JAY INSLEE
Governor

STATE OF WASHINGTON
Office of the Governor

January 15, 2020

Jose L. Linares
Acting Oregon-Washington State Director
Bureau of Land Management
P.O. Box 2965
Portland, OR 97208

Dear Acting Director Linares:

Thank you for the opportunity to review the Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) for the San Juan Islands National Monument. The San Juan Islands, and the monument therein, are a national treasure and this plan provides an important step in protecting them. Sites within the monument are priceless to the Tribes who have lived here for thousands of years and to all Washingtonians. It is my hope that, with the proper planning, we can protect these natural and cultural resources for generations to come.

The State of Washington has completed a consistency review of the RMP/EIS and we have identified instances where the San Juan Islands National Monument RMP/EIS is inconsistent with the policies, plans, or programs of state, local, and tribal governments. We have provided recommendations for resolving these inconsistencies.

Any national monument planning is, by its nature, a large and challenging undertaking. I commend you and your staff on the effort put forth on the RMP/EIS. Washingtonians value highly the many landscapes managed by the Bureau of Land Management in our state. We also value the spirit of cooperation between your agency and our state government.

I urge you to give these recommendations the utmost consideration.

Very truly yours,

Jay Inslee
Governor

Enclosure

The Proposed Resource Management Plan is well considered but is inconsistent on dispersed camping, habitat protection, firearms discharge and climate change.

Consistency concern: **Dispersed Camping**

Location of inconsistency:
- Chapter 3 (throughout)
- Page 17 – Recreation Management Areas
- Appendix R, Pages 683-688 – Category A and B rocks
- Page 156 – Boat landing Category A and B rocks

Area of policy, program or plan inconsistency (in federal, state, local or tribal government):
- Proclamation 8497
- Marine Mammal Protection Act
- Washington Department of Fish and Wildlife's State Wildlife Action Plan
- Revised Code of Washington Chapter 77.15
- Washington Administrative Code 232-200-100
- Washington Department of Natural Resources Natural Resource Conservation Area Management Plan
- Washington State Parks San Juan Marine State Park Management Plan
- Whatcom County Code 16.16 Critical Areas Regulations
- San Juan County Code 12.12, 18.40.330 (a)(1) and 18.30.040 Land Use Table

Issue identified:
While recreation is an important use of public lands, Proclamation 8947 *does not* identify recreation as an object or value for which the monument was designated. The large amount of land designated for Recreation Management Areas, as opposed to other classifications, creates many inconsistencies with federal, state, and local government policies, plans, and programs. The most important recreation concern is that of dispersed camping. The state maintains that developed camping sites, with staffing, waste disposal, user limits, fire pits and proper infrastructure, is the best approach for overnight camping in a sensitive environment such as the San Juan Islands. This has been the approach of State Parks for decades. From the San Juan Marine State Park Management Plan:

> Because areas outside currently developed campgrounds and picnic areas are generally classified as either Natural/Natural Forest Areas, recreational developments in these areas will generally be limited to interpretive displays/signs, and recreational activities would generally be limited to hiking. The limitations placed on recreational development and permitted uses in effect provide a high degree of wildlife habitat/natural ecosystem protection.

The proposed Resource Management Plan's (RMP) allowance for dispersed camping in the monument, including small islands and Category A and B rocks, is inconsistent with the policy above. Dispersed camping means sites with no waste disposal infrastructure will be used for overnight stays. This will increase the incidences of excess human waste and garbage, which is

inconsistent with the State's Wildlife Action Plan that identifies degraded water quality from human activity as a significant stressor for marine ecological systems.

Furthermore, dispersed camping is a use that can degrade or alter the natural characteristics of a site, disrupt habitat and create management and safety concerns. For these reasons, all Recreation Management Areas in the proposed plan are classified as "Conservancy" and some are additionally classified "Natural" in San Juan County Code. This makes dispersed camping inconsistent with San Juan County code which does not allow camping in a land designated either "Conservancy" or "Natural."

In addition, because the RMP has no plan for signage or staffing, there is high likelihood that users will confuse monument lands for adjacent Washington Department of Natural Resource conservation area lands, and assume they can camp on these state lands as well. This is inconsistent with the agency's Conservation Areas Management Plan, which does not allow dispersed camping in the lands managed in the San Juan Islands.

The same is true of the Washington Maritime National Wildlife Refuge Complex – San Juan Islands National Wildlife Refuge, which has dozens of rocks, small islands and reefs. Most of these sites are designated as Wilderness. Camping is not allowed, nor is access. Humans and their watercraft must stay 200 yards away. Under the 2010 Comprehensive Conservation Plan for the San Juan Islands National Wildlife Refuge, the US fish and Wildlife Service has committed to reducing and minimizing signage at wilderness sites. Access and camping on BLM rocks and islands will likely result in more confusion over where people can and cannot go, impacting management of the USFWS Refuge lands.

Proposed resolution:

- **Eliminate dispersed camping in the monument.**

Consistency concern: **Habitat protection**

Location of inconsistency:
- Chapter 3 (throughout)
- Page 17 – Recreation Management Areas
- Appendix R, Pages 683-688 – Category A and B rocks
- Page 149 – Solitude and Quiet
- Page 156 – Boat landing Category A and B rocks

Area of policy, program or plan inconsistency (in federal, state, local or tribal government):
- Proclamation 8497
- Marine Mammal Protection Act
- Washington Department of Fish and Wildlife's State Wildlife Action Plan
- Revised Code of Washington Chapter 77.15
- Washington Administrative Code 232-200-100
- Washington State Administrative Code 352-32-130
- Washington Department of Natural Resources Natural Resource Conservation Area Management Plan
- Whatcom County Code 16.16 Critical Areas Regulations
- San Juan County Code 12.12, 18.40.330 (a)(1) and 18.30.040 Land Use Table

Issue identified:
The Bureau's application of Secretarial Order 3366 to Category A and B rocks in the monument is inconsistent with both federal and state law. Allowing recreational watercraft to land at these locations will put users at risk for citation for harassment of protected species under the Marine Mammal Protection Act and the Washington Administrative Code. Increased confusion is almost assured with the adjacent National Wildlife Refuge, which has many rocks that have no access and a rule requiring a 200 yard buffer between watercraft and marine sites within the NWR. Most, if not all wildlife species that are found in Category A and B rocks are classified as protected under WAC 232-200-100. Because of the remote nature of these sites, their lack of soil and the absence of signage, users of Category A and B rocks may not even realize that they impeding a marine mammal haul-out or disturbing bird habitat when visiting.

Disturbance from non-natural noise is a concern for wildlife habitat protection (and for human recreation). The most significant source of non-natural noise is overhead plane and jet activity. It is not sufficient for the Bureau to state in the plan that it has "no jurisdiction over these sources." The plan should include language stating the Bureau will work with its federal partners, the Federal Aviation Administration and U.S. Navy to develop an understanding and address the impacts of non-natural noise.

Drones are another potential threat to priority and protected wildlife and inconsistent with the statutes described above. Drone use, beyond scientific purposes, should not be allowed in the monument, and all drone use should require a permit. Allowing drone use without restrictions is inconsistent with State Parks Commission policy set out in WAC 352-32-130, which requires a written permit.

Proposed resolution:

- **Remove Category A and B rocks from Recreation Management Areas.**
- **Add language to the plan stating that the Bureau will work with the Federal Aviation Administration and U.S. Navy to develop an understanding and address the impacts of non-natural noise from overhead planes and jets, and support additional efforts in Congress to do the same.**
- **Require written permission from appropriate Bureau staff for all drone use within the monument in the same manner as WAC 352-32-130.**

Consistency concern: **Firearms discharge**

Location of inconsistency:
- Pages 170-171 – Hunting
- Page 172 – Discharge of firearms
- Pages 176-177 – Potential User Conflict

Area of policy, program or plan inconsistency (in federal, state, local or tribal government):
- Proclamation 8497
- Washington Administrative Code 220-413-180
- San Juan County Code: 18.40.330(c), 18.30.040 and 18.30.460 Table 4

Issue identified:
The state appreciates the RMP allowance for hunting in the monument. State-regulated hunting seasons are a key strategy in wildlife management, specifically for deer, in these public lands. However, the RMP allows for firearms discharged during hunting season for non-hunting activities such as target shooting. This is inconsistent with Washington Administrative Code, where sensitive areas have additional firearms restrictions for purposes of conservation and enforcement. Allowing a wide range of firearms to be discharged during hunting season where hunting implements are purposely limited creates significant enforcement challenges. The entirety of San Juan County has such hunting restrictions and that combined with the remote nature of the monument makes firearms enforcement, which is the responsibility of the state and county, quite problematic. There is a high likelihood of both increased poaching and negative impacts from unorganized target shooting as a result of the proposed RMP.

In addition, the allowance of target shooting is inconsistent with San Juan County Code land use designations and county laws that regulate target shooting and shooting ranges. The proposed RMP will likely create safety, user conflict and environmental issues.

Proposed resolution:
- **Eliminate target shooting from allowed uses of monument lands.**

Consistency concern: **Cultural resources**

Location of inconsistency:
- Chapter 3 (throughout)
- Page 17 – Recreation Management Areas
- Appendix R, Pages 683-688 – Category A and B rocks
- Page 156 – Boat landing Category A and B rocks
- Appendix L, Pages 497-498 – Treaty Interests

Area of policy, program or plan inconsistency (in federal, state, local or tribal government):
- Proclamation 8497
- Executive Order 13-07
- Revised Code of Washington Chapter 27.53

Issue identified:
The RMP is enshrining recreational use in Recreation Management Areas that have not been completely surveyed for cultural resources and risks damage and disturbance to those resources and violations of tribal treaty rights. Furthermore, in lands where cultural resources have been adequately surveyed, the Bureau lacks staff and resources to reasonably enforce user compliance with the rules that govern the monument. The RMP included no clear plan for reasonable enforcement or adequate administration of monument lands, therefore putting cultural resources at risk. This is in contrast to other monument plans, including the most recent monument plan/EIS in Washington State, The Hanford Reach National Monument Plan, which included an appendix with specific staff requirements needed to implement each alternative. Failing to protect cultural resources is inconsistent with state statutes on archeological sites and resources.

Proposed resolution:
- **Complete a cultural resource inventory for all Recreation Management Areas and revise Recreation Management Areas accordingly.**
- **Add an appendix with specific staff requirements to implement each alternative.**

Consistency concern: **Climate change**

Location of inconsistency:
- Page 17 – Recreation Management Areas
- Page 30 – Sea level rise

Area of policy, program or plan inconsistency (in federal, state, local or tribal government):
- Washington State Parks Adaptation Plan

Issue identified:
By designating dozens of small islands and rocks as Recreation Management Areas, the RMP will create a significant increase in recreational use of these areas without adequately analyzing the safety of users in relation to rising sea levels caused by climate change. The Washington State Parks and Recreation Commission, which currently manages three campsites on islands in the monument, has foreseen this concern and published the Washington State Parks Adaptation Plan in 2019. State Parks has enjoyed a positive relationship with the Bureau going back decades in helping manage federal lands now in the monument and adjacent State Parks lands. The Adaptation Plan details a clear vision for evaluating State Parks-managed properties for recreation in relation to climate change and sea level rise including the following policy action areas:

1. Incorporate sea level rise projections in management processes.
2. Minimize coastal hazards by considering climate change projections when siting infrastructure.
3. Increase resilience of infrastructure by increasing design standards.

The RMP is inconsistent with this plan as none of these issues is directly addressed. This is important as State Parks and the Bureau continue their partnership into the foreseeable future.

Coastal hazards in an era of sea level rise certainly impact the management of infrastructure. They also affect the safety of recreational users where no infrastructure exists, such as on undeveloped small islands and rocks in the monument. More storm swells and large waves that can sweep users away or create sudden drowning hazards are a safety issue to both dispersed camping users and day use users in the monument. By designating dozens of small islands and rocks as Recreational Management Areas, the RMP has failed to incorporate sea level rise projections in the management process.

Proposed resolution:
- **Eliminate dispersed camping in the monument.**
- **Analyze sea level rise projections in relation user safety on all small islands and rocks in the monument and revise Recreation Management Areas accordingly.**

The Bureau is commended for its coordination with state agencies in the creation of this plan. We look forward to your response to these consistency concerns and to future collaboration in protecting and managing our critical public lands for generations to come.