



CLALLAM COUNTY MARINE RESOURCES COMMITTEE

PROCESS FOR PROVIDING ADVICE AND SUPPORT TO CLALLAM COUNTY GOVERNMENT AND PARTNER ORGANIZATIONS



FINAL DRAFT

1. INTRODUCTION

The Clallam County Marine Resources Committee (CCMRC) is a volunteer advisory committee established in 1999 by the Clallam County Board of Commissioners (BOCC) through Resolution 58-1999. The CCMRC focuses on issues related to the marine resources of the Strait of Juan de Fuca and its bays, estuaries, and inlets within the borders of Clallam County.

In addition to providing input to the BOCC, CCMRC also coordinates, when appropriate, with other entities within and outside of County government, and conducts or supports a wide variety of environment monitoring and restoration activities that provide opportunities for education, outreach, and student intern/citizen scientist involvement.

In late 2023, the CCMRC voted to establish a subcommittee to develop a process for deciding whether, when, and how to engage and advise the BOCC and others regarding the potential impacts of existing or future issues or actions on the marine resources of Clallam County. The goal of the subcommittee was to develop an effective, science-based process for providing input that would benefit groups within or outside of County government. The process was also intended to facilitate strategic decision-making and promote efficient use of CCMRC volunteer resources.

What follows is a description of the stepwise advisory process developed that incorporates and reflects federal and state enabling legislation, County resolutions, CCMRC bylaws, and tribal treaty rights.

2. ENABLING LEGISLATION, RESOLUTIONS, AND BYLAWS

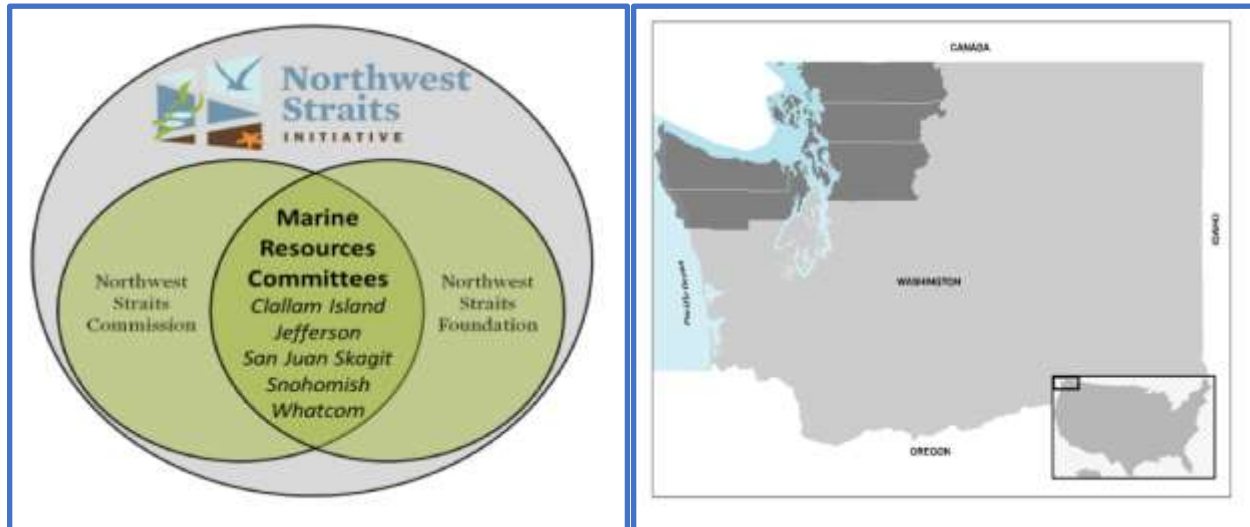


Figure 1. Organizational Structure (left) and the seven counties (right) of the Northwest Straits Initiative. The CCMRC’s geographic scope extends to the west end of the Strait of Juan de Fuca.

Northwest Straits Marine Conservation Initiative

In response to significant degradation of the marine resources and ecosystem in the Northwest Straits region, several legislative solutions were initially proposed, including the creation of a National Marine Sanctuary. During public meetings, the marine sanctuary concept was met with strong local resistance, as residents were concerned that this type of “top-down” management by staff in Washington D.C. would result in limited community engagement and fail to respond to local needs.

In 1997, U.S. Senator Patty Murray and U.S. Representative Jack Metcalf established a blue-ribbon committee (known as the Murray-Metcalf Commission) to explore alternative models for protecting and restoring marine resources in the Northwest Straits. The Murray-Metcalf Commission unanimously agreed that the Northwest Straits marine ecosystem and its marine resources were in serious trouble, citing declining populations of bottomfish, sea birds, invertebrates, salmon, and some populations of marine mammals as prime examples. After a year of research and discussion, the Murray-Metcalf Commission published the [Report to the Convenors](#) on August 20, 1998, which laid the groundwork for what was to become the Northwest Straits Initiative. The organizational structure reflected the wishes of residents to create a “bottom-up” approach to marine conservation and protection that included:

- [Seven Marine Resources Committees](#) (MRCs) that are locally based county advisory groups comprised primarily of volunteers with an interest in protecting their local marine waters,
- [The Northwest Straits Commission](#), which provides funding, training, and support to the MRCs, and
- The [Northwest Straits Foundation, established in 2002](#) following the creation of the Northwest Straits Initiative, is a non-profit partner created to leverage additional financial resources to accomplish the work of the Initiative.

Figure 1 above illustrates the organizational structure within the Northwest Straits Initiative and its geographic scope.

Shortly after the release of the Report to the Conveners, the Boards of County Commissioners in Clallam, Island, Jefferson, Skagit, Snohomish, and Whatcom Counties initiated a process to create their MRCs. San Juan County had created a similar county-based advisory group prior to the Report to the Conveners that served as a model for the other counties.

Clallam County MRC Enabling Resolutions and Bylaws

On June 15, 1999, the Clallam County BOCC approved [Resolution 58-1999](#) to

“Establish the Clallam County Marine Resources Committee as an advisory committee to the County Commissioners regarding issues related to the marine resources of the Strait of Juan de Fuca and its bays, estuaries and inlets within the borders of Clallam County.”

The Resolution also defined the CCMRC mission:

“The Marine Resources Committee’s mission is to address local marine issues related to the Strait of Juan de Fuca, recommend remedial actions to local authorities, build local awareness of the issues and support for remedies consistent with the Benchmarks for Performance as established in the August 20, 1998 Report to the Conveners by the Murray-Metcalf Northwest Straits Citizens Advisory Commission....”

In addition, the Resolution directed the CCMRC to coordinate its efforts with other local groups and entities:

“Where relevant, the Marine Resources Committee shall make all reasonable efforts to coordinate with other resource planning projects, agencies, committees, councils, and tribal and non-tribal entities.”

Revisions to Resolution 58-1999 were made in [2013](#) and [2020](#) to improve representation and expand local citizen involvement, respectively.

As an Advisory Committee to the Board of County Commissioners, the CCMRC is subject to Policy 952 for Boards and Committees; Appendix B provides guidance for advisory bodies and default bylaws to use unless a committee develops its own. In the case of CCMRC, bylaws were created and approved by the BOCC based on [Robert’s Rules of Order](#) which governs how meetings are conducted and leadership roles filled. Section 7.2 of the CCMRC bylaws specifies how decisions are made within the committee:

The decision-making approach of the MRC will be by consensus. Consensus is defined as a decision that allows each representative to say “The group I represent can live with the decision and accept it, regardless of whether it is exactly what I want.” If consensus still cannot be reached, the issue under consideration will be tabled until the next meeting where it will be addressed as old business. If at this time consensus as defined herein still cannot be reached on the issue, the MRC will recognize a simple majority vote. The minority opinion will also be forwarded to the Board of Clallam County Commissioners.

It is important to note that Resolution 58-1999 also recognized the importance of tribal treaty rights:

“Issues of tribal sovereignty, treaty rights, fishery co-management authority and responsibility and other jurisdictional responsibilities exist within and around the geographical boundaries of the Northwest Straits Commission program.”

What follows is a brief description of the two tribal treaties that are relevant to Clallam County, including provisions to respect harvesting fish and shellfish at “usual and accustomed” locations.

3. APPLICABLE TRIBAL TREATIES

As noted by the [Northwest Indian Fisheries Commission](#),

“Prior to European contact, tribes governed their own affairs, and continue to do so today. Tribes have a sovereign right to govern their members and manage their lands and resources. The United States recognized tribes as sovereign nations and the rightful owners of the land through the signing of treaties that carry the weight of the U.S. Constitution. Tribal sovereignty is further recognized with the government-to-government relationship that the tribes have with the federal government.”

The CCMRC is unique within the Northwest Straits Initiative in that it has within its membership three tribes with legally recognized treaty rights within county boundaries, as shown in Figure 2. What follows is a brief description of the two applicable treaties that were signed in 1855 that pertain to marine resources in Clallam County and how the specific treaty language will be incorporated into the advisory process.

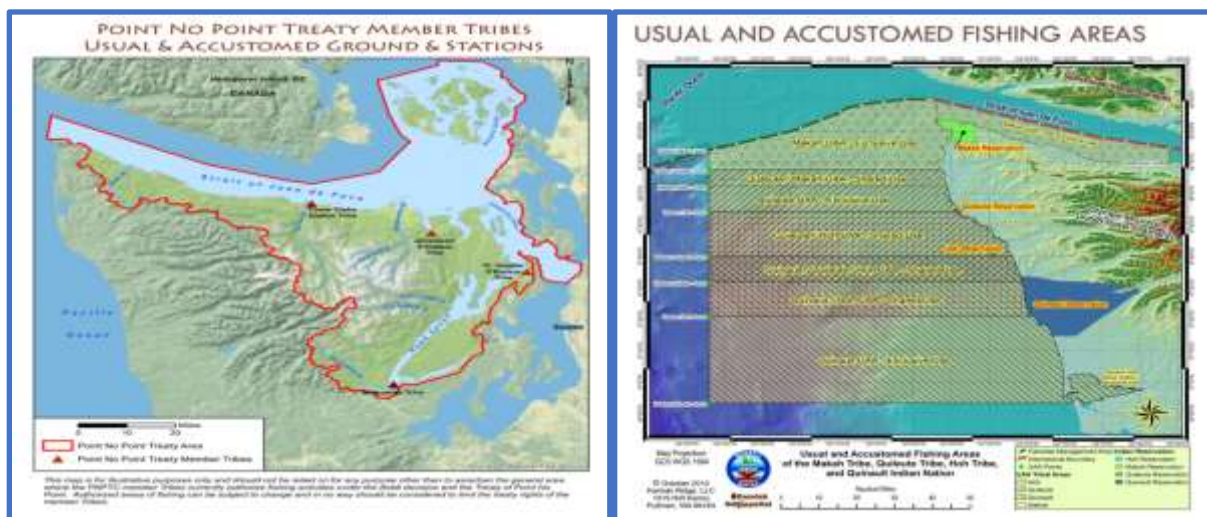


Figure 2. Usual and Accustomed Treaty Areas as Specified in 1855 by the Point No Point Treaty (left) and the Treaty of Neah Bay (right). [Native Land Digital](#) and [Resource-Analysis.com](#).

In 1855, Isaac Stevens, Governor of Washington Territory and Superintendent of Indian Affairs, established treaties between the United States government and the indigenous inhabitants of Northwest Washington. The ramifications of the treaties have been analyzed, debated, and contested for over 160 years, and are beyond the scope of this advisory document. We have, however, included in our decision

process specific sections of the two applicable treaties pertaining to the marine resources in Clallam County that will be reflected in our advisory activities, as noted below.

Point No Point 1855 Treaty

As described by the [University of Washington School of Law](#), the Point No Point Treaty with the S'Klallam tribe established

“Articles of agreement and convention made and concluded at Hahdskus, or Point no Point, Suquamish Head, in the Territory of Washington, this twenty-sixth day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the different villages of the S'Klallams, viz: Kah-tai, Squah-quaihtl, Tch-queen, Ste-tehtlum, Tsohkw, Yennis, Elh-wa, Pishtst, Hunnit, Klat-la-wash, and Oke-ho, and also of the Sko-ko-mish, To-an-hooch, and Chem-a-kum tribes, occupying certain lands on the Straits of Fuca and Hood's Canal, in the Territory of Washington, on behalf of said tribes, and duly authorized by them.”

[Article 4](#) of the treaty is directly relevant to our advisory process with regard to “usual and accustomed” use of the marine resources of the Northwest Straits by treaty tribes:

“The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians, in common with all citizens of the United States; and of erecting temporary houses for the purpose of curing; together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided however, that they shall not take shell-fish from any beds staked or cultivated by citizens.”

Treaty of Neah Bay, 1855

The [University of Washington School of Law](#) also provides access to the Treaty of Neah Bay as follows:

“Articles of agreement and convention made and concluded at Neah Bay, in the Territory of Washington, this thirty-first day of January, in the year eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the several villages of the Makah tribe of Indians, viz: .Neah Waatch., Tsoo-Yess, and Osett, occupying the country around Cape Classet or Flattery, on behalf of the said tribe and duly authorized by the same.”

[Article 4](#) of this treaty also contains “[usual and accustomed](#)” provisions:

“The right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands: Provided however, that they shall not take shell-fish staked or cultivated by citizens.”

The “usual and accustomed” language in both treaties will be considered in the advisory process to ensure tribal treaty rights are respected with regard to projects, proposals, or other actions located in the marine environments of Clallam County.

4. CCMRC COORDINATION ROLES AND RESPONSIBILITIES

As noted above, in addition to advising County government, the BOCC [Resolution 58-1999](#) directs the CCMRC “... to make all reasonable efforts to coordinate with other resource planning projects, agencies, committees, councils, and tribal and non-tribal entities.” Examples of these types of activities are presented in Table 1. The extent of coordination activities will be based on CCMRC member expertise and availability, and the relevance to the CCMRC charter and mission.

Table 1. Examples of CCMRC Activities in Support of County Government and Partner Organizations

ENTITY	PURPOSE/MISSION	KEY CCMRC ROLES
Clallam County Government and Related Entities		
Clallam County Government	The BOCC is responsible for providing the legislative and executive functions of County government.	Work collaboratively with the BOCC and county staff on issues, actions, or proposals that could affect marine resources
Clallam County Shoreline Master Program (SMP)	The SMP is a detailed plan for shoreline development areas that addresses the goals and policies consistent with state law (RCW 90.58.020)	Review portions of the SMP that pertain to marine resources and provide input to the BOCC and county staff.
Clallam County Comprehensive Plan (Comp Plan)	The Comp Plan serves as a guide for directing local land use policy and decision-making related to natural resource industries, open space and recreation, and environmental protection.	Review portions of the Comp Plan that pertain to marine resources and provide input to the BOCC and county staff.
Clallam County Economic Development Council (CCEDC)	The CCEDC provides support to county-based businesses	Review and provide input on business proposals that could affect marine resources
Port of Port Angeles (Port)	The Port brings people, resources and industry together to foster economic prosperity and living wage jobs.	Coordinate on and review Port projects or proposals that could affect marine resources
Clallam Conservation District (CCD)	CCD is a non-regulatory sub-division of state government created in 1959 to help land users conserve natural resources	Coordinate on restoration and educational outreach proposals and projects that could affect marine resources
North Olympic Peninsula Lead Entity (NOPLE)	NOPLE is locally based, science-driven, community watershed consortium focusing on salmon recovery.	Coordinate on local salmon restoration proposals and projects

Table 1, Continued

ENTITY	PURPOSE/MISSION	KEY CCMRC ROLES
Treaty Tribes		
Makah Tribe	A primary focus of our tribal partners is to protect treaty rights and to promote projects that protect and sustain the environmental, socioeconomic, and cultural attributes of the tribes for future generations.	Coordinate with tribal partners on proposals and projects consistent with tribal treaty rights and guidance of the CCMRC charter and strategic plan.
Lower Elwha Klallam Tribe		
Jamestown S'Klallam Tribe		
Municipalities		
City of Port Angeles	Provide a safe, resilient place to live and work that balances environmental, socioeconomic, and cultural values.	Coordinate on proposals and projects that could affect marine resources.
City of Sequim		
Educational Organizations		
Feiro Marine Life Center	Connect communities to the marine environment through learning experiences	Coordinate on educational outreach proposals and projects.
Peninsula College	Peninsula College educates diverse populations of learners through community-engaged programs.	Coordinate on education and outreach efforts and proposals.
Local Nonprofits		
Olympic Peninsula Audubon Society (OPAS)	OPAS promotes birding and habitat conservation through science-based education, advocacy, and stewardship.	Coordinate on education and outreach efforts and field monitoring studies.
North Olympic Salmon Coalition (NOSC)	NOSC promotes robust wild salmon stocks by furthering habitat restoration and education on the North Olympic Peninsula	Coordinate restoration and educational outreach projects.
North Olympic Land Trust (NOLT)	NOLT's mission is to conserve the land and natural resources that are the foundation of our culture, economy, and way of life.	Coordinate on restoration and educational outreach projects.
Surfrider Foundation	Protection and enjoyment of the world's ocean, waves, and beaches, for all people	Coordinate on restoration and educational outreach projects and beach cleanup efforts.
Washington CoastSavers	Protect and restore marine resources through removal of marine debris from Washington's Pacific Coast and the Strait of Juan de Fuca.	Input and/or support for beach clean-ups and other activities that protect and restore marine resources

Table 1, Continued

ENTITY	PURPOSE/MISSION	KEY CCMRC ROLES
Washington State Government		
Washington State Department of Fish and Wildlife (WDFW)	Protect, preserve, and enhance Washington's environment for current and future generations	Coordinate on oil spill response training and citizen science field projects.
Washington State Dept. of Ecology (WDOE)		Provide input to WDOE's <u>Geographic Response Plan</u> for oil spill response actions
Washington State Department of Health (WDOH)		Coordinate on marine biotoxin sampling along the Strait and outreach related to public health.
Washington State Department of Natural Resources (WDNR)	Manage, sustain, and protect the health and productivity of Washington's lands and waters to meet the needs of present and future generations.	Provide input to WDNR's coastal and nearshore leases, permits, sales, etc.
Puget Sound Partnership (PSP)	Provide leadership regarding the region's collective effort to restore and protect Puget Sound.	Coordinate on environmental proposals in Clallam County.
Federal Government		
National Oceanic and Atmospheric Administration (NOAA)	NOAA's mission is science, service, and stewardship.	Coordinate on educational outreach proposals.
NOAA Olympic Coast National Marine Sanctuary	Protection of the Olympic Coast's natural and cultural resources.	Coordinate on educational outreach proposals.
US Environmental Protection Agency (USEPA)	Protection of human health and environment.	Coordinate on federal restoration and/or cleanup actions in Clallam County.
US Fish and Wildlife Service (USFWS) Dungeness Wildlife Refuge	The refuge was established in 1915 as a refuge, preserve and breeding ground for native birds.	Coordinate on educational outreach and on proposals that may affect refuge mission.

5. ADVISORY PROCESS DESCRIPTION

What follows is a description of each step of the advisory process that will help the CCMRC decide whether, when, and how to engage and advise the BOCC and others regarding existing or future issues and actions that might affect the marine resources of Clallam County.

A process checklist is provided in Attachment 1.

It's important to note that this process may be adjusted or truncated, when appropriate, to match the need for advice and consultation. Frequent coordination and communication with the BOCC and County Staff are encouraged throughout any advisory process.

Step 1: Identify

The first step in this process is initiated when an issue or action that may affect marine resources is brought to the attention of the CCMRC by the BOCC, County staff, a CCMRC member, or a member of the public. Examples may include the localized impacts of climate change; damage caused by shoreline erosion or nonpoint pollution; or proposed remedial actions to clean up highly affected areas. CCMRC may also evaluate business or development proposals located in nearshore areas, in upland locations with a strong connection to marine resources, and in proposals designed to restore natural resources.

- If the CCMRC membership concludes a connection to marine resources is likely AND a subcommittee can be established to investigate the issue or action, the process will move to Step 2.
- If not, **STOP**

Step 2: Investigate

The second step in the process involves a preliminary investigation of the issue or action to determine

- Project location and scope
- Potentially involved parties
- Permitting or decision-making process
- Proposed project timeline
- BOCC/DCD/County staff points of contact

At the conclusion of the initial investigation, the subcommittee will provide a “preliminary report” to the full CCMRC membership for consideration.

- If the CCMRC membership concludes the report demonstrates there is sufficient time and expertise among its members to perform a full review, and that staff requirements are not incompatible with the current CCMRC Annual Work Plan, the subcommittee will continue to Step 3.
- If not, **STOP.**

Step 3: Integrate

During the integration step, the subcommittee will use available scientific and technical information to provide an assessment of the potential positive and negative impacts of the issue or action related to environmental, socioeconomic, and cultural attributes, which includes an assessment of impacts related to tribal treaty rights. An “interim discussion report” that describes the potential positive and negative impacts and a recommendation for a Step 4 action will be provided to the entire CCMRC membership for consideration. Coordination and communication with the BOCC and County staff during this phase of the process is necessary, especially if the subcommittee recommendation appears to conflict with a stated Clallam County government position.

Step 4: Inform

During Step 4, the CCMRC will discuss the preferred path forward for providing advice to the BOCC, County staff, or other entities. CCMRC actions may include, but are not limited to

- Briefing or letter to BOCC (with the understanding that any communication is public)
 - Public presentation (i.e., advertised)
 - White paper
 - Other action (e.g., letter of support from the BOCC or CCMRC participation in a project/action)
 - Respond as private citizens
 - No response
- If CCMRC consensus is reached and a briefing, letter, white paper, or other CCMRC public response is required, the subcommittee will be tasked with creating the draft and final product.
 - If consensus cannot be reached, the action will be tabled until the next meeting per CCMRC Bylaws. If consensus is still not reached, the majority rule will prevail with an additional minority report included with the final product.

6. REFERENCES

[Clallam County Policy 952: Boards and Committees.](#) Clallam County Administrative Manual, updated 2021.

[In the Matter of Establishing a Clallam County Marine Resources Committee as Provided for Under the Northwest Straits Commission, June 15, 1999.](#) Clallam County Board of County Commissioners, Resolution 58-1999.

[Marine Resources Committee Establishing Alternate Positions to All 15 Member Categories.](#) Clallam County Board of County Commissioners, Resolution 41-2020.

[Point No Point Treaty Member Tribes Usual and Accustomed Grounds and Stations.](#) Native Land Digital.

[Report to the Convenors.](#) Murray-Metcalf Northwest Straits Citizens Advisory Commission, August 20, 1998.

[Restructuring the Membership of the Marine Resources Committee, November 26, 2013.](#) Clallam County Board of County Commissioners, Resolution 51-2013.

[Treaty with the Makah, 1855 \(Treaty of Neah Bay\).](#) University of Washington School of Law, UW Digital Law Commons.

[Treaty with the S'Klallam, 1855 \(Treaty of Point No Point\).](#) University of Washington School of Law, UW Digital Law Commons.

[Understanding Tribal Treaty Rights in Western Washington.](#) Northwest Indian Fisheries Commission.

[Usual and Accustomed Fishing Areas of the Makah Tribe, Quileute Tribe, Hoh Tribe, and Quinault Indian Nation.](#) Resource-Analysis.com.

ATTACHMENT 1: Stepwise Advisory Process Checklist

Step 1: **Identify** the Issues or Action Related to Marine Resources at

- ☐ Local (county),
- ☐ Regional (Salish Sea), and
- ☐ Worldwide Scales

If the CCMRC membership concludes a connection to marine resources is likely AND a sub-committee can be established to investigate the issue or action, the process will move to Step 2.

If not, **STOP**.

Step 2: **Investigate** the Proposed Issue or Action Regarding

- ☐ Location
- ☐ Scope
- ☐ Potentially involved parties
- ☐ Permitting or decision-making process
- ☐ Timeline
- ☐ BOC/DCD/County staff points of contact

If the CCMRC membership concludes the preliminary report demonstrates there is sufficient time and expertise among its members to perform a full review, and that staff requirements are not incompatible with the current CCMRC Work Plan, the subcommittee will continue to Step 3.

If not, **STOP**.

Step 3: **Integrate** Use Available Scientific and Technical Information to Determine the Potential Positive and Negative Outcomes Regarding

- ☐ Environmental,
- ☐ Socioeconomic, and
- ☐ Cultural attributes

Step 4: **Inform** Decide How Best to Provide Advice, Education, and Outreach

- ☐ Briefing or letter to BOCC
- ☐ Public presentation
- ☐ White paper
- ☐ Respond as private citizens
- ☐ Other: _____
- ☐ No response