Chapter 1: Introduction

1.1 Purpose and Need for the Marine Spatial Plan

The marine waters along Washington's Pacific Coast host abundant natural resources and a wide diversity of species and habitats. These ocean resources support multiple uses that are vital to the economy and social fabric of nearby communities and the entire state, such as fishing, recreation, and shipping. The citizens of Washington, as well as the Native American tribes that have rich histories and treaty-protected interests along the coast, strongly depend upon ocean resources and will continue to do so into the future.

Existing ocean resources, uses, and communities along Washington's Pacific Coast may be adversely affected by increasing pressures on the resources in this area, conflicts among existing uses, and proposed new ocean uses such as offshore wind or wave energy, offshore aquaculture, or sand and gravel mining. In addition, multiple, overlapping jurisdictions and authorities create challenges for coordinated decision-making and proactive planning.

In March 2010, the Washington State Legislature enacted a marine planning law to foster integrated coastal decision making and ecosystem-based management (RCW 43.372). Marine Spatial Planning is a comprehensive, place-based and ecosystem-based planning tool. In July 2012, the State Legislature began targeting funding to the creation of a plan for Washington's Pacific coast.

The Marine Spatial Plan (MSP) for Washington's Pacific Coast provides a baseline of scientific information, a consistent way of evaluating future proposals, and a framework to coordinate decisions around human uses of the sea. The plan also creates a process for coordinating across all levels of government and ensuring stakeholder input on new ocean uses. This process will improve marine resource management by planning for new ocean uses and reducing conflict. The MSP will increase certainty for those using or seeking to use Washington's coastal waters. It will also allow us to reduce our impact on our marine environment. In this way, the plan helps maximize the social, economic and ecological benefits we receive from ocean resources.

Specifically, the MSP provides the following:

- Guidance for new ocean uses along Washington's Pacific coast, including renewable energy projects, offshore aquaculture, dredged material disposal in new locations, marine product extraction, and sand and gravel or gas hydrate mining.
- Baseline data on coastal uses and resources to capture current conditions and future trends.
- Requirements and recommendations for evaluating new ocean uses through the different phases of project review, consistent with existing laws and regulations.
- Recommendations to protect the environment and existing uses. This includes specific new policies to protect specific environmentally-sensitive areas and fisheries.
- A framework and analyses for increased coordination and guidance for decision-making.
- Activities that enable plan monitoring, evaluation, and adaptation.

Washington State developed the MSP with the support of state agencies and the involvement of key stakeholders, the public, and local, federal, and tribal governments. The planning process was led by the State Ocean Caucus, an interagency team. Interagency team members included representatives from: the Washington Department of Ecology (Ecology), Washington Department of Natural Resources (DNR), Washington Department of Fish and Wildlife (WDFW), the Governor's office, the Washington State Parks and Recreation Commission (State Parks), and Washington Sea Grant.[1] The Washington Coastal Marine Advisory Council (WCMAC), a Governor-appointed advisory group inclusive of stakeholders and government, participated throughout the planning process.

The marine planning law requires the final MSP to be submitted to the National Oceanic and Atmospheric Administration (NOAA) for review and approval in order to be incorporated into the State's federally-approved coastal zone management program (RCW 43.372.040 (12)). Washington will benefit from incorporating the MSP into Washington's Coastal Zone Management Program (CZMP). Once approved, this will improve the State's ability to review federal actions that have reasonably foreseeable effects on Washington's coastal resources and uses through the federal consistency provision under the Coastal Zone Management Act (more details are provided in Chapter 4: MSP Management Framework, Section 4.2 and Appendix E). In addition, by developing its own plan for the Pacific coast, Washington State will be well positioned to work in partnership with the other states, the federal government, and tribes in West Coast regional marine spatial planning coordination.

1.2 Marine Waters Management and Planning Act Requirements

The Marine Waters Management and Planning Act (RCW 43.372) provides the overall intent, purpose, principles, and elements for development of the Marine Spatial Plan (MSP) for Washington's Pacific Coast. For details on specific requirements, please see the full language of RCW 43.372 in Appendix D.

The MSP creates a framework for integrating existing state and local authorities. It does not supersede current authority of state agencies or local governments (RCW 43.372.060). The MSP must rely on existing state and local authorities to be implemented (RCW 43.372.040(6)(e)). The marine planning law exempts projects, uses, and activities existing prior to or during the planning process from meeting the MSP's requirements (RCW 43.372.060).

This section summarizes some of the key principles and requirements for the MSP from the state marine planning law.

[1] Governor Gregoire designated the Department of Ecology as the overall lead for coordinating the planning process.

Key Planning Principles

According to RCW 43.372.040(4), "The marine management plan must be developed and implemented in a manner that:

a) Recognizes and respects existing uses and tribal treaty rights;
b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;
c) Addresses potential impacts of climate change and sea level rise upon current and projected marine waters uses and shoreline and coastal impacts;
d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;
e) Preserves and enhances public access;
f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, shellfish aquaculture, and other water-dependent uses;
g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and
h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable."

The marine planning law also requires the plan to use the best available science, rely on existing data and resources, and procure additional data necessary for planning, when possible (RCW 43.372.040(5)).

Plan Requirements

The marine planning law requires the final MSP to contain several elements (RCW 43.372.040(6)), see Appendix D for complete language). These elements include:

- An ecosystem assessment that analyzes the health and status of Washington marine waters including key social, economic, and ecological characteristics and incorporates the best available scientific information, including relevant marine data. The plan must also develop key ecosystem indicators (Chapter 2 and separate indicator reports).
- A series of maps that, at a minimum, summarize available data on (Chapter 3 and Appendix A):
    - The key ecological aspects of the marine ecosystem, including physical and biological characteristics, as well as areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures.
    - Human uses of marine waters, particularly areas with high value for fishing, shellfish aquaculture, recreation, and maritime commerce.
    - Appropriate locations with high potential for renewable energy production with minimal potential for conflicts with other existing uses or sensitive environments.
- Guidance for decisions on uses proposed for marine waters consistent with existing plans and processes and applicable state laws and programs (Chapter 4).

- An implementation strategy describing how the plan's management measures and other provisions will be considered and implemented through existing state and local authorities (Chapter 4).
- A framework for coordinating state agency and local government review of proposed renewable energy development uses requiring multiple permits and other approvals that provide for the timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area (Chapter 4).
- Recommendations for the federal government (Chapter 4 and Appendix E).
- A list of provisions of existing management plans that are substantially inconsistent with the plan (Chapter 4).
- A list of data gaps, a strategy for acquiring new scientific information, and a process for updating the plan with new information (Chapters 2, 3, and 4 and Appendix C).

The marine planning law provides Washington Department of Fish and Wildlife (WDFW) the option of including a fisheries management element in the MSP. The MSP includes a considerable amount of information on fisheries. However, given the existing, extensive processes for managing fisheries, WDFW has chosen not to include an element in the MSP that would alter how fisheries are managed (see Chapter 2.4: State and Tribal Fisheries).

Furthermore, the law requires that any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on fishing. The interagency team[2] must accord substantial weight to recommendations from the director of WDFW for plan revisions to minimize the negative impacts. See Chapter 4: MSP Management Framework for a description of the fisheries consultation process and protection standards designed to minimize impacts from new ocean uses on fishing.

1.3 Plan Goals and Objectives

To assist with the marine spatial planning process, Washington Sea Grant and the State Ocean Caucus (SOC) convened a series of workshops in 2013 to develop draft goals and objectives for the Marine Spatial Plan (MSP) for Washington's Pacific Coast. The workshops also aimed to improve communication and coordination among the groups involved in the planning process. These workshops brought together government representatives and local stakeholders with a vested interest in or management authority over Washington's marine resources and waters. Representatives from local government, state and federal agencies, tribes, and the Washington Coastal Marine Advisory Council (WCMAC) attended.

The draft goals and objectives resulting from the workshops went through State Environmental Policy Act (SEPA) scoping and public comment to give other individuals and organizations the opportunity to weigh in on the plan development process. Comments provided during the public comment period were considered in adopting the final goals and objectives for the Marine Spatial Plan.

[2] Interagency team refers to the State Ocean Caucus, as described in RCW 43.372.020.

Subsequent to adoption of the final goals and objectives, SOC worked iteratively with WCMAC and MRCs to identify and refine a list of actions for each of the plan objectives.[3] These actions describe the information and analyses the State incorporated in the general content of the MSP, or the activities that the State pursued as part of the planning process. Appendix F provides an index of MSP chapters, sections, and projects that address the specific actions listed below.

The goals, objectives, and actions adopted for the Marine Spatial Plan as a result of this process are as follows.

Overarching Goal

Ensure a resilient and healthy marine ecosystem on Washington's coast that supports sustainable economic, recreational, and cultural opportunities for coastal communities, visitors, and future generations.

Goal 1

Protect and preserve existing sustainable uses to ensure economic vibrancy and resource access for coastal communities.

Objective 1: Protect and preserve healthy existing natural resource-based economic activity on the Washington coast.

- Better understand, define, and document all existing marine activities taking place in the Study Area (commercial, recreational, cultural, and ecological) through scientific research and traditional knowledge research. Document context for existing uses and current and future trends of existing uses, including information on present conflicts and potential future conflicts for existing uses.
- Assess economic contributions of existing marine uses to the local and state economy.
- Identify and assess indicators of economic health.
- Following existing laws, protect and preserve existing uses by first avoiding and then minimizing significant adverse impacts from potential future activities, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing. Identify policies and recommended actions that enable the implementation of the plan.
- Involve individuals and organizations representing existing uses in the planning process, such as by documenting current and future trends of existing uses, reviewing data and maps of their use, understanding potential impacts, and evaluating scenarios and plan recommendations.

[3] In July 2014, WCMAC recommended the State use the final, adopted list of actions presented here.

Goal 2

Maintain maritime coastal communities from now into perpetuity.

Objective 2: Sustain diverse traditional uses and experiences to ensure continuity of Washington's coastal identity, culture, and high quality of life.

- Understand culturally important uses of the marine environment, including documenting areas and uses of historical and cultural significance and current visual resources.
- Provide recommendations for uses that protect and enhance the aesthetic quality of marine environment, maritime activities, marine culture, and sense of place.
- Document vulnerability of coastal communities to coastal hazards as they relate to proposed future activities.
- Identify and assess indicators of social well-being within coastal communities.

Goal 3

Ensure that our marine ecosystem is preserved for future generations.

Objective 3: Foster healthy and resilient marine ecosystem functions, biodiversity, and habitats.

- Understand the current status of natural resources, ecosystem conditions, and impacts of natural variability and natural stressors on the marine ecosystem over the short and long term. Where possible, document information on ecosystem services and values.
- Understand the implications of various human activities to the marine ecosystem, including documenting species and habitats that face higher potential risk or impact from proposed activities.
- Identify and assess areas of ecological importance or particular sensitivity.
- Identify and assess ecological indicators of ecosystem health on Washington's coast.
- Following existing laws seek to avoid first and then minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and coastal areas of Olympic National Park.

Goal 4

Develop an integrated decision-making process which supports proactive, adaptive, and efficient spatial planning.

Objective 4: Develop a locally-supported and collaborative process that is coordinated with existing authorities for aligning management decisions.

- Synthesize information on climate change and predicted impacts to marine resources and existing uses in the Study Area. Address how climate change may influence plan scenarios and potential impacts of new uses.
- Engage local, state, federal and tribal governments in all phases of the marine spatial planning process to ensure relevant management information and requirements are integrated into the process. The use or activity must comply with all applicable local, state, and federal laws and regulations.
- Coordinate with neighboring states and provinces to share technical information across all sectors and enhance management of coastal ecosystems.
- Recommend approaches for improving the efficiency of the permitting process, where and if appropriate.
- Involve individuals and organizations representing existing uses and proposed new uses as well as individuals working elsewhere on similar issues in all phases of the planning process.
- Describe the management and implementation framework, including existing state laws, policies and regulations and how they address existing and proposed uses. The plan will articulate a strategy for ongoing interagency communication and the adaptation, implementation and review of the Marine Spatial Plan, including aligning MSP with other state management plans and goals and incorporating it into state plans and processes.
- Provide opportunities for public engagement and input throughout the planning process including public education, workshops and meetings. Identify barriers to participation and work with local stakeholders to address and reduce barriers to public participation. Document comments and provide responses, as appropriate.
- Engage scientific experts in review of data and methods. Develop data standards for data collection and analysis.
- Use best available science and information throughout the planning process and drafting of the plan. Provide a common information base to assist management decisions, including through the use of Geographic Information Systems (GIS).

Goal 5

Encourage economic development that recognizes the aspirations of local communities and protects coastal resources.

Objective 5: Enhance sustainable economic opportunities to achieve a resilient economy and improved quality of life.

- Understand potential new uses and their potential benefits and potential significant adverse impacts on existing uses and the environment. Evaluate direct, indirect and cumulative impacts in environmental review documents for the plan.

- Develop coastal decision-making tools, analyses and recommendations to determine appropriate and compatible roles for future activities within the Study Area, including siting of offshore renewable energy, new locations for dredge disposal or aquaculture, and other potential new activities such as mining and bioextraction.
- Identify appropriate mitigation measures to address significant adverse impacts posed by proposed future uses of Washington's coastal waters. Develop mitigation measures in accordance with state laws and regulations.

1.4 Planning Process Summary

As described in the introduction, the interagency team coordinated the planning process and development of the MSP. The following section summarizes the key outreach activities and groups that were engaged during the planning process.

Plan Scoping

In the spring of 2013, Washington Sea Grant and state agencies convened a series of marine spatial planning scoping workshops in Aberdeen, Washington. Over 50 people attended each of the workshops, representing local government, state and federal agencies, tribes, and the Washington Coastal Marine Advisory Council (WCMAC). Participants worked together to develop draft goals, objectives, and a planning boundary for the Marine Spatial Plan (MSP) for Washington's Pacific Coast.

Using the draft language developed by the scoping workshops, the Washington Department of Ecology (Ecology), as the plan development lead, issued a scoping notice and comment period for the plan under the State Environmental Policy Act (SEPA). The public comment period ran from July 16, 2013 through September 23, 2013, and allowed for broader input and review from interested parties and the public. Ecology received and considered 17 unique comment letters and 28 signed form letters. Based on these comments, Ecology revised the scope of the proposed Marine Spatial Plan and released a document summarizing SEPA scoping, comments, and responses in January 2014.

Coastal Marine Resource Committees (MRCs)

From the very initial steps, the Marine Resource Committees (MRCs) were actively involved in the State's marine spatial planning process. Each MRC has a representative on WCMAC to ensure regular communication of their interests and input to the process. Some additional activities have included:

- Funding priorities and projects (Summer 2012 and Summer 2013): State planning staff attended meetings of each of the coastal MRCs in Summer 2012 and Summer 2013 to gather input on their priorities for marine spatial planning.

- Coastal Voices workshops (Spring 2013): MRCs worked with The Surfrider Foundation and The Nature Conservancy to host five workshops with a total of over 100 participants to gather input from coastal residents and stakeholders on their interests and goals, and to inform scoping for the MSP. A report from the workshops is available at: http://www.msp.wa.gov/wp-content/uploads/2013/06/060413_Coastal-Voices-Version-Final.pdf.
- MRC Summits (November 2013 and October 2016): State planning staff presented to MRCs on marine spatial planning at these annual meetings of all the coastal MRCs.
- Input on MSP actions (Spring 2014): Each MRC reviewed a list of draft actions for each of the Marine Spatial Plan goals and provided input. State planning staff used MRC input to further revise the actions, which WCMAC then recommended the State adopt in July 2014.
- Input on social indicators (Spring 2015): At their regular meetings, coastal MRCs each received a presentation on social indicator work and provided feedback on draft indicators.
- Input on WCMAC draft policy recommendations (Spring 2016): Washington Sea Grant and State planning staff presented draft WCMAC recommendations to MRCs to ensure they were providing input to their MRC representatives prior to the adoption of final recommendations by WCMAC.
- News articles in the West End newsletter distributed by the North Pacific MRC (Summer 2014, 2016, and 2017).
- Preliminary draft plan (Spring 2017): Washington Sea Grant presented updates on the planning process and the preliminary draft MSP to coastal MRCs.

Washington Coastal Marine Advisory Council (WCMAC)

The Washington Coastal Marine Advisory Council (WCMAC) is a gubernatorial-level council with a diverse group of representatives from coastal stakeholder interest groups, coastal MRCs, and state agencies. WCMAC provided advice on the MSP throughout the planning process. This included:

- Participating in scoping workshops.
- Reviewing and recommending actions to carry out goals and objectives.
- Identifying data, project, and funding priorities.
- Providing input on approaches and deliverables for projects.
- Sharing interests and concerns.
- Recommending ways to address concerns within the plan.
- Providing feedback on and recommendations for the plan analyses and preliminary draft plan.

WCMAC members serve as liaisons with the interest groups they represent. They identified additional experts for MSP project consultants to interview for information. Tribal governments may also designate a liaison to participate in the WCMAC as a nonvoting member, and some have chosen to do so.

WCMAC has met about 5-6 times per year since the beginning of the planning process. Additionally, a Technical Committee and Steering Committee met by conference call approximately monthly to assist the group with tasks. A contracted facilitator assists the Committees and Council with developing agendas and other meeting materials, facilitating meetings, consensus-building, and tracking and recording discussions and recommendations. More information is available on the Advisory Council website at: http://www.ecy.wa.gov/programs/sea/ocean/advisorycouncil.html.

Initially formed by Ecology in December 2011, legislation prompted the reformation of this advisory council under the Governor's office in September 2013, but with the council still staffed by Ecology. A total of 25 advisory council meetings were held between March 2012 and May 2017.

Local Governments

State agency staff met with local coastal planning staff, presented at quarterly Shoreline Planner Coordination meetings, provided updates at work sessions for county commissioners (Clallam and Jefferson Counties, 2013), and shared written updates on the planning process. Local governments were invited to attend the scoping workshops held in Spring 2013. In addition, Ecology distributed a comprehensive white paper with information on ocean management guidelines, Shoreline Master Programs (SMPs), and marine spatial planning targeted at local planners. Ecology also provided a shorter Frequently Asked Questions document to answer specific questions about the relationship between SMPs, marine spatial planning, and the state's Coastal Zone Management Program.

MSP 101

State planning staff gave presentations and hosted workshops providing introductory information on marine planning to a variety of other audiences throughout the planning process. This included engagement with community members at events such as at open houses and panel presentations, at conferences, and through learning exchange workshops (Neah Bay and Aberdeen, Spring 2012).

Washington Sea Grant presented introductory and updated information on marine spatial planning to a number of community organizations across the Washingtonccoast, including economic development councils, councils of governments, chambers of commerce, non-profit organizations, and other similar groups. Between the fall of 2012 and 2017, Washington Sea Grant presented to over 25 community groups and reached over 610 people.

Coastal Events and General Outreach

Washington Sea Grant attended local events throughout Washington's coast to raise awareness and engage the broader public on marine spatial planning, including distributing brochures and talking with people about the plan and the process. Washington Sea Grant and the local MRCs also co-hosted two local film showings of *Ocean Frontiers*[4], a film about marine planning in the United States. Combined, these efforts reached nearly 1000 people between the

[4] http://ocean-frontiers.org/

summer of 2014 and the fall of 2016. Washington Sea Grant also distributed brochures and summaries of Frequently Asked Questions on marine spatial planning to local libraries and community centers across the coast.

MSP Project Engagement

Washington Sea Grant organized presentations on specific projects or topics of high interest to target audiences. Examples of this outreach include providing draft results on ecological models and ecological, economic, and social indicators to the Grays Harbor Coalition for Infrastructure and Citizens for a Clean Harbor, or reviewing recreational survey results with the Long Beach Visitors Bureau and Olympic Peninsula Visitors Bureau. State planning staff also organized workshops on the coastal economic analysis to assist contractors in scoping the project and getting input on draft results from a range of stakeholders and agencies. Over 110 people participated in these various events.

Tribes

State agency staff met with technical and policy staff of coastal tribes throughout the planning process, including sending letters inviting their participation in the process and providing updates. The state and the four coastal treaty tribes (the Hoh, Makah, and Quileute tribes, and the Quinault Indian Nation) had between 2-4 joint technical and policy staff meetings per year. The state also met with staff from the Shoalwater Bay Tribe.

Depending on the tribe, various tribal staff participated in workshops, meetings, and forums; reviewed and provided input on MSP project priorities, deliverables, and draft products; provided technical and scientific information and feedback; met with consultants; and partnered on data collection and field work. State staff also met with and briefed tribes separately (including with tribal natural resource staff and council members, in some cases) at various points in the planning process. See Section 1.6 below for more details and context on tribes and their unique relationship with Washington State and the federal government.

Federal Agencies

State agencies involved federal agencies in the planning process in many ways, such as including them in scoping and technical workshops; contacting them for specific data and information; gathering input on priorities, needs, and interests; meeting to discuss the MSP and process; and partnering with them on several specific projects (see below for examples). State staff presented on the MSP and planning process several times to the Olympic Coast National Marine Sanctuary's Advisory Council.

Federal agency staff played an important technical and scientific support role in the state's marine spatial planning process. Federal staff activities included: coordinating the science-based development of and assessment of conceptual models and ecological indicators for Washington's coast; creating ecological models for distributions of seabirds and marine mammals; conducting an inventory of and prioritization of seafloor mapping data; creating a seafloor atlas from existing data; providing GIS data and other information (e.g. satellite vessel

traffic data provided by Olympic Coast National Marine Sanctuary); and participating on the science advisory panel.

Science Advisory Panel

In 2013, Washington Sea Grant facilitated a graduate-level class that engaged graduate students and a diverse group of research professors in reviewing available marine spatial planning data and identifying data gaps. Washington Sea Grant subsequently set up a Science Advisory Panel with these and other researchers and scientists from academic, state, and federal entities. This group provided independent review of and feedback on particular data sources, project methods, and data analyses. The Science Advisory Panel's feedback provided important direction for the State to understand datasets, adjust methods, and improve accuracy of findings and results.

Data and Tool Development

Throughout the planning process, state agencies sought input on data and tool development. This included working with The Nature Conservancy and EcoTrust to host a number of training and input sessions on the online data mapping tool as it was being developed. These sessions with MRCs, planners, and other audiences aimed to improve functionality and ease-of-use. Washington also partnered with federal agencies to host participatory human use mapping workshops to map ocean use areas based on expert user knowledge. The four workshops involved 65 participants representing all ocean use sectors, such as ocean industries, marine operators, and federal, tribal, and state resource managers (April 2013). State planning staff engaged representatives from ocean use sectors and WCMAC to: 1) identify available data, data priorities, and projects to fill data gaps; and 2) understand how best to display and analyze the data on their use to understand potential conflicts with new uses.

1.5 The MSP Study Area

The MSP Study Area consists of marine state and federal waters along the Pacific Ocean.[5] The Study Area extends from ordinary high water on the shoreward side out to 700 fathoms (4,200 feet) depth offshore, and from Cape Flattery on the north of the Olympic Peninsula south to Cape Disappointment at the Mouth of the Columbia River (Map 1). It encompasses estuaries along the coast, including two large estuaries: Grays Harbor and Willapa Bay. The Study Area was chosen because it is where the highest intensity and density of existing coastal uses exist. It is also ecologically meaningful in terms of connections to Washington's coastal zone, and maximizes the use of existing data and available information (Washington Department of Ecology, 2014). The Study Area was also based on the expected locations for potential new federal activities, and where effects on the state's coastal uses or resources from those new uses or activities are reasonably foreseeable (Washington Department of Ecology, 2014).

[5] Development of Marine Spatial Plans for other waters of Washington including the Columbia River, Strait of Juan de Fuca, and Puget Sound is dependent on future funding.

The Study Area encompasses approximately 480 nm[6] of coastline, including the Grays Harbor and Willapa Bay estuaries, and spans 5,839 square nautical miles (7,732 square statute miles). This area includes the intertidal, nearshore, continental shelf, and continental slope areas of Washington's Pacific waters. It includes both state waters (0-3 nm) and federal waters beyond 3 nm. Adjacent upland areas include the Olympic Peninsula and the southwestern portion of the state. Four counties (Clallam, Jefferson, Grays Harbor, and Pacific Counties) border the Study Area, along with the reservations of five federally-recognized tribes (the Hoh, Makah, Quileute, and Shoalwater Bay Tribes, and the Quinault Indian Nation) (Map 2). At the Study Area's southern boundary is the Mouth of the Columbia River, the largest river in the Pacific Northwest with source waters from the Rocky Mountains. At the northern boundary is the Strait of Juan de Fuca, with source waters from Puget Sound and the Strait of Georgia (Canada). A large portion of the Study Area's marine environment is a part of the Olympic Coast National Marine Sanctuary. There are also five national wildlife refuges within the Study Area. It also includes the Washington State Seashore Conservation Area and several state parks, which are managed by the Washington State Parks and Recreation Commission for public recreational use (Map 1).

The northern coastal portion of the Study Area consists of a mostly rocky coast with several coastal rivers, rocky outcrops, and pocket beaches. Adjacent uplands are rural, consisting mostly of Olympic National Park land and tribal reservations. The southern coastal portion has generally sandy beaches and includes Willapa Bay and Grays Harbor. Several small cities and towns are located along the southern coast. Uplands in the southern area largely consist of managed private and public timber lands and agriculture.

The description above and Map 1 define the MSP Study Area. In some cases, the MSP also includes data and information that extend beyond this area to assist in fully describing the activity or resource, its importance to coastal communities and Washington State, and future trends. Many of the uses and resources of Washington's Pacific coast are related to or supported by activities, resources, infrastructure, or communities that are outside of the MSP Study Area.

For example, the economic impacts of coastal industries like commercial or recreational fishing are not limited to the counties adjacent to the MSP Study Area. A recreational or commercial fisher may be catching fish within the MSP Study Area, but launching from a marina and selling fish to buyers that are outside the Study Area. Additionally, marine transportation and shipping operations within the Study Area are not only traveling to and from the Port of Grays Harbor (within the MSP Study Area), but also to and from ports in Puget Sound, the Columbia River, other West Coast states, or across the Pacific Ocean. Trends in shipping and transportation within the Study Area are influenced by changes in ports, vessels, and trade across a wide geographical area. In addition, the best available data for different uses varies in scale and method of data collection. In many cases, this makes it difficult to separate information outside of the MSP Study Area from data describing areas within. The inclusion of information outside of the MSP Study Area does not alter the boundary of the Study Area and will be noted, where relevant, in later sections of the MSP.

[6] The shoreline estimate was calculated using GIS files of the Study Area.

1.6 Pacific Coast Indian Tribes and Treaty Rights

The Washington coast has been home to native peoples for at least 6,000 years. The Native people of the coast traditionally lived at the water's edge, thriving on the riches of the ocean plants, fish, shellfish, seabirds, and marine mammals. With the settlement of Euro-Americans, many northwest tribes ceded much of their land to the United States.

Governor Isaac Stevens negotiated the Stevens Treaties in the mid-1850s with northwest tribes throughout what was then the Washington Territory.[7] Four of the five tribes adjacent to the MSP Study area signed treaties and include the Hoh, Makah, and Quileute Tribes, and the Quinault Indian Nation (referred to collectively as the coastal treaty tribes).[8] The 1855 Treaty of Neah Bay[9] with the Makah Tribe and the 1856 Treaty of Olympia[10] with the Hoh Tribe, Quileute Tribe, and the Quinault Indian Nation govern the relationships between the federal government and the coastal treaty tribes. Through signing those treaties, the treaty tribes agreed to allow the peaceful settlement of much of western Washington and ceded land to do so, in exchange for their continued right to access fish, shellfish, wildlife, and plants, and exercise other cultural practices both on and off-reservation. The treaties reserved the right to fish in "usual and accustomed areas" beyond a tribe's reservation boundaries. Other tribes were recognized by the federal government through federal processes and maintain tribal reservations, but do not have treaties with the United States. The Shoalwater Bay Tribe did not complete the treaty process and is a federally-recognized tribe (Map 2).

In 1974, Judge Boldt upheld these treaty rights, affirming the tribal right to access up to 50% of the harvestable salmon passing through their respective usual and accustomed fishing areas (U&As) (*U.S. v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974). In 1979, the United States Supreme Court upheld the Boldt decision. The federal court acknowledged that the concurrent jurisdiction of treaty tribes creates a co-management relationship with the State. A court decision in 1994 (*U.S. v Washington*, 873 F. Supp. 1422 (W.D. Wash. 1994), also known as the Rafeedie decision (named for the judge), recognized the right of Washington treaty tribes to take up to 50% of all fish, including naturally occurring shellfish, in their respective U&As.

The management of the marine environment is crucial to each of the coastal tribes, as the marine environment is integral to their history, culture, identity, and future. Marine resource management as a matter of law is shared with the State. The MSP Study Area overlaps with 3,956 square nautical miles of the tribal U&As and can be seen in Map 2 (National Oceanic and Atmospheric Administration, 2016). The MSP provides an opportunity for the State of Washington to progressively plan for new ocean uses, while protecting the current uses, culture, environment, and identity of coastal Washington, including respecting the treaty rights and interests of the five federally-recognized tribes within to the Study Area. The State relationship with each of the tribes is of high importance in the MSP process for current and future "new" use discussions.

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[7] Many tribes throughout Washington signed treaties with the United States and are collectively referred to as "treaty tribes." However, the MSP will focus primarily on the coastal tribes that are located within the MSP Study Area and use the term "coastal treaty tribes" to distinguish these four treaty tribes from other treaty tribes.

[8] The Shoalwater Bay Tribe is a federally recognized tribe but is not party to the Stevens treaties.

[9] Treaty of Neah Bay available at: http://access.nwifc.org/tribes/documents/TreatyofNeahBay.pdf

[10] Treaty of Olympia available at: http://access.nwifc.org/tribes/documents/TreatyofOlympia.pdf

Government-to-Government Relationship

The State of Washington and the tribes have government-to-government relationships, meaning that tribes have independent relationships with each other and with the State. These relationships recognize and respect the sovereignty of the other (Governor's Office of Indian Affairs, 2015). The State of Washington and the federally-recognized tribes created government-to-government agreements through the Centennial Accord and subsequent Millennium Agreement to consult with each other on matters that may affect one another (Governor's Office of Indian Affairs, 2015). In 2012, a state law established state agency procedure requirements for the government-to-government relationship (RCW 43.376).

The federal government has a federal trust responsibility to federally-recognized tribes, through this obligation, the federal government works directly with tribes as sovereign nations. The exact implementing procedures may vary between the federal agencies, but the federal trust obligation includes consulting with tribal governments prior to taking actions that may affect federally-recognized tribes and treaty rights (The White House, 1994).

Fishing Treaty Rights Co-Management

Each treaty tribe regulates the fishing activities for its members within their respective U&As in accordance with tribal law and judicially-prescribed fishery management responsibilities. Each tribe also maintains its own fisheries management and enforcement staff, enters into management agreements with other co-managers, and engages in a wide variety of research, restoration, and enhancement activities to improve the scientific basis for resource stewardship (Olympic Coast National Marine Sanctuary, 2011).

The treaty tribes, the State of Washington, specifically the Washington Department of Fish and Wildlife (WDFW), and United States government (NOAA Fisheries and USFWS), are co-managers of federal fishery resources in Washington. One example of state and tribal co-management is the Dungeness Crab fishery, which occurs in federal and state waters.

The MSP does not address or attempt to influence the fisheries co-management process or relationship. Fisheries co-management is outlined here to recognize its importance within the Study Area and provide context for the fishing and shellfishing industry descriptions provided later in the MSP. The procedures for tribal and state consultation, coordination, and communication to address specific new use proposals within the MSP Study Area are provided in Chapter 4: MSP Management Framework (See Section 4.2.1).

Coastal Tribes

The State invited each of the coastal tribes to provide a description of their use of and reliance on marine resources, their management of these resources, important future activities, and any concerns or opportunities including those related to new uses. The inclusion of these tribal descriptions, below, does not constitute an endorsement nor concurrence by the State of Washington of the specific information, including any unresolved legal claims, provided by the tribes.

To date, three participating tribes have provided descriptions, including their main concerns and interests in the marine spatial planning process. Additional descriptions may be added as they become available.

Makah Tribe

On January 31, 1855, the Makah Tribe entered into an agreement with the United States of America, known as the 1855 Treaty of Neah Bay. Under Article 6 of the U.S. Constitution, treaties between the U.S. Government and sovereign nations are the "supreme law of the land." The Treaty of Neah Bay is the official agreement between the Makah Tribe and the U.S. Government that reserved the Makah Tribe's inherent sovereign rights to natural and cultural resources and other services and benefits in exchange for the cession of 469 square miles of its territory to the U.S. Government. The Makah Tribe reserved the right of "taking fish, and of whaling or sealing" at usual and accustomed fishing grounds.

Since time immemorial, the Makah culture has been dependent on resources from the ocean. The Makah people are the southernmost of the Nuu-chah-nulth tribes, being the only member of the Wakashan-speaking people within the United States. The traditional name for the Makah Tribe is qwidiččaʔa·tx̌ which means "People of the Cape." Located at the northwestern tip of the Olympic Peninsula of Washington state, the Makah Indian Reservation currently encompasses a land area of approximately 47 square miles. Unlike most other coastal Pacific Northwest tribes who had village sites located on productive salmon rivers, the Makah Tribe had village sites located near productive ocean resources. During the negotiation of the Treaty, a tribal leader declared, "I want the sea. That is my country." This statement is a testament to the Makah's unique connection to the ocean.

The Makah Tribe is active in fisheries management forums (e.g. Pacific Fishery Management Council, Pacific Salmon Commission, North of Falcon, International Pacific Halibut Commission, US Canada Whiting Agreement, International Whaling Commission), ocean policy forums (National Ocean Policy's Governance Coordinating Committee, West Coast Regional Planning Body, and Washington Sub-Regional Planning Team as well as the Intergovernmental Policy Commission), and research. The fisheries of the Makah Tribe include but are not limited to Pacific Halibut, salmon, whiting, Black Cod, groundfish, and others. The Makah Tribe is currently pursuing the reinstatement of whaling rights, as secured in the 1855 Treaty of Neah Bay.

The Makah Tribe's current marine U&A area is constrained by the U.S./Canada border to the north, extends to 48° 02' 15" N (Norwegian Memorial) to the south, extends to 125° 44' 00" W (approximately 40 nautical miles offshore) to the west, and extends to 123° 42' 30" W (Tongue Point) to the east. This area represents approximately 1,550 square miles of marine waters. Makah maritime culture has been sustained through an ecosystem-based management approach to natural resources, including an understanding that the utilization and protection of resources go hand-in-hand. A thriving ecosystem in the Makah U&A area and its surrounding marine areas provide resources for fishing and hunting, the preservation of cultural practices, as well as jobs, tourism, recreation and other economic activities.

The concerns of the Makah Tribe relevant to marine spatial planning include, but are not limited to: impacts to treaty fishing grounds and the ability to exercise treaty rights through the siting of permanent or temporary offshore development in important habitats within and outside the Makah U&A; temporary spatial conflicts such as military exercises, vessel traffic, etc.; and oil spill risk and the associated impacts to treaty resources and the environmental conditions on which they depend (i.e., fish, marine mammals, seabirds, etc.). Climate change impacts, especially on species distribution and harvest access, including but not limited to ocean temperature increases, ocean acidification, hypoxic events, and harmful algal blooms, are also of great concern. Any siting of projects (renewable energy, offshore aquaculture, or other),

expansion of or change in existing uses (shipping lanes, dredge disposal locations, etc.) or potential impacts to the ocean ecosystem and/or treaty resources within and outside the U&A will require consultation with the Makah Tribal Council.

Quileute Tribe

The Quileute Tribe is part of the Treaty of Olympia of January, 1856, with the Quinault Indian Nation and the Hoh Tribe. It is headquartered at La Push at the mouth of the Quillayute River, but its U&A fishing grounds under the Treaty of Olympia include marine waters from Cape Alava south to the Queets River and 40 nautical miles west. The Tribe also has freshwater fishing rights to the entire Quillayute River Basin, north to Lake Ozette (shared with Makah) and south to Goodman Creek (shared with Hoh).

Quileute has defined its presence on the Washington coast as "since time immemorial." It has been actively fishing for marine mammals, groundfish, salmonids, and shellfish throughout its history. While commercial use of these fisheries (initially through trade and later through more conventional commercial compensation) has long been their tradition, fisheries are critical to subsistence of their members, and special attention is given to assuring food for elders or other needy persons in the community. Many traditional ceremonies derive from the ancient fishing practices and the appreciation of nature's bounty. Ceremonial events celebrating the fisheries are also part of the tribe's culture, related in potlatches, traditional songs, and dances. Recent recognition of the full scope of the Quileute's ocean fishery was provided by the federal court decisions in *U.S. v. Washington*, sub-proceeding 2009-01, in 2015.

In 1998, the Quileute Tribe was recognized officially as having self-regulatory capacity by the State, under provisions of the *U.S. v. Washington* court for demonstrated government capacity. The Tribe has a modern fleet, with emphasis on the crab, halibut, Black Cod, and salmon fisheries at present. Tribal representatives participate in intergovernmental processes to determine appropriate harvest levels for the fisheries, such as the Pacific Fishery Management Council, North of Falcon, Pacific Salmon Treaty, and numerous meetings with NOAA Fisheries, WDFW, and coastal treaty tribe representatives. The Tribe has a commissioner to the Northwest Indian Fisheries Commission.

Immediate future concerns are reductions in allowable harvest that may derive from climate, severe weather, harmful algal blooms, or anthropogenic causes such as fishing practices. The Tribe is also concerned about access that may be interrupted by naval operations, shipping lanes, or conservation measures, and engages fully in intergovernmental meetings and review of publications on all matters that can impact its marine resources.

The Tribe is open to exploring opportunities for energy generation that can be done with respect for the ecosystem and fishing rights, and treaty rights in general.

Quinault Indian Nation

The Quinault Indian Nation (QIN) is a signatory to the Treaty of Olympia (1856), by which it reserved, among other things, the right of "taking fish, at all usual and accustomed fishing grounds and stations" and the privilege of hunting and gathering, among other rights, in exchange for ceding lands it historically roamed freely. QIN's treaty fisheries provide physical sustenance that is both direct, through subsistence uses, and indirect, through commercial uses. Those fisheries also provide and embody values that cannot be quantified, and are personally and closely felt and treasured. Fishing is used by Quinault people to educate younger generations in life lessons, to pass on traditional knowledge, and to perpetuate ceremonial values.

QIN's U&A fishing grounds and stations encompass the area that begins at the mainland adjacent to Destruction Island and extend westward for thirty miles, then southward to the intersection of a line that is directly westward of Point Chehalis, and proceed to Point Chehalis. QIN relies upon the marine area of its U&A fishing grounds and stations for harvesting species that include crab, salmon, halibut, Black Cod (sablefish), sardines, rockfish, and Lingcod. Methods of harvest include pot fisheries, trolling, longline, and both bottom and mid-water trawling. QIN also relies on the harvest of Razor Clams on the beaches of its U&A.

Given QIN's federally-protected treaty right, while QIN may not fish a given species today, QIN does reserve a right to harvest that species tomorrow. A non-exhaustive list of species for which QIN may, at some yet-to-be determined future time, opt to exercise its treaty right, includes Pacific Whiting, tuna, shrimp/prawns, mackerel, Dover/Petrale/English Sole, and schooling rockfish. QIN's interest includes habitat that supports those resources. This includes all bottom habitat (benthic) and water column habitat (pelagic). These habitats are directly influenced by the great currents of the west coast (California and Davidson Currents), localized nearshore currents, seasonal winds that drive upwelling and biological productivity, terrestrial inputs including fresh water and erosion products and, of course, changing climate.

1.7 Olympic Coast National Marine Sanctuary

Designated in 1994, the Olympic Coast National Marine Sanctuary (Sanctuary) is a place of regional, national, and global significance. The Sanctuary encompasses approximately 41% of the MSP Study Area (Map 1) and is one of North America's most productive marine regions and pristine, undeveloped shorelines. The Sanctuary is a part of a system of 14 marine protected areas coordinated and administered by National Oceanic and Atmospheric Administration (NOAA).

The Sanctuary spans 2,408 square nautical miles (3,189 square miles) of marine waters off the coast of Washington's Olympic Peninsula. It extends seaward 22 to 39 nautical miles and to depths of over 4,500 feet. The densely complex shoreline covers 141 nautical miles including all bays, inlets, points, and other shoreline features. The Sanctuary is located within the northern portion of the California Current Large Marine Ecosystem, is connected to the Big Eddy Ecosystem, and supports high primary productivity. The Sanctuary is home to some of the largest U.S. seabird colonies, at least twenty-nine species of marine mammals, commercially-important fish species, deep-sea corals, and one of the most diverse seaweed communities in the world.

The Sanctuary borders Olympic National Park and lies within the U&As of four federally-recognized American Indian tribes: the Hoh, Makah, and Quileute Tribes, and the Quinault Indian Nation (the four coastal treaty tribes). The Sanctuary also enhances protection of the Washington Maritime National Wildlife Refuge Complex, which includes more than 600 offshore islands and emergent rocks within the Sanctuary. Major ocean activities occur within the Sanctuary, including shipping, tribal and non-tribal commercial fisheries, and research activities.

The mission of the Sanctuary is "to protect the Olympic Coast's natural and cultural resources through responsible stewardship, to conduct and apply research to preserve the area's ecological integrity and maritime heritage, and to promote understanding through public outreach and education." The Sanctuary is managed using a unique collaborative framework. In 2007, the four coastal treaty tribes, the State of Washington, and the National Sanctuary Program

created the Olympic Coast Intergovernmental Policy Council (IPC) to provide a regional forum for resource managers to exchange information, coordinate policies, and develop recommendations for resource management within the Sanctuary.

In addition, the Sanctuary also works with a Sanctuary Advisory Council (SAC), an advisory group with representatives from the coastal treaty tribes, state and federal agencies, local governments, and a variety of local stakeholder interests. The SAC advises the Sanctuary superintendent on the management and protection of the Sanctuary; and deliberates and provides recommendations on Sanctuary operations, education and outreach programs, regulations and enforcement efforts, and marine policy and management plans.

The Sanctuary has several goals and objectives aimed at protecting the ecological resources and cultural uses within the Sanctuary. Examples of their goals and programs include: investigating and enhancing the understanding of ecosystem processes through research, enhancing ocean literacy, conserving natural resources within the Sanctuary, enhancing understanding and appreciation of the Olympic Coast's maritime heritage, and facilitating wise and sustainable uses within the Sanctuary. The 2011 Olympic Coast National Marine Sanctuary Management Plan outlines several Action Plans involving topics such as oil spill prevention and preparedness, marine debris, education and outreach, research coordination, and community involvement (Olympic Coast National Marine Sanctuary, 2011).

For more information about the Olympic Coast National Marine Sanctuary, please see the 2011 Final Management Plan (Olympic Coast National Marine Sanctuary, 2011) or the Sanctuary website at http://olympiccoast.noaa.gov/.

Authority and Legal Framework

Under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), sanctuaries have the authority to prohibit particular activities and permit certain activities, if the proposal will not substantially injure Sanctuary resources and qualities and is found to satisfy the Sanctuary's criteria for permitted activities. Activities that would disturb or place a constructed object on the seafloor within the Olympic Coast National Marine Sanctuary would require a Sanctuary permit. The Sanctuary could also consider an application to authorize, and potentially condition, other federal or state authorizations (15 CFR Part 922).

The Sanctuary requires a permit when an individual or organization wishes to conduct an activity within the Sanctuary that is prohibited by Sanctuary regulations. Prohibited activities include low-altitude overflights, seafloor disturbances, construction or placement of any structure on the seafloor, and discharge or deposit of any material. However, whether the Sanctuary chooses to issue a permit or authorization is dependent upon a number of project-specific factors including:

- Assessment of the potential injury to Sanctuary resources and qualities
- Professional qualifications and finances of the applicant
- Duration of the project
- Cumulative effects
- Impacts of the activity on adjacent tribes, as reviewed by the respective tribes

Permits may be issued for projects that will not substantially injure Sanctuary resources and qualities and will further one of the following:

- Research related to Sanctuary resources and qualities

- Education, natural or historical resource value of the Sanctuary
- Salvage and recovery operations
- Archeological understanding
- Tribal self-determination and government functions, exercise of treaty rights, economic development, or other tribal activities

The Sanctuary includes conditions in permits and authorizations to ensure that an approved project has minimal negative impacts to the marine environment.

Of the potential future uses addressed within the MSP, mining (methane hydrate mining and sand/gravel mining) as well as new dredge disposal locations[11] are prohibited activities and may not be permitted by the Sanctuary (15 CFR Part 922.152). Marine renewable energy, offshore aquaculture, and marine product extraction[12] would require Sanctuary authorization, and the Sanctuary may choose to permit these activities if they meet the criteria discussed above.

Coordination with Olympic Coast National Marine Sanctuary in the Planning Process

Staff from the Sanctuary were involved in the planning process and will continue to be engaged during MSP implementation. Sanctuary staff recommended that the Olympic Coast National Marine Sanctuary be included within the MSP Study Area and that the Marine Spatial Plan integrate the Sanctuary Management Plan. Sanctuary staff assisted the planning process by participating as technical advisors in projects such as seafloor mapping prioritization and ecological indicator development, assisting in several data gathering and mapping projects, and providing input on overall plan development.

[11] Emergency dredge disposal may be permitted by the Sanctuary.
[12] Marine product extraction will require permits if benthic organisms are extracted (seafloor disturbance).

References

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