

Protecting Washington's Marine Environments: Tribal Perspectives¹

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ABSTRACT

Serious decline of marine resources and ecosystems in western Washington has prompted a number of initiatives, at the regional and national levels, to establish more marine protected areas. We now have an historic opportunity to carefully examine how this might affect Native American rights and interests, before this component of our protected area systems undergoes further expansion and consolidation. We can learn from past mistakes with terrestrial protected areas, many of which did not respect Indigenous peoples' rights and interests, and proceed in a direction that serves both conservation needs and socio-cultural needs, fully honoring and respecting the rights of Native peoples. This research used semi-structured interviews with prominent tribal leaders and marine natural resource managers in western Washington. It was found that the tribes are deeply concerned about declining marine environments and that they have supported some MPAs in the region but, at the same time, they are concerned about several aspects of the current push for more MPAs. This paper describes for policy makers the most reliable predictors of positive and neutral outcomes for tribes in the future development and management of MPA systems.

BACKGROUND INFORMATION

Serious decline of marine resources and ecosystems in western Washington has prompted a number of high-level initiatives, at the regional and national levels, to create new institutional structures, promote research and public education, and dramatically strengthen the effectiveness of policy responses to this situation (National Oceanic and Atmospheric Administration 2006; Puget Sound Partnership 2006). An improved understanding of natural systems and ecological dynamics is essential for this effort but this must be complemented by an equally improved understanding of the socio-cultural systems that create and maintain protected areas (Agardy 2000). In particular, the efficacy of policy initiatives for marine conservation depends upon the degree to which these initiatives harmonize with the legal rights, needs and desires of affected populations. This research explored how one policy initiative, the designation of marine

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protected areas in western Washington State, may be harmonized with the legal rights, needs and desires of the region's Native residents.

The National Marine Protected Areas Center (a division of the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration, in the Department of Commerce) provides a useful summary description of what is meant by the term "marine protected area:"

"Marine protected area" is an umbrella term that encompasses a wide variety of approaches to U.S. place based conservation and management. The official federal definition of an MPA in Executive Order 13158 is: "any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein." ... In practical terms, marine protected areas are delineated areas in the oceans, estuaries, and coasts with a higher level of protection than prevails in the surrounding waters. MPAs are used extensively in the U.S. and abroad for a variety of conservation and management purposes. They span a range of habitats including areas in the open ocean, coastal areas, inter-tidal zone, estuaries, and Great Lakes waters. They vary widely in purpose, legal authorities, agencies and management approaches, level of protection, and restrictions on human uses (National Marine Protected Areas Center 2006).

There are possibly as many as 2,000 areas in the United States that are specially designated zones in marine areas, specifically established for the conservation of natural and cultural resources, according to an on-going national inventory being carried out by the National MPA Center. Several preliminary inventories of marine protected areas in Washington State have produced lists that include up to 120 currently designated sites (see Appendices A-C). These include a very wide variety of management authorities and policies. MPAs in Washington are nothing new, going back to 1914 for intertidal areas (in part of the present San Juan Islands National Wildlife Refuge) and 1923 for subtidal areas (in the case of the San Juan County/Cypress Island Marine Biological Preserve) (Murray 1998). The overwhelming majority of MPAs, nationally as well as in Washington State, are open to resource extraction and multiple uses. Washington's Native inhabitants have, thus, been living with marine protected areas for some time now. Nevertheless, they are concerned about recent initiatives to dramatically expand the use of MPAs as a conservation tool.

Since the late nineteenth century, the United States has played a leading role in the establishment of terrestrial protected areas like national parks that, in many ways, have become models for conservation in the rest of the world. As important as these areas are, however, the history of the National Park System has come under increasing criticism for its failure to adequately consider and respect the rights and values of Native Americans (Keller and Turek 1998; Burnham 2000; Catton 1997; Spence 1999). Currently, serious degradation of marine environments is prompting a concerted effort to significantly strengthen and expand our much less well-developed system of marine protected areas (Clinton 2000). We now have an historic opportunity to carefully examine how this might affect Native American rights and interests, before this component of our protected area systems undergoes further expansion and consolidation. We can learn from

past mistakes with terrestrial protected areas and proceed in a direction that serves both conservation needs and socio-cultural needs, fully honoring and respecting the rights of the Native peoples of this continent. Unfortunately, very little research of this nature has been undertaken. On the contrary, the exigency of marine ecosystem degradation in general (and fisheries declines in particular) have led to proposals for sweeping use of federal powers to expand MPAs in ways that deliberately minimize opportunities for the incorporation of diverse viewpoints (Brax 2002).

On the other hand, there are those within the biological community who counsel that a more cautious and thoughtful approach to the expansion of marine protected areas will better serve conservation interests in the long run. Their argument has generated a discussion that creates an opening for more thoughtful consideration of how to approach MPAs from the perspectives of tribal peoples, as well. Agardy, Bridgewater et al. have recently argued the following:

1. While conservationists, resource managers, scientists and coastal planners have recognized the broad applicability of marine protected areas (MPAs), they are often implemented without a firm understanding of the conservation science – both ecological and socio-economic – underlying marine protection. The rush to implement MPAs has set the stage for paradoxical differences of opinions in the marine conservation community.
2. The enthusiastic prescription of simplistic solutions to marine conservation problems risks polarization of interests and ultimately threatens bona fide progress in marine conservation. The blanket assignment and advocacy of empirically unsubstantiated rules of thumb in marine protection creates potentially dangerous targets for conservation science.
3. Clarity of definition, systematic testing of assumptions, and adaptive application of diverse MPA management approaches are needed so that the appropriate mix of various management tools can be utilized, depending upon specific goals and conditions. Scientists have a professional and ethical duty to map out those paths that are most likely to lead to improved resource management and understanding of the natural world, including the human element, whether or not they are convenient, politically correct or publicly magnetic.
4. The use of MPAs as a vehicle for promoting long-term conservation and sustainable use of marine biodiversity is in need of focus, and both philosophical and applied tune ups. A new paradigm arising out of integrated, multi-disciplinary science, management and education/outreach efforts must be adopted to help promote flexible, diverse and effective MPA management strategies. Given scientific uncertainties, MPAs should be designed so one can learn from their application and adjust their management strategies as needed, in the true spirit of adaptive management (Agardy et al. 2003, 353-4).

This research is intended to contribute to ongoing discussions of how to chart a more just and effective path for marine protected areas in the twenty-first century than was taken for terrestrial protected areas in the nineteenth and twentieth centuries, through an examination of tribal perspectives in western Washington. There is one other study of this nature currently underway

within the region covered by this study. It is a participatory research project being carried out by Dr. Patrick Christie, of the School of Marine Affairs and Henry M. Jackson School of International Studies at the University of Washington, Dr. Roberto Gonzalez-Plaza, of the Northwest Indian College, and Professor Marc Hershman, of the School of Marine Affairs, University of Washington (Christie 2006).

A brief description of the research design immediately follows this section of the report. Following that is the “Results” section, which is the centerpiece of this report, in which the words of highly experienced and respected tribal leaders of a variety of tribes explain tribal perspectives on marine protected areas. The greatest value of this research report and ensuing publications and presentations will be in the dissemination of these views among marine biologists, marine policy makers and resource managers, conservation advocates in the non-profit sector, environmental journalists, and others who should understand tribal perspectives on marine conservation policy. After presenting these results, the final section of the report presents a brief discussion of those findings within a broad and critical historical context, along with a summary of conditions that would be good predictors of positive or, at least neutral, outcomes for place-based marine conservation policies.

RESEARCH DESIGN

If the network of marine protected areas in Washington State is to be strengthened and expanded effectively, it must have the broad support and collaboration of interested parties. This research project had the specific aim of improving the process of designing and managing MPAs in Washington State to better serve conservation objectives in ways that respect and strengthen tribal rights and cultures. Through interviews and historical research, patterns in regional MPA/tribal relations were identified, as a means of identifying the most significant influences on effective MPA location, design, management, planning and coordination.

This study was conducted through the use of digitally recorded, semi-structured interviews along with secondary research of published and unpublished documents. All of the interviews were conducted by Frances Wilshusen Schroeder, a graduate research assistant at The Evergreen State College, and the Habitat Services Manager of the Northwest Indian Fisheries Commission. Below is a summary of the interviews carried out in this research project.

1. Mr. Terry Williams, Fish and Natural Resource Commissioner of the Tulalip Tribes. The Tulalip Tribes are a Puget Sound tribal community centered near Marysville, Washington. Mr. Williams has worked for his tribe for more than three decades to support the environmental conditions critical to the economic and cultural health of the tribal community and the treaty-reserved rights on which they depend. He participated in a 54-minute interview for this project on July 17, 2005, providing perspectives from his past experiences and engagements as the Natural Resources Director for his tribe, a Governor-appointed member of the Puget Sound Water Quality Authority, a Northwest Indian Fisheries Commission commissioner, a member of the Northwest Straits Commission, and the first Director of the EPA American Indian Environmental Office under Administrator Carol Browner. The interview engaged three primary topics: (1) the

urgency and critical nature of the threats confronting marine and near-shore environments; (2) the opportunity and importance of engaging the longevity of experience, depth of awareness and breadth of connectivity embedded in tribal people about their environments (traditional environmental knowledge); and (3) the imperative of engaging tribes as governments and co-managers of these resources.

2. Mr. David Sones, Vice-Chairman of the Makah Tribe. Mr. Sones provided a 76-minute interview for this project on July 15, 2005, from his office in Neah Bay, Washington. He is a lifelong resident of Neah Bay and has worked as a commercial fisherman, as the Makah Tribe's Fisheries Manager, and now serves his tribe as Vice Chairman of the Makah Tribal Council. His life experience living by and from the Pacific Ocean, coupled with his lengthy engagement and tenure of leadership with tribal natural resource issues provided both historical content and vision for the future. Through the course of the interview, Mr. Sones provided an invaluable firsthand account of the formation of the Olympic Coast National Marine Sanctuary (OCNMS). He was an active participant in its initiation and development. His point of view emphasizes the importance of supporting and engaging tribal governments as governmental co-managers. The interview also addresses the status of the coastal fisheries along with tribal management and marketing strategies.
3. Ms. Mary Leitka, then-Chairwoman of the Hoh Tribe. Ms. Leitka participated in a 70-minute interview (13 minutes were recorded) for this project on July 21, 2005, from her office at the Hoh Tribal Center. The Hoh Tribe is a small coastal tribe located at the mouth of the Hoh River on the west side of the Olympic Peninsula. Ms. Leitka has spent her life in the community, working to support and improve the health and welfare of its people. To this end, she describes the cultural and social significance for community members of continued access to the natural resources that are central to their physical and spiritual health. The interview includes descriptions of childhood memories of gathering and preparing foods from beach and intertidal areas. The range of species and significance of the food and gathering activities as part of community life are described. The importance of government-to-government relations is depicted through description of various management and regulatory processes (with, e.g., the Washington Department of Natural Resources, the Office of Marine Safety, and the US Fish and Wildlife Service) and the affects of these on the tribe's capacities and activities.
4. Ms. Carol Bernthal, Superintendent of the Olympic Coast National Marine Sanctuary. Ms. Bernthal's 29-minute interview was conducted in her office in Port Angeles, Washington on March 22, 2006. Ms. Bernthal was appointed as the Sanctuary Superintendent at the beginning of 1999. She has a prior work history with the Point-No-Point Treaty Council and its member tribes, where she served as a senior biologist and habitat program manager. Her interview addresses (1) the history of OCNMS development vis-à-vis Treaty Tribes and (2) communication with and engagement of tribes.
5. Mr. Jim Peters, Chairman of the Squaxin Island Tribe. Mr. Peters was interviewed for 43 minutes on March 27, 2006, at his home on Steamboat Island, outside of Olympia,

Washington. Prior to serving as Tribal Chairman, Mr. Peters was the Tribe's Natural Resources Director as well as the Washington Department of Natural Resources Tribal Liaison for former Commissioner of Public Lands, Jennifer Belcher. His statements addressed (1) the importance of viewing tribes as parts of dynamic ecosystems; (2) tribal stewardship of the environment and (3) effective uses of marine managed and protected areas in specific circumstances.

6. Mr. Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission. Mr. Frank was interviewed for 45 minutes on June 30, 2006 at the Northwest Indian Fisheries Commission (NWIFC) offices in Olympia, Washington. An elder of the Nisqually Tribe, located near Olympia, Washington, Mr. Frank is an internationally recognized leader in the protection of tribal treaty rights and Pacific Northwest salmon populations. He has chaired the NWIFC since its inception in 1974. As such, he serves the following member tribes of the Commission: the Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh. He was appointed by Washington Governor Christine Gregoire to Co-Chair the Puget Sound Partnership. His interview includes discussions of (1) the historical growth of tribal infrastructure; (2) the fundamental importance of the co-management authorities of western Washington tribes; (3) the loss of resources to Indian people and the mandate to respect and defend what has been reserved by the tribes through their treaties; (4) the permanence of Indian peoples as part of the ecosystem in their lands and waters; and (5) the critical importance of public education and achieving sustainable ways of living in the region.
7. Mr. Craig Bowhay, Fisheries Policy Analyst with the Northwest Indian Fisheries Commission. Mr. Bowhay was involved with the scoping and development of the Olympic Coast National Marine Sanctuary. In his 11-minute interview at the NWIFC offices in Olympia, Washington on July 17, 2006, he discussed (1) an internal NOAA debate over different authorities upon which to base fisheries management within sanctuaries; (2) the need for more work between the Sanctuary and tribes to define goals; and (3) the potential of a proposed Tribal Policy Council to better engage tribes in sanctuary planning and management.

Two additional interviews were conducted for this research without the benefit of an audio recording device. Notes taken during those interviews have been used as additional data for analysis. These interviews were conducted with the following people:

- Mr. Mel Moon, Natural Resources Director for the Quileute Tribe. The Quileute Tribe is a coastal tribe in La Push, Washington, with treaty harvest rights in the Pacific Ocean and associated drainages. Mr. Moon participated in an interview for this project on May 19, 2005 in Portland, Maine where he was attending a meeting of the NOAA Marine Protected Areas Federal Advisory Committee (MPA FAC). The interview was a 2.5-hour session encompassing (1) his experience and perspectives as a board member on the MPA FAC; (2) discussion of his experience with and evaluation of the regional Olympic Marine Sanctuary; (3) a description of his views regarding the importance of a formalized

structure and process supporting government-to-government interaction with tribes; (4) the critical importance of recognizing tribal cultural values and perspectives; (5) the value of integrating traditional environmental knowledge; and (6) his vision for application of ecosystem-based management.

- Mr. Randy Kinley, Natural Resources Director for the Lummi Nation. Mr. Kinley was interviewed on April 11, 2006 at the Northwest Indian Fisheries Commission offices. Mr. Kinley is a Lummi Tribal leader and a strong advocate for tribal treaty rights. He is both a fisherman and a policy-maker. The Lummi Tribe is located on the coast near Bellingham, Washington.

Interview recordings and notes comprise the primary data set assembled through this project. An interpretive analysis of this data set was carried out by following conventional steps including the transcription of recorded interviews and the systematic identification of discrete data units, or segments of interviews, related to specific topics of significance to this inquiry. Comparable data units within and between interviews were examined to identify relevant concepts, themes, and key events, which were then coded to facilitate interpretation of the data, as described by Rubin and Rubin in their guide to interview research (Rubin and Rubin 2005).

The methodology used to conduct and interpret the recorded interviews was modeled on that of Elliot Mishler (Mishler 1986), whose influential critique of conventional, experimental interview methods led him to formulate a more theoretically grounded and useful interview methodology. Mishler argued that the conventional “stimulus-response,” or experimental, methodology treats interviews as if they were tests of verbal responses to verbal stimuli, rather than conversations or discourse. Such interviews were designed for statistical analysis, in conformance with the dominant paradigm of the biophysical sciences. Mishler was one of the first to argue, based upon careful examination of this type of interview research, that it essentially amounts to a failed attempt to eliminate bias and to isolate variables for the purposes of statistical analysis of their relationships. Not only have these attempts been called into question at the empirical level by years of accumulated evidence of widespread flaws in the administration of social survey and interview research, but also such research approaches are theoretically misguided. At the theoretical level, interviews are inherently cultural interactions between two people, rather than experimental tests of the relationships between variables through the administration of verbal stimuli (i.e., questions) to elicit verbal responses to be coded for their characteristics and quantified as isolated, individual phenomena. Through discourse analysis of interview transcripts, Mishler showed that the interviewer and respondent jointly construct the discourse of the interview. He argues, “that an adequate understanding of interviews depends on recognizing how interviewers reformulate questions and how respondents frame answers in terms of their reciprocal understanding as meanings emerge during the course of an interview.” (Mishler 1986, 52)

Mishler summarizes his recommended approach to the examination of interview transcripts as follows:

To come to a more adequate understanding of what respondents mean and to develop stronger theories as well as more valid generalizations in interview

research, we must attend to the discursive nature of the interview process (1986, 65). ... language is inherently indexical. That is, meanings in discourse are neither singular nor fixed, as they are in a fully specified computer program or in a closed set of mathematical axioms and theorems. Rather, terms take on specific and contextually grounded meanings within and through the discourse as it develops and is shaped by speakers (1986, 64).

Building upon and extending Mishler's argument, this research project used semi-structured interviews, in which it was deemed to be the interviewer's responsibility to vary the line of questioning to suit the context of each interview. Here, "context" refers to such important elements as (1) the relationship between interviewer and respondent in terms of culture, historical interactions, level of trust, political sympathies or perceived sympathies, relations of a class, race, ethnic or gender basis, etc.; and (2) the unique evolution of each, individual interview (as discourse). Moving beyond the data-gathering phase, an important methodological implication at the stage of data analysis is that transcripts must be carefully examined to discern not only the meaning of responses but also the contextual meaning of the questions as well. That is not only because the questions themselves vary slightly from interview to interview but also because what is most important is how responses indicate the respondent's own interpretation of the meanings of the questions.⁵

RESULTS

Examination of the recorded interviews revealed clear patterns of concordance between the remarks of tribal leaders in western Washington regarding various aspects of marine protected areas. The following themes summarize these results:

1. The continuity and vitality of Native American culture and ecological knowledge depends upon continued use of the marine resources that have been used by tribal peoples for thousands of years.
2. Treaty rights to Usual and Accustomed Areas are non-negotiable.
3. Tribes will continue to resist on-going threats to their survival, their cultural integrity, and their self-determination.
4. Tribal peoples are committed to staying in their homelands forever, which means that, in the perspective of the tribes, environmental protection is essential. This is not the perspective of the highly mobile, dominant culture that has settled here.
5. Some tribal leaders argue that our large-scale environmental crisis requires large-scale conservation measures.

⁵ Also, in support of this research project, Co-Investigator, Preston Hardison, has assembled a large quantity of relevant materials by entering records into the Icons software system. The Icons Database (<http://www.culturalstories.net/>) is a system to organize, store and disseminate traditional knowledge. The thematic scope of the materials also includes indexes and annotations of materials related to the science of marine protected areas (MPAs), the social science of marine protected areas (anthropology, psychology, sociology, etc.), Indigenous issues in marine protected areas (including coastal and marine resource use), and federal Indian law related to the establishment and operation of MPAs. Supplemental material includes a compilation of international law and declarations on Indigenous peoples and MPAs. Sources include bibliographic records from the scientific and gray literature, and a compilation of relevant web sites.

6. Tribal peoples should be understood as part of the ecosystems in established and proposed protected areas.
7. Tribes have always been managers of marine environments and have been using protected area strategies from ancient through present times.
8. Some past MPA proposals from non-Native sources have received tribal support.
9. MPAs, to be supported, require clear scientific justifications for resource protection.
10. Because the environmental decline and resource depletion in the marine environment is not due to the tribes, use restrictions emanating from non-Natives can seem unjust and are a common source of frustration.
11. Bureaucracy and regulation are deterrents to tribal support for MPAs.
12. The tribes must be involved in all phases of MPA discussions, planning and implementation, through government-to-government relations.
13. The tribes are experienced co-managers and they expect collaboration to continue at appropriate levels, with well-informed individuals.
14. Tribes require financial resources to carry out co-management responsibilities.
15. Trust is the foundation of successful partnerships. Trust, sooner or later, will be put to the test under trying conditions. Trust has to be earned and that means being true to your word no matter how difficult that becomes.
16. Education of government officials and the public is an essential requirement for success.
17. High-level, comprehensive and coordinated data gathering and sharing are needed.

The words of the tribal leaders interviewed for this project are presented below under headings corresponding to each of these 17 themes. All statements below are direct quotes taken from the recorded and transcribed interviews that are summarized in the previous section of this report. These statements are illustrative examples of the primary qualitative data contained in the full transcripts. The full transcripts form the basis for the “Discussion” section of this report, which describes predictors of positive and neutral outcomes in the future development and management of MPA systems, to improve conservation of marine ecosystems in ways that respect and strengthen tribal rights and cultures.

The continuity and vitality of Native American culture and ecological knowledge depends upon continued use of the marine resources that have been used by tribal peoples for thousands of years.

Look at them tribes along that coast. We're not talking about millions of people fishing out there. You know, we have a little tribe called Makah. We have a little tribe called the Hoh Tribe. We have a little tribe called the Quileute. We have a little tribe called the Quinaults. You know, they want to sustain their life, they want to fish in that sea out there, and we want to see that they do that. (Billy Frank, Jr.)

I think the [non-Native] community [in the San Juan Islands] is starting to recognize now the tribes have a right, and it's an important part of the culture ... The reality is ... if the tribe doesn't practice the culture, it could lose it in a generation. You know, the learning how and when and where to harvest these different species is part of what you're doing here, about cultural, traditional

knowledge. And, it's just like ... when Sue and I went fishing one time in California. We were on our way down to visit her dad and stopped off at this tributary, and there was a whole line of people along the river fishing, and they just weren't catching anything. And I just kept walking up and talking to them, and Sue was listening. We kept walking, and she says, "Let's go back to the car. They're not catching anything, there isn't any fish here." "No, there's fish here." So we just went on a little farther, and I looked around and pretty soon I found the site, and I says, "There's fish here," and then within ten minutes I had a fish. And then she says, "Well how do you do that?" And I says, "Well, you gotta think like a fish," you know? And that's what our ... Our people grew up thinking like this – the fish, shellfish. You know, they know the tides; they know how water moves; they know how fish move; they know what they feed on. ... You know, when you know that much [of] something, you kind of know how they think and where they're gonna be and what they're gonna need and when. And that's what's passed down from our families, is all that knowledge. And for people who flew in from Germany and landed here and are walking around and been here for a little while, you know, they don't understand. They can't possibly know our territory and know everything well enough to ... be able to do what we can do. And that's why, you know, when I started talking about traditional knowledge and how important it is, we're, we're losing that. And I wanted to set up a way that we can start capturing that information and making sure that we keep teaching it to our children because, like in the San Juans, when we're not up there harvesting the cod from that area or the different types of shellfish, the abalone or sea urchins or anything like that, you lose that knowledge of their existence, and how to access the – how to be with them and be there at the right time. And what I'm telling the people in the San Juans is that not only is that knowledge important for our people to continue and to keep practicing, but it's important for them for their health. As we've seen, as we've shifted from our traditional foods to foods from Safeway – processed foods you know – our rate of cancer and diabetes, heart disease has doubled ... We've got twice the rate as the non-Indians off the reservation. (Terry Williams)

[Traditional ecological knowledge is essential because,] prior to 1930, people didn't collect that information [habitat data], and so the traditional knowledge is really going to be extremely important when we come down to start talking about real solutions. And in talking about habitat data for watersheds, when you get in near-shore Puget Sound, there isn't going to be any. I mean, they'll be lucky to go back to the fifties, you know? ... When you first start talking to our tribal populations and you kind of confront them with it, like we're talking right now, they just go, "Oh, well, I don't know anything." But then once you sit down, to start talking about them and when they were kids, their parents, and what happened back then, and what was the landscape like, all of a sudden all this information starts coming out. ... We're collecting a lot of that. ... We've identified ... about 150 plants ... now that are important that people are still using, all the different fish and shellfish, and animals and, you know, we're gathering all that information. ... Oh, it's disappearing like crazy ... But, on the

other hand, you know, what's around, we're identifying and we're starting to find out how scarce it is, and those things that are really scarce we're protecting, and sorting out. Next is how to start reproducing 'em. (Terry Williams)

Treaty rights to Usual and Accustomed Areas are non-negotiable.

When they start putting laws about the sanctuaries and different type of laws into place without including the tribes, it violates our treaties that we have with the United States government. It violates our laws, our Indian ... laws we've had on the books ... since time began. It violates our own laws that they're going to ... put restrictions on our fishery, on our life. This is our life along that Pacific Coast, and in Puget Sound and along the Straits of Juan de Fuca. (Billy Frank, Jr.)

The moment you close an area to tribal members, then there's a lot of focus and concern about the issue of just taking things away from the treaty obligations. There might be areas we'll never go to and never utilize but won't ever give them away to be closed down for use to our tribe because we just don't want to forsake the future generations to decisions we made. ... Maybe we're not utilizing today but who's to say in ten years, twenty years, what our kids want to do with those resources. So we don't want to commit closures to any of those areas. (Dave Sones)

Tribes will continue to resist on-going threats to their survival, their cultural integrity, and their self-determination.

Five treaties were signed in the State of Washington. The first treaty was signed right here at Nisqually. You know, right here at my reservation, and the first war took place right after that treaty was signed because they wanted to move us; move the Nisqually people away from the Nisqually River, where our life was sustained by salmon, by all of our six species of salmon that run up that river; ... move us away from the mountain, where all of our berries, and all of our medicine and, you know, move us down into the prairie. And that's why the war came about. And we'll have another war, you know, if they decide to lock us out of our sustainable life out there in the ocean. (Billy Frank, Jr.)

We had to fight early on, in the early days. You know, you don't block us up; you don't lock that ... just because you've got a refuge down there. You don't stop us from going through and exercising our right. You know, this is a right that came long before. Nobody ever gave us that right. This is our land, you know, and this is our ocean. This is our backyard of our life, sustainable people here, you know, before everybody got here. And now ... when they start writing the laws, they started restricting the tribes. That's why the U.S. vs. Washington decision and the interpretation of the treaties came out. And they've been interpreted ... to find a balance. And it's a peace treaty ... And it's still in effect, you know. And it's a two-way peace treaty. ... It allowed the European people to go to the bank, with their land, and borrow money. They couldn't do that before the treaties were

signed, you know ... And it allowed us to have what we have today, our infrastructure to manage our resource, and it's very powerful. Treaties are very powerful from both sides of the federal government, the people of the State of Washington, people of the Northwest, people of the Pacific Coast. And we have to work together to sustain this life." (Billy Frank, Jr.)

Everybody's saying, 'We've got to lock them tribes out.' Well they ain't gonna lock us out. We ain't moving anywhere. You know, we'll fight to the goddamn end, and that's where the hell we stand, you know, with this government or any other government. You know, we went to war for this government, all of us, you know. And we fought on foreign soil to protect this country and we'll do it right in our own backyard if we have to. (Billy Frank, Jr.)

Tribal peoples are committed to staying in their homelands forever, which means that, in the perspective of the tribes, environmental protection is essential. This is not the perspective of the highly mobile, dominant culture that has settled here.

They just go about their business because they don't really have an interest in the sustainable life of the sea, of Puget Sound, or the sustainable life of our tributaries that flow into Puget Sound. They're only here – them people that are running things right now – are only here until they're gone, until they retire. And then somebody else comes over. (Billy Frank, Jr.)

You can't rely on the federal government to protect . . . and the people to protect Puget Sound because they don't have a long vision of anything. They don't visualize what sustainability's all about. They don't visualize, uh, you know, a hundred years from now. They visualize, oh, my professional life. You know, they don't talk about their children, and their grandchildren, and the children to come, you know. They just, you know, because they might be gone. They might say, "Well, hell, I'm going to move to New York or someplace," or whatever, you know. But we're ... Indian tribes are here. You know, this is our home. ... We can't leave. We don't have a home down in California; we don't have a home across the, on an island or anything. We're right here in our backyard here on the reservations. And we want to make them, we want to make Puget Sound, which is our home, sustainable. (Billy Frank, Jr.)

Some tribal leaders argue that our large-scale environmental crisis requires large-scale conservation measures.

They don't see the big picture, you know. This will never survive right here if you don't look at this big picture. If Puget Sound dies and the Columbia River dies from Hanford, we ain't got much around here. ... We gotta start mending what's out there in the big picture. ... Sure it's good to do these little comprehensive things, but they've got to be wrapped up into the big, giant vision. ... We went too far in the world right now. We've got to start pulling back. (Billy Frank, Jr.)

They say, “you've got to stop fishing and we'll have more fish.” Well, the habitat's gone. ... We've went too far is what I'm saying, you know, and we've got to pull back. We've got to let some trees grow. We've got to ... take things out and let the rivers meander again. You know, we've got to take dikes out, we gotta put estuaries back. We've got to look at the picture in a big way, not just look at the picture in a little way. You know, we got to, we got to start mending the fence that's been tore down in so many ways, and people's got to start working together. That's where you'll have the political will turn around and start doing the right thing. (Billy Frank, Jr.)

Tribal peoples should be understood as part of the ecosystems in established and proposed protected areas.

The Indian people are part of the environment here. The farmers long time ago used to say, “When I see that Indian walking by, through the land, you know, that I'm farming, everything is all right. Because the Indians are still here.” It's like the birds and the animals, you know. (Billy Frank, Jr.)

We were always ... part of the ecosystem ... Where ... some of these natural area preserves ... have been set aside you can truly see that there was some sort of management that kept the forest away, kept plants that you didn't want in there, and actually induced the growth of other plants. And ... I think people are getting a little smarter about that now. (Jim Peters)

Nobody really understands that we're part of this land. When we walk on this land we're like the animals, we're like everything else. (Billy Frank, Jr.)

Tribes have always been managers of marine environments and have been using protected area strategies from ancient through present times.

We've always been managers of the ocean. We've been managers of the ... sea. We've been managers ... of the rivers and tributaries and the watersheds. (Billy Frank, Jr.)

I think MPAs have been utilized in fishery management for a long time, and certainly in tribal history, even, MPAs as a concept have been put in place and used throughout time by the tribes, in terms of having special areas that were, you know, off-limits for certain types of harvest or limited by ... use. ... Historically, the tribes have always fished in ... a similar manner. You can look at parallels of some of the concepts that are in force or in practice today, and you can see that, in terms of tribal practice in the past and historically, is that they function in the same manner. Certainly ... the Hawaiians ... have that documented. I think that the North Coast tribes as well, in terms of the way the families fished in certain fishing sites, the villages, to me exhibit the same type of structure and management approach. You hear that the same way when you look at how Celilo

Falls was managed in terms of fishing. That they didn't go in the water until the chief said it was OK, and that was generally as a result of their feeling of how many fish had passed upstream. Or they pulled off the water when they felt that more fish needed to go upstream. So, I think that's a historical approach the tribes have always had. Now, in the present-day application I think that MPAs have a place, but we have to, I think, tailor it to the specific site or the species. I think that, you know, [if] you try to do a generic approach to MPAs for all species and all places, I don't think it's going to work. (Craig Bowhay)

I look at the ocean, and I see 30 miles that the Quinault Tribe has contributed to the ocean floor and the life along that. They've ... restricted those beaches for many, many years because people were overrunning their beaches. Their razor clams were ... getting destroyed. Plastic bottles all over. People were leaving things along the beach, overrunning the Quinault nation. They had to close it down ... and they did that. And now that clean beach has got clams... beautiful! ...They let people harvest them, and they've got the management under control. And that is a protected area for 30, 40 miles. (Billy Frank, Jr.)

Fishing regulations alone are not going to solve the problems in our marine areas. There's a lot of work to be done, both in protection of marine habitats and the rebuilding periods for these stocks and vegetation. One of the other things we did early on here, in the early eighties, was oppose the state fisheries bottom fishing with their trawl, you know, the way they dug up the bottom. And it took us years but we finally got them to stop that here, you know, in our area. But, there's just been a lot of damage everywhere, and so what I've been trying to find out is how can you structure marine protected areas so that it allows the tribal culture to continue to persist. (Terry Williams)

One of the things I want to do here [Tulalip Tribes] is establish a marine protected area in our terminal area here. [Q: That the tribe manages?] Yeah. And that we start looking at developing some objectives that have meaning, to tell us something in the future, and some things that will actually take steps towards increasing the abundance of the vegetation, the fish populations, the shellfish. ... What I'd like to do is sit down with Island County and talk about some of the areas over there, to where we could try it out and see what works. ... 'Cause there's, actually, when you look at um, like Whidbey Island, around that southern end and going up to Seaside, there's some real productive areas over there for fish and shellfish. And a lot of it has been degraded, but not extremely, and I think that there's probably a way of setting up some areas where we could, you know, try doing some things without sending people over the edge. (Terry Williams)

Some past MPA proposals from non-Native sources have received tribal support.

[Q: Do you think that marine protected areas, as management tools, ... have a function?] Oh, absolutely. ... It's too easy for everybody just to point at

fishermen and say "You're the problem," you know, and then just walk away at that point and say, "Well, we solved that. We said quit fishing." You know, if all of us quit fishing today – fishing everything – Puget Sound would still collapse. And it's collapsing right now, and it's not getting any better. It's getting worse. It would still die, and what marine protected areas, to me, the basic function of it, in a public process, is that it makes people focus on a bigger issue than fishing. All of a sudden they have to start thinking about the realization of habitat and habitat degradation, water quality, and pollutant problems. Because when you say, "You've got to protect this area," their first question is "Well, why?" And then you give them the list, and they look at it and are somewhat dazed by it. Most of it they'll never understand, but a piece of it they will. And even if you just get them to believe in a piece of it, they know there's a problem. And then they're willing to say, "OK, somebody go fix that." (Terry Williams)

[Because of tribal concerns over proposed offshore oil and gas leasing, ocean floor mining, ocean pollution, and similar problems, when Dave Sones learned about the proposed Olympic Coast National Marine Sanctuary, he got] pretty fired up [and he] brought that to the [Tribal] Council. ... They were pretty leery about this. "How's it gonna affect our treaty rights?" ... And a lot of the local areas were making the same arguments: "Here comes the federal government with another layer of bureaucracy and regulation." And ... the spotted owl stuff was going on, so there was a lot of opposition to any more federal regulatory authority out here and the tribe was listening to some of that too. But when we identified those issues that the Sanctuary could probably help us ... we did ... pretty much go into a full board going "okay ... we want these things; we want to see the oil and gas moratorium; we want the ships removed; we want ocean dumping banned; we want better vessel traffic control out there; and we want no ocean floor mining." And those were the things that we thought were key to bringing the Sanctuary in. The Sanctuary didn't really eliminate through its own regulations, but it brought so much ... attention to bear on those issues that had been pretty quiet out there for a long time. (Dave Sones)

Dave Somers, who was working for us [Tulalip Tribes] even before I came on in '82, was already establishing a marine protected area at Edmonds ... he helped set it up. ... He was with us, and he was just working with some other divers, and they just decided that that was a good thing to do. And so they helped establish that, and then Dave and I, when I came on, we talked about it a lot. ... And then later on, when Kit Rawson came on, Kit had been talking to a fellow up at the Friday Harbor Labs, and that guy was wrestling with management of his area. So we went up and visited with him. And he, he wanted us to think about using that area as a marine protected area, and I told him that the research he was doing, we thought was very important. But at the same time, I kind of criticized him for the way he was managing it. ... What the thing was, was he was dependent upon researchers, and researchers, you know, they're just like anybody ... you know, they have hot topics, topics of the moment ... And what we found was that they, because they're dependent upon grants and he's dependent upon them to get the

grants that will do the work, they get what they get, and, because they get a big bulk of one type of money, they're over-harvesting in doing their research because everybody goes in and focuses on certain things. And so we had a long talk with him and told him that we'd love to be able to support him, and that we should work out something, but it had to be a two-way street. He had to really manage the area and not be over-harvesting species for research, if we were going to be telling our folks you can't fish there. So we came up with an agreement and the Friday Harbor marine protected area we've been supporting now for over 10 years, 12 years. It's voluntary. ... We just work directly with the Lab Director to set up our regulations to work with him. So he identifies the areas he's concerned about and then we close those for our fishermen. ... We've been doing that for a decade or more now. ... [Q: Do you keep your fishermen out of Edmonds?] Yeah, yeah, they don't go in there. [Q: How about diggers? Is there any kind of clamming?] I don't think anybody does that right there. (Terry Williams)

We can open the fishery now, but if they go out and catch one or two fish, big deal. What does that gain you? If we can do some stuff that actually creates fish again, now that's where we need to be, so there's an abundance. [Q: Are there examples where marine protected areas have worked?] Edmonds [Underwater Park] is probably the best one. Yeah. Edmonds, I think, has worked really well, if you go look at the abundance of fish and, you know, just habitats in that area. It's pretty healthy compared to other areas. (Terry Williams)

MPAs, to be supported, require clear scientific justifications for resource protection.

The other question I always had for them is why are you picking these particular areas? How do you research them? Are they highly productive areas that are contributing to the sustainability of resources? ... If they are, that would be interesting for us to see and, you know, we might have some interest in supporting that ... Never got very good response back for why they picked particular areas ... And, you know, ... they do these sweeping closures with not a lot of information. And, to me, that just always seemed like not a very technical approach to looking at these marine protected areas. (Dave Sones)

[When the Olympic Coast National Marine Sanctuary was proposed,] and when they asked us about it, it was again, we've been real consistent in our answer. We're interested in knowing where those areas are being proposed and why. ... And you know, on the reservation, they asked, "do you mind if we look at areas on the reservation?" And my opinion was, no that's fine. I mean, more data for us the better. And we aren't going to close the areas, but we would be interested in knowing ... what you find out there and if there's areas of interest for whatever biological reasons that you would consider a closure ... That's when I think we had the mass explosion, you know, with the Sanctuary, because they kind of took what I said and thought, oh, that must be okay for the rest of the tribes, and they went through and they started "pinking off," you know, marking off these areas. And they hit Neah Bay, and then they went down the coast and they marked off

these areas in Quinault you know, ... and flashed this map on the tribes. And they just, like totally flipped out. And for us, you know, it was no big deal 'cause we had an understanding of what they were ... doing and I don't think they really thought about the fact Dave doesn't speak for all the tribes down the coast. I don't know that they really checked in with them to see ... And ... again, when I asked them, why have you picked these particular areas ('cause they did have a few on the reservation) – “Well, I don't know, we were looking at geological formations.” ... I was a little disappointed ... I was hoping we would see a real good assessment in any of these approaches to marine protected areas that are really scientifically based and we can really see the benefit in why they would want to close areas or restrict fishing in areas or whatever actions, regulatory actions they took. And it just didn't seem like that process has happened or was happening. That was my experience with it. I know today, it's now we're looking at essential fish habitat ... Our approach has always been the same, you know, we'd like to see the information, we'd like to see the justification of why you're considering these areas, what benefits are there? Are they just conservation measures or are they highly productive nursing areas that, you know, maybe we should even consider managing ... We don't got the money to go out there and do all of these research, but if somebody else is gonna do it, we're sure interested in what they're finding and we will take whatever we find into consideration, but that's our prerogative on how we approach it. Our automatic response is, don't close anything in the tribal treaty areas. We will make those decisions based on whatever information that we have. (Dave Sones)

Because the environmental decline and resource depletion in the marine environment is not due to the tribes, use restrictions emanating from non-Natives can seem unjust and are a common source of frustration.

They allowed draggers from Mexico clean to Alaska, dragging the ocean. Giant draggers, they've got reels on, you know, pulling these big ships. You could see out here, in ... the '60s, it looked like a big sea of lights out there, looked like a city... You know, the federal government allowed that to happen. ... And now the people are saying, you know, we've got to do this, we've got to do that. Well they should have thought about that way back there and started managing. You know, they wait until ... the time is so bad that you can't bring any of the resource back. ... And so we're trying to hang on out here. (Billy Frank, Jr.)

We are going to stand here and make damn sure that our natural resource will survive. Because right up until right now, the federal government has not made that happen, nor has the State of Washington, nor has any other state along the Pacific Coast made that happen – any of the governments. And so ... we're not going to ... lay down and let them run over and forget about our natural resource and our sustainable life ... in the sea, and Puget Sound, and along our tributaries and our rivers, and our watersheds, and our mountains. (Billy Frank, Jr.)

Ninety-nine percent of the time, we're not responsible for the impact, and it's really always the situation with our tribes – and we experience this on the ocean quite a bit – that, gee we get into the fishery and most of the fish are wiped out. You know, we finally get some treaty rights established, and we've gone through this with our groundfish fisheries, and they've already creamed the thing and now we're expected to take extreme conservation measures based on something, a situation we never created. ... A lot of frustration with that, but in reality, you can't go and contribute further to the problem. We have to find solutions, and that's why I was so interested in the data. You know, if we can really find areas that can really jump-start these resources and start them on a faster rebuilding track, and we can clearly see that, that the actions that we take are going to have extreme benefits for us in the future, then I think it is ... something that we can consider. Because we're just faced with a harsh reality that the resource's already been messed up and how do we get our way out of the box? But we ain't gonna go down there without kicking and screaming, making people darn aware that the tribes did not create this problem. We're ... taking extreme measures to try and contribute to rebuilding the resource back up, because for ... Native peoples the resources come first. The harvest comes later. And there may be some chips to pay in the future, as those resources come back, that we may be owed something, maybe owed possibly imbalance and allocation to make up for lost opportunity in the past. (Dave Sones)

The thing is, ... you know, the tribes harvested fish ... for centuries and they weren't over-harvested. There were abundances when ... the non-Indians came here. And it's just been non-Indian actions and activities that have ... eliminated them, either from development or from over-harvest. ... The depletion's there because of everything we just talked about, from pollutants to near-shore habitats being gone, to even the deepwater habitats [that] have been affected by ... oil spills. ... all the different things, when you add it all up, it's just the physical impact to the fish and the habitat has been devastating. And I think as we start learning more about the reproduction of a lot of these species and what rates are harvestable, we'll be able to do a better job ... But I think that we could still have limited tribal harvest and then keep focusing on a lot of the habitat issues to help get those numbers up, get the abundance up. Because ... it's a driving problem: water quality and habitat – they're really the big problems now. (Terry Williams)

Bureaucracy and regulation are deterrents to tribal support for MPAs.

Initially, all four of the [coastal] tribes were on board with the OCNMS [Olympic Coast National Marine Sanctuary]. We had talked a great deal back and forth, throughout the ESA process and about the management plan. Down towards the end, there was some cold feet because of the lack of willingness by the national program, the sanctuary program, to recognize tribal involvement in ... and control over some activities. Mainly, that the Quileute tribe was not comfortable with their lack of ability or flexibility in dealing with some of the ... port management activity and potential expansion of the marina. Because one

thing that was on the downside of the sanctuary at that time, was recognized by all the tribes, that it was going to be another layer of bureaucracy and potentially a hindrance to ... economic development of the community. (Craig Bowhay)

The State of Washington is a mess politically. They got too damn many people. They got the parks. They got Washington Fish and Wildlife. They got the Department of Natural Resource, Department of Ecology. They got all these people that are part of making a decision on natural resource and they can't make a decision. (Billy Frank, Jr.)

The tribes must be involved in all phases of MPA discussions, planning and implementation, through government-to-government relations.

If a local group gets together and wants this [waterfront] area ... protected, they have to recognize right up front that the tribes have a jurisdiction in that site. And that whatever the state wants to limit *their* activity is fine, and they have the right to govern their own people and regulate their own people, just like the tribe does. And so, ... if they just set it up that way, then the tribe knows that they have it and they're a part of the management and the tribe will manage their activities there appropriately. (Jim Peters)

When they convene ... they should include the tribes. If they want success, to anything that they're doing, along the Pacific Coast or in the Straits of Juan de Fuca, or in Puget Sound ... then they'd better include the tribes. Because we have 29 tribes in this state ... and there's going to be more when the rest of the tribes get recognition. And so, you know, this is Indians that are on every one of these watersheds. These are Indians that are along the Pacific Coast. There's Indians along the Straits of Juan de Fuca, and that isn't counting the Indians, our relatives, across on Vancouver Island and on up the Canadian Coast and throughout Alaska. So ... we're all here. We've never moved, and we never will move. That's our usual and accustomed fishing areas that we've been out there from time immemorial. (Billy Frank, Jr.)

[The] United States and the State of Washington ... leave us out for a reason because they don't understand who we are. They don't understand that we've got a infrastructure that's better than the State of Washington, that's better than the United States government. An infrastructure that has science, has data, has ... our legal and our policy people ready to stand at any time and put things forward in a planning mode. You know, that's very important, to try to understand that and, if they understood that, we wouldn't have no problems. But they... contact us after the decision's been made – that's wrong. You know, we're here. We're not going to let anyone, anybody run over the top of us. (Billy Frank, Jr.)

When first considering the advisability of the OCNMS, “the things that the [Makah Tribal] Council was concerned with was, you know, the first thing we need written right into this sanctuary is that [it] will not affect treaty fishing rights

in any way. There has to be a co-management ... responsibility. We need government-to-government relationships. That was becoming very clear at the time. ... Establishment of the Sanctuary Advisory Committee, to us, wasn't really that critical, because we saw it as an advisory panel of citizens and stuff. Well, what we were really focused on was the relationship between the tribal government and the agency. If we have issues, we go to the agency, we don't take them to the advisory panel or wherever, we go right to the manager or we go right to the national level, to take our issues government-to-government. And that was what we identified as the process we would use ... And we didn't really run into many issues, for a long time. I mean, for most everything we were fairly well aligned with the sanctuary. (Dave Sones)

In the bigger picture of all these statutes – I see this happening time and time again – this federal statute comes out, that designation comes out, this happens, that happens, and we're always left out of the front end of those decision-making processes, the policies that are established. And it kills us every time. It's just this repeating problem we have. And we're going through the wildlife refuges right now and it's just the same thing all over again. We get back-paged (“Oh, we'll put an MOU in the back and we'll define our relationship in the back room”) instead of, we should be right on the front page. You know, there should be, driving the policy, that where tribes are involved they are considered first and they are written right into the statute ... so it's well-defined, early on and easy for future managers to understand where the tribes fit into the whole process. And you just, I mean it's time and time again. We go back, I mean, look at the Marine Mammal Protection Act and look at the, we haven't even hit the Migratory Bird Act and the Endangered Species Act, and it goes on and on and on, where all these statutes are established and the tribes are just, we get screwed every time. Because, we're just not in the front of these things. The International Whaling Treaty, you know, we were never considered. They just smoked right over us. The Magnuson Act, when they established the economic exclusive zone, you know, we were just left out of the negotiations. We had U and A [Usual and Accustomed areas with access guaranteed by treaty rights] out up there that, you know, we were able to access prior to the EEZ line. No consideration for loss of those grounds or access for the tribe, but those grounds were just, you know, an afterthought. And in the future that's, somehow, that's what has to change. We have to be the forethought of any of these... acts or statutes that affect us. If they affect us directly (and a lot of times it can be indirectly even), we have to somehow make the government understand, that ... we have to be considered in that process right on the front end of it. Cause we've been so many times an afterthought and then we have to go swimming ... uphill, to reverse the impacts of those statutes on us. (Dave Sones)

The tribes are experienced co-managers and they expect collaboration to continue at appropriate levels, with well-informed individuals.

We're ready to stand by and work with the United States government or ... the Congress of the United States, the State of Washington, our delegation, to make sure that we are included, the tribes are included in whatever kind of plan that they put together along the ocean, on the Straits of Juan de Fuca, and the Puget Sound--along our watersheds. Because this affects our sustainable life and our welfare, and it ... affects our survival, of our children, our teaching of our culture, and just everything that we're all about. You know, it affects our co-management, that the United States courts, in 1974 in the Boldt Decision, U.S. vs. Washington, was confirmed by the United States Supreme Court... (Billy Frank, Jr.)

Remember Todd? He was the first [OCNMS] manager. He was ... really good to work with. I mean, he really had read the information that got us to this Sanctuary – the DEIS [draft environmental impact statement]. I mean that thing's a couple bibles thick. He had read it all, you know, and he really understood the relationship that the tribes were trying to create with the Sanctuary and took that to heart. I mean, he called me all the time, I'd talk to him – I was not as busy as I am now – but he always managed to find a way to get a hold of me if something was coming up that we really needed to talk about. And that avoided just a lot of problems right there, 'cause we knew what they were doin' and we could talk about 'em. If we had issues, we could talk to each other right at the manager's level. And if they were serious policy considerations – which, at the time, we really weren't running into, I mean, I think the sanctuaries, in my opinion just (and I haven't been in the middle of it), I think they're starting to reach for more authority than what we originally intended under what I understood the Sanctuary to be. (Dave Sones)

Tribes require financial resources to carry out co-management responsibilities.

[When asked whether the OCNMS does not have the structure needed for tribal engagement:] I think it does. It's there, but we have to assert our authority there and that ... can be hard for us to do. I mean, we don't have the resources generally. That's why ... this money that they're proposing to give us to help staff our interactions with them is critical. Because – you know tribes – ... we're running around doing ten thousand things at one time and we let one little ball slip over here and it starts to come back to haunt us, you know. It was like the Sanctuary: OK, I can't make all the Advisory Board meetings or can't interact at the national level or whatever and we kind of let it slide, let it slide and then all of a sudden, aw man, we're up against these guys on four or five different issues, 'cause we just weren't watching what they were doing every step of the way. But I think the mechanisms are there, we can affect that, you know, that agency and how we react with them. But having the resources to do it, *or* – it would be helpful, but that's not necessarily the solution – they have to be more open to

coming to us and, you know, like it was before, they bring the rock to us all of the time, instead of us having to keep an eye on them. (Dave Sones)

Trust is the foundation of successful partnerships. Trust, sooner or later, will be put to the test under trying conditions. Trust has to be earned and that means being true to your word no matter how difficult that becomes.

[As an early Native American supporter of establishing the OCNMS, Dave Sones' story is instructive.] I had told 'em early on, because you know I'd been thinkin' about this for a long time, about us, hopefully – you know, I never thought I'd see it in my lifetime, I've told people – but, when I was a teenager, I wanted to see us go whaling again. It was the height of the save-the-whale, you know, culture and, to me, it was all great. I loved the save-the-whale culture, because they're gonna save 'em for me, you know. So I can have a future again. ... Yeah, and the fact it, I mean, it'd been gone for so long, you had given up hope that you were ever gonna see it again. And then, as the save-the-whales stuff kind of brought focus and light to what the issues are – there are still whales left in the world. 'Cause I sure wouldn't see any when I was a kid around here, like you see 'em today. I rarely if ever saw 'em when I was young out this way. They weren't a visible part of our culture anymore. But at the same time, it looked so, they made it look so bleak, it was like jeez, I don't know if they ever will recover, you know, the way they presented everything in the save-the-whale campaign. But at least they're trying and, you know, maybe we'll have a future in it someday, maybe in my lifetime. And really kind of put it in the back of my mind for quite a while, until, through the Sanctuary, ... I started finding information out about the population statuses of the grey whale. And, jeez, they're recovering and this is all a surprise to me and to the tribe and I don't think they really shared that information with us to let us know what the status of the grey whale were. And, you know, it's like, wow! they're almost back to historical populations. And then we started talking about the delisting process came up and, at the same time the Sanctuary's coming into play. So I was with them early on, I said, you know, this is gonna be an issue in the future and, uh, we're gonna be whaling again it looks to me, by the status of the populations. [I said this to] the people that were putting the EIS [OCNMS environmental impact statement] together ... and ... when we went back to lobby, because I did go back [to Washington, D.C.] a couple times [in support of the sanctuary]. ... I was working with the American Oceans Campaign and made all this stuff very clear to all of them, that there's a real possibility that our people are going to be back out on the water and whaling again. And what we need from the Sanctuary is support. And we need you guys to support our treaty, any of our treaty issues and you need to be advocates, because this is one of the other benefits that I saw in the Sanctuary was they're gonna educate the public – that's part of their job – about marine resources and the industries that work within these sanctuaries. And, in this particular one, there's four tribes here and it's an important uniqueness to this sanctuary that they educate the public about who we are as tribes and what our marine history is, and they're a great vehicle for us to get national and international exposure out to the public about who our tribes and

our cultures are. And that, you know, this is gonna be a, probably a tough one, and we're going to need the Sanctuary to really stand up and support who the Makah Tribe is in our pursuit of whaling and be an advocate ... Because ... that was the first thing that scared our people is, "what's a sanctuary? That means I can't do nothin' out there." You know, and that was a conception a lot of people have had and Linda [OCNMS consultant] always had a very good explanation: "Well, it's a working sanctuary, people fish and there's maritime operations ... it's ... like a national forest or something; it's not a national park on the ocean." The thing that happened, though, when the whaling did come up: I was extremely disappointed and felt ... (and I still worry about it today) that many of the issues that I'm still sensitive to (and I think these communities outside us are) is, once you let them in, they'll make you all these promises and then they'll slowly start exercising more authority over your community. And they brought that up in the public meetings and ... I started thinking, I've seen this before and they do have a point here, but as long as I'm around I'm not going to let that happen. I'm gonna express this publicly very often, so people don't forget what the role of the Sanctuary is out here. So, I was really disappointed when the whaling issue came up and I'm asking the Sanctuary, you know "Here it is, step up to the plate and explain to people what this Sanctuary is and what the tribe's rights are within it and that you're an advocate of what we're doing, not a question mark." And they did a very poor job in my opinion of expressing to the public what that [unintelligible word]. They let the public believe it was a sanctuary that didn't allow these kind of activities ... Oh, I was so bent. And I went right to the manager and I said, "Hey, you know, this was expressed years ago, what your guys' position should be on this issue and you need to step up and publicly start informing the public. Hey, this is focused on you, the Sanctuary; you need to explain to the public how it works." The manager said "This is bigger than me. This is coming from Washington, D.C." And boy then my ... blood really started to boil, you know, 'cause ... in ... fact they're making a non-statement, you know, they're not coming out as an advocate; they're coming out to leave the question out there. ... This was our experience with the Sanctuary. And it started to trigger this questioning what ... really [the] intentions of the Sanctuary are from what their original statements were about establishing it. If we can't trust you, you know, to live up to the understandings that we had in the beginning, ... where are we going in the future? And, thus, I think you [are] starting to see a lot of this mistrust ... Even us, you know, we were advocates of the Sanctuary when it came in. The other tribes never trusted them in the first place. ... That, for us, was really a turning point in what the Sanctuary is. Is it our partner or are they just another regulatory agency that doesn't take into consideration tribes when making critical decisions about their management authority? And, for me, that really iced the cake. And, you know, I would have gone back, if we had the time, to the very top levels and went through the whole history and, you know, got them to turn their opinion around. But we just didn't have time to get back there and that issue slid by. Because they were silent on it and didn't say nothin' either way, they could only pound that drum for so long. (Dave Sones)

Education of government officials and the public is an essential requirement for success.

We were notified about this [Olympic Coast National] Marine Sanctuary starting, and ... my experience was feeling like, well, how is this going to affect us? What are we looking at, as far as our foods that we eat? And many of the foods were actual foods that we've been eating all of our lives, and some of them we've seen that are disappearing, like the heron eggs and lingcod eggs, and that if the fisheries continued to go then we'd start to lose all of these. But my concern at the time was our treaty rights – [access to] our Usual and Accustomed [areas]. And I know, at the beginning, it kind of affected everyone by thinking that I will not be able to go there and get seafood. And, right at the beginning, people were asking me questions when I'd go down there too... So, I would go down to Kalaloch and right away it was the park ranger would be asking questions, you know, "What are you doing?" and, you know, "This is a marine sanctuary." And I told him that I have my treaty card. It is my right to gather in my Usual and Accustomed [areas]. So education of different agencies about our treaty rights is probably the most important thing. And individuals, it felt like, "Well you Indians can take everything," was kind of the hardest thing for me to swallow. ... It was ... like "You get to do everything that you want and you can take everything you want." And also with the agencies it was the same way, because many of them were not really up to par with what actually the ... marine sanctuary rules and regulations were according to our treaty rights. So when we had the park ranger down there just kind of following our elders and, you know, kind of doing things like that and asking them questions, like "How many are you allowed to get?" And he had taken some [barnacles] away from some of our elders at one time. ... So what I did was I called Olympia. And I just said I'm having some problems, and I really want you to educate your employees in this area concerning the marine sanctuary and our treaty rights. ... Never would I agree to anything that was giving away our treaty rights, as far as regulations, permits, how much, and things like that. (Mary Leitka)

I think that education is just one of the biggest things there is. And I don't see the State of Washington doing any education. I don't see the federal government doing any education. I don't see any money being put into the public relation of the environment. I don't see ... any truth being told about our Pacific Ocean, about our Puget Sound, about our Columbia River, about our Hanford, the poison. I don't see that. Every now and then I see a little piece of paper, a headline or something, but I don't see any continual things to get people's attention. We're in trouble. We're in deep trouble, and if nothing is done about sustaining our lives here, sustaining our resource, clean water, clean air, you know, all of these... we're in trouble. (Billy Frank, Jr.)

You can't keep people out of these sanctuaries. You've got to control people but, Jesus, you don't want to restrict them and lock it up because ... in order for people to support the sanctuary or the refuge or anything they've got to be able to see it; they've got to be able to feel it. (Billy Frank, Jr.)

Nobody can get on this Puget Sound because there's no ... public access. Very little public access for people to get out there on the water, or take the children out there and make them understand. This is all private land. You get kicked out on the beaches, you know, when you come here. ... And private landowners, they don't want nobody on the beach except themselves. So, people can't get out on, and enjoy Puget Sound, which we want them to. The Indian tribes want people out there because if they get out there they will protect Puget Sound. (Billy Frank, Jr.)

And what I'm telling the people in the San Juans is that not only is that knowledge important for our people to continue and to keep practicing, but it's important for them for their health. As we've seen, as we've shifted from our traditional foods to foods from Safeway – processed foods you know – our rate of cancer and diabetes, heart disease has doubled ... We've got twice the rate as the non-Indians off the reservation. And, so you know what? The more we have these kind of discussions with the people up there, as rigid and as tough as they are, you know when you sit down with them face-to-face and go through all this stuff, when you get done with them, generally there's enough of them willing to understand and to work with that, that you can start changing things. (Terry Williams)

High-level, comprehensive and coordinated data gathering and sharing are needed.

I remember when I called a meeting with the Governor's office, the Puget Sound Action Team – we had People for Puget Sound, Northwest Straits Commission, and I just brought a lot of 'em together ... and I said we need a data system throughout Puget Sound that we can connect all of our data together. And no matter if you're the state, the federal agencies, the tribes, or local government, we can plug what we have into this system. We've got to have a way of making it merge and giving us background on the status. Right now, we've got information all over the place, but we can't pull it in one place and tell you what the conditions are. (Terry Williams)

One of the other things I saw that was really missing [from OCNMS management] was a coordinator of all the research and a library of everything that goes on. I mean, there is so much that goes on we don't even know half of these private studies. ... We needed a central library of all the research that's been done out there. There's a lot of private research that gets grants and stuff. You really don't even know it exists out there. So, kind of like the Commission is a repository of all this information that comes through the Sanctuary itself ... to help us look at gaps in research from what they gather, you know: What's missing? Where are pieces that we could focus, the tribes could work with the sanctuary or NOAA, whoever, to fill in some of the gaps, when we identify where those are that are really needed for us to better understand the resources out there. (Dave Sones)

DISCUSSION

The Puget Sound Partnership, a high-level panel appointed by Washington Governor Christine Gregoire in December 2005, found that residents of Puget Sound are largely unaware of the serious environmental problems facing this marine ecosystem. Less than 25 percent of those surveyed were able to see beyond the beautiful surface of Puget Sound, to grasp the biological, chemical and physical changes that imperil the Sound because, in the words of the Partnership's draft recommendations, "on the surface, Puget Sound still looks terrific..." (Puget Sound Partnership 2006, 5).

In general, marine ecosystems are not as readily accessible to human observation as is the terrestrial realm within which our species evolved. Over millennia, our intelligence and our technological savvy have certainly expanded our abilities to see and to indirectly visualize what goes on beneath the surface waters of the oceans. Some human cultures, such as those that are indigenous to what is now western Washington, have become specialists in adopting marine environments as extensions of their terrestrial habitats. Indeed, the leaders of western Washington tribes interviewed for this research project stressed that they are literally part of the marine ecosystems of the region and have accumulated a traditional ecological intimacy with the marine realm that significantly extends their perceptions. Yet, the fact will always remain that the sea is more opaque to most people than is the land. As the work of the Puget Sound Partnership points out, our limitations in this regard must be overcome if we are to solve the critical problems in our marine systems. It is obvious that we need to combine Indigenous ecological knowledge and biophysical research findings with public education about loss of habitats, population depletion, toxic chemicals, eutrophication, hypoxia, and other pressing problems, in order to open the eyes of the public to what is happening beneath the ocean's surface.

Less obvious, however, is the fact that most observers need similar help seeing beneath surface appearances in the social, cultural, and political realms. In the case of tribal perspectives on marine protected areas, better understanding is critical for true partnerships to serve the interest of marine conservation. On the surface, it often appears that social issues in marine conservation policy are best dealt with by using a conventional approach to establishing an inclusive decision-making and management process. In this view, local individuals and communities, including the Treaty Tribes, should be brought together with other interested stakeholders from the private and non-profit sectors, to strive for solutions to common problems. Among these solutions, it is widely believed, must be the expansion of marine protected areas to form a scientifically sound network of protected areas throughout the region. But, just as marine biologists and oceanographers can "see" critical structural and functional components of marine ecosystems that others miss, Indigenous peoples see that the "stakeholder" approach only makes sense at the superficial, technical level. What they can clearly see beneath the surface is a continually unfolding history of social processes and social relations including colonial conquest, resistance, genocide, marginalization, and racism. It is critical that everyone involved in MPA planning and implementation be brought to understand that interactions between ourselves and those around us *today* exist within social systems and processes that are intimately connected to this history and are not somehow freed of that past. Seeing beneath pervasive, ahistorical discussions of conservation is essential in the effort to strengthen marine conservation in western Washington.

The tendency to be fooled by surface appearances with respect to relations between Treaty Tribes and the dominant culture of Washington State is symptomatic of a widespread tendency to ignore or even deny the relevance of history. In her masterful examination of this aspect of the western United States, historian Patricia Limerick concludes, “the belief that the past was discontinuous, cut in two by a supposed end to the frontier, still keeps us from seeing where we are and how we got here” (1987, 323). Her work, appropriately titled *The Legacy of Conquest: The Unbroken Past of the American West*, pays particular attention to three aspects of social relations in our region of the country that have much significance for current debates about marine conservation. These aspects are property and race relations and the contest for cultural dominance.

Conquest basically involved the drawing of lines on a map, the definition and allocation of ownership (personal, tribal, corporate, state, federal, and international), and the evolution of land from matter to property. The process had two stages: the initial drawing of the lines (which we have usually called the frontier stage) and the subsequent giving of meaning and power to those lines, which is still under way. Race relations parallel the distribution of property, the application of labor and capital to make the property productive, and the allocation of profit. Western history has been an ongoing competition for legitimacy – for the right to claim for oneself and sometimes for one’s group the status of legitimate beneficiary of Western resources. This intersection of ethnic diversity with property allocation unifies Western history. The contest for property and profit has been accompanied by a contest for cultural dominance. . . .the pursuit of legitimacy in property overlapped with the pursuit of legitimacy in way of life and point of view. In a variety of matters, but especially in the unsettled questions of Indian assimilation and in the disputes over bilingualism and immigration in the still semi-Hispanic Southwest, this contest for cultural dominance remains a primary unresolved issue of conquest (Limerick 1987, 27).

This and other insights from critical historical research, post-colonial studies, political ecology, and other relevant fields of humanities and social science can help us understand that conservation policy is being established *today* between members of an extremely unequal society that is the result of *continuing* processes of competition between Indigenous and non-native peoples for property and legitimacy in their ways of life, points of view, and cultural dominance or subordination. There is no “level playing field” for “stakeholder” advisory meetings when it comes to Treaty Tribes because of their status as sovereign nations and because all negotiations over MPA designation and use is overwhelmingly influenced by (1) past and continuing struggles to defend their political sovereignty and treaty rights; (2) past and continuing struggles for cultural survival and revitalization; and (3) past and continuing struggles with the personal and collective impacts of genocide and massive losses of homelands. The current set of unequal social relations framing conservation policymaking should be viewed as neither a level playing field nor the simple victimization of a defenseless people. Rather, it is a highly contested field in which conservation policymakers must be historically and socially well informed.

Scholarly insights into such social dynamics, though helpful in seeing beneath the surface, are nevertheless only partial constructions of knowledge. These must be combined with knowledge and experiences from the inside, i.e., from tribal peoples themselves. This study used this combined approach. Tribal commitment to and expertise in fostering marine environmental quality were documented in many of the interviews carried out through this project. It was found that all of the interviewed tribal leaders in western Washington have grave concerns about the degradation of marine environments including the following:

- depletion of marine populations due to habitat degradation and inadequate regulation of marine resource exploitation;
- contamination of marine environments from pollutants such as oil spills, industrial waste, sewage, and storm water and agricultural runoff;
- increasing demands upon and restricted access to marine environments due to human population growth and shoreline privatization in the region;
- alteration of marine populations and environments by invasive, exotic species and farmed fish; and
- alteration of marine environments from effects of global climate change.

Increasingly, national and international organizations are recognizing the role that Indigenous peoples have in managing ocean resources, and their particular rights under national and international law as distinguished from other social groups. Advances have been made in creating participatory and dispute resolution processes for involving Indigenous peoples in MPA planning, implementation, and administration, but these have largely occurred in developing countries, where Indigenous peoples comprise a sizeable portion of the coastal population, and in Canada. The incorporation of Native American tribes in the MPA process is less advanced in the United States. An MPA database maintained by the Tulalip Tribes with 435 references on MPAs has only 22 concerning Indigenous peoples, none of which are related to tribes in the United States. The 2002 Annual Report of the Commission on Environmental Cooperation on their activities from 2002 to 2005 makes no mention of tribal issues (Commission for Environmental Cooperation of North America 2002). The National Research Council report on MPAs (National Research Council 2001) contains two paragraphs covering tribal issues. Only one of 28 members of the United States MPA Advisory Committee is a Native American.

Tribal leaders deem MPAs to be appropriate under certain circumstances. The important thing to focus on is those circumstances, in order to avoid negative outcomes in the future development and management of MPA systems. The findings of this research project suggest that the following conditions are good predictors of positive or, at least neutral, outcomes for place-based marine conservation policies:

- The tribes must be given the opportunity to be meaningfully involved in all phases of MPA discussions, planning and implementation, through government-to-government relations.
- Treaty rights to Usual and Accustomed Areas must never be threatened.
- Tribal self-determination must be respected at all times.
- To receive tribal support, MPAs must have clear, site-specific, scientific justifications for resource protection.

- Bureaucracy and regulation must be made less burdensome in MPA design and management.
- Tribes should be systematically supported financially for carrying out co-management responsibilities.
- Non-Native organizations and agencies can form successful partnerships with the tribes over time by proving themselves to be well informed about the tribes and trustworthy, based upon a proven, long-term track record. A positive indicator of MPA success would, therefore, be the leadership of such organizations and agencies in a given MPA initiative.
- MPAs must be accompanied by sustained education of government officials and the public for the tribes to feel comfortable with them.
- High-level, comprehensive and coordinated data gathering and sharing should be built into the process.

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APPENDIX A

A Partial List of Marine Managed Areas in Washington State

This table is a slightly modified version of an online national inventory prepared by the National Marine Protected Areas Center (http://www3.mpa.gov/exploreinv/StatusSites.aspx?Org_ID=WA). The Center's inventory of 60 sites in Washington State was last updated in March of 2005. The criteria for inclusion in this inventory have been published in the *Federal Register* (National Oceanic and Atmospheric Administration 2005).

Site Name	Managing Agency	Office/Bureau	Type of Site	Level of Government
Admiralty Head Marine Preserve	WA Dept. of Fish and Wildlife (WDFW)	Marine Resources Division	Marine Preserve	State
Argyle Lagoon San Juan Islands Marine Preserve	WDFW	Marine Resources Division	Research and Educational Marine Preserve	State
Bare Island Voluntary No-Take Bottom Fish Recovery Area	San Juan County Marine Resources Committee (SJC MRC)		Marine Species Reserve	Local (county or municipal)
Bell Island Voluntary No-Take Bottom Fish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Blake Island Underwater Park	Washington State Parks and Recreation Commission (WSP&RC)		State Park	State
Bone River Natural Area Preserve	WA Dept. of Natural Resources (DNR)		Natural Area Preserve	State
Brackett's Landing Shoreline Sanctuary Conservation Area	WDFW	Marine Resources Division	Recreational Marine Preserve	State and Local (City)
Charles Island Voluntary No-Take Bottom Fish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Chehalis River Surge Plain Natural Area Preserve	DNR		Natural Area Preserve	State
Cherry Point Aquatic Reserve	DNR		Aquatic Reserve	State
City of Des Moines Park Conservation Area	WDFW	Marine Resources Division	Marine Conservation Area	State/Local partnership
Colvos Passage Marine Preserve	WDFW	Marine Resources Division	Marine Preserve	State
Cypress Island Aquatic Reserve	DNR	Aquatic Resources	State Aquatic Reserve	State
Dabob Bay Natural Area Preserve	DNR		Natural Area Preserve	State
Deception Pass Underwater Park	WSP&RC		State Park	State
Elk River Natural Resources Conservation Area (NRCA)	DNR		Natural Resources Conservation Area	State

Site Name	Managing Agency	Office/Bureau	Type of Site	Level of Government
False Bay San Juan Islands Marine Preserve	WDFW	Marine Resources Division	Research and Educational Marine Preserve	State
Fidalgo Bay Aquatic Reserve	DNR		State Aquatic Reserve	State
Fort Casey Underwater Park	WSP&RC		State Park	State
Fort Ward Underwater Park	WSP&RC		State Park	State
Fort Worden Underwater Park	WSP&RC		State Park	State
Friday Harbor San Juan Islands Marine Preserve	WDFW	Marine Resources Division	Research and Educational Marine Preserve	State
Goose Island Natural Areas Preserve	DNR		Natural Area Preserve	State
Gull Rock Voluntary No-Take Bottom Fish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Gunpowder Island Natural Area Preserve	DNR		Natural Area Preserve	State
Haro Strait Special Management Fishery Area	WDFW	Marine Resources Division	Marine Species Preserve	State
Kellett Bluff Voluntary No-Take Bottom Fish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Kennedy Creek Natural Area Preserve	DNR		Natural Area Preserve	State
Keystone Conservation Area	WDFW	Marine Resources Div.	Marine Conserv. Area	State
Kopachuck Underwater Park	WSP&RC		State Park	State
Lawrence Pt. Voluntary No-Take Bottomfish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Lime Kiln Lighthouse Voluntary No-Take Bottomfish Recov. Area	SJC MRC		Marine Species Preserve	Local (county or municipal)
Maury Island Aquatic Reserve	DNR		Aquatic Reserve	State
Middle Waterway Aquatic Reserve	DNR		State Aquatic Reserve	State
Niawiakum River Natural Area Preserve	DNR		Natural Area Preserve	State
North Bay Natural Area Preserve	DNR		Natural Area Preserve	State
Octopus Hole Conservation Area	WDFW	Marine Resources Div.	Marine Conserv. Area	State
Olympic View Aquatic Reserve	DNR		Aquatic Reserve	State
Orchard Rocks Conservation Area	WDFW	Marine Resources Div.	Marine Conserv. Area	State
Pile Pt. Voluntary No-Take Bottomfish Recovery Area	SJC MRC		Marine Species Preserve	Local (county or municipal)

Site Name	Managing Agency	Office/Bureau	Type of Site	Level of Government
Saltar's Point Beach Conservation Area	WDFW	Marine Resources Division	Marine Conservation Area	State/Local partnership
Saltwater Underwater Park	WSP&RC		State Park	State
San Juan Channel and Upright Channel Special Management Fishery Area	WDFW	Marine Resources Division	Marine Species Preserve	State
San Juan County/Cypress Island Marine Biological Preserve	Univ. of WA Friday Harbor Laboratories		Marine Preserve	State
Sand Island Natural Area Preserve	DNR		Natural Area Preserve	State
Shaw Island San Juan Islands Marine Preserve	WDFW	Marine Resources Division	Research and Educational Marine Preserve	State
Skookum Inlet Natural Area Preserve	DNR		Natural Area Preserve	State
South 239th Street Park Conservation Area	WDFW	Marine Resources Division	Marine Conservation Area	State/Local partnership
South Puget Sound Wildlife Area	WDFW		Wildlife Area	State
Sund Rock Conservation Area	WDFW	Marine Resources Division	Marine Conservation Area	State
Titlow Beach Marine Preserve	Metropolitan Park District of Tacoma		Marine Preserve	State/Local partnership
Tolmie Underwater Park	WSP&RC		State Park	State
Tongue Point Marine Life Sanctuary	Clallam County Parks and Fair Department		Marine Habitat/Nature Preserve	Local (county or municipal)
Waketick Creek Conservation Area	WDFW	Marine Resources Division	Marine Conservation Area	State
Washington State Parks	WSP&RC		State Park	State
Whitcomb Flats Natural Area Preserve	DNR		Natural Area Preserve	State
Woodard Bay Natural Resources Conservation Area (NRCA)	DNR		Natural Resources Conservation Area	State
Yellow and Low Islands San Juan Islands Marine Preserve	WDFW	Marine Resources Division	Research and Education Marine Preserve	State
Zee's Reef Marine Preserve	WDFW	Marine Resources Division	Marine Preserve	State
Zella M. Schultz/Protection Island Seabird Sanctuary	WDFW		Seabird sanctuary	Federal/State Partnership

APPENDIX B

A Partial List of Marine Protected Areas in Puget Sound

The following information is reproduced verbatim from a March 1998 status report on marine protected areas in Puget Sound, which was commissioned by the Puget Sound Water Quality Action Team (Murray and Ferguson 1998). That report lists 102 MPAs in Puget Sound alone. The first table summarizes the types of designations and authorities. The second table lists the areas identified.

Institution	Designation Types (for existing MPAs only)
WASHINGTON STATE	
Department of Natural Resources (DNR)	Natural Area Preserve Natural Resources Conservation Area
Department of Fish and Wildlife (WDFW)	Marine Preserve Area Special management fishery area Wildlife Area Seabird Sanctuary
Parks and Recreation Commission (WSP&RC)	State Parks (developed)
Department of Ecology	National Estuarine Research Reserve
University of Washington Friday Harbor Laboratories	Marine Biological Preserve
FEDERAL	
U.S. Fish and Wildlife Service (USFWS)	National Wildlife Refuge
National Oceanic and Atmospheric Administration (NOAA)	National Estuarine Research Reserve
LOCAL GOVERNMENT	
City of Edmonds	Underwater Park
City of Tacoma	Marine Preserve
Clallam County	Marine Life Sanctuary
San Juan County	Voluntary Bottomfish Recovery Area
PRIVATE SECTOR	
The Nature Conservancy	Preserve
San Juan Preservation Trust	Preserve

Puget Sound Marine Protected Areas, 1998

Name or Location	Designation	Agency/Organization
1. Friday Harbor to Point Caution	San Juan Islands Marine Preserve Area	WDFW; FHL
2. Yellow and Low Islands	San Juan Islands Marine Preserve Area	WDFW; FHL
3. False Bay	San Juan Islands Marine Preserve Area	WDFW; FHL
4. Argyle Lagoon	San Juan Islands Marine Preserve Area	WDFW; FHL
5. SW Shaw Island	San Juan Islands Marine Preserve Area	WDFW; FHL
6. San Juan County/Cypress Is.	Marine Biological Preserve	FHL
7. Padilla Bay	National Estuarine Research Reserve	Ecology
8. Edmonds Underwater Park	Underwater Park	City of Edmonds
9. Sund Rock	Marine Preserve Area	WDFW
10. Haro Strait	Special Management Fishery Area	WDFW
11. San Juan & Upright Channel	Special Management Fishery Area	WDFW
12. Point Lawrence	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
13. Bell Island	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
14. Charles Island	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
15. Pile Point	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
16. Lime Kiln Lighthouse	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
17. Kellett Bluff	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
18. Gull Rock	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
19. Bare Island	Voluntary No-Take Bottom Fish Recovery Area	San Juan County
20. Dabob Bay	Natural Area Preserve	DNR
21. Kennedy Creek	Natural Area Preserve	DNR

22. Skookum Inlet	Natural Area Preserve	DNR
23. San Juan Islands (83 rocks, reefs and islands)	National Wildlife Refuge	USFWS
24. Protection Island	National Wildlife Refuge	USFWS
25. Zella M. Schultz/Protection Is.	Seabird Sanctuary	WDFW & USFWS
26. Tongue Point	Marine Life Sanctuary	Clallam County
27. Yellow Island	Nature Conservancy Preserve	TNC
28. Chuckanut Island	Nature Conservancy Preserve	TNC
29. Foulweather Bluff	Nature Conservancy Preserve	TNC
30. Goose Island	Nature Conservancy Preserve	TNC
31. Deadman Island	Nature Conservancy Preserve	TNC
32. Sentinel Island	Nature Conservancy Preserve	TNC
33. Waldron Island	Nature Conservancy Preserve	TNC
34. Lummi Island	Natural Area Preserve	WDFW
35. Kimball Preserve, Decatur Is.	San Juan Preservation Trust Preserve	SJPT
36. South Puget Sound	Wildlife Area	WDFW
37. Titlow Beach	Marine Park / Marine Preserve	METRO/Tacoma
38. Cypress Island	Natural Resources Conservation Area	DNR
39. Woodard Bay	Natural Resources Conservation Area	DNR
40. Dungeness	National Wildlife Refuge	USFWS
41. Nisqually	National Wildlife Refuge	USFWS
42. Skagit	Wildlife Area	WDFW
43. Sequim Bay State Park	State Park	WSP&RC
44. Camano Island State Park	State Park	WSP&RC
45. Deception Pass State Park	State Park	WSP&RC
46. Ebey's Landing	State Park	WSP&RC
47. Fort Casey State Park	State Park	WSP&RC
48. Fort Ebey State Park	State Park	WSP&RC
49. Joseph Whidbey State Park	State Park	WSP&RC
50. South Whidbey State Park	State Park	WSP&RC
51. Dosewallips State Park	State Park	WSP&RC
52. Fort Flagler State Park	State Park	WSP&RC
53. Fort Worden State Park	State Park	WSP&RC
54. Mystery Bay Marine State Park	State Park	WSP&RC
55. Old Fort Townsend State Park	State Park	WSP&RC
56. Pleasant Harbor State Park	State Park	WSP&RC
57. Triton Cove State Park	State Park	WSP&RC
58. Dash Point State Park	State Park	WSP&RC
59. Saltwater State Park	State Park	WSP&RC
60. Blake Island State Park	State Park	WSP&RC
61. Fay Bainbridge State Park	State Park	WSP&RC
62. Fort Ward State Park	State Park	WSP&RC
63. Harper State Park	State Park	WSP&RC
64. Illahee State Park	State Park	WSP&RC
65. Kitsap Memorial State Park	State Park	WSP&RC
66. Manchester State Park	State Park	WSP&RC
67. Old Man House State Park	State Park	WSP&RC
68. Scenic Beach State Park	State Park	WSP&RC
69. Belfair State Park	State Park	WSP&RC
70. Harstine Island State Park	State Park	WSP&RC
71. Hope Is. (S.) Marine State Park	State Park	WSP&RC
72. Jarrell Cove State Park	State Park	WSP&RC
73. McMicken Is. Marine State Park	State Park	WSP&RC
74. Potlatch State Park	State Park	WSP&RC
75. Squaxin Island State Park	State Park	WSP&RC
76. Stretch Point State Park	State Park	WSP&RC
77. Twanoh State Park	State Park	WSP&RC

78. Cutts Island Marine State Park	State Park	WSP&RC
79. Eagle Island Marine State Park	State Park	WSP&RC
80. Joemma Beach State Park	State Park	WSP&RC
81. Kopachuck State Park	State Park	WSP&RC
82. Penrose Point State Park	State Park	WSP&RC
83. Blind Island Marine State Park	State Park	WSP&RC
84. Clark Island Marine State Park	State Park	WSP&RC
85. Doe Island Marine State Park	State Park	WSP&RC
86. James Island Marine State Park	State Park	WSP&RC
87. Jones Island Marine State Park	State Park	WSP&RC
88. Lime Kiln State Park	State Park	WSP&RC
89. Matia Island Marine State Park	State Park	WSP&RC
90. Moran State Park	State Park	WSP&RC
91. Patos Island Marine State Park	State Park	WSP&RC
92. Posey Island Marine State Park	State Park	WSP&RC
93. Spencer Spit State Park	State Park	WSP&RC
94. Stuart Island Marine State Park	State Park	WSP&RC
95. Sucia Island Marine State Park	State Park	WSP&RC
96. Turn Island Marine State Park	State Park	WSP&RC
97. Bay View State Park	State Park	WSP&RC
98. Larrabee State Park	State Park	WSP&RC
99. Saddlebag Is. Marine State Park	State Park	WSP&RC
100. Mukilteo State Park	State Park	WSP&RC
101. Tolmie State Park	State Park	WSP&RC
102. Birch Bay State Park	State Park	WSP&RC

DNR = Washington Dept. of Natural Resources

Ecology = Washington Dept. of Ecology

FHL = University of WA Friday Harbor Laboratories

METRO/Tacoma = Metropolitan Park District of Tacoma

SJPT = San Juan Preservation Trust

TNC = The Nature Conservancy

USFWS = United States Fish & Wildlife Service

WDFW = Washington Department of Fish & Wildlife

WSP&RC = Washington State Parks and Recreation Commission

APPENDIX C

Marine Protected Areas of Washington State as of 1998, by Government Authority

The information in Appendix C is reproduced from a December 1998 report prepared for the Pacific Fishery Management Council (Didier Jr. 1998). It lists 117 sites designated by the state and local governments, plus an additional 3 federal reserves.

Marine Protected Areas Designated by the State and Local Governments in Washington State

Site Name	Established	Managing Agency	Zone	Regulations
Friday Harbor to Point Caution	1990	WDFW; FHL	S, I	No take of shellfish, bottomfish or food fish, except herring, and except salmon for commercial purposes
Yellow and Low Islands	1990	WDFW; FHL	S, I	No take of shellfish, bottomfish or food fish, except herring, and except salmon for commercial purposes
False Bay	1990	WDFW; FHL	S, I	No take of shellfish, bottomfish or food fish, except herring, and except salmon for commercial purposes
Argyle Lagoon	1990	WDFW; FHL	S, I	No take of shellfish, bottomfish or food fish, except herring, and except salmon for commercial purposes
SW Shaw Island	1990	WDFW; FHL	S, I	No take of shellfish except crab in Parks Bay. No take of bottomfish or food fish, except herring, and except salmon for commercial purposes
San Juan County/ Cypress Island	1923	FHL	S, I	No take of marine biological materials, except for food, kelp, or with permission of the Director, Friday Harbor Marine Laboratories
Edmonds Underwater Park	1970	City of Edmonds	S, I	No take of foodfish or shellfish
Sund Rock	1994	WDFW	S, I	No take of shellfish, except shrimp; no take of food fish, except salmon and trout
Haro Strait	1979-1987	WDFW	S, I	Closed to commercial harvest of sea urchins and sea cucumbers
San Juan & Upright Channel	1972	WDFW	S, I	Closed to commercial harvest of sea urchins and sea cucumbers
Point Lawrence	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Bell Island	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Charles Island	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Pile Point	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Lime Kiln	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Kellett Bluff	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Gull Rock	1997	San Juan County	S, I	Voluntary no-take of bottomfish
Bare Island	1997	San Juan County	S, I	Voluntary no-take of bottomfish

Site Name	Established	Managing Agency	Zone	Regulations
Dabob Bay	1987	DNR	I	Open to approved scientific research projects and educational functions, but closed to all other public activities
Kennedy Creek	1990	DNR	I	Open to approved scientific research projects and educational functions, but closed to all other public activities
Skookum Inlet	1986	DNR	I	Open to approved scientific research projects and educational functions, but closed to all other public activities
Zella M. Schultz / Protection Island	1975	WDFW; USFWS	S, I	Closed to public access
Tongue Point	1989	Clallam County	S, I	Removal of any marine life by permit only, except fish caught by sport fishing or clams, crabs, or mussels gathered in season
Yellow Island	1980	TNC	I	No collection of plants or animals, no fishing while on preserve property; limited public access
Chuckanut Is.	1972	TNC	I	No collection of plants or animals, no fishing while on preserve property; limited public access
Foulweather Bluff	1966	TNC	I	No collection of plants or animals, no fishing while on preserve property; limited public access
Goose Island	1975	TNC	I	No public access
Deadman Island	1975	TNC	I	No public access
Sentinel Island	1979	TNC	I	No public access
Waldron Island	1968	TNC	I	No collection of plants or animals, no fishing while on preserve property; limited public access
Lummi Island	199?	WDFW	I	Generally closed to public access, although not enforced at this site
Kimball Preserve, Decatur Island	1985	SJPT	I	No public access
South Puget Sound	1988	WDFW	I	Non-consumptive recreational and educational use only
Titlow Beach	1994	METRO/Tacoma	S, I	No take of shellfish or food fish, except salmon with artificial lures
Cypress Island	1987	DNR	I	None
Woodard Bay	1987	DNR	I	No access in sensitive intertidal areas; access discouraged at sensitive adjacent subtidal areas

Site Name	Established	Managing Agency	Zone	Regulations
Skagit	1948-1992	WDFW	I	None at this time. Pending management plan may prohibit commercial clamming.
Sequim Bay State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Fort Flagler State Park		WPRC	S, I	No harvest of non-game invertebrates
Fort Worden State Park		WPRC	S, I	No harvest of non-game invertebrates
Mystery Bay Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Old Fort Townsend State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Pleasant Harbor State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Triton Cove State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Dash Point State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Saltwater State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Blake Is. State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Fay-Bainbridge State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Camano Is. State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Fort Ward State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Harper State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Illahee State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Kitsap Memorial State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Manchester State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Old Man House State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Scenic Beach State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Belfair State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Harstine Is. State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Hope Is. (S.) Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Deception Pass State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Jarrell Cove State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
McMicken Is. Marine St. Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest

Site Name	Established	Managing Agency	Zone	Regulations
Potlach State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Squaxin Is. State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Stretch Point State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Twanoh State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Cutts Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Eagle Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Joemma Beach State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Kopachuch State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Ebey's Landing		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Penrose Point State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Blind Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Clark Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Doe Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
James Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Jones Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Lime Kiln State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Matia Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Moran State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Patos Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Fort Casey State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Posev Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Spencer Spit State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Stuart Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Sucia Island Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Turn Is. Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Bay View State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Larrabee State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest

Site Name	Established	Managing Agency	Zone	Regulations
Saddlebag Island Marine State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Mukilteo State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Tolmie State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Fort Ebey State Park		WPRC	S, I	No harvest of non-game invertebrates
Birch Bay State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Joseph Whidbey State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
South Whidbey State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Dosewallips State Park		WPRC	S, I	No harvest of non-game invertebrates; no algae harvest
Pacific Beach State Park		WPRC		
Griffiths-Friday State Park		WPRC		
Ocean City State Park		WPRC		
Wethaven State Park		WPRC		
Westport Light State Park		WPRC		
Twin Harbors State Park		WPRC		
Grayland Beach State Park		WPRC		
Leadbetter Point State Park		WPRC		
Pacific Pines State Park		WPRC		
Loomis Lake State Park		WPRC		
Fort Canby State Park		WPRC		
Fort Columbia State Park		WPRC		
Washington State Seashore Conservation Area		WPRC		
Elk River Natural Resources Conservation Area		DNR		
Bone River Natural Area Preserve		DNR		
Goose Island Natural Area Preserve		DNR		

Site Name	Established	Managing Agency	Zone	Regulations
Gunpowder Island Natural Area Preserve		DNR		
Niawiakum River Natural Area Preserve		DNR		
Sand Island Natural Area Preserve		DNR		
Whitcomb Flats		DNR		

DNR = Washington Dept. of Natural Resources
 Ecology = Washington Dept. of Ecology
 FHL = UW Friday Harbor Laboratories
 METRO/Tacoma = Metropolitan Park District of Tacoma
 SJPT = San Juan Preservation Trust
 TNC = The Nature Conservancy
 USFWS = US Fish & Wildlife Service
 WDFW = Washington Dept. of Fish and Wildlife
 WPRC = Washington State Parks & Recreation Commission

I = Intertidal
 S = Subtidal

Federally Designated Marine Protected Areas in Washington State

Site Name	Established	Managing Agency	Zone	Regulations
Padilla Bay National Estuarine Research Reserve	1980	Ecology; NOAA	S, I	Public access restricted and discouraged in sensitive marsh areas
Puget Sound National Estuary Program site	1987	EPA	S, I	No fisheries-specific regulations
Olympic Coast National Marine Sanctuary and UNESCO MAB	Biosphere Reserve 1976; Sanctuary 1994	NOAA	S, I	Multiple-use protected area

Ecology = Washington Dept. of Ecology
 EPA = Environmental Protection Agency
 MAB = Man and the Biosphere
 NOAA = National Oceanic and Atmospheric Administration
 UNESCO = United Nations Educational, Scientific and Cultural Organization

I = Intertidal
 S = Subtidal