

## WASHINGTON<sup>1</sup>

### *State Authority for Marine Protection*

#### Summary of State Authority

Washington has a robust but patchwork system of aquatic reserves, marine protected areas, underwater parks, and other forms of marine and coastal conservation. The system is old enough, and the legal authorities and agency jurisdictions varied enough, that in 2008 the State Legislature commissioned an MPA Work Group to inventory all the MPAs in Washington’s state waters and to make recommendations on how to improve their use. The Work Group’s final report contains detailed data on most relevant programs and sites, and is cited extensively in the analysis below.

	Aquatic Reserves Program	Marine Protected Areas: Conservation Areas/Marine Preserves	San Juan County/ Cypress Island Marine Biological Preserve	Underwater Parks and Marine Parks	Natural Area Preserves/ Natural Resources Conservation Areas
Legal requirement	Designates aquatic reserves	Designates conservation areas and marine preserves	Creates single-site marine reserve	Authorizes underwater and marine parks	Allows state registration and acquisition of natural areas
Citation <sup>2</sup>	RCW 79.10.210 (1971); WAC 332-30-151	RCW 77.12.047; WAC 220-20-100 (2002); WDFW POL-C3013 (1998)	R.C.W. 28B.20.320 (1923)	RCW 79A.05.010 (1921); RCW 79A.05.355 (1993)	RCW 79.70 (NAPs, 1972); RCW 79.71 (NRCAs, 1987)
Designation authority	Department of Natural Resources (DNR)	Fish and Wildlife Commission	State Legislature	Parks and Recreation Commission	DNR, along with Natural Heritage Advisory Council
Management & enforcement authority	DNR (prevent use conflicts); other agencies (enforcement, if any)	Department of Fish and Wildlife	University of Washington, Friday Harbor Laboratories	Washington State Parks	DNR
Jurisdiction & boundaries	State land from high tide waterward, including estuarine	Intertidal and subtidal areas in Puget Sound	Salt waters, beds and shores of San Juan County & Cypress Island	State waters, with priority on “unique or diverse marine life” or underwater features	Representative areas of land or water which retain natural character or important for conservation
Prohibited uses	Activity conflicting with educational,	Conservation Areas: no take of	No take of “marine biological	Protection of “natural, cultural,	Limited public access other than

<sup>1</sup> This state chapter is part of a 23-state assessment of state and local authority for marine protection. It should be read in conjunction with the Executive Summary, Introduction and Methodology Chapters in order to fully understand the scope and approach. Other chapters are available at [www.eli-ocean.org/mpa](http://www.eli-ocean.org/mpa).

<sup>2</sup> The citation date provided is the earliest date of enactment and does not reflect subsequent amendments unless otherwise noted. The enactment date is meant to inform the reader of how long the protection authority has existed.

	Aquatic Reserves Program	Marine Protected Areas: Conservation Areas/Marine Preserves	San Juan County/ Cypress Island Marine Biological Preserve	Underwater Parks and Marine Parks	Natural Area Preserves/ Natural Resources Conservation Areas
	scientific, or environmental purpose	fish, shellfish or wildlife;  Marine Parks: species- or gear-based restrictions	materials useful for scientific purposes” without permit	and recreational resources”; invertebrate harvest prohibited	for education (NAPs) or low-impact use (NRCAs)
<b>Permitted uses</b>	Educational use, scientific research, environmental monitoring; mixed use may occur due to existing leases	Tribal treaty fishing; gear-and species-specific allowances in Marine Parks	Take of some food species; take of non-food species for research purposes, with permit	Recreation and diving	Education, research (NAPs); also low-impact public use (NRCAs)

### Aquatic Reserves

Washington statute authorizes the Department of Natural Resources to “identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction.”<sup>3</sup> That jurisdiction includes “aquatic lands,” which are defined by statute as “all tidelands, shorelands, harbor areas, and the beds of navigable waters,”<sup>4</sup> and further defined by regulation to include “[m]arine land’...from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands.”<sup>5</sup> Reserved lands “shall be maintained for the benefit of the public...as areas in which may be observed, studied, enjoyed, or otherwise utilized the natural ecological systems thereon.”<sup>6</sup>

Aquatic lands “of special educational or scientific interest” or “of special environmental importance threatened by degradation” shall be considered for reserve status, which bars any leases for conflicting activities.<sup>7</sup> The DNR or other government entities may nominate specific areas for consideration, and the nominations are decided by the Commissioner of Public Lands based on (a) whether the proposed site will accomplish its stated purpose (educational, scientific, or environmental); (b) whether it will conflict with current or projected uses, in which case the Commissioner must decide “which use best serves the public benefit”; and (c) whether “[m]anagement of the reserve can be effectively accomplished” by either the Department of Natural Resources or another government entity.<sup>8</sup> The DNR’s management program is limited to reviewing proposed leases and avoiding conflicting uses in or “immediately adjacent to” the reserve area; physical protection and enforcement may be assigned to another agency.<sup>9</sup>

There are currently seven aquatic reserves in Puget Sound, managed with site-specific management plans developed in consultation with all levels of government, tribes, nongovernmental organizations

<sup>3</sup> RCW 79.10.210.

<sup>4</sup> RCW 79.105.060(1).

<sup>5</sup> WAC 332-30-106(5), WAC 332-30-106(36).

<sup>6</sup> RCW 79.10.210.

<sup>7</sup> WAC 332-30-151(2).

<sup>8</sup> WAC 332-30-151(3)-(4).

<sup>9</sup> WAC 332-30-151(5)-(7).

and private citizens.<sup>10</sup> Public and private organizations and individuals may propose sites for designation by submitting a “letter of intent” to DNR; the Department then determines whether program criteria are met and works with the proponent to develop an official proposal and a draft management plan.<sup>11</sup> Reserves are established for a 90-year duration, with management plans updated every ten years.<sup>12</sup>

### Conservation Areas/Marine Preserves

The Washington Fish and Wildlife Commission has statutory authority to specify the times, areas and waters in which the taking of fish or shellfish is lawful or unlawful.<sup>13</sup> It has issued rules designating nine “conservation areas” and sixteen “marine preserves” in Puget Sound, totaling 851.82 hectares.<sup>14</sup> Conservation areas have no-take restrictions for fish, shellfish, and wildlife, while the marine preserves have various species-specific and gear-specific restrictions and allowances.<sup>15</sup> The policy objectives for these site designations include fishery management, protection of “unique or important resources and habitats,” research and education, and non-consumptive recreational use.<sup>16</sup> There is no MPA-specific enforcement beyond regular fisheries enforcement.<sup>17</sup>

There is no process spelled out for designation of new marine protected areas, but the Department policy states that “[o]pportunities will be made available for public involvement by consumptive and non-consumptive users during development of the network of areas and site selection,” and commits the agency to using “adaptive management, including good neighbor practices, to modify the sites and the network as data is collected.”<sup>18</sup>

### San Juan County/ Cypress Island Marine Biological Preserve

In 1923, the Washington Legislature created a “preserve of marine biological materials useful for scientific purposes, except when gathered for human food” in the marine waters, beds, and shores of the San Juan Islands and Cypress Island.<sup>19</sup> This provision, buried in the state’s higher education code, assigned permitting authority to the University of Washington’s Friday Harbor Laboratories, and made any unpermitted take of non-food materials a criminal misdemeanor.<sup>20</sup> Scientific collecting of non-food

<sup>10</sup> Washington State Department of Natural Resources, “Aquatic Reserves Program,” fact sheet available at [http://www.dnr.wa.gov/Publications/em\\_fs11\\_028.pdf](http://www.dnr.wa.gov/Publications/em_fs11_028.pdf)

<sup>11</sup> Id.; see Washington State DNR, “Aquatic Reserve Program Implementation and Designation Guidance” (Sept. 2005), available at [http://www.dnr.wa.gov/Publications/aqr\\_rsvr\\_guidance.pdf](http://www.dnr.wa.gov/Publications/aqr_rsvr_guidance.pdf). Even when final, aquatic reserve protection is not absolute: “Due to longstanding use authorizations and/or leases, it may be necessary for DNR to continue authorizing existing mixed uses within an aquatic reserve”; but the Department “will emphasize mitigating impacts” and “will work to ensure negative impacts of existing uses are reduced in the long term.” Id.

<sup>12</sup> Marine Protected Areas in Washington: Recommendations of the Marine Protected Areas Work Group to the Washington State Legislature (Dec. 2009), at 85.

<sup>13</sup> RCW 77.12.047(a)-(b).

<sup>14</sup> WAC 220-16-440 to -880; see map at <http://www.wdfw.wa.gov/fishing/mpa> and statistical table at <http://www.wdfw.wa.gov/fishing/mpa/summary.html>. The marine protected area system incorporates some sites, such as the City of Edmonds’ Underwater Park, that pre-dated the state designations and regulation.

<sup>15</sup> WAC 220-20-100; see chart at <http://www.wdfw.wa.gov/fishing/mpa/restrictions.html>. Members of Treaty Tribes are not bound by these or other WDFW fishing regulations, but some of the areas have been adopted in tribal management plans. See <http://www.wdfw.wa.gov/fishing/mpa/intro.html>.

<sup>16</sup> Washington Department of Fish and Wildlife Policy POL-C3013 (June 13, 1998), available at <http://www.wdfw.wa.gov/commission/policies/c3013.html>.

<sup>17</sup> However, the Department reports that “there is great public support for MPA and peer pressure discourages illegal fishing and additionally increases the reporting of observed illegal fishing.” See Marine Protected Areas in Washington: Recommendations of the Marine Protected Areas Work Group to the Washington State Legislature (Dec. 2009), at 83.

<sup>18</sup> Id.

<sup>19</sup> RCW 28B.20.320(1).

<sup>20</sup> Id. (2)-(3).

species is still arranged through the Laboratory “on a case-by-case basis,” and the area is managed for research and education, conservation of bottomfish, invertebrates, and marine plants, and habitat protection.<sup>21</sup> In 2007, San Juan County declared the waters of the entire County a “Marine Stewardship Area”<sup>22</sup> (see below under Local Authorities).

### Underwater Parks and Marine Parks

The Washington coastline between ordinary high tide and extreme low tide is a “Seashore Conservation Area” under the jurisdiction of the Parks and Recreation Commission:<sup>23</sup> “[w]here feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use.”<sup>24</sup> Washington law further authorizes the Commission to establish “underwater parks” in state waters “to provide for diverse recreational diving opportunities and to conserve and protect unique marine resources of the state of Washington.”<sup>25</sup>

The Parks and Recreation Commission may plan and construct its own underwater parks, acquire property and enter into agreements with other agencies for management of state land as parks, “facilitate private efforts” to construct underwater parks, and cooperate with other appropriate federal, state, and local agencies, including WDNR and WDFW, to carry out its goals.<sup>26</sup> The Commission is mandated to “place a high priority upon creating units that possess unique or diverse marine life or underwater natural or artificial features such as shipwrecks.”<sup>27</sup>

There are around a dozen underwater parks throughout Puget Sound,<sup>28</sup> and numerous additional underwater and marine parks in the San Juan Islands region.<sup>29</sup> Like other state parks, these sites are protected in perpetuity and managed for protection of “natural, cultural and recreational resources”; specifically, invertebrate harvest is prohibited and algae harvest controlled.<sup>30</sup> Enforcement is carried out by park rangers and other on-site managers, in partnership with other state agencies.<sup>31</sup>

### Natural Area Preserves and Natural Resources Conservation Areas

The Washington Department of Natural Resources is authorized to establish a system of “natural area preserves” including both land and aquatic areas.<sup>32</sup> These “include such public or private areas of land or water which have retained their natural character...or which are important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value,” and may be owned or acquired by the state or voluntarily registered or dedicated by a private owner.<sup>33</sup> Sites are registered and/or acquired by the DNR, in consultation with a Natural Heritage Advisory

<sup>21</sup> Marine Protected Areas in Washington: Recommendations of the Marine Protected Areas Work Group to the Washington State Legislature (Dec. 2009), at 80.

<sup>22</sup> Id.

<sup>23</sup> RCW 79A.05.605, .610.

<sup>24</sup> RCW 79A.05.615.

<sup>25</sup> RCW 79A.05.360.

<sup>26</sup> Id.

<sup>27</sup> RCW 79A.05.370.

<sup>28</sup> See [http://wdfw.wa.gov/viewing/guides/diving/wa\\_underwater\\_parks.pdf](http://wdfw.wa.gov/viewing/guides/diving/wa_underwater_parks.pdf)

<sup>29</sup> See <http://www.parks.wa.gov/parks/region/?selectedregion=sanjuanislands>

<sup>30</sup> Marine Protected Areas in Washington: Recommendations of the Marine Protected Areas Work Group to the Washington State Legislature (Dec. 2009), at 85-86.

<sup>31</sup> Id.

<sup>32</sup> RCW 79.70.010, RCW 79.70.030.

<sup>33</sup> RCW 79.70.020(2), RCW 79.70.090.

Council composed of scientific experts, regional representatives, and the heads of the DFW, Department of Ecology, DNR, Parks and Recreation Commission, and Recreation and Conservation Office.<sup>34</sup>

Current natural area preserves (NAPs) include “five large coastal preserves supporting high quality wetlands, salt marshes, and forested buffers.”<sup>35</sup> The DNR also has authority to acquire and maintain a system of “natural resources conservation areas” (NRCAs), which are areas of land or water that also have a high conservation priority but can sustain “low-impact public use,” such as hiking or recreation.<sup>36</sup> The state legislature directly designated all trust land and state-owned land on Cypress Island as one such area, and directed DNR to acquire private land there for conservation purposes.<sup>37</sup> Both the NAPs and NRCAs are managed under site-specific management plans, with periodic monitoring by DNR staff and volunteer stewards.<sup>38</sup>

### **Other Authorities: Shoreline Management Act (1971) and Ocean Resources Management Act (1989)**

In 1971, the Washington Legislature passed the Shoreline Management Act, a planning-based law intended “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”<sup>39</sup> Administered by the Department of Ecology, this law covers “shorelines of the state,” including all marine waters and associated shorelands and wetlands.<sup>40</sup> It further defines “shorelines of statewide significance,” including all of Washington’s Pacific Ocean waters and shorelands, five specified estuaries and their associated shorelands, and the marine waters of Puget Sound.<sup>41</sup>

All cities and counties with shorelines of the state must prepare a Shoreline Master Program aimed at designating “preferred uses” of shoreline areas that are consistent with controlling pollution and limiting environmental damage; these programs are supported, reviewed, and approved by the Department of Ecology.<sup>42</sup> For the shorelines of statewide significance, the preferred uses (in order of preference) are to: (1) Recognize and protect the statewide interest over local interest; (2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline; (5) Increase public access to publicly owned areas of the shorelines; and (6) Increase recreational opportunities for the public in the shoreline.<sup>43</sup> Once programs are approved, towns, cities and counties remain the primary regulators and enforcers, but the Department of Ecology must review certain permits issued under the programs or any amendments to them.<sup>44</sup>

The Shoreline Management Act provided the foundation for Washington’s Coastal Zone Management Program, the first to be approved under the federal CZMA.<sup>45</sup> In addition, in 1989 the Legislature enacted the Ocean Resources Management Act, which recited the state’s “inherent interest” in ocean resources beyond the three-mile limit, declared a moratorium on oil and gas leasing in state waters, set a goal of attaining federal consistency, and outlined planning and project review criteria to avoid and minimize

<sup>34</sup> RCW 79.70.070.

<sup>35</sup> [http://www.dnr.wa.gov/ResearchScience/Topics/NaturalAreas/Pages/amp\\_na.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/NaturalAreas/Pages/amp_na.aspx) .

<sup>36</sup> Id.; see RCW 79.71.020.

<sup>37</sup> RCW 79.71.100(2); another example is Woodard Bay. Id. (3).

<sup>38</sup> See [http://www.dnr.wa.gov/ResearchScience/Topics/NaturalAreas/Pages/amp\\_na.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/NaturalAreas/Pages/amp_na.aspx) .

<sup>39</sup> RCW 90.58.020.

<sup>40</sup> RCW 90.58.030(2).

<sup>41</sup> RCW 90.58.030(2)(f).

<sup>42</sup> [http://www.ecy.wa.gov/programs/sea/sma/st\\_guide/intro.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/intro.html) ; see RCW 90.58.070 to .100.

<sup>43</sup> RCW 90.58.020.

<sup>44</sup> [http://www.ecy.wa.gov/programs/sea/sma/st\\_guide/intro.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/intro.html) .

<sup>45</sup> See <http://www.ecy.wa.gov/programs/sea/czm/index.html> .

environmental impacts in state waters.<sup>46</sup> These broad directives are intended to guide state executive branch decision-making generally, rather than assigned to any specific agency.

*Evaluation of State Authorities<sup>47</sup>*

FACTORS	Aquatic Reserves Program	Marine Protected Areas: Conservation Areas/Marine Preserves	San Juan County/ Cypress Island Marine Biological Preserve	Underwater Parks and Marine Parks	Natural Area Preserves/ Natural Resources Conservation Areas
Legal regime	★★★★ Regulatory	★★★★ Regulatory	★★★★ Regulatory	★★★★ Regulatory	★★ Acquisition/ incentive
Ocean jurisdiction	★★★★ All marine waters	★★★★ All marine waters	★★★ Subset of marine waters	★★★ Subset of marine waters	★★★★ Potentially all marine waters (in practice coastal and estuarine)
Durability	★★★ Multi-year (90 yrs) and adaptive	★★ Indeterminate	★★ Indeterminate	★★★★ In perpetuity	★★ Indeterminate <sup>48</sup>
Consistency over time	★★★★ Authorizes year- round protection	★★★★ Authorizes year- round protection	★★★★ Mandates year- round protection	★★★★ Authorizes year- round protection	★★★★ Authorizes year- round protection
Habitat protection	★★★★ Representative or multiple habitats	★★★ Habitat protection	★★★★ Representative or multiple habitats	★★★★ Representative or multiple habitats	★★★★ Representative or multiple habitats
Sector	★★★★ Mandates multi- sector protection	★ Authorizes single-sector protection	★★ Mandates single-sector protection	★★★ Authorizes multi- sector protection	★★★★ Authorizes multi- sector protection
Enforcement	★ No MPA- specific enforcement	★ No MPA- specific enforcement	★★★★ Specific statutory criminal penalty	★★ Some MPA- specific enforcement	★ No MPA-specific enforcement
Extent (scope)	★★★★ Multi-site, potential expansion	★★★★ Multi-site, potential expansion	★ Single MPA, no expansion mechanism	★★★★ Multi-site, potential expansion	★★★★ Multi-site, potential expansion
Process for designation or expansion	★★★★ Petition for development or expansion of MPA	★★★★ Petition for development or expansion of MPA	None	★★★ Specific public process for MPA expansion	★★★ Specific public process for MPA expansion

<sup>46</sup> RCW 43.143.005 to .030.

<sup>47</sup> For an explanation of the evaluation matrix and criteria, please see the Introduction and Methodology Chapters.

<sup>48</sup> Dedications of state lands to the system are presumed to be in perpetuity, but dedications of private lands are revocable by the landowner. RCW 79.70.090(d).

*Local Authority for Marine Protection*

**Summary of Local Authority**

Washington also has a wide range of authorities for marine protection at the local level, ranging from county-level mechanisms for creating financing districts and scientific advisory committees, to declared county-wide “marine stewardship areas,” to municipal underwater and/or shoreline parks managed by the cities in cooperation with the state Department of Fish and Wildlife. With a thirty-year history of marine protection at the local level, Washington offers a variety of models for other jurisdictions.

	<b>Beach Management Districts</b>	<b>Marine Resources Committees</b>	<b>San Juan County Marine Stewardship Area</b>	<b>City of Edmonds Underwater Park</b>	<b>Shoreline Parks</b>
<b>Legal requirement</b>	Authorizes creation of taxation districts	Authorizes scientific/advisory committees	Creates planning, scientific and advisory committee	Established marine park by ordinance	Authorizes creation of shoreline parks
<b>Citation<sup>49</sup></b>	RCW 36.61 (1985)	RCW 36.125 (2007)	San Juan County Council Resolution (2007)	Edmonds city ordinance (1970); WAC 220-16-720	City ordinances and WDFW regulations
<b>Designation authority</b>	Counties	Coastal counties	San Juan County	City of Edmonds; WDFW	Seattle, Tacoma, Des Moines, e.g.
<b>Management &amp; enforcement authority</b>	Counties	Counties or cities, with Puget Sound Partnership or WDFW	San Juan County Marine Resources Committee	City of Edmonds, Dept. of Fish and Wildlife	City government in cooperation with WDFW
<b>Jurisdiction &amp; boundaries</b>	Lake and marine beach areas, as defined by district	Coastal and marine areas within county boundaries	County waters	27 acres of tidal and bottomlands at Brackett’s Landing	Typically shoreline areas adjacent to DFW MPAs
<b>Prohibited uses</b>	N/A	N/A	None specified	No take of fish or marine life, by ordinance & regs	Fishing restrictions per WDFW regulations
<b>Permitted uses</b>	N/A	N/A	None specified	Tribal fishing	Tribal fishing

**Beach Management Districts**

The Washington state code authorizes the formation of lake and beach management districts, “a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare.”<sup>50</sup> Any county may create these districts to finance the improvement and maintenance of beaches located partly or wholly within the county; once created, the district may levy special tax assessments on

<sup>49</sup> The citation date provided is the earliest date of enactment and does not reflect subsequent amendments unless otherwise noted. The enactment date is meant to inform the reader of how long the protection authority has existed.

<sup>50</sup> RCW 36.61.010.

property located within the district to pay for beneficial activities, including improving water quality, treating storm water, controlling agricultural waste, studying water quality issues, and so on.<sup>51</sup>

The district may be initiated by county legislation or by petition of at least ten landowners or the owners of fifteen percent of the acreage within the proposed district, followed by a public hearing and passage of legislation or a ballot measure.<sup>52</sup> While these districts do not regulate or prohibit specific activities, they are a means of designating special areas and financing their maintenance and improvement. To date, the authority has largely been used to create lake management districts,<sup>53</sup> but the legislation appears to contemplate their use for marine beaches as well.

### Marine Resources Committees

In 2007, the Washington Legislature authorized all coastal counties to form “marine resources committees” – local bodies charged with studying the marine environment, making “scientifically based recommendations for additional measures that might be necessary to enhance protection of marine resources,” including local candidate sites for marine protected areas, and working with state and local officials to implement them.<sup>54</sup> Marine resources committees may be created by the county legislative body, “in cooperation with all appropriate cities and special districts within their boundaries,” and adjacent counties may coordinate efforts to establish a committee; counties may delegate oversight of the committee to a willing city government.<sup>55</sup>

Committee members must be chosen with “balanced representation” from “[l]ocal government; local residents; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests,” as well as invitations to tribal representatives.<sup>56</sup> County residents may petition for creation of a committee.<sup>57</sup> In Puget Sound, the committees are coordinated by the Puget Sound Partnership; on the outer coast, by the Department of Fish and Wildlife.

### San Juan County Marine Stewardship Area

As discussed above, the San Juan County government has declared the waters of the entire county a “Marine Stewardship Area” (MSA). The MSA Plan was developed by the San Juan County Marine Resources Committee and approved by the County Council, with the objective “to facilitate the protection and preservation of our natural marine environment for the tribes and other historic users, current and future residents, and visitors.”<sup>58</sup> The Marine Resources Council then began collecting and mapping marine resources data as a prelude to recommending protective measures.<sup>59</sup>

The 2007 MSA Plan identifies six protection strategies: (1) reduce toxins entering the food web; (2) foster a stewardship ethic in residents and visitors; (3) manage activities to reduce harm to marine habitat and water quality; (4) reduce the risk of large oil spills in [the] waters; (5) recover bottomfish

<sup>51</sup> RCW 36.61.020.

<sup>52</sup> RCW 36.61.030 to .110.

<sup>53</sup> See <http://www.mrsc.org/subjects/environment/water/spd-lake.aspx>.

<sup>54</sup> RCW 36.125.010.

<sup>55</sup> RCW 36.125.020(1)-(2).

<sup>56</sup> RCW 36.125.020(3)(a).

<sup>57</sup> RCW 36.125.020(4).

<sup>58</sup> Marine Protected Areas in Washington: Recommendations of the Marine Protected Areas Work Group to the Washington State Legislature (Dec. 2009), at 94.

<sup>59</sup> Id.; see <http://www.sjcmrc.org/Marine-Stewardship-Area/Monitoring.aspx>.

species; and (6) preserve marine access and views.<sup>60</sup> These strategies serve as a focus for planning, coordinating programs and available resources, and launching local outreach efforts within the MSA.

**City of Edmonds Underwater Park**

The Edmonds Underwater Park was established by city ordinance in 1970, after a local resident donated his shoreline property on the condition that harvest activities be prohibited.<sup>61</sup> It is part of the larger Brackett’s Landing Shoreline Sanctuary, and the area is protected by both the city and the Washington Department of Fish and Wildlife, which adopted the no-take restriction into state fishing regulations, making it the Department’s first MPA.<sup>62</sup> The restriction has succeeded both in restoring the local fish population, and as a destination for recreational diving; maintenance and enforcement are carried out by volunteer efforts, posted signage, and occasional WDFW patrols.<sup>63</sup>

**Shoreline Parks**

Similarly, other Washington cities have designated shoreline park areas in cooperation with WDFW, with the Department’s MPA fishery regulations often coming at the city’s request and ongoing management handled by the city. Examples include the City of Des Moines Park and South 239th Street Park Conservation Areas in the City of Des Moines, the Titlow Beach Marine Preserve in the City of Tacoma, and several Marine Preserve/city park sites in the City of Seattle.<sup>64</sup>

*Evaluation of Local Authorities*

FACTORS	Beach Management Districts	Marine Resources Committees	San Juan County Marine Stewardship Area	City of Edmonds Underwater Park	Shoreline Parks
Legal regime	Incentive-based	Advisory	Planning	Regulatory	Regulatory
Ocean jurisdiction	Beach and tidal	Subset of marine waters	Subset of marine waters	Subset of marine waters	Beach and tidal
Durability	Indeterminate <sup>65</sup>	Indeterminate	Indeterminate	In perpetuity	In perpetuity
Consistency over time	Year-round	Year-round	Year-round	Mandates year-round protection	Authorizes year-round protection
Habitat protection	Byproduct	Habitat protection	Representative or multiple habitats	Habitat protection	Habitat protection
Sector	N/A	N/A	N/A		

<sup>60</sup> See <http://www.sjcmrc.org/Marine-Stewardship-Area/Protection-Strategies.aspx> .

<sup>61</sup> See [http://www.wdfw.wa.gov/fishing/mpa/bracketts\\_landing.html](http://www.wdfw.wa.gov/fishing/mpa/bracketts_landing.html) .

<sup>62</sup> <http://www.wdfw.wa.gov/fishing/mpa/intro.html> ; see WAC 220-16-720.

<sup>63</sup> [http://www.wdfw.wa.gov/fishing/mpa/bracketts\\_landing.html](http://www.wdfw.wa.gov/fishing/mpa/bracketts_landing.html) ; <http://www.edmondswa.gov/services/education/discovery-programs/edmonds-underwater-park.html> .

<sup>64</sup> See map at <http://www.wdfw.wa.gov/fishing/mpa/>.

<sup>65</sup> See RCW 36.61.025 (“any n d of time”

FACTORS	Beach Management Districts	Marine Resources Committees	San Juan County Marine Stewardship Area	City of Edmonds Underwater Park	Shoreline Parks
				Mandates single-sector protection	Mandates single-sector protection
Enforcement	N/A	N/A	N/A	★ Some MPA-specific enforcement	★ Some MPA-specific enforcement
Extent (scope)	★ Multi-site, potential expansion	★ Multi-site, potential expansion	★ Single MPA, no expansion mechanism	★ Single MPA, no expansion mechanism	★★★★ Multi-site, potential expansion
Process for designation or expansion	★★★★ Petition for development or expansion	★★★★ Petition for development or expansion	★★★★ Adopted through specific public process	None	★★★★ Petition for development or expansion