait of Juan de Fuca or additional parts of the deep sea canyons on the western edge of the current sanctuary boundary. ONMS decided not to pursue boundary expansion because information on the characteristics of the deep sea canyons is not extensive. Thus, it is too early to say whether these canyons warrant inclusion in the sanctuary. The expansion of the sanctuary to include the canyons could be considered in the future when more information is available.

4.8.2 Alternative Energy Development

ONMS received many public comments on specific types of alternative energy development in the sanctuary (e.g., wave energy, wind energy). Some comments were supportive of alternative energy development in the sanctuary, and others were opposed. Because marine spatial planning efforts are just getting underway nationally and regionally, ONMS decided to address ocean energy activities under the broad topic of marine spatial planning, and developed a regional ocean planning action plan. ONMS plans to participate actively in state and regional ocean planning processes and believes alternative energy project siting is better addressed within the context of these larger-scale planning processes. In addition, ONMS would likely be involved in any offshore commercial development proposed within the sanctuary through the ONMS permitting process.

4.8.3 Compatibility Determinations

One of the goals of the NMSA is to facilitate human uses in sanctuaries that are compatible with the NMSA's primary mandate of resource protection. ONMS received several public comments asking for clarification on which and to what extent different human uses are compatible with the goals and objectives of OCNMS.

OCNMS' existing permitting regulations and procedures already provide a framework for evaluation of compatibility of proposed activities in the sanctuary on a case-by-case basis. Thus, ONMS did not opt to pursue development of a detailed compatibility or more holistic determination process at this time.

4.8.4 No-take Zones/Marine Reserves

ONMS received multiple public comments requesting the establishment of fishing and boating bans in the sanctuary, including "no-take zones," marine reserves, bottom trawling bans, and motorized boating bans. In general, these comments reflect a desire for stronger resource protection and conservation efforts in the sanctuary. In the FMP, ONMS has addressed the need

for improved conservation and protection through seven action plans focusing on spills, climate change, marine debris, wildlife disturbance, water quality protection, habitat protection and regional ocean planning. Given the regulatory and political complexity of the process, ONMS decided it would not initiate action on or explore the specific topic of creating no-take zones or marine reserves (both terms describe areas where all extractive activities, including fishing, are prohibited) as part of this MPR process. ONMS is, however, working to identify locations of habitats in the sanctuary that are important for various life stages of fish and other marine organisms, will share this information with other management authorities, and will continue to work within the context of existing fishery management frameworks to ensure fishing practices are compatible with sustainable fisheries in the sanctuary.

4.8.5 Aquaculture Ban

During the public scoping period, ONMS received comments requesting aquaculture be banned in the sanctuary. Some comments focused on the potential adverse impacts associated with farming Atlantic salmon, a non-native species. Since sanctuary designation no aquaculture permit applications have been received nor issued by the OCNMS Superintendent, and no aquaculture activities are known to occur within sanctuary boundaries.

ONMS has addressed one aspect of the aquaculture issue in alternative C (section 7), which includes the consideration of a regulatory ban on the introduction of invasive species in the sanctuary. Atlantic salmon and a few other cultured organisms are classified as invasive species by the state of Washington and, as such, project proposals with these species would receive rigorous scrutiny and installed facilities would require effective containment, as is the current practice in Washington state. Similar to the alternative energy topic, ONMS would treat any future aquaculture proposal as an offshore commercial development project that likely would be subject to the ONMS permitting process. It can be assumed any aquaculture project proposed in the sanctuary would require an ONMS permit based on OCNMS regulations related to seabed disturbance (for anchoring/mooring aquaculture structures) and discharge. While efforts are being made to develop aquaculture technologies not requiring seafloor anchoring (i.e., a project that may not be subject to ONMS permitting), such technologies are not widely used at this time and are unlikely to be technologically and/or economically feasible in the near future in the dynamic ocean conditions of the outer Washington coast. During review of an aquaculture project's permit application, ONMS would consider all the potential impacts of any proposed aquaculture operation. Therefore, ONMS did not pursue specific regulatory actions related to aquaculture in any of the alternatives in this document. In addition, appropriate siting for aquaculture projects should also be addressed in regional ocean planning processes, in which ONMS intends to participate, and be guided by NOAA's Aquaculture Policy and Guidance issued in 2011 (NOAA 2011).

4.8.6 Harbors of Refuge

ONMS received one public comment requesting harbors of refuge be established along the outer coast of Washington. In the context of oil spill response, a harbor of refuge is where a distressed, and possibly leaking, vessel goes to control the emergency situation and possibly limit environmental impacts of spilled oil. This issue was not considered in the management plan because there are no suitable locations for harbors of refuge in the sanctuary. Furthermore, this issue is being addressed by the Region 10 Regional Response Team/Northwest Area Committee.