

# **OFF THE BEATEN TRACK:**

**DEMONSTRATION OF  
THE PROTO-EXPLORATION  
OF THE ORCA PASS INITIATIVE**

**BOOK II**

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Dissertation offered to obtain the degree of  
Doctor of Educational Sciences (PhD)

Supervisor: Prof. Dr. Danny Wildemeersch









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## **List of abbreviations**

BC: the province of British Columbia  
BCAFC: British Columbia Aboriginal Fisheries Commission  
CS: Coast Salish  
CSSC: Coast Salish Sea Council  
ESA: Endangered Species Act  
FNs: First Nations  
FO-CA: The Canadian/federal Department of Fisheries and Oceans  
GB/PS: Georgia Basin/Puget Sound  
GSA: Georgia Strait Alliance  
MPA: Marine protected area  
MRC: Marine Resources Committee  
NAFEC: North American Fund for Environmental Cooperation  
Non.-Nat: Non-Native(s)  
NWIFC: Northwest Indian Fisheries Commission  
OP: Orca Pass  
OPI: Orca Pass Initiative  
OPISA: Orca Pass International Stewardship Area  
P4PS: People for Puget Sound  
S&S Coalition: Sound and Straits Coalition  
TBMPA: Transboundary marine protected area  
U&A: Usual and accustomed (fishing) areas  
WA: Washington State



# 1. MACRO-LEVEL ANALYSIS: APPLYING THE SEVEN-STEP ANALYTICAL PROCEDURE IN RELATION TO RQ.I

## *Introductory remarks*

As signalled in the introduction to Chapter 5 (**Book I**), the present book begins by providing an overview of initial and contextual conditions we deemed relevant for respectively the early, the intermediate and the ultimate vision that emerged from the OPI as well as for perspectives adopted by CS representatives during local discussions. It next demonstrates how we construed these visions by applying to the selected primary sources, step by step, the analytical procedure spelt out in Section 4.3. (**Book I**). In addition to displaying our primary sources, **Annexes 1-22** and **23-25**, enclosed in this book, illustrate in detail how we processed the text segments retrieved through thematic framework analysis, and how we commented on them under respectively **Steps 2** and **3**.

Prior to this demonstration it seems appropriate to offer a few introductory comments regarding the sources on which we drew when conducting our proto-exploration. This, we think, presents the advantage of sparing the reader from undue repetition as we deal with the two levels of analysis in turn.

The sources to which we resorted, most, if not all, of which were naturally occurring, were made available after a series of conversations we had in the period 2007-2009 with former key protagonists involved in the OPI, mainly on behalf of the GSA (BC)

and P4PS (WA), in the years between early 1999 and mid-2003.<sup>1</sup> These conversations, which took place face-to-face or over the phone, revolved around the following four broad themes:

- (a) Background of the OPI;
- (b) Relations and interactions with the CS;
- (c) The transboundary dimension of the OPI;
- (d) The relationship between the OPI *qua* citizen-led initiative and governmental programmes.

As our focus became progressively sharper in pace with increasing familiarisation with the documentary material and thanks to insights gained during the retrospective conversations, we were able to elicit the sources we would consider our primary and secondary sources respectively. At the same time we were aware, however, that, for all the impressive number of files handed over to us, there might still have been files in a forgotten box or filing cabinet or stored on an unreadable hard disk or floppy disc that might have qualified just as well, if not more, for being included in our documentary material.

While the criteria for selecting our sources obviously varied according to the level of analysis concerned, these sources were all organised according to the thematic framework we introduced in Section 4.2. (**Book I**). We recall that the first main theme (Theme no. 1) we elicited was ‘Guiding principles underpinning governance of

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<sup>1</sup> Following request from some of them, these protagonists will remain anonymous. They will merely be referred to in terms of their working title or, more generally, as representatives of particular organisations.



the commons<sup>2</sup> included in the Salish Sea and, in particular, the proposed transboundary marine area; the second (Theme no. 2) was ‘Modalities for governing these commons’. To recap, the five sub-themes, they were:

**Under Theme 1:**

- 1(a) - Knowledge base(s) informing establishment of a transboundary MPA
- 1(b) - Ethics

**Under Theme 2:**

- 2 (a) - Approaches to marine conservation and MPAs
- 2 (b) - Governance regimes and practices for the area of interest / OPISA
- 2 (c) - Shared governance across the border

1.1. **Phase 1** - Construing the early vision: Historical and initial conditions of relevance to the early vision

Since the transboundary dimension was the OPI’s trademark already from the outset, we shall give particular attention to several historical conditions that appeared to afford such an outlook. Looking first at the recent history leading up to the launching of this initiative, it seemed obvious that the very circumstance that it sprang out from the transboundary Sound & Straits (henceforth abbreviated to S&S) Coalition, created in 1992, played a decisive role in its conjuring up,

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<sup>2</sup> Even though we did not find the OPI protagonists themselves use this notion, we retained it for at least two reasons: not only did it sit well with the ‘reality’ of shared waters; it also allowed us to steer clear of the term ‘resources’ of which we remained highly critical for normative reasons.

right from its gestation period, a vision with a transboundary scope.<sup>3</sup>. Such transboundary outlook in a way set back the clock to the days prior to the Oregon treaty of June 1846 when no boundary existed<sup>4</sup>. Second, also in 1992, the Premier of the Province of British Columbia (BC) and the Governor of the State of Washington (WA) agreed to establish the WA/BC Environmental Cooperation Council to ensure

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<sup>3</sup> In a personal communication with one of its founders, October 26<sup>th</sup>, 2011, Vancouver BC, regarding the OPI's genesis, we were thus told "Addressing threats against shared waters from a transboundary perspective "seemed so obvious".

<sup>4</sup> The process through which the political boundary bisecting the waters of the Salish Sea was eventually defined offers a good illustration of the often-random character of international boundaries. After the Oregon treaty resolved the Oregon Country/Columbia District boundary dispute by aligning the boundary with the 49<sup>th</sup> parallel of north latitude, San Juan Islands remained a bone of contention between the British and the Americans. Ambiguity prevailed as to where exactly the international water boundary connecting the Strait of Georgia to the Strait of Juan de Fuca would run. Because of this ambiguity, both the United States and Britain claimed sovereignty over the San Juan Islands. Military escalation loomed after eruption of the so-called 'pig war' in June 1859, an episode during which a 'British' pig got shot by an American settler. After British/ US military standoff for a couple of months during which only insults were exchanged, renewed negotiations resulted in mutual agreement to retain joint military occupation of the island until a final settlement could be reached. A British camp was set up on the north end of San Juan Island and an American camp on the south end. Till this day the Union Jack flies above the "British Camp", being raised and lowered daily by park rangers, making it one of the very few places without diplomatic status where US government employees regularly hoist the flag of another country. After 12 years, during which the local British authorities consistently lobbied London to seize back the Puget Sound region entirely, in 1871, Great Britain and the United States signed the treaty of Washington. Among the results of this treaty - which dealt, among others, with border issues with the newly formed Dominion of Canada - was the decision to resolve the San Juan dispute by international arbitration with Kaiser Wilhelm I of Germany as arbitrator. Much to the resentment of Canadian politicians and public, on October 21, 1872, the arbitrator chose the American-preferred marine boundary via Haro Strait, to the west of the islands, over the British preference for Rosario Strait which lay to their east.

(Source: [http://en.wikipedia.org/wiki/Oregon\\_boundary\\_dispute](http://en.wikipedia.org/wiki/Oregon_boundary_dispute) - consulted November 2012).

“coordinated action and information sharing on critical cross-border environmental issues of mutual concern”. Following a report by a WA/BC Marine Science Panel issued in 1994 on the urgent need to address habitat loss, water pollution, and resource depletion on a transboundary basis, the governments of BC and WA created the PS/GB Task Force with a view to working on common issues in the shared waters. Recommendations issued by this Panel also included a call for a transboundary marine protected area<sup>5</sup>. Yet, when the S&S Coalition convened a meeting in March 1999 to discuss for the first time the idea of a transboundary MPA in the Salish Sea, there was still no precedent for such an MPA, neither in the Salish Sea region nor, for that matter, anywhere else in North America (Nichols, 2002), and this despite the MPA approach being under discussion within governmental spheres on each side of the border since the 1970’s. While Canadian federal task forces designed a network of MPAs as far back as the period 1971-1977, MPAs were still considered a field of experimentation at the end of the 1990’s (Allison *et al.*, 1998). On the US side, in 1989, the National Oceanic and Atmospheric Administration (NOAA) proposed a National Marine Sanctuary for the Northwest Straits. Over the next two to three years, both within the US and the Canadian federal administrations, hopes were harboured that a large transboundary MPA encompassing the National Marine Sanctuary on the US side<sup>6</sup> and a National Marine

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<sup>5</sup> <http://www.env.gov.bc.ca/spd/ecc/> - retrieved October 8<sup>th</sup>, 2012.

<sup>6</sup> Such a sanctuary would be designated under the National Marine Sanctuaries Act (NMSA). The latter aimed at protecting marine areas with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational or aesthetic qualities. On this basis regulations would specify the type of activities that could and could not occur within the proposed sanctuary.

Conservation Area on the Canadian side, probably in the range of 2000/3000 km<sup>2</sup> in size<sup>7</sup>, might see the light. This idea, however, was dropped when the Sanctuary proposal was withdrawn in 1996 owing to fierce resistance notably on the part of local user groups.

Two other initiatives seemed of direct relevance to the OPI: First the Transborder Marine Stewardship Initiative launched in 1998 following signing of a transboundary Memorandum of Understanding by two local governmental bodies - respectively the San Juan Count Commission (WA) and the Islands Trust (BC) - despite none of them had formal jurisdiction for doing so<sup>8</sup>. This Memorandum advocated creation of a network of marine protection areas in the Gulf Islands/San Juan Islands. Second, launching in spring 2000 of the Northwest Straits Initiative. This initiative was aimed at offering a citizen-driven, bottom-up alternative to the failed top-down Northwest Straits National Marine Sanctuary proposal. One of its main goals was, over the following five years, to set up a scientifically-based network of marine protected areas (MPAs). All seven US counties bordering the waters included in the original National Marine Sanctuary proposal participated in this initiative with as many citizen-based Marine Resource Committees (MRCs) acting as advisory bodies. As designed, however, this initiative had no transboundary scope.

As for initial conditions prevailing around the time of the OPI's launching, as noted in Section 1.2. (Book I), they seemed to

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<http://sanctuaries.noaa.gov/about/legislation/welcome.html>, consulted 13/12/12

<sup>7</sup> Contribution of representative of Parks-CA at interactive session on transboundary MPAs, Seattle, February 2009

<sup>8</sup> Summary of transboundary meeting of March 30<sup>th</sup>, 1999.

offer a conspicuous window of opportunity for collective, bottom-up experimentation. Blaming the provincial/state and the two federal governments for moving at “the pace of glaciers” (Nichols, 2002, p. 23), the S&S Coalition saw no other option than for non-governmental agents to forge ahead in search for possible responses to a situation considered ever more alarming.

The predominant feature in the OPI’s ‘external’ context in the period we called Phase 1 was a general climate within the two federal governments particularly favourable to transboundary work. In January 2000, a Statement of Cooperation was thus signed by the two federal administrations of Environment-Canada (Pacific-Yukon Region) and the US Environmental Protection Agency /Region 10 (Pacific Northwest). This Statement anticipated the two administrations to work actively together “...on meeting common challenges for the future of the Georgia Basin/Puget Sound ecosystem”<sup>9</sup>. Importantly from our perspective, it referred to “the Aboriginal people of the Georgia Basin’ and ‘the indigenous inhabitants of Puget Sound’<sup>10</sup>. Identifying them as “stewards of the lands and resources in the Georgia Basin/Puget Sound since time immemorial”, it advocated for their knowledge, talents and energy to be part of the region’s future. It added that” (T)o preserve and protect the region, we should work closely with representatives of the Aboriginal people of the Georgia Basin and the indigenous inhabitants of Puget Sound in an atmosphere of mutual respect so that their special knowledge and unique perspective can contribute to our common efforts.” This appeared to signal that acknowledgement of

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<sup>9</sup> Scanned text of this Statement available upon request.

<sup>10</sup> It will be noted here that the official terms ‘Tribes’ and ‘First Nations bands’ were not used nor was the appellation ‘Coast Salish’.

the need for the CS to be involved in initiatives addressing ecological issues was very much in the spirit of the times. Common priorities listed in the Statement also included “better coordinating environmental-management initiatives already under way”. Yet, as noted by the press<sup>11</sup>, the Statement did not mention the possibility of establishing a transboundary marine protected area. Nor did the two federal governments commit to spending more money on transboundary environmental efforts. Against this background, it seems fair to say that the arena was open for bold and innovatory non-governmental initiatives venturing where higher-order governments did not yet dare tread, at least as far as the Salish Sea region was concerned<sup>12</sup>.

As for the general climate within the nascent OPI, as we went through files produced during the first 12 months of its existence, we found several statements accrediting the thesis that, at least in its early days, the initiative’s core instigators left room for openness to controversy and experimentation. Whereas they seemed, already very early on, to have some ideas regarding the direction in which to head both in terms of foundational principles and governance modalities<sup>13</sup>, the sources documenting the OPI’s gestation period predicated that the thinking about the scope and nature of the transboundary area of interest was still sufficiently open and fuzzy so as to leave room for different lines of approach. We thus found that the GSA and P4PS representatives went to great lengths, in this early phase of the OPI’s

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<sup>11</sup> Seattle Times, January 23<sup>rd</sup>, 2000.

<sup>12</sup> A North American Marine Protected Areas Working Group was thus established under the tri-national (US-CA-Mexico) Commission for Environmental Cooperation around the time the OPI was launched.

<sup>13</sup> These organisations thus developed a draft statement of purpose already in May 1999 containing ideas about principles and governance options.

existence, to emphasise that the proposal was work in progress and that the framework would remain flexible. In the minutes of the transboundary meeting of December 6<sup>th</sup>, 1999, we found stated: “(The) ultimate management of the area would probably involve a combination of approaches”. During a brainstorming session early December 1999 around the naming of the area of interest for the envisioned transboundary MPA, we also found the P4PS representative cautioning the S&S Coalition against adopting a “ (...) ‘we’ve got it all figured out’ approach. Moreover, when presenting a brochure for the OPI at meeting on May 17<sup>th</sup> 2000 for members of the Basin Network - a set-up encompassing mostly Canadian - both governmental and non-governmental - organisations interested in growth management issues in the Georgia Basin - a GSA representative characterised the idea behind the OPI as creation of “an informal, *experimental* [emphasis added], non threatening set up grounded in a whole Basin perspective and promoting seamlessness of the Basin.” Lastly, in the initial phase, we noted ambivalence and wavering denoted by diverging, at times contradictory recommendations on the part of S&S Coalition members with respect to governance of the area of interest, at times stressing voluntary compliance as the main principle<sup>14</sup>, at others, strong protection presupposing regulatory coercion.. As emphasis was also put on the OPI being open to everyone, conspicuous efforts were deployed to invite as many different players as possible to become involved.<sup>15</sup>

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<sup>14</sup> Source: Minutes of the transboundary meeting of October 13<sup>th</sup>, 1999 (available upon request).

<sup>15</sup> For instance an e-mail from P4PS to GSA sent in mid-July 1999 thus acknowledged dissent, indicating that “(E)ach work group was invited to think about who else is critical to our work and should be at our next

Against this background, we shall contend that neither the external context nor the climate prevailing within the OPI precluded the early vision undergoing noteworthy shifts as the OPI gathered momentum.

#### 1.1.1. **Step 1** - Selecting our primary sources

With regard to the primary sources used for our macro-level analysis, we selected each time a set made up of two sources that we deemed central for shedding light on the vision that emerged during the phase concerned. While the rationale for resorting to at least two sources for the same phase was to buttress the evidential base from which we would reap our understandings, several months often elapsed between their respective dates of production. As a result, when bringing these sources together, we strove to bear in mind that possible discrepancies in terms of contents might result from particular events or developments that occurred in the time lapse separating their respective production.

The criteria that guided our selection of primary sources were the following: (a) the sources in question would obviously need to be relevant for Phase 1, 2 and 3 respectively; (b) they were produced for the purpose of explicitly presenting to wider constituencies how the OPI was envisioned to move forward. This criterion was directly derived from our discussion in Chapter 2 where we linked envisioning with ‘futurity’ (Osberg, 2010)<sup>16</sup>; (c) they highlighted

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meeting - then put that name out to the listserv to give people a chance to voice any reservations, if applicable.”

<sup>16</sup> This clear orientation towards the future implies that we shall deliberately leave aside sources primarily retracing the OPI’s history.



how the OPI would position itself in relation to policies and programmes conducted by higher-order governmental agencies in particular. The latter criterion resulted from our focus, signalled in Chapter 1, on sub-political fora and, in particular, on citizen-driven initiatives as collective experiments potentially capable of taking the lead in generating novel options that would either complement or, at the very least, inspire higher-order/central governments to go down new pathways.

As for secondary sources, in addition to material mostly circulated via the via the listserv designated as the Transboundary Marine Protected Area (TBMPA) listserv - commented upon in Annex 1 (**Book I**), we occasionally drew on transcripts of conversations with former OPI protagonists that took place between 2007 and 2011 as well as on notes from the interactive session we chaired at the 2009 GB/PS research conference. As long as we looked longitudinally at the OP process, however, we only resorted to these transcripts with utmost circumspection. The reason for this is that we were wary that the interpretations that former OPI protagonists offered on these occasions might ensnare us to a point of preventing us from taking a fresh look at the files we would be reading. These interpretations might thus tempt us to foreground what former OPI-protagonists were able to recall at the expense of perhaps less conspicuous issues or aspects that might be just as important. By contrast we did not hesitate to mine these transcripts and notes for insights, as appropriate, in preparation for our discussion of unactualised potentialities in Chapter 7.

Two documents, both of which were produced within the time span we defined for Phase 1, and circulated via the TBMPA

listserv, stood out as appropriate primary sources. The first was the document, entitled “Transboundary MPA Statement of Principles”, which was circulated via this listserv on September 8<sup>th</sup>, 1999. The second primary source was a vision letter sent on March 6<sup>th</sup>, 2000 to the PS/GB Task Force under the BC/WA Environmental Cooperation Council<sup>17</sup>. We considered what became visible via these sources, *taken together*, to enable us to sketch out a reasonably substantiated picture of the early vision guiding the OPI with regard to principles and modalities for governing a would-be MPA in the Salish Sea.

#### Source-critical commentary

##### Primary source no. 1: The Transboundary MPA Statement of Principles of September 8<sup>th</sup>, 1999

###### *Origin of the document*

We understood a cover letter sent on June 14<sup>th</sup>, 1999 to a CS member of the GSA to imply that the Statement was the outcome of collective reflections among members of the Steering Committee that was constituted after the first transboundary meeting of March 30<sup>th</sup>, 1999. We took this document to constitute a balanced reflection of visions held by the different Steering Committee members, all of whom were non-native. To vindicate such understanding we would point out that we observed a number of amendments or revisions as compared with earlier versions denoting that comments by different members had been taken on board. Of particular inspiration were written comments, sent in by the Living Oceans Society (BC) - a

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<sup>17</sup> The two primary sources are displayed in **Annexes 1 and 2**.

member of the S&S Coalition - after a transboundary meeting held June 24<sup>th</sup>, 1999, many of which were incorporated in the document dated September 8<sup>th</sup>. Since the minutes of the TBMPA meeting that followed on October 13<sup>th</sup>, 1999 did not openly report any objections about the principles presented in this document, we took this to confirm that it by and large reflected a collective vision.

### *Constituencies addressed*

To the best of our knowledge the Statement of Principles was the first document presenting principles underlying the proposal for a transboundary MPA that was made available to a wider constituency. It thus transpired from correspondence internal to the GSA that the OPI's instigators viewed these principles as sufficiently developed to be sent out to a wider circle of potentially interested groups, also outside the already substantial number of organisations included in the TBMPA listserv.

Primary source no. 2: The vision letter of March 6<sup>th</sup>, 2000

### *Origin of the document*

This letter was co-signed by the two Executive Directors of the S&S Coalition's lead organisations the GSA and P4PS. It thus provided an opportunity for underlining the transboundary character of the Coalition and for positioning it as a non-governmental counterpart to the governmental PS/GB Task Force to which it was addressed. Strikingly, the language used appeared adapted to match

that familiar to provincial and state decision-makers. This transpired, among others, when the targeted ecosystem was presented as constituted by the waters of the Inland Sea shared “between the province and the state.”

### *Constituencies addressed*

As noted above, the vision letter was addressed to the PS/GB Task Force set up under the WA/BC Environmental Cooperation Council, *i.e.* that very same institution to which recommendations regarding establishment of the OPISA would be submitted for endorsement three years later. It therefore appeared to make sense to make this vision letter one of the centerpieces on which we would draw to highlight possible shifts that occurred over this time span. A second consideration prompting us to single out this letter was that it shed further light on how, early on, the S&S Coalition envisioned the transboundary dimension translated in terms of governance provisions as well as how it framed the relationship between governmental initiatives and a citizen-based initiative such as the OPI.

#### 1.1.2. **Step 2** - Harvesting relevant text segments through thematic framework analysis

Applying the thematic framework we devised to our two primary sources enabled us to extract, from their original textual context, certain text segments we understood as relating to one or

several sub-themes and to label them accordingly. Such labelling, however, inevitably reflected the connotations we ascribed to the sub-themes when starting out on our inquiry. Thus, under sub-theme **1(a)**, we gave particular attention to text segments pertaining to (western) science and TEKW respectively<sup>18</sup>. Under sub-theme **1(b)** we understood ‘ethics’ to cover the system of principles and values seemingly guiding individual or collective conduct<sup>19</sup>. We understood sub-theme **2(a)** to cover issues such as different perspectives regarding marine conservation and the MPA concept or approach itself<sup>20</sup>. As for ‘governance<sup>21</sup> regimes and practices’, at the core of

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<sup>18</sup> Recalling that Turner, Boelscher, and Ignace (2000) recommended expanding the acronym TEK (Traditional Ecological Knowledge) to TEKW to cover also wisdom, this might speak in favour of attributing text segments touching upon traditional knowledge to 1(b) rather than to 1(a). As will be seen in the course of our analysis, there were indeed times where we opted for allocating text segments pertaining to traditional knowledge and wisdom under the label of ethics. This was the case, notably, when these text segments seemed to us to touch more on a general worldview than on ways or methods for generating knowledge.

<sup>19</sup> Throughout our thematic analysis we strove, as best we could, to maintain a distinction between what we deemed to belong to the ethical and the political realm respectively. Where we understood the former to have to do with moral principles such as reciprocity, responsibility, duty or care, we understood the latter to pertain to the issue of who was going to have a significant say over how marine commons were to be governed.

<sup>20</sup> It should thus be recalled that the MPA approach was still in its infancy at the time of the OPI. Furthermore, rather than one established approach or model, understandings varied even within the scientific community regarding the optimal size for MPAs and provisions to be applied within their boundaries, as well as whether or not they should become part of larger networks. In terms of spatial scope and size, preferences varied from small sites, either isolated or linked so as to form networks, often of limited spatial scope, all the way to coherent macro-regional sea basins.

<sup>21</sup> Pierre and Peters (2000) describe ‘governance’ as a notoriously slippery word. Used in different contexts and against different theoretical backdrops, it has taken on a variety of meanings. Despite such polysemy, we deemed it useful to place governance at the core of one of our main themes for several reasons: **First** we found this notion central to a school of thought in political theory rethinking the role of the state in democratic societies and hence very

sub-theme **2(b)**, we settled for an understanding covering a variety of provisions, both formal and informal, voluntary or regulatory. Lastly, under sub-theme **2(c)**, we considered as relevant for ‘shared governance across the border’ all forms of relationships ranging from classic inter-governmental cooperation, to coordinated or even joint action involving different categories of agents (governmental or non-governmental) across the political boundary.

As with any labelling, we anticipated cases in which deciding to which sub-theme one particular text segment could best be allocated would be far from obvious. In such cases, we decided to adjoin two - or more - labels to the text segment concerned. Nor did we expect all five sub-themes to be equally prominent in the sources examined. However, even when absent, they would arguably have something to say. On the other hand, we did not preclude that sub-themes other than those identified might stand out in the course of our close reading, possibly prompting us either to expand our list of sub-themes or to enrich the connotations we ascribed to them.

**Annex 1** and **2** show the two primary sources *in extenso* with highlighting of the particular text segments that caught our attention

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close to Beck’s focus on sub-political fora. This school of thought, represented notably by Sabel and Zeitlin (2012), relates governance to informal networks, partnerships and deliberative fora without, however, excluding formal, regulatory arrangements. As new experiments in democratic practices, such networks, typically found at the local and meso/regional level, are in many ways seen to challenge centralised and hierarchical arrangements (Pierre & Peters, 2000). Accordingly we deemed the notion of ‘governance’ to provide a handy general heading encompassing a variety of provisions and practices, informal and formal, voluntary and coercive/regulatory, bottom-up and top- down. **Second** this notion presented the advantage of sparing us from using the - for us - questionable notion of ‘management’ that pre-supposes that complex and dynamic socio-ecological systems are predictable and hence controllable (Bavington, 2002).

as we read the two texts through the particular lens of our thematic framework.

### 1.1.3. **Step 3** - Commentary to the harvested text segments

More often than not, the commentary we brought to the text segments retrieved under **Step 2** was an elaboration of short-handed annotations we made as we read and re-read the primary sources line by line (as shown in the margins of **Annexes 2** and **3**). Drawing on our background knowledge, this commentary sought to shed further light, notably by relating the contents of the retrieved text segments to contextual conditions, on how each sub-theme was touched upon,. Since, however, it would form part of the ‘evidence’ on the basis of which we shall draw inferences under **Step 4**, it would also signal what we found surprising, what we missed as well as doubts we had concerning what we read. Lastly it would nurture the discussions conducted under **Step 7** with respect to the intermediate and the ultimate vision.

Commentary to primary source no. 1: The Transboundary MPA Statement of Principles

#### **1(a) - Knowledge base(s) informing establishment of a transboundary MPA**

##### *Silences*

It did not escape our attention that, despite foreseeing native peoples to be included in a citizen-based approach, the Statement of

Principles did not refer to the distinct contribution that TEKW might bring to help move towards the overall goal of conserving “marine species, ecosystems, habitats and biological diversity and to rebuild sustainable fish and wildlife populations”. We deemed this silence all the more striking that the discussions that took place at the first transboundary meeting on March 30<sup>th</sup>, 1999, made ample reference to the need take traditional knowledge and CS perspectives into consideration. The latter reference seemed to us to testify that TEKW was absented rather than ‘othered’<sup>22</sup> by the OPI’s instigators.

## **1(b) - Ethics**

### *Surprising elements*

We noted that the ethical dimension was made explicit in the last point of the document calling for “*just* [emphasis added] enforcement of existing laws that recognize native and non-native *rights and responsibilities* [again emphasis added]”. What struck us here, though, was the use of the qualifier ‘just’ next to a proposition placing the native and non-native groups on equal footing. In order to make sense this would pre-suppose that conditions under which the two groups were living were roughly comparable, if not similar. As anyone with a minimum of knowledge about the history of the CS and its repercussions to the present day will recognise, this is of course far from being the case<sup>23</sup>.

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<sup>22</sup> See footnote 108 (**Book I**)

<sup>23</sup> For example where non-aboriginal commercial fishermen can fish wherever they please in Washington State waters, aboriginal commercial fishermen can only fish in waters defined in Treaties as Usual and Accustomed fishing grounds.



## **2(a) - Approaches to marine conservation and MPAs**

### *Silences*

We noted that, despite reference to population growth, no mention was made for example of the importance of taking into account the issue of unsustainable coastal development.

### *Surprising elements*

The phrase “Marine protected areas (MPA) are widely endorsed by the scientific community” surprised us somewhat since it appeared to posit broad consensus regarding this approach. The literature that we reviewed about MPAs showed that this was far from being the case at the time, even within the scientific community itself (Allison, Lubchenco, & Carr, 1998; Juthans, 2002; Norse, 1993);

## **2 (b) - Governance regimes and practices for the area of interest**

### *Questions*

We wondered what type of governance would be promoted for the commons included in the transboundary MPA-to-be. On the one hand, it was stated that “(A) transboundary MPA should be a citizen-based approach developed by all concerned groups”, on the other, under the same point, it was underlined that “it should be the government's [sic] responsibility to use its power to ‘make it so’ [sic].”

## **2(c) - Shared governance across the border**

### *Silences*

While we read the statement: “(A) transboundary MPA recognizes that the ecosystem of the Salish Sea has no border and that organisms that inhabit this inland sea and many of the impacts upon them are not constrained by lines on a map” as signalling bracketing of the border, at least from a biological point of view, we missed mention of how governance of shared waters might help alleviate such impacts. Neither shared stewardship actions involving citizen groups working across the border nor coordination of policies conducted on each side of the border were evoked.

### *Surprising elements*

When stating that it would be “the Government’s responsibility to use its power to ‘make it so’ (that is, as we understood it, to support the idea of a transboundary citizen-based MPA), we could not help noticing that, where mentioning of *two* Governments’ working together would seem obvious, the singular form was used. For us, this slip of the pen was revealing. We saw it as signalling that we might have here an example of shared governance being ‘othered’ in the sense that it exceeded what the OPI’s instigators were capable of imagining at the time.

Commentary to primary source no. 2: The vision letter

**1(a) - Knowledge base(s) informing establishment of a transboundary MPA**

*Silences*

Yet again, the best available science was foregrounded as a means “to determine where we should put our protection and recovery efforts”, while silence was kept regarding TEKW.

**1(b) - Ethics**

*Surprising elements*

Common though the phrase “management of marine resources “might have been at the time, we were nonetheless surprised to find it in the vision letter. For us, the notions of ‘management’ and ‘resources’ suggest an instrumentalising approach to marine life to which we would not have expected protagonists primarily informed by marine biology to subscribe. At any rate the latter seemed to have adopted here a language aligned on that used within government circles.

*Questions*

When we first encountered the notion of ‘stewardship’ in the context of the OPI, the notion of responsible care for the commons leapt to our mind. Yet, even though we found the vision letter to posit this notion as a key principle to inform goals and guidelines for human activities in the proposed MPA, we were far from sure that the

S&S Coalition understood it as we did. We decided to turn to secondary sources under **Step 6** to shed further light on this question.

## **2 (a) - Approaches to marine conservation and MPAs**

### *Silences*

Strikingly the notion of ‘marine protected area’ was replaced in the vision letter by ‘area of interest’. The S&S Coalition also conspicuously appeared to avoid specifically mentioning the MPA concept, limiting itself instead to a general vision to “protect(ing) and restore(ing) the ecosystem health of the shared waters of the Inland Sea ...”. This caution further came to expression as the would-be transboundary MPA was introduced as an ‘area of interest’ helping move “towards designation of marine protection areas in the Gulf Islands/San Juan Islands”.

## **2(b) - Governance regimes and practices for the area of interest**

### *Silences*

Somewhat disappointedly, nowhere did we find the vision letter refer to the *citizen*-driven character of the S&S Coalition’s work. All we found was ‘non-governmental organisations’ as well as ‘constituents’ and ‘user groups’. Nor was there any mention of FN/tribal involvement.

### *Questions*

As the vision letter stated that the S&S Coalition’s work would “be supportive and complementary to the initiative taken by Islands Trust and San Juan County in moving towards designation of

marine protection areas in the Gulf Islands/San Juan Islands”, we wondered if the term ‘designation’ entailed regulatory provisions.

## **2 (c) - Shared governance across the border**

### *Surprising elements*

We found the choice of the official name for the area of interest, *i.e.* the Orca Pass *International* [emphasis added] Stewardship Area, rather surprising. Use of this qualifier rather than ‘transboundary’ appeared all the more puzzling that, during discussions in the OPI’s gestation period, both the GSA and P4PS emphasised the transboundary dimension as the initiative’s trademark. By contrast, for us, the qualifier ‘international’ denoted the classic language of diplomacy.

Moreover, where we noted that the S&S Coalition seemed keen on “prompt(ing) natural resource agencies on both sides of the border to move forward with active, *cooperative* management of marine resources,” we did not find any mention of a *coordinated* effort. This was all the more thought-provoking that, as noted under historical conditions above, already in 1992, the WA/BC Environmental Cooperation Council agreed to ensure “*coordinated action* [emphasis added] and information sharing on critical cross-border environmental issues of mutual concern”. Likewise the newly signed Statement of Cooperation foresaw “better coordinating environmental-management initiatives already under way”.

1.1.4. **Step 4** - Reaping a first set of understandings on the basis of the aggregate ‘evidence’

*Introductory remarks*

We understood **Step 4** as consisting of the three following operations:

(1) Bringing together the ‘evidence’ reaped from the two primary sources so as to form an aggregate body:

**Annexes 3-7** contain the tables displaying text segments and shorthand commentaries for the two primary sources broken down sub-theme by sub-theme.

(2) Formulating the questions on which we expected this ‘evidence’ to shed light:

The questions we formulated in relation to each sub-theme were central to our interpretive effort. Thus, as they directed our gaze to certain aspects or dimensions in our body of ‘evidence’, they helped delimit the scope of what we needed to draw inferences about. While we obviously built these questions around the five sub-themes we identified, we formulated them in a way we expected would ultimately help us gauge the extent to which shifts occurred in the S&S Coalition’s later visions, both in terms of widening the array of distinctively different principles and modalities and in terms of increased awareness of productive and contextualised interrelationships possibly overlooked so far. Against this backdrop, the questions we addressed to our ‘evidence’ were the following:

**1(a):** Did the early vision favour one particular knowledge base for informing establishment of a transboundary MPA?

**1(b):** Did the early vision include an ethical dimension?

**2(a):** How did the early vision understand marine conservation and the MPA- concept?

**2(b):** Did the early vision favour particular governance regimes and practices for the area of interest/OPISA<sup>24</sup>?

**2(c):** Did the early vision foresee shared governance across the border?

**(3)** Drawing inferences from our ‘evidence’:

This last operation was also unquestionably the most important under **Step 4**. It consisted in drawing inferences based on the *capta* (marked in red in **Annexes 3-7**), i.e. particular words, groups of words or parts of sentences within the retrieved text segments that we used for substantiating our argumentation. The ultimate purpose for this operation was to reach a set of tentative understandings relative to the questions asked.

Equipped with the five questions formulated above, we were now ready to examine - sub-theme by sub-theme- the body of ‘evidence’ formed after bringing together the text segments harvested from both primary sources as well as the commentary to which they gave rise. The purpose of such pooling was to buttress the evidential basis from which we would draw inferences on our way towards tentative understandings, hence increasing the credibility of the latter.

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<sup>24</sup> We shall keep both acronyms at this stage since the appellation ‘OPISA’ only emerged after extensive discussions among S&S Coalition partners between early December 1999 and early January 2000.

In cases where we were unable to settle for one particular understanding, we would turn to secondary sources under **Step 6** in the hope that they would provide us with further clues. Also, where we encountered significant discrepancies between the two primary sources with regard to one particular sub-theme, we would discuss whether such discrepancies could best be understood to result from different authorships or addressees, or whether the time lapse separating the two sources might have played a role. At any rate we would consider such discrepancies as welcome reminders that Phase 1, as also the two following phases, was marked by ceaseless dynamics resulting in fleeting configurations as circumstances changed from moment to moment.

**1(a): Did the early vision favour one particular knowledge base for informing establishment of a transboundary MPA?**

We found both sources to be mutually consistent in emphasising science - and in particular, conservation biology - as the primary basis for informing the establishment of a transboundary MPA. The Statement of Principles thus declared: “(A) transboundary MPA requires clear definition, goals based on sound conservation biology”. The vision letter echoed this by suggesting using “the best available science to determine where we should put our protection and recovery efforts”. At the same time, as noted under **Step 3**, both primary sources remained silent regarding the contribution that TEKW might bring to the table. What we inferred from this combined signal was this: while the latter omission could hardly be read as ‘othering’, since we had clearly found reference to native peoples in primary source no. 1, neither in the fall of 1999 nor in



Spring 2000, was TEKW granted the same attention as (western) science for informing the establishment of the OPISA.

On this basis we retained as our preliminary understanding that, in Phase 1, (western) science in the form of conservation biology was seen as the primary knowledge base to inform conception of the proposed transboundary MPA. By contrast, silence was kept on the contribution that TEKW might make.

### **1(b): Did the early vision include an ethical dimension?**

We noticed explicit ethical concerns in the Statement of Principles, as the last point referred to “just enforcement of existing laws that recognize(s) native and non-native rights and responsibilities”. In our commentary, however, we expressed surprise to find the qualifier ‘just’ next to mention of rights and responsibilities for native and non-native groups. While no doubt signalling genuine concern for justice, placing natives and non-natives ‘in the same boat’, as it were, nonetheless appeared to us to be questionable since they seemingly assumed circumstances for the two groups to be fairly comparable. We were furthermore inclined to infer that, as it used the phrase “management of marine resources”, the S&S Coalition did not distance itself clearly from an instrumentalising approach to marine life. Lastly, despite both sources referring to the notion of ‘stewardship’, we still had lingering doubts as to whether the S&S Coalition understood this notion primarily in ethical terms or rather as a governance option.

On this basis the understanding emerging from this discussion suggested that, whereas the early vision included ethics,

the latter seemed to reflect mainly human-oriented values such as justice and rights. The vision did not imply either distancing from an instrumentalising approach to marine life.

**2(a): How did the early vision understand marine conservation and the MPA concept?**

The phrase “Marine protected areas (MPA) are widely endorsed by the scientific community” in the Statement of Principles invited us to infer that the S&S Coalition, by and large, understood consensus to prevail within this community regarding this concept. Moreover, since approaches other than one centred on the MPA concept - for instance, integrated coastal management –equally relevant for bringing the commons of the Salish Sea, or portions thereof, back to a healthy status, were left unmentioned, we were inclined to read this omission as signalling that ‘alternative’ approaches were being ‘othered’.

While the Statement of Principles presented the proposed MPA as “compliment(ing) [sic] and tak(ing) advantage of ecologically-representative MPA networks and the planning for such networks on both sides of the border”, we inferred that this area would not remain isolated from its wider physical context. We saw such a broad and seamless approach confirmed as the vision letter evoked the aim of “protect(ing) and restor(ing) the ecosystem health of the shared waters”. However, connectivity between, on the one hand marine, and on the other coastal, freshwater and upland habitats appeared overlooked.

On this basis we were left with the preliminary understanding that the early vision presented the MPA concept as consensual and

scientifically validated. It left unconsidered - and hence 'othered' - approaches for protecting and restoring marine commons other than one centred on this concept. Whereas it seemed to be understood as implying a broad and seamless approach, connectivity between marine, on the one hand, and coastal, freshwater and up-land ecosystems and habitats, on the other, appeared disregarded. Lastly, no other perspective on MPAs than the scientific/ecological perspective was evoked.

**2(b): Did the early vision favour particular governance regimes or practices for the area of interest/OPISA?**

As noted under **Step 3**, the Statement of Principles pointed out: "(A) transboundary MPA should be a citizen-based approach developed by all concerned groups, including native peoples...". Yet, somewhat paradoxically, it also called for governmental intervention to "make it so". Somewhat surprisingly, the vision letter, for its part, neither referred to the citizen-driven character of the Coalition's work nor to tribal/FNs' involvement. Silence in relation to citizen involvement tempted us to speculate that the Coalition was simply careful not to provoke unnecessarily political decision-makers who might associate citizen-driven endeavours with activism critical of governmental actions. We found it more difficult, however, to figure out plausible reasons for silence about FN/tribal involvement. Even in the event that this silence marked mere oversight, we were inclined to infer that this omission in itself raised questions about the importance ascribed, in the early phase of the OPI's history, to CS involvement in helping govern the OPISA's marine commons. Furthermore, as this same source also stated: "(A) transboundary MPA should achieve its

goals through voluntary compliance and through (...) enforcement of existing laws”, this led us to read it as framing the two governance regimes as complementary. It remained vague, however, regarding which of the two options was to prevail.

Against this backdrop, our primary ‘evidence’ left us with two questions: the first pertained to which of the two governance regimes - voluntary compliance or regulatory enforcement - would eventually carry the day. The other pertained to the importance given to tribal/FNs and citizen groups respectively in governing the OPISA.

**2(c): Did the early vision foresee shared governance across the border?**

While we found the Statement of Principles to bracket the border, as it insisted that “(A) transboundary MPA recognizes that the ecosystem of the Salish Sea has no border and that organisms that inhabit this inland sea and many of the impacts upon them are not constrained by lines on a map”, it did not touch upon the question of how shared governance across the border might help alleviate negative impacts. Also the vision letter seemed to be ambivalent in that respect. While acknowledging the shared waters as one coherent system by underlining the need to “protect and restore the ecosystem health of the shared waters”, strikingly, it did not explicitly mentioning a *transboundary* MPA to be at the heart of the S&S Coalition’s vision. We were again inclined to interpret such restraint as a display of caution. We even speculated that the S&S Coalition might have deemed it premature to present the idea of a transboundary MPA to a bi-national institution such as the PS /GB Task Force. Yet, as we noted in the contextual introduction, already

in 1994, a Scientific Panel under that same Task Force had called for the creation of a transboundary MPA. This, we surmised, should have helped embolden the S&S Coalition all the more that, in early 2000, the general climate within governments on both sides appeared to be particularly favourable to transboundary work.

The designation of the ‘area of interest’ as the ‘Orca Pass International Stewardship Area’ (OPISA) seemed to us to support further the thesis of caution on the part of the S&S Coalition. Choice of this qualifier, rather than ‘transboundary’, seemed again inspired by the concern not to provoke governmental agencies, most of whom are usually wedded to maintaining national jurisdictional boundaries. Some might even see this as clear indication that, from the outset, the Coalition was keen on securing the PS/GB Task Force’s - and hence state and provincial decision-makers’ - support for the OPISA. They might point out that, despite the Scientific Panel’s recommendation mentioned above, it was far from certain that higher-order decision makers were ready to go as far as establishing a transboundary MPA. Others might reproach the OPI’s instigators for playing a double game: on the one hand, emphasising the transboundary dimension and bracketing the border when addressing wider constituencies, and, on the other, playing it safe with higher-order decision makers by sticking to the reassuring qualifier ‘international’<sup>25</sup>. However, an alternative explanation might simply be that the S&S Coalition itself took this qualifier for granted. We were inclined to lean towards the latter inference, on the grounds that the Coalition did not deem it necessary to elaborate on this point.

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<sup>25</sup> To repeat, we make a clear difference between *international*, suggesting relations between two distinctly separated nations and *transboundary*, suggesting blurring and transcending of a political line of separation.

We noted silence about possible citizen-based joint actions across the border as well as about coordination of regulatory provisions in force north and south of the border. Whereas, in the vision letter, we found the S&S Coalition to be generally supportive of “active, *cooperative* [emphasis added] management of marine resources by the natural resource agencies on both sides of the border”, we doubted that the term ‘management’ also covered enforcement through regulatory measures. We were more inclined to infer that what was evoked here fell well short of cooperative, let alone coordinated, enforcement, thereby indicating that this possibility was beyond what the S&S Coalition was capable of imagining at the time.

On this basis, our preliminary understanding in relation to sub-theme 2(c) was that, while the early vision appeared to fully acknowledge the shared waters as forming one seamless ecosystem, caution was displayed regarding how the border would be transcended in political terms. Silence regarding both joint citizen-based actions across the border and the possibility for the two sets of higher-order governments to coordinate their respective regulatory measures seemingly confirmed such caution.

#### 1.1.5. **Step 5** - Self- reflexive commentary

Under this step we shall seek to shed light on how pre-understandings nurtured by our normative preferences and prior knowledge drawn from our experience and selected readings, affected our work under the four previous steps. Taken together, these pre-

understandings made up the interpretive filter, which, in several ways, led us to fiddle with ‘reality’:

**First**, this work was clearly influenced by past, present and future. The past interfered in the form of pre-existing beliefs on our part. As we perused our documentary material, it also became clear that a more recent past played out. The prism through which we read our sources thus included knowledge not available at the time. For example, for all our best efforts not to allow the views expressed by former protagonists to influence the inferences we drew under **Step 4**, in our close reading of the two primary sources, it proved near-impossible not also to have in mind comments they offered more than five years after the studied events. Our lived present interfered both in our commentary under **Step 3** and in our interpretative analysis under **Step 4**, albeit in a more surreptitious way. Both steps were thus marked by our concern to make our work meaningful to the two constituencies it addresses, that is to say, on the one hand, those evaluating the scholarly quality of our research and, on the other, practitioners in the Salish Sea region, including former OPI protagonists. The near future, for its part, manifested itself already in **Steps 3 and 4**, as we began preparing for comparative discussions we would have at a later stage.

**Second**, under **Step 2**, we increasingly realised that, apart from the expectation that most, if not all, of them would be of particular relevance to the CS, our choice of sub-themes and the connotations we attributed to them were clearly informed by our own interests and normative biases. Below, we shall explicate a little further the considerations that led us to focus on specific aspects or dimensions under each sub-theme.

**1(a):** Our stance in philosophy of science inspired by Latour's non-modern science (2004, 2010), Stengers' slow science (2011) and Funtowicz and Ravetz's post-normal science (1993) invited us to question the notion of one ontologies and one form of knowledge being superior to others. Accordingly, we saw our inquiry as a modest contribution to helping re-balance the respective place given to epistemologies other than those advocated by western science and modernity. We also believed that harnessing indigenous/traditional knowledge and wisdom might contribute considerably to moving us away from arbitrary epistemological fragmentation and dichotomies notably between nature and culture, thus paving the way for radically novel ways of thinking about the commons<sup>26</sup>. Accordingly, we understood sub-theme 1(a) not only to pertain to methodological principles about also epistemological tenets.

**1(b):** Here too we were inspired by Latour (2004, 2010), Stengers (2011) and post-normal science (Funtowicz & Ravetz, 1993). All reject the idea of value-neutral science when it comes to matters characterised by uncertainty and high stakes. We were therefore interested in probing to what extent a vision seemingly mainly informed by (western) science - and in particular marine conservation biology - could be brought to leave room for ethical considerations

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<sup>26</sup> It might seem paradoxical for some to look towards traditional knowledge to help give birth to radically novel outlooks. For our part we would contend that encounter between ancient understandings and those informed by late modernity is precisely what may spark radically novel ways of thinking about how best to govern the commons. We thus recall from Chapter 1 that, for Haggan et al. (2006), "...it is the synergy (...) when different knowledge systems communicate after decades of silence or conflict that leads to quantum jumps in knowledge".



and, if so, which ones. Inspired by Berkes (2008), we wished to find out to what extent a worldview positing human-nature reciprocity and interdependence, still found notably among North American aboriginal communities<sup>27</sup>, and one tending to oppose nature to culture, somehow managed to engage in a productive conversation. This pre-occupation made us particularly attentive to any statement denoting attempts to blur a somewhat watertight divide between the human and the non-human worlds.

**2(a):** Our interest in approaches or models for marine conservation other than MPAs was grounded in acute awareness, earned via our own professional experience, of the importance of connectivity across spatial scales and between different types of ecosystems and habitats. At the same time, in anticipation of our micro-level analysis, we viewed acknowledgement of different interpretations of the MPA concept as indicating that room was left for questioning that concept.

**2(b):** We were particularly keen on contrasting top-down (coercive) regulations with collective self-regulation emanating from local user groups, including commercial and recreational fishermen. We wished to explore self-regulation, *not* as a manifestation of eco-governmentality<sup>28</sup> implying these user groups' passive consent to and

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<sup>27</sup> Under this worldview, animals are not viewed as mere resources for the benefit of man. If they are seen to have obligations to nourish humans, humans in return have the obligation to show them respect and other proper behaviour (Berkes, 2008, p. 275). As already noted in Chapter 1, humans are also expected to cooperate actively with non-human processes to ensure the on-going health and enhancement of all.

<sup>28</sup> According to Malette (2009) Foucault coined this term when writing about how government agencies, in collusion with producers of expert knowledge, construct "The Environment." Foucault viewed the latter both as an object of

abidance by rules set without their having a substantive say in working them out, but as Dietz, Ostrom, and Stern (2003) understand it. Accordingly, what we had in mind were arrangements tailored to the specific local conditions at hand and invented and experimented by these user groups themselves. Without falling into the trap of ‘communitarian’ utopism (Pierre & Peters, 2000), we therefore associated self-regulation with what Bavington (2002) calls for, namely a radical and imaginative way for user groups to turn into responsible stewards of their interactions with the biophysical systems of which they recognise being part. Our own experience suggested that at least one important problem tends to follow in the wake of near-exclusive reliance on top-down legislation, often associated with coercive enforcement: in cases with little, if any, involvement of local communities and user groups in conceiving such legislation, once adopted, this legislation often comes up against fierce resistance or dodging.

**2(c):** As noted in Chapter 1, the transboundary dimension of the OP proposal ranked high among the features that attracted our attention in the first place. Our own professional experience with cross-border projects prompted us to raise the question of *shared* governance. Not only were we interested in calls for governmental policies on each side of the border to be coordinated or attuned. Clear bias in favour of

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knowledge and a sphere within which certain types of disciplining intervention and management are deployed to further the government’s larger aim of managing the lives of its constituents. This governmental management is dependent on the dissemination and internalisation of knowledge/power among individual actors. This creates a de-centred network of self-regulating elements whose interests become integrated with those of the State.

bottom-up, citizen-driven governance also made us attentive to anything signalling joint stewardship actions, involving both citizen groups and CS communities working across the border, as a possible foundation for transboundary citizenship. We were therefore somewhat disappointed to find that neither of the two primary sources issued in Phase 1 evoked such possibilities. Upon reflection, such disappointment seemed, at one and the same time, both legitimate and unfair. It seemed legitimate against the background that S&S Coalition partners had worked together since 1992 and might hence be expected to enjoy sufficient mutual trust to welcome and promote joint groundwork. Yet it also seemed unfair since the idea of a transboundary area was still in its infancy. Envisioning more concrete action already in the early phase of the OPI's history might thus have been premature since, at that point, even the precise size and boundaries of one - or possibly several - MPA(s) were still in need of clarification. We therefore became aware that our expectations were grounded in our own 'here and now' and hence placed us in a skewed position in relation to the historical and political context in which OPI-protagonists found themselves.

**Third**, under **Step 3**, we became painfully aware that, however much we sought to be complicit with our research 'objects', our position as outsiders inevitably equipped us with pre-suppositions drawn from a universe very different from that of OPI protagonists. This might have led us to a take on what we read which diverged significantly from the take that informed those that elaborated the texts concerned. This might in turn prompt those implicated in the OPI at the time (we are thinking here specifically of former OPI protagonists that might read our report) to criticise us for misreading

the texts or, at any rate, for offering a commentary they might deem either far-fetched or unfair.

Lastly, a few words seem needed on modes of reasoning we applied under **Step 4**. As might be expected, the mode of reasoning we used most was abductive reasoning. Thus, both by bringing in knowledge, information and insights reaped *outside* the analysed texts, and when at times indulging in speculation, we clearly resorted to ampliative inferences as this mode of reasoning recommends.

#### 1.1.6. **Step 6** - Drawing on relevant secondary sources to challenge, nuance or supplement understandings reached under Step 4

We brought in a set of secondary sources with at least three purposes in mind: (a) look for statements directly challenging the understandings we reached under **Step 4**; (b) shed further light on ambiguities in an effort to dispel lingering doubts, notably by bringing in further contextual information; (c) bring up aspects or dimensions that might have escaped our attention. The secondary sources to which we turned included: minutes of three TBMPA meetings<sup>29</sup>, held between the time the Statement of Principles was circulated and the time the vision letter was sent to the PS/GB Task Force; a letter of December 6<sup>th</sup>, 1999, in which the S&S Coalition presented the OPI to the two local governments, the Islands Trust (BC) and the San Juan County (WA); a discussion document circulated via the TBMPA listserv on March 1st, 2000<sup>30</sup> further refining Stewardship Principles for the OPISA and an extract of a

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<sup>29</sup> These meetings were held on October 13<sup>th</sup> and December 6<sup>th</sup>, 1999, as well as February 15<sup>th</sup>, 2000.

<sup>30</sup> This document was entitled “Do’s and Don’ts”.

summary of a Basin Network<sup>31</sup> meeting held end of March 2000<sup>32</sup>. Lastly we brought in a few transcripts of more recent conversations with former OPI-protagonists.

We resorted to the TBMPA meeting minutes in the hope of elucidating some of the ambiguities we encountered while bearing in mind that what transpired from these minutes first and foremost reflected the note-taker's understanding of what was said at these meetings. As for transcripts of conversations held with former OPI protagonists in the period 2007-2009, while we resorted to these sources in order to put to the test the plausibility of some of the understandings we reached under **Step 4**, we deliberately concentrated on comments relating to the very early part of the OPI's history. Moreover, when reading these transcripts, we constantly kept in mind that more than five years that elapsed between Phase 1 and the time these conversations took place. We assumed this inevitably to have rendered recollections patchy if not inaccurate<sup>33</sup>. For the reader's convenience, we recap below the gist of the understandings

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<sup>31</sup> The set up that met on this occasion called itself the Basin Network - with both governmental and non-governmental mostly Canadian membership. Its primary concern was to examine how the effects of explosive population growth across the PS/GB Region might be curbed or mitigated. Attending that meeting were notably representatives of the Transborder San Juan County/Islands Trust Partnership, the BC/WA Environmental Cooperation Council, the BC Ministry of Municipal affairs, the Fraser Basin Council, the Coast Salish Sea Council and a representative of the federal Department Parks - Canada.

<sup>32</sup> All these sources are available upon request.

<sup>33</sup> We thus expected transcripts of these conversations to bear the marks of classic problems such as post-rationalisation and fallible memory. On the other hand, in contrast to interviews, the retrospective character of these conversations presented the advantage of precluding our direct interfering as researchers into the process, perhaps even influencing it in some way or another as well as creating unreasonable expectations among the researched.

reaped from the interpretive discussion under **Step 4** regarding each of the five sub-themes.

**1.1.4. - 1(a):** (Western) science in the form of conservation biology was seen as the primary knowledge base to inform the establishing of a transboundary MPA. On the other hand silence was kept regarding the contribution that TEKW might bring.

Further refining the principles underpinning creation of the OPISA, next to the best available scientific knowledge, the discussion document of March 1<sup>st</sup>, 2000, explicitly added cultural-traditional knowledge as a knowledge base. On the other hand, we noted that according to the minutes of the TBMPA meeting held two weeks earlier, on February 15<sup>th</sup>, 2000, the contribution of the TEKW was presented in terms of “filling gaps” in scientifically collected information.

That marine biology science constituted the predominant knowledge base informing the OPI’s early work was confirmed in the transcript of a conversation we had on the phone, in October 2008, with a former OPI protagonist working at the time for the GSA. Interestingly, however, this protagonist also pointed out that, notably as a result of past experience, the importance not to let “the science (get) ahead of the political work, primarily with FNs” and of taking “different backdrops” into account was recognised from the start within the OPI less it would become a “stillborn effort”. Such recognition also transpired in the summary of the Basin Network meeting end of March 2000, at which a GSA spokesperson presented the OPI on behalf of the S&S Coalition. In contrast to our two primary sources, this person was quoted explicitly to juxtapose

traditional knowledge with scientific knowledge as basis for protection and recovery. Taken together, these secondary sources prompted us to modify somewhat the understanding reached under **Step 4** regarding the attention granted to TEKW in informing establishing of the OPISA so as to read as follows [amendments are marked in red]:

**1.1.4. + 1.1.6. - 1(a):** Whereas the early vision **acknowledged a role for TEKW** in informing protection and recovery of marine commons within a transboundary MPA, it nonetheless presented (western) science as the primary knowledge base to inform the establishment of such an area, **leaving it, by and large, to traditional knowledge to fill gaps in scientifically collected information.** [On the other hand silence was kept regarding the contribution that TEKW might bring - **deleted**]

**1.1.4. - 1(b):** Whereas the early vision included ethics, the latter seemed to reflect mainly human oriented values such as justice and rights. Nor did it clearly distance itself from an instrumentalising approach to marine life.

In the discussion at the TBMPA meeting of October 13<sup>th</sup>, 1999, we found at least one statement challenging somewhat our understanding with respect to human/non-human relationships. We thus read the question asked by one GSA representative: “(W)hat if an orca, auklet sailed in? What would they like to see us do?” We were inclined to read this representative’s putting himself in the place of these animals as signalling his genuine concern for them. Moreover, the summary of the Basin Network meeting of March 29<sup>th</sup>, 2000, quoted the person speaking on behalf of the S&S Coalition for

mentioning, among principles that would apply to the would-be OPISA, “human activity (...) respectful of stewardship requirements”. Not only did we understand the qualifier ‘respectful’ to have an ethical connotation. At the risk of reading too much into this, we also wondered if choice of this qualifier marked particular consideration to traditional indigenous ethics under which obligations of respect and reciprocity encompass non-humans<sup>34</sup>.

As for the question of whether the notion of stewardship should best be seen as an ethical principle or as a modality for governing the commons, transcripts of more recent conversations with former OPI protagonists did not entirely dispel our doubts. Thus, in a conversation that took place in September 2008 with two representatives, respectively of the San Juan Whale Museum and Friends of the San Juans - both of which were S&S Coalition member organisations - the former defined stewardship as being “about active work, ‘doing something’ (...)”. The latter, on the other hand, understood this notion also to imply ‘some personal responsibility’. During a conversation one year earlier<sup>35</sup>, one of P4PS’s communication directors associated ‘stewardship’ with ‘educational’ and ‘voluntary/non-regulatory’ actions but also with ‘individual commitment’. Whereas the notion of ‘stewardship’ in the context of the OPI therefore remained somewhat ambiguous, and hence striding the two sub-themes of 1(b) and 2(b), we tentatively concluded that, at least in the early phase of the OPI’s heyday, S&S Coalition partners tended to understand ‘stewardship’ as a governance modality

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<sup>34</sup> This transpired clearly in the brochure edited by the UBC Longhouse for Indigenous Learning in which respect is foregrounded as an ethical value next to reverence, responsibility and reciprocity.

<sup>35</sup> In Seattle, November 2007.



implying both voluntary compliance and commitment to engage in practical action.

Against this backdrop, here too, the secondary sources invited us to nuance somewhat the understanding we reached under **Step 4** regarding the early vision's ethical dimension so as to read as follows [amendments marked in red]:

**1.1.4. + 1.1.6. - 1(b):** The ethics undergirding the early vision seemed mainly to reflect mainly human-oriented values such as justice and rights. **While** it did not imply distancing from an instrumentalising approach to marine life, **notions of obligations to respect and to act responsibly towards non-humans nonetheless appeared included.**

**1.1.4. - 2(a):** The early vision presented the MPA concept as consensual and scientifically validated. It left unconsidered - and hence seemingly 'othered' - approaches for protecting and restoring marine commons other than one centred on this concept. Whereas this concept seemed to be understood as implying a broad and seamless approach, connectivity between marine, on the one hand, and coastal, freshwater and upland habitats, on the other, appeared disregarded. Lastly, no other perspective on MPAs than the scientific/ecological perspective was evoked.

Interestingly, in its letter to the San Juan County/Islands Trust, dated December 6<sup>th</sup>, 1999, the S&S Coalition stated: "We also recognize that there are *important tribal and First Nations rights and interests* [emphasis added] throughout the transboundary area, and are engaged in a dialogue with representatives from Tribes and First Nations to *ensure their involvement in the process* [emphasis added]."

We read this letter as signalling that the Coalition took notice of perspectives other than a scientific/ecological perspective on MPAs. It also acknowledged the need for involving the CS in the process through which such an area would be established. Likewise, the summary of Basin Network meeting end of March 2000 quoted the S&S Coalition spokesperson for saying: “(The joint initiative) would *not* [sic] be working using an MPA or reserves approach since there had been difficulties with these in the past in Washington State”. While we clearly hesitated to interpret the latter quotation as signalling a complete U-turn in relation to the MPA concept, together with the previous one, we nonetheless read this quotation as bespeaking the Coalition’s recognition that this concept, as well as the process of translating it into practice, might be controversial in some contexts. Taken together, these two sources prompted us to nuance our understanding of the S&S Coalition positing the MPA approach as consensual as follows [amendments marked in red]:

**1.1.4. + 1.1.6. -2(a):** While presenting the MPA concept as scientifically-validated and seemingly ignoring approaches for protecting and restoring marine commons other than those centred on this concept, the early vision acknowledged this concept as possibly controversial in some contexts. It also acknowledged the need for the CS to become involved in the process of establishing the proposed transboundary MPA. Whereas the MPA concept seemed to be understood as implying a broad and seamless approach, connectivity between marine, on the one hand, and coastal, freshwater and upland ecosystems, on the other, appeared disregarded. [Lastly, no perspective on MPAs other than the scientific/ecological perspective was evoked - **deleted**].

**1.1.4. - 2(b):** The discussion under **Step 4** left us with two questions: the first pertained to which of the two governance regimes - voluntary compliance or regulatory enforcement - would eventually carry the day. The other pertained to the importance given to FN/ tribal and citizen groups respectively in governing the OPISA.

As far as the first question is concerned, we did not find anything in the secondary sources going beyond framing the two regimes as complementary. We therefore concluded that the question of which of the two was envisioned to prevail was still kept open in Phase 1.

As for the second question, among our secondary sources, one in particular helped shed light on how the early vision contemplated CS involvement in governing the OPISA. The discussion paper of March 1<sup>st</sup>, 2000, thus foresaw “(M)anagement decisions and responsibilities’ to be equally shared by Natives and Federal/State/Provincial Governments”. Whilst this observation made it even more puzzling that FN/tribal co-management<sup>36</sup> of marine commons was left unmentioned in the vision letter to the PS /GB Force, it invited us to infer that CS involvement in governing the OPISA was being taken seriously already in Phase 1.

By contrast, regarding citizens’ active contribution to protect and restore the marine commons included in the OPISA, notably through practical projects, our secondary sources did not dispel the impression that such a contribution was still given only scant attention. According to the meeting notes at our disposal, this question was not discussed during TBMPA meetings held between

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<sup>36</sup> The historical background for tribal co-management is set out in footnote 106 in this Book.

September 1999 and March 2000. Moreover, all we found in the other sources we consulted that might be understood as vaguely hinting at citizen involvement was, in the Basin Network summary, a reference to ‘stewardship requirements’. However, rather than concluding too hastily that the early vision did not ascribe due importance to citizens’ direct involvement in governing the OPISA, we were again inclined to take into consideration that these were still early days and that all questions could not reasonably be expected to be addressed at once.

On this basis the secondary sources invited us to reformulate the understanding we reached under **Step 4**. Since little was left from the first understanding reached, the whole text is marked in red:

**1.1.6. - 2(b):** The early vision took seriously FN and tribal rights and interests as well as their involvement in the OPI, notably via co-management. By contrast, barring a broad reference to stewardship, little attention, if any, was given to how citizen groups and local communities would contribute to governing the OPISA’s marine commons. Whereas the two governance options - voluntary compliance or enforcement through regulations - appeared to be framed as complementary, which of the two was envisioned to prevail appeared kept open.

**1.1.4. - 2(c):** While the early vision fully acknowledged the shared waters as forming one, seamless ecosystem, caution was displayed regarding how the border would be transcended in political terms. Silence regarding both joint citizen-based actions across the border and the possibility for the two sets of higher-order governments to coordinate their respective regulatory provisions seemingly confirm such caution.

Interestingly, one of the principles evoked by the S&S Coalition's spokesperson when presenting the OPI at the Basin Network meeting pertained to 'sharing of management decisions'. Even though this was not expressly stated, we take the notion of 'shared' to imply that both sides of the border would be involved. Even if the notion of 'management' might be understood to imply non-regulatory measures only, in view of the presence at the meeting of a fair number of representatives from governmental agencies, notably local, it seemed plausible to us that what was alluded to here was sharing of management decisions between the two local governments - the Islands Trust and San Juans County. The question remained, however, whether such sharing was envisioned also to encompass the citizenry on both sides of the border. We suspect that this question was still kept open at that stage. Speaking on behalf of the S&S Coalition, the GSA representative was thus quoted for signalling that attempts would be made to refine the principles that would inform the governance of the proposed area and that decisions still needed to be taken as to what would be protected and how this would be achieved. At any rate, no coordination between regulatory measures on either side of the border was seemingly evoked on this occasion.

Against this backdrop we shall nuance slightly the understanding reached for 2(c) under **Step 4** so as to read as follows [amendments in red]:

**1.1.4. + 1.1.6. - 2(c):** If the early vision fully acknowledged the shared waters as forming one, seamless ecosystem, caution was displayed regarding how the border would be transcended in political terms. Silence regarding both joint citizen-based actions and the possibility for the two sets of higher-order governments to coordinate their respective regulatory measures seemingly confirm such caution. **One secondary source nonetheless evoked the possibility of the two local governments sharing management decisions. .**

1.1.7. **Step 7:** Overall understanding regarding the early vision

The early vision that we were able to construe via the first six steps of our analytical procedure doubtless left us at times with an impression of caution and a certain degree of undecidedness. It thus left fair number of questions open in particular regarding how the principles it enunciated would translate into practical governance modalities, including such spanning the CA/US border. Even so, we deemed this vision to offer a sufficiently articulate historical reference to enable us to detect shifts that possibly occurred in Phase 2 (and possibly also Phase 3) with respect to some, if not all of our five sub-themes.

## 1.2. **Phase 2** - Construing the intermediate vision: Contextual conditions of relevance to the intermediate vision

We shall begin by providing an overview of events and developments that occurred during the ten months separating Phase 1 from Phase 2 as well as during the four months that Phase 2 covered. Whereas, in line with complex causality, we expected the historical and initial conditions noted in relation to Phase 1 to exert an on-going influence on the OPI's trajectory, we dwell here on particular events and developments, which, taken together, made up contextual conditions - both 'internal' and 'external' to the OPI - that, we assumed, contributed in some way to shaping what we saw emerge during Phase 2.

With regard to 'internal' dynamics, after Phase 1 elapsed, the S&S Coalition continued to convene TBMPA meetings on a quarterly basis with, in between, conference calls involving members of the OPI's Steering Committee. Meanwhile, increasing participation of groups outside the S&S Coalition circle evinced growing interest in the experiment. Some attendees went as far as volunteering their own time and money to participate. The S&S Coalition continued for its part to benefit from funding via its two lead organisations, GSA and P4PS, mainly from non-profit grant makers but also, although to a lesser degree, from the tri-national North American Fund for Environmental Cooperation (NAFEC). CS representatives from both sides of the border, both tribal and natural resource managers working for tribal councils, also attended these meetings. Lastly, the time span preceding Phase 2 was marked by intensive preparation of the

outreach campaign aimed at winning endorsement of the OP proposal from a constituency as wide and as diverse as possible.

Among events and developments ‘external’ to the OPI in that same time span that caught our attention were interactions between the OPI and potentially competing initiatives<sup>37</sup>. Of particular relevance were discussions with the San Juan County/Islands Trust Transborder Marine Stewardship Initiative. These discussions gathered momentum after the summer of 2000 with a view to signing a ‘tri-lateral’ working agreement encompassing also the S&S Coalition. Such an agreement was adopted in spring 2001. During that time regular discussions took place in Transborder Marine Stewardship Partners meetings regarding establishing of different stewardship areas in the waters within the boundaries of San Juan County (WA) and waters around the southern Gulf Islands under the Islands Trust’s (BC) responsibility, the aggregate area of which largely coincided with the proposed OPISA. CS representatives of BC FNs and WA tribes attended these meetings fairly regularly. Another interesting development was the launching, towards the end of 2000, of a project called the Sound Watch project on the initiative of the San Juan Whale Museum. This project was transboundary both in its set-up, since it involved partners in Victoria (BC), and in its scope since its purpose was to create community-based voluntary guidelines common notably to the whale watching industry on each

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<sup>37</sup> It thus transpired from the minutes of a transboundary meeting on April 3<sup>rd</sup>, 2000 that the OPI was keen to distinguish itself from the Transborder Marine Stewardship Initiative seen to be less concrete (“The Islands Trust/SJ County effort is NOT [sic] talking about specific sites, their [sic] more interested in starting a dialogue.”).



side of the border<sup>38</sup>. CS representing respectively FNs (BC) and Tribes (WA) attended fairly regularly the meetings while a non-native natural resource manager represented the Tulalip Tribes (WA) at the monthly meetings of the San Juan Marine Resources Committee.

Two further events seemed to us to constitute relevant backdrops for the intermediate vision, first the CS Gathering that took place hosted by the Lummi Tribe (WA) on June 16<sup>th</sup>, 2000, and the Tribal Environmental Forum under the Northwest Indian Fisheries Commission, held in November 2000, which signalled the beginning of discussions among treaty tribes in preparation for a Tribal Policy Statement on MPAs.

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<sup>38</sup> In the absence of clear guidelines from the US Federal government, the Sound Watch project thus created community-based voluntary guidelines aimed at preventing killer whales from being harassed, or even hit by, whale-watching boats. As the whale watching increased, the Whale Museum joined forces with Canadian counterparts first in Victoria, but also later in Vancouver and the Southern Gulf Islands. In addition to elaboration of common guidelines for the transboundary business community of whale watchers, transboundary guidelines were also devised regarding what boaters would need to do in order to behave responsibly in localised marine protected areas on each side of the border. Joint monitoring was also undertaken to ensure that these guidelines were respected. Both Federal Governments eventually adopted these guidelines, turning them into regional standards. (Conversation with representative of the San Juans Whale Museum, September 2008.)

### 1.2.1. **Step 1** - Selecting our primary sources

#### 1.2.1.1. Source critical commentary

##### *Origin of the documents*

For the sake of succinctness and to avoid unnecessary repetition we shall deal simultaneously with the two sources we selected for shedding light on the intermediate vision as it emerged in Spring 2001. The rationale for selecting precisely these sources was that, apart from addressing wider audiences outside the TBMPA listserv circle, that also included higher-order governments, they both sought to sketch out where the S&S Coalition envisioned the OPI to be heading over the coming years.

The first - henceforth designated as the ‘ 2001 GB/PS research conference paper’ - was authored by two members of P4PS under the title “The Orca Pass International Stewardship Initiative: Hands across the border”. This paper, drafted in May 2001 was the written elaboration of an oral presentation made on behalf of the S&S Coalition at the GB/PS research conference in Bellevue (WA) 12-14, 2001<sup>39</sup> and formed part of the conference proceedings. This major conference was the first of the kind, encompassing delegates from a variety of backgrounds from the entire transboundary GB/PS region. Apart from grassroots organisations and local governments, the audience comprised representatives of the province/state as well as the two federal governments, a wider range of tribes and FNs than

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<sup>39</sup> This conference, entitled “The PS/GB Ecosystem: Status, Stressors and the Road to Recovery”, was organised by the regional agency Puget Sound Water Quality Action Team.

those attending TBMPA meetings, notably the Tulalip Tribes and the Swinomish on the WA side, as well as a wide range of scientific bodies and consultancies.

While the 2001 GB/PS research conference paper was co-authored by two members of P4PS, close reading of the paper made it clear that it was not meant to represent the P4PS's perspective alone but to reflect the vision carried by the S&S Coalition as a whole. While we found certain passages referring specifically to P4PS's work, nowhere did we find the P4PS's position to a certain issue to stand out on its own. Moreover, while the joint nature of the vision presented would obviously have been more conspicuous, had at least one author from a BC member organisation, for instance the GSA, been included among the co-authors, we nonetheless noted that both of the S&S Coalition's lead organisations were indicated at the end of the paper as contacts for further information.

The second source - henceforth designated as 'NAFEC application' - was an application in the name of the S&S Coalition. Submitted to the North American Fund for Environmental Cooperation, this application aimed at obtaining a second grant, following one obtained in the fall of 1999. Although drafted, here also, by the P4PS, this application was expressly a co-application emanating from the S&S Coalition's co-chairing organisation, P4PS and GSA. This clearly transpired as the version made available to us presented a small number of editing remarks - none substantial - from both the P4Ps and the GSA, dated March 31<sup>st</sup>, 2001<sup>40</sup>.

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<sup>40</sup> The application itself was approved in July 2001.

### *Constituencies addressed*

We assumed the constituencies that each source addressed to influence to a large part how the vision for the OPISA was presented and what particular issues and dimensions were foregrounded. Since the conference paper was addressed to a transboundary constituency in which state/provincial and federal agencies were substantially represented and in which CS delegates took part, it seemed obvious to expect it to be explicit on issues such as how the OPI would be positioned in relation to existing higher-order governmental policies, how governance was contemplated to be shared across the border as well as how tribes and FNs would be involved. As for the NAFEC application, while primarily relating to the impending outreach campaign, we expected it to provide further insights about how far the S&S Coalition was ready to go in distinguishing this initiative from programmes pertaining to marine conservation sponsored by federal environmental agencies of Canada, the US (and Mexico) that together formed the tri-national North American Commission for Environmental Cooperation. We thus expected the application to provide us with clues as to the extent to which the S&S Coalition envisioned the OPI to call forth novel conceptions and approaches to marine protection, also over the longer term. At the same time, we remained aware that, since the purpose was to get funding, the vision outlined in the application might have been adapted so as to conform to NAFEC's criteria for granting funds. This might in turn have led the S&S Coalition to foreground certain aspects at the expense of others.

### 1.2.2. **Step 2** - Harvesting relevant text segments through thematic framework analysis

In order to avoid unnecessary repetition, we shall abstain from repeating considerations and justifications already provided in 1.1.2, which remain valid for the present sub-section. Accordingly, the comments presented here only pertain to decisions we had to make as we were confronted with new problems.

**Annexes 8** and **9** shows the two primary sources *in extenso* indicating in the margin of each of them what text segments we related to these sub-themes and labelled accordingly. Of direct relevance for how we distributed text segments between the five sub-themes, in our close reading of the two sources, and seemingly like the OPI protagonists themselves, we struggled at times to draw a clear distinction between: (a) the OPI as the collective process involving interplay between a multiplicity of protagonists - governments, grassroots organisations or plain citizens; (b) the concept and approach developed and promoted through this process. As a possible way out of this conundrum, we decided to broaden the heading for sub-theme 2(a) to ‘the OPI process and the MPA concept and approach’. This would allow us to allocate text segments relating to both aspects under this same sub-theme.

### 1.2.3. **Step 3** - Commentary to the harvested text segments

In preparation for the comparative discussion we would have after completing the analytical procedure for the intermediate vision, we adopted, already at this stage, a comparative frame of mind.

Consequently, next to silences, surprising elements and questions, we added a new heading under which we would foreground principles and modalities that we did not encounter in the early vision. Furthermore, when examining the five sub-themes one by one, we were also particularly attentive to where the intermediate vision appeared more outspoken and less ambiguous than the early vision.

**Annexes 11-15** contain the tables displaying, for each sub-theme and each source, the composite ‘evidence’ made up of relevant text segments retrieved from each primary source as well as short-handed commentaries pertaining to each of them. These commentaries formed the backbone of the commentary below. Importantly, rather than respecting the order in which the different text segments appeared in the documents, we regrouped them so as to support the discussion under **Step 4**.

Primary source no. 1: The 2001 GB/PS research conference paper

### **1(a): Knowledge base(s) informing establishment of the OPISA**

#### *New notions and options*

The role of experts in generating scientific knowledge came out in full view. A new methodology for identifying Richness Zones was introduced.

#### *Silences*

While traditional knowledge was mentioned for “informing establishment and monitoring of special protected areas within the

OPISA”, we did not find this idea followed up upon to complement and possibly counter-balance expert consultations.

### *Questions*

We wondered if strong and repeated emphasis on implication of experts in devising the novel methodology for identifying special sites was aimed at conveying added credibility to the exercise in the eyes of the scientific community and political decision-makers.

## **1(b): Ethics**

### *New notions and options*

For the first time we found reference to “sites of cultural and *spiritual* [emphasis added] importance to FNs and tribes on both sides of the border”.

## **2(a): The OPI process and the MPA concept and approach**

### *Surprising elements*

We were somewhat surprised to read that “Government, tribal, and public consultations are expected to continue using the framework of the Orca Pass International Stewardship Area and ‘Richness Zone’ methodology.” This seemed to imply that both were already accepted by all and hence would not be subject to substantial changes. The statement that “help from the Tribes /First Nations would be sought for identifying special protection areas” also suggest that the very notion of special protection areas was beyond debate.

### *Questions*

We wondered if the remark that “...methodology and criteria used for identifying and selecting sites for protection and for promulgating appropriate management are applicable throughout the Salish Sea” hinted at ecological connectivity across spatial scales.

### **2(b): Governance regimes and practices for the OPISA**

#### *New notions and options*

The option of co-managing marine commons with the CS came out in full view in the statement: “full recognition of tribal co-management rights as a condition for cooperative establishment of protected areas in the transboundary waters”. We also found ‘education’ presented as a means, next to enforcement, for “ensuring compliance of all applicable federal, provincial, state and local laws and regulations”.

#### *Silences*

We should have expected at least a few words regarding possibilities, as a complementary way of ensuring sustainable use of marine commons, alongside enforcement through regulatory provisions and education underpinning such enforcement, for local user groups to institute their own regimes and to experiment with this option. We deemed this all the more striking that lively discussion regarding MPAs had already gone on for some time within the San Juan Marine Resources Committee in which local users were well represented.



### *Surprising elements*

We were surprised to find mentioned the Swinomish and Tulalip Tribes - both based in WA - as having attended OPI discussions. While the attendee lists for TBMPA meetings that took place between the October 1999 meeting - seemingly the very first that a CS representative attended - and May 2001 and for which reports were available did not show participation of delegates from either of these Tribes, they might of course have attended meetings for which minutes were lost.

### *Questions*

Whereas we noted that tribal co-management rights were now expressly foregrounded, we nonetheless wondered if this referred to WA tribes only or whether FNs on the BC side were also included.

## **2(c): Shared governance across the border**

### *Silences*

Whereas we found the OPI presented as a citizen's initiative moving governments and tribes "towards *cooperatively* [emphasis added] establishing protected areas in the transboundary waters", as under Phase 1, nowhere did we find the term 'coordinated' mentioned.

### *Surprising elements*

We found a rather striking statement referring to "governmental efforts to establish transborder [sic] marine protected

areas” and describing such efforts as “slow, scattered and piecemeal”. To the best of our knowledge, there were no efforts so far to create *transboundary* marine protected areas on the part of higher-order governments. Admittedly, the term ‘transborder’ might suggest that what the authors had in mind here was the San Juan County/Islands Trust Transborder Marine Stewardship Initiative but again, to the best of our knowledge, this initiative sought to promote establishment of a transborder network of marine stewardship areas encompassing small sites on each side of the border - with Saturna Island as frontrunner. It did not seem to consider a comprehensive and coherent area *spanning the border* at that point<sup>41</sup>. This was precisely the unique contribution that the OPISA would bring as confirmed later in the text where it was pointed out that “(T) he critical, and in some ways unique, components of the Orca Pass approach are that it places habitats and natural resources on both sides of the boarder [sic] into a common framework”.

### *Questions*

We wondered if the inverted commas surrounding ‘transborder’ might be read as signalling, yet again, the S&S Coalition’s wish to avoid provoking unnecessarily governmental agencies represented at the research conference or decision-makers subsequently reading the conference proceedings.

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<sup>41</sup> We found this indicated already under 1.1., when source no. 2 stated that “(We) consider our work to be supportive and complementary to the initiative taken by Islands Trust and San Juan County in moving towards designation of marine protection areas in the Gulf Islands/San Juan Islands”. We understood the plural form given to areas as signalling that the San Juan County/Islands Trust initiative would involve designating a series of smaller protected areas on each side of the border, *not*, as the OPI proposed, one large transboundary area.

Primary source no. 2: The NAFEC application

**1(a): Knowledge base(s) informing establishment of the OPISA**

*Silences*

Against the backdrop of fairly regular CS attendance in the quarterly TBMPA meetings since October 1999, unlike local knowledge, traditional knowledge was left unmentioned, in the following phrase: “(O)ver the next six months, using scientific data on resource and habitat values, incorporating local knowledge”.

*Questions*

We asked ourselves if omission to mention FNs and tribes among those from whom feedback was sought merely meant that they were included under the heading of ‘government contacts’. Likewise we wondered whether local knowledge should be understood as encompassing also traditional knowledge.

**1(b): Ethics**

*Surprising elements*

In the following text segment: “ ‘Orca Pass’ was selected as the name *in honour of* the Orca whales that transit these waters regularly and are truly ‘international’ *citizens*”, the image of orcas as “international citizens” struck us as somewhat unusual. We found it all the more appealing from an ethical point of view that it suggested granting a quasi-human status to orcas, which, on top of it, were to be honoured.

## **2(a): The OPI process and the MPA concept and approach'**

### *New notions and options*

The following quotation: “The establishment of MPAs (...) faces many barriers to acceptance and implementation” expressly alluded to controversy around the MPA concept and approach. What is more, the S&S Coalition seemed to acknowledge that it was mainly the CS who were having issues with the MPA concept and approach.

## **2(b): Governance regimes and practices for the OPISA**

### *New notions and options*

We found two further options introduced in the form of a ‘management plan’ as well as ‘no-takes’. The latter were specifically mentioned in connection with special protection areas within the OPISA.

### *Questions*

We wondered if the intention to expand outreach to tribes through the Northwest Straits Commission Tribal Liaison Subcommittee and the Northwest Indian Fisheries Commission (NWIFC), both on the US side, marked implicit recognition of difficulty, for these tribes *qua* sovereign governmental bodies, to take part in a citizen-driven set up such as the OPI. On the other hand, we recall from our brief review of contextual conditions that a representative from the Tulalip Tribe, albeit a natural resource manager himself, attended the citizen-based San Juan Marine resources Committee.

We also wondered what exactly the composite term ‘citizen-stakeholders’ stood for when “empowerment of citizen-stakeholders in identifying and effecting resource recovery programs” was envisioned. Lastly we asked ourselves if the management plan evoked as an additional tool would be reserved for areas outside the special protection areas or whether it should rather be understood as an overall provision for the entire OPISA, hence also including ‘no take’ areas.

### **2(c): Shared governance across the border**

#### *New notions and options*

We noted the interesting notion of a “constituency of concerned citizen-stakeholders that spans a political border” evoked for the first time.

#### *Silences*

If Governments responding in a positive manner to “a constituency of concerned citizen-stakeholders that spans a political border” was seemingly viewed as desirable, the possibility for these Governments to support joint, transboundary citizen-led monitoring and recovery projects seemed overlooked. We missed in particular references to possibilities of multiplying practical projects, such as the transboundary Sound Watch project, which would span the border. Lastly, while orcas were labelled as ‘international citizens’ we missed an extension of this label to encompass also the human communities based along the shores of the waters to be included in the OPISA.

Despite a CS Sea Council (henceforth abbreviated to CSSC) - well in place by now - and a CS event hosted by the Lummi (WA) in June 2000, we missed reference to cooperation between FNs and tribes to rehabilitate governance practices and regimes that used to be applied in traditional fishing and harvesting grounds now bisected by the border.

### *Questions*

As “scientific evidence, citizen-stakeholder involvement, and government responsiveness” were evoked “to protect and restore ecosystems shared by different countries”, we wondered if this hinted at the possibility also for citizen groups to work together across the border towards these ends.

While, as in the conference paper, we found ‘transboundary’ surrounded by inverted commas, we also noted that the qualifier ‘international’ got the same treatment in relation to orcas. We wondered if this signalled a wish, on the part of the S&S Coalition, to underline the irony of imposing human-made constructs such as borders - and the constraints they entail - on free-moving, non-human beings.

We also again asked ourselves what the reason might be for omitting explicit mentioning of the possibility for a transboundary MPA to be designated *jointly* by the two sets of higher-order governments. All we found was a call for commitment on the part of these governments “to advance the initiative (...) towards eventual marine protected area designation.” Silencing of this possibility was all the more puzzling against the background that we find ourselves

here in the context of an application addressed to the funding arm of a government-supported tri-national organisation.

#### I.2.4. **Step 4** - Reaping a first set of understandings on the basis of our aggregate ‘evidence’

##### (i) Reformulating our questions

Since we now had at our disposal a picture of the early vision sufficiently fleshed out to offer a workable base for comparison with the intermediate vision, we decided to reformulate somewhat the questions we raised in relation to the early vision. The purpose of reformulating the questions that we would address to the body of ‘evidence’ pertaining to Phase 2 was to prepare further for the discussion to come, in which we would compare the intermediate vision with the early vision. This discussion would be aimed at detecting possible shifts in terms of: (a) widening of the array of distinctively different principles and modalities for governing marine commons; (b) increased recognition of potentially constructive and contextualised interrelationships between different principles and different governance modalities. We therefore reformulated our questions so as to direct our gaze to new, distinctively different principles and modalities, as well as to signals suggesting acknowledgement of interrelationships and interdependencies with wider contexts seemingly overlooked so far. The cautious language in which we couched our questions signalled that all we aspired to was for these questions to help us gain some preliminary and tentative understandings.

Reformulated along these lines, our questions now read as follows:

**1(a):** Did the intermediate vision suggest a move towards giving TEKW a greater role, alongside (western) science, in informing establishment of the OPISA?

**1(b):** Did the intermediate vision imply widening of the array of distinctively different ethical principles considered, and did it appear to move towards more relational and contextualising ethical values?

**2(a):** Did the intermediate vision appear ready to acknowledge distinctively different perspectives on the OPI process, MPA concept and approach as well as possible complementarities between these perspectives, and did it seemingly open up to models other than one centred on the MPA concept?

**2(b):** Did the intermediate vision imply widening of the array of distinctively different options relating to governance regimes and practices to be applied to the OPISA, and if so, how were these options foreseen to relate to each other?

**2(c):** Did the intermediate vision imply a widening of the array of distinctively different options for shared governance across the border, and if so, how were these options foreseen to relate to each other?

ii) Drawing inferences from our ‘evidence’

Equipped with these questions we were now ready to examine, sub-theme by sub-theme, the aggregate body of ‘evidence’ provided by the two primary sources. We again strove to remain attentive to possibly diverging or even contradictory signals emanating from each source and to let them transpire in the tentative understandings we arrived at.



**1(a): Did the intermediate vision suggest a move towards conveying TEKW a greater role, alongside (western) science, in informing establishment of the OPISA?**

We found both sources to emit somewhat contradictory signals. Even though 2001 GB/PS research conference paper explicitly mentioned traditional knowledge, along with science and local knowledge, as a base for establishing and monitoring specific protected zones, this source repeatedly referred to the role of scientific experts in devising methodologies for identifying these zones. Furthermore, it did not expressly mention FNs and tribes among the constituencies from which feedback was being sought, namely “key scientific and government contacts and stakeholders”. Nor did it appear to include among them among the wide array of players (“scientists and resource stewards, general public and *decision makers* [emphasis added], and constituencies (kayakers, whale watchers and whale watch tour operators, and scuba divers) with which consultations would be continued”. On the other hand, somewhat contradicting this inference, we read that “Government, *tribal* [again emphasis added] and public consultations were expected to *continue* using the framework of the Orca Pass International Stewardship Area and “Richness Zone” methodology”.

The application to NAFEC did not help dispel altogether our doubts regarding the role and importance ascribed to TEKW. On the one hand, the application signalled the S&S Coalition’s endeavour to implicate the CS (“we will strive to engage First Nations/Tribes in helping us define specific areas (...) that need special protection”). On the other, whereas it expressly mentioned local knowledge, it

omitted to mention traditional knowledge, to be ‘incorporated’<sup>42</sup> into scientific ‘data’. The verb ‘help’ in the quotation above further strengthened the impression, with which we were left already with respect to the early vision, that that traditional knowledge was still relegated to an ancillary role.

Against this backdrop, and on balance, the preliminary understanding we arrived at pointed towards continuing prominence of (western) science with, as a new dimension, openly professed reliance on inputs from scientific experts. Ambiguity persisted regarding the role of traditional knowledge. On the one hand, traditional knowledge was mentioned as a base for helping inform establishment and monitoring of special protected areas. On the other hand, FNs and tribes were not expressly mentioned among the parties from which feedback was being sought. Accordingly, the intermediate vision still appeared to ascribe an ancillary role to traditional knowledge.

**1(b): Did the intermediate vision imply widening of the array of distinctively different ethical principles considered, and did it appear to move towards more relational and contextualising ethical values?**

We found both primary sources to allude to ethics. Moreover, despite still finding marine life labelled as ‘natural resources’, we were inclined, from the statement implicitly presenting orcas as subjects to be honoured and expressly describing them as “international citizens”, to infer that this went well beyond what a

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<sup>42</sup> One may, in passing, question the notion of ‘incorporation’ suggesting the scientific framework to be the overarching framework.

modern, science-based worldview would usually imply. Despite the inverted commas that could be read as signalling a metaphor, we would thus argue that likening of orcas to ‘international citizens’ suggested blurring of the watertight divide separating humans from non-humans. Interestingly, as a new dimension, we also found the 2001 GB/PS research conference paper to acknowledge that “sites of *spiritual* [emphasis added] importance for the CS” formed part of the OPISA. This, in our view, suggested increased sensitivity to CS values.

Against this backdrop, our preliminary understanding - still to be put to the test under **Step 6** - suggested a persisting tension in the intermediate between, on the one hand, a view still instrumentalising marine life as resources and, on the other, introduction of notions blurring the divide separating humans from non-human beings.

**2(a): Did the intermediate vision appear ready to acknowledge distinctively different perspectives on the OPI process and on the MPA concept and approach, as well as possible complementarities between these perspectives, and did it seemingly open up to models other than one centred on the MPA concept?**

We read both the statement found in the NAPEC application, according to which “ (T)he establishment of MPAs (...) faces many barriers to acceptance and implementation”, and the circumstance that “ ‘winning’ [sic] First Nations/Tribal support” was listed among aims to be pursued, as signalling that the MPA approach was now clearly recognised as controversial. More specifically, the S&S Coalition seemed to acknowledge that it was mainly the CS who were having issues with the MPA concept. Together with the remark that

acceptance had both a political and a scientific dimension, these captions prompted us to infer that since different perspectives regarding this concept were now patently recognised, this also meant - at least tacit - acknowledgement of MPAs as complex, socio-ecological constructs<sup>43</sup>. On the other hand, the stated intention among long-term goals to seek FN/tribal commitment to high levels of protection for specific areas within Orca Pass seemed to indicate that the sheer possibility of persistently distinctive, possibly even diverging, CS perspectives was somehow ignored. This interpretation seemed further vindicated by the statement that “*help* [emphasis added] from the Tribes/First Nations would be sought for defining special protection areas”. This might be read as suggesting that the very notion of special protection areas could not be called into question. Had such questioning been contemplated, then an invitation might have been extended to the CS to propose a marine conservation approach that they would have found more acceptable. In short, admission of the controversial and complex nature of the MPA concept did not seem to shake the S&S Coalition’s confidence in the effectiveness of MPAs (increasingly documented internationally) “in protecting species at risk, allowing recovery, and achieving long-term sustainability”.

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<sup>43</sup> For Jentoft, van Son, and Bjørkan (2007), MPAs epitomise the inextricable intertwining of ecological and socio-political spheres. These authors thus see MPAs as hybrid systems - half social, half ecological/natural - as they simultaneously consist of ecosystems and natural processes, on the one hand, and of human users and residents as well as their institutions and organisations, on the other. Ecologically, MPAs harbour habitats and marine organisms interacting with each other and forming food webs. Socially and politically, they comprise multiple, distinctive groups with conflicting or competing interests, values, ethics and hence coping strategies.

On this basis we tentatively understood the intermediate vision to acknowledge perspectives on the MPA concept other than those informed by scientific/ecological considerations. It also openly recognised FNs and tribes as having political issues with this concept. There nonetheless seemed to be palpable tension between acknowledging CS objections to the MPA concept and approach and commitment to engage FNs and tribes in the OP process, on the one hand, and, on the other, scant openness to allowing the MPA approach to be called into question. As confidence in the effectiveness of this approach was maintained, no other model for bringing marine commons back to a healthy status appeared considered. Nor was attention to connectivity across spatial scales between marine, coastal/ freshwater and upland ecosystems obvious.

**2(b): Did the intermediate vision imply widening of the array of distinctively different options relating to governance regimes and practices to be applied to the OPISA, and if so, how were these options foreseen to relate to each other?**

We found the array of governance tools envisioned extended to including the concept of ‘no-takes’<sup>44</sup> specifically in relation to special protection areas within the OPISA. We were not sure, though, if the management plan, evoked for the first time, would also include ‘no take’ areas or whether it would be reserved for areas outside the special protection areas alone. Another ‘newcomer’ was education, seen as complementing enforcement for obtaining compliance. We did not, however, find any further development of the idea of how

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<sup>44</sup> This term stood for provisions prohibiting all use of marine commons, whether for commercial, recreational or cultural purposes in certain strictly delimited marine areas.

education - that we took to be another word for awareness raising and outreach - might prepare the ground for local user groups such as, notably, commercial and recreational fishermen as well as tour operators working for the whale watching industry to devise their own regulatory regimes. Nor did we find any mention of how these groups might, by themselves, experiment with this option as a complementary way to ensuring sustainable use of the marine commons included in the OPISA as well as throughout the Salish Sea.

As for citizen involvement in restoring marine commons included in the OPISA, mention of “empowerment of citizen-stakeholders” to “identify(ing) and effect(ing) resource recovery programs” at first invited inferring that the intermediate vision welcomed such an involvement. The somewhat unusual composite term ‘citizen-stakeholders’ nonetheless sowed some doubt in our mind regarding precisely what role was envisioned for the citizenry. Read in the light of Simons and Masschelein (2010), the term ‘stakeholder’ in particular suggested reduction of the citizenry’s role to reactively defending their specific interests within the existing socio-political order rather than its taking on a pro-active role in helping govern the OPISA’s commons. Several objections might, however, be raised in the face of such critical reading. It might first be pointed out that, in the context in which it was used, the term ‘stakeholder’ might simply be a synonym for ‘user groups’, in which case it might be legitimate to bring up the question of particular interests. It might, however, also be advanced that, at the time and place at which it was used, the term ‘stakeholder’ quite plausibly had a substantially different connotation decoupling it from a notion of narrow and short-term interests.

Hyphenating ‘citizen’ and ‘stakeholder’ could thus be read as signalling that stakeholders’ role was understood to imply their taking on their part of responsibility for devising new, more sustainable ways of governing the commons. Association with the notion of ‘empowerment’ - at least when understood in sociological terms namely as new opportunities for groups, hitherto largely excluded from political decision-making processes, to have a say on matters affecting them (Blanchard, Carlos, & Randolph, 1996) - might arguably point in the same direction. Taken together, we found these arguments all the more convincing that, for us, the statement underlining that “Orca Pass will not be established unless there is a strong desire for action and commitment from citizens” denoted a clear pledge to promote active involvement on the part of the citizenry.

Last but not least, we found tribal involvement in co-managing marine commons explicitly mentioned among governance tools that would be brought to bear. While we first wondered if this referred to WA treaty tribes alone, upon reflection we found it implausible for BC First Nations to be excluded. This was all the more so that, already in Phase 1, we found co-management discussed specifically in relation to BC FNs.

On this basis we retain as our preliminary understanding that, in addition to foregrounding, yet again, FN/tribal co-management of the commons included in the OPISA, the intermediate vision introduced a number of new governance options such as ‘no-takes’ seemingly reserved for special protected areas and education foreseen to complement enforcement for obtaining compliance. While denoting a clear pledge to promote active involvement on the part of

the citizenry, it seemingly ignored the possibility, as a complementary way of ensuring sustainable use of marine commons, for local user groups to institute their own regime.

**2(c): Did the intermediate vision imply a widening of the array of distinctively different options for shared governance across the border, and if so, how were these options foreseen to relate to each other?**

Even though it did not explicitly use this term, the proposition in the NAFEC application according to which the OPI process would “enhance compatibility and responsiveness between the two national environmental marine protection systems”, might arguably be understood to come close to the idea of the two higher-level governments coordinating their respective regulatory measures. In order to gain purchase, we nonetheless deemed that this thesis needed to find support in secondary sources. While there was no express mention of practical transboundary projects conducted by the citizenry/local communities - such as, for example, the Sound Watch project already underway - we wondered if the NAFEC application’s mention, among others, of citizen-stakeholder involvement “to protect and restore ecosystems *shared by different countries* [emphasis added]” hinted at citizen groups working together across the border towards these ends. Seen in that light, however, we would have expected to find the label of ‘international’ citizens’ applied to orcas extended to encompass also the human communities based in the area covered by the OPISA.

A striking silence related to the possibility of WA tribes and BC FNs working together to rehabilitate governance regimes and



practices traditionally applied to fishing and harvesting grounds now bisected by the international border. Our best guess was here that, despite a Coast Salish Sea Council now being in place, and a CS event having been hosted by the Lummi (WA) in June 2000, the starkly differing circumstances, both resource-wise and in terms of relationships with higher-order non-aboriginal governments, in which the BC FNs and WA tribes found themselves, eclipsed such possibilities at the time, therefore bringing them to be ‘othered’, also by non-aboriginal constituencies.

It seemed to us that the issue of shared governance across the border could not be dissociated from the question of how far the border itself was being questioned. Here too we found some ambiguity. On the one hand, we read the captum “politically relevant but biologically meaningless geographic constraints” in the 2001 GB/PS research conference paper as signalling that the S&S Coalition remained careful not to pinpoint openly arbitrarily-drawn jurisdictional or administrative boundaries among “meaningless geographic constraints”. We also read the inverted commas surrounding ‘transboundary’ in both sources as an expression of caution when addressing national decision-makers for whom this qualifier might still seem somewhat unusual. Further testifying caution was the S&S Coalition’s abstention, in an application directed to the funding arm of a government-supported, tri-national organisation, from openly championing the idea of an MPA jointly designated by higher-order governments on each side of the border. All we found was a call for commitment on the part of these governments “to advance the initiative (...) towards eventual marine protected area designation.” We wonder if this formulation denoted

sheer political realism - or whether joint designation exceeded what even the S&S Coalition, and in particular its two lead organisations, were capable of imagining at the time.

On the other hand, the statement “(D)espite the political border”, found in the introduction to the 2001 GB/PS research conference paper, suggested implicit recognition of the political boundary’s dysfunctional effects. The characterisation, in the NAFEC application, of orcas as ‘international citizens’ seemed to point in the same direction. We thus understood this captum to hint at the irony of imposing purely human constructs such as borders and the constraints these entail on free-moving, non-human beings. We were furthermore inclined to read the open criticism, in the conference paper, of “governmental efforts to establish transborder marine protected areas” as “slow, scattered and piecemeal » as signalling keenness on expediting creation of an area that might alleviate deficiencies entailed by existing political and jurisdictional boundaries. Lastly we read the call in the NAFEC application on the governments on both sides to respond to “a constituency of concerned citizen-stakeholders that *spans* [emphasis added] a political border” as pointing to recognition that nascent transboundary citizenship might be about to emerge.

However, since we did not feel able to settle decisively in favour of either of these somewhat conflicting interpretations regarding how the intermediate vision foresaw the border transcended in political terms, we opted for leaving this question open pending consultation of secondary sources under **Step 6**.

On this basis, the understanding on which we tentatively settled was that, despite reference to a constituency of concerned

citizen-stakeholders spanning a political border, the intermediate vision appeared to give more attention to how governments might work together to protect the shared commons. It thus pointed to the need for enhancing compatibility and responsiveness between the two national environmental marine protection systems. The idea of a transboundary MPA jointly designated by higher-order governments on each side of the border was, however, left unmentioned. So was the possibility for CS joining forces across the border to help rehabilitate traditional governance regimes and practices in waters now bisected by the international border?

#### 1.2.5. **Step 5** - Self-reflexive commentary

We shall again attempt to reflect on how pre-understandings and expectations impinged upon the way we read and interpreted the primary sources just examined. We shall concentrate here on key insights we gained while seeking to sketch out the glimpse we caught of the vision that seemingly informed the OPI in Phase 2.

Upon reflection we came to realise that the silences we detected under **Step 3** were but the inverted images of what we expected or hoped to read. It also became clear to us that these silences - and possibly also the surprises - would usefully inform the overall discussion we would have later about the extent to which the macro-level vision could convincingly be argued to have undergone one or several bifurcation events in the course of the OPI's heyday, with respect to some, if not all, of the five sub-themes. At the same time it occurred to us that these expectations and hopes bore a risk of leading us to misread or overinterpret the texts we examined. A case

in point was when we felt tempted to read the proposition in the NAFEC application that the OPI led process would “ enhance compatibility and responsiveness between the two national environmental marine protection systems”, as coming close to evoking the possibility for higher-level governments to coordinate their respective regulatory measures.

Perhaps even more than under Phase 1, as we organised the selected text segments under **Step 2** and quoted or paraphrased them during our interpretive discussion under **Step 4**, we came to realise that, by extracting them from their original context, these text segments, alongside the key words or groups of words within them that we elicited as our *capta*, became part of our universe rather than of the universe of those that drafted the texts. To put it bluntly, in a certain sense, we ‘kidnapped’ these text segments and used them to support our scheme of reasoning.

In addition to normatively - or theoretically-grounded biases, and even more so than under Phase 1, we also came to realise how much our background knowledge interfered with our reading. Thus, some of the questions we asked ourselves under **Step 3** would not even have occurred to us, had we not, among other things through our study visits to the region, gained reasonable knowledge about the political context prevailing at the time. This transpired for example when we asked ourselves if the intention to expand outreach to Tribes through the Northwest Straits Commission process, through the Northwest Straits Commission Tribal Liaison Subcommittee and the Northwest Indian Fisheries Commission, all on the US side, marked implicit recognition of difficulty for CS nations *qua* governmental bodies to take part in a citizen-driven set up like the OPI. Here we

were clearly bringing in background knowledge we had gained thanks, among other things, to the conversations held in the years 2007-09 with former OPI protagonists. As we brought in background knowledge to buttress our argumentation, we clearly resorted to ampliative reasoning as the abductive mode recommends. Moreover, when harnessing our imagination, we applied possibilistic logic. A case in point was when, in our discussion of how the term ‘citizen-stakeholders’ might be understood, we imagined ourselves caught in a discussion, anticipating the arguments that might be offered to contradict ours.

Lastly we noted that the research strategy that complexity thinking recommends surreptitiously influenced our reading. We thus noted that our attention kept being drawn to parts we deemed relevant for highlighting the attention given to TEKW and, more generally, to CS perspectives. This selective attention anticipated the ‘level-jumping’ we would embark upon when dealing with RQ. IV. We thus kept in mind, all along, that discussions relating to MPAs and involving the CS were taking place in parallel at the micro-level, both within TBMPA meetings convened by the S&S Coalition and in other settings such as the San Juan County/Islands Trust Transborder Marine Stewardship Initiative, the San Juan Marine Resources Committee and the Northwest Indian Fisheries Commission (NWIFC).

1.2.6. **Step 6** - Drawing on relevant secondary sources to challenge, nuance or supplement understandings reached under Step 4

For the purpose of putting to the test understandings reached under **Step 4**, the two main secondary sources<sup>45</sup> we drew upon was, first, the agreement, signed by the S&S Coalition, the San Juan County (WA) and Islands Trust (BC) in March 2001. The second was a brochure, issued jointly by the three parties in the early summer of that same year, and first and foremost intended for islander communities based on the southern Gulf Islands (BC) and the San Juan islands (WA). While the former spelt out the vision to which the S&S Coalition subscribed as a cosignatory of the agreement during Phase 2, the latter had the merit of giving us a measure of what the Coalition dared envision during this phase - or very soon after its expiry - when associating itself with fellow sub-political actors, in this case local governments. We thus viewed the brochure as offering an opportunity for making up for some of the questions we raised, both in relation to citizen involvement in governing the commons included in the OPISA and to the transboundary dimension. In addition we turned, as appropriate, to transcripts of more recent conversations with former OPI-protagonists.

Again, as we examine each sub-theme in turn, for the reader's convenience, we shall first recap the gist of the understandings reached under **Step 4** in relation to each sub-theme.

Since, for **1(a)**, the secondary sources we consulted did not contain statements justifying amending or even correcting the understanding we arrived at under **Step 4**, in order to mark that the

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<sup>45</sup> Both documents are available upon request..

latter understanding would be kept for the forthcoming comparative discussion, we opted for inserting it into a text box in the same way as those we amended:

**1.2.4. - 1(a):** The intermediate vision seemingly continued to grant prominence to (western) science with, as a new dimension, openly professed reliance on inputs from experts. Ambiguity persisted regarding the role and importance of traditional knowledge. On the one hand traditional knowledge was mentioned as a base for informing establishment and monitoring of special protected areas. On the other hand, FNs and tribes were not expressly mentioned among the parties from which feedback was being sought. Accordingly, the intermediate vision still appeared to ascribe an ancillary role to traditional knowledge.

**1.2.4. - 1(b):** The intermediate vision suggested persisting tension between, on the one hand, a view instrumentalising marine life as resources and, on the other, introduction of notions blurring the divide separating humans from non-human beings.

The joint brochure evoked a new ethical principle in the form of ‘intergenerational equity’. We also found a number of references confirming sensitivity to indigenous values. We thus noted that the initiative should “reflect the values and interests of indigenous peoples” and employ ‘7th-generation thinking’<sup>46</sup>. Moreover, “marine

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<sup>46</sup> Seventh-generation thinking originated from the Great Law of the Iroquois, a matriarchal league of several nations and Tribes based south of the Great Lakes. According to this law, one of the first mandates given to chiefs was to think seven generations ahead (a couple hundred years into the future and decide whether the decisions made today were compatible with

organisms and habitats” replaced the term ‘resources’ in relation to co-management with the Tribes. This prompted us to amend slightly the preliminary understanding reached under Step 4 in relation to the ethical dimension so as to read as follows [amendments in red]:

**1.2.4. + 1.2.6. - 1(b):** Whereas it did not relinquish altogether apprehending sea life as a resource, the intermediate vision introduced notions blurring the divide separating humans from non-human beings. It also denoted sensitivity to indigenous values, notably ‘seventh-generation thinking’.

**1.2.4. - 2(a):** The intermediate vision appeared to acknowledge perspectives on the MPA concept other than those informed by scientific/ecological considerations. It also openly recognised FNs and tribes as having political issues with this concept. There nonetheless seemed to be palpable tension between acknowledging CS objections to the MPA-concept and commitment to engage the CS in the OP process, on the one hand, and, on the other, scant openness to allowing the MPA approach to be called into question. As confidence in the effectiveness of this approach was maintained, no other model for bringing marine commons back to a healthy status appeared considered. Nor was attention to connectivity between marine, coastal/ freshwater and upland ecosystems obvious.

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the welfare and well-being of the seventh generation to come (Vecsey & Venables, 1994).  
[http://en.wikipedia.org/wiki/Seven\\_generation\\_sustainability](http://en.wikipedia.org/wiki/Seven_generation_sustainability)



As far as consideration of linkages between the proposed transboundary MPA and wider tracts of water and land is concerned, we found the trilateral brochure somewhat equivocal. On the one hand, the remark that the methodology used for identifying sites for protection was applicable in other parts of the Salish Sea might be read as flagging recognition of ecological connectivity throughout this sea. On the other hand, the brochure did not mention impacts from connecting coastal areas, freshwater watersheds and uplands. On balance, we opted for amending slightly our preliminary understanding so as to read as follows [amendment marked in red]:

**1.2. 4. + 1.2.6. - 2(a):** The intermediate vision appeared to acknowledge perspectives on the MPA concept other than those informed by scientific/ecological considerations. FNs and tribes were also recognised as having political issues with this concept. There nonetheless seemed to be palpable tension between acknowledging CS objections to the MPA-concept and commitment to engage the CS in the OP process, on the one hand, and, on the other, scant openness to allowing the MPA approach to be called into question. As confidence in the effectiveness of this approach was maintained, no other model for bringing marine commons back to a healthy status appeared considered. **While ecological connectivity throughout the Salish Sea was recognised, linkages with coastal/ freshwater and upland ecosystems seemingly remained overlooked.**

**1.2.4. - 2(b):** In addition to foregrounding, yet again, FN/tribal co-management, the intermediate vision included a number of new governance options such as ‘no-takes’ seemingly reserved for special

protected areas and education foreseen to complement enforcement for obtaining compliance. While denoting a clear pledge to promote active involvement on the part of the citizenry, it seemingly ignored the possibility, as a complementary way of ensuring sustainable use of marine commons, for local user groups to institute their own regime.

The joint brochure helped throw further light on how different governance options might be articulated. Unsurprisingly, for a vision emanating from an NGO/local governments partnership with no regulatory powers, we found the brochure add yet another non-coercive option in the form of ‘non regulatory marine management’ implicitly framed as the exclusive preserve of local protection efforts not to be “impeded” by other levels of government.<sup>47</sup> Such reference to *other* levels of government left us, however, somewhat unsatisfied since it appeared to signal greater preoccupation about the two local governments’ autonomy than about possibilities for citizen groups on the islands to take action themselves. It seems to us that, as a co-author, the S&S Coalition could have insisted on foregrounding such possibilities in the brochure. At the same time the joint brochure helped us shed some light on how the two main modes of governance - coercive enforcement and voluntary compliance - would be implemented. It thus appeared to hint at a ‘division of labour’, and hence complementarity, between local governments and higher-order governments, with the former taking on non-regulatory management and the latter regulation-based enforcement. Yet it still remained unclear which of the two was envisioned to prevail within the OPISA. By contrast, the tri-lateral San Juan County/Islands Trust/S&S

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<sup>47</sup> i.e. state/provincial or federal agencies.

Coalition working agreement helped dispel our doubts regarding whether FNs on the BC side were foreseen included under co-management arrangements for the planned transborder marine area. It thus stated that “The S&S Coalition and San Juan County will work together in encouraging involvement of Tribes and *First Nations* [emphasis added] having usual and accustomed fishing areas in the region and will work together to involve Tribes and First Nations in all phases of planning for this proposal.” At the same time, however, we noted the Islands Trust on the BC side to be left out. This omission probably reflected the circumstance that relations between BC bands concerned by the OPISA and the different levels of non-aboriginal governments in BC differed markedly from those between Tribes and non-native decision-makers on the WA side<sup>48</sup>.

We found transcripts of conversations with former OPI protagonists as well as inputs made in the interactive session we chaired at the 2009 GB/PS research conference to challenge further the understanding reached under **Step 4** relative to the importance ascribed to direct citizen involvement as the OPI experiment gained maturity. In contrast to our preliminary understanding, we thus found these transcripts to suggest that direct involvement, notably on the part of islander communities, in establishing the OPISA was not, after all, one of the S&S Coalition’s foremost priorities at the time. We thus heard a former member of the P4PS admit: “(...) we didn’t do enough work in the San Juan Islands to build broader community support for this effort. The OPI became perceived (...) as something that was being done to them by environmental groups from

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<sup>48</sup> We shall elaborate further on these relations under our micro-level analysis.

outside.”<sup>49</sup> During the interactive session we also heard a San Juan islander complain: “(D)uring the time the Orca Pass was being discussed, (...) I really wish that we had been more involved in this. I didn’t see a discussion happening in the community and (...) it may be more of a grassroots thing. From the community I come from, you have to ask people first because if they hear about it second hand, they are against it, no matter what.” While we were obviously wary of using these comments for raising questions about the S&S Coalition’s democratic intentions, at the very least, we were inclined to take these testimonies to speak in favour of introducing a distinction between, on the one hand, direct citizen/islander community involvement - unmediated and non-facilitated by NGOs or grassroots organisations located outside the OPISA - and, on the other, citizen involvement orchestrated and possibly facilitated by such organisations.

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<sup>49</sup> Conversation in Seattle, May 2009. Such scepticism towards environmental NGOs on the part of local communities was confirmed by a focus group survey commissioned by P4PS in May 2000 regarding environmental issues in the Puget Sound. This survey brought the insight that local communities were often inclined to view these NGOs as having their own agenda and hence as not being reliable sources offering unbiased information. The focus groups were composed so as to present representative samples of residents based in the municipalities of Bellingham, Everett and Sequim, all in Washington State and all bordering the Northwest Straits. These groups included commercial fishermen but no tribal members.

On this basis we nuanced our first understanding so as to read as follows [amendments in red]:

**1.2.4. + 1.2.6. - 2(b):** In addition to foregrounding, yet again, FN/tribal co-management of the commons included in the OPISA, the intermediate vision introduced a number of new governance options such as ‘no-takes’, seemingly reserved for special protected areas, and education foreseen to complement enforcement for obtaining compliance. **Complementarity between local governments and higher-order governments was contemplated, with the latter taking on non-regulatory management and the latter regulation-based enforcement.** While denoting a clear pledge to promote active involvement on the part of the citizenry, **it appeared to hold a latent bias in favour of mediated citizen involvement. Moreover,** it seemingly ignored the possibility, as a complementary way of ensuring sustainable use of marine commons, for local user groups to institute their own regime.

**1.2.4. - 2(c):** Despite reference to a constituency of concerned citizen-stakeholders spanning a political border, more attention appeared given to how governments might work together to protect the shared commons. Thus, it pointed to the need for enhancing compatibility and responsiveness between the two national environmental marine protection systems. The idea of a transboundary MPA jointly designated by higher-order governments on each side of the border was, however, left unmentioned. So was the possibility for CS joining forces across the border to help rehabilitate traditional governance regimes and practices in waters now bisected by the international border?

As the joint brochure expressly described the OPI as a ‘trans border/transboundary’<sup>50</sup> initiative, we read this as privileging the *transboundary* dimension over the international. We also interpreted its associating a spirit of cooperation with ‘shared decision-making’ as indicating that the idea of the two local governments somehow coordinating their respective decisions was gaining further traction. On the other hand, we were inclined to maintain our first understanding that ways in which citizen groups and local communities on either side of the border might work together to protect and restore the shared waters was still, to a large extent, overlooked. Unsurprisingly for sources co-produced by local governments, neither the tri-lateral agreement nor the joint brochure evoked the desirability of higher-order governments to coordinate their regulatory provisions for marine protection. Nor did we find anything in transcripts of more recent conversations with former OPI protagonists to lend support for the thesis that sub-political agents - encompassing, notably, local governments and grassroots organisations - at least at that stage, looked increasingly favourably upon prospects for such coordination.

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<sup>50</sup> We consider these qualifiers interchangeable.

On this basis we amended slightly our understanding so as to read as follows [amendment in red]:

**1.2.4. + 1.2.6. - 2(c):** Despite reference to a constituency of concerned citizen-stakeholders spanning a political border, the intermediate vision appeared to give more attention to how governments might work together to protect the shared commons. Thus, besides **suggesting shared governance in the form of ‘shared decision making’ across the border, presumably involving the two local governments,** it pointed to the need for enhancing compatibility and responsiveness between the two national environmental marine protection systems. The idea of a transboundary MPA jointly designated by higher-order governments on each side of the border was, however, left unmentioned. So was the possibility for the CS joining forces across the border to help rehabilitate traditional governance regimes and practices in waters now bisected by the border?

Having thus distilled from the discussions held under **Steps 4** and **6** five sets of tentative understandings regarding the vision that seemingly emerged from the OPI in the course of Phase 2, we were now ready to embark upon the discussion that would compare these understandings with those reached with respect to the early vision.

### 1.2.7. **Step 7** - Comparing understandings regarding the intermediate vision with those reached for the early vision

#### *Introduction*

The comparative discussion that follows constitutes a first important step in preparation for our discussion of the extent to which the vision that informed the OPI might convincingly be argued to have gone through one or several bifurcation points - or thresholds - in the course of the OPI's heyday.

When proceeding to compare the understandings reached for the early and the intermediate vision respectively, we did not confine ourselves to looking for positive shifts. We were also attentive to relevant aspects or dimensions we found silenced in the early vision and now expressly evoked in the intermediate one. We thus read breaking of silences as signalling at the very least increased awareness, if not new understandings or breakthroughs, regarding aspects or dimensions either left in the background (made absent) or outright 'othered' in the early vision. We were also be mindful of cases where ambiguities in the early vision gave way to greater clarity and where the intermediate vision therefore appeared bolder and more outspoken. Lastly, in preparation for our overall assessment relative to RQ.I, we deemed it useful also to point at silences in the early vision that seemingly persisted in the intermediate vision. Likewise, while we were obviously primarily interested in dynamic developments, we acknowledged aspects or dimensions we found confirmed in the intermediate vision as compared to the early one.



As for principles and modalities foregrounded in the early vision that we found left out altogether of the intermediate vision, we saw at least two reasons for such omission: (a) it might signal that the principles and modalities concerned were now taken for granted and hence no longer considered in need of explicit mention; (b) they might have been mentioned in other sources that escaped our attention. To those that might point to outright withdrawal of the principles or modalities concerned as a third reason for this omission, we deem the latter quite implausible. According to the logic of emergence, once a particular possibility has been consciously considered, however much it is put on the backburner or downgraded in terms of priorities, it cannot sink back into nothingness - as if never thought about. In other words it is assumed henceforth to form part of initial conditions that continue to affect, without determining, the macro-level vision's trajectory<sup>51</sup>.

Against this backdrop, as we systematically confronted the two sets of tentative conclusions we arrived at, sub-theme by sub-theme, we had the following three general questions in mind with respect to the intermediate vision:

- (a) Did it introduce new notions or options as compared with the early vision?
- (b) Did it denote more relational and contextualising ways of thinking than the early vision?
- (c) More generally, did it strike us as less ambiguous and bolder in pushing back limits than the early vision?

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<sup>51</sup> To anticipate a bit the discussion we shall have in relation to the 'no-take' option, we thus came to argue that, while seemingly withdrawn towards the end of the OPI's heyday, this option nonetheless still seemed to hover in the background as the very logic of proscribing all use in certain sensitive areas was maintained.

Prior to presenting, sub-theme by sub-theme, understandings relating to the intermediate vision in light of these questions, for the reader's convenience, we shall start by recapping understandings, again sub-theme by sub-theme, that we reached as a result of our discussion under **Steps 4 and 6** with respect to the two visions we are now comparing. When deemed appropriate, the comparative discussion was also informed by our commentary under **Step 3**.

**1.1.4. + 1.1.6. - 1(a):** Whereas the early vision acknowledged a role for TEKW in informing protection and recovery of marine commons within a transboundary MPA, it nonetheless presented (western) science as the primary knowledge base to inform the establishment of such an area, leaving it, by and large, to traditional knowledge to fill gaps in scientifically collected information.

**1.2.4. + 1.2.6. - 1(a):** The intermediate vision seemingly continued to grant prominence to (western) science with, as a new dimension, openly professed reliance on inputs from experts. Ambiguity persisted regarding the role and importance of traditional knowledge. On the one hand traditional knowledge was mentioned as a base for informing establishment and monitoring of special protected areas. On the other hand, FNs and tribes were not expressly mentioned among the parties from which feedback was being sought. Accordingly, the intermediate vision still appeared to ascribe an ancillary role to traditional knowledge.

**1.2.7. - 1(a) Comparative discussion:** As presented in the 2001 GB/PS research conference paper, as a new dimension, the intermediate vision repeatedly emphasised the role and input of scientific experts. This input seemingly helped call forth an innovative methodology centred on the concept of Richness Zones. Where the early vision acknowledged the role of TEKW in informing protection and recovery of marine commons within the OPISA, the intermediate vision clarified further in what respects TEKW might contribute most - notably in identifying and monitoring special protected areas within this area. We were however still left with the impression that, also here, as openly expressed during a TBMPA meeting in Phase 1, the primary role for traditional knowledge, was still to supplement or “fill gaps” in scientifically gathered data.

On balance, we concluded that, compared to the early vision, the role of TEKW was made more specific as it would now inform establishment and monitoring of special protected areas within the OPISA. We nonetheless still deem the intermediate vision to ascribe an ancillary role to traditional knowledge.

**1.1.4. + 1.1.6. - 1(b):** The ethics undergirding the early vision seemed to reflect mainly human-oriented values such as justice and rights. While it did not imply distancing from an instrumentalising approach to marine life, notions of obligations to respect and act responsibility towards non-humans nonetheless appeared included.

**1.2.4. + 1.2.6. - 1(b):** Whereas it did not relinquish altogether apprehension of marine life as a resource, the intermediate vision introduced notions blurring the divide separating humans from non-

human beings. It also denoted sensitivity to indigenous values, notably ‘seventh-generation thinking’

**1.2.7. - 1(b) Comparative discussion:** We still did not find the intermediate vision to distance itself expressly from the instrumentalising approach to marine life we observed in the early vision. However, where we found the early vision to refer explicitly to human right values and ethics and non-humans evoked more peripherally, in the intermediate vision we caught sight of clear signals suggesting that the conventional divide between the human and the non-human worlds was becoming somewhat blurred. It thus introduced an idea suggesting that orcas were to be honoured as well as also labelled orcas as ‘international citizens’. This, in our view, clearly exceeded how a modern, science-dominated worldview would frame non-humans. We also found manifest opening up to indigenous values through a reference to sites, included in the OPISA of spiritual importance to CS tribes as well as to ‘seventh-generation thinking’ - a principle central to indigenous ethics.

Against this backdrop, we concluded that, as compared to the early vision, the intermediate vision appeared to mark an interesting move towards more relational ethical values, notably implying blurring of the conventional divide between humans and non-humans and between generations.

**1.1.4. + 1.1.6. - 2(a):** While presenting the MPA concept as scientifically-validated and seemingly ignoring approaches for protecting and restoring marine commons other than those centred on this concept, the early vision acknowledged it as possibly

controversial in some contexts. It also acknowledged the need for the CS to become involved in the process of establishing the proposed transboundary MPA. Whereas the MPA concept seemed to be understood as implying a broad and seamless approach, connectivity between marine, on the one hand, and coastal, freshwater and up-land ecosystems, on the other, appeared disregarded.

**1.2. 4. - 2(a):** The intermediate vision appeared to acknowledge perspectives on the MPA concept other than those informed by scientific/ecological considerations. Tribes and FNs were also recognised as having political issues with this concept. There nonetheless seemed to be palpable tension between acknowledging CS objections to the MPA concept and commitment to engage the CS in the OP process, on the one hand, and, on the other, scant openness to allowing the MPA approach to be called into question. As confidence in the effectiveness of this approach was maintained, no other approach for bringing marine commons back to a healthy status appeared considered. Nor was attention to connectivity between marine, coastal/ freshwater and up-land ecosystems obvious.

**1.2.7. - 2(a) Comparative discussion:** We note that, while there seemed to be awareness already in the early vision that MPAs might be controversial in some contexts, the intermediate vision now openly recognised barriers to acceptance of the MPA concept. Politically grounded perspectives on this concept, possibly challenging scientific/ecological considerations, were now acknowledged. This in turn invites us to infer that the intermediate vision - at least implicitly - denoted increased recognition of MPAs as complex, socio-

ecological constructs. On the other hand, despite openly recognising that Tribes and First Nations had difficulties with the MPA concept and despite displaying commitment to engage the CS in establishing the OPISA, there seemed to be scant openness to allowing other perspectives call the MPA model into question. No invitation was thus extended to the CS to propose a complementary marine conservation approach. We were therefore inclined to advance the idea that unflinching confidence in the MPA approach appeared to blind the S&S Coalition to other possibility. Focus on one particular marine area also somehow seemed to continue to push into the background the need for a marine conservation approach heeding ecological connectivity across spatial scales, also beyond the waters of the Salish Sea.

Against this backdrop it appeared reasonable to conclude that, compared to the early vision, we perceived the intermediate vision to denote increased recognition of MPAs as controversial. It did not, however, draw the full consequence of such recognition by opening up to distinctive and possibly diverging CS perspectives regarding the MPA model or to marine conservation approaches complementary to this approach.

**1.1.6. - 2(b):** The early vision took seriously FN and tribal rights and interests as well as their involvement in the OPI, notably via co-management. By contrast, barring a broad reference to stewardship, little attention, if any, was given to how citizen groups and local communities would contribute to governing the OPISA's marine commons. Whereas the two governance options - voluntary compliance or enforcement through regulations - appeared to be

framed as complementary, which of the two was envisioned to prevail appeared kept open.

**1.2.4. + 1.2.6. - 2(b):** In addition to foregrounding, yet again, FN/tribal co-management of the commons included in the OPISA, the intermediate vision introduced a number of new governance options such as ‘no-takes’, seemingly reserved for special protected areas, and education foreseen to complement enforcement for obtaining compliance. While denoting a clear pledge to promote active involvement on the part of the citizenry, it appeared to hold a latent bias in favour of mediated citizen involvement. Moreover, it seemingly ignored the possibility, as a complementary or ‘alternative’ way of ensuring sustainable use of marine commons, for local user groups to institute their own regime.

**1.2.7. - Comparative discussion:** Under the two main governance options - regulation based enforcement and voluntary compliance – the intermediate vision came to include a more differentiated array of provisions. Under the former, we found ‘no-takes’ for special protected areas implying total prohibition of any form of commercial, recreational and cultural use. FN/tribal co-management seemingly also - at least in part - fell under this category since it implied treaty-based, non-voluntary regulations. Education, on the other hand, was presented as preparing the ground for voluntary compliance.

Through the brochure issued jointly by the two local governments and the S&S Coalition, we caught a glimpse of the ‘division of labour’ and ensuing complementarity that the three partners envisioned between local and higher-order governments: the

former would take on non-regulatory management and the latter regulation-based enforcement. However it still remained unclear which of the two modes of governance would prevail within the OPISA.

In contrast to the early vision, involvement of citizens was foregrounded and elaborated upon. Not only was their desire for action and commitment underlined as a condition for establishing the OPISA. They were also envisioned as actively implicated in identifying and effecting restorative action via recovery programs. Transcripts of conversations led us, however, to suspect a bias that might otherwise have escaped our attention. Recognised both by a former member of the P4PS staff and a San Juan islander about eight years after the events, this bias implied that little attention seemed paid to possibilities for local user groups on the San Juan and Southern Gulf islands as well as on the Saanich Peninsula - without mediation in the form of education and outreach activities on the part of NGOs based elsewhere - to conceive and experiment with new tools through which they might institute their own governance regime.

Despite such shortcoming and possible bias privileging mediated citizen involvement, we were inclined to conclude that, compared to the early vision, the intermediate vision considerably widened the array of differentiated governance tools considered under the general headings 'regulatory enforcement' and 'voluntary compliance'. Ambiguity persisted however with regard to which of the two options - regulation based enforcement or voluntary compliance - was foreseen to prevail within the OPISA.



**1.1.4. + 1.1.6. - 2(c):** If the early vision fully acknowledged the shared waters as forming one, seamless ecosystem, caution was displayed regarding how the border would be transcended in political terms. Silence regarding both joint citizen-based actions and the possibility for the two sets of higher-order governments to coordinate their respective regulatory measures seemingly confirm such caution. One secondary source nonetheless evoked the possibility of the two local governments sharing of management decisions.

**1.2.4. + 1.2.6. - 2(c):** Despite reference to a constituency of concerned citizen-stakeholders spanning a political border, the intermediate vision appeared to give more attention to how governments might work together to protect the shared commons. Thus, besides suggesting shared governance in the form of ‘shared decision making’ across the border, presumably involving the two local governments, it pointed to the need for enhancing compatibility and responsiveness between the two national environmental marine protection systems. The idea of a transboundary MPA jointly designated by higher-order governments on each side of the border was, however, left unmentioned. So was the possibility for the CS joining forces across the border to help rehabilitate traditional governance regimes and practices in waters now bisected by the border?

**1.2.7. - Comparative discussion:** Where the early vision only evoked cooperation between nature resource agencies, the intermediate vision seemed to move closer to the idea of the two sets of higher order governments coordinating their respective policies

and regulatory measures for protecting marine commons. On the other hand, here neither was there any signal pointing to the possibility for FNs and tribes to work together to rehabilitate governance regimes that used to be applied in traditional fishing and harvesting grounds now bisected by the border.

How citizens were envisioned to join forces across the border also remained somewhat unclear. Since we found mentioned the interesting notion of a “constituency of concerned citizen-stakeholders that spans a political border” as well as ‘citizen-stakeholder’ involvement in relation to protection and restoration of ecosystems *shared by different countries*, we wondered if this hinted at the possibility of citizen groups working together across the border to these ends. On the other hand, we should have expected foregrounding of possibilities for further enhancing community-based transboundary monitoring and recovery projects already underway.

As far as the attitude to the border itself that seemed to us to transpire from the intermediate vision, it still appeared fraught with ambiguity. We thus found apparent hesitation to label also human inhabitants bordering the shared waters as ‘international citizens’ and repeated use of the qualifier ‘international’ instead of ‘transboundary’. On the other hand, the notion of a constituency of concerned citizen-stakeholders *spanning* [emphasis added] a political border appeared to acknowledge that some form of transboundary citizenship might be in the process of emerging. We were also struck by *capta* suggesting implicit recognition of the political boundary’s dysfunctional effects as well as overt criticism of these same governments’ efforts to establish transborder marine protected areas as “slow, scattered and piecemeal”.

Despite a degree of ambiguity and despite persisting silence as to how the CS might join forces across the border, compared with the early vision, we found the intermediate vision considerably bolder and more explicit, both in outlining how local governments and higher-order governments respectively might work together across the political boundary and in evoking a transboundary constituency of citizen-stakeholders.

### *Summing up*

It is still too early for us to venture to assess whether any of the changes we identified in the intermediate, as compared to the early one, were radical enough to denote that a bifurcation point or threshold had been crossed or, on the contrary, fell short of undergoing such an event. Not until we have sketched out the ultimate vision that informed the OPI around the time we saw as the apex of its trajectory and only after bringing together the two sets of discussions comparing respectively the intermediate vision with the early vision and the ultimate vision with the intermediate vision, do we deem ourselves in a position to take a synoptic look of the trajectory that the macro-level vision informing the OPI followed in the course of its heyday.

### 1.3. **Phase 3** - Construing the ultimate vision: Contextual conditions of relevance to the ultimate vision

As far as the general climate within the OPI's fuzzy and fluctuating boundaries was concerned, in the 12 month-period

separating the end of Phase 2 (May 2001) from the beginning of Phase 3 (May 2002), the initiative gathered further momentum. The quarterly TBMPA meetings thus came to involve an ever-larger number of organisations from which inputs and ideas were being sought. CS representatives continued to attend most of these meetings. Parallel to this, an ever more substantial amount of information came online through the TBMPA listserv, fostering lively conversations between different groups across the border<sup>52</sup>.

Outstanding features in the OPI's 'external' context that occurred during that same time span obviously include the 9/11 attacks. While these attacks might reasonably be feared to have affected dramatically cross-border face-to-face contacts, bringing them to a near-stand still, as it happened, it was not until February 2003, when post-9/11 Homeland Security legislation entered into force, that physical constraints for crossing the border were felt for good. This might be the reason why, as we went through the minutes and summaries of TBMPA meetings at our disposal, surprisingly, we found no references, neither explicit nor implicit, to the attacks.

As far as parallel initiatives were concerned, after the new Island Trust Council elected in fall 2002 showed markedly less interest in marine issues, the Islands Trust/San Juan County Transborder Marine Stewardship initiative plummeted. On the regulatory side, listing of resident populations of orcas was under discussion on either side of the border under respectively an existing US Endangered Species Act (ESA) and a Canadian Species at Risk Act (SARA) that became law in December 2002. Importantly also, a

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<sup>52</sup> Transcript of conversation with representative from the San Juan Whale Museum, September 23<sup>rd</sup>, 2008.

second joint CS event took place in April 2002 at the Stol:lo reserve, Chilliwack, BC, on the theme “The Coast Salish Nation: Community without a border”, at which common cultural practices relative to the use of land as well as of freshwater and marine waters were celebrated. Discussions that started in November 2000 continued through 2001 and 2002<sup>53</sup> regarding a Tribal Policy Statement on MPAs in the NWIFC’s Tribal Environmental Forum.

### 1.3.1. **Step 1** - Selecting our primary sources

#### *Introduction*

We again selected two primary sources for highlighting the ultimate vision carried by the S&S Coalition. Primary source no. 1 was a substantial extract from a publication entitled ‘Wave of the Future’<sup>54</sup>, issued in May, 2002, (displayed in **Annex 15**) whilst primary source no. 2 was the paper entitled “Site Conservation Planning for Marine Biodiversity Richness Zones within the Orca Pass International Stewardship Area” (henceforth referred to as the ‘2003 GB/PS research conference paper’). This paper, displayed in extenso in **Annex 16**, was the written elaboration of the Power Point presentation that spokespeople for the S&S Coalition delivered at the second PS/GB Ecosystem research conference held in the days March 31-April 3, 2003. For the sake of succinctness, we shall deal with both sources under the same sub-headings.

Choosing the ‘Wave of the Future’ publication as the first of our primary sources seemed fairly obvious. In what we understood to

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<sup>53</sup> A final Policy Statement was adopted in late spring 2003.

<sup>54</sup> The entire publication is available upon request

be its definitive version, dated May 2<sup>nd</sup>, 2002, this publication articulated the S&S Coalition's full vision of the Orca Pass proposal<sup>55</sup>. While initially intended as a key communication tool in the context of the outreach campaign directed at the wider public, it also came to be the text upon which the PS/GB Task Force based its discussions regarding the OPI between fall 2002 and March 2003 in preparation for the WA/BC Environmental Cooperation Council's meeting on April 2<sup>nd</sup>, 2003. This hardly comes as a surprise since the 'Wave of the Future' publication contained the most elaborate outline so far of the OPI's *raison d'être* as well as its short- and longer-term goals.

We considered the 2003 GB/PS research conference paper to complement 'Wave of the Future' in a useful way, notably in relation to governance regimes and tools. A pendant to the 2001 GB/PS research conference paper, it too was intended for a constituency in which political decision-makers from both sides of the border, from the local up to the federal level as well as representatives of FNs and tribes were amply represented alongside scientific bodies and grassroots groups. Consequently, we expected it to give special attention to the transboundary dimension.

#### Source-critical commentary

While published by the GSA and authored by someone hired by this organisation, the 'Wave of the Future' publication was

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<sup>55</sup> Conversation in Victoria, in November 2007 with a former key OPI-protagonist from the GSA.

nonetheless a collaborative effort<sup>56</sup> with important inputs from other S&S Coalition organisations and notably from P4PS. This also transpired from repeated reference to the S&S Coalition in the text. At the same time, when drawing on this publication in our effort to construe the ultimate vision, we strove to bear in mind that, since its purpose was to mobilise energies and support from the widest possible constituency, controversial aspects or possible obstacles in establishing the OPISA might have been somewhat watered down.

As for the 2003 GB/PS research conference paper, its very title “Site Conservation Planning for Marine Biodiversity Richness Zones within the Orca Pass International Stewardship Area” and the scientific background of its four co-authors suggested that it would give primary attention to the scientifically-grounded methodologies underpinning the OP-proposal. We nonetheless found this source to be particularly informative regarding differentiated governance provisions and tools and how they might relate to each other. Moreover, in contrast to the 2001 GB/PS research conference paper, it was genuinely transboundary as two of its co-authors were members of P4PS staff (WA), while the two others belonged to two BC-based member organisations of the S&S Coalition, namely the GSA and the Living Oceans Society respectively.

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<sup>56</sup> The author himself confirmed the collaborative character of the documents when we recently contacted him by e-mail (December 2012)

### 1.3.2. **Step 2** - Harvesting relevant text segments through thematic framework analysis

Even more clearly than under Phase 1 and 2, we realised that the boundaries separating our sub-themes, far from clear-cut, often tended to blend into each other. ‘Wave of the Future’ also reminded us in a sobering way that the deeper one delves into any theme or sub-theme, the more dimensions it seems to acquire. While we often felt tempted to merge 2(a) and 2(b), we nonetheless opted for holding on to a distinction between the two, lest we would end up with a mammoth sub-theme. While we felt compelled at times to allocate the same text segments to both sub-themes, as a rule, the thrust of 2(a) still pertained to the OPI as a process as well as the MPA concept and approach. As for 2(b) its thrust was still anything having to do with governance regimes and practices to be applied within the OPISA.

The two primary sources are presented in respectively **Annex 15** (primary source no. 1) and **Annex 16** (primary source no. 2). As far as the former was concerned, we chose to concentrate on the sections that did not contain ‘facts’ about threats confronting the Salish Sea region. Having already touched upon these threats in Section 1.2. (**Book I**), we left also out a ‘historical’ account of the OP process. What we were interested in was how the future was envisioned, not how the past was interpreted...

### 1.3.3. **Step 3** - Commentary to the harvested text segments

Again in preparation for the discussion we shall have under **Step 7** where the ultimate vision are to be compared with the



intermediate one, as we comment on our two primary sources, we shall adopt a resolutely comparative gaze with particular attention to notions and options not found in the intermediate vision. We shall again note silences or surprising elements that struck us against the backdrop of our pre-understandings and expectations.

**Annexes 17-21** contain the tables displaying, for each sub-theme, the aggregate ‘evidence’ made up of the text segments retrieved from both sources, accompanied by short-handed commentary. The particular words/terms or expressions that were central to our discussion in **Step 4** - hence turning into our *capta* - are marked in red. The commentary is elaborated upon below. Again it should be noted that, rather than respecting the order in which the text segments appeared in the text, we regrouped them in preparation for the discussion under **Step 4**.

Primary source no.1: Extract from the ‘Wave of the Future’  
publication

### **1(a): Knowledge base(s) informing establishment of the OPISA**

#### *New notions and options*

We found for the first time an allusion to “conservation and marine reserves *within a tribal context* [emphasis added].” Whereas the questions asked, namely “...were there areas that were traditionally left alone? Why?” betray limited familiarity with traditional practices, the question was also raised how traditional knowledge and *practices* [emphasis added] might help develop an effective and workable system of marine reserves or other special

protection areas. Such linking of knowledge and practices suggested recognition that knowledge gathering and knowledge production, on the one hand, and experience and practices (or praxis), on the other, are were intimately intertwined within TEKW (Kovach, 2009).

### *Silences*

In relation to ‘no-take’ marine reserves the only knowledge base referred to was (scientific) research data.

### *Surprising elements*

Whilst traditional knowledge was presented as a complement for establishing effective protection, we were surprised not to see it mentioned, alongside to local knowledge and anecdotal evidence, in relation to the GIS computer mapping work aiming at identifying Richness Zones or biological hotspots. This was all the more surprising that the FNs and tribes whose traditional fishing grounds included OPISA waters have by far the most longstanding and intimate experiential knowledge of these waters and of the land and shores bordering these waters<sup>57</sup>.

## **1(b): Ethics**

### *New notions and options*

As a new notion, ‘duty’ appeared in relation to preventing harm and reducing negative impacts and the human footprint. We noticed here that those upon whom such duty was deemed to fall

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<sup>57</sup> CS Elders’ intimate knowledge about their traditional fishing grounds thus seemed invaluable for helping identify, among others, inlets and beach stretches historically teeming with marine life (Claxton & Elliott, 1993).

were ‘people’, not government, presumably hinting at individual and/or collective responsibility. We also read the verb “help” to imply the notion of care, usually associated with human relationships, but applied here to non-human living organisms (orca pods). Perhaps even more strikingly, we also found concern for future generations of animals and plants. Moreover, we found a call for fundamental rethinking about oceans as something else than “bottomless refuse pits and limitless food sources”.

### *Silences*

When mentioning the triad ‘mind, body, spirit’ among beneficiaries of the OPISA, it would have been natural, in the same stride, to refer to sites of spiritual importance to the CS, as one of our primary sources under Phase 2 indeed did.

### *Surprising elements*

Against the backdrop of the new ethical notions noted above, we found somewhat incongruous to see “putting dollars into the pockets of our grandchildren” used as an argument for preserving marine life.

### 1.3.3. **Step 3:** Commentary to the harvested text segments

## **2(a): The OPI process and the MPA concept and approach**

### *New notions and options*

We found clear recognition of the need to apply a combination of processes for establishing the transboundary MPA.

We also noted explicit recognition that the MPA approach alone could not address all the problems threatening the Salish Sea. Lastly we found coastal development explicitly mentioned for the first time.

### *Surprising elements*

Despite MPAs being explicitly and repeatedly acknowledged as controversial<sup>58</sup>, we were surprised to find the unqualified statement that “(t)he MPA system will provide a workable framework for governments, First Nations, Tribes and stakeholders.”

## **2(b): Governance regimes and practices for the OPISA**

### *New notions and options*

As might be expected from a publication primarily produced for the outreach campaign, we found conspicuous foregrounding of the role that local communities and user groups might play in complementing regulatory provisions imposed by governments. The contribution that monitoring by citizens might bring to enforcement was thus evoked for the first time as was the notion of peer pressure as an effective management technique. We also noted that citizens were envisioned to contribute to the conception of management plans for areas outside the special protection areas.

A new idea was introduced in relation to governance options, namely interim measure agreements with BC First Nations.

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<sup>58</sup> Keeping in mind that ‘Wave of the Future’ was primarily intended as a tool for the outreach campaign, such frankness about controversy was in itself remarkable. One might thus have expected support already mobilised for the OPISA to be foregrounded at the expense of difficulties encountered.

### *Questions*

Against the background of the controversial character of MPAs - clearly recognised under 2(a) - we wondered how much room would be left for distinctive traditional governance practices that might possibly challenge provisions applied under “continuing administration” of the OPISA.

### **2(c): Shared governance across the border**

#### *New notions and options*

The transboundary dimension of the OPISA was proudly extolled as “the first *transboundary* [emphasis added] MPA in North America.”

#### *Surprising elements*

Where ‘Wave of the Future’ underlined that “(It will require the coordinated efforts of federal and state governments and tribes to provide an effective regulatory framework for Orca Pass”, surprisingly, only US institutions were evoked (‘state’ government and not also the ‘provincial’ government, ‘treaty tribes’ and not also ‘First Nations’).

#### *Silences*

Whilst, as just seen, coordination between the different levels of government and treaty tribes was explicitly mentioned for ensuring “effective implementation of regulations”, coordination across the border of respective regulations was still not explicitly evoked. Since listing of resident populations of orcas was under discussion on either

side of the border under respectively the US Endangered Species Act (ESA) and a forthcoming Canadian Species at Risk Act (SARA), it would have seemed natural to mention possible coordination between these pieces of legislation.

While the need was emphasised to work across the border in order to help orca pods crossing daily what was described as “an invisible line”, no attention seemed paid to ways of overcoming impediments, occasioned by the border, to physical mobility of humans, notably CS families but also San Juan and Southern Gulf islanders wishing to engage with one another.

### *Questions*

We wondered whether the proposition for “First Nations to work with other governments in the region to develop a common approach” hinted at the possibility for BC FNs and WA tribes - both of whom, it will be recalled, have governmental status - to work together across the border. In the same stride we asked ourselves if the qualifier ‘common’ implied a consensual approach or whether what was hinted at was merely a common umbrella within which distinctively different practices could co-exist or, even better, complement each other constructively.

We also wondered if silence regarding the border as an impediment to physical mobility denoted, at least in part, refusal to contemplate the possibility that the post-9/11 era might in some way jeopardise the S&S Coalition’s efforts to establish the OPISA.

Primary source no. 2: 2003 GB/PS research conference paper

**1(a): Knowledge base(s) informing establishment of the OPISA**

*Silences*

We found no reference to TEKW (or to local or anecdotal knowledge for that matter) for informing site-specific conservation plans. This was all the more striking that the paper was intended for a constituency that included FN and tribal representatives.

**1(b): Ethics**

*Surprising elements*

Rather unexpectedly on the part of scientists with a background in marine biology, instead of technical terms such as ‘habitats’, ‘breeding sites’ or ‘feeding grounds’, we encountered the term ‘home’, clearly borrowed from the human life-world, in relation to sea life. What is more, those living in that ‘home’ were no longer referred to as ‘resources’ but as marine ‘creatures’, a term which, for us, denotes a degree of respect.

[No text segment in source no. 2 could justifiably be associated with sub-theme **2(a)**]

**2(b): Governance regime and practices for the OPISA**

*New notions and options*

As indicated by the appellation ‘site specific conservation plans’ given to a new governance tool introduced by the conference paper, conservation now seemed to be granted more prominence than

‘protection’. Since such plans proposed to associate scientifically-identified sites with specific provisions and foresaw such provisions to include “stewardship actions” and “best management practices”, next to regulations, ‘conservation’ seemed used here as a comprehensive notion encompassing both ‘stewardship’ (voluntary) and ‘protection’ through regulations (coercive).

### *Silences*

Again, silence was kept about the possibility for user groups to experiment with novel ways of governing marine commons. On the other hand, the proposal to educate users/harvesters to limit or refrain from species harvest denoted a conventional, instrumentalising approach to education as a means to buttress voluntary compliance.

Moreover, in contrast to the “Wave of the Future” publication, the 2003 GB/PS research conference paper conspicuously left out the concept of ‘no-takes’, seemingly replacing it by concepts such as ‘priority sites for conservation’ or ‘specific protective zones’.

### *Questions*

We wondered if “lobbying of managers to limit or prohibit harvest under existing management regulations aimed at protecting and enhancing species diversity and to educate users as to why it was important to limit or refrain from species harvest” marked a covert way of putting ‘no-take’ areas into place, albeit through non-regulatory measures.



## **2(c): Shared governance across the border**

### *Surprising elements*

Surprisingly, while advocating “coordination between the different levels of government and treaty tribes within one country” (in this case the US<sup>59</sup>), ‘Wave of the Future’ did not take this argument to its full logic by proposing such coordination to encompass *both* countries. Nor did it call on the two governments to consider at some point formal designation of the OPISA as a transboundary MPA.

### **1.3.4. Step 4** – Reaping a first set of understandings on the basis of our aggregate ‘evidence’

Guided by the same questions that we formulated under Phase 2 – to be repeated here for the reader’s convenience in a duly adapted version - we again proceeded to draw inferences from the aggregate ‘evidence’ harvested through **Steps 2** and **3**. When doing so, however, we sought constantly to bear in mind that possible noteworthy discrepancies between the two sets of ‘evidence’ might have resulted just as much from particular events or developments that occurred in the time interval between spring 2002, when the latest edition of ‘Wave of the Future’ was issued, and spring 2003 when the conference paper was drafted as from internal contradiction or inconsistencies on the part of the S&S Coalition.

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<sup>59</sup>This transpires through the terms ‘state’ and ‘treaty tribes’, both denoting specifically American institutions.

**1(a): Did the ultimate vision suggest a move towards giving TEKW a greater role, alongside (western) science, in informing establishment of the OPISA?**

Here too we found our ‘evidence’ to send us mixed messages in relation to this question. On the one hand, both primary sources clearly pointed to scientific criteria and methods for identifying areas of special biological value. Interestingly, however, in the “Wave of the Future” publication, we encountered for the first time genuine interest in knowing more about “conservation and marine reserves *within a tribal context*” [emphasis added] as well as about traditional practices. We read the question about how such knowledge and practices could be applied “to develop an effective and workable system of marine reserves or other special protection areas” as implying that they were assumed to contribute to bringing about what the OPI was trying to achieve. For this reason, we were inclined to interpret as a sheer oversight omission, in that same source, of traditional knowledge, along side local knowledge and anecdotal evidence expressly mentioned, among knowledge bases to be harnessed for GIS computer mapping. We nonetheless found this omission particularly intriguing since FN and tribes based along the shores of the Salish Sea are unquestionably those with the most long-standing and intimate experiential knowledge of the land and waters included in the OPISA.

On this basis it was our preliminary understanding that, whereas the ultimate vision remained ambiguous as to the exact role and place of traditional knowledge in informing the design and establishment of the OPISA, there seemed to be growing recognition of the contribution that this knowledge and the traditional practices it

informed might make in helping bring about what the OPI was trying to achieve.

**1(b): Did the ultimate vision widen further the array of ethical principles and was there a move towards more relational and contextualising ethical values?**

We found the vision depicted in the “Wave of the Future” publication to give a prominent place to ethical principles. Next to ‘care’ and ‘duty’, the notion of responsibility towards future generations was repeatedly alluded to. Interestingly we even found non-humans included at one point (“(...) future generations of animals, plants (...) will benefit.”). Admittedly, as we read a statement such as “if we look after these resources properly they will not only support us now, but also put dollars into the pockets of our grandchildren”, we felt tempted at first to agree with those that might see such a statement as positing marine life in exploitative terms. Others, however, might merely read this statement as marking an effort to address and convince constituencies other than ecologists. They would also read it as signalling acknowledging, on the part of the S&S Coalition, of rationales for conservation, other than that informed by purely biological considerations, which would nonetheless encourage the long-term thinking which sustainable use of marine commons requires. While accepting this last interpretation as plausible, we were still somewhat disappointing to find evoked an instrumentalising approach to sea life. We are, however, prepared to contend that the call for fundamental ‘rethinking’ about the oceans (“they are no longer bottomless refuse pits or limitless food sources”) and for every-day decisions and activities to limit ‘the human

footprint’ by and large points to a more respectful and balanced view of human/non-human relationships. We also found this re-orientation further confirmed in the 2003 GB/PS research conference paper when it described the lands and waters to be included in the OPISA as the ‘home’ to marine ‘creatures’.

On this basis we were inclined to conclude that, even though it did not go as far as rejecting altogether an instrumentalising outlook on sea life, in addition to granting ethical considerations a prominent place, the ultimate vision introduced a set of new ethical notions, called for fundamental rethinking about oceans and, more generally, appeared to signal a re-orientation noticeably rebalancing humans/non-humans relations.

**2 (a):Did the ultimate vision seemingly open up to approaches other than MPAs and did it seem ready to acknowledge distinctively different perspectives on the MPA concept as well as possible complementarities between these perspectives?**

We found the ultimate vision presented in the ‘Wave of the Future’ publication to offer a fairly unequivocal reply to the first part of the question above. Admission that MPAs alone could not address all threats to the Salish Sea thus tacitly pointed to the need to broaden the array of approaches called upon to bring this sea back to a healthy status.

Moreover, further flexibility appeared built into the proposed MPA framework with a view to accommodating different types of areas<sup>60</sup>. Thus, alongside essential marine reserves - another term for

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<sup>60</sup> We have here an example of patent overlap between sub-theme 2(a) and 2(b) as mentioned under **Step 2**. While identification of different types of

special protection areas - ‘Wave of the Future’ evoked ‘buffer zones’ and ‘variable zoning’ that, together, were seen to feature among the strengths of a large MPA such as the OPISA. We also noted that the vision addressed areas other than marine areas as it evoked the need “(...) to rethink coastal development and how it affects habitats (...)”.

As for the second part of the question, we were inclined to infer from the statements advocating “balancing good science with pragmatism and the concerns of stakeholders” and “addressing social and environmental matters on a case-by-case basis” that sticking to a purely scientifically-grounded logic was seen as increasingly problematic. Yet, as presented in ‘Wave of the Future’, the ultimate vision bespoke an uneasy balance between, on the one hand, implying that the framework in its current form would be acceptable to all and, on the other, acknowledging this framework as controversial and hence disputable. On the one hand, we were tempted to read the assertion that “(T)he MPA system will provide a “workable framework” for, among others, First Nations and Tribes” and the proposition that WA treaty tribes would participate in “ continuing administration” as signalling an assumption that the CS would not call fundamentally into question the MPA approach itself. These propositions, it seemed to us, could be read as suggesting that the die was already cast and that little latitude was therefore left for the CS to modify substantially the approach the S&S Coalition had opted for. Yet, in the same source, we found *capta* suggesting quite the opposite. For one, distinction was drawn between the situation of WA

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areas arguably forms an intrinsic part of the MPA approach, hence falling under 2(a), regimes and practical measures to be applied form part of the criteria applied for delimiting these areas and hence under 2(b).

Tribes, recognised through treaties as co-managers of fisheries in the Northwest Straits, and that, uncertain, of BC FNs currently engaged in negotiations with the BC province and Canadian federal government regarding their land (and water) claims. Consequently, as the latter's nervousness to agree on anything that might prejudice the outcome of these negotiations was openly acknowledged, the possibility of initiating several, possibly combined, processes for creating and designating the OPISA and the possibility for such processes to unfold "in several stages over the next few years" were both contemplated. Along the same vein we also found 'Wave of the Future' to mention the possibility of interim measure agreements with BC FNs. Overall, therefore, as hope was expressed that BC FNs would join the other governments in the region in developing "a common approach", this seemed to imply that room was still left for devising an MPA approach that would take FN concerns into account/ Yet another statement added to our perplexity. As the need for WA tribes to be "intimately involved with the process of creating MPAs" was underlined, we wondered if this proposition hinted at the possibility for the tribes to have a significant say in conceiving and possibly altering the proposed approach or whether they were merely expected to rubber-stamp a framework, the broad guidelines of which were defined beforehand. In this connection we hoped our micro-level analysis would shed light on the extent to which CS representatives, from either side of the border and who attended TBMPA meetings, seized the opportunity that these meeting offered for proposing 'alternative' approaches.

Generally speaking, the ultimate vision appeared to perform a difficult balancing act between, on the one hand, distancing the OPI

process from higher-order governmental programmes and, on the other, partnering with governments to establish the proposed transboundary MPA. In ‘Wave of the Future’ we thus found clear distancing from top-down, government-led initiatives, on the grounds that many groups perceived these initiatives as ‘arbitrary’, ‘insensitive’ and as actions “in which they have little or no say”. By contrast a bottom-up process like the one led by the S&S Coalition, was presented as one in which “input from anybody who is interested is welcome and encouraged.” We also read the proposition that the OP process would “complement” governmental initiatives on both sides of the border, as signalling the S&S Coalition’s aspiration to distinguish its work from government programmes, albeit *not* in a non-constructive way. Yet, later in the same text, we found underlined the need for a government/citizen group partnership. This commitment to partnering with governments also transpired from the 2003 GB/PS research conference paper, which foresaw site-specific management plans initiated “either by local residents or initiated in a *partnership* [emphasis added] of local and government interests”. On balance, therefore, we deemed the collaborative thesis to carry the day.

All in all, we arrived at the preliminary understanding that the ultimate vision betrayed an uneasy tension between, on the one hand, recognition of the MPA concept as contested, notably by the CS, and, on the other, persistently confident holding on to the MPA approach. Partnering with, rather than distancing from, governmental actions appeared the most favoured path. At the same time it openly acknowledged the MPA approach as only partially responding to threats to the Salish Sea and hence seemingly accepted the idea that

other approaches might be required to complement MPAs. Moreover, a degree of flexibility appeared built into the process establishing the OPISA.

**2(b): Did the ultimate vision imply a widening of the array of distinctively different options relating to governance regimes and practices to be applied to the OPISA and if so, how were they foreseen to relate to each other?**

Both primary sources introduced a number of new ideas in relation to governance provisions and tools. We thus found ‘Wave of the Future’ to elaborate considerably upon, and seemingly also to upgrade, the role ascribed to citizens. Not only did the publication suggest direct involvement of citizen groups as contributing to enforcement. Perhaps even more remarkably, both sources brought in ideas hinting for the first time at user groups resorting to some form of self-regulation. Thus, in addition to citizens monitoring the shoreline and tracts of water as a complement to enforcement, and alongside their direct involvement in elaborating management plans for areas outside special protection areas, ‘Wave of the Future’ evoked peer pressure as a “very effective and inexpensive management technique”. Increasingly aware citizens were also envisioned as inspiring “individuals, local governments, shipping companies, fishermen and tour operators to be more responsible”.

While we obviously deemed interesting the idea of increasingly aware citizens taking the lead in inspiring more responsible behaviour within local communities, supposedly with no intervention from the outside, we would have preferred also to find allusion to peers collectively engaging in generating and exploring complementary options. We were especially wary of the notion of



peer pressure. The risk might thus not be excluded, so we reasoned, that, rather than freeing energies and imaginations for exploring new pathways, such pressure might instead become part of eco-governmentality under which citizens merely internalised rules and norms defined elsewhere. Under this scenario, peer pressure might become an instrument at the service of conformism with the result that the spectrum of ways of thinking and behaving deemed ‘responsible’ - and hence acceptable - might be considerably reduced.

The 2003 GB/PS research conference paper, for its part, envisioned citizens as contributing to the conception of management plans for areas outside special protection areas. As it presented educating users/harvesters as a road towards their (voluntarily) limiting or refraining from harvesting certain species, it evidently bespoke a conventional conception of democratic education implying that certain types of behaviour and certain understandings can be obtained if a targeted constituency is brought to absorb a pre-packaged body of knowledge and to internalise rules typically conveyed via interventions from the outside.

As for the relative preference given to enforceable regulations versus voluntary stewardship, both sources appeared to posit these options as complementary. While stating that there was “no one ‘right’ legislative mechanism to establish the Orca Pass International Stewardship Area”, ‘Wave of the Future’ called, at the same time, for “*guidelines* [emphasis added] for different industries to be devised and revised as new evidence and changes in conditions warrant.” The 2003 GB/PS research conference paper, for its part, introduced the new option of ‘site-specific conservation plans’ to be implemented through a case-by case combination of regulatory

measures, user education, and ‘best practices’ guidelines. Hopefully not overstressing our reading, this in turn tempted us to infer, from the two sources taken together, that, barring the special protection areas in which we understood enforceable regulatory provisions would prevail, preference would be given to governance tools either implying or preparing the ground for voluntary compliance.

Regarding CS involvement in governing the OPISA, we again found mixed messages. On the one hand, ‘Wave of the Future’ repeatedly stressed that Tribes and FNs had governmental status; as such, it was anticipated that they would help draw up regulations for the OPISA. On the other hand, while we found interest in how traditional practices had allowed marine commons to thrive, we did not find this idea elaborated upon. As for the 2003 GB/PS research conference paper, we should have expected it to evoke such practices, especially among the paraphernalia of governance tools it envisioned.

Whereas we found our two primary sources mostly to support or usefully complement each other, we nonetheless found two discrepancies between them. While noteworthy caution was displayed in underlining: “...it is worth remembering that the Sound and Strait Coalition is not trying to make the whole area (of the OPISA) a marine reserve (no-take zone)<sup>61</sup>”, such caution still left room for stout defence of this option. By contrast, in the 2003 GB/PS research conference paper, this notion was nowhere to be seen. Instead we found terms such as ‘priority sites for conservation’ or merely ‘protective zones’. We suspected that this conspicuous omission might have something to do with developments at the micro-level.

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<sup>61</sup> The reason for this double name was that the former was the Canadian term and the latter the American for an area in which all use was proscribed.

Likewise, the reason for the terms ‘protect’ and ‘protection’ all but disappearing from the text, and for their replacement by the term ‘conservation’ - supposedly a new catch-all term encompassing all types of governance provisions, both voluntary and coercive - might possibly also reside in discussions held during TBMPA meetings. We obviously expected our micro-level analysis to shed some light on both hypotheses.

Against this backdrop, we understood the ultimate vision to denote noteworthy inventiveness and flexibility with respect to governance options, now also including self-regulation by user groups through, among others methods, peer pressure. While the relative importance of enforceable regulations versus stewardship implying voluntary compliance still remained unclear, complementarities between provisions falling under either of these options were seemingly recognised. While interest was openly expressed in traditional practices, such practices remained overlooked among governance tools envisioned. Lastly the notion of ‘no-takes’ appeared relinquished towards the end of Phase 3.

**2(c): Did the ultimate vision seem to imply widening of the array of distinctively different options for shared governance across the border and if so, how were these options foreseen to relate to each other?**

We observed that both primary sources framed the border from the point of view of the orcas, of other marine wildlife or, more generally, of the shared waters. ‘Wave of the Future’ thus underlined that working on only one side of the border would not help orcas crossing daily what was for them, an invisible line. The 2003 GB/PS research conference paper’s introductory statement “*despite*

[emphasis added] the political boundary” also seemed to us implicitly to blame this boundary for bisecting the shared waters. We should nonetheless have expected both papers to elaborate further on how this partitioning could be alleviated. Strikingly, when listing governmental initiatives on both sides of the border that the OPI would complement, the vision sketched out in “Wave of the Future” seemingly disregarded the possibility for these initiatives to be linked in some way. Surprisingly, while advocating “coordination between the different levels of government and treaty tribes within one country” (in this case the US<sup>62</sup>), it did not take this argument to its full logic by proposing such coordination to encompass *both* countries. . Even if omission to evoke also the BC side might initially have been a mere slip of the pen or oversight, to us, the circumstance that this formulation was allowed to stand signalled that the S&S Coalition might have deemed it premature to evoke the possibility of cross-border coordination of policies and regulatory provisions in favour of marine conservation, let alone formal designation of the OPISA as a transboundary MPA. Another thesis would of course be that this possibility was altogether ‘othered’ in the S&S Coalition’s universe. Both sources also appeared to disregard possibilities for multiplying projects, notably inspired by the Sound Watch Project, through which local groups on each side of the border would agree to apply common, locally-designed guidelines. Whichever thesis - including those left unmentioned - might turn out to be the most plausible, we had some difficulty in grasping how come the ultimate vision promoted by the S&S Coalition seemed more reserved than the

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<sup>62</sup>This transpires through the terms ‘state’ and ‘treaty tribes’, both denoting specifically American institutions.

BC/WA Environmental Cooperation Council back in 1992 or the two federal environmental agencies when signing the Statement of Cooperation of January 2000, in particular with regard to shared or joint governmental action across the border. Could it be that the S&S Coalition did not see it as its role to tell governments what they ought to do and preferred instead to concentrate on its part of the work? Or, as an additional thesis, could it be, after all, that the whole climate had fundamentally changed after the September 11, 2001 attack?

Looking closer at this last question, in ‘Wave of the Future’, we found *capta* relating to social/human and political interconnections across this boundary which helped us go some way in refuting the thesis it implies. Thus, not only did the document extol the transboundary dimension of the OPISA (“the first *transboundary* [emphasis added] MPA in North America”); it also lauded the OP endeavour for “(...) show(ing) the world that we can protect marine life”. Use of this inclusive ‘we’ might arguably be read as signalling that the attack had not eradicated a nascent regional - and therefore also transboundary - sense of place, if not citizenship, among non-aboriginal groups<sup>63</sup>. The question still remains, however, whether post-9/11 Home Security provisions, which, incidentally, entered into force in February 2003 and hence *after* ‘Wave of the Future’ was issued, and which made physical mobility across the border considerably more cumbersome, substantially changed the outlook on transboundary relationships. More precisely, the question we asked ourselves was whether such provisions eventually made the vision that came to expression in the GB/PS research conference paper,

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<sup>63</sup> As the first and long-standing inhabitants of this region, the CS nations of course never lost such a sense.

issued in May 2003, tilt somewhat away from an idealistic perspective of the political boundary as eminently transcendable, towards a more classic view of the border as a line of separation. While we noted that the conference paper, referred systematically to the OP endeavour as ‘international’, seemingly dropping altogether the qualifier ‘transboundary’, we did not however see this as warranting an affirmative answer to this question. Leaving it open at this stage we left it to secondary sources under Step 6 to shed further light on it.

Lastly, whereas the 2003 GB/PS research conference paper remained silent regarding CS cooperation across the border, we wondered if the proposal in ‘Wave of the Future’ for “ First Nations to work with other governments in the region to develop a *common approach* to protecting and managing special places like Orca Pass ” might be read as hinting at the possibility for BC FNs and WA Tribes - both of whom, it will be recalled, have governmental status - to work together to promote traditional governance practices throughout the shared waters of the OPISA and the entire Salish Sea. This interpretation seems to us to be all the more defensible that we considered implausible that the S&S Coalition should have remained blind to this possibility after three years of TBMPA discussions - a fair number of which attended by CS representatives - and after two transboundary CS gatherings, both of which were brought to the S&S Coalition partners’ knowledge. We would obviously look to our micro-level analysis to confirm that CS attendees indeed evoked FN/tribal governance across the border on these occasions.

All in all, we felt tempted to conclude, at least provisionally, that, despite recognising the shared waters as one seamless

ecosystem, the ultimate vision did not make the leap so as to explicitly evoke the need for the two sets of higher-order governments to coordinate their respective policies and regulatory provisions regarding marine conservation. Whereas the possibility for multiplying projects through which local groups on each side of the border would devise and promote common, locally-designed guidelines seemed overlooked, we read the ultimate vision as hinting at the possibility for BC FN and WA tribal governments to work together to promote traditional governance practices. The vision also appeared to signal a nascent regional sense of place, if not citizenship, among non-native OPI protagonists.

#### 1.3.5. **Step 5** - Self-reflexive commentary

The observation we made earlier according to which possibilities that struck us as silenced - that is to say, that we saw as either made manifestly absent or 'othered' - were those that our own experience, our readings as well as our own interests led us to expect, was confirmed. For instance, in relation to 2(c), our own experience with governmental agencies conducting joint or coordinated projects across political boundaries made disregard of such possibilities glaringly conspicuous. Under 2(b), informed by Dietz et al. (2003)<sup>64</sup>, we were particularly attentive to anything hinting at possibilities for user groups such as commercial and recreational fishermen, but also the whale industry's tour operators, to institute a governance regime

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<sup>64</sup> We recall that these authors drew attention to the drawbacks of top-down national rules often based on models lacking credibility among local and regional decision makers and users. They saw this as resulting often in low compliance and resistance to restrictions.

specifically tailored to local ecological conditions<sup>65</sup> as well as to their specific needs and traditions. In this context we were particularly encouraged to find, for the first time, openly expressed interest in traditional practices that used to be applied by the CS for governing commons, since such practices rested precisely on distributed self-regulation (Barsh, 2005).

We experienced yet again the potential trap that expectations and hopes set for us. As we evoked the possibility for WA tribes and BC FNs to work together to promote traditional practices and governance regimes in shared waters, we realised that a spell of wishful thinking might have brought us to the brink of reading too much into the text. This was, for instance, the case when, in ‘Wave of the Future’, we felt prompted to read the proposal for “First Nations to work with other governments in the region to develop a *common approach* to protecting and managing special places like Orca Pass” as hinting at the possibility for BC First Nations and WA Tribes to work together to promote traditional practices in the shared waters included in the OPISA and, more widely, in the entire Salish Sea. This possibility seemed so obvious against the backdrop of our readings about CS history (Suttles, 1987)s and CS traditional practices for governing the commons (Barsh, 2005; Turner et al., 2000) that we had great difficulty conceiving that the ultimate vision might have disregarded it altogether. Our reading was also influenced by the knowledge that, from 2005 onwards, an annual transboundary

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<sup>65</sup> Quite obviously, in view of larger scales and non-local impacts, among others such occasioned by long-distance pollution and climate change, local arrangements and provisions cannot stand on their own. They must necessarily be supplemented by arrangements and provisions with larger spatial coverage.



CS Gathering was held, precisely for the purpose of devising a joint CS Action Plan for rehabilitating TEKW principles for governing marine commons.

Also this part of our proto-exploration confronted us with a bewildering spectrum of meanings ascribed to the generic appellation ‘Orca Pass’. Adding to our own theoretically-grounded understanding of the OPI *qua* collective macro-level protagonist speaking through the S&S Coalition, what seemed covered by this appellation ranged from the very process of establishing the proposed transboundary MPA, via the proposed approach for protecting and stewarding this area, to the concrete tracts of land and water it would include. Yet, what continued to appear as confusingly fuzzy offered a sobering reminder that, in order to be empirically relevant, conceptual constructs must be confronted with representations held by ‘flesh and blood’ protagonists. In other words, our theoretically-informed conceptualisation of the OPI needed somehow to be brought to co-exist with its empirical double as the latter struggled to take shape under the effect of unpredictably and ceaselessly changing influences deriving from interactions between a multiplicity of human protagonists with heterogeneous backgrounds, ‘external’ socio-political contexts and specific biophysical dynamics. The shared waters with their tides, currents and storm swells, and the marine life criss-crossing them, thus came across to us as playing a role perhaps as important in shaping and constraining the initiative and influencing its trajectory as its human protagonists.<sup>66</sup> Upon reflection, therefore,

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<sup>66</sup> In a conversation in 2008, a representative of the San Juan Whale Museum thus pointed out that, more than anything else, cross-border contacts between islander communities on each side of the border, whether between islander communities respectively on the southern Gulf Island and

what first appeared as a rather confusing clash between conceptual construction and empirically observable phenomena came to stand out as a near-perfect illustration of complexity thinking's epistemological proposition that sharp and watertight distinctions between cognitively construed concepts and phenomena 'out there' do not hold water.

Again, a more extensive list of self-reflexive comments is presented in **Annex 28**.

#### 1.3.6. **Step 6** - Drawing on relevant secondary sources to challenge, nuance or supplement understandings reached under Step 4

Secondary sources, contemporary to Phase 3, on which we drew, included a paper aimed at nurturing discussions at a TBMPA meeting convened by the S&S Coalition on February 3<sup>rd</sup>, 2003, supplemented by relevant parts of the summary of this meeting and by a comment relating to that same meeting<sup>67</sup>. When deemed appropriate, we supplemented these sources with extracts from transcripts of more recent conversations with former spokespeople for the S&S Coalition. To repeat, when examining these sources, we paid special attention to propositions contradicting somewhat our preliminary understandings reached under **Step 4**.

An outcome of discussions at a TBMPA meeting on October 4<sup>th</sup>, 2002, the discussion paper was not circulated via the TBMPA

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on the San Juans, or between CS communities on either side of the border, were up against geography seen as "...the biggest barrier to our work, to our conversation, to our relationships with one another and not just within our own State"(transcript of conversation).

<sup>67</sup> These sources are available upon request.

listserv until February 5th, 2003. It was presented as the basis for the reply that the S&S Coalition would give to the PS/GB Task Force after the latter, in preparation for its meeting March 6<sup>th</sup>, 2003, had asked the S&S Coalition to spell out what it wanted. We deemed the list of requests contained in this discussion paper particularly relevant for shedding light on pending questions regarding the S&S Coalition's vision with respect to the role that governments, including FNs and tribes, would play in helping establish the OPISA. Since the PS/GB Task Force included governmental officials from either side of the border, we also deemed this list useful for highlighting the S&S Coalition's preferences regarding shared governance across the border. As for the summary of the TBMPA meeting, while we left aside comments and suggestions from individual organisations, it usefully included an informative paragraph presenting the collective view of the S&S Coalition partners attending the meeting.

Turning to transcripts of conversations with former S&S Coalition spokespeople, since we still found ourselves at a stage where we were looking at the OP process through a longitudinal lens, we again used the accounts they contained with circumspection, resorting to them for two purposes only: (a) to elucidate what was meant by certain terms we found puzzling; (b) to clarify points about which we have lingering doubts.

For the reader's convenience we shall again recap the gist of the provisional understandings, reached under **Step 4**, to be examined against relevant parts of the secondary sources presented above. The - possibly but not necessarily amended - understandings resulting from this examination will again be inserted into text boxes.

1.3.4. - **1(a)**: Whereas the ultimate vision remained ambiguous as to the exact role and place of traditional knowledge in informing the design and establishment of the OPISA, there seemed to be growing recognition of the contribution this knowledge and traditional practices might make in helping bring about what the OPI was trying to achieve.

Whereas the discussion paper merely juxtaposed science and local/ traditional knowledge as the bases for establishing and monitoring specific protected zones within the OPISA, the transcript of a conversation held in November 2007 with one of the P4PS communication directors, who was heavily involved in the OPI during its heyday, pointed to a hindrance in coupling together TEKW and (western science) which observers less familiar with CS culture might not have suspected. He thus admitted: “(W)e never got that far with the tribal knowledge; there was still some reluctance to share some of the cultural. There are barriers there because of sacred names and who uses certain sacred places. This has been recognised by a whole number of people working on protected areas”. During the same conversation, we found an interesting comment suggesting the need for “...opening [science] up to (...) Tribal [knowledge]”. However, since this comment was made more than four years after the period we were looking at, we wondered if this comment reflected hindsight rather than ways of thinking prevailing at the time.

While the role to be played by TEKW remained somewhat unclear, we opted for nuancing our first understanding so as to read as follows [amendment in red]:

**1.3.4. + 1.3.6. - 1(a):** Whereas the ultimate vision remained ambiguous as to the exact role and place of traditional knowledge as compared to (western) science in informing the design and establishment of the OPISA, there seemed to be a rising interest in the contribution traditional knowledge and traditional practices might bring to complement what the OPI was trying to achieve. **At the same time a secondary source hinted at difficulties in getting access to tribal knowledge.**

**1.3.4. - 1(b):** Even though it did not go as far as rejecting altogether an instrumentalising outlook on sea life, in addition to granting ethical considerations a prominent place, the ultimate vision introduced a set of new ethical notions, called for fundamental rethinking about oceans and, more generally, appeared to signal a re-orientation noticeably rebalancing human/ non-human relations.

Where the discussion paper underlined the importance of historical and cultural values<sup>68</sup>, it did not explicitly mention ethical principles calling for instance for governmental agencies to help

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<sup>68</sup> The transcript of a conversation in September 2008 with the San Juan Whale Museum and Friends of San Juans helped us understand better what was meant by ‘cultural values’. Unlike our own understanding inclining us to relate cultural values to indigenous values, the former were understood at the time as denoting ‘sense of community’, ‘quality of life’ and ‘islander identity’. Of these, only the first mentioned might be seen to include an unequivocally ethical component in the form of mutual assistance and recognition of interdependence.

reduce the human footprint and reminding them of their responsibility towards future generations. Nor did we read the request for governments to “recognize and advance the adoption of ‘best practice’ [sic] stewardship guidelines” as directly relating to ethical principles. While this certainly invited inferring that the S&S Coalition did not consider it appropriate to list ethical considerations among the top priorities that it would bring to BC/WA decision makers’ attention, we were not ready to not go as far as inferring that this marked a conscious decision, on the part of the Coalition, to downplay altogether such considerations.

Accordingly, we opted for retaining the understanding reached under **Step 4**.

**1.3.4. - 2(a):** The ultimate vision betrayed an uneasy tension between, on the one hand, recognition of the MPA concept as contested, notably by the CS, and, on the other, holding on to the MPA approach. Partnering with, rather than distancing from, governmental actions appeared the most favoured path. At the same time it openly acknowledged the MPA approach as only partially responding to threats to the Salish Sea and hence seemingly accepted the idea that other approaches might be required to complement MPAs. Moreover, a degree of flexibility appeared built into the process establishing the OPISA.

Since we did not find anything in the secondary sources we consulted to contradict the understanding regarding sub-theme 2(a) that resulted from our discussion under **Step 4**, we inserted this understanding as it stood in the text box above. An e-mail circulated via the TBMPA listserv and relating to the notes of the transboundary

meeting of February, 3<sup>rd</sup>, 2003 notably confirmed a persisting tension between, on the one hand, holding on to the MPA concept proposed by the S&S Coalition, including the boundary drawing it involved, and, on the other, taking into account perspectives contesting this approach. Sent by a representative of the Orca Network, an NGO based in Washington State and an active member of the S&S Coalition, this e-mail thus quoted a tribal member of the Swinomish tribe (WA) complaining in relation to the OP proposal ““they want us to define a certain area as sacred, when to us it is all sacred”.

**1.3.4. - 2(b):** The ultimate vision denoted noteworthy inventiveness and flexibility with respect to governance options, now also including self-regulation by user groups through, among others methods, peer pressure. While the relative importance of enforceable regulations versus stewardship implying voluntary compliance still remained unclear, complementarities between provisions falling under either option were seemingly recognised. While interest was openly expressed in traditional practices, such practices remained overlooked among governance tools envisioned. Lastly the notion of ‘no-takes’ appeared relinquished towards the end of Phase 3.

Unsurprisingly for a document intended for a governmental institution such as the PS/GB Task Force, the OPI’s character as a comprehensive endeavour bringing together all energies, governmental and non-governmental alike, could hardly be underlined more clearly than in the discussion paper. We also noted that equal attention seemed given to enforcement of existing laws, regulations and treaties, on the one hand, and ‘best practice’

stewardship guidelines, on the other, suggesting balance and complementarity between enforceable and voluntary governance options. Interestingly, however, we also found the notion of ‘no-takes’ omitted in the paper thereby confirming that this notion was no longer considered appropriate for the BC/WA Environmental Cooperation Council to consider.

By contrast, we found few clues shedding light on possible difference between ‘conservation’ and ‘protection’. A former P4PS protagonist<sup>69</sup> confirmed this impression by describing the OP as an “amorphous idea that wasn’t a clear call for particular protections”. Confirming this fuzziness, it transpired from a conversation we had with another former OPI-protagonist<sup>70</sup> that, far from being exclusively coupled to enforceable regulations, to restricted use or even to closing particular areas to fishing or harvesting, protection was also envisioned as ensured via (voluntary) changes of behaviour. For example, we were told, ever since 1996, the San Juan Marine Resources Committee, whose membership circle also included S&S Coalition member organisations, foresaw a totally non-regulatory method for creating new protected areas. This method took the form of a community process aimed at designating localised voluntary marine protected areas on specific spots or relating to specific types of resources. As for the notion of ‘conservation’, since we found it associated several places with regulatory governmental measures, it seemed to be deceptively close to how we understood ‘protection’. Accordingly, we opted for understanding the two terms of

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<sup>69</sup> Transcript of conversation, May 2009.

<sup>70</sup> Transcript of conversation with former GSA-outreach campaign officer, November 2007.



‘protection’ and ‘conservation’ to be fungible in the S&S Coalition’s universe.

Since, overall, we did not find the examined secondary sources to justify amending the understanding reached under **Step 4**, we inserted it as it stood in the textbox above.

**1.3.4 - 2(c):** Despite recognising the shared waters as one seamless ecosystem, the ultimate vision did not make the leap so as to explicitly evoke the need for the two sets of higher-order governments to coordinate their respective policies and regulatory provisions regarding marine conservation. Whereas the possibility for multiplying projects through which local groups on each side of the border would devise and promote common, locally-designed guidelines seemed overlooked, we read the ultimate vision as hinting at the possibility for BC FN and WA tribal governments to work together to promote traditional governance practices. The vision also appeared to signal a nascent regional sense of place, if not citizenship, also among non-natives.

Importantly, the discussion paper’s call for federal, tribal, state, provincial, and local Governments to “coordinate their activities for the sake of efficiency and effectiveness” seemed to challenge the understanding summarised above. It also called to mind a statement we noted in the ‘Wave of the Future’ publication, namely that problems addressed on just one side of the border would not help the orcas. If read as encompassing all levels and types of governments, also across the border, this recommendation arguably further warranted our refuting the thesis (which, we recall, we found difficult

to accept as plausible already under **Step 4**), according to which, under the pretext of pragmatism or realism, the S&S Coalition shunned recommending also higher-level governments to coordinate their activities. That said, the notion of ‘activities’, vague as it seemed to us, fell somewhat short of the express call on these governments to coordinate their policies and regulatory measures regarding marine conservation that we would otherwise have expected<sup>71</sup>.

As for social exchanges between islanders across the border, the transcript of our conversation in 2008 with the San Juan Whale Museum and Friends of the San Juans shed some light as to why such exchanges seemed scantily acknowledged also by the ultimate vision. Even before the 9/11 attacks and the gradual restrictions to physical mobility across the border they entailed, this problem primarily resulted from poor ferry links between the two parts of what, geologically, constitutes one archipelago. As for the CS, apart from annual canoe journeys along traditional waterways crossing the border, only those with fishing boats moved about on the water. At the same time this transcript helped us understand that the discussion paper’s request for governments to “advance the adoption of "best practice" stewardship guidelines” in effect referred to, among others, the unified, ‘Be Whale Wise’ voluntary guidelines, promoted by the transboundary Sound Watch project.

Regarding the possibility for the CS to work together across the border, our secondary sources, including transcripts of later conversations, invited us to correct the perception we first had of such cooperation simply being ‘made absent’. Since none of these sources

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<sup>71</sup> We were thinking here for example of a call on the two federal governments to attune and synchronise their respective legislation so as to include (resident) orcas among endangered species.

touched upon this possibility, it seems more plausible to view this possibility as consistently ‘othered’, also at the time the conversations were held. Accordingly, we felt compelled to reject our interpretation of the proposal for BC First Nations to work with other governments in the region as alluding also to their partnering with WA tribal governments to promote traditional governance regimes and practices. In other words, following the way of thinking prevailing at the time, the term “other governments” was to be understood as referring to non-aboriginal governments alone.

Against this backdrop we amended substantially the conclusions we reached under Step 4 so as to read as follows [amendments are marked in red]:

**1.3.6. - 2(c):** The ultimate vision seemingly recognised the need also for higher-level governments to coordinate their activities across the political boundary. Moreover, it appeared to signal a nascent regional sense of place, if not citizenship, also among non-natives. Joint projects involving citizen groups from each side of the border also appeared acknowledged. By contrast, possibilities for BC FN and WA tribal governments to work together to promote traditional governance regimes did not seem contemplated.

1.3.7. **Step 7** - Comparing understandings regarding the intermediate vision with those reached for the early macro-vision

*Introduction*

We shall again clarify the questions on which we hoped the comparative discussion would throw some light:

- (a) Did the ultimate introduce new notions or options as compared with the intermediate vision?
- (b) Did it denote more relational ways of thinking than the intermediate vision?
- (c) More generally, did it strike us as less ambiguous and bolder in pushing back limits than the intermediate vision?

Prior to presenting, sub-theme by sub-theme, understandings reached on in light of these questions, for the reader's convenience, we shall recap the understandings that we reached as a result of our discussion under **Steps 4** and **6** with respect to the two visions we shall now be comparing. When deemed appropriate, the comparative discussion itself is also informed by our commentary under **Step 3**.

**1.2.4. + 1.2.6. - 1(a)**: The intermediate vision seemingly continued to grant prominence to (western) science with, as a new dimension, openly professed reliance on inputs from experts. Ambiguity persisted regarding the role and importance of traditional knowledge. On the one hand traditional knowledge was mentioned as a base for informing establishment and monitoring of special protected areas.

On the other hand, FNs and tribes were not expressly mentioned among the parties from which feedback was being sought. Accordingly, the intermediate vision still appeared to ascribe an ancillary role to traditional knowledge.

**1.3.4. + 1.3.6. - 1(a):** Whereas the ultimate vision remained ambiguous as to the exact role and place of traditional knowledge as compared to (western) science in informing the design and establishment of the OPISA, there seemed to be a rising interest in the contribution traditional knowledge and traditional practices might bring to complement what the OPI was trying to achieve. At the same time a secondary source hinted at difficulties in getting access to tribal knowledge.

**Comparative discussion:** Where we found the intermediate vision largely to overlook traditional knowledge as a possible complement to and as a counter-weight for expert consultations, notably on Richness Zones, there now seemed to be outspoken interest in traditional knowledge in association with traditional practices. Moreover, guidance appeared sought from the CS as to how such practices might allow marine commons to recover a healthy status. As noted under **Step 3**, this also seemingly signalled increasing recognition of intimate intertwining, within TEKW, of knowledge generation, on the one hand, and experience and practices, on the other. At the same time we were surprised to find CS long-standing, experiential knowledge of the land and waters making up the OPISA disregarded in relation to GIS mapping.

On balance, as we compared the two sets of conclusions above, what mainly struck us was that the value of TEKW appeared substantially better acknowledged in the ultimate vision.

**1.2.4. + 1.2.6. - 1(b):** Whereas it did not relinquish altogether apprehending sea life as a resource, the intermediate vision introduced notions blurring the divide separating humans from non-human beings. It also denoted sensitivity to indigenous values, notably ‘seventh-generation thinking’.

**1.3.4. - 1(b):** Even though it did not go as far as rejecting altogether an instrumentalising outlook on marine life, the ultimate vision nonetheless introduced a set of new ethical notions, called for fundamental rethinking about oceans and, more generally, appeared to signal a re-orientation noticeably rebalancing humans/ non-humans relations.

**Comparative discussion:** Compared with the intermediate vision that already suggested advances in terms of blurring the human/non-human divide, the ultimate vision appeared to mark further change in the way non-human elements of the biosphere and human/non-human relations were thought about. Not only did it bring in a series of new ethical principles denoting a significant move towards a value system emphasising responsibility towards non-humans - in this case sea life and its habitats. Thus, even though still presenting marine life as instrumental to economic gain, albeit from a long-term perspective, by presenting reduction of negative impacts and the human footprint as a duty for all, it appeared to move away from short-term, purely

economically-based considerations. What is more, it called for fundamental rethinking about oceans - too often viewed merely as “bottomless refuse pits or limitless food sources” - as the ‘home’ of marine creatures.

On balance, we found the ultimate vision to distinguish itself from the intermediate one both by bringing in a set of new ethical principles, by calling for fundamental rethinking about oceans and by distancing itself from short-term, economic considerations.

**1.2.4. + 1.2.6. - 2(a):** The intermediate vision appeared to acknowledge perspectives on the MPA concept other than those informed by scientific/ecological considerations. FNs and tribes were also recognised as having political issues with this concept. There nonetheless seemed to be palpable tension between acknowledging CS objections to the MPA concept and commitment to engage the CS in the OP process, on the one hand, and, on the other, scant openness to allowing the MPA approach to be called into question. As confidence in the effectiveness of this approach was maintained, no other model for bringing marine commons back to a healthy status appeared considered. While ecological connectivity throughout the Salish Sea was recognised, linkages with coastal/ freshwater and upland ecosystems seemingly remained overlooked.

**1.3.4. - 2(a):** The ultimate vision betrayed an uneasy tension between, on the one hand, recognition of the MPA concept as contested, notably by the CS, and, on the other, persistently confident holding on to the MPA approach. Partnering with, rather than distancing from, governmental actions appeared the most favoured path. At the

same time it openly acknowledged the MPA approach as only partially responding to threats to the Salish Sea and hence seemingly accepted the idea that other approaches might be required to complement MPAs. Moreover, a degree of flexibility appeared built into the process establishing the OPISA.

**Comparative discussion:** In addition to implicitly admitting that models other than the MPA approach were required to supplement the latter, we found the ultimate vision to encompass areas other than strictly marine ones. Explicit attention thus seemed given to how coastal development affected (marine) habitats. This vision, however, did not go as far as to addressing the issue of inter-linkages between marine, freshwater and upland ecosystems. Furthermore, despite explicit recognition of difficulties in relation notably to BC FNs engaged in treaty negotiations and despite underlining the need for WA tribes to be intimately involved in the process of creating MPAs, the CS were still not invited to propose complementary approaches based on traditional practices for bringing the marine commons of the Salish Sea back to a healthy status.

On balance, we found the ultimate vision somewhat expanded as compared to the intermediate vision since it now paid attention to how coastal development affected (marine) habitats. However we still missed an invitation for the CS to propose models for marine conservation and stewardship other than one centred on the MPA concept.



**1.2.4. + 1.2.6. - 2(b):** In addition to foregrounding tribal co-management, the intermediate vision included a number of new governance options such as ‘no-takes’, seemingly reserved for special protected areas, and education foreseen to complement enforcement for obtaining compliance. While denoting a clear pledge to promote active involvement on the part of the citizenry, it appeared to hold a latent bias in favour of mediated citizen involvement. Moreover, it seemingly ignored the possibility, as a complementary way of ensuring sustainable use of marine commons, for local user groups to institute their own regime.

**1.3.4. - 2(b):** The ultimate vision denoted noteworthy inventiveness and flexibility with respect to governance options, now also including self-regulation by user groups through, among others methods, peer pressure. While the relative importance of enforceable regulations versus stewardship implying voluntary compliance still remained unclear, complementarities between provisions falling under either option were seemingly recognised. While, for the first time, interest was openly expressed in traditional practices, such practices remained overlooked among governance tools envisioned. Lastly the notion of ‘no-takes’ appeared relinquished towards the end of Phase 3.

**Comparative discussion:** The ultimate vision emphasised complementarity between governmental and citizen-led actions and greater clarity now seemed attained concerning the respective role of enforceable regulations versus stewardship based on voluntary compliance within the OPISA. While the ‘no-takes’ option was no longer explicitly referred to towards the end of Phase 3, the option of

‘special protective areas’ was nonetheless retained. As we understood it, within these areas, both regulatory and non-regulatory provisions were foreseen put in place that would proscribe all kinds of use. Outside these areas, management plans involving a combination of voluntary governance tools would apply.

By foregrounding citizen groups’ direct role both in monitoring activities and in helping develop management plans, the ultimate vision countervailed the impression we got from the intermediate vision, amplified by later transcripts, that direct involvement by citizens groups and islander communities might have been somewhat played down. What is more, and in contrast to the intermediate vision, possibilities were evoked for citizens and user groups to regulate themselves. Such self-regulation was, however, conceived to result, in part from instrumentalising education - and hence mediation - offered by NGOs, some of whom were based outside the OPISA, presumably mainly through the outreach campaign, and in part from peer pressure. Lastly, while interest was expressed in traditional practices that allowed marine commons to thrive, such practices did still not feature among governance tools contemplated.

On balance, we are inclined to conclude that the ultimate vision clarified considerably the role of enforceable regulations and stewardship based on voluntary compliance respectively. It also contributed to attenuate somewhat our previous apprehension of an inbuilt bias towards mediated citizen involvement. On the other hand, consideration was seemingly still not given to possible productive coupling of proposed governance options and CS traditional governance regimes and practices.

**1.2.4. + 1.2.6. - 2(c):** Despite reference to a constituency of concerned citizen-stakeholders spanning a political border, the intermediate vision appeared to give more attention to how governments might work together to protect the shared commons. Thus, besides suggesting shared governance in the form of ‘shared decision making’ across the border, presumably involving the two local governments, it pointed to the need for enhancing compatibility and responsiveness between the two national environmental marine protection systems. The idea of a transboundary MPA jointly designated by higher-order governments on each side of the border was, however, left unmentioned. So was the possibility for the CS joining forces across the border to help rehabilitate traditional governance regimes and practices in waters now bisected by the border?

**1.3.6. - 2(c):** The ultimate vision seemingly recognised the need also for higher-level governments to coordinate their activities across the political boundary. Moreover, it appeared to signal a nascent regional sense of place, if not citizenship, also among non-natives. Joint projects involving citizen groups from each side of the border also appeared acknowledged. By contrast, possibilities for BC FN and WA tribal governments to work together to promote traditional governance regimes did not appear contemplated.

**Comparative discussion:** As a noteworthy move differentiating it from the intermediate vision, the ultimate vision openly called, for the sake of “efficiency and effectiveness”, also for higher-level governments to coordinate their activities. To make any sense we

understood this also to imply coordination across the political boundary. Furthermore, more attention seemed paid to locally-driven, transboundary projects. Another interesting feature of the ultimate vision was the obvious pride expressed in the OPI as a joint venture showcasing how to establish a transboundary MPA in North American waters and in “show(ing) the world that we can protect marine life”. We read use of this inclusive ‘we’ as signalling a nascent regional - and therefore also transboundary - sense of place, if not citizenship, among non-aboriginal groups. By contrast, here neither did we find any ‘evidence’ enabling us to argue convincingly that possibilities for First Nations to work together with WA Tribes to promote traditional practices for using and governing marine commons were considered.

On balance, even though it did not expressly call on the two sets of higher-level governments to coordinate their respective *policies* regarding marine conservation, and hence to move from ‘parallel play’ to ‘coordinated play’<sup>72</sup>, the ultimate vision nonetheless distinguished itself by calling on these governments to coordinate their respective *activities*. Unlike the intermediate vision, the ultimate vision foregrounded best practices seemingly developed in the context of transboundary, locally-driven projects. Last but not least it appeared to denote a nascent regional, and hence transboundary, sense of place, if not citizenship, also among non-aboriginal OPI protagonists.

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<sup>72</sup> This term was coined by the developmental psychologist Parten (1933) as the stage where partners - in his case pre-school children - play separately from but nonetheless close to others, mimicking each other’s actions. This term was used by a participant in a session on transboundary cooperation in the Salish Sea region at the Salish Sea Research Conference, October 23-26, 2011.

#### 1. 4. **Gauging possible shifts in the intermediate and ultimate visions**

##### *Introductory remarks*

We recall that, in **Book I**, Chapter 2, we understood bifurcation events to be fingerprinted by emergence of radical novelty. We also recall that we associated radical novelty with the two shifts of (a) an outward expansion bringing an-ever wider array of *qualitatively* different (hence differentiated) options to be contemplated and (b) leaps upwards towards complexifying, that is to say substantially more relational and contextualising ways of thinking about governance of marine commons. With these two requirements in mind, it appeared both logical and legitimate to elect ‘differentiation’ and ‘complexification’ as the two standards in terms of which we would gauge changes uncovered as we compared, first, understandings we arrived at regarding the intermediate vision with those reached for the early vision and the intermediate vision, next, understandings regarding the ultimate vision with those reached for the intermediate one. More precisely, for the visions that successively informed the OPI to be credibly argued to denote radical novelty, there would need to be convincing clues as to their opening up to principles and modalities for governing the OPISA’s marine commons grounded in distinctively different<sup>73</sup> epistemologies,

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<sup>73</sup> What would be deemed ‘distinctively different’ would inevitably rely on a subjective judgment on our part and hence be debatable. However, since our proto-exploration focused on the two universes of respectively scientifically-informed non-aboriginal groups, on the one hand, and of CS Tribes and FNs, on the other, at least when it comes to traditionally-held epistemologies,

rationalities or value systems as well as their recognition of relationships - and possibly also of productive complementarities - as well as linkages with wider contexts, all of which seemingly unnoticed so far.

Accordingly, articulated according to each sub-theme, shifts we would deem relevant in terms of standard (a)/differentiation would encompass:

**1(a):** Inclusion of knowledge bases and rationalities other than the purely scientific one;

**1(b):** Introduction of distinctively different ethical principles and values;

**2(a):** Opening up to ‘alternative’ rationalities in relation to the MPA approach as well as to ‘alternative’ models for marine conservation and stewardship;

**2(b):** Widening of the array of governance regimes and practices considered so as to encompass distinctively different ones;

**2(c):** Widening of the array of actors involved in governance across the border.

Again articulated according to each sub-theme, shifts we would deem relevant in terms of standard (b)/complexification would encompass:

**1(a):** Growing awareness of productive complementarities between western science and indigenous methodologies;

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rationalities and values, we did not expect our qualifying the latter as ‘distinctively different’ from the former to encounter major objections.

**1(b):** Moves towards ways of thinking about humans as part of ecological systems;

**2(a):** Increased recognition of approaches complementing the MPA approach and of inter-linkages across spatial scales;

**2(b):** Growing awareness of complementarities between options that the S&S Coalition proposed for governing the OPISA and indigenous practices.

**2(c):** Increasing coupling of activities at all levels across the border and emergence of transboundary sense of place/citizenship.

As we attempted to conduct our gauging exercise in terms of the two standards, we were aware of placing ourselves in a potentially perilous situation. However rigorously and systematically we strove to apply them, these standards were bound to remain slippery constructs. The circumstance that, as with any interpretive assessment, there were no 'objective', let alone absolute, gauging units to which we might turn did not, of course, make our task any easier. The best we could do therefore was to be transparent about how we go about this task since the degree to which requirements that we understood the chosen standards to imply were being met ultimately rested upon judgments on our part that could be called into question any time. Rather than a clear-cut 'yes/no' answer to whether one or both visions could reasonably be claimed to have undergone sufficient differentiation and/or complexification with respect to some, if not all, of our five sub-themes so as to signal emergence of radically new ways of thinking, more modestly, we expected our two standards to provide us with reasonably unequivocal clues as to whether the examined visions made strides in the 'right' direction. However, in order to

further strengthen our gauging capability, we decided to supplement the two standards by introducing the notion of an optimal scenario, obviously provisional and in constant becoming, under which what we imagined as radically novel principles and modalities for governing the marine commons included in the Salish Sea would be brought to light. Features we would relate to such a scenario would be derived from relevant writings, notably those mentioned in Chapter 1, as well as from our own experience and observations, notably during various events we attended in the time span 1999 to 2011. This scenario, or more precisely, the requirements we associated with it would ultimately equip us with a benchmark for when radical novel ways of thinking about governance of marine commons might be claimed to have emerged.

Against this backdrop, when conducting our gauging exercise, we opted for assigning a mark for each sub-theme. This mark would reflect how close we deemed the two visions to have come, for the sub-theme concerned, to meeting requirements, in terms of the two standards, that we conceived an optimal scenario to imply. The key for the marks is indicated in **Annex 22** as we tied back to arguments offered earlier, notably in relation to **Step 4** for Phases 2 and 3 and under the comparative discussion, we might be reproached for repeating much of what we already wrote then. In our defence, apart from being at times further elaborated upon, these arguments are now structured differently. After highlighting differences between the examined visions, our new task was to shed light on how these differences might be reframed as shifts possibly denoting radically new ways of thinking about how best to govern marine commons. In other words our task was now to discuss how close these shifts came



to requirements we associated with the optimal scenario we had in mind.

As will transpire from what follows, sub-themes that we deemed to come close to meeting optimal requirements were only subject to a fairly brief commentary. By contrast, sub-themes, for which clues were less unequivocal or for which we found significant shortcomings, were discussed more extensively. Lastly, in preparation for assigning marks, we looked at one standard at a time from the point of view, first, of shifts in the ‘right’ direction, next of possible shortcomings.

### **1(a): Knowledge base(s) informing establishment of the OPISA**

#### *A. Gauging shifts noted in the intermediate vision as compared with the early one*

*Standard (a)/Differentiation:* As it came to expression in the course of Phase 2, the intermediate vision appeared to ascribe a somewhat more substantive task for TEKW as well as for local/anecdotal knowledge than was the case for the early vision. On the other hand, we were struck by the heavy emphasis in both primary sources placed on scientific expertise for identifying biological hotspots at the expense, it seemed to us, of other knowledge bases and of TEKW in particular. Under an optimal scenario, the intermediate vision might have acknowledged the value of alternative methodologies, next to the Richness Zones methodology, grounded in traditional and local knowledge for identifying vulnerable or threatened tracts of water or shorelines in the OPISA. Such methodologies would have allowed

mining of the longstanding and intimate experiential knowledge held by non-aboriginal ‘old-timers’ and, even more substantively, by the CS.

*Assigning a mark:* We felt tempted to assign a (f) mark to the intermediate vision with respect to differentiation. By this we recognise that, compared to the early vision, it displayed a move towards drawing on distinctively different knowledge bases to inform establishment of the OPISA. On the other hand, had it fully met optimal scenario requirements in terms of standard (a), it would have granted a far more prominent role to TEKW as a counter-weight for the work carried out in scientific expert groups.

*Standard (b)/Complexification:* The intermediate vision seemed to us to lack consistency in that respect. On the one hand, in one of the primary sources that helped us construe the intermediate vision, we found a statement pointing out that FNs and tribes would be approached to help identify areas to become subject to special protection. This statement invited inferring that at least a degree of complementarity between TEKW and western science seemed recognised. On the one hand, TEKW seems somewhat marginalised in comparison to (western) scientific expertise, when it came to develop *methodologies* [emphasis added] for identifying biologically-diverse areas. This inconsistency, we surmised, might have to do with recognition, on the part of the S&S Coalition - as discussed below under 2(a) - of political considerations alongside purely scientific ones.

A former OPI protagonist's comment, noted under **Step 6**, about "opening up science to tribal knowledge" led us to speculate whether new understanding might have been underway that would amount to a conspicuous break with a view advocating incorporation of traditional knowledge into scientific data solely for the purpose of "filling gaps"<sup>74</sup>. Were this indeed the case, this would have marked a significant move not only towards recognising TEKW according to its own merits but also, more generally, the value of bringing together knowledge bases informed by distinctive and irreducible logics. However, since this comment was offered more than four years after the OPI's heyday came to an end, we opted for understanding this comment as an expression of hindsight rather than as reflecting thinking at the time.

*Assigning a mark:* Here too, therefore, we propose to assign a (/) mark. Our argument is that, had there been a conspicuous shift towards the complexifying thinking demanded by the optimal scenario, far more attention would have been given to benefits to be reaped from allowing western-based methodologies to be complemented by ways of knowing inherent to TEKW.

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<sup>74</sup> We found indication of the latter view already in the minutes of the very first transboundary meeting held on March 30th, 1999, where it was stated: "It was agreed that any proposal should be based on sound conservation biology, which would incorporate traditional and anecdotal knowledge."

*B. Gauging shifts noted in the ultimate vision as compared with the intermediate one*

*Standard (a)/Differentiation:* The most noteworthy shift we found in the ultimate vision, compared to the intermediate one, was unquestionably the outspoken interest expressed in knowledge and practices relative to conservation and to marine reserves developed in a tribal context. This might be read as clear indication that the TEKW's intrinsic value was, at long last, recognised and that the ultimate vision hereby marked a significant move towards acknowledging the benefits of drawing on an overall more differentiated knowledge base.

*Assigning a mark:* We were inclined to consider such outspoken interest as a noteworthy move towards differentiation. However, by disregarding TEKW notably in relation to GIS mapping, a unique opportunity seemed to be missed for harnessing longstanding, experientially-based knowledge of the land and waters making up the OPISA. Under an optimal scenario we would thus have expected the ultimate vision to admit that, like any knowledge base, western science has both strengths and limits<sup>75</sup>. From such a perspective, rather than one particular knowledge base imposing an overall

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<sup>75</sup> The critique of western science by Beamer (2009a) leaps to mind here. For him, scientists tend to be over-confident as they often fail to acknowledge that uncertainty inevitably persists as to how, even when conceived in good faith, remedial or restorative measures might provoke unintended reactions in the targeted populations and/or biophysical processes. TEKW seems to offer an eminent anti-dote to such shortcomings. Grounded as it is on observation and experience rather than on sophisticated modelling, developed over a long period of time, it factors in the long-term and systematically heeds the precautionary principle.

framework or rather than blending different knowledge bases, with the risk for each of them to lose its particular strengths, each would instead provide a distinctive, ever-adaptive source on which the overall framework would draw for constant renewal and further elaboration. This invites us to assign a (*f*) mark with respect to the differentiation standard.

*Standard (b)/Complexification:* Whilst we found neither the primary nor the secondary sources to offer sufficiently convincing clues signalling that the ultimate vision came to envision new ways of bringing different knowledge bases into productive conversation, we nonetheless speculated that the outspoken interest in traditional knowledge already commented upon under standard (a) might flag - at least implicit - recognition that coupling this knowledge with (western) science might seriously improve prospects for conserving and restoring the marine commons included in the OPISA.

*Assigning a mark:* Owing to lack of sufficient clues in our evidential base, we opted for assigning an inconclusive (?) mark.

## **1(b): Ethics**

*A. Gauging shifts noted in the intermediate vision as compared with the early one*

*Standard (a)/Differentiation:* We noted expansion of the array of ethical principles considered, many of which seemingly inspired by indigenous/CS values. We thus read the attention expressly paid to

sites of spiritual importance for FNs and tribes as well as reference to ‘seventh-generation thinking’ as flagging increased sensitivity to indigenous values. Whereas it appears remarkable *per se* for non-aboriginal groups predominantly informed by marine conservation biology to include ethical values in their vision, we found such opening to non-western ethics even more noteworthy<sup>76</sup>.

*Assigning a mark:* For the intermediate vision to be seen to meet requirements under an optimal scenario, we should have expected it to take the full step of leaving behind an instrumentalising view of marine life as ‘resources’, instead presenting marine species and habitats in terms of commons forming part of the complex web of life also encompassing humans. This notwithstanding, we did not hesitate to ascribe a (+) mark.

*Standard (b)/Complexification:* By likening orcas to ‘international citizens’ upon whom honour should be bestowed, the intermediate vision seemed to mark a conspicuous move towards an outlook blurring the conventional divide separating humans from non-humans. It thus appeared to signal an opening towards relational ethics distinctly different from those typically informing a science-dominating, modern project.

*Assigning a mark:* In order to comply with the optimal scenario the intermediate would have been required to foreground even more clearly the principle of mutual interdependence between humans and

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<sup>76</sup> It will thus be recalled that, more often than not, ‘normal’ or conventional science posits the axiom of value-free science (Latour, 2004, 2010), Stengers (2011) and (Funtowicz & Ravetz, 1993).

non-humans. This notwithstanding, we nonetheless deemed the shift signalled above was sufficiently significant in qualitative terms to justify a (+) mark.

*B. Gauging shifts noted in the ultimate vision as compared with the intermediate one*

*Standard (a)/Differentiation:* As it came to expression in the ‘Wave of the Future’ publication, the ultimate vision further widened the array of ethically relevant notions. Further emphasising responsibility towards the non-human part of the biosphere, it notably evoked ‘duty’ to reduce the human footprint. As we read that orca pods required ‘help’, we understood this also to imply a notion of care more often reserved for inter-human relationships<sup>77</sup>. The concern that transpired elsewhere in the publication for future generations of animals and plants further vindicates this understanding. Lastly, and perhaps most strikingly, we found a call for fundamental rethinking about oceans. No longer should they be viewed as “bottomless refuse pits and limitless food sources”. We see this call as emanating, as (Beamer, 2009a, 2009b) would put it, from “the other side of the fence”, that is to say from a vantage point that looks at habitats (in this case oceans), as well as species, from the point of view of their intrinsic needs and hence no longer exclusively from the point of view of human needs.

*Assigning a mark:* One consideration prevented us from contending that the ultimate vision marked a radical break with an exploitative view of the non- human world and hence deserved a full-blown +

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<sup>77</sup> We anticipate here some objections from animal protection groups. Likewise we recall that, Jonas (1984) applies this notion to the future itself.

mark. We are thinking here of the argument of “putting dollars into the pockets of our grandchildren” evoked, among others, for preserving marine life. While, as noted in our discussion under **Step 4**, we could see some reason for linking conservation of sea life with long-term economic benefits, thereby also encouraging the long-term thinking that sustainability requires, we nonetheless deemed this statement still to denote problematic instrumentalisation of sea life. Accordingly, we decided to assign a (+) mark.

*Standard (b)/Complexification:* We understood the conspicuous stride noted above towards outspoken concern for the non-human parts of the biosphere also to imply increased recognition that humans are intimately connected with the diverse components - living or seemingly inanimate - that are making up land and waters.

*Assigning a mark:* For us the move signalled above was unquestionably significant in qualitative terms. However, in order to qualify as meeting optimal scenario requirements, we should have expected the ultimate vision to go further in foregrounding links tying humans to the non-human parts of the biosphere. For example we should have expected statements such as “what you do to the land and water, you do to yourself”<sup>78</sup>. Under such a value system, assisting natural processes to recover would be understood also to allow humans to heal themselves and their communities<sup>79</sup>. Here too we are therefore inclined to assign a (+) mark.

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<sup>78</sup> This principle was mentioned by a tribal Elder as fundamental to indigenous ethics (Haggan et al., 2006).

<sup>79</sup> Excerpts from the introduction to a workshop on eco-cultural restoration, February 14-17, 2005, Galiano Conservancy Association.



## **2(a): The OPI process and MPA concept and approach**

*A. Gauging shifts noted in the intermediate vision as compared with the early one*

*Standard (a)/Differentiation:* In contrast to the early vision that appeared exclusively grounded in scientific/ecological rationality and, as it first became visible, posited broad consensus within the scientific community with regard to the MPA concept, we perceived the intermediate vision to recognise that distinctive, ‘alternative’ rationalities might interfere with efforts to establish MPAs. What is more, it openly admitted that the latter might be controversial.

*Assigning a mark:* We felt inclined to contend that, compared with the early vision, the intermediate vision marked a qualitatively significant move in terms of differentiation. However, under an optimal scenario, we should have liked to observe one or both of the following clues: 1) rather than merely re-stating confidence in the effectiveness of MPAs “in protecting species at risk, allowing recovery, and achieving long-term sustainability”, mention would be made of the possibility for such goals also to be reached - at least in part - via other marine conservation and stewardship models; 2) as a consequence of 1), an invitation would be extended for FNs and tribes to propose ‘alternative’ approaches for bringing the marine commons of the Salish Sea back to a healthy condition. Accordingly, we opted for assigning a (+) mark.

*Standard (b)/Complexification:* While remaining wary of overinterpretation, it might be argued that recognition that political considerations play a role next to purely scientific ones would not have been possible, had inextricable links between the world of natural science - in this case, marine conservation biology - and the messy world of politics not been acknowledged. Such reasoning in turn prompted us to understand the intermediate vision as denoting recognition of MPAs as complex socio-ecological constructs.

In terms of acknowledgement of ecological connectivity across spatial scales, already the early vision viewed the MPA approach as complementing ecologically-representative networks. It also repeatedly referred to the shared waters as forming one seamless ecosystem. While the intermediate vision presented the proposed transboundary MPA as part of an *integrated* network of MPAs within the shared waters of the Salish Sea, thereby acknowledging expressly ecological connectivity throughout this sea, it still did not seem to acknowledge the need to take impacts from coastal areas, river systems and uplands into consideration.

*Assigning a mark:* The intermediate vision did not seem to go much further than the early vision with respect to linkages between the OPISA and its wider spatial contexts. Had it marked a decisive stride in terms of complexifying thinking in that respect, as the optimal scenario would require, it would have denoted conspicuous ‘big picture’ thinking<sup>80</sup> and so foregrounded notably spatial linkages

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<sup>80</sup> MPA literature underlines the particular importance for such thinking in the case of MPAs (Allison et al., 1998; Jentoft et al., 2007; Juthans, 2002). As Cicin-Sain and Belfiore (2005) put it “If managed in isolation, coastal and marine protected areas (...) are vulnerable to natural resource

extending well beyond the Salish Sea's other vulnerable marine areas. It would have emphasised the need for heeding interdependence notably with coastal management efforts as well as with efforts aimed at reducing negative impacts from river systems and uplands. An explicit call for the OPISA to become a part of a macro-regional network of MPAs, possibly linked through connecting marine corridors<sup>81</sup>, would also have been expected.

While we therefore did not deem the intermediate vision to acknowledge sufficiently spatial linkages, we were nonetheless ready to give it credit for foregoing 'silo thinking' as it recognised interdependence between scientific and political considerations. As a result, we assigned a (I) mark to this vision in relation to standard (b).

*B. Gauging shifts noted in the ultimate vision as compared with the intermediate one*

*Standard (a)/Differentiation:* Looking first at the OPI process *per se*, from the point of view of differentiation it would have been desirable to witness a radical break with a way of thinking about governing the

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development and exploitation occurring outside these areas - in particular over-fishing, alteration and destruction of habitats". Accordingly, these authors advocated paying due attention to the relationship between MPAs and their ecological and socio-cultural contexts.

<sup>81</sup> We found the Canadian organisation Living Oceans Society - a member organisation of the S&S Coalition - to float such an idea already in the summer of 1999 when commenting on the notes of the transboundary meeting of June 24<sup>th</sup>, 1999. This idea was also included in the common vision and mission finalised in April 19-20 2001, in Tofino BC, by the North American MPA Network Steering Committee under NACEC, of which the Canadian Parks and Wilderness Society (CPAWS), a member of S&S Coalition Steering Committee, was also a member. Moreover MPA literature confirms that for specific MPAs to become more effective, they should become part of a regional network (Mahon, 2005).

commons, which governmental agencies appeared to favour. Concurring with Bavington (2002) that bio-physical processes, compounded in many places by climatic fluctuations, can neither be controlled nor predicted, Jentoft et al. (2007) thus point out that, as loci where such processes tend to play out fairly freely, MPAs remain outside the reach of classic governance processes and methods. For these authors MPAs in particular stand out as unique laboratories for inventing and experimenting with ways of coping with the unknown and to a large extent the unknowable. Whereas this would speak in favour of provisional and adaptive rather than *ex-ante* goal-setting, we found, somewhat surprisingly, the ultimate vision unequivocally to present partnering with governmental initiatives as the preferred path.

On the other hand, we read the ultimate vision concession that the MPA approach could not address all the problems posing a threat to the Salish Sea as signalling a significant breakthrough in terms of differentiation. By expressly recognising the need to supplement the MPA approach with other approaches, this vision distinguished itself markedly from the intermediate vision, which, as we construed it, did not appear to give attention to approaches other than one centred on the MPA concept. Moreover, we read emphasis on the need for addressing “social and environmental matters on a case-by-case basis” as further confirming that sticking to an approach exclusively tied to ecological concerns was viewed as problematic. Further pointing to an increasingly differentiating outlook, instead of considering the CS as constituting one homogenous group, a clear distinction was drawn between, on the one hand, the situation of WA tribes recognised, alongside the WA state government, as co-

managers of fisheries in the Northwest Straits and, on the other, the still uncertain situation of BC FNs engaged in negotiations with the BC province and the Canadian federal government regarding rights and titles for traditional territories, including tracts of marine waters. As a result proposals were advanced for processes creating and designating the OPISA to unfold “in several stages over the next few years” and for interim agreements to be established with BC FNs.

*Assigning a mark:* The ultimate vision seemed to us to suffer from three shortcomings in terms of differentiation: first, looking at the OPI process *per se*, the ultimate vision’s failing to make the initiative stand out as clearly distinct from governmental programmes and initiatives. Second, the forthright and unqualified assertion that the proposed MPA system would provide a “workable framework” for *all* parties [emphasis added], be it governments, FNs, tribes or stakeholders. Third, WA treaty tribes were foreseen to participate in “continuing administration”. Both propositions sowed doubts in our minds as to how much room would be left for calling the proposed MPA approach fundamentally into question and for considering ‘alternative’ models. We thus noted that FNs and tribes were still not invited to come forth with distinctively different approaches. However, despite these shortcomings, taking express recognition of the need to supplement the MPA approach with other approaches as signalling a noteworthy advance in terms of differentiating thinking, we opted for granting a (I) mark.

*Standard (b)/Complexification:* Since coastal development - and how it might affect (marine) habitats - was mentioned for the first time, we

felt tempted to infer that linkages with surrounding ecosystems were now implicitly taken into account.

*Assigning a mark:* Despite this new recognition, we should have expected the issue of exposure of the shared waters to negative impacts from connecting freshwater and upland ecosystems to be explicitly addressed. Here too, therefore, while recognising steps in the ‘right’ direction, we assigned a (I) mark.

## **2(b): Governance regimes and practices for the OPISA**

*A. Gauging shifts noted in the intermediate vision as compared with the early one*

*Standard (a)/Differentiation:* We found the intermediate vision to introduce a series of new governance tools under the two main options – regulation-based enforcement and voluntary compliance. Among ‘newcomers’, under the former was the option of ‘no-takes’ and education under the latter.

*Assigning a mark:* Despite such broadening of the array of governance tools contemplated as compared with the early vision, we still deemed the intermediate vision to present at least three shortcomings in terms of differentiation:

**First**, although co-management with the Tribes and First Nations was evoked as a condition for cooperative establishment of protected areas, we missed inclusion of traditional governance

regimes and practices through which the CS brought marine commons to thrive.

**Second**, we still have some doubts regarding the proposition that the empowerment of citizens and local users would be sought in identifying and effecting resource recovery programs. We asked ourselves whether citizens and local users were expected simply to endorse and buy into programs pre-defined by the S&S Coalition.

**Third**, the concepts and tools foreseen under the OPI experiment seemed, by and large, aligned with those included in governmental programmes just as the language in which the OP proposal was couched appeared to have much in common with the terminology used in existing, or planned, governmental programs.<sup>82</sup>

Had it complied with the optimal scenario we had in mind, the intermediate vision would have taken acknowledgement of co-management with FNs and tribes to its full consequence by including traditional CS governance regimes and practices amongst the governance tools considered. Second, as it described efforts undertaken by governments as “slow, scattered and piecemeal”, it would boldly have championed citizen-driven experimentation in accordance with the motto used by one of the S&S Coalitions’ key protagonists, namely “when citizens lead, governments will follow”<sup>83</sup>. Third, in lieu of a conventional, instrumentalising notion of democratic education, we would have found evoked local citizens’ and users’ engagement in experimenting with self-instituted rules for

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<sup>82</sup> Already in the minutes of the first transboundary meeting on March 30<sup>th</sup>, 1999 we thus found stated that, whilst definitions employed by many (governmental) agencies were not useful, there was “a danger in departing from the accepted terminology”.

<sup>83</sup> Personal communication by P4PS representative in 2001 (Juthans, 2002).

governing their marine commons, with little or no intervention from outside. Not only would inclusion of this possibility among the array of governance tools envisioned have taken the assertion regarding the OPI's citizen-driven character to its full logical consequence. It would also have offered a distinctive third way, alongside coercive enforcement and voluntary stewardship underpinned by (instrumentalising) education, through which sustainable and responsible use of the commons would be ensured<sup>84</sup>.

On balance, since we deemed the governance tools introduced to constitute additions rather than qualitatively different options, we assigned a (-) mark in relation to differentiation.

*Standard (b)/Complexification:* We noted a move in terms of this standard as the intermediate vision established linkages between different governance tools. First, education was envisioned to complement enforcement for obtaining compliance. Second, whereas already the early vision framed stewardship/voluntary compliance and enforcement through regulatory provisions as complementary, we found complementary roles assigned to local governments and higher-order governments with the former taking on non-regulatory management and the latter enforceable regulations.

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<sup>84</sup> That this option does not represent mere fanciful speculation is testified both by literature (Dietz et al., 2003) and by the focus group survey mentioned earlier. A second interesting understanding from this survey was that participants clearly preferred grassroots, local decision-making processes - such as those taking place in Marine Resources Committees (MRC) - to governmental, in this case, federal, involvement. They best saw the latter kept at a minimum or, better still, totally kept out. For most informants, a system of MPAs based on a local control model would recognise that local residents knew the problems best, had good ideas and had a real stake in the outcome of the MRC experiment.



*Assigning a mark:* The possibility for constructive association between conventional governance tools and traditional governance regimes did not appear to have entered into the S&S Coalition's thinking in Phase 2. We thus missed consideration of how traditional governance regimes might complement what other, more conventional governance tools sought achieve. However, in light of a general move signalled in the commentary above towards tying together more conventional governance tools, we decided to assign a (/) mark.

*B. Gauging shifts noted in the ultimate vision as compared with the intermediate one*

*Standard (a)/Differentiation:* The ultimate vision denoted noteworthy inventiveness in relation to governance options, now also including self-regulation by user groups, among others, through peer pressure. By foregrounding citizen groups' *direct* role, both in monitoring activities and in elaborating management plans for areas outside special protection areas, it helped counterbalance the impression we got from the previous vision, amplified by later transcripts, that unmediated citizen and local user involvement might have been left out of the picture. Local user groups - typically but not exclusively commercial fishermen - as well as increasingly aware citizens were thus envisioned respectively to "take proper care of the area" and to "inspire individuals, local governments, shipping companies, fishermen and tour operators to be more responsible". Furthermore, the idea of interim measure agreements to be established with BC First Nations suggested a new form of differentiation according to

duration in time.<sup>85</sup> Last but not least, interest was openly expressed in how useful insights might be reaped from traditional knowledge and practices in relation to marine commons.

*Assigning a mark:* As we looked at the ultimate vision from the point of view of differentiation, we unquestionably witnessed significant moves in terms of differentiation. However, before enthusiastically assigning a high mark, at least three issues needed to be tended to:

The **first** issue relates to whether the governance provisions and tools retained in the ultimate vision signalled dawning of a radically different way of thinking about what is conventionally dubbed ‘nature’. Some might view the dropping of ‘no-takes’ to point in such direction. Rather than viewing the decision to skip this notion as flagging a narrowing down of the range of available options, they would on the contrary applaud this decision. They would interpret it as a move away from viewing humans as predators and exploiters whose irresponsible behaviour was to be reined in through coercive regulations. We do not, however, deem such inference tenable for the following reasons:

First, had the ultimate vision indeed come to be informed by the latter outlook, the regimes and tools it would have advocated would arguably have been very different. Not only would it have

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<sup>85</sup> Interestingly, the informants in the focus group survey mentioned earlier also broached the time dimension. Several informants thus expressed fear that MPAs might entail turning over control of a valued natural resource to government for an indefinite period of time without knowing if it would ever be returned to them. By contrast, they pointed at a time-limited ban on fishing that would cause the fisheries “short-term pain for long term gain”.

given clear primacy to restorative measures helping species and the biophysical processes that sustain these regain their resilience and integrity. It would also have emphasised governance regimes and provisions actively supporting the biosphere in its continued evolution towards ever-greater complexity and biodiversity.

Second, the notions of ‘priority sites for conservation’ or ‘specific protective zones’ that replaced the notion of ‘no-take’ still appeared to imply coercive regulatory provisions.

Third, use of the argument of effectiveness, notably in relation to special protection areas<sup>86</sup>, seems to us to position the conception of nature conservation that informed the ultimate vision closer to managerial ecology than to ethically-based ecology (Bavington, 2002; Jentoft et al., 2007). Since the former understanding of ecology concentrates on what management tools might be most effective for turning around alarming ecological degradation, it implicitly assumes that strategic interventions can control, if not domesticate, complex and unpredictable biophysical processes .

The **second** problematic issue relates to the ‘education - peer pressure’ tandem conceived as governance tools. We were at first inclined to think positively about peer pressure as a form of self-regulation offering an interesting alternative to coercive enforcement. Upon reflection, though, this option came to be worrisome if the rules and norms to which it referred were defined elsewhere, with little involvement from those directly concerned. Worse still from the point of differentiation, it might seriously limit the spectrum of ways of

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<sup>86</sup> For example, ‘Wave of the Future’ talked about the need “to develop an effective and workable system of marine reserves or other special protection areas”.

thinking and behaving deemed ‘sustainable’ and ‘responsible’ and hence ultimately result in conformist behaviour. As presented in our sources, peer pressure did not seem to preclude such connotation. The suggestion made in the conference paper according to which users/harvesters be educated to limit or refrain from species harvest thus bespoke the idea, first, that education in the form of outreach activities could bring targeted constituencies to internalise predefined rules of conduct, next, that these constituencies would engage in some form of social control. In an optimal scenario from the point of view of differentiation, we would instead have expected the ultimate vision to call for self-regulating arrangements invented by user groups themselves and tailored to the specific local conditions at hand as a governance option offering a ‘third way’, alongside – or possibly even in replacement of - other, more conventional initiatives, whether governmental or NGO-driven.

The **third** issue pertains to how far the ultimate vision, at the end of the day, may be seen to have moved towards a different way of thinking about governance options and practices. Rather than, as was proposed in the ‘Wave of the Future’ publication, merely recommending studies to improve knowledge about traditional practices in relation to marine commons, had it complied with an optimal scenario, the ultimate vision would have marked a radical switch by advocating governance practices informed by ethics as was the case for traditional practices<sup>87</sup>. Had it moved substantively

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<sup>87</sup> Berkes’ observation Berkes (2008, p. 252) regarding a fundamental insight brought by research on traditional practices leaps here to mind. This insight pertains to the central role that ethics of reciprocity are playing in informing traditional conservation and land use practices. These ethics made it incumbent on humans to take on moral responsibility for ‘first nature’ in

towards such an outlook, it would thus have directly called on Elders from FNs and tribes to offer guidance and advice as to how traditional regimes and practices made it possible to reconcile human uses and conservation of marine commons.

Against the backdrop of this fairly extensive discussion, we decided to assign a (-) mark in relation to sub-theme 2(b).

*Standard (b)/Complexification:* Pointing towards more relational thinking, we found the ultimate vision to emphasise complementarity between governmental initiatives involving enforceable regulations and citizen-led (voluntary) stewardship actions. We thus found evoked monitoring activities by local communities and user groups to complement enforcement of regulatory provisions. Moreover, the proposal to introduce ‘site-specific conservation plans’ implemented through a case-by case combination of regulatory measures, user education, and “best practices” guidelines tempted us to view such plans as denoting a form of relational thinking. Benefits to be reaped from bringing together provisions and tools, each with their distinctive fields of application and strengths, thus appeared acknowledged.

*Assigning a mark:* For all its foregrounding of complementarities, we nonetheless deemed the ultimate vision to present at least two conspicuous shortcomings:

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return for the benefits in terms of food, shelter, well being or otherwise the latter was bringing.

First, yet again, we found overlooked possible productive coupling of the governance provisions contemplated and CS traditional governance regimes and practices.

Second, the discussion we just had regarding differentiation carried with it important implications regarding how far towards relational thinking the ultimate vision could credibly be argued to have moved. Had we thus been able to conclude that the ultimate vision granted far greater space than was the case in the intermediate vision to governance regimes and tools geared not only to recovery of ailing populations and/or restoration of degraded habitats but indeed to active enhancement allowing these populations and habitats to continue to evolve, we might legitimately have inferred that this also denoted a leap towards a way of thinking about man/nature or human/non humans relationships foregrounding reciprocity and interdependence. In other words we would have been in a much better position to claim that the ultimate vision moved from a 'man versus nature' outlook towards a 'man *cum* nature' outlook<sup>88</sup>.

On balance, however, in view of increasing recognition of complementarities between governance provisions, we nonetheless assigned a (/) mark with respect to standard (b).

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<sup>88</sup> This outlook found a particularly articulated expression in Bookchin's social ecology (1980). For Bookchin, rather than conceiving the first (biotic) nature and the second (human) nature as separate and irreconcilable, for Bookchin, these two natures can on the contrary best be thought about as two realms that are intimately enmeshed as they both undergo on-going evolutionary processes. Such enmeshment renders meaningless any claim of one realm being either "superior to" or "made for" the other, be it from a biocentric or an anthropocentric point of view. This is not without reminding us of Latour's macro-cosmos comprising primary qualities and non-humans and his micro-cosmos comprising secondary qualities and humans as well as his positing the two as intimately entangled (Latour/manifesto/[http://www.youtube.com/watch?v=Ie-\\_erFVz5A&gl=BE](http://www.youtube.com/watch?v=Ie-_erFVz5A&gl=BE)).

## **2(c): Shared governance across the border<sup>89</sup>**

*A. Gauging shifts noted in the intermediate vision as compared with the early one*

*Standard (a)/Differentiation:* Where we found the early vision somewhat cautious when broaching the socio-political dimension of the border, with little said about possibilities for joint citizen-based actions and cooperative actions limited to nature resource agencies sharing management decisions, the intermediate vision emphasised the option of ‘shared decision making’, presumably between the two local governments.

*Assigning a mark:* While we thus found the intermediate vision to give a prominent place to local governments sharing management and decision making across the border, we also noted two shortcomings:

First, in view of the open critique of higher-level governments’ efforts to establish transborder marine protected areas as “slow, scattered and piecemeal”, we should have expected the intermediate vision to put more emphasis on ‘alternative’ transboundary actions conducted not only under the aegis of the S&S

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<sup>89</sup> As we sought to gauge the shifts with respect to 2(c), perhaps even more so than for any of the other four, this sub-theme was primarily about relational thinking. It was thus conspicuously centred on the question of whether what was conventionally seen as a line of division or separation might instead either be bracketed, sidestepped or transmuted into an opportunity for productive relationships. As a result, standard (b) might be expected to be more relevant than standard (a). This is not to say, however, that we would disregard the latter altogether in the gauging discussion. It would still useful, we thought, for directing our attention to whether or not the array of envisioned transboundary actions was significantly expanded, for instance by bringing in new types of actors.

Coalition - or partnerships of their ilk - but also by islander communities joining forces across the border. While some might see mention of citizen-stakeholder involvement in protecting and restoring ecosystems “shared by different countries” as hinting at such a possibility, it would nonetheless have been evident, in the same stride, to evoke for example possibilities for enhancing and multiplying transboundary community-based monitoring projects such as those already underway.

Second, the array of transboundary actions envisioned did not appear to include distinctive measures promoted by the CS.

For these reasons, we do not feel any mark higher than a (/) mark would be justified.

*Standard (b)/Complexification:* We found the notion of a constituency of concerned citizen-stakeholders spanning a political border and the call for governments to be responsive to such a transboundary constituency to offer a good pendant for the repeatedly mentioned notion of the shared waters as one seamless ecosystem. Moreover, the mention of such a constituency might arguably be read to hint at a regional - and hence transboundary - sense of place and identity in the process of emerging. Such a suggestion seemed to mark a significant break with the caution displayed by the early vision, which seemingly avoided addressing head-on the challenge posed by the political boundary and a move towards considering ways in which this boundary might be accommodated or even transcended.



*Assigning a mark:* Strides in terms of complexification seemed substantial as the intermediate vision seemingly moved in the direction of better recognition of socio-political transboundary linkages and hence of interdependence across the political boundary. Three observations nonetheless prevented us from considering it to comply with requirements we associated with an optimal scenario:

First, we found apparent hesitation to label also human inhabitants bordering the shared waters as ‘international citizens’, let alone ‘transboundary citizens’. This seemed to us to denote continuing caution in reframing relationships across the border otherwise than in conventional, inter-state terms<sup>90</sup>.

Second, we should have liked to see explicated better how closer relations between the islander communities north and south of the border might help expedite establishment of the OPISA.

Third, the possibility for BC FNs and WA tribes to join forces to rehabilitate and further develop governance regimes and practices applied in traditional fishing/harvesting grounds now bisected by the border was still overlooked.

Overall, however, we did not consider these observations serious enough to put in jeopardy a high mark. Particularly in relation to the third consideration, we noted that the starkly differing circumstances of WA tribes and BC FNs, both in terms of resources and in terms of relationships with higher-order non-aboriginal governments, might have totally eclipsed such a possibility at the time. Since, for us, the intermediate vision’s evocation of a

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<sup>90</sup> We found such restraint all the more puzzling that the Statement of Cooperation that the two federal environmental agencies signed already in early 2000 evoked *transboundary* initiatives in the Basin, with, what is more, no inverted commas.

constituency of concerned citizen-stakeholders spanning a political border, possibly marking beginnings of transboundary/regional citizenship seemed to evince a clearly qualitative shift, we opted for assigning a (+) mark to this vision with respect to 2(c).

*B. Gauging of shifts noted in the ultimate vision as compared with the intermediate one*

*Standard (a)/Differentiation:* We found a secondary source to testify that the macro-level vision which emerged in the course of Phase 3 duly acknowledged also transboundary community-based efforts.

*Assigning a mark:* While acknowledgement of transboundary community-based efforts bespoke a move in terms of differentiation, the prospect evoked for governments, including FNs and tribes, to develop a “common approach” to protect and manage the OPISA’s marine commons might be read to point in the opposite direction. We thus had some doubts as to whether what was hinted at by ‘common’ was a shared umbrella within which ‘alternative’, possibly diverging, governance practices would co-exist or, on the contrary, a consensual framework seriously limiting the spectrum of options deemed acceptable. The latter interpretation would obviously disavow any claim regarding a substantial move towards further differentiation. All in all, to signal our lingering doubts about this question, we opted for assigning an inconclusive (?) mark.

*Standard (b)/Complexification:* Although we were not quite sure that this went as far as including their respective policies and regulatory

measures for marine conservation, we found the ultimate vision's call for the different levels and types of governments to *coordinate* their activities in the name of "effective implementation of regulations". We deemed this call substantially bolder than the intermediate vision's framing the OPI as an initiative for moving governments and Tribes "towards *cooperatively* [emphasis added] establishing protected areas in the transboundary waters". Moreover, to make sense, we conjectured that the ultimate vision implied coordination across the border. It also made more conspicuous a regional - and hence transboundary - sense of place, if not citizenship, among non-aboriginal protagonists. As pride was expressed in the OPI as a joint venture showcasing how a transboundary MPA might for the first time ever be established in North American waters and showing the world how marine waters could be protected, , an inclusive 'we' was used. We read this as going beyond referring simply to the circles making up the OPI to signal a nascent regional - and therefore also transboundary - sense of place, if not citizenship, among non-aboriginal groups. We found these clues all the more remarkable that they were brought to light after the 9/11 attacks.

*Assigning a mark:* As it made remarkable headway in terms of complexification, the ultimate went even further than the intermediate vision. Two small reservations seem nonetheless required:

First, while we saw the need emphasised to work across the border in order to help orca pods daily crossing what was described as "an invisible line", no attention seemed paid to ways of overcoming impediments to physical mobility of humans, be they CS families or San Juan and Southern Gulf islanders wishing to engage

with each other. In any event, had closer people-to-people relationships been ascribed great importance, we should have expected a call for transportation links between the San Juan and the southern Gulf Islands to be improved to make it easier for the respective islander communities to engage in face-to-face discussions,<sup>91</sup> and hence to conduct joint conservation, restoration and monitoring projects throughout the OPISA.

Second, while, as seen under standard (a), BC FNs were envisioned to work with other governments in the region to develop a common approach, we found it more plausible for this to refer to co-management arrangements with non-aboriginal, higher-level governments than to their joining forces with WA tribal governments. We suspected that certain representations still got in the way of this possibility to be considered.

Whereas these two reservations prevented us from considering the ultimate vision to meet fully optimal scenario requirements, we nonetheless considered the ultimate vision to mark a convincing shift from a mode of interaction marked by ‘parallel play’ to a one marked by ‘coordinated play’, including emergence of a shared sense of “we-ness”, bringing it close to denoting a radically novel way of framing the political boundary. Here too, therefore, we assigned a (+) mark.

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<sup>91</sup> Although teleconferencing technology already existed at the time, it was still not widely available on the islands.

### *Closing remarks*

As evinced by our optimal scenario approach, striving to keep an open-mind when conducting qualitative rating does not necessarily require bracketing preferences or hopes. Upon reflection, however, we came to realise that, as we conducted this qualitative rating for the ultimate vision, almost unwittingly, we tended to give the latter a harsher trial. What we required from it was not sheer confirmation or consolidation of advances noted for the previous vision. For it to earn a (+) mark, we expected it to display conspicuous advances, as compared with an already remarkable performance noted for the intermediate vision, which, in our view, would bring it significantly closer to meeting requirements that we associated with the optimal scenario.

**Annex 22** provides an overview of the results of our qualitative rating with respect to both visions. Discussion of these results, including how we related them to the concept of bifurcation, as well as the tentative reply to R.Q.I that we arrived at on this basis are presented in Section 5.1.4. (**Book I**).



## **2. MICRO-LEVEL ANALYSIS: APPLYING THE SEVEN-STEP ANALYTICAL PROCEDURE RELATIVE TO RQ. II AND R.Q. III**

### *Introductory remarks*

The interactions on which we shall focus are first and foremost those that took place within TBMPA meetings during the three and a half year-time span we deemed the OPI's heyday to last. Our purpose is to shed light on whether certain moments seemingly occurred during these interactions that might credibly be argued to have helped afford<sup>92</sup> the shifts we recorded in the two successive macro-level visions. One question we shall address is, for example, whether the conspicuous opening up to dimensions and concepts familiar to indigenous ethics that we noted in the intermediate and ultimate vision seemingly coincided with or were preceded by interruptive speech or acts and speech denoting pedagogic 'subjectivation' on the part of CS attendees touching upon the ethical dimension. Likewise, since we found the intermediate vision to mark a conspicuous stride towards a less consensual outlook on the MPA approach, this also calls for looking more closely at what happened at the micro-level during Phase 2 or in the time span leading up to it<sup>93</sup>.

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<sup>92</sup> Through this cautious formulation we wish to signal that other circumstances - both 'internal' and 'external' to the OPI - might obviously also have played a role.

<sup>93</sup> As we shall see shortly, Phase 2 and the time span preceding this phase are encompassed in what we dubbed Sub-Cycle 1.

Tying back to Section 4.1. (**Book I**), we recall that **RQ.II** was formulated as follows:

To what extent did interactions that took place at the micro-level include dissenting speech and defiant acts on the part of CS representatives challenging the proposal for the transboundary MPA on the table, as well as the logic underpinning it?

As for **RQ.III**, we formulated it as follows:

To what extent did interactions that took place at the micro-level include speech on the part of CS representatives through which they brought to the fore ideas and perspectives differing distinctively from those prevailing among non-native protagonists and, in so doing, to what extent did they seem to experience pride in their own ability to bring a distinctive contribution?

Prior to demonstrating how we applied the seven-step analytical procedure in this second leg of our proto-exploration,, we shall again provide an overview of initial and contextual legal and political conditions that we suspected might have affected how CS representatives - and Elders in particular - looked at the OP proposal and, more generally, MPAs.

Initial and contextual legal and political conditions relevant to Coast Salish perspectives on MPAs



While tightly-knit links between CS communities on either side of the border remained extant, as we focused on CS attendees in TBMPA meetings or other relevant fora, it is important to keep in mind that the CS people does not form one monolithic, undifferentiated bloc. First, of course, the political boundary, definitely established in 1872, cut across CS territory, leading to its partitioning into two parts attributed respectively to the US and Canada, each with their distinctive jurisdictional and regulatory apparatus. Where, before, the CS formed local groups interacting fluidly throughout the Salish Sea region, as a result of treaty tribes negotiations, distinct Tribes emerged as political entities confined to reserves/reservations<sup>94</sup> with clearly defined boundaries and mostly of limited size<sup>95</sup>. Separate national fisheries policies in particular soon proved problematic for CS unity as these policies, by and large, divided CS fishers in WA and BC respectively into two separate camps. On the WA side, northwest Tribes' fishing rights, laid down in treaties signed in 1854-5, were reaffirmed by the 1974-US v. Boldt decision<sup>96</sup>. This decision established these tribes as co-managers of harvestable numbers of salmon returning to Washington waters,

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<sup>94</sup> Different terms are used on either side of the border: what, on the American side, goes under 'reservation' is called 'reserve' on the Canadian side.

<sup>95</sup> For instance, in 1855, the Tulalip tribes (WA) were required to give up millions of acres stretching from the Cascadia mountains in the east to the islands of Puget Sound to the west and as far as Canada to the north and south to the Duwamish River, in Seattle (Informative board, Tulalip Cultural Centre).

<sup>96</sup> In this decision, Judge Boldt determined that the treaty language "in common with citizens" be interpreted to mean that fishery undertaken by any of Washington State Indian Tribes granted federal recognition by Treaties signed in 1855 - and non-Indian fishery are each entitled to 50% of the harvested catch in Washington state waters defined as "usual and accustomed (henceforth abbreviated to U&A) fishing grounds".

alongside the WA Fish and Wildlife Department. This arrangement gave them the right to harvest up to 50 % of this fish within the boundaries of their respective usual and accustomed (U&A) fishing areas. As noted in Section 1.3. (Book I), among northwest WA treaty tribes, those most concerned by the OP proposal were the Lummi, the Swinomish and the Tulalip Tribes<sup>97</sup>, whose U&A areas lay, at least in part, within the boundaries proposed for the OPISA. Within these areas, fisheries were limited to up to 3 miles off the shoreline<sup>98</sup>. On the other hand, expanding their role and responsibilities in co-managing marine harvests in northwestern WA, in 1999, another ruling upheld treaty tribes-reserved shellfish harvest rights<sup>99</sup>.

The picture on the Canadian side is somewhat more complicated. First, the number of Nations concerned by the OP proposal was considerably greater. Second, an important distinction needs to be drawn among the Nations in question. While, at the time of the OPI, some were engaged in negotiating treaties with the federal and provincial governments with a view to defining their rights and titles to traditional fishing/hunting/harvesting grounds, others claimed already to be covered by the so-called Douglas treaties<sup>100</sup>. Among the

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<sup>97</sup> None of these Tribes had reservations on the SJ Islands.

<sup>98</sup> Extract from presentation by one of the NWIFC's Habitat Services Managers, Northwest Indian Fisheries Commission on "Protecting Washington's Marine Environments: A Tribal Perspective", minutes of the San Juan Marine Resources Committee meeting, November 21<sup>st</sup>, 2007.

<sup>99</sup> The terminology used here is that found on the NWIFC's website - <http://nwifc.org/about-us/> retrieved 25<sup>th</sup> of January, 2013.

<sup>100</sup> In the 1850's Governor James Douglas made 14 purchase agreements with Vancouver Island indigenous communities. These agreements are referred to as the 'Douglas Treaties', after a Supreme Court decision in 1965 ruled that they were and remain valid treaties since Douglas was acting as an agent of the Crown at the time. Among other bands on Vancouver Island descending from the original signatories, the four Saanich band - Tsawout, Tsartlip, Tseycum, and Pauquachin - still see these Treaties as warranting

former were notably the Tsawwassen and the Hul'qumi'num Treaty Group, while the latter comprised notably the four Saanich nations as well as the T'Sooke Nation (Claxton, 2003). All have governmental status and most, if not all, were - and still are -, represented in the British Columbia Aboriginal Fisheries Commission. Third, the *Sparrow v. The Queen* case (1990) interpreted the Constitution Act, 1982, section 35 (1) as protecting the Aboriginal right to fish for social and ceremonial purposes but remained silent regarding commercial fishing. Since then, FNs have sought to make up for this silence by creating their own commercial fisheries management programmes.

Another significant feature distinguishes northwest WA CS communities from those based in southern BC. While all depend on traditional foods for ceremonies and cultural events, the former tend to rely on a more diversified resource base and hence to be somewhat better off than BC First Nations. As a result the northwest WA are generally better placed to appoint mostly non-aboriginal, (western) science-trained natural resource and fisheries managers to tribal councils<sup>101</sup>.

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their self-governance in accordance with the promise, among others, laid down in the text for the FNs concerned to retain “the liberty to carry on our fisheries as formerly”. For this reason, the Saanich Nation has declined entering the BC treaty process perceived as “just another tool founded on the colonial principle of assimilation” (Claxton, 2003, pp. 6-9).

<sup>101</sup> The Lummi, Swinomish and Tulalip Tribes nonetheless differed - and still differ - considerably in terms of natural resource staff capability, with the latter by far the best endowed. At the time of the OPI, the Lummi and the Swinomish were generally happy for the Tulalip to do advocacy on their behalf, notably at the Transborder Marine Stewardship Partners meetings, as long as nothing was signed (Source: Conversation in October 2011 with former San Juan Commissioner responsible for relations with the Tribes).

Such distinctions and divisions into different camps, even inside the same country, is seen by some observers as playing an important role in eclipsing distinctive features of native fisheries management and common CS interests<sup>102</sup>. As a result, as the CS, in the OPI days, engaged in ‘government-to-government relations’ with the higher-order governments on each side of the political boundary<sup>103</sup>, often antagonistically on the Canadian/BC side, more cooperatively on the US/WA, articulating a shared Coast Salish vision was not necessarily straightforward (Miller, 2006, pp. 31-32).

This notwithstanding, a number of transboundary CS initiatives saw light in the year after the OPI was launched, confirming revival of an all-CS identity. Illustrating an early attempt to establish a common CS forum, a Coast Salish Sea Council (henceforth abbreviated to CSSC) was created in early 2000 following signature of the joint Statement of Cooperation on the Georgia Basin and Puget Sound Ecosystem by the US environmental Protection Agency/ Region 10 and Environment-Canada/Pacific Yukon Region. Although funded by the Canadian federal government and headed by a Tsarlip Elder (one of the four Saanich nations, BC),

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<sup>102</sup> In the report of a TBMPA meeting held on June 25<sup>th</sup>, 2003, we found a (non-aboriginal) representative of the non-treaty tribes Samish tribe based in Anacortes, WA, make the following comment: “Coast Salish unity is a struggle, because people have spent the last 100 years being told they are separate people, didn’t get along, etc. The history of the place supports the idea that all were connected, relatives, same culture, and languages. But the border & Can/US [sic] politics have taken what was one culture/people and broken it into about 50 pieces, and people have gotten used to this.”

<sup>103</sup> Both under American and Canadian law treaty tribes and FN respectively have been granted status as sovereign, self-governing nations. This prompted them from the start to consider the higher-order governments, in particular the federal agencies, as their natural counterparts. Hence the caution often heard among Canadian CS representatives that First Nations were *not* just another category of ‘stakeholders’.

the CSSC had a clearly transboundary scope. For example the Lummi Nation south of the border joined in already at this Council's embryonic stage. Also to be foregrounded is a Draft Resolution of the Joint Assembly of the Assembly of First Nations (AFN) and The National Congress of American Indians, circulated in spring 2000, which expressly referred to the "Coast Salish People". Furthermore, parallel or subsequent to these initiatives - but still largely within our study period - a number of joint CS events, already signaled, took place: first, at the Lummi reservation in Bellingham, WA, June 2000<sup>104</sup>, next, at the Stol:lo reserve, Chilliwack, BC, in April 2002 on the theme "The Coast Salish Nation: Community without a border", at which issues relating to land use and governance of coastal and marine commons were broached. While, therefore, as also argued for in Section 1.3. (**Book I**), we deemed it reasonably defensible to look at the CS people in a comprehensive way, we nonetheless anticipated the heterogeneity that also marked this people to come to expression, during the local discussions, through nuanced and perhaps even contradictory perspectives on the part of different CS attendees.

Of particular relevance for the OPI was the controversy about Race Rocks. Ecologically extremely rich, consisting of 19 islets (the pinnacle of a large seamount), this site is located at the narrowest point of the Strait of Juan de Fuca, 17 km southwest of Victoria, BC. In 1998 the Canadian federal Department of Fisheries and Oceans (FO-CA) announced that this area would become one of five pilot

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<sup>104</sup> More than 50 FN Chiefs of Councils were invited from the Canadian side with similar participation on the US side. The purpose was to replicate a gathering along traditional modes of decision-making as an alternative to those applied by the state / provincial, and federal governments (source: TBMPA meeting report of February 15<sup>th</sup>, 2000).

areas, proposed for designation as MPAs under the Oceans Act, in the course of spring 2000. As proposed by FO-CA, this MPA would be given the status of a ‘no-take’ excluding all use even for social and ceremonial purposes. Unsurprisingly, referring to their right under the Douglas Treaties to fish “as formerly” in the area, local FNs, and notably the Saanich Nations, reacted strongly against this proposal. Even though an advisory Board including a Saanich tribal Elder was set up to prepare for such designation, the Nations concerned perceived the process as insufficiently sensitive to their concerns and viewed the designation itself as infringing upon their ancestral rights (Ayers, 2005, p. 101). Owing to stout resistance on their part, the designation process derailed in the course of 2000<sup>105</sup>.

Also worth noting was the S&S Coalition’s - and, more precisely, the GSA’s - decision in Spring 2002 to appoint a CS Outreach & Liason facilitator for the next twelve months or so. The mission of this facilitator was to explain and promote the OPI among FNs and Tribes.

During the three and a half years time span that our proto-exploration addressed, several fora other than the OPI offered opportunities for FNs and tribes to make themselves heard regarding marine issues and MPAs: First, the BC Aboriginal Fisheries Commission (henceforth abbreviated to the BCAFC), the Assembly of which adopted, in March 1999, adopted a set of recommendations relating to MPAs for the attention of the federal Fisheries and Oceans Department (Canada). Next, the Environmental Forum under the Northwest Indian Fisheries Commission (WA). The latter is an agency set up in the wake of the Boldt decision for the purpose of

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<sup>105</sup> Ten years after the first talks began the designation was still suspended.

assisting northwest WA Tribes in their role of natural resource co-managers. As already noted, discussions started within this Forum, from November 2000 onwards, with a view to articulating a Tribal Policy Statement on MPAs in the name of all northwest WA treaty tribes. Furthermore, in the years 2001/2002, the Tulalip Tribes (WA) and the Tseycum Nation (BC) took part in discussions held in the San Juan County/Islands Trust Transborder Marine Stewardship Partners meetings in which the S&S Coalition also took part. A natural resource manager representing the Tulalip Tribes also took part in discussions in the San Juan Marine Resources Committee (MRC), established under the Northwest Straits Initiative, just as a tribal Elder from that tribe chaired the Northwest Straits Commission's Tribal Sub-committee, often also speaking on behalf of the Lummi and Swinomish Tribes.

## 2.1. **Step 1** - Selecting and organising primary sources

Since our micro-level analysis by and large<sup>106</sup> covers the same period as the macro-level analysis, it evidently focused on encounters between CS representatives and non-aboriginal S&S Coalition partners that took place between fall 1999 and spring 2003. From this follows also that the primary sources to which we resorted first and foremost pertained to meetings that took place during that time span. These meetings were however required to fulfil three further criteria: a) they were convened by the Coalition; b) the OPI

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<sup>106</sup> As explicated in Section 1.3. (**Book I**), rather than having what we dubbed Sub-Cycle 1 start on September 8<sup>th</sup> as was the case for Phase 1, we set it to start early October 1999 to coincide with the first TBMPA meeting attended by a CS Elder.

*qua* process and principles and modalities for establishing what came to be called the OPISA featured on their agenda; c) their list of attendees included CS representatives. These criteria obviously made reports or summaries of TBMPA meetings, where CS attendees had an opportunity to interact face-to-face<sup>107</sup> with non-native OPI-protagonists and thus to make their voice directly heard, stand out as our favoured primary sources. However, to buttress our evidential base, we also included reports of TBMPA meeting at which no CS representative turned up but where, as they were relayed by one or the other S&S Coalition partner, CS voices were nonetheless brought into the discussions, albeit indirectly<sup>108</sup>. In one particular case, we even took the liberty of bringing in a written comment made to a TBMPA meeting report in which we found quoted a particularly important remark by a Swinomish Elder.

In order to avoid unnecessary repetition, under **Steps 1, 2 and 3**, we looked simultaneously at sources pertaining to both RQ.II and III. This seemed quite obvious to us since we drew on the same body of sources for the purpose of shedding light on both questions. We also recorded reflections under **Step 5** in a comprehensive way. Since the questions we would address to the ‘evidence’ under **Steps 4, 6 and 7** and the pointers we would be looking for differed according to which of the two research questions we would be dealing with, the only reasonable option seemed to be to subdivide the discussion accordingly under these steps. Lastly, in preparation for the

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<sup>107</sup> We assumed here that messages conveyed during direct face-to-face interactions would have a greater impact than messages mediated in some way or another.

<sup>108</sup> This was for instance the case when the P4PS representative at a TBMPA meeting in June 2000 referred to a talk given by a Lummi Elder that she attended.



discussion to be held regarding RQ.IV, in which we would confront the tentative reply relative to RQ.I with those relative to RQ. II and RQ. III, we organised the selected TBMPA meeting reports according to time spans corresponding respectively to Sub-Cycles 1 and 2. The rationale for sub-dividing the OPI's heyday into such sub-cycles and the criteria guiding this sub-division are presented in the introduction to Section 5.3. (**Book I**).

#### Source-critical commentary

We found the degree of elaboration of TBMPA meeting reports to vary a great deal. While some reports were quite detailed and painstakingly identified notably CS speakers, others took the form of terse, short-handed notes with lists of points discussed or agreed<sup>109</sup>. Others again presented a mixed form, identifying some of the speakers while summarising inputs brought as points. In cases where it proved impossible to establish whether points referred to were quotations of statements that CS attendees actually made at the meeting concerned or merely referred to what non-native note-takers had perceived CS perspectives to be, we nonetheless deemed such points useful for providing us with at least some clues regarding these perspectives. We shall return to this point under **Step 2**.

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<sup>109</sup> Unsurprisingly, succinct reports were mostly the product of smaller working groups while more elaborate ones were issued after meetings with wider attendance. Despite the former's obvious shortcomings, we were all the more thankful for their existence that we found out that few, if any, written traces remained for example of discussions held in parallel fora such as, for instance, the Transborder Marine Stewardship Area Partners meetings in the 2001/2002 period.

Whatever their degree of elaboration, all the selected reports of TBMPA meetings presented shortcomings to be kept in mind particularly under **Step 4**. First, as with much of the documentary material on which our proto-exploration was based, these reports emanated from S&S Coalition partners, most, if not all, of whom were non-natives. This in turn carried with it at least one serious drawback: in addition - like any meeting report - to being shaped by the note-taker's pre-understandings and possibly also by the agenda that was sought promoted in relation to a certain reader circle, these reports might in some cases have suffered from the circumstance that the language and expressions used by tribal Elders might have less familiar to these note-takers<sup>110</sup>. While this might have brought some inaccuracies into the text, we sought to bear in mind, all along, that the reports and notes of the TBMPA meetings on which we drew, at any rate, only allowed us to catch a glimpse of CS perspectives as filtered through non-aboriginal eyes. No written accounts of OPI discussions seem to have emanated from CS representatives, not even, somewhat surprisingly, from non-native tribal staff. Since the oral tradition remained strong, the spoken word still enjoyed prominence over the written word, especially among tribal Elders<sup>111</sup>. Many of these Elders had - and still have - a marked preference for

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<sup>110</sup> This transpired for instance in meeting reports where the note-taker was evidently at a loss when trying to spell CS languages, Nations or place names to which CS attendees referred in their speech.

<sup>111</sup> In a conversation on the phone in May 2009, we thus heard a natural resource manager working for the Lummi tribe comment that, since the oral tradition giving prominence to the spoken over the written word still prevailed among many tribal members; tribal CS attendees would generally not take any notes when attending meetings/discussions.

telling stories<sup>112</sup>, for teaching through interaction with others (Archibald, 2001) and for making speeches rather than putting their perspectives down in writing in a language that many still do not consider their own.

This in turn begged the question if the discourse that CS attendees and spokespeople reportedly adopted during the meetings genuinely reflected their thinking or merely reproduced a discourse that they thought was required for them to have a chance of being heard by the non-natives<sup>113</sup>. Augmenting this difficulty, owing to the acute time pressure to which many tribal council and band members were - and still are - subjected but also for reasons pertaining to protocol<sup>114</sup>, it turned out to be near-impossible to get access to CS representatives that used to take part either in TBMPA meetings or in other fora of relevance for the OP-proposal. For all the above mentioned shortcomings, we nonetheless decided to retain the TBMPA meeting reports as our primary sources as this was the closest we could hope get to highlighting exchanges between CS representatives and non-aboriginal S&S Coalition partners regarding specifically the OP process and proposal.

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<sup>112</sup> Sheridan (2001) - himself an aboriginal scholar - thus describes written texts as “enslaving words”. For him, texts became (western) civilisation’s authoritative, two-dimensional voice (p. 205) supplanting the undomesticated mind that generated magnificently vivid stories in equally vivid words.

<sup>113</sup> In a conversation in October 2008, a Parks-Canada Negotiations and Treaty Advisor thus pointed out that\_FNs and tribes tended to use the same language as non-aboriginal governments - that is a language informed by western science - when seeking to get their message across, as they were concerned that the latter governments might otherwise not listen to what they had to say.

<sup>114</sup> On at least one occasion we were thus met with conspicuous suspicion as we were told that the CS nations did not wish to be treated as research objects.

## 2.2. **Step 2:** Harvesting relevant text segments through our thematic framework analysis

Going through the selected TBMPA reports, we proceeded to abstracting statements or points highlighting CS perspectives. Applying the same thematic framework as that we applied for the macro-level analysis, we related these segments to one - or, in some cases, several - of the five sub-themes. As shown in **Annex 23**, in order to prepare for our commentary under **Step 3** and the subsequent interpretive discussion under **Step 4**, rather than applying the framework constituted by our five sub-themes to each source in turn, we decided from the outset to regroup text segments drawn from reports pertaining to the same sub-cycle and the same sub-theme. In addition to saving time and space, this decision arguably presented the advantage of enabling the reader, in one glance, to capture all that was expressed in relation to each sub-theme in the course of the two sub-cycles.

As we embarked upon the thematic framework analysis, we realised that this analysis would in effect subject our pre-understanding that the five sub-themes were also aspects that mattered to the CS to a 'reality check'. In other words, this analysis would in effect reveal if aspects or issues that we related to these sub-themes were addressed, at least to some degree, either in statements made by CS representatives or in points seemingly summarising CS perspectives. While, obviously, we did not expect all our sub-themes to be touched upon to the same degree in each and every examined report, we nonetheless hoped to end up with at least some clues in relation to all of them. We soon realised, however, that we were up

against a non-negligible challenge. This challenge was a direct corollary of the relationality characterising much of CS traditional ways of thinking. Under such thinking, rather than dividing up issues into discrete categories - or themes - as western/modernity-informed thinking tends to do, issues tend to be framed as intimately connected<sup>115</sup>. Not only did this at times make it problematic to allocate certain text segments to one particular sub-theme. We also found one particular sub-theme, namely 1(b), permeating the other four sub-themes and most patently 2(b). For this reason, rather than merely viewing sub-theme 1(b) as relating to ethics and values, we found it more appropriate to understand it as covering the broader notion of 'worldview'. This also seemed to present the advantage of providing room for the sacred, a dimension which, although of utmost importance under CS ethics, is arguably less present in the notion of ethics as commonly understood by modernity.

We should no doubt have liked to have at our disposal a somewhat larger body of relevant text segments, especially in relation to Sub-Cycle 2. At this stage, it was difficult to decide whether such relative paucity resulted from reports gone missing (as was for instance the case for report of the May 9<sup>th</sup>, 2001 TBMPA meeting), from note-taker omissions, deliberate or not, or whether it signalled that those CS representatives who did turn up preferred to listen in rather than to speak. This was seemingly the case at the December 6<sup>th</sup>, 1999 meeting where, according to the report, none of the four CS

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<sup>115</sup> This view came to expression when Claxton - himself a Saanich scholar - (2003, p. 9) commented that "I believe that it is impossible to dissect the issue into just fisheries, separate from our other cultural, social and economic activities. The Saanich indigenous society and identity and the Saanich traditional fishery are entirely integrated into each other and cannot be considered in isolation."

attendees said much. A reason for such silence might be that at least some of them preferred other fora - and notably those mentioned in the contextual introduction - to express their perspectives regarding marine issues and in particular MPAs. This was obviously a point to which we would return under **Step 6**.

As shown in **Annex 23** we eventually ended up with a fair collection of text segments touching, albeit to varying degrees, upon most, if not all, of the five sub-themes. The sub-themes that appeared by far most prominent were thus 2(a) and 2 (b). Upon reflection predominance of the former was hardly surprising if understood - as we did - to cover the very process for establishing the OPISA, alongside the MPA concept and approach. As for 2(b), it seemed evident to relate issues such as treaty-based rights and tribal/FN co-management to this sub-theme. In cases where distinction between the two sub-themes seemed particularly problematic, we decided to allocate the text segments concerned under both. Somewhat surprisingly, the sub-theme that, at first glance, appeared to be the least addressed was 2(c). However, we deemed it premature, already at this stage, to infer from such relative silence that shared governance across the border did not matter to CS attendees. All it seemed safe to infer at this point was that CS attendees in TBMPA meetings did not deem this issue sufficiently pressing so as to consider it a priority.

### 2.3. **Step 3:** Commentaries to the harvested text segments

#### *Introduction*

In this sub-section we strictly confined our commentary to the text segments displayed in **Annex 23**. We again opted for foregrounding surprising elements, conspicuous silences as well as questions that the extracted text segments invited us to raise. These questions were informed in part by our background readings, in part by understandings gathered after our being directly exposed on several occasions to CS voices. In addition to structuring it, sub-theme by sub-theme, we also sub-divided our commentary according to the sub-cycle in which the statement or point on which we commented was made.

#### **1(a): Knowledge base**

##### Sub-Cycle 1: October 1999 - May 2001

#### *Surprising elements*

In the report of the TBMPA meeting of October 13th, 1999, we were surprised to find the Saanich Elder attending justify the greater value of CS knowledge as compared with that held by environmentalists (“ we know the areas (...) better...”) on the grounds that the CS had “been there longer”. We should thus have expected this Elder also to foreground the experiential, contextual and highly adaptive nature of this knowledge, emphasised notably by Beamer (2009a) and Marker (2011).

We were also somewhat surprised, under points seemingly summarising what this Elder said at this meeting, that he made a request for “First Nation resource” - that we understood to refer to predominantly non-native, scientifically-trained natural resource managers working for tribes and for some FN bands - to take part in OPI discussions.

Lastly, we found an offer that the Head of the newly established Coast Salish Sea Council (CSSC) - himself a Saanich Elder - made at the February 15<sup>th</sup>, 2000 meeting for CS info “to be used to help restore and manage” to contradict somewhat what we had heard and read elsewhere. Both retrospective conversations with a former OPI protagonist<sup>116</sup> and a note that the Living Oceans Society sent to the other OPI Steering Committee members in the OPI’s gestation period thus suggested difficult access to traditional knowledge as a result of understandable reluctance on the part of the CS to share knowledge about sacred places. The note also pointed to future treaty negotiations and concern about maintaining access to traditional fishing grounds as further reasons for CS unwillingness to put their information on a map.

### *Silences*

We did not find any Elder to criticise predominance of western science-based knowledge in informing marine conservation.

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<sup>116</sup> See Sub-Section 1.3.6..



## Sub-Cycle 2: June 2001- May 2003

### *Questions*

We wondered if, apart from limited CS attendance during this sub-cycle, the scantiness of text segments regarding the knowledge base reflected a perception among those CS representatives who did turn up that conspicuous reliance of the OP proposal on very specialised scientific expertise made promotion of TEKW largely pointless.

### **1(b): Ethics**

## Sub-Cycle 1: October 1999 – May 2001

### *Surprising elements*

We were surprised, at the February 15<sup>th</sup>, 2000, meeting, to find the Saanich Elder heading the CSSC use the term ‘resources’ rather than for example ‘sea life’, far closer to denoting a relationship marked by respect and reciprocity as prescribed by indigenous ethics<sup>117</sup>.

### *Silences*

We missed, on the part of the same Elder, as of other CS attendees, mention of human responsibility for non-humans and their

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<sup>117</sup> We found this term used notably by Claxton (2003). The latter’s reluctance towards the term ‘resource’ came to expression in the following sentence: “I use the term ‘resource’ with caution because it may imply ownership and does not adequately portray the Saanich people’s relationship to the land and fish.”

habitats that our readings foregrounded as a central principle under traditional ethics.

### *Questions*

We wondered if the suggestion that an Elder from the BCAFC made at the January 2001 meeting, according to which “(M)oral suasion is the way to get no-go zones” hinted at using moral obligation towards future generations as an argument for establishing such zones. At the same time this remark seemed to disavow somewhat the tenet, arguably central to the indigenous worldview, that human use *per se* does not constitute a threat to non-human life.

We also wondered if the CSSC Head’s remark about “We’ve learned from these critters<sup>118</sup> [sic] that we can’t survive without them” contained covert disapproval of a way of thinking about non-humans failing to acknowledge how much humans are dependent on non-humans and which, therefore, failing to show non-humans due respect<sup>119</sup>.

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<sup>118</sup> This is a dialectal variety of ‘creatures’.

<sup>119</sup> That lack of respect for non-humans was a concern among the CS is attested, among others, by the following response to a qualitative survey among the Hul’qumi’num (BC) conducted by Ayers (2005): “... oceans & rivers don’t have respect. Everything in it needs to be respected to [sic] & the purpose it was given to us was to sustain our well being.”

## **2(a): Process and approach for establishing the OPISA or, more generally, MPAs**

### Sub-Cycle 1: October 1999 – May 2001

#### *Surprising elements*

We were surprised by the conciliatory tone that the Saanich Elder adopted at the meeting in October 1999 when stating: “(Many) Tribes would not disagree with the three areas” considered to form part of the area of interest, and “mutual understanding will pave the way” and when adding that FN participation in the TBMPA meetings should be expanded. We also noted that the same Elder talked about MPA designation “today and in the future” as if this was a matter already widely agreed upon.

Along the same vein we were struck to ‘hear’ the CSSC representative, at the meeting of February, 15<sup>th</sup>, 2000, stress the work done “to help Tribes get involved in MPAs” without at the same time drawing attention to problematic precedents, notably in the Race Rocks case.

#### *Silences*

Against the backdrop of the importance that CS culture ascribes to place names<sup>120</sup>, the CSSC Elder’s abstention from offering an official name in CS language in replacement of the appellation ‘Orca Pass International Stewardship Area’, announced at the

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<sup>120</sup> The importance ascribed to naming clearly transpired in the glee expressed by the CS when the WA Board on Geographic Names and the BC Geographical Names Office in 2009/2010 approved the “Salish Sea” as the official name for the body of water that includes Puget Sound, the Strait of Juan de Fuca and Georgia Strait.

February 2000 meeting, as the (provisional) ‘working’ name for the area of interest, seemed all the more noteworthy that a member of the S&S Coalition had suggested this possibility in an e-mail circulated via the TBMPA listserv earlier that year.

### *Questions*

Again against the backdrop of the Race Rocks controversy, as we noted the goodwill that reportedly transpired through a statement made by the Elder representing the BCAFC at the January 12, 2001 meeting according to which “BCFAC will continue to work with us and bring their Tribal brothers alongside”, we wondered if the note-taker had possibly succumbed here to wishful thinking. At any rate, the pronoun ‘us’ (presumably referring here to the S&S Coalition) made it clear that what was reported was filtered through the note-taker’s interpretative filter.

### Sub-Cycle 2: June 2001 - May 2003

### *Questions*

As we read in the report of the TBMPA meeting of February 3<sup>rd</sup>, 2003, the FN Outreach & Liaison facilitator<sup>121</sup> to have stated that Chiefs in her area were “quite excited when they heard about MPAs”, we wondered if this signalled positive or negative excitement.

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<sup>121</sup> This facilitator, an Elder and former Chief from the T’souke Nation based on the southern most peninsula of Vancouver Island, was appointed by GSA in the course of the summer of 2002 to take care of outreach and liaison with First Nations and Tribes specifically in relation to the OPI.

## **2(b): Governance regimes and practices for the OPISA or MPAs in general**

### Sub-Cycle 1: September 1999 - May 2001

#### *Surprising elements*

Where we found different readings to draw attention to the emphasis that traditional governance places on pro-active enhancement of marine habitats and species, we were surprised to find the Saanich Elder, at the TBMPA meeting in October 1999, recommending non-intervention to speed up recovery. We were also somewhat surprised to find this Elder using the term ‘manage’ that several readings pointed out as problematic for indigenous peoples (Claxton, 2003; Greskin, 2006).

As the natural resource manager representing the Lummi nation (WA) at the April, 3<sup>rd</sup>, 2000 TBMPA meeting questioned the fairness of restraining harvest activities on the grounds that damage (done to fish populations) was inflicted by non-native American and Canadian fishermen, the logic underpinning this comment struck us as being at odds with traditional governance principles. According to the latter, if you respect sea life and its habitats and treat them right, that is to say, if you refrain from over-harvesting, then fish populations will always be plentiful<sup>122</sup>.

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<sup>122</sup> Expressed in sayings such as “the ocean is our refrigerator” (Ayers, 2005) and “when the tide is out, our table is set” often heard from CS tribal members.

### *Silences*

At the TBMPA meeting in February 2000, at which the working name of Orca Pass International Stewardship Area - was announced, we should have expected the CSSC representative to seize this opportunity to explain to the non-native participants what ‘stewardship’ implied under traditional governance regimes. As he talked about “restoring and preserving the Salish Sea”, we also have expected the CSSC Head to mention traditional techniques enhancing populations of certain species.

### *Questions*

The point recorded in the report for the October 1999 TBMPA meeting according to which “First Nations were sympathetic with issues of marine conservation/no take areas worked out properly” left us guessing what no-take areas “worked out properly” might imply.

### Sub-Cycle 2: June 2001 - May 2003

### *Questions*

As we read the (non-aboriginal) representative of the Samish Indian Nation to support the Orca Pass “for historical reasons” after referring to numerous reef net sites that used to be operative in the “horseshoe shaped” ring defined as the OPISA, we wondered if this support hinted at the possibility of reviving such practices.

## **2(c): Shared governance across the border**

### Sub-cycle 1: September 1999 - May 2001

#### *Surprising elements*

The Saanich Elder's recommendation, put forward at the October 1999 meeting, to expand FN participation in the TBMPA meetings "(F)rom American and Canadian sides" puzzled us somewhat. We should not have expected a CS Elder for whom the memory of a Coast Salish territory appeared elsewhere to be vivid to foreground the split of the CS people between a US and a Canadian side. Moreover, we should have expected the representatives of the CSSC, an organisation with a declared pan-CS scope, to comment on the arbitrary nature of the political boundary cutting through CS inter-community networks and curtailing free movement, in particular at TBMPA meetings where no (non-aboriginal) governmental representatives were present.

#### *Silences*

As the CSSC representative reportedly told those present at the TBMPA meeting of February 15<sup>th</sup>, 2000 that his organisation had "worked (...) to identify (the) whole area of Coast Salish territory", we should have expected him, in the same stride, to evoke the time when CS families, hunters, harvesters and fishermen moved freely across CS territory. Speaking on behalf of an organisation with a declared transboundary remit, we would also have expected him, when speaking about "effective (...) restoring and preserving the Salish Sea", to criticise separate national provisions policies as a

barrier to just that. Lastly we should have expected him to evoke the possibility for CS fishermen from either side of the border to revive some of the shared management protocols that used to apply for the waters around the southern Gulf and the San Juan Islands (Boxberger, 1994; Miller, 2006; Suttles, 1987). In this connection he might even have welcomed the OPI as offering an additional opportunity for the CS to work together across the border on marine issues.

2.4. **Step 4:** Reaping a first set of understandings on the basis of our aggregate ‘evidence’

### *Introduction*

We began by formulating questions in the hope that we would eventually be in a position to draw tentative conclusions regarding RQ.II and III on the basis of the replies we would arrive at with respect to these questions. In our effort to draw meaningful inferences from the ‘evidence’ gleaned under **Steps 2** and **3**, we would again resort to different modes of reasoning, in particular the abductive mode, both to conjure up and when discussing different theses prior to settling, provisionally, on that (or those) which seemed to make most sense. As explicated in Section 5.2. (**Book I**), for the purpose of our interpretive analysis under **Step 4** (but also **Step 6**), we associated the concepts at the core of RQ.II and RQ III respectively, with a set of pointers. To signal dissenting speech we would look for criticism or objections to principles and practices commonly applied that were seen as either ‘wrong’, unacceptable or



unsustainable - henceforth labeled Pointer 1, In recognition of the dual nature of pedagogic ‘subjectivation’ when looked at through a complexity prism, we identified two pointers, one of which would direct attention to distinctive ideas or proposals grounded in the CS worldview (labelled Pointer 2), while the other, labelled Pointer 3, would invite us to look for any expression or manifestation of pride, on the part of CS attendees, in their ability to bring a distinctive contribution to the ‘problem-in-common’.

Built around these three pointers, we expected these questions to help us spot in the harvested ‘evidence’ statements or points that might arguably be understood to match or, at least to a fair degree, reflect these pointers. Accordingly, unlike the previous steps, we split our discussion into three distinct parts.

The question we would address to our aggregate ‘evidence’ in relation to **Pointer 1** read as follows:

Could criticism or objection, on the part of CS representatives, to non-native ways of thinking about principles and modalities for governing the marine commons included in the Salish Sea be inferred from statements or points contained in the aggregate ‘evidence’?

Likewise, the two questions we would address to our aggregate ‘evidence’ in relation to **Pointer 2** and **Pointer 3** respectively read as follows:

Could ideas and recommendations seemingly grounded in a traditional CS worldview be inferred from statements or points contained in the aggregate ‘evidence’?

and:

Could pride, on the part of CS representatives, in their ability to bring a distinctive contribution be inferred from statements or points contained in the aggregate ‘evidence’?

As shown below, we subsequently broke down each of these, fairly general, questions into more specific sub-questions, tailored to the five sub-themes, and examined them in turn.

#### 2.4.1. **RQ.II: Statements or points marking criticism or objections (Pointer 1)**

Returning to the text segments displayed in **Annex 23**, the sub-questions that follow acted as searchlights in our effort to find clues on the basis of which we could draw inferences on our way toward tentative understandings regarding RQ.II.

**1(a):** Did CS protagonists criticise, or object to, prominence of western science in informing the establishment of the OPISA and, more generally, MPAs?

**1(b):** Did CS protagonists express ethically-grounded objections?

**2(a):** Did CS protagonists express objections to the OP process and to MPAs *qua* marine conservation approach?

**2(b):** Did CS protagonists express objections to certain governance provisions and practices?

**2(c):** Did CS protagonists express objections to the political boundary?

As we strove to address these questions, we again distinguished between Sub-Cycle 1 and Sub-Cycle 2. As noted in the introduction to Section 5.3. (**Book I**) the purpose of making such distinction was first and foremost to prepare for the discussion relative to RQ.IV. It furthermore ensured consistency with the way we structured our commentary under **Step 3**. Lastly, even if we took the decision in Paragraph 4.1.1.3., (**Book I**) to privilege feed-forward effects emanating from the local level over feedback effects percolating down from the macro-level, complexity thinking nonetheless commended us not to ignore such effects altogether. We thus expected our subdividing the OPI's heyday into two adjoining sub-cycles to alert us to the possibility that the advances in terms of differentiation and complexification that we noted in the intermediate vision might have contributed, at least to some degree, to changing the climate also at the micro-level and might hence have reduced the urge for the CS to express dissent during Sub-Cycle 2.

**1(a): Did CS protagonists criticise, or object to, prominence of western science in informing establishment of MPAs?**

Sub-Cycle 1: October 1999 – May 2001

As the Saanich Elder speaking at the October 1999 meeting drew attention to “...living in this territories [sic]” and naming these places for fishing (...) as important for designating MPAs, we read this as implicit criticism, on his part, of criteria too narrowly grounded in purely biological knowledge and hence disregarding knowledge about human uses of the areas considered.<sup>123</sup>

At the February 15<sup>th</sup>, 2000 meeting, the same Elder, now also CSSC Head, talked about “miscommunication” in relation to traditional concepts regarding MPAs and the “marine environment in general”. This seemed to us to point at a chasm between, on the one hand, traditional knowledge inextricably linked to CS languages and, on the other, that informing current approaches for establishing MPAs.

Sub-Cycle 2: June 2001 - May 2003

In this sub-cycle neither did we find any head-on objection to the prominence attributed to western science. We nonetheless found at least two echoes that might be read as pointing at controversy. First, among issues identified at the May 2<sup>nd</sup> 2002 meeting in relation to FNS and tribes, two contrasting ways of thinking about the

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<sup>123</sup> Ayers (2005) echoes such criticism when she notes that, as it mainly draws on biological information, (western) ecosystem science often remains removed from local conditions and hence seldom takes the specific needs and values of local - and in particular aboriginal - communities into account.

'environment' were evoked: on the one hand, conservation groups seeing it as "a space to escape to" and, on the other, the native perspective seeing it as "a place to live, hunt, and fish". Second, an input at the February 3<sup>rd</sup> 2003 meeting seemed to us to hint at a fundamental difference between the epistemology informing, respectively, marine conservation biology science and traditional knowledge. We thus found the FN Outreach & Liaison facilitator to emphasise the "holistic" approach found among natives. If understood also to encompass ways of knowing, this comment might be read as implicitly criticising Western science's propensity for chopping up issues that the CS considered to be interconnected and for putting them into separate boxes.

### **1(b): Did CS protagonists express ethically-grounded objections?**

#### Sub-Cycle 1: October 1999 - May 2001

During this sub-cycle we found at least three clues bespeaking ethically-grounded discontent. First, at the meeting in October 1999, the Saanich Elder complained that his people had to remove a cemetery as it was being used as a "tourist-friendly area". For us this remark marked moral grievance about non-natives' lack of respect for sites held sacred by the CS. We also perceived as morally-grounded his condemnation of fishing practices as he referred to "the areas that have been depleted" and about a fishing boat that did a lot of dragging: "...they tore the whole place up and there was nothing left". The same reprobation transpired when he denounced governments (and their policies) as being about "making money".

These statements seemed to us to hint at a clash between short-term versus long-term- oriented values. Accordingly, we also felt tempted to read the BCAFC Elder's suggestion at the January 2001 meeting that "(M)oral suasion is the way to get "no-go zones" as hinting at using traditional (long-term oriented) values as an argument for establishing such zones.

Interestingly, however, in striking contrast to such criticism, while evoking "years of mismanagement and environmental abuse", we noted reluctance, on the part of the natural resources manager representing the Lummi Nation at the meeting in April 2000, to reining in the Lummi nation's harvest activities. We felt tempted to infer from such reluctance that the manager in question was closer to a logic prevailing among non-native American and Canadian fishermen that privileged short-term economic gains than to the principle of precautionary, long-term-oriented stewardship we understood traditional ethics to prescribe.

We wondered under **Step 3** if the CSSC Head's remark about "We've learned from these critters [sic] that we can't survive without them" contained covert disapproval of a way of thinking that did not acknowledge sufficiently how dependent humans are on marine creatures and that therefore does not prompt humans to show these creatures due respect. To support this inference we would point out that, in the same input, this Elder called for such this way of thinking to be "inject(ed) into the MPA discussion", thereby signalling that he considered the current way of thinking about non-humans to be inadequate.

## Sub-Cycle 2: June 2001 - May 2003

We found an echo of CS discontent via a written comment to the report of the TBMPA meeting of February 3<sup>rd</sup> 2003. Issued by a representative of the Orca Network - a member organisation of the S&S Coalition - this comment referred to a Swinomish Elder's remark relating in particular to 'no-takes'. In this comment he reportedly complained: "... they want us to define a certain area as sacred, when to us it is all sacred". We read this comment as criticising the worldview underpinning western science and, more generally, the modern project, for failing to adopt an attitude of reverence towards everything - waters, land, animals and plants - of which humans are part.

### **2(a): Did CS protagonists express objections to the OP process and to MPAs *qua* marine conservation approach?**

## Sub-Cycle 1: October 1999 - May 2001

Several points recorded in the report of the TBMPA meeting in October 1999 appeared to signal pervasive distrust and controversy. These points mentioned notably that that "FN should be consulted on specific sites", that "Government processes needed to include First Nations", "the MPA's can't infringe on prior agreements" and "(we) don't want to go the lawsuit way"<sup>124</sup>. Since they all seemed to us to echo concerns that we understood the Saanich and the T'Souke in particular vented in relation to the

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<sup>124</sup> As practised under Canadian Common Law, lawsuits are highly adversarial.

proposed MPA pilot project at Race Rocks, BC, this might be read as a covert or muted warning. The same might be said about the statement that the CSSC Head uttered at the February 2000 meeting, according to which “(We) must get involved in this process or else we will all be only guessing about where MPAs should be placed”. Apart from the firm tone used “(W)e *must...*” and “or *else...*” again suggesting a warning, we also perceived a lack of trust, or fear of being left out of the process. Further confirming that the Race Rocks controversy haunted discussions pertaining to the OPI, in the report of the TBMPA meeting of January 2001, one of the points under the heading ‘First Nations and Tribal Government Roles and Liaison’ referred specifically to problems with consultations during the Race Rocks process. Somewhat puzzlingly, however, we also detected signals pointing in the opposite direction. Under **Step 3** we were thus surprised to find several conciliatory statements on the part of the Saanich Elder, among which a declaration that “mutual understanding will pave the way” and a reference to MPA designation “today and in the future” as if this was a matter already widely agreed upon. The goodwill reportedly expressed by an Elder representing the BCAFC when promising to cooperate and to bring the other tribes along further contributed to our perplexity. Such mutually offsetting signals prompted us, at the very least, to infer that, as far as these Elders were concerned, they might probably have found themselves torn between, on the one hand, discontent with consultation processes that they witnessed in relation notably to the Race Rocks pilot MPA, and, on the other, fear of being entirely left out of such processes.



### Sub-Cycle 2: June 2001- May 2003

Under **Step 3** we raised the question of whether the statement that the T'Sooke Elder (who was also acting as an FN Outreach & Liaison Facilitator working for the S&S Coalition at the time) made at the February 2003 TBMPA meeting, according to which the Chiefs in her area were “quite excited when they hear about MPAs”, signalled positive or negative excitement. Had we looked at this captum in isolation, we might walk away with the impression that, in contrast to what seemed to be the case in Sub-Cycle 1, the FNs in question - the very same that were fiercely against the proposed MPA at Race Rocks - were now enthusiastically embracing MPAs. However, if placed in the wider context of the text segment we extracted from the meeting report, the facilitator’s recommendation: “(M)ight have to start in another area to get support on MPAs” contradicted such an interpretation and suggested instead that that there was still some way to go before FN opposition to MPAs would abate.

### **2(b): Did CS protagonists express objections to certain governance provisions and practices?**

### Sub-Cycle 1: October 1999 - May 2001

Under **Step 3**, we understood the conciliatory attitude expressed by CS Elders in relation to issues of marine conservation also to apply to 'no-take' areas “worked out properly”. While this at first left us guessing what the qualifying adverb “properly” stood for, the literature we consulted and our own background knowledge told

us that we were touching here on a question of central concern for the CS. The most plausible thesis seemed to be that, yet again, we were witnessing how an intricate issue - in this case 'no-takes' - provoked fierce objections to some of its aspects while offering openings in others.

On the one hand, as we understood the situation, FNs and tribes squarely rejected a provision that they deemed would further restrict their access to traditional fishing and harvesting grounds, hence potentially infringing upon rights to access freely and to steward these areas (Ayers, 2005). Statements by the Saanich Elder at the October 1999 meeting such as "something like no-take MPAs would be quickly taken to courts (...) if attempts are made to apply them to First Nations", " many Tribes (...) will not like any infringement of their rights", " the treaties are not to be tampered with by federal Crown..." and " Tribes might have a tough time supporting a blanket no-take approach" thus seemed to confirm such outspoken opposition to designation of 'no-takes'. Also under the heading "First Nations and Tribal Government Roles and Liaison" in the January 2001 report, we found a specific point referring to the "contentious issue of no-take zones".

On the other hand, the comment of the same Elder that even the Douglas treaties were not "beyond regulation of all-kind [sic] "as well as the adverb "properly" in the text segment "which "First Nations were sympathetic with issues of marine conservation/no take areas worked out properly" suggested that the objections were not directed towards the very principle of regulation or restriction. Supporting such understanding, a Lummi Elder reportedly (TBMPA meeting report of June 5<sup>th</sup> 2000) alluded to the possibility of

“protecting a multi-species nursery in an MPA”. Likewise one of the Elders speaking on behalf of the BCAFC at the January 2001 meeting recalled that the ‘no-take’ concept itself was known under traditional governance in relation to herring spawning beds. Lastly we found the option of ‘time-limited no-takes’ evoked in notes taken in the context of a conference call between the GSA and P4PS in March 2001. While this idea was only brought up in an indirect way, relayed by these two organisations, we were nonetheless inclined to consider it as originating from the CS themselves. At least two arguments could be summoned here: first this idea transpired out of a survey conducted shortly after the period in which we are interested, among members of the Hul’qumi’num people, whose traditional fishing grounds were partially included in the proposed OPISA (Ayers, 2005). According to this survey, provided the Hul’qumi’num were directly involved in designating and governing MPAs, a significant number of respondents would be prepared, as a conservation approach, to support “closing some areas seasonally to all fishing”, or “closing some areas temporarily to all fishing” (Ayers, 2005, p. 103). Second, we heard from a fisheries manager working for a WA tribe<sup>125</sup> that “temporary fishery closures might even be acceptable to the tribes, provided such measures were implemented as voluntary measures rather than through coercive regulation imposed from above<sup>126</sup>”. All these clues thus seemed to support the understanding

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<sup>125</sup> During a conversation on the phone in October 2011.

<sup>126</sup> We also understood the contribution, at the interactive session on transboundary MPAs at the Salish Sea Research Conference, Seattle, February 2009, of an environmental consultant working for the Makah tribe based on the Olympic Peninsula (WA) to refer to just that. Referring to work done over the previous decade, this consultant explained that: “(W)orking with the Makah on an oil spill, we did set aside significant acreage of old

that the CS were prepared, under certain conditions, to go along with at least temporary restrictions in the use of certain areas of importance to fisheries and endemic marine species.

On balance, therefore, we deemed the discussion above to speak in favour of drawing a distinction, within the overall ‘no-take’ issue, between, on the one hand, opposition and resistance to anything infringing what the CS perceived as their legitimate rights and, on the other, their possible acceptance of temporary prohibition of certain specific areas, provided they were actively involved in conceiving and implementing such a provision. At the same time this discussion brought out into the open the close relationship the CS perspective appeared to establish between issues we related to sub-theme 2(a) - notably CS involvement in MPA processes, and 2(b) - *i.e.* the governance provisions they were prepared to live with. In other words, the controversy seemed to be less about the principle of restricting access to and use of certain vulnerable or valuable habitats, provided a time-limit was foreseen, than about a process that might place the CS in front of a *fait accompli* with respect to what areas were designated as ‘no-takes’ and what conditions were attached to these areas.

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growth forest that provides habitat for marbled murrelets (a marine diving bird endemic to the Pacific Northwest) for over a hundred years. They were able to agree to a long-term - a hundred years - change of behaviour, not a permanent one. It is important to protect the species in a way which is also meaningful to the people who have nowhere else to go.” This consultant added: “(L)ooking at tribes, with global warming, they only have so much to draw on. Setting an area aside forever diminishes their rights.” (*Extract from transcript*).

## Sub-Cycle 2: June 2001 - May 2003

While we did not find the reports pertaining to TBMPA meetings held in Sub-Cycle 2 very informative regarding possible dissent expressed by CS representatives with respect to particular governance provisions, three meeting reports nonetheless provided us with some clues in that respect. First, while reminding the audience that it was “in the long term interest of Tribes to protect marine resources”, the representative of the Northwest Indian Fisheries Commission, speaking at the January 31<sup>st</sup> 2002 meeting, warned that the position of the tribes regarding protection of ‘marine resources’ [his parlance, our comment] depended on “how protections were proposed and perceived”. Second, the report of the meeting of May 2<sup>nd</sup> 2002 mentioned, among issues identified in relation to FNs and tribes, that MPAs generated “treaty rights concerns”. Lastly the succinct notes taken of the TBMPA meeting of October 2002 under the heading ‘What are the barriers?’ tersely referred to “lack of tribal support”. We are therefore inclined to infer from all three sources that how restrictive measures were to be put into place somehow remained of major concern to the CS.

### **2(c): Did CS protagonists express objections to the political boundary?**

Against the backdrop of our background readings, it came as a surprise that CS Elders - especially the Head of the CSSC, an organization with a declared all-CS scope - abstained from denouncing the arbitrary nature of the political boundary as well as its disruptive effects on CS communities, as it cut across CS inter-

community networks and curtailed free movement. We should thus have expected these Elders to contrast the present situation with still vivid memories passed on through their grandparents and great grandparents born, for their part, into a borderless CS world. Such expectation appeared all the more legitimate that a natural resource manager working for the Lummi Nation told us<sup>127</sup> that, for this Nation, the border remained ‘the sticking point’. Tribal members did not recognise the border since - as for other CS tribes and nations - many family ties between communities north and south of the border remained extant. One thesis that might account for such a silence, in particular on the part of the Head of the CSSC, was that funding of this organisation by the Canadian Federal Government might have muted critical remarks about the CA/US border.

#### Patterns in CS participation in TBMPA meetings

Recalling that for Rancière, dissensus is not exclusively expressed via spoken words but also through defiant behaviour and attitudes, in supplement to the discussion above, we looked at patterns that CS participation in TBMPA meetings during the two consecutive sub-cycles appeared to display. We expected this discussion to lend further support to some of the inferences we drew above.

Already at first glance there seemed to be a contrast between Sub-Cycle 1 and Sub-Cycle 2. The former sub-cycle was marked by CS attendance in five out of six TBMPA meetings and by CS Salish attendees taking the floor relatively extensively at least three times

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<sup>127</sup>Telephone conversation, April 2009.

out of five. Moreover, as noted under **Step 3**, we observed a conciliatory attitude on the part of both the Saanich Elder that came to head the CSSC as well as on the part of other Elders. As far as the former was concerned, we wondered if such an attitude had something to do with the Elder belonging to the Tsarlip band (Saanich) and hence abiding by a Douglas-treaty<sup>128</sup>.

By contrast, in Sub-Cycle 2, CS Elders seemingly by and large stayed away<sup>129</sup>. Some might indeed feel prompted to interpret such scant CS participation as signalling in itself growing estrangement from the OPI. Pointing to what they consider ‘resounding’ silences, they might even suggest that such a trend had already begun in the course of Sub-Cycle 1. They might thus pick up on the point, noted under **Step 3**, that, despite the importance that CS culture ascribes to place names, when, at the February 2000 TBMPA meeting ‘Orca Pass International Stewardship Area’ was announced as the working name for the area of interest, the CSSC Head did not seize this opportunity to propose to replace this working name by a

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<sup>128</sup>Supporting such an inference, according to a brief report authored by the P4PS’s Executive Director in mi-June 2000, the Tseycum (another Douglas-treaty band) Chief most involved in the Transborder Marine Stewardship Partners meetings spanning Sub-Cycles 1 and 2 seemed to share such an attitude. As he reportedly expressed interest in receiving an information package about the OPI, this led the author of this note to see this Chief as potentially helpful provided “...he sees that First Nations are being treated with respect”. On the other hand, whereas we were not certain about the Nation to which the Elder representing the BCAFC at the January 2001 meeting belonged, we could not help noticing the absence, also during Sub-Cycle 1, of BC FNs engaged in treaty negotiation processes.

<sup>129</sup>According to the sources available to us, only one aboriginal attendee turned up at a TBMPA meeting held during this sub-cycle, namely the FN Outreach & Liaison facilitator appointed by the GSA and working for the S&S Coalition. As noted earlier, there might however have been a Swinomish and a Tulalip Elder at the May 9<sup>th</sup> 2001 TBMPA meeting, for which the report unfortunately went missing.

CS name. They might also point out that, at least according to available meeting reports, Sub-Cycle 1 witnessed two instances of CS attendees remaining mostly silent. The first example they might quote would be that of the Lummi Elder at the TBMPA meeting of December 6<sup>th</sup> 1999 offering nothing but a holding remark as he promised to report back to his tribe what was had been said at the meeting; the second might concern the two representatives from Aboriginal Tourism, BC attending the January 2001 TBMPA meeting, neither of whom, apparently, spoke at all.

Regarding Sub-Cycle 2, these same commentators might attribute CS Elders' staying away, or keeping their presence to a minimum, to reluctance towards being 'co-opted' into an initiative, the terms of which they might have perceived were set by others (Cooke & Kothari, 2001).<sup>130</sup> They might also point out that this might just as well have to do with the OPI's status as non-governmental initiative<sup>131</sup>. To defend this thesis, they would point out that, already

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<sup>130</sup> Some support for this thesis might be found in a report of outreach activities towards FN suggesting that there seemed to be "a certain degree of scepticism" notably among the Saanich bands, as they often found that "meaningful consultation in good faith had not taken place". This report, dated May 13<sup>th</sup> 2003, and drafted by the FN Outreach & Liaison facilitator offered a retrospective comment on contacts with mainly BC FN bands regarding the OPI over the previous nine months. Since this was a confidential report, while certain text segment extracts could be quoted, the report itself cannot be made available more widely. For this reason this report is not expressly referred to in our bibliography.

<sup>131</sup> This thesis was in effect referred to in a retrospective conversation in November 2007 with a former key OPI protagonist from P4PS. He pointed out that, since 50% of the Boldt decision gave Tribes powerful legal tools and status in government-to-government relationships, they were not going to jeopardise such privileged relationships by embarking on an NGO-driven initiative. On the other hand, the Resolution by the Joint FN/American Indians Assembly drafted in spring 2000, which evokes relationships with *organisations*, alongside governmental agencies, as well as the Tulalip



at the October 1999 meeting, the Saanich elder seemingly expressed some distrust in that respect, as he warned: “(T)he treaties are not to be tampered with by federal Crown, *let alone NGOs*” [emphasis added].

We are ready to concede that these arguments appear to make some sense, although we have doubts about the inference drawn in relation to two representatives from Aboriginal Tourism, BC. Rather than opposition, it appears more plausible to us to read from their silence that their mandate was merely to listen in. We should nonetheless be prepared to admit that, had these two attendees been genuinely interested in the OP project, they might at least have raised questions about what role the CS were foreseen to play. While this might indeed have been the case, the note-taker left such questions unrecorded. On balance, we nonetheless see regular CS attendance at TBMPA meetings in Sub-Cycle 1 as belying, at least as far as those attending TBMPA meetings were concerned, the thesis of their intending to obstruct discussions about the OP proposal.

With regard to Sub-Cycle 2, we considered a thesis that we thought deserved some attention. What made it interesting in our eyes was that, rather than interpreting CS Elders’ staying away from TBMPA meetings held in this Sub-Cycle as signalling opposition to or obstruction of the OPI, this absence might on the contrary have signalled that they perceived the vision carried by the S&S Coalition had come closer to taking their concerns and objections into

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tribe’s regular participation in meetings of the citizen-based SJ Marine Resources Committee, both weaken somewhat such a thesis.

account<sup>132</sup>. Understanding it therefore to be less imperative to attend these meetings with a view to making their voices heard, they might have decided instead to devote scarce time and resources to other battles<sup>133</sup>. We shall obviously look to secondary sources under **Step 6** to shed further light on this question.

**2.4.2. RQ.III: Statements and points introducing proposals grounded in a traditional worldview (Pointer 2) and suggesting pride in ability to bring a distinctive contribution (Pointer 3)**

*Introduction*

We first strove to shed light on the extent to which CS attendees during TBMA meetings - but also on other occasions referred to during these meetings - put forward proposals or recommendations regarding principles and modalities for governing of marine commons explicitly or implicitly grounded in a traditional CS worldview. Next, we investigated if, when offering such recommendations, they also seemed to be conscious of and take pride in bringing a distinct contribution helping alleviate the plight of the Salish Sea. Articulated for each of the five sub-themes the questions

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<sup>132</sup> Although we are speculating here, we see this as a possible illustration of how feedback effects from the macro-level might have affected the micro-level.

<sup>133</sup> Other controversies in which FN and tribes were engulfed during Sub-Cycle 2 included fish farming of Atlantic salmon and, more generally, aquaculture. For Saanich - as well as other Sencoten-speaking nations in particular - the proposal by BC Hydro to build a gas pipeline across the Strait of Georgia (GSX) and the establishment of the Gulf Islands National Park took up most of their time and resources. The report mentioned in footnote 130 confirms this. It thus evoked FNs and tribes' limited time, human resources and finances compelling many of them "to wear many hats at the same time" and to adopt a "constant crisis management mode".

we would address to our ‘evidence’ in relation to **Pointer 2** read as follows:

**1(a):** Did CS protagonists foreground features informed by TEKW?

**1(b):** Did CS protagonists introduce features informed by a traditional worldview and its ethics?

**2(a):** Did CS protagonists put forward recommendations pointing to broader marine conservation approaches?

**2(b):** Did CS protagonists bring up traditional governance regimes and practices?

**2(c):** Did CS protagonists evoke revival of shared protocols across the border?

The questions relating to **Pointer 3** read as follows<sup>134</sup>:

**1(a):** Did CS protagonists extol TEKW’s distinctive contribution?

**1(b):** Did CS protagonists pay tribute to the traditional CS worldview and its ethics?

**2(a):** Did CS protagonists advocate for broader marine conservation approaches?

**2(b):** Did CS protagonists extol the distinctive value of traditional CS governance regimes and practices?

**2(c):** Did CS protagonists a distinctive contribution via revival of shared protocols across the border?

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<sup>134</sup> It will be noted here that we are striving to formulate these questions so as to reflect an experiential, consciously ‘lived’ dimension.

**1(a): Pointer 2: Did CS protagonists foreground features informed by TEKW?**

Sub-Cycle 1: October 1999 - May 2001

The comments, reportedly offered by the Saanich Elder at the TBMPA meeting of October 1999, suggested at least two features distinguishing TEKW from a knowledge base informed by conservation biology. First, transpiring through the naming of places, the inextricable relationship which traditional knowledge establishes between marine habitats and the way these were used by humans (for example as fishing stations or incubation sites). In other words, knowledge about sea and sea life and, more generally, the land, is understood to encompass both non-human and human (social and cultural) features. Such close connection between the two realms seemed to come to expression when the Saanish Elder, at the same meeting, reminded his audience: “(T)he landscape includes us all.” Second, linked to this first observation, language - in this case Saanich and Sencoten - was, and still is, at the core of any knowledge about land and sea.

Sub-Cycle 2: June 2001 - May 2003

As the representative of the Samish Indian Tribe, at the TBMPA meeting of February 2003, justified this tribe’s support for the OP proposal on the grounds that the OPISA included many historical reef net sites, we understood this to be yet another reminder that, when designating special marine areas, purely biological criteria ought to be supplemented by socio-cultural and historical criteria.

**1(a): Pointer 3: Did CS attendees extol TEKW's distinctive contribution?**

Sub-Cycle 1: October 1999 - May 2001

We read the Saanich Elder's characterising, at the October 1999 meeting, the Lummi as "pointy-headed people" [another word for clever, our comment] as paying tribute to expertise available among CS peoples. We were also inclined to read the offer he extended at the February 2000 meeting: "(CS) info to be used to help restore and manage" on the grounds that "(W)e have known these areas for years", as signalling awareness on his part of the special contribution this information might bring.

Sub-Cycle 2: June 2001 - May 2003

Under **Step 3** we raised the question of whether the apparent scantiness of inputs pertaining to the knowledge base that would inform establishment of the OPISA, on the part of the CS representatives who did turn up during this sub-cycle, reflected their perception that the conspicuous orientation towards methodologies based on very specialised scientific expertise made promotion of TEKW largely pointless. To refute this thesis some might point to the Samish Indian Tribe representative's fairly detailed input at the February 3<sup>rd</sup> 2003 meeting about the importance of taking reef net sites into account when identifying special marine areas. However, since the speaker in question was a non-native scientist working for the Samish tribe, we were not quite sure whether he spoke on behalf of tribal Elders and hence whether his input reflected the latter's

intention to rehabilitate reef net sites and the knowledge that went with them. On the other hand, we were inclined to infer that the FN Outreach & Liaison facilitator's remark about the native approach being 'holistic' denoted appreciation and extolment of a way of knowing attentive to interconnections between elements which western, analytical epistemology tends to separate<sup>135</sup>.

**1(b): Pointer 2: Did CS protagonists introduce features informed by a traditional worldview and its ethics?**

Sub-Cycle 1: October 1999 - May 2001

We considered the CSSC Head's admonishment at the February 2000 meeting: "(W)e have learned from these critters [sic] that we can't survive without them" to introduce the interesting notion that non-human creatures - in this case marine species - could act as teachers for humans reminding the latter how much they depend on non-human creatures for their survival and how much, therefore, these creatures ought to be respected.

Some might point out, however, that, since the same Elder also used the term 'resources', this suggested that the traditional worldview was no longer deeply ingrained and that an instrumentalising, largely economically-driven, approach to marine species was gaining ground also among the CS. To counter the latter inference we would first recall that some of the CS Elders - as was the case also for the one who spoke up - still had a CS language as their mother tongue. While expressing themselves in English,

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<sup>135</sup> Such inference is evidently the flip side of our interpreting, under RQ.II, this comment as denoting criticism of fragmenting ways of knowing.

therefore, the words they used might not have reflected what they would have said in their native language<sup>136</sup>. Perhaps more vividly than tribal members speaking only English, they might have been painfully aware of the gulf between, on the one hand, the language in which the aboriginal worldview is couched and, on the other, the language in which a (western) modern worldview is expressed. Vindicating that the traditional worldview was still very much alive among CS Elders, we would thus point to the Elder representing the BCAFC reminding his audience that ‘all is one’.

#### Sub-Cycle 2: June 2001 - May 2003

Further vindicating that the traditional worldview was still extant among CS Elders, we found the Swinomish Elder, referred to in a comment by a representative of Orca Network to the February 2003 meeting report, to state: “to us all is sacred”.

#### **1(b): Pointer 3: Did CS attendees acknowledge the value of the traditional CS worldview and its ethics?**

#### Sub-Cycle 1: October 1999 - May 2001

We found the CSSC Head at the February 2000 meeting to take on the role of a moral mentor as he exhorted non-native participants to “work hard’ and make the choice of taking “the High Road”, an expression we understood to mean a virtuous road.

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<sup>136</sup>A key message in Vanessa Andreotti’s presentation at KUL, 23 April 2012, leaps to mind here. This message pointed to the challenge facing aboriginal peoples as they seek to translate their language, worldview and ethics into language that the dominant culture understands.

Sub-Cycle 2: June 2001 - May 2003

*[We did not find any input during this sub-cycle of relevance for Pointer 3]*

**2(a): Pointer 2: Did CS protagonists put forward recommendations pointing to broader approaches for marine conservation?**

Sub-Cycle 1: October 1999 - May 2001

We were inclined to read three statements as indicating that, from a CS perspective, a comprehensive approach to marine conservation would clearly be preferred to a narrowly focused proposal such as that pertaining to the OPISA. All three were made by the CSSC Head at the TBMPA meeting of February 2000 where he - tellingly we think - associated MPAs with “marine environment in general” and with “the whole area of Coast Salish territory”. We also understood his mention of the need to restore and preserve the Salish Sea as implicitly recommending not to confine efforts to limited tracts of this sea<sup>137</sup>. Taken together, all three statements seem to us to speak in favour of understanding the CS perspective as implying a clear preference for addressing the entire Salish Sea as one coherent area to be protected and restored.

We also found the issue of connectivity across spatial scales explicitly addressed when, at the first TBMPA meeting he attended, the CSSC Elder referred to the Fraser River as “affecting the whole

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<sup>137</sup> The same Elder made such a recommendation explicit at the Advisory Board meeting on Race Rocks, December 1<sup>st</sup> 1999, when he reminded those present that “the whole ocean is a MPA” and that “many ocean areas need protection”.



region here”<sup>138</sup>. We thus understood this statement as a reminder of linkages between what happens in uplands and wider river systems, on the one hand, and marine habitats, on the other.

Sub-Cycle: June 2001 - May 2003

*[We did not find any clue in text segments pertaining to this sub-cycle that we might justifiably relate to Pointer 2.]*

**2(a): Pointer 3: Did CS attendees advocate broader marine conservation approaches?**

Sub-Cycle 1: October 1999 - May 2001

We were inclined to read the Saanich Elder’s proposal to hold a workshop to familiarise non-natives with CS concepts of MPAs and the marine environment in general, as signalling that non-natives might gain from being exposed to other ways of looking at marine conservation. This inference found support in the recommendation he made at the following TBMPA meeting, to inject the traditional way of thinking about marine creatures into the MPA discussions. Both statements seemed to us to denote pride in the special value of traditional approaches.

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<sup>138</sup> At least two of the three arms making up the Salish Sea, namely the Strait of Georgia (BC) and Puget Sound (WA) as well as the waters connecting the two, are at times presented as one coherent estuarine system (SeaDoc Society/ <http://www.seadocsociety.org/>).

.Sub-Cycle 2: June 2001 - May 2003

*[We did not find any clue in this sub-cycle that might justifiably be related to Pointer 3.]*

**2(b): Pointer 2: Did CS protagonists bring up traditional governance regimes and practices?**

Sub-Cycle 1: October 1999 - May 2001

While we found CS attendees to refer several times to marine conservation, we also found the Saanich Elder at the October 1999 meeting, as well as at the February 2000 meeting, in his capacity of CSSC Head, to refer to restoration. This met our expectation of finding CS attendees attentive to how humans might actively work with natural processes to help bring them back to a healthy status. Against this background, we were somewhat surprised to find this same Elder extol non-intervention to speed up recovery of certain species - in this case salmon. What we inferred from this, though, was that, in CS thinking, non-intervention is preferable to inappropriate practices. Apart from the specific example he gave, the Elder might thus have had in mind practices such as fish farming and, more generally, aquaculture, to which Tribes and First Nations were fiercely opposed. While we did not think it justified inferring from this statement that it amounted to a more general advocacy for non-intervention, we understood it to imply that the merits of pro-active human interventions needed to be established on a case-by-case basis.

### Sub-Cycle 2: June 2001 - May 2003

Against the backdrop of what we inferred above regarding restoration under Sub-Cycle 1, we were inclined to read a statement made by the (non-native) representative of the Samish Indian Nation, at the February 3<sup>rd</sup> 2003 TBMPA meeting, as further confirming the importance that at least some CS communities still ascribed not only to restoration, alongside conservation, but also to rehabilitation of traditional governance practices. A case in point was the statement in which he justified support for the OP proposal on the grounds that the area it covered historically contained a considerable number of (former) reef-net stations.

### **2(b): Pointer 3: Did CS attendees extol the distinctive contribution of traditional CS governance regimes?**

### Sub-Cycle 1: October 1999 - May 2001

We detected a sense of collective self-worth in the Saanich Elder's account, at the October 1999 meeting, of how, thanks to advice from FNs, the Canadian feds (*i.e.* federal authorities) put an end to inappropriate practices in relation to salmon recovery. His reference to "the greatest fishing stations" being located on Saanich-speaking territory might also be read as implicitly signalling pride in his people's ability, thanks to prudent governance, to secure plentiful harvests.

Sub-Cycle 2: June 2001 - May 2003

*[We did not find any clue in meeting reports pertaining to this sub-cycle that we might justifiably relate to Pointer 3.]*

**2 (c): Pointer 2: Did CS protagonists envision revival of shared protocols across the border?**

Sub-Cycle 1: September 1999 - May 2001

During this sub-cycle we only found one clue pointing to possibilities for reviving shared protocols for governing transboundary U&As/traditional fishing grounds. As an BCAFC Elder committed, in Sub-Cycle 1, his institution (and its members) to “continue to work” with what we understood to be the TBMPA circle and as, in the same stride, he promised to “bring (...) Tribal brothers alongside”, this message might arguably be understood as hinting at the possibility for CS on either side of the border to join forces.

Sub-Cycle 2: June 2001 - May 2003

As the representative of the Samish Indian Tribe referred, at the February 2003 meeting, to reef-net sites strewn across the OPISA’s “horseshoe shaped ring”, he in effect conjured up a picture of a borderless space in which the same practices were applied.

**2 (c): Pointer 3: Did CS attendees extol a distinctive contribution via revival of shared protocols?**

Sub-Cycle 2: September 1999 - May 2001

We were inclined to read the CSSC Head's announcement, at the February 2000 meeting, of two major meetings to include all Coast Salish Nations, and his pointing out that their "working together" would help ensure *effective* [emphasis added] restoration and preservation of the Salish sea, as extolling the distinctive contribution that the CS might bring when joining forces. Yet, in the same stride, he might have evoked the time when the border did not exist and when CS fishermen, operating in the waters around the southern Gulf and the San Juan Islands, abided by shared harvesting protocols. Going even further, he might have pointed to their effectiveness in ensuring plentiful harvests and advocated for their revival. We were tempted to read this omission as illustrating what we already alluded to earlier, namely that different legal and institutional arrangements in Canada and the US still got in the way of a transboundary CS agenda being contemplated.

## Sub-Cycle 2: June 2001 - May 2003

*[We did not find any clue in meeting reports pertaining to this sub-cycle that we might justifiably relate to Pointer 3.]*

### 2.5. **Step 5:** Self-reflexive comments regarding our interpretive filter

The first major constraint we encountered, both in our commentary under **Step 3** and in the interpretive analysis under **Step 4**, related to language. We were acutely aware that, in addition to non-native readers, our circle of readers might also include CS scholars and members of CS communities. Entering a world of sensitive issues and hence of potential dissent, we sought to display the utmost caution in our choice of words. Under both steps, however, the elusiveness of keeping language value neutral became abundantly clear. Our own political stance thus came to light, for example when we opted for talking about ‘rights’ rather than ‘*perceived* rights’. Furthermore, there were situations where we encountered a tricky terminological problem deriving directly from our theoretical foundation. We are thinking here in particular of the terms ‘newcomers’ specifically used by Ranci ere to designate those adding a new world or order onto the existing one, and ‘complicity’ derived from complexity thinking’s epistemological stance. Both terms turned out to have entirely different and normatively-charged connotations when used by CS scholars (Claxton, 2003). Among the latter, the term ‘newcomer’ would typically refer to settlers, mostly from Europe, who colonised CS territory and dominated the CS Nations. As for ‘complicity’, the same scholar defines this term as

relating to situations where “...we as Indigenous peoples just let it happen to us, or continue to do the things that allow DIA (Department of Indian Affairs) governance over us. For example, we sign various agreements with little understanding of the implications, this continues the injustice.” Where, in the former case, we opted for inverted commas, despite its unfortunate connotation, the latter’s pivotal position under complexity thinking compelled us to let it stand unchanged.

The rationale for our choosing to focus on CS perspectives regarding marine protection and MPAs rather than, for instance, on those held by islander communities, became ever clearer to us as we proceeded with our interpretive analysis. When looking for statements marking dissent on the part of CS attendees, and in particular of tribal members, we were in effect hoping to find such statements going in the direction of a critique of fragmentation and separation. Likewise, as we looked at messages pertaining to RQ.III, we were hoping to find CS attendees putting forward proposals opening up new possibilities. In short, we were hoping to find ‘allies’ in the CS attendees, ultimately helping conjure up and make visible what governance of marine commons might look like when informed by ways of thinking which pushed back arbitrary limits, renewing and widening the pool of options available and foregrounding notions such as interrelationships, interdependence and context.

In pace with our own immersion into our ‘evidence’, we became ever more aware that attempting to construe the perspectives that CS attendees reportedly offered at TBMPA meetings - or at their fringes - was nothing less than a daunting task. When seeking, as complicit researchers, to get as close as possible - albeit not too close

- to the universe of tribal Elders, we realised that humble, adaptive navigation seemed required to avoid, on the one hand, the Scylla of post-colonial “going native” (Huhndorf, 2001, p. 7)(Huhndorf, 2001, p. 7)(Huhndorf, 2001, p. 7)<sup>139</sup> and, on the other, the Charybdis of modern discourse distorted by western rationality and clear-cut dualism between subject and object, culture and nature. Particularly in relation to the former, we sought to steer clear of assuming too readily that all CS communities - and each and everyone within these - prioritised conservation, restoration and enhancement of marine commons above any other concern<sup>140</sup>. We therefore remained wary that some tribes and bands were - and still are - marked by internal controversy as to the relative primacy to be ascribed to seven-generation-oriented stewardship and short-term economic development respectively.

We saw ourselves up against at least two further constraints: first, despite our best efforts, we could not hope to escape altogether our own background as someone brought up and educated within a western worldview. Second, while substantively informing our gaze, five study visits at UBC, regular attendance in the bi-annual GB/PS (now renamed the Salish Sea) research conferences, not to forget other occasions on which we were directly exposed to CS voices, obviously did not make up for having our permanent base outside the Salish Sea region. Thus, compounding the ‘handicap’, noted under

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<sup>139</sup> Huhndorf argues that ‘going native’ often serves as a form of cultural critique targeting the modern project and helping define western identities against another culture, deemed superior.

<sup>140</sup> We thus found Claxton (2003, p. 32) to hint at intra-community tensions when he evokes “division within Nations, communities and even within families” and many leaders choosing directly or indirectly “to sell or surrender our rights, for the short term dollar”.



source critical comments, that we assumed non-aboriginal note-takers were facing when recording a way of thinking and talking less familiar to them, we were at times uncertain how exactly to interpret certain colloquial expressions found in our sources. Yet informed by complexity thinking, we also came to realise that what might first appear to be a handicap might turn out to be an enabling constraint. Thus, as we sought to avoid the twin pitfalls of (a) ‘tourism’ - whereby the traveller retains all the comforts of home while travelling - and (b) empathy - whereby one makes oneself at home in a place that is not one’s home by appropriating its customs (Disch, 1994), we came to realise that coming from a very different horizon allowed us to act as *visitors*. Following the protocol imposed upon the latter, namely ‘putting things at their proper distance’, we were conscious of looking at the situation that the CS attendees were evoking during TBMPA meetings from their vantage point but nonetheless *through our own eyes*. Likewise, as we sought to construe the perspectives they offered, on the basis of what we read from our ‘evidence’ but also of understandings gained through selective readings and our own notes and transcripts of encounters with FN or tribal members, we strove to imagine what we might have said and done, had we been in charge of responding to or commenting on the OP proposal on behalf of CS communities. What is more, our ‘visiting’ gaze arguably allowed us to point at potentialities inherent to the situation that CS protagonists, caught up as they were at the time in the heat of immediate concerns, might have been less capable of seeing<sup>141</sup>. Lastly, the ‘visiting’ gaze appeared to provide a welcome opportunity to make up for at least one shortcoming, which Mohan (2004, p. 157)

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<sup>141</sup> This point is further developed in **Book I**, Chapter 7.

found in some post-colonial studies. We are thinking here of such studies' disinclination, while alerting us to the violence of Eurocentric discourses and representations relative to the non-West, to suggest alternatives to the dominant epistemological - and, we would add, ontological - frameworks against which they argue. Combined by our complexity-informed lens, the strategy of 'visiting' arguably enabled us to overcome and transcend a sterile dualism between a mysterious 'other' universe and that familiar to us (Mohan, op. cit., p. 159). This strategy proscribed advocating, for instance, for TEKW to replace western science as the 'new' hegemonic knowledge base. Shunning 'either/or' thinking, that would privilege *a priori* one knowledge base as more complete or essentially more appropriate (Mohan, op. cit., p. 165), coupling different epistemologies and ontologies would on the contrary be understood to encourage what Fine (1998) calls 'working the hyphen' between two - or more - worlds so as to allow more comprehensive - and obviously also more relational - knowledge to emerge. This strategy invited foregrounding the unique and irreplaceable strengths and assets of each knowledge base while exploring how they might be brought into a respectful, possibly symbiotic, relationship. However, before getting too carried away by promises that the 'visiting' gaze appears to hold, at least two caveats need to be made. First, while, our own background knowledge brought to our attention substantial contextual constraints with which BC FNs in particular were grappling at the time, a great many other constraints of which we might only have been faintly aware, if at all, might have played an equally significant role. Second, as underlined by Disch (1994), a 'visiting' gaze relies substantively on the 'visitor's' imagination. While enabling new questions to be

raised and fresh light to be shed on the situation at hand, harnessing imagination is not devoid of perils (Bastrup-Birk & Wildemeersch, 2011). It might entice the ‘visitor’ to drift too far away from the situation as experienced by protagonists themselves. Rather than someone bringing about helpful insights, protagonists might thus perceive the ‘visitor’ as someone disconnected from their ‘reality’. As a result the strategy of visiting may in some cases introduce unintended but no less unfortunate incomprehension between the researcher and the researched.

2.6. **Step 6:** Drawing on relevant secondary sources to challenge, nuance or supplement understandings reached under Step 4

### *Introduction*

As we analysed reports of TBMPA meetings attended by CS representatives between fall 1999 and spring 2003, we noticed that only a limited number of CS delegates took part in each of these meetings. We also found those that did mostly came from CS umbrella organisations such as - until spring 2001, the CSSC and the BCAFC, and later the Northwest Indian Fisheries Commission (NWIFC) - or were appointed by the GSA as was the case for the FN Outreach & Liaison facilitator. With the exception of the Saanich and Lummi Nations, to the best of our knowledge, no other individual tribe or nation was represented. Although the Tulalip and Swinomish

were directly concerned by the OP proposal, they seemingly stayed away altogether from TBMPA meetings<sup>142</sup>.

Against this backdrop and in order to test the plausibility of the inferences we drew under **Step 4** in relation to both RQ.II and RQ.III, we next turned to documents highlighting perspectives regarding marine conservation and MPAs that CS attendees presented in fora running parallel to the OPI between early 1999 and late spring 2003<sup>143</sup>. We expected these documents to make up, at least in part, for the absence at TBMPA meetings of notably Tulalip and Swinomish delegates. We hoped they would provide us with an echo of how these tribes positioned themselves regarding marine conservation and MPAs and, more specifically, also to the OP proposal. This, we thought, might also help shed light on whether there were noteworthy differences or nuances in perspectives held north and south of the border. Resorting to a thought experiment, we would venture to infer from such echoes how WA tribal members might have positioned themselves, had they chosen to turn up at TBMPA meetings. Lastly, to further expand the array of relevant CS voices beyond the relatively narrow representation found at TBMPA meetings, we also brought in statements contemporary to the OPI that official CS institutions issued regarding MPAs. We also expected these documents to fill significant evidential gaps that we encountered regarding certain sub-themes.

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<sup>142</sup> We still have some doubts, however, regarding the May 9<sup>th</sup>, 2001, for which the report went missing.

<sup>143</sup> These fora seemed all the more relevant that the S&S Coalition itself saw them as opportunities for drawing attention to and discussing the OPI (see commentary no. 40 in **Annex 11**).

While these considerations were mainly of an empirical nature, there was also a theoretical rationale for paying particular attention to sources relating to events during which CS voices made themselves heard. We recall that, especially from a complexity point of view, the OP experiment could in no way be viewed as isolated from wider contexts. As an interactive space delimited by fluctuating and porous boundaries, we understood this experiment to be subjected to ‘external’ influences continuously felt also within this space. We also recall from Sub-Section 3.2.1 (**Book I**), that, among different types of ‘inter-level’ interactions that Capra (2007) identified as shaping dynamic complex phenomena, one type was interactions between parts of a particular whole, and wider context(s). Transposed to our inquiry, this implied, among others, taking into account CS messages issued at events which, while ‘external’ to the OPI-experiment, were no less directly relevant to its protagonists. Precisely on the grounds that we understood the boundaries separating this experiment and its protagonists from ‘external’ contexts to be fuzzy, porous and ever fluctuating, we deemed it defensible to consider CS messages voiced during other local events as forming part of the body of fluxes, emanating from the micro-level, which - at least potentially - affected the successive visions for the OPISA that emerged at the macro-level. When selecting the secondary sources we would examine, we were however careful only to pick those pertaining to events at which the S&S Coalition was reportedly represented, among others by one or both of its co-chairing organisations. Since these events brought these organisations to be directly exposed to CS messages possibly expressing dissent or putting forward distinctive proposals of direct relevance to the OPI, it

seems fairly safe to assume that these messages (potentially) contributed to nurturing further the S&S Coalition's reflections.

Against this backdrop the secondary sources we selected were of two types:

1. Those recording CS messages directly injected into the OP-process via the TBMPA listserv;
2. Those recording CS messages emitted at events centred on MPAs and attended by S&S Coalition representatives, in particular the GSA and/or P4PS.

Again organised according to the sub-cycle in which the recorded messages were emitted or entered discussions, the secondary sources we selected were the following<sup>144</sup>:

#### Sub-Cycle 1: October 1999 - May 2001

- (1) The recommendations included in the MPA Strategy Discussion Paper that the BCAFC Assembly adopted in March 1999 for the intention of FO-CA (circulated via TBMPA listserv<sup>145</sup>);
- (2) A report by a P4PS communication officer of a CS gathering at the Lummi reservation June, 16<sup>th</sup>, 2000 (circulated via the TBMPA listserv);
- (3) Minutes of a San Juan MRC meeting of December 20<sup>th</sup>, 2000, summarising statements made by tribal Elders at a Tribal MPA Forum of November 15<sup>th</sup>, 2000 (this Forum was attended by the P4PS's Executive Director);

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<sup>144</sup> All these sources are available upon request.

<sup>145</sup> Although coinciding largely with the launching of the OPI itself, it transpired from internal GSA files at our disposal that not until mi-2000 were these recommendations circulated via the TBMPA listserv and hence injected into OPI discussions.

- (4) Notes of a set of teleconferences held between January and March 2001 in preparation of the Transborder Marine Stewardship Partners working group, of which both the P4PS and GSA but also the Tulalip Tribes were members.

Sub-Cycle 2: June 2001 - May 2003

- (1) Report by a P4PS Communication Officer of the Northwest Straits Commission meeting of June 28<sup>th</sup>, 2001 with tribal representation, at which the OP proposal was discussed;
- (2) Three sources highlighting a session, dedicated to relations with the tribes, which formed part of a training conference on MPAs intended for tribes and MRCs. Held on October 25<sup>th</sup> and 26<sup>th</sup>, 2002, at Pt. Ludlow, WA, this conference was convened by the Northwest Straits Commission and attended, among others, by representatives from both P4PS and GSA:
  - (a) A summary report issued by Northwest Strait Commission staff seemingly at the end of the training conference;
  - (b) Observation notes by the GSA representative (the FN Outreach & Liaison facilitator) dated 28<sup>th</sup> of October 2002;
  - (c) Minutes of the San Juan MRC meeting of December, 4<sup>th</sup>, 2002, recording an oral report of the session by a Puget Sound Action Team (PSAT) representative.

Lastly, as deemed appropriate for further buttressing our discussion, we drew on notes we took during conferences attended in the time span between 2000 and 2011, at which CS representatives spoke as well as on transcripts of retrospective conversations with former OPI protagonists.

Treating each set of sources as one body pertaining to either sub-cycle, we again first looked, under each sub-theme, for

statements denoting critique or objections, hence relevant for RQ.II, next, for statements flagging new ideas or dimensions possibly associated with articulate pride in the distinctive contribution CS perspectives might bring, hence relevant for RQ.III. We were obviously particularly interested in messages challenging inferences we drew under **Step 4**. However, we also counted on these sources for helping us settle on questions left open under that step, hence making up, at least to some degree, for gaps in our primary sources, in particular in relation to Sub-cycle 2 and to the position of WA Tribes.

To make it easier for readers to compare what we found in respectively primary and secondary sources, **Annexes 24** and **25** present an overview of text segments, extracted from both types of sources, in relation to RQ.II and RQ.III respectively, sub-divided into the two sub-cycles and into the sub-themes. In some cases, rather than inserting verbatim quotations, we chose to insert - surrounded by parentheses - the core messages we inferred from them. It will also be noted that **Annex 25** distinguishes between messages we related respectively to Pointer 2 and 3.

While the questions addressed to our secondary sources were largely identical<sup>146</sup> to those we addressed to our ‘evidence’ under **Step 4**, despite this taking up some space, for the sake of systematicity and for reader’s convenience, we chose to recap these questions prior to broaching each of the five sub-themes for each sub-cycle.

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<sup>146</sup> The main difference between the two sets was that we replaced ‘attendees’ with the more widely applicable term ‘voices’.



**2.6.1. RQ.II: Statements or points marking criticism or objections  
(Pointer 1)**

**1(a)** - Did CS voices criticise, or object to, prominence of western science in informing establishment of the OPISA and, more generally, MPAs?

Sub-Cycle 1: October 1999 - May 2001

We were inclined to read Point 12 in the BCAFC's recommendations ("MPA objectives should consider FN's social and economic as well as cultural interests") as implicitly confirming the inference we drew under **Step 4** about CS objection to objectives and criteria too narrowly narrow focused on biological objectives at the expense of social and cultural objectives.

We also found Elders at the CS gathering in June 2000 reportedly deplore loss of their native language, which, as we now understood it, also meant loss of the traditional knowledge attached to it. Furthermore, on this same occasion, the Elders reportedly protested against the hegemony of the English language ("They make us speak their language").

Sub-Cycle 2: June 2001 - May 2003

It will be recalled that we read the FN Outreach & Liaison facilitator's remark at the February 2003 TBMPA meeting as alluding to the holistic nature of FN's way of knowing. We inferred from this that the facilitator was implicitly criticising western science for

chopping up interconnected issues. Somewhat disappointingly, we did not find anything in our secondary sources relating to Sub-Cycle 2 that might point in that direction nor did we find any clues signalling any form of objection to specialised scientific knowledge informing establishment of MPAs. On the contrary, quite to our surprise, we found an Elder from the Tulalip Tribes speaking at the MPA training seminar deplore lack of scientific justification for MPA site selections.

**1(b)** - Did CS voices express ethically-grounded objections?

Sub-Cycle 1: October 1999 - May 2001

None of the secondary sources pertaining to this sub-cycle contained any statement that we interpreted as explicitly or implicitly objecting to too little consideration being given to ethical principles in processes establishing MPAs.

Sub-Cycle 2: June 2001 - May 2003

In his speech at the Pt. Ludlow training seminar, we found the Tulalip speaker implicitly criticising counties on the WA side for ethical shortcomings. He underlined the “significant level of distrust among some tribes regarding various county discussions and decisions that affected their lands and resources” and described history as having shown that “agreements, treaties and such have failed to be followed through”. In addition to this remark, his allusion to the need “to fix what was broken” and for “more healing” to be done as well as the emphasis he reportedly put on honesty, respect

and patience as conditions for building enduring trusting relationships suggested that there was still room for improving the moral foundation of non-native policies, also with respect to governance of marine commons, affecting CS tribes and nations.

**2(a)** - Did CS voices express objections to the OP process and to MPAs *qua* marine conservation approach?

Sub-Cycle 1: October 1999 - May 2001

Point 11 in the BCAFC's recommendations expressed opposition to MPA pilot projects for which there was no consent on the part of affected First Nations. This confirmed the understanding reached under **Step 4** according to which opposition of BC FNs to establishing MPAs was largely grounded in the way they felt bypassed notably in the case of the Race Rocks pilot MPA.

We were also inclined to understand a Tulalip representative's remark, recorded in teleconference notes of spring 2001, that expressed scepticism towards local efforts to support what we inferred from one of the CSSC Elder's statements, namely his implicit criticism of approaches targetting bounded areas of relatively limited size.

Sub-Cycle 2: June 2001 - May 2003

The report of the Northwest Straits Commission meeting of June 28<sup>th</sup>, 2001 expressly quoted the tribal representative to refer to "Lummi and Tulalip opposition to the OP-proposal".

**2(b) - Did** CS voices express objections to certain governance provisions and practices?

Sub-Cycle 1: October 1999 - May 2001

We were inclined to read the remark reported from the CS gathering of “The Boldt decision (being) anti-Indian” as marking objection to a governance provision limiting CS freedom to fish outside U&A boundaries. This inference seems supported by the complaint<sup>147</sup> that the Tulalip representative, speaking at the NWIFC’s tribal MPA Forum, November 15<sup>th</sup>, 2000, reportedly made regarding limitations imposed by strictly defined U&A boundaries. He thus seemingly complained: “the way U&A areas were set up, (there was) no other place to go”.

Teleconference notes from spring 2001 evoked an additional motive for tribal grievance, namely the US Endangered Species Act (ESP) for marine mammals “causing some chaos”.

Sub-Cycle 2: June 2001 - May 2003

While seemingly sharing BC Elders’ concerns, aired during TBMPA meetings in Sub-cycle 1, with regard to infringement of access to fishing grounds, reflecting legal and institutional arrangements peculiar to the US, we found WA Tribes’ opposition to ‘no-takes’/sanctuaries (a synonym of ‘no-takes’) to relate more specifically to their fear that such provisions might infringe upon

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<sup>147</sup> This complaint was reported in the minutes of the December 2000 San Juan Marine Resources Committee meeting.

their treaty-based rights as co-managers of fisheries in state waters. The observation notes covering the training conference at Pt. Ludlow recorded such opposition to come from the Lummi and the Tulalip in particular but kept silent about the Swinomish. Interestingly, though, we found the Tulalip speaker reportedly to explain at that same conference that there were already areas where Tribes voluntarily abstained from fishing<sup>148</sup>. This Tulalip speaker also reiterated tribal opposition to the ESA for marine mammals, probably referring here to the whaling tradition of some tribes, among others the Makah<sup>149</sup>.

## **2(c) - Did CS voices express objections to the political boundary?**

### Sub-Cycle 1: October 1999 - May 2001

As in our primary sources, we did not find many capta pointing at express criticism of the international border' partitioning of CS territory. Quite plausibly, however, Elders from both sides of the border attending the CS gathering in June 2000 might have addressed this issue when conversing in their native language (as they seemingly did quite extensively according to the report at our disposal)<sup>150</sup>. However, the reported remark from these Elders that the Boldt decision was "anti-Indian" might, at least implicitly, be related to the complaint we found a Tulalip speaker to proffer under 2(b)

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<sup>148</sup> Such abstention occurred in cases where there were overlapping U&A areas. In such cases individual tribes ran the risk of overshooting their fishery allocation and might therefore be required to pay back excess catches.

<sup>149</sup> This tradition and its implications for native/non-native relations has been extensively discussed by Marker (2006).

<sup>150</sup> However, since this language was inaccessible to the P4PS note-taker, we shall never know for sure.

with respect to strictly defined U&A boundaries. This invited us to infer, by extension, that these Elders might also have objected to the political boundary cutting across the Salish Sea since it too prevented CS fishermen from moving about freely in what used to be borderless fishing grounds.

#### Sub-Cycle 2: June 2001 - May 2003

Probably reflecting that the NWIFC and the Northwest Straits Commission's mandate stopped at the international border, Tulalip tribal representatives, who spoke at the events sponsored by these institutions, seemingly gave little attention to the transboundary dimension.

#### **2.6.2. RQ.III: Statements introducing proposals grounded in a traditional worldview (Pointer 2) and suggesting pride in ability to bring a distinctive contribution (Pointer 3)**

Returning to the same set of secondary sources, we looked this time for messages that we deemed relevant for RQ.III, allocating them, in case of patent overlap, to more than one sub-theme, and organising them according to the sub-cycle in which they were emitted or seemingly taken into consideration. We furthermore again divided relevant messages into two groups according to which of the two pointers their contents appeared to come closest to.

**1(a): Pointer 2:** Did CS voices put forward proposals grounded in TEKW?

Sub-Cycle 1: October 1999 - May 2001 and Sub-cycle 2: June 2001 - May 2003

For neither sub-cycle did any of our secondary sources bring messages evoking ways in which TEKW might help expedite species and habitat recovery in the Salish Sea or, more specifically, how this knowledge base might help identify the most important sites for protection.

**1(a) Pointer 3:** Did CS voices foreground TEKW's distinctive contribution?

Sub-Cycle 1: October 1999 - May 2001

While no statement expressly extolled TEKW's distinctive features and the added value to be expected from it, we suggested earlier that the Elders that got together at the CS gathering in June 2000 might have done just that when talking together in their native languages<sup>151</sup>.

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<sup>151</sup> This inference seems all the more plausible that such assertion also came to expression in the draft Resolution submitted to the Joint Assembly of First Nations and the Congress of American Indians regarding the Salish Sea which, according to an invitation letter, was foreseen discussed at the gathering. The text of this draft thus stated that “ the traditional knowledge of the CS people and their holistic approach to sustainability over countless generations can provide leadership to the various governments, agencies and organisations working to restore health and well-being to the GBPS ecosystem or ‘SQELATSES’.”

Sub-Cycle 2: June 2001 - May 2003

[None of our secondary sources pertaining to this sub-cycle contained statements that might justifiably be related to Pointer 3.]

**1(b): Pointer 2:** Did CS voices introduce features informed by a traditional worldview and ethics?

Sub-Cycle 1: October 1999 - May 2001

[None of our secondary sources pertaining to this sub-cycle contained statements centered on ethical values central to a traditional CS worldview.]

Sub-Cycle 2: June 2001 - May 2003

Two of the sources covering the tribal session at the Pt. Ludlow training conference suggested that CS values were brought to the fore. The main tribal speaker at this session thus reportedly referred expressly to long-term tribal values and the precautionary principle. Remarkably, also, in relation to the question of co-management with the WA Department of Fisheries and Wildlife, he evoked sharing not only authority but also *responsibility* thereby counterbalancing somewhat the often-repeated reference to tribal rights<sup>152</sup>.

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<sup>152</sup> The centrality of taking responsibility for place and land among indigenous moral principles is foregrounded among others by Marker (2011, p. 207).



**1(b) Pointer 3** - Did CS voices pay tribute to the traditional CS worldview and its ethics?

Sub-Cycle 1: October 1999 - May 2001

In stark contrast to what we found in our primary sources, none of the secondary sources for this sub-cycle contained anything hinting at pride in CS values and ethics and in the contribution they could bring. Here again, however, notably on the basis of events involving CS Elders that we witnessed ourselves, such values and ethics were most plausibly celebrated at the CS gathering at the Lummi reservation.

Sub-Cycle 2: June 2001 - May 2003

The Tulalip speaker representing the Northwest Straits Commission's tribal subcommittee at the training conference at Pt. Ludlow reportedly described the Tribes as "committed stewards of the marine environment".

**2(a) Pointer 2** - Did CS voices put forward recommendations pointing to broader marine conservation approaches?

Sub-Cycle 1: October 1999 - May 2001

We found Point 9 in the BCAFC recommendations to call MPAS to be linked to integrated coastal management. This call seemed to us to offer, at least in part, a pendant to what we inferred

from messages from the CSSS Head at the February 2000 TBMPA meeting as he linked MPAs to “ the whole area of Coast Salish territory”. Both messages appeared to move from a narrowly focused MPA approach towards attention to linkages across wider tracts of water and land. Moreover, among the BCAFC’s recommendations, we found the idea proposing large MPAs to become part of local fisheries strategies (Point 14). The Tulalip speaker seemingly echoed this idea at the tribal Forum on November 2000 with the noteworthy difference, however, that what he alluded to in this respect was an overall management strategy for fisheries rather than a local one.

#### Sub-Cycle 2: June 2001 - May 2003

As a new idea, at the Northwest Straits Commission meeting in June 2001, we found the same Tulalip speaker in his capacity of Chair of this Commission’s tribal sub-committee proposing inclusion of education of the general public about tribal rights as a way of securing notably the Tulalip Tribes’ support for the OP proposal. At the later training conference that same speaker seemingly also advocated linking the MPA approach to the broader issue of pollution prevention.

**2(a) Pointer 3** - Did CS voices advocate for broader marine conservation approaches?

[We found no statement foregrounding what might be gained from a broader conservation approach in secondary sources pertaining to Sub-Cycle 2.]

**2(b) Pointer 2** - Did CS voices bring up traditional governance regimes and practices?

Sub-Cycle 1: October 1999 - May 2001

We found interesting clues supporting the thesis that the CS might, under certain conditions, go along with restrictions in the use of certain areas of importance to fisheries. We found thus statements confirming that readiness, on the part of Tribes and FNs, to live with such restrictions was conditional to their active involvement in MPA processes, both in terms of planning and implementation. For example, at the San Juan MRC meeting in December 2000, the case of the Olympic Coast Marine Sanctuary was foregrounded as one involving both an MPA with restrictions and “active tribal constituency”. What we missed in this discussion, though, both in relation to this example, but also more generally, was foregrounding of the second condition we identified under **Step 4**, namely temporary restrictions that we understood were the rule under traditional governance regimes.

We also found a BCAFC’s recommendation refer to the principle of multi-use. That same institution was reported, in teleconference call notes, as a proponent of “return to the whaling”, thereby speaking in favour of traditional practices pertaining to certain marine species.

### Sub-Cycle 2: June 2001 - May 2003

Again supporting inferences we drew under **Step 4**, as reported in the summary report of the training conference, by repeatedly mentioning restoration alongside protection, the Tulalip speaker appeared to propose counterbalancing somewhat the emphasis we found to be put on the latter in the context of MPAs.

**2(b) Pointer 3** - Did CS voices extol the distinctive contribution of traditional CS governance regimes and practices?

### Sub-Cycle 1: October 1999 - May 2001

Next to management and monitoring, Point 15 in the BCAFC recommendations strikingly mentioned FNs' participation in MPA *enforcement*. We read this as signalling that the FNs viewed themselves as full-fledged, self-governing regulators that would not merely abide by rules set by others.

### Sub-Cycle 2: June 2001 - May 2003

Awareness of the distinctive contribution that the CS might bring in terms of governance of marine commons seemed to transpire at least twice in the Tulalip representative's speech at the training conference: first, when he deemed "tribal rights to strengthen existing protection and restoration efforts" and, second, when he underlined "the need to work together to make a difference". We read

the latter statement as denoting that tribal involvement was a necessary pre-requisite to this end.

**2(c) Pointer 2** - Did CS voices evoke revival of shared protocols across the international border?

Sub-Cycle 1: October 1999 - May 2001 and Sub-Cycle 2: June 2001 - May 2003

For neither period did any of our secondary sources bring messages expressly evoking ways in which the CS might help overcome disruptive effects of the border for both humans and non-humans. It is, however, conceivable that the idea of reviving shared protocols for governing fisheries in transboundary traditional fishing grounds was evoked by Elders at the CS gathering in June 2000 when conversing in a CS language.

**2(c) Pointer 3** - Did CS voices extol a distinctive contribution via revival of shared protocols across the border?

In view of the silence noted above, unsurprisingly, we did not find any clues suggesting pride, among CS protagonists whose voices found an echo in our secondary sources, of their ability to come up with inventive proposals for alleviating the border's partitioning effects. However, it might again be advanced that the CS gathering of June 2000 in itself marked CS Elders' awareness and celebration of CS distinctiveness and common identity regardless of the border.

### *Summing up*

Since our secondary sources mostly highlighted messages emitted by WA treaty tribes, unsurprisingly, owing to institutional and legislative arrangements differing from those applied in Canada<sup>153</sup>, we found some nuances between perspectives transpiring from these messages and those recorded in our primary sources, which, we recall, were mainly emitted by attendees belonging to BC FNs. Overall, however, there were few cases, if any, where understandings gleaned from secondary sources directly contradicted those in primary sources relating to the same sub-cycle, sub-theme and pointer<sup>154</sup>. More often than not, the secondary sources we selected brought insights that either buttressed or supplemented understandings reached under **Step 4**. At the same time, however, far from filling all gaps, our secondary sources left quite a few questions open. We thus noted absence of clues regarding the role that TEKW might play in helping address the plight of certain Salish Sea habitats and species. Furthermore, lack of access to what Elders discussed in their language at the CS gathering at the Lummi reservation prevented us from gaining further insights with respect to both the ethical dimension and shared governance across the border.

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<sup>153</sup> Differences in the status of US tribes and Canadian FNs were expressly acknowledged under the heading “Issues identified” in relation to Tribes & First nations in the report of the TBMPA meeting of the May 2<sup>nd</sup>, 2002.

<sup>154</sup> This observation is all the more important that, as far as Sub-Cycle 1 is concerned, most understandings under **Step 4** stemmed from the same Elder. Against the backdrop of diverse interests and conditions among BC FNs and WA tribes, it would seem legitimate to wonder to what the extent the perspectives he brought to the fore reflected those held by a wider sample of BC Nations, let alone WA Tribes.

We were of course aware that, just as we found most statements in Sub-Cycle 1 delivered by the same Saanich Elder representing the CSSC from February 2000 onwards, likewise, most of the statements that reached us through our secondary sources came from the same Tulalip Elder. In part making up for this, as he wore different hats, this Elder often also spoke in the name of other northwest WA tribes. The transcript of an input, albeit more recent,<sup>155</sup> from the Tseycum (Saanich) Chief whom we understood to be a regular attendee of Transborder Marine Stewardship Partners meetings nonetheless suggested that much would have been gained from having at our disposal supplementary sources, contemporary to the OPI. These sources might have highlighted the perspectives held by a broader collection of WA tribes, individual BC FNs or CS institutions<sup>156</sup>. Addressing the central question of rights, this Chief

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<sup>155</sup> It was brought at the interactive session of the GB/PS Research Conference on transboundary MPAs in the Salish Sea, Seattle, February 2009.

<sup>156</sup> Despite strenuous efforts, we were unsuccessful in retrieving one important piece that might have helped us further substantiate contemporary CS views and philosophies in relation to marine protection. We thus found it quite disappointing that none of the three universities that sponsored a lecture series in 2001 and 2002 on protecting and managing the PS/GB, namely the Centres for US/Canadian Studies at the Universities of Washington and of Western Washington as well as the Sustainable Development Research Institute at the University of British Columbia took steps to ensure that the papers and hand-outs produced in that context were properly archived. The lecture we obviously would have been most interested in was the lecture given by the Director of the Tribal Office of the US Environmental Agency and the Land and Resource Coordinator, of the Snuneymuxw First Nation, on Vancouver Island on the theme “First Nations rights, views, philosophies and challenges in protecting and managing the Puget Sound/Georgia Basin”. Likewise, although announcement of this lecture was circulated through the TBMPA listserv, the files to which we had access did not include any reference to what was actually said during these lectures nor if any from the OPI circles attended it.

thus offered a point of view usefully supplementing what we had inferred from both sets of sources under RQ.III. When asked whether aboriginal rights could leverage protection of marine habitats, we heard him bring the following wise message: “It is not about rights, it is about a way of life. There is nothing new. We have always been protecting our traditional territory and our respected territories.” This input also helpfully reminded us that appropriate responses to pressing problems are not always to be sought in new inventions alone.

## 2.7. **Step 7** - Drawing tentative conclusions relative to RQ.II and RQ.III

### *Introduction*

Our last task, under the micro-level analysis, was to provide reasonably credible answers to RQ.II and RQ.III, on the basis of understandings reaped under **Steps 4** and **6**. The two research questions are recapped below for the readers’ convenience:

**RQ.II:** To what extent did interactions that took place at the micro-level include dissenting speech and defiant acts on the part of CS representatives challenging the proposal for the transboundary marine area on the table, as well as the logic underpinning it?

**RQ.III:** To what extent did interactions that took place at the micro-level include speech on the part of CS representatives through which they brought to the fore ideas and perspectives differing distinctively from those prevailing among non-native protagonists and, in so doing, to what extent did they seem to experience pride in their own ability to bring a distinctive contribution?



Taking a synoptic look at the understandings we reached under **Steps 4** and **6**, we shall contend that the sources we examined pertaining to TBMPA meetings as well as to other events of direct relevance for the OPI could credibly be argued to vindicate that CS voices were raised during the OPI's heyday, either explicitly or implicitly, to object to existing or proposed principles and modalities for the governing marine commons included in the Salish Sea and to introduce distinctive perspectives, in some cases associated with articulate pride in bringing a contribution that would 'make a difference'. From this follows that we felt entitled to bring reasonably affirmative replies to both RQ. II and RQ. III. However, our task under the present step did not limit itself to bringing such replies.

Our next remit would be to explore to what extent messages we picked up upon as expressing or suggesting dissent might reasonably be ascribed credible potential for exerting interruptive effects on the successive visions we saw emerge under RQ.I. We understood these effects to manifest as breaks with certain ways of thinking and doing and as re-orientation towards other patterns of thinking and behaving. Likewise we wished to explore if, by introducing ideas grounded in a traditional worldview, possibly associated with expression of pride in their ability to bring a distinctive contribution, CS messages arguably exerted differentiating effects on the successive macro-level visions, manifesting as expansion of the array of distinctively different ways of thinking and doing. We assumed that, for CS messages to be expected to have noteworthy impact at the macro-level, they would need to be endowed with certain qualities. These qualities were, a) outspokenness in presenting certain arguments, b) reasonable

unambiguity across different messages relating to the same sub-theme and c) insistence over time. Importantly, as we sought to throw light in that respect, tying back to the understandings gleaned under **Steps 4 and 6**, we would not simply reiterate these understandings as presented then. For one, looking at these understandings through the prism of the three qualities would bring us to structure the discussion in an entirely different way. Second, we would approach these understandings in a selective way since we would concentrate on messages that we deemed most relevant for this discussion. As far as the quality of ‘unambiguity’ is concerned, we opted for concentrating on cases where we detected noteworthy dilemmas or tensions.

Against this backdrop, we formulated the following questions:

**RQ.II:** Did the dissenting messages explicitly or implicitly conveyed by CS voices appear sufficiently outspoken, unambiguous and insistent so as to be ascribed interruptive potential?

**RQ.III:** Did messages introducing proposals seemingly grounded in a traditional worldview as well as such denoting CS representatives’ pride in their ability to ‘make a difference’ appear sufficiently outspoken, unambiguous and insistent so as to be ascribed differentiating potential?

Each of these questions was in turn broken down into sub-questions according to the sub-theme concerned. Furthermore, for each of the foregrounded messages, we made sure to indicate during which sub-cycle they were emitted or injected into the discussions.

We anticipated this to be useful for our discussion relative to RQ.IV, where we were to assess the extent to which these messages might be argued to have had repercussions either on the intermediate or the ultimate vision. We also expected regrouping messages by sub-cycle to prove useful when assessing the degree of insistence, with which certain objections or recommendations, were expressed over time. This notwithstanding, for the sake of succinctness and the flow of the text, we did not deem it necessary to split our discussion into two separate parts according to the sub-cycle in which the foregrounded messages were emitted.

### **2.7.1. RQ.II: Messages with interruptive potential**

#### **1(a) - Objections to the prominence of western science**

##### *Outspokenness*

As far as messages emitted directly at TBMPA meetings are concerned, statements proffered by the Saanich Elder/Head of the CSSC in Sub-Cycle 1 invited us to infer that he implicitly critiqued the criteria underlying designation of MPAs for not taking sufficiently into account knowledge about human uses of the areas considered. This led us to understand this statement to imply criticism of these criteria for being grounded in purely biological criteria. We also understood another message on his part implicitly to hint at a chasm between, on the one hand, traditional knowledge inextricably linked to CS languages and, on the other, knowledge and concepts informing current MPA approaches.

In Sub-Cycle 2 , we caught two echoes in primary sources suggesting controversy, one regarding what the CS understood by ‘environment’ in contrast to how environmentalists understood this notion and the other possibly criticising western science’s propensity to chop up issues perceived to be interconnected.

Secondary sources did not contradict such implicit signals. In Sub-Cycle 1, we were inclined to read the BC Aboriginal Fisheries Commission’s recommendations as implicitly confirming CS objection to narrow focus on biological criteria or objectives for MPAs at the expense of social and cultural ones. The most outspoken expression of reprobation that reached us came from Elders at the CS gathering of June 2000 reportedly deploring loss of their native language, a critique that by extension, we understood also to cover the traditional knowledge associated with it.

For all these objections, however, at no point and in none of our sources did we record explicit disapproval of the prominence attributed to western science and to privileging expert knowledge for informing establishment of MPAs. On balance, therefore, we thought it fair to consider that dissenting messages regarding **1(a)** were closer to being muted than outspoken.

*(iii) Insistence*

As we looked at dissenting messages in relation to sub-theme 1(a) over time, we found the question of knowledge generation mostly broached in the early part of Sub-Cycle 1 and since then only sporadically. This observation brought us to wonder, already under **Step 3**, whether the scantiness of text segments - and hence also of messages - pertaining to ways of knowing reflected a perception

among CS protagonists who did turn up, notably at TBMPA meetings, that conspicuous reliance of the OP proposal on very specialised scientific expertise made promotion of TEKW largely pointless.

## **1(b) - Ethically-grounded<sup>157</sup> objections**

### *(i) Outspokenness*

Several messages delivered during TBMPA meetings in Sub-Cycle 1 struck us as denoting earnest, morally-grounded condemnation. This concerned the Saanich Elder's deploring of desecration of ancestral sites and unsustainable fishing practices depleting entire tracts of the Salish Sea in the name of short-term profit. Furthermore, if a BCAFC Elder's recommendation presenting "moral suasion" as "the way to get 'no-go zones' " was understood to refer to responsibility towards coming generations as an argument for establishing such zones, then, *a contrario*, this recommendation could be understood to imply distancing from short-term considerations. We also suggested that the CSSC Head's remark about "We've learned from these critters that we can't survive without them" amounted to implicit reprobation of a worldview failing to acknowledge how much humans depend on the non-humans and hence not showing the latter due respect.

While we did not find ethically-grounded concerns expressly evoked by CS spokespeople at other events of relevance for the OPI that took place in Sub-Cycle 1, we nonetheless surmised that this

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<sup>157</sup> As will transpire from the discussion below we understand ethical and moral considerations to be largely overlapping.

might also have been a prominent theme evoked among the CS Elders attending the CS gathering in June 2000<sup>158</sup>.

Messages emitted in Sub-Cycle 2 were likewise conspicuously marked by morally-grounded disapproval of non-native attitudes and behaviour towards the CS over time. One referred in particular to “agreements, treaties and such have failed to be followed through”. Such blame speaking to non-natives’ conscience would, we surmised, be difficult simply to brush aside.

*(ii) Unambiguity*

Forceful though they seemed, messages about ethics were not entirely devoid of ambiguities or of tensions.

The grievances expressed by the Saanich Elder, first, relative to governmental policies being “about making money”, next to fishing practices “leaving nothing behind”, clearly suggested criticism of short-term-oriented values. Yet, while objecting to “years of mismanagement and environmental abuse”, we found the natural resource manager representing the Lummi Nation, at the April 2000 TBMPA meeting, use an argument for contesting ‘no-takes’ that seemed to run directly counter such ethics. The argument he brought

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<sup>158</sup> We based this conjecture on what we witnessed ourselves when attending CS plenary sessions at the bi-annual Salish Sea Research conferences. For example we found human responsibility towards the non-human realm and mutual interdependence particularly emphasised in the speeches that CS Elders delivered (in English) on these occasions. At the most recent of these conferences in October 2011, we thus heard admonishments pointing at the need to “take care of Mother Earth, we are responsible for her also” and to “re-establish relationships with everything that lives. We are depending on the things that live. We are depending on one another.” (*Source: our notes taken at the session*).

up - in a nut shell, ‘why should the Tribes restrain their harvest and thereby be penalised for somewhat they haven’t done?’ - seemed to us to be close to a ‘race-for-the-fish’ logic in pursuit of short-term economic gain. In short, there seemed to be a palpable tension between long-term and short-term-oriented values in the discourse carried by different speakers representing FNs and tribes.

*(iii) Insistence*

Unsurprisingly, throughout the entire cycle of the heyday years, we would argue that ethical considerations permeated most CS statements, both such emitted at TBMPA meetings and such reported from other relevant events.

**2(a) - Objections to the OP process and to MPAs *qua* marine conservation approach**

*(i) Outspokenness*

As illustrated by the BCAFC’s explicit objection to MPA pilot projects for which there was no FN consent and by allusion to “problems with consultations” as well as to “Lummi and Tulalip (being) against the OP-proposal”, we deemed dissenting messages emitted in Sub-Cycle 1 regarding 2(a) both outspoken and forceful.

*(ii) Unambiguity*

We nonetheless found the CS position both to process and approach for establishing the OPISA or, more generally, MPAs to point in opposite directions. On the one hand, messages in Sub-Cycle 1 appeared to signal discontent with how this process was generally conducted. Such discontent was grounded notably in what was

perceived to be inadequate consultation of FNs regarding the location of MPAs. As for the MPA approach *per se*, both from a statement by the CSSC Elder at the TBMPA meeting in October 1999 and from a remark from a Tulalip representative, reported in teleconference notes of spring 2001, we inferred implicit criticism of approaches focusing on bounded areas of relatively limited size. In Sub-Cycle 2, as seen earlier, the report of Northwest Strait Commission meeting in June 2001 recorded the Lummi's and Tulalip's outright opposition to the OP proposal. We also inferred persisting FN objections to MPAs from the FN Outreach & Liaison facilitator's report.

Yet, somewhat contradicting such signals and illustrating distinct and varying interests among different FNs and tribes, we found the same CSSC Elder adopt a conciliatory tone, for example, when pointing out that many Tribes "would not disagree" with the three areas considered to form part of the area of interest and that "mutual understanding" would "pave the way". We also noted that he seemingly accepted the very principle of MPAs by talking about MPA designation "today and in the future" with no proviso attached. A BCAFC Elder, for his part, appeared to hold out his hand as he promised that the BCAFC would "continue to work" with what we understood to be the TBMPA group and "bring their Tribal brothers alongside". As far as WA tribes were concerned, a Lummi tribal Elder was also heard describing the Lummi Nation's position to MPAs as cautious but leaving room for further talks.

*(iii) Insistence*

As far as we could tell on the basis of our sources, very few, if any, dissenting messages of relevance for sub-theme 2(a) were expressed after expiry of Sub-Cycle 1.



## **2(b)** - Objections to certain governance provisions and practices

### *(i) Outspokenness*

In both sets of sources, objections to provisions such as ‘no-takes’ perceived to infringe upon ancestral rights to use marine areas, both for sustenance and for cultural/ceremonial use, came across as particularly vehement in Sub-Cycle 1. We thus found statements such as “something like no-take MPAs would be quickly taken to courts (...) if attempts are made to apply them to First nations” and “Tribes might have a tough time supporting a blanket no-take approach”. In Sub-Cycle 2, WA Tribe’s opposition both to sanctuaries and to special protection of marine mammals was expressly reiterated.

### *(ii) Unambiguity*

As seen above, in both sets of sources, objections seemed particularly articulate with regard to ‘no-takes’/sanctuaries. We also found messages in Sub-Cycle 1 implicitly pointing to a broader motive of dissent. WA tribes’ objections to restrictive provisions thus appeared to go beyond concern about losing access to treaty-sanctioned fishing grounds if included in MPAs. We thus heard Elders at the CS gathering reportedly denounce the Boldt decision itself as “anti-Indian”. Such discontent also transpired from the Tulalip speaker’s input at the NWIFC’s MPA Forum when he reportedly criticised the way U&A areas were set up for not leaving Tribes any other place to go. Behind this complaint we sensed a more fundamental objection to a decision that permanently divided up the Northwest Straits all-state waters into strictly delimited areas, in which treaty tribes were allowed to fish. Here again, the northwest

WA tribes seemed caught in an uncomfortable dilemma: on the one hand, overtly contesting boundaries would be paramount to challenging a decision granting them powerful legal tools and governmental status. On the other hand, stout defence of rights secured through this decision risked put in jeopardy efforts to revive a notion of borderless Coast Salish waters throughout which the CS would again be able to move freely as in the past<sup>159</sup>.

Yet, upon closer inspection, objections to restricted use of certain areas of relevance for fisheries seemed less inflexible than at first sight. In a fairly extensive discussion under **Step 4**, we thus argued in favour of drawing, within the overall ‘no-take’ issue, a clear distinction between, on the one hand, fiercely-opposed infringement of rights to steward traditional fishing grounds, and, on the other, at least temporary prohibition of certain specific areas. The latter provision seemed acceptable to at least some tribes and FNs provided they were duly involved in devising and implementing such provision. For example, the Tulalip speaker reportedly explained at the training seminar that there were already areas where tribes voluntarily abstained from fishing.

*(iii) Insistence*

Dissenting messages relating to governance regimes and practices appeared raised fairly consistently throughout the two sub-cycles.

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<sup>159</sup> A speech delivered by the Tulalip Fisheries Commissioner at a CS gathering in 2005 attested that memories of a way of life marked by seasonal migrations along waterways criss-crossing the Salish Sea remained vivid. In this speech he thus declared: “Our restoration efforts are hampered by fences. We - the people who lived at the edge of the water - are nailed while we were used to move. We moved with the tides, the winds, the seasons, the animals. We are stuck on our lands and forced to stay within our boundaries.” (DVD of CS gathering, available upon request).

## **2(c) - Objections to the political boundary**

Both sub-cycles seemed conspicuously short of explicitly dissenting messages pertaining to the political boundary. All we felt able to do was to speculate that criticism, on the part of Elders present at the CS gathering, of the 'Boldt decision for being "anti-Indian"' might, at least implicitly and by extension, be read as targeting also the political boundary preventing the CS Salish from moving about freely in what used to be borderless fishing and harvesting grounds.

### **2.7.2. RQ.III: Messages with differentiating potential**

#### *Introduction*

The discussion below involves juggling with a broader set of 'parameters' than was the case under RQ.II since we are required here to look at two pointers instead of one. Looking at proposals that CS protagonists emitted, under Pointer 2, we shall be attentive to their degree of outspokenness and, under Pointer 3, to the assertiveness with which they were brought forth. Here too, we shall only comment on the quality of unambiguity in problematic cases seemingly marked by contradictory or diverging messages.

#### **1(a) Pointer 2 - Proposals informed by TEKW**

##### *Outspokenness*

In Sub-Cycle 1 at least two statements explicitly pointed to a feature distinguishing TEKW from a knowledge base informed by

conservation biology. This feature pertained to the importance of place names signaling that knowledge about marine habitats could not be dissociated from how these were used by humans (for example as fishing stations or incubation sites). For this reason, knowledge about land and sea could not be dissociated from CS languages.

In Sub-Cycle 2 the only message that might defensibly be foregrounded as fairly articulate was that emitted by the spokesperson for the Samish Indian tribe. When reminding his audience that the OPISA included many historical reef net sites that ought to be considered when designating special areas, he too appeared to emphasise socio-cultural and historical criteria for such designation. Also, by underlining the need for taking reef net sites into account, this seemed to us to imply rehabilitation of the knowledge associated with these sites.

### *Insistence*

Perhaps with the exception of the input from the Samish tribe's representative, we did not find articulate proposals explicitly referring to TEKW emitted in Sub-Cycle 2.

### **1(a) Pointer 3 - Extolment of TEKW's distinctive contribution**

#### *Outspokenness*

In Sub-cycle 1 the Saanich Elder's underlining of the Lummi Nation's 'pointy-headedness' seemed to us to denote pride in expertise available among the CS people. We also read his offer for CS info to be used to help restore and manage on the grounds that

“we have known these areas for years” as signalling pride in the special contribution this information might bring.

The only statement, made in Sub-Cycle 2, which might be read to suggest extolment of TEKW’s distinctive contribution, was the FN Outreach & Liaison facilitator’s remark about FNs’ approach being ‘holistic’. We tentatively conjectured that this remark might have amounted to paying tribute to an approach contrasting with one perceived to imply disjunctive ways of knowing.

### *Unambiguity*

Some might deem that when, in Sub-Cycle 1, the Saanich Elder justified the merits of traditional knowledge by referring to the experiential knowledge which the CS people accumulated over a long time (“we have been there longer”), he might have gone further in paying tribute notably to TEKW’s eminent capacity to adapt in the face the unpredictable and ever-changing conditions. In reply we would point out that familiarising non-aboriginal OPI participants to this knowledge might have been precisely what he had in mind when proposing to hold the workshop mentioned earlier.

We do, however, concede that some ambiguity remains as to the relative role to be assigned to TEKW . A conspicuous tension thus seemed to transpire in a surprising call from the Saanich Elder for “FN resource” - which we understood to refer to predominantly non-native scientists working for tribal councils and bands - to participate in the OP process<sup>160</sup>. This statement might be read to suggest that he

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<sup>160</sup> It should be noted here that, since bands active in the BC treaty process received funding for negotiation purposes, they had more resources, including staff and infrastructure, than groups not involved in treaty

did not consider TEKW capable of standing up to (western) science and that for CS concerns to be taken seriously, they needed to be anchored to western science concepts and methodologies<sup>161</sup>. Pointing in the same direction, we found the Tulalip speaker at the training conference in Sub-Cycle 2 to object to lack of scientific justification for MPA site selections. Upon reflection, however, the latter statement might be read in two ways: it could either be read as signalling that the speaker in question indeed deemed western science more authoritative than TEKW when it came to identifying areas as possible MPAs *or* it might, on the contrary, be read as an attempt to present those advocating MPAs with counter-arguments couched in the language they might be expected to understand best. Either way, this ambiguity invited us to speculate that we might be witnessing here a certain tension between, on the one hand, a position implying holding on to a distinct and possibly separate, albeit far from frozen, indigenous knowledge base<sup>162</sup> and, on the other, one implying merging TEKW and western science into a hybrid knowledge base<sup>163</sup>. As far as we could infer from the Saanich Elder's statements, notably the one in which he offered using "CS info" for helping restore and manage (marine areas), we would see his position as occupying a

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negotiations (source: conversation with Parks-Canada Official - October 2008).

<sup>161</sup> The comment we got on the phone in the fall of 2011 from a fisheries manager working for a WA tribe according to which "the tribes need to be good at western science to uphold their rights" appears to support this thesis.

<sup>162</sup> (Law, 2004, p. 132) suggests that such position might be the more appropriate for avoiding assimilation.

<sup>163</sup> In the conversation we had with Parks-CA Negotiations and Treaty Advisor in October 2008, she noted that, whereas FN negotiators tended to adopt a language informed by (western) science when negotiating with non-natives, they nonetheless often continued to be informed by understandings rooted in how the CS nations managed marine areas in the past.

middle ground, that is to say, one framing TEKW and western science as distinctively different but nonetheless complementary.

Insufficient clues in Sub-Cycle 2 relation to the role assigned to TEKW prevented us from detecting any ambiguities, be it in relation to Pointer 2 or Pointer 3.

### *Insistence*

We did not find messages in Sub-Cycle 2 echoing in any way the pride and confidence in the contribution that TEKW might bring that was clearly expressed in Sub-Cycle 1.

**1(b) Pointer 2** - Proposals informed by a traditional worldview and ethics

### *Outspokenness*

In Sub-Cycle 1, bringing down the conventional wall between humans and non- humans, an interesting idea suggested that non-human creatures could take on the role of teachers reminding the humans of their dependency on non-humans for their survival. We read this also as an implicit reminder that, for this very reason, non-humans ought to shown due respect. Two other statements: “the landscape includes all of us” - and “All is one” equally denoted a traditional worldview foregrounding interconnectedness between humans and non-human species, elements and processes. In the same sub-cycle the CSSC Head’s exhortation to “work hard” and to choose “the High Road” could also be read as a reminder that the OP work should also be informed by moral principles.

Key ideas with an ethical dimension, articulated in Sub-Cycle 2, pertained to the sacred dimension (“To us it is all sacred”) as well

as to long-term orientation and the precautionary principle. As the Tulalip speaker evoked the notion of responsibility in relation to co-managing Northwest Strait waters, he also appeared to foreground a principle pivotal for CS ethics, both in relation to human and to non-human species and habitats.

### *Insistence*

Unsurprisingly the ethical dimension seemed to pervade many of the CS statements that we foregrounded as fairly articulate. We thus found this dimension to run through many of the ideas and recommendations put forward in both sub-cycles.

**1(b) Pointer 3** - Emphasis on the contribution of the traditional CS worldview and its ethics

### *Assertiveness*

By strongly exhorting the TBMPA group to “work hard” and to choose “the High Road”<sup>164</sup> in Sub-Cycle 1, the CSSC Head arguably stepped in as the moral mentor for the group.

In Sub-Cycle 2, as the Tulalip speaker at the training conference asserted the Tribes’ sharing of authority and responsibility as co-managers of Northwest Straits waters and their status as “committed stewards of the marine environment”, these statements

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<sup>164</sup> This issue is also evoked in our self-reflexive notes (Annex 28, comment # 10). We thus realised that the same statement or message can be approached both from the point of view of its ‘objective’ contents, *i.e.* the dimensions, aspects or topics that it touches upon (Pointer 2) and from the point of view of what the speaker experiences, *i.e.* his thoughts, feelings and intentions (Pointer 3).



seemed to us to denote pride in Tribes' capacity to play a significant role also in ethical terms.

### *Insistence*

In both sub-cycles attention to ethics appeared in several cases to define the distinctive role that CS protagonists envisioned FNs and tribes would play.

**2(a) Pointer 2** - Proposals pointing to broader marine conservation approaches

### *Outspokenness*

In Sub-Cycle 1 we found CS voices to emphasise repeatedly linkages between MPAs and larger spatial contexts. This idea came to expression both as MPAs were associated with “the marine environment in general” and with “the whole area of Coast Salish territory” (Saanich Elder/ CSSS Head) but also with integrated coastal management (BCAFC). The reminder that the Fraser River affected the whole region (Saanich Elder) also evoked the idea that connectivity across spatial scales ought to be taken into account.

We also observed articulate proposals for linking MPAs to policies other than such dedicated to marine conservation. For example, in the BCAFC recommendations, we thus found a proposal to make large, multi-use MPAs forms part of local fisheries strategies. Likewise, also in Sub-Cycle 1, a Tulalip speaker reportedly recommended an approach through which to the MPA approach would become part of an overall management strategy for fisheries. Along the same vein, in sub-Cycle 2, a Tulalip speaker at the training

conference suggested linking the MPA approach to the broader issue of pollution prevention.

### *Unambiguity*

The message emitted in Sub-Cycle 2 anchoring MPAs both to fisheries policies and pollution prevention seemingly pointed in two opposite directions. On the one hand, linkage between MPAs and fisheries policies could be read as a relapse into single-issue thinking characteristic for non-native decision makers. On the other hand, mention of pollution prevention suggested a comprehensive view of the marine ecosystem in line with a traditional worldview.

### *Insistence*

Surprisingly, among the interesting ideas and recommendations on which CS representatives seemingly insisted in Sub-Cycle 1, both within and at the fringes of TBMPA meetings, we found few, if any, were relayed or reiterated in Sub-Cycle 2. The only exception that might be pinpointed was the general notion that the MPA-approach should be linked to a comprehensive issue such as pollution prevention.

**2(a) Pointer 3** - Advocacy for broader marine conservation approaches

### *Assertiveness*

In Sub-Cycle 1 the Saanich Elder's proposal to hold a workshop to familiarise non-natives with CS concepts of MPAS and the marine environment as well as his recommendation for a

traditional way of thinking about marine creatures to be injected into the MPA-discussion seemed to us to denote confidence in the benefits that exposure of non-natives to traditional approaches would bring in its wake.

By contrast, we encountered no such message in any of the sources pertaining to Sub-Cycle 2.

### *Insistence*

As a corollary of what we noted above, we did not perceive any messages emitted in Sub-Cycle 2 to follow up or elaborate upon benefits to be expected from adopting traditional approaches to marine conservation emphasised in Sub-Cycle 1.

**2(b) Pointer 2** - Proposals bringing up traditional governance regimes and practices

### *Outspokenness*

In Sub-Cycle 1 we found (appropriate) restoration repeatedly evoked. Such emphasis seemed to us to be derived from a traditional view of humans working together with nature. Moreover, several messages evoked traditional governance provisions or practices in relation to MPAs. Such messages included for instance the BCAFC's recommendation for the option of multi-use to apply to large MPAs as used to be the case in traditional fishing grounds. Moreover, from several quarters and on several occasions, we found CS voices evoke traditional provisions under which certain particularly vulnerable areas were temporarily closed. Also in Sub-Cycle 2, we encountered repeated emphasis on restoration (Tulalip speaker NWIFC tribal

MPA Forum and at training seminar). Lastly we found the Samish Tribe representative to foreground historical governance practices in the form of reef net fishing.

### *Insistence*

Alongside proposals pertaining to co-management and responsible stewardship, proposals mentioning restoration were repeatedly emitted throughout both sub-cycles.

2(b) **Pointer 3** - Emphasis on the distinctive contribution brought by traditional CS governance regimes and practices

### *Assertiveness*

In Sub-Cycle 1 we perceived a sense of collective self-worth to transpire in the Saanich Elder's account of how, thanks to advice from First Nations, the Canadian federal authorities put an end to inappropriate practices in relation to salmon recovery. We also read his reference to "the greatest fishing stations" being located on Saanich-speaking territory as implicitly signalling pride in his people's prudent governance securing plentiful harvests.

We were also inclined to read the BCAFC's recommendation for FNs to participate in MPA enforcement, next to management and monitoring, as asserting FNs' role as full-fledged, self-governing regulators.

In Sub-Cycle 2 confidence in the Tribes' ability to bring a distinctive contribution seemed to us to transpire in several ways. At the training conference, after reminding the audience about the Tribes' sharing of authority and responsibility as co-managers of

Northwest Straits waters, one of the Tulalip speakers thus deemed “tribal rights to strengthen existing protection and restoration efforts”. On the same occasion, while reminding his audience that the Tribes were “committed stewards of the marine environment”, he also underlined their distinctiveness (“You have your way of living, and we have ours. We can still live alongside each other.”) Lastly, as another Tulalip speaker emphasised the need for (native and non-natives) to work together “to make a difference”, we deemed this to denote his belief that tribal involvement was an important pre-requisite to this end.

### *Insistence*

As shown by the discussion above, messages denoting a sense of collective self-worth regarding the role that Tribes and FNs could play with respect to governing marine commons included in the Salish Sea were consistently emitted in both sub-cycles. However, as far as the WA tribes were concerned, we were left with the impression that this insistence pertained less to possibilities for reviving traditional practices than to gaining and maintaining a status as respected partners in implementing existing governance provisions.

### **2(c) Pointer 2** - Proposals for revival of shared protocols across the border

#### *Outspokenness*

While no message emitted in Sub-Cycle 1 seemed to refer explicitly to the possibility for the CS on either side of the border to explore ways of reviving shared protocols for governing traditional

fishing grounds straddling the border, we nonetheless felt tempted to read the BCAFC Elder's promise that his institution (and its members) would "bring their Tribal brothers alongside" as possibly hinting at CS cooperation across the border.

In Sub-Cycle 2, however, when the representative of the Samish tribe evoked reef net sites strewn across the horseshoe-shaped OPISA, he conjured up the picture of the OPISA as a borderless space in which the same practices and the same protocols governing these practices were applied.

### *Insistence*

Neither in Sub-Cycle 1 nor in Sub-Cycle 2 did proposals touching upon possibilities for shared CS governance come across as insistent.

**2(c) Pointer 3** - Extolment of the distinctive contribution that revival of shared protocols might bring

### *Assertiveness*

In Sub-Cycle 1 we were inclined to read the CSSC Head's expectation that all CS Nations' working together would help ensure *effective* restoration and preservation of the Salish Sea as signalling extolment, on his part, of the distinctive contribution that CS cooperation might bring in overcoming dysfunctional effects of the partition occasioned by the border. However, neither in this sub-cycle nor in following one did we find any message through which CS protagonists explicitly expressed confidence in ways in which revival

of shared protocols traditionally applied to wide tracts of the Salish Sea might help alleviate its present plight<sup>165</sup>.

### *Unambiguity*

While, as just seen, the CSSC Head expressly evoked benefits to be reaped by the CS working together, thereby possibly alleviating undesirable effects of the border, at the same time, somewhat contradicting an idea of a borderless sea, he drew a distinction between FNs “(F)rom American and Canadian sides”. This invited us to infer that, contrary to what might be expected from someone representing an organisation with a comprehensive CS scope, a tension seemingly persisted in his mind - and presumably also among CS nations on either side of the border - between perceiving and envisioning, the Coast Salish territory as a seamless ecosystem or as a space bisected by a political border dividing up CS communities into two distinct communities.

### *Insistence*

No source pertaining to Sub-Cycle 2 seemed to echo the CSSC Head’s express reference to benefits to be derived from all CS Nations’ working together. This seemed all the more disappointing, that, to the best of our knowledge, after the San Juan County/Islands Trust Transborder Marine Stewardship Initiative ebbed out in early

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<sup>165</sup> To those that might object that the Samish representative’s input in Sub-Cycle 2 might have denoted just that, we shall reply, as already noted under **Step 4**, that since the speaker in question was a non-native scientist, albeit working for the Samish tribe, we were not quite sure to what extent he spoke on behalf of tribal Elders as opposed to expressing himself in his capacity of a scientific advisor. Lingering doubts therefore warranted cautious regarding this question.

fall of 2002, the OPI was left as the only *transboundary* forum in the Salish Sea region focusing on marine conservation also from a site-specific perspective<sup>166</sup>. This notwithstanding, we did not view the scantiness of CS messages directly addressing the possibility of shared governance across the political boundary as justifying *per se* inferring that this issue had but limited interest for FNs and tribes. Nor did we deem it justified to claim that no Elders barring the Saanich Elder/CSSSC Head - whom we incidentally found to be the only CS voice to evoke the political boundary - were interested in this transboundary dimension. As already noted, when it came to sub-theme 2(c), we were put at a particular disadvantage source-wise. Important sources that could usefully have shed light on FN/tribal thinking about shared governance across the border turned out to be missing. It might also be pointed out that the sheer circumstance that a fair number of BC FNs got together with at least four WA Tribes<sup>167</sup> in the June 2000 CS gathering with a view to celebrating their common heritage and identity could in itself be interpreted as marking a first step towards 'the CS citizenship' which Marker (2011, p. 209) quotes a former Lummi Chair for evoking<sup>168</sup>.

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<sup>166</sup> The GB/PS Task Force and the bi-annual PS/GB Research conference of course remained as frameworks for tackling marine conservation issues from a regional perspective.

<sup>167</sup> Apart from the Lummi, the tribes reportedly represented were the Tulalip, the Upper Skagit River and the Samish tribe (source: report of CS gathering of June 16<sup>th</sup>, 2000).

<sup>168</sup> Confirming this trend, during a conversation over the phone in 2009 with a natural resource manager working for the Lummi Nation, we were told that notably the Lummi already for some time displayed considerable efforts to advise BC Nations as to how to bring their status up to the level of that of tribes on the WA side. This, they felt, would make it easier to work together and make a Coast Salish voice stronger.



### *Summing up*

On the basis of the discussion just held, we subjected each category of messages, with respect to each sub-theme and each sub-cycle - and for messages pertaining to RQ. III also with respect to both pointers - to qualitative ratings. The key we applied in these ratings as well as its results are displayed in **Annex 26**. Since the reasoning and the arguments underpinning the scores we ascribed are presented in Paragraphs 5.2.1.1 and 5.2.2.1 (**Book I**) respectively, they will not be repeated here. It is, however, important to bear in mind that, rather than attempting, for each research question, to assess separately the degree of outspokenness/assertiveness, unambiguity and insistence that seemingly characterised CS messages pertaining to the different sub-themes, we opted for looking at the three qualities in a comprehensive way. The idea was here that, since these qualities could be understood to be mutually re-enforcing, when undertaking qualitative rating, it appeared reasonable to ascribe the highest scores to those messages that seemingly displayed all three qualities and the lowest to those seemingly lacking any of them. Importantly, for those sub-themes where we did not offer any pondering relative to unambiguity, as we chose to dwell solely on cases fraught with tensions or contradictory messages, we took this to count as a positive signal and hence to contribute to a positive score.



### 3. CONFRONTING UNDERSTANDINGS REACHED REGARDING RQ.I AND R.Q.II/RQ.III: PRACTICING LEVEL-JUMPING

#### 3.1. *Possible effects on the intermediate and ultimate visions of CS messages with significant interruptive potential*

In accordance with what was signalled in the introduction to Section 5.3. (**Book I**), the discussion that follows will be based on the two sets of qualitative rating relative to RQ.I and RQ.II/III respectively brought together and displayed in **Annex 27**, with indication of the criteria against which each set of rating was done. In this discussion we opted for concentrating on sub-themes in relation to which CS representatives seemingly emitted messages to which we ascribed significant interruptive potential, hence prompting us to assign either a (+) or a ‘+’ mark. We started by probing, sub-theme by sub-theme, if emission of such messages happened to precede or coincide with shifts in either of the two macro-level visions towards complexifying ways of thinking about the sub-theme concerned. The assumption that dissenting messages would first and foremost afford shifts in terms of complexification was grounded in the empirically-based observation that much CS criticism targetted fragmented or disjunctive ways of thinking about marine conservation. This led us *a contrario* to assume that objections potentially unsettling or suspending such ways of thinking might pave the way for more relational and contextualising ways of thinking about this matter in either of the two visions. Accordingly, starting by messages emitted in Sub-Cycle 1, we decided to probe the extent to which at least some

of the key issues at the core of CS objections for each sub-theme appeared, in either of the two visions, to have translated into more relational and contextualising ways of thinking about this same sub-theme.

Looking first at the micro-level (**Annex 27**, Table A.1.), while the gist of the critical messages with an ethical dimension emitted in Sub-Cycle 1 seemed to be morally-grounded reprobation directed at lack of respect notably for sites held sacred, unsustainable fishing practices and pursuit of short-term economic interests, we read the CSSC Head's remark underlining humans dependency on non-humans (in this case, marine creatures) - and implicitly, we thought, calling for due respect to be shown these creatures - as tinged with relational thinking and hence as being of direct relevance for the standard of complexification.

Turning next to the macro-level (Table B.1 and B.2.), in ethical terms, we noticed that the intermediate vision indeed earned a (+) mark with respect to complexification/standard b, hence meeting substantially, in our judgement, requirements in relation to this standard. This mark was grounded in our considering likening of orcas to 'international citizens', upon whom 'honour' should be bestowed, as signalling a qualitatively significant move towards an outlook overcoming the conventional divide between humans and non-humans and hence including the latter in the OPI's constituency. We read such reframing, which sits well with what we understood to be a cornerstone in a traditional worldview, as flagging that the implicit criticism of predominant ways of thinking not paying sufficient respect to marine wildlife had somehow been heeded. This notwithstanding, the main shortcoming of the intermediate vision

against an optimal scenario remained, as we recall, that it did not appear to leave behind for good an instrumentalising outlook on sea life.

Looking next at the ultimate vision with respect to sub-theme **1(b)**, at first glance, also here, the picture seemed promising in terms of complexification. The feature that struck us most was outspoken concern for the non-human part of the biosphere, notably oceans about which fundamental rethinking was called for. We read such concern as signalling increased recognition of humans and non-humans - both living and seemingly inanimate - as intimately connected and interdependent. The ultimate vision thus arguably went further towards meeting what we interpreted as CS criticism in Sub-Cycle 1 of insufficient recognition of the interdependence between humans and non-humans.

Returning to the micro-level, the scores we assigned to sub-theme **2(b)** in both sub-cycles were unreservedly affirmative in terms of anticipated interruptive effects. We recall that, already from the outset of Sub-Cycle 1, 'no-take' areas (or sanctuaries) in relation to which FNs and tribes feared not to be granted sufficient say was the major subject of controversy. Next to this issue, we also saw two critical messages denouncing respectively unsustainable fishing practices depleting entire tracts of the sea as well as inappropriate practices for salmon recovery.

'Jumping' to the macro-level, we recall that, besides unsettling ways of thinking about marine conservation that characterised the early vision, we assumed interruptive acts to afford suspension of or outright relinquishing of certain options. Accordingly we were interested in finding out if, in apparent response

to CS objections, already the intermediate vision introduced a caveat or some form of qualification in relation to ‘no-take’ areas. What we observed here, though, was a mixed picture. On the one hand, somewhat surprisingly, despite CS representatives’ repeated and forceful contesting of this option, the application which the S&S Coalition submitted to the North American Fund for Environmental Cooperation in March 2001 expressly mentioned ‘no-takes’ in connection with special protection areas within the OPISA. On the other hand, the mention of *co-management* with FNs and tribes as a condition for cooperative establishment of protected areas could also be read as signalling that CS concerns had been heard, at least in part. Overall, however, the intermediate vision still seemed to us to denote reluctance to contemplate discarding the ‘no-take’ option.

Looking next at the ultimate vision as far as the ‘no-take’ controversy is concerned, whereas WA tribes joined in by clearly reiterating their opposition to sanctuaries (‘no-takes’) in Sub-Cycle 2, somewhat surprisingly, this concept still featured in the ‘Wave of the Future’ publication. While displaying noteworthy caution when underlining notably: “...it is worth remembering that the Sound and Strait Coalition is not trying to make the whole area (of the OPISA) a marine reserve (no-take zone)”, such caution did not refrain it from stoutly defending this option. By contrast, in the later GB/PS research conference paper, as elaborated in May 2003, this notion was nowhere to be found. At first we were inclined to read this as signalling that the objections that the CS expressed at the micro-level had indeed been heard, hence testifying that these objections had some interruptive effect. However, at the same time, this same paper introduced the two concepts of ‘priority sites for conservation’ or

‘specific protective zones’, both of which seemed to us to lie deceptively close to what we understood ‘no-take’ areas to stand for. On balance, therefore, the ultimate vision seemed to suggest wavering between two strategies: either discarding the option altogether or simply looking for another formulation that might somehow take the edge off CS objections while, fundamentally, implying the same prohibitive provisions as ‘no-takes’. The idea of “lobbying” managers to limit or *prohibit* [emphasis added] harvest using existing management regulations to protect and enhance species diversity and to educate users as to why it was important to limit or *refrain* [again emphasis added] from species harvest might thus have been just another way of putting in place no-take areas, albeit in a possibly less coercive way. Against this backdrop we were left with the impression that, while, as presented in the 2003 GB/PS research conference paper, the ultimate vision appeared to take CS objections to ‘no-take’ areas seriously, upon closer inspection, it might be argued only to pay lip service to these objections. Not even omission by the discussion paper prepared for the PS/GB Task Force to mention ‘no-takes’ could in our view be understood to contradict this impression. To us, this omission signalled at best that, as things stood in early 2003, the S&S Coalition no longer deemed it politically wise to use the term ‘no-take’. Fundamentally, the notion of special areas in which any use was to be totally prohibited remained in place. Lastly, the ultimate vision did not heed CS objections to special protection of marine mammals. As under 1(b) we wondered whether the reason for such omission was to be sought in purely political considerations or whether it flagged that the S&S Coalition seemingly only took notice

of objections formulated in meetings it convened. We clearly favour the former interpretation.

### *3.2. Possible effects on the intermediate and ultimate visions of CS messages with significant differentiating potential*

We shall now explore whether shifts that our macro-level analysis led us to consider qualitatively significant in terms of differentiation seemingly coincided with or followed emission, during TBMPA meetings or in other relevant fora, of messages to which we ascribed significant differentiating potential.

Looking again at Table A.1 in **Annex 27**, the first observation we made was that CS messages relating to sub-themes **1(a)**, **1(b)**, **2(a)** and **2(b)**, and to which we ascribed significant differentiating potential, all scored either ‘+’ or (+) marks in Sub-Cycle 1 for *both* pointers that we associated with pedagogic ‘subjectivation’. Accordingly one or both macro-level visions could reasonably be expected to display conspicuous shifts, in the course of either Phase 2 or 3 - or both - towards increased differentiation - that is to say, expansion of the array of distinctive options they included - parallel to or subsequent to emission of these messages.

Starting with sub-theme **1(a)**, the distinctive idea repeatedly evoked in Sub-Cycle 1 was the importance of making knowledge about how certain areas were used by humans - and also names reflecting such use - form part of the criteria informing identification and designation of MPAs. This idea largely coincided, among others, with the Saanich Elder’s proud reference to expertise available among the CS people.



Turning next to the macro-level we examined if these messages seemed to find an echo either in the intermediate or ultimate vision. Concerning inclusion of additional, human or socially-based criteria, this idea seemed to have gained little purchase at the macro-level. However, since, when comparing the intermediate vision with the early vision, we found the former to contemplate a more conspicuous role for TEKW in identifying and monitoring special protection areas and since we found the ultimate vision to denote a rising interest in the contribution that traditional knowledge might bring to what the OPI was trying to achieve, we wondered if the Saanich Elder's reminder that expertise was available among the CS nations might not eventually have helped raise awareness of the value of drawing more on traditional knowledge.

For **1(b)**, key ideas conveyed by CS Elders in Sub-Cycle 1 seemed to pertain to interconnectedness between humans and non-human features and processes ("the landscape includes all of us" - and "All is one"). Also interdependence between non-humans and humans was emphasised as the idea came up that non-human creatures could teach humans about how they depended on non-humans. At the same time the CSSC Head exhorted OPI partners to choose "the high road" thereby signalling that, as traditional ethics would have it, the OP work ought also to be informed by moral principles.

CS messages of relevance for sub-theme **1(b)** conveyed in Sub-Cycle 2 pertained to the two key ideas of long-term orientation and the precautionary principle. As the Tulalip speaker evoked the notion of responsibility in relation to co-managing Northwest Strait

waters, he also appeared to foreground a principle pivotal for CS ethics.

Turning again to the macro-level, we sought to find out if any of these new ideas and proposals appeared to have played a role in conveying a heightened ethical sensitivity to the intermediate vision as compared with the early vision. We noticed that, in general terms, the former seemed indeed to grant a more prominent place to ethical principles and values. As we looked more closely at the shift which the intermediate vision seemingly underwent in relation to ethics, we observed that it involved introduction of a couple of principles conspicuously close to indigenous/CS values. We thus read the attention expressly paid to sites of cultural and *spiritual* values for the Tribes and FNs as well as reference to ‘seventh-generation thinking’ as flagging increased sensitivity to such values. Yet, while there seemed little point in questioning that the latter principle was inspired by CS teachings<sup>169</sup>, since we found neither CS attendees at TBMPA meetings nor CS speakers at the other relevant fora to refer to this principle, we were not in a position to argue that it was introduced under the effect of inputs made during these meetings and fora. More plausibly this principle was introduced under the effect of messages emitted in fora other than those we dealt with in this inquiry.

As for the ultimate vision, we recall that we understood it to mark a further shift in the way that non-human elements of the biosphere and human/non-human relations were being thought about, notably by calling for fundamental rethinking about oceans. The

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<sup>169</sup> For example, at the interactive session on transboundary MPAs in February 2009, the Tseycum Chief recommended all to work together “for the sake of our children, grand-children and great-grand children and not-born.”

principles of interconnectedness and interdependence therefore seemed to have gained further purchase. It also presented reduction of negative impacts and the human footprint as a duty for all. Most plausibly, however, we deemed the latter notion - still a fairly new buzzword at the time - inspired by sources other than such coming from the CS since, at no point, we saw it evoked by CS speakers in our sources. As for the precautionary principle expressly mentioned by a Tulalip speaker at the training conference at Pt. Ludlow, since the statement pointing to this principle was made in October 2002, it could not be assumed to have had an effect on the ultimate vision as presented in the 'Wave of the Future' publication issued in May 2002. Any thesis according to which the Tulalip speaker's input might have afforded reference, in this publication, to responsibility towards future generations, including future generations of animals and plants, must therefore be rejected. By contrast, the ultimate vision's express allusion to virtues such as 'care' or 'sense of duty' arguably suggested that the Saanich Elder's exhortation for moral principles to inform the OP work did not fall on deaf ears and was hence heeded, albeit belatedly.

Returning to the micro-level in relation to sub-theme **2(a)**, key features that we foregrounded for Sub-Cycle 1 included the BCAFC's recommendation calling for MPAS to be linked to integrated coastal management as well as several messages implying a comprehensive approach encompassing the Salish Sea as a whole. We also read a remark about the Fraser River's influence on the whole region as offering a reminder of connectivity across spatial scales tying marine waters to coastal areas as well as to uplands and their river systems.

While noting that the intermediate vision scored a (+) in terms of differentiation, upon closer inspection, the arguments for assigning this mark turned out to have little to do with ideas and proposals championed by the CS. Despite the latter evoking fairly insistently broader approaches to marine conservation, we did not find anything in this vision that might allow us to contend that it took on board such message. Nor did we find express references to linkages across scales and between different types of ecosystems.

As for the ultimate vision, whilst, as reported in our sources, no CS statements explicitly extolling approaches other than the MPA approach were proffered in Sub-Cycle 2, we nonetheless examined if messages emitted in that respect during Sub-Cycle 1, might have exerted deferred effects on this vision. Looking more closely at advances that it marked in terms of differentiation, we noticed that at least one of these concerned explicit admission that the MPA approach alone could not address all the problems posing a threat to the Salish Sea. We read this as recognition that other approaches were required as well. Remarkably, also, coastal development - and how it might affect (marine) habitats - was mentioned for the first time. While the importance of paying attention to coastal areas might have been underlined on other occasions, we nonetheless wondered if we were witnessing here belated acknowledgement of the BCAFC recommendation.

As we looked more closely at messages relating to sub-theme **2(b)**, the feature repeatedly foregrounded by CS representatives in Sub-Cycle 1 was restoration geared to recovery of ailing populations, notably salmon, and their rapidly deteriorating habitats. In addition, several messages emitted or injected into local discussion during that

same sub-cycle evoked traditional governance practices as well as FNs role as self-governing regulators, alongside their involvement in management and monitoring of marine areas. We also read these messages as being tinged with palpable pride.

Again 'jumping' to the macro-level, unquestionably, the sources on which we drew for construing the intermediate vision repeatedly mentioned - restorative actions. The question remains, however, what role CS messages explicitly referring to practices in support of species recovery and restoration of marine areas played in that respect. We thus recall that already the Statement of Principles circulated in September 1999 explicitly alluded to restoration.

By contrast the option of multi-use, which the BCAFC expressly called for, seemingly found an echo neither in the intermediate nor in the ultimate vision. At first glance, the latter's score in terms of the standard of differentiation looked less than impressive. Closer inspection, however, revealed that justification for such score was to be sought in shortcomings relating to aspects which CS protagonists, according to our sources, did not touch upon. When focusing exclusively on aspects or dimensions that we found mattered to the CS, the picture looked quite different. Among new options introduced in the ultimate vision, we thus found the option of interim measure agreements with BC First Nations suggesting differentiation according to duration in time. Yet, before inferring too hastily that this new idea was introduced under the effect of CS demands - of which, incidentally, we only captured a faint echo - for possible fishing restrictions to be temporary rather than permanent, we noticed that, as presented in the ultimate vision, this proposal seemingly only targeted BC FNs. Such apparent exclusion of WA tribes made it

doubtful that this proposal was prompted by considerations other than on-going treaty processes in BC. What appeared more credible in terms of differentiation effects was the interest, openly expressed in the ‘Wave of the Future’ publication, in traditional practices for governing marine commons. One might thus argue that such interest was plausibly aroused, among others, under the deferred effect of at least some of the recommendations that CS representatives put forward during Sub-Cycle 1. A case in point was the Saanich Elder’s remark evoking a picture of plentiful harvests as a result of prudent and sustainable fishing practices. It cannot be ruled out either that the Tulalip speaker’s input at the NWIFC’s MPA Forum in November 2000, in particular his confidence in the contribution that respect of tribal rights would bring to strengthening existing protection and restoration efforts, might have left a lasting impression on S&S Coalition attendees and made them realise that much was to be gained from paying more attention to traditional practices.

The tentative reply we proposed for RQ.IV on the basis of this discussion is presented and discussed in Sub-Section 5.3.3.

**(Book I).**

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**Early vision - Primary source no. 1: Transboundary MPA  
Statement of Principles (*in extenso*)  
*[circulated via the TBMPA listserv, September 8<sup>th</sup>, 1999]***

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

**Statement of Purpose**

To conserve marine species, ecosystems, habitats and biological diversity and to rebuild sustainable fish and wildlife populations in the border region of British Columbia and Washington State by establishing **protected areas**<sup>170</sup> with the cooperation of constituent groups.

**Statement of Need**

The Salish Sea<sup>171</sup> is an ecosystem under duress due to poor stewardship and population growth: Fish populations are at critically low levels, water quality is poor, habitat is being lost, and existing water and fisheries management have been unable to provide adequate protection for our marine environment.

**Statement of Principles**

\* **Marine protected areas (MPA) are widely endorsed by the scientific community** and have shown to be effective in conserving habitat and rebuilding local fish populations.

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<sup>170</sup> 2(a): Protected areas in plural

<sup>171</sup> Noteworthy that the Salish Sea appellation was already included in the text even though it was not until a decade later, on October 30th, 2009 for the WA State Board on Geographic Names and on February 9, 2010 that the February 9, 2010 for the Geographical Names Board of Canada that this appellation was officially endorsed.

- \* A transboundary MPA recognizes that the ecosystem of the Salish Sea has no border and that organisms that inhabit this inland sea and many of the impacts upon them are not constrained by lines on a map.
- \* A transboundary MPA requires clear definition, goals based on sound conservation biology and strategies based on these goals<sup>172</sup>.
- \* A transboundary MPA, where feasible, should protect seabed habitat, water quality, and marine species.
- \* A transboundary MPA should include biological goals<sup>173</sup> that provide for undisturbed critical habitat, relief from harvesting for some species, areas for propagation into surrounding areas, and areas to maintain high biomass or high diversity.
- \* A transboundary MPA should compliment and take advantage of ecologically-representative MPA networks and the planning for such networks on both sides of the border<sup>174</sup>.
- \* A transboundary MPA should be described using positive terms such as nursery, recovery, restore, rejuvenate, and stewardship<sup>175</sup>.
- \* A transboundary MPA should be a citizen-based approach developed by all concerned groups, including native peoples<sup>176</sup>, and it should be the government's responsibility to use its power to "make it so."
- \* A transboundary MPA should achieve its goals through voluntary compliance and through just enforcement of existing laws that recognize native and non-native rights and responsibilities<sup>177</sup>.

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<sup>172</sup> 1(a): (Western) Natural science

<sup>173</sup> Sub-theme 1(a) : Again emphasis on biological goals confirming what Jentoft noted.

<sup>174</sup> Sub-theme 2(c): Separate play

<sup>175</sup> Sub-theme 1(b)?

<sup>176</sup> 2(b): Note that native peoples are included under citizen-based approach / Citizen-based approach but reliance on government to make it happen/ ambivalence!

<sup>177</sup> 1(b): Note 'just', rights and responsibilities

## Annex 2

### Early vision - Primary source no. 2: S&S Coalition vision letter to GB/PS Task Force, March 6<sup>th</sup>, 2000 (*in extenso*)

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

Re: S&S Coalition Vision Letter to Int Task Force The Puget Sound/Georgia Basin Task Force is meeting today and tomorrow in Vancouver. We've sent the following letter to the Task Force.

March 6, 2000

Puget Sound/Georgia Basin Task Force

Dear John and Les:

Regretfully, representatives of People for Puget Sound and Georgia Strait Alliance are unable to attend the March 7 - 8 Task Force meeting due to scheduling conflicts.

We would like to inform the Task Force that we and other Washington and British Columbia non-governmental organizations have been meeting for over a year, developing some specific strategies to **protect and restore the ecosystem health of the shared waters of the Inland Sea between the province and the state.**<sup>178</sup>

In January of this year, we began actively meeting with constituents and user groups after identifying an "area of interest" through analysis of available marine resource data. We have dubbed this area of high concentrations of biodiversity the **"Orca Pass International Stewardship Area" (OPISA)**<sup>179</sup>, which roughly encompasses the waters of north Haro Strait, Boundary Pass, and adjacent channels. **We have also drafted stewardship principles, goals, and guidelines for**

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<sup>178</sup> 2(b): Allusion to 'restore'

<sup>179</sup> 2 (c): 'International' instead of 'transboundary'

human activities in the OPISA<sup>180</sup>. (A map of the proposed OPISA boundaries can be seen at [www.pugetsound.org/mpa/](http://www.pugetsound.org/mpa/).)

We consider our work to be supportive and complementary to the initiative taken by Islands Trust and San Juan County<sup>181</sup> in moving towards designation of marine protection areas in the Gulf Islands/San Juan Islands<sup>182</sup>. We also consider our work to be of value to the Task Force in prompting natural resource agencies on both sides of the border to move forward with active, cooperative management of marine resources.<sup>183</sup>

We have three issues of immediate concern that we would appreciate you bringing to the Task Force's attention for action:

1. Natural resource data collected by governmental agencies must be made available in usable digital formats to other agencies and the public. The need to freely "share" information was identified by the WA/BC Marine Science Panel and has been reiterated at transboundary workshops and forums many times over the past few years. San Juan County and Washington State natural resource agencies should not have any difficulty obtaining marine resource data from Canadian federal or provincial agencies. Neither should People for Puget Sound, Georgia Strait Alliance, Canadian Parks and Wilderness Society or any of our other partner groups have difficulty in obtaining this data. **If we are to use the best available science to determine where we should put our protection and recovery efforts,** then the resource data on both sides of the border must be freely obtainable.

2. As you are aware, BC Hydro and Williams Pipeline Company have proposed to build a natural gas pipeline from Sumas, Washington, to Mill Bay on Vancouver Island. The proposed route passes through Boundary Pass, an area included in the OPISA, under discussion as a potential protected area by Islands Trust and San Juan County, and

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<sup>180</sup> What is meant by 'stewardship' pertains to 1(b)?

<sup>181</sup> 2(a): Risk of overlapping between the two initiatives?

<sup>182</sup> 2(a): Suggests that the proposed MPA is seen as one among several other MPAs in the Salish Sea)

2(c): Cooperation but no coordination.

<sup>183</sup> 1(b): Instrumentalising language.

under study by Parks Canada as part of the National Marine Conservation Area to be established soon<sup>184</sup>. BC Hydro and Williams are conducting a public relations campaign that shows they have little understanding of the ecosystem or the environmental effects of their proposal. San Juan County has requested that the project proponents answer, in a timely manner, a suite of environmental concerns before proceeding. The Islands Trust supports San Juan County's request, as does People for Puget Sound, Georgia Strait Alliance, and many Washington and British Columbia non-governmental organizations. We ask that the Task Force meet with San Juan County and the Islands Trust about their concerns and request that the project proponents provide answers to these concerns in a timely manner before proceeding further.

3. As you may also know, the risk of tanker and cargo vessel accidents due to a lack of adequate tug assist capabilities near the west end of the Strait of Juan de Fuca is temporarily abated thanks to the stationing of a dedicated rescue tug at Neah Bay. The tug has already responded to its first official call for assistance, and in so doing possibly prevented an oil spill off Vancouver Island.

However, unless additional US or Washington state funding is found, the rescue tug will be gone by mid-April. Even if funding were found and a year-round rescue tug were to be stationed at the west end of the Strait, the waters of Haro Strait have been identified as also a high risk area and will continue to be at risk unless additional dedicated tug resources capable of responding in a timely manner are instituted in the Haro Strait and Boundary Pass transit area. We understand that the Task Force is not charged with discussing vessel safety or oil spill prevention; however, we believe that the Task Force can address the need for additional tug resources in the Haro Strait/Boundary Pass area as a precautionary measure in its work on marine resource protection and recovery. We ask that the Task Force do so, and communicate its concern to the President of the United States and the Prime Minister of Canada, the US and Canadian Coast Guards, and the Governor of Washington State and the Premier of British Columbia.

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<sup>184</sup> Overlaps between OPISA, a potential protected area under IT/SJC transborder Initiative and Parks- CA National Marine Conservation Area. Boundary Pass 2(c).

Thank you for your communicating these issues and concerns to the Task Force. We look forward to your reply.

Sincerely,

Executive Director, Georgia Strait Alliance,  
Executive Director, People for Puget Sound



**Early vision - 1(a): Aggregate ‘evidence’ relative to the knowledge base**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Transboundary MPA Statement of Principles

Selected text segments	Short-handed commentary
<ol style="list-style-type: none"> <li>1. “Marine protected areas (MPA) are widely endorsed by the scientific community”</li> <li>2. “A transboundary MPA requires clear definition, goals based on sound conservation biology”</li> <li>3. “A transboundary MPA should include biological goals”</li> </ol>	<p>1. Implies broad consensus of what MPAs stand for.</p> <p>2. + 3. No reference to TEKW contrasting with emphasis on (western) science and conservation biology</p>

**Primary source no. 2:** Vision letter

Selected text segments	Short-handed commentary
<p>“If we are to use the best available science to determine where we should put our protection and recovery efforts,”</p>	<p>Again silence regarding TEKW</p>

## Annex 4

### Early vision - 1(b): Aggregate ‘evidence’ relative to ethics [Words/text segment elicited as capta are marked in red]

#### Primary source no. 1: Transboundary MPA Statement of Principles

<u>Selected text segments</u>	Short-handed commentary
<p>1. “A transboundary MPA should be described using <b>positive terms</b> such as nursery, recovery, restore, rejuvenate, and <b>stewardship</b>.”</p> <p>2. “The Salish Sea is an ecosystem under duress due to <b>poor stewardship</b> and population growth.”</p> <p>3. “A transboundary MPA should achieve its goals through voluntary compliance and through <b>just</b> enforcement of existing laws that recognize <b>native and non-native rights and responsibilities</b>.”</p>	<p>1. + 2.: Stewardship an equivocal notion.</p> <p>3.a: ‘just’ but placing of the native and non-native groups on equal footing.</p> <p>3.b: Focus on <i>rights and responsibilities</i>.</p>

**Primary source no. 2:** Vision letter

Selected text segments	Short-handed commentary
<p>1. “We have dubbed this area of high concentrations of biodiversity the "Orca Pass International Stewardship Area" (OPISA), which roughly encompasses the waters of north Haro Strait, Boundary Pass, and adjacent channels. We have also drafted stewardship principles, goals, and guidelines for human activities in the OPISA.”</p> <p>2. “(...) move forward with active, cooperative management of marine resources.”</p>	<p>1. Emphasis on stewardship but still debatable what this notion stands for.</p> <p>2. Instrumentalisation of marine wildlife and habitats.</p>

## Annex 5

### Early vision - 2 (a): Aggregate ‘evidence’ relative to marine conservation approach

[Words/text segment elicited as capta are marked in red]

#### **Primary source no. 1:** Transboundary MPA Statement of Principles

Selected text segments	Short-handed commentary
<p>1. “<b>To conserve</b> marine species, ecosystems, habitats and biological diversity (...) in the border region of British Columbia and Washington State by <b>establishing protected areas</b> with the cooperation of constituent groups.”</p> <p>2. “A transboundary MPA should <b>compliment</b> and <b>take advantage of ecologically-representative MPA networks...</b> “</p>	<p>1.a. Restoration seemingly disregarded.</p> <p>1.b. One or several MPAs?</p> <p>2. No mention of approaches other than MPAs</p>

#### **Primary source no. 2:** Vision letter

Capta	Short-handed commentary
<p>“We consider our work to be supportive and complementary to the initiative taken by Islands Trust and San Juan County in <b>moving towards designation of marine protection areas in the Gulf Islands/San Juan Islands.</b> “</p>	<p>Suggests that the proposed MPA is seen as one among several other MPAs in the Salish Sea.</p>

## Annex 6

### Early vision - 2 (b): Aggregate ‘evidence’ relative to governance regimes and practices

[Words/text segment elicited as capta are marked in red]

#### Primary source no 1: Transboundary MPA Statement of Principles

Selected text segments	Short-handed commentary
1. “A transboundary MPA should be a citizen-based approach developed by all concerned groups, including native peoples, and it should be the government's responsibility to use its power to "make it so.”	1. a. Native peoples encompassed under citizen-based approach 1. b. Citizen-driven initiative but up to governments to implement

#### Primary source no 2: Vision letter

Selected text segments	Short-handed commentary
“We have also drafted <b>stewardship principles</b> , goals, and guidelines for human activities in the OPISA.”	Suggests non-regulatory measures

**Early vision - 2 (c): Aggregate ‘evidence’ relating to shared governance across the border**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Transboundary MPA Statement of Principles

Selected text segments	Short-handed commentary
<p>1. “<b>The Salish Sea is an ecosystem</b> under duress due to poor stewardship and population growth.”</p> <p>2. “<b>A transboundary MPA recognizes that the ecosystem of the Salish Sea has no border</b> and that <b>organisms</b> that inhabit this inland sea and many of the impacts upon them are <b>not constrained by lines on a map.</b>”</p> <p>3. “<b>A transboundary MPA</b> should compliment and take advantage of ecologically-representative MPA networks and the <b>planning for such networks on both sides of the border.</b>”</p>	<p>1. + 2. Bracketing of the border</p> <p>3. ‘Separate play’ scenario</p>

**Primary source no. 2:** Vision letter

<u>Selected text segments</u>	Short-handed commentary
<p>1. “We also consider our work to be of value to the Task Force in prompting natural resource agencies on both sides of the border to move forward with active, cooperative management of marine resources.”</p> <p>2. “We have dubbed this area of high concentrations of biodiversity the "Orca Pass <b>International</b> Stewardship Area" (OPISA)...”</p>	<p>1. a. No mention of transboundary MPA</p> <p>1.b. ‘Classic’ cooperation seemingly envisioned.</p> <p>2. The term ‘International’ chosen despite the OPI’s leading organisations emphasising from the start that the transboundary dimension was the OPI’s trademark.</p>

**Intermediate vision - Primary source no. 1: 2001 GB/PS  
research conference paper (*in extenso*)**

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

**Hands Across the Border**

**Mike Sato and Philip Bloch**

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**Abstract**

Despite the political boundary, the “transboundary” waters between British Columbia and Washington State are really a single ecosystem<sup>185</sup>. In the fall of 1999, more than 20 citizen groups came together around the need to establish a protected area in these shared waters. The area is rich in natural beauty, marine biodiversity, environmentally sensitive habitat, and sites of **cultural and spiritual importance to Coast Salish tribes and First Nations on both sides of the border**<sup>186</sup>. The area of interest includes and adjoins Boundary Pass (between the Canadian Gulf Islands and the US San Juan Islands), and was named the “Orca Pass International Stewardship Area” (after the orca whales that transit these waters regularly<sup>187</sup>). The area was selected by using mapped physical characteristics, marine **resources**<sup>188</sup>, and constituent interests to identify the borders of an ecological system in need of protection due to declining or endangered natural resource. **Proponents have met with tribal representatives and government officials on both sides of the border in developing this citizens’ initiative that complements and**

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<sup>185</sup> 2(c): Political boundary but one ecosystem

<sup>186</sup> 1(b): New dimensions

<sup>187</sup> 1(b): Surprise

<sup>188</sup> 1(b): Again instrumentalisation of sea life



enhances governmental and local protection efforts, such as the Islands Trust/San Juan County marine protection initiative and the National Marine Conservation Area proposed by Parks Canada for the southern Georgia Strait.

## **Introduction**

The marine area and intertidal zones of the region bordered by Canada's southern Gulf Islands and the US San Juan Islands are among the most biologically rich and sensitive marine regions in the world.

On the US side, the area was once proposed as part of a Northwest Straits National Marine Sanctuary and is currently a part of the US Northwest Straits Marine Conservation Initiative. In 1994, Canadian federal and provincial government natural resource agencies created an intergovernmental steering committee to develop a coordinated Marine Protected Areas Strategy. Following the 1994 Washington/British Columbia Marine Science Panel report on the urgent need to address habitat loss, water pollution, and resource depletion on a transboundary basis, the governments of British Columbia and Washington State created the Puget Sound/Georgia Basin Task Force to work cooperatively to addressing these issues. Despite the best of intentions, governmental efforts to establish transborder marine protected areas have been slow, scattered and piecemeal.

Since 1991, British Columbia and Washington State non-governmental conservation organizations such as Georgia Strait Alliance and People For Puget Sound have worked cooperatively as the Sound & Straits Coalition to address transboundary marine issues. Since the fall of 1999, Sound & Straits Coalition groups (People For Puget Sound, Friends of the San Juans, Waldron Community, Evergreen Islands, Washington Scuba Alliance, Tokitae Foundation, Georgia Strait Alliance, Canadian Parks and Wilderness Society, Living Oceans Society, Underwater Council of British Columbia, Galliano Island Conservancy, Oceans Blue Foundation) have met to identifying a cross-border region that would be the focus of a citizens' initiative to move governments and tribes towards cooperatively establishing protected areas in the transboundary waters. Lummi, Swinomish, Tulalip, Coast Salish tribes and BC

Aboriginal Fisheries Commission and Northwest Indian Fisheries Commission representatives have participated in Orca Pass discussions. This cooperative effort had as its condition the full recognition of tribal co-management rights, the involvement of all interested publics, and compliance—through education and enforcement—of all applicable federal, provincial, state and local laws and regulations.

### **Stewardship that addresses marine species declines**

Creating a Stewardship Area through a citizens' initiative<sup>189</sup> was prompted by steep declines in populations of multiple marine species. Prominent among those species that led to this project are the southern resident Orca whales which have been petitioned for US Endangered Species Act listing and Puget Sound fish species recently reviewed for listing under the US ESA. Also of concern are a suite of birds, marine mammals and habitats that are considered to be in steep decline and are listed as “priority,” endangered or threatened by Washington State and British Columbia.

The Orca Pass International Stewardship Area has been formally adopted by the BC Islands Trust Association and San Juan County's Board of County Commissioners in a “working agreement” with the Sound & Straits Coalition signed in November 2000. Islands Trust, San Juan County, the Sound & Straits Coalition, government agencies, and Native Tribes began discussions in May 2001 of a shared strategy to protect and restore critical habitats and resources through designation of marine protected areas within the Stewardship Area boundary<sup>190</sup>.

The Orca Pass International Stewardship Area has four goals:

1. To protect and restore important habitats with specific attention to reefs and intertidal and nearshore marine zones that benefit the widest diversity of species;

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<sup>189</sup> 2(b)

<sup>190</sup> 2(b) and 2(c)

2. To establish and monitor specific protected zones within the Area<sup>191</sup>, based on science and local/traditional knowledge<sup>192</sup>, and to measure and report on species health, abundance and diversity;
3. To increase and sustain healthy populations of key species of fish, marine mammals, marine birds, marine plants, crustaceans, mollusks, and other invertebrates; and
4. To prevent land and water pollution by petroleum products, toxic chemicals, sewage, plastics, and non-native plant and animal species.

Despite the political boundary, the transboundary waters within the Stewardship Area between BC and Washington State really make up a single ecosystem.<sup>193</sup> **They're home to the same marine creatures**<sup>194</sup> - from orca whales to oystercatchers - and are affected by the same types and sources of pollutants and habitat and population disruptions.

### **Defining Orca Pass**

The Orca Pass International Stewardship Area boundaries have evolved through the process of species and habitat data analyses and public consultations. As of the time of this paper (May 2001), the area is bordered on the south by the northern and western edge of the San Juan Archipelago (including the north shores of Orcas and San Juan Islands, and the western shores San Juan and portions of Lopez Island). The area extends north through the southern Gulf Islands (to the southern edge of Galliano Island) in the north, and includes portions of the Saanich Peninsula to the West.

Species data for the US side were collected from the Puget Sound Ambient Monitoring Program, Washington Department of Fish and Wildlife, the Natural Heritage program and the Whale Museum. Much of this data is widely available, while some were

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<sup>191</sup> 2(b): Again several areas

<sup>192</sup> 1(a): First time traditional knowledge is mentioned as part of the knowledge basis

<sup>193</sup> 2(c): Seamless ecosystem

<sup>194</sup> Creatures instead of species

developed with partners from consultation with individual species managers. Habitat data for the US side were developed primarily using the Washington Department of Natural Resources' Shorezone data set and bathymetry data collected from the Washington Department of Fish and Wildlife. Some species and habitat data were developed through expert interviews and through expert workshops where resource managers and scientists from throughout the state were brought together to discuss data with a particular focus on this project. The Orca Pass mapping and data analysis methodologies were discussed and reviewed at a two-day scientific experts workshop in April 2001 convened by People For Puget Sound and The Nature Conservancy<sup>195</sup>.

In Canada, species data were collected from federal and provincial agencies including LUCO for data that is publicly available. Some species data were collected from expert workshops and from data collected by the Canadian Parks and Wilderness Society through their own workshops.

The Orca Pass International Stewardship Area captures a functional unit that is considered as a whole despite its crossing an international border.<sup>196</sup> People For Puget Sound's analysis differentiates, at its finest scale, sites at a 25 hectare resolution (500X500 meter grid across our area of interest/study area). The use of larger resolution analyses is being explored to capture wide ranging species and habitats that depend on conditions and spatial arrangements not captured in 25 hectare planning units.

The primary variables being addressed are species occurrence as identified through surveys and expert consultation<sup>197</sup>; species life stage information as identified through surveys; and habitat as identified in either the nearshore (shoreline data taken from Shorezone) or marine environment (developed using bathymetry and other data sources).

Our analysis currently uses historic information for the purpose of identifying species representation goals in our project. These goals

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<sup>195</sup> 1(a): Here the western science/expert-driven approach adopted by the S&S Coalition comes out in full view.

<sup>196</sup> 2(c)

<sup>197</sup> 1(a): Expert-driven science

are developed using **expert consultation** and reports such as *Geographical Distribution of Puget Sound Fishes: Maps and Data Source Sheets* (Miller and Borton 1980).

### **Identifying “Richness Zones”**

Within this larger Stewardship Area, three “core” sites on the US side have been preliminarily identified as “Richness Zones” for special protection<sup>198</sup> that might allow the larger ecosystem to function despite ongoing human impacts. Identification of these zones uses known species distributions, ecological information, and appropriate algorithms to identify an efficient network of sites intended to protect those species identified as being at greatest risk. These “Richness Zones” in the areas of Patos/Saturna islands, Wescott Bay (San Juan Island) and vicinity, and Cattle Point/Iceberg Point (south San Juan Channel) are likely candidates for designation as marine protected areas, marine reserves, marine parks or protection using other tools<sup>199</sup>. Designation of these “Richness Zones” focuses attention on the need for further scientific assessments and review of whether existing regulations and compliance are adequate to protect critical habitats and organisms within these zones. (Identification of “core” sites in BC waters has been hampered by lack of government cooperation in access to resource data.)

**The critical, and in some ways unique, components of the Orca Pass approach are that it places habitats and natural resources on both sides of the boarder into a common framework. In this way, Orca Pass can be seen as a regional effort that is attempting to use an ecosystem approach for targeting conservation decisions, rather than basing**

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<sup>198</sup> 2(c): Indicates that none of these core areas are spanning the border

<sup>199</sup> 2(b):The concept of ‘Richness Zones’ appears for the first time. The passage relating to these zones also allows us to understand better what was meant by areas in plural: these areas now seem to refer to special areas that together will form a network within the OPISA. Moreover, this passage shows that at this point in time protection of these sites is envisioned via an array of different options: designation as marine protected areas, marine reserves, marine parks or protection using other tools.

these decisions on single species management goals or politically relevant but biologically meaningless geographic constraints<sup>200</sup>.

Although the specific results of Orca Pass analysis are discrete locations identified in this area of interest, its methodology and criteria used for identifying and selecting sites for protection and for promulgating appropriate management are applicable throughout the Salish Sea<sup>201</sup>. People For Puget Sound uses an algorithm developed by Hugh Possingham and Ian Ball to place habitat and species occurrence data into a common framework for making decisions about how to most efficiently protect species groups of interest. This framework allows us to set species and habitat specific representation goals and enables us to define what represents “viable (or sustainable) occurrences.” More information about this tool and its uses is available at:

<http://www.biogeog.ucsb.edu/projects/tnc/overview.html>.

Government, tribal, and public consultations are expected to continue using the framework of the Orca Pass International Stewardship Area and “Richness Zone” methodology<sup>202</sup>. The Sound & Straits Coalition will continue its consultations with scientists and resource stewards, general public and decision makers, and constituencies (kayakers, whale watchers and whale watch tour operators, and scuba divers) who might be encouraged to support protection of marine resources. The overall methodology for identifying sites will continue to be revised<sup>203</sup> to include more information about invertebrate species and habitat classification. People For Puget Sound expects to have preliminary results from this analysis in Fall 2001 and to produce detailed results and publications in early 2002.

Ongoing progress in consultations and products can be accessed through People For Puget Sound’s website, [www.pugetsound.org](http://www.pugetsound.org), and Georgia Strait Alliance, [www.georgiastrait.org](http://www.georgiastrait.org).

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<sup>200</sup> 2(c) : Underlining of uniqueness

<sup>201</sup> 2(a): Awareness of connectivity across spatial scales?

<sup>202</sup> 2(a): Touched upon the relation between the OPI and governments and Tribes. 1(a): Framework and methodology viewed as special/original contribution.

<sup>203</sup> 1(a): Adaptive methodology up to a certain point

**Intermediate vision - Primary source no. 2: NAFEC application**  
(*in extenso*)

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

**Orca Pass INTERNATIONAL STEWARDSHIP AREA:  
The Outreach and Involvement Campaign  
A Proposal from People for Puget Sound and Georgia Strait  
Alliance to the North American Fund for Environmental  
Cooperation**

**1. Participants**

**People For Puget Sound, Primary Applicant.** People for Puget Sound is a regional environmental organization founded in 1991 to educate and involve ordinary people in protecting and restoring the land and waters of Puget Sound. People for Puget Sound's programs are based on partnerships and collaborations, scientific credibility, creative use of communications and technology, and a hands-on style. Our goals include habitat protection and restoration, pollution prevention, and putting our region's economy and environment on a sustainable course. We accomplish these goals through public education and involvement programs, policy analysis and advocacy, and partnerships with a wide range of organizations, agencies and businesses.

**Mike Sato,** People for Puget Sound's North Sound Director, will be primarily responsible for project management. Mike Sato has more than 25 years of experience in communications and public relations in the public and private sectors. Mike was Communications Director of People for Puget Sound for seven years, and has recently moved to head our North Sound office in Mt. Vernon. Mike is on the steering committee of the Ocean

Wilderness Network, a formal coalition dedicated to establishing a Pacific Coast network of marine reserves.

**Philip Bloch**, GIS Analyst, is responsible for designing, building, maintaining and analyzing all GIS databases. Recent projects include the development of a Rapid Shoreline Inventory to complement existing Washington DNR shoreline data sets, and an analysis of marine resources in the San Juan and Gulf Islands for management recommendations. Mr. Bloch holds an MA in Environmental Management from Duke University. Philip will design and produce all mapping products for the project.

**Georgia Strait Alliance, Co-applicant.** The Georgia Strait Alliance (GSA) is a Canadian charitable organization formed in 1990 to protect and restore the marine environment and promote the sustainability of Georgia Strait, its adjoining waters and communities. GSA carries out public education, advocacy, research and stewardship activities to protect marine habitat and stop pollution in the region. GSA's members (approximately 900 individuals plus 50 organizations) live all around the Georgia Basin, a region very rich in wildlife but threatened by the impacts of a rapidly growing human population.

**Howard Breen**, Marine Habitat Coordinator, has been GSA's representative on several stakeholder-based coastal zone and marine protected area planning processes. He initiated the effort to declare Gabriola Pass Canada's first marine protected area (MPA) and wrote the 1993 report that sparked agency interest in the proposal (the area has now been declared a pilot project MPA). Howard is a Co-Chair of the BC Environmental Network's Oceans Caucus, a BCEN Director, marine issues editor of the BCEN Report, and a member of the BCEN's Communications and Parks/Wilderness Caucuses. He is currently one of three Canadian representatives on the nine-person Coordinating Committee of the Baja to Bering initiative, a tri-national NGO/agency effort to protect marine areas from Mexico to Alaska. Howard will be responsible for First Nations and stakeholder outreach and government liaison on the Canadian side.

**Peter Ronald**, Outreach Coordinator: Peter has worked for 15 years on wilderness and watershed protection campaigns as a volunteer, Board member and campaign coordinator in a number of BC



conservation groups and the BC Environmental Network. He currently chairs the BC Environmental Network's Indigenous People's Liaison Caucus. He has a BA in Political Science and has studied writing, publishing, film and photography. He has worked as a research analyst, communications consultant and was the owner/publisher of the first on-line daily environmental news service. Peter will spearhead the Canadian grassroots outreach portion of the Orca Pass project.

<b>U.S. Collaborating Organizations:</b>	<b>Canadian</b>	<b>Collaborating Organizations:</b>
Evergreen Islands		Canadian Parks and
Wilderness Society		
Friends of the San Juans Association	Galiano	Conservancy
Tokitae Foundation Society		Living Oceans
Waldron Community Naturalists	Mayne	Island
Washington Scuba Alliance Foundation	Oceans	Blue

Also among our members and allies are fishing and shellfishing interests and others with economic and cultural ties to the marine environment. Because the community is so dependent on a healthy resource base, it is broadly acknowledged that the establishment of a transboundary marine protected area (MPA) will have numerous direct and indirect benefits. MPAs are widely endorsed by the scientific community and have shown to be effective in conserving habitat, rebuilding local fish populations, and expanding understanding of marine ecosystems. They have also recognized as providing recreation and tourism opportunities— of prime importance in this region—as well as providing other socio-economic benefits for coastal communities.

**2. Background/Problem Statement**

The inland marine ecosystem shared by British Columbia and Washington State is scientifically recognized as one of the most rich and unique ecosystems on earth. There are more than 200 varieties of red, green and brown macroalgae (seaweed) and several species of seagrasses; over 2,900 different species of marine invertebrates; over

220 species of fish, including eight species of anadromous fish; 116 species of marine birds, including major seasonal concentrations of shorebirds; and 10 species of marine mammals that regularly inhabit the area with an additional 19 species that are occasionally seen in these waters.

In the last 30 years, the health of the inland marine ecosystem has shown clear signs of stress as a result of poor fisheries management, population growth, loss of critical shoreline habitat, and water pollution. In 1999 the U.S. National Marine Fisheries Service (NMFS) listed all of Puget Sound's Chinook salmon runs as threatened under the Endangered Species Act. That same year, in response to a petition from a former state fisheries biologist, NMFS agreed that sufficient evidence existed to review the status of seven marine fish species that have declined to the brink of extinction. Orca whales are now the most contaminated marine mammals in the world and in 1999 were added to Canada's list of endangered and at-risk species (and soon to be in the U.S.). It's clear that the problem is not simply one or two isolated species suffering from toxic pollution and habitat loss— the entire ecosystem is in jeopardy.

In responses to these crises, People for Puget Sound and GSA, with the help of other citizen groups and funding from the North American Fund for Environmental Cooperation, came together around the need to establish a marine protected area in the “transboundary” region of British Columbia and Washington State<sup>204</sup>. We recognized that despite the political boundary, the transboundary waters are really a single ecosystem<sup>205</sup>. The name, *Orca Pass International Stewardship Area (Orca Pass)*, and the proposed boundaries of the area, were selected after considerable time was spent in GIS mapping of marine resources, research on constituent interests, and meetings on both sides of the border to review how this citizens’ initiative could complement, enhance and help push forward related efforts (such as the National Marine Conservation Area proposed for southern Georgia Strait by Parks Canada, and the Islands Trust / San Juan County’s marine protection area initiative). “Orca Pass” was

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<sup>204</sup> 2(c): Again quotation marks around transboundary

<sup>205</sup> Same formulation as for source no.1

selected as the name in honour of the Orca whales that transit these waters regularly and are truly “international” citizens<sup>206</sup>.

Our strategy was to delay the public outreach phase of our project until we had a defined "area of interest." This was done in order to focus attention of First Nations/Tribes and citizen-stakeholders<sup>207</sup> (who otherwise were difficult to engage)<sup>208</sup>; the proposed area went through several changes based on feedback from key scientific and government contacts and stakeholders, and additional biological resource information obtained through GIS mapping<sup>209</sup>. We now have a clearly defined area of interest and are ready to begin the outreach phase. Over the next six months, using scientific data on resource and habitat values, incorporating local knowledge<sup>210</sup>, and working closely with our partner groups in order to expand our reach into the communities of the region, **we will strive to engage citizens and First Nations/Tribes in helping us define the specific areas within Orca Pass that need special protection<sup>211</sup>**, along with a proposed management plan<sup>212</sup>. By a year from now, we aim to have broad public and stakeholder buy-in (leading to eventual governmental support) for Orca Pass.

The establishment of MPAs is a new tool in marine fisheries management and faces many barriers to acceptance and implementation.<sup>213</sup> **The effectiveness, however, of MPAs in protecting species at risk, allowing recovery, and achieving long-term sustainability is beginning to be well documented internationally<sup>214</sup>**. Although Orca Pass is not yet officially "on the map," our project is laying critical groundwork towards establishment of MPAs in the area, which in turn will advance marine conservation and protection of biodiversity<sup>215</sup>.

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<sup>206</sup> 1(b) + 2(c): **Important!**

<sup>207</sup> 2(b): First time we encounter the term ‘citizen-stakeholder.

<sup>208</sup> 2(a): admission of difficulty in relation to the CS

<sup>209</sup> 1(a): Where is TEKW in this?

<sup>210</sup> Traditional knowledge missing

<sup>211</sup> 2(a): Signals that the CS were not involved in defining the project up front.

<sup>212</sup> 2(b): First time we encounter such concept (?)

<sup>213</sup> 2(a): **Important**.,Admission of controversy.

<sup>214</sup> 2(a): Maintenance of faith in MPAS

<sup>215</sup> 2(a): OPISA project as a model for other MPAs.

### **3. Proposed Work and Outcomes**

The complex jurisdictional issues involved mean Orca Pass will not be established unless there is a **strong desire for action and commitment from citizens**<sup>216</sup>. We have made an excellent start on the Orca Pass campaign over the past two years. Now we must "turn up" the heat: carry out more public education, mobilize more visible public support, **win First Nations/Tribal support**<sup>217</sup> and engage a broader constituency of organizations and community representatives, in order to demonstrate to governments that there is widespread public support and an irresistible momentum for creating Orca Pass<sup>218</sup>.

**The goals of the *The Outreach and Involvement Campaign for Orca Pass* are to:**

- **Gain scientific and political acceptance of resource/habitat selection criteria**<sup>219</sup>
- Develop and mobilize a strategic constituency
- Effect a governmental/tribal framework for adoption of designated MPAs within Orca Pass under a long-term agreement that includes measures for monitoring, compliance and enforcement<sup>220</sup>

**To gain scientific and political acceptance**<sup>221</sup> **of Orca Pass**<sup>222</sup>, **we will:**

- Complete scientific peer review of available resource/habitat data within Orca Pass and selection criteria methodology (Summer/Fall 2001)

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<sup>216</sup> 2(b): Underlining of citizens' role.

<sup>217</sup> 2(a): Again admission that support is lacking on the part of tribes and FNs.

<sup>218</sup> 2(a): Governments as the ultimate targets

<sup>219</sup> 2(a): Implies recognition of MPAs' hybrid nature.

<sup>220</sup> 2(b): Where are the terms voluntary and local control?

<sup>221</sup> 2(a): Very little on how to achieve this in the listed steps!

<sup>222</sup> Ambiguity: Is OP the project/initiative or the OPISA/ the proposed transboundary MPA?

- Publish/disseminate findings to scientific community and elected and agency officials (Summer 2001)
- Provide and promote public web access to GIS maps of findings (Fall 2001/winter 2002)

**To develop a strategic constituency for Orca Pass, we will:**

- Develop, print and distribute Orca Pass brochure with maps, wildlife and habitat descriptions, and MPA selection criteria (Summer/Fall 2001)
- Develop and promote graphic displays of maps, information on Orca Pass, and selection criteria for public outreach and displays at key public events in the region (Summer/Fall 2001)
- Promote Orca Pass concept and gain formal endorsement of Orca Pass concept from the following user groups: recreational diving, kayakers, tourism industry, whale watch operators, educators and researchers, conservation groups (throughout the grant period)
- Schedule and conduct public education and outreach, and gather sign-ons of support from the public for Orca Pass concept at from 50 to 100 key community events (throughout the grant period)
- Expand electronic newsletter (*Sans Boundary News*) to include additional endorsers and individual supporters (throughout the grant period)
- Organize cross-border media event, with media coverage, to present endorsements (Spring 2002)

**To effect a governmental/tribal framework for Orca Pass, we will:**

- Formalize participation in quarterly Orca Pass MPA work group meetings and create effective steering committee (throughout the grant period)
- Expand work group to formally include strategic user groups, First Nations/tribes, and agencies (Fall 2001) Provide support to the Islands Trust/San Juan County transboundary voluntary marine protection area initiative with objective of expanding that effort into active promotion of broader Orca Pass concept, with eventual formal designation of special protection areas (throughout the period)<sup>223</sup>

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<sup>223</sup> 2(b) + 2(c): Unclear for an outsider how a Islands Trust/San Juan

- Expand outreach to tribes through NW Straits Commission process, NWS Commission tribal liaison subcommittee, NW Indian Fisheries Commission and individual Resource Committees (Spring 2002)<sup>224</sup>
- Continue participation in WA MPA Task Force with objective of focusing WA agency efforts to establish MPAs in Orca Pass as deliverable (throughout the grant period)
- Elevate MPAs and transboundary effort in urban metropolitan areas through media relations and governmental communications at the state, provincial and federal levels, (Spring 2002)
- Participate in relevant national and international MPA and estuarine restoration efforts (Ocean Wilderness Network, COMPASS, Baja to Bering, Restore America's Estuaries) to link Orca Pass with wider national and international levels and to elevate its profile within such efforts (throughout)

#### **4. Evaluation**

The impact of our work will be measured in the **short term** according to:

- the degree to which we are able to engage in a meaningful way and win support from other sectors and from community leaders
- the number of individuals and organizations who sign on to support the initiative
- our ability to deliver a compelling plan for special protection areas<sup>225</sup> (including no-takes) to the relevant government agencies, in addition to early support from key government and tribal officials for its management scheme, protection standards and areas of highest protection<sup>226</sup>

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County transboundary voluntary marine protection area might relate to the broader OP concept

2(b): As we understand this, complementarity between the two initiatives, one dealing with the voluntary part and OP with formal/read coercive enforcement.

<sup>224</sup> 2(a): Tying relationships with CS institutions outside the transboundary meetings/recognition of difficulty for CS nations qua governmental bodies to take part in a citizen-driven set up.

<sup>225</sup> 2(b): Question: does this necessarily refer to coercive regulation?

<sup>226</sup> 2(a): Seems to indicate that the Tribes/FNs are not considered part of the initiative!; 2(b): First time we encounter option coming close to 'no-takes'

- the degree to which we are able to effect early endorsement, joint partnerships and sponsorships with organizations from other sectors (e.g. tourism), government agencies, and marine users
- the degree to which we are able to effectively integrate into national & international MPA initiatives<sup>227</sup>
- the level of local support (petitions, letters of support) that we are able to secure, indicating an increase in overall initiative support at local community level
- significant public participation and meaningful involvement of key community leaders in area tours, cruises, presentations on Orca Pass, community meetings
- the significant collection of data and analysis of the biological values at risk identified and incorporated into a network design with sufficient levels of protection<sup>228</sup> to reverse the decline in biota and degradation of habitat

The impact of our work will be measured in the **long term** according to:

- Federal (in Canada) and state (In US) agency commitment to advance the initiative and undertake and/or participate in public consultation processes to move it forward towards eventual marine protected area designation<sup>229</sup>
- First Nation-Tribal commitment to high levels of protection for specific areas within Orca Pass<sup>230</sup>
- The degree to which this process enhances compatibility and responsiveness between the two national environmental marine protection systems<sup>231</sup>

This project is applicable in other transboundary areas where shared resources are at risk and can be evaluated in terms of the effectiveness of raising public awareness of specific threats, the **empowerment of citizen-stakeholders** in identifying and effecting resource recovery programs<sup>232</sup>, and **the willingness of governments to**

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<sup>227</sup> 2(a): The OPISA connected to other MPAs

<sup>228</sup> 2(b)

<sup>229</sup> 2(c): Where is the transboundary dimension here?

<sup>230</sup> 2(b): Where is consideration of CS perspectives regarding marine conservation?

<sup>231</sup> 2 (b): **Important.** The issue of shared/ coordinated governance.

<sup>232</sup> 2(b): **Important.** First time this is mentioned

respond in a positive manner to a constituency of concerned citizen-stakeholders that spans a political border<sup>233</sup>. The project is also applicable in a non-transboundary setting and can be instructive in effectively organizing local citizen-stakeholders in resource protection and recovery.

## **5. Wider Impact/Relationship to NACEC program**

At the continental level, the project is an important step forward in showing how resources at risk in ecosystems shared by different countries can be protected and restored through scientific evidence, citizen-stakeholder involvement, and government responsiveness.<sup>234</sup> Our project will seek to:

- Help mitigate the impact of a coast-wide tri-national marine transportation corridor on biodiversity
- Complement and integrate with other relevant conservation initiatives (i.e. sustainable whalewatching along the Baja to Bering coast; preventing the introduction and spread of invasive species; marine conservation priorities in Baja California to Bering Sea region; etc.)
- Further cooperative and multistakeholder transboundary efforts
- Provide a case study marine protection area to explore and develop indicators for measuring and evaluating the effectiveness of the enforcement and compliance strategies in a transboundary context<sup>235</sup>
- Facilitate trilateral promotion and coordination of a network of marine protection areas.

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<sup>233</sup> 2(b): **Important**. Call for Governmental responsiveness to bottom up transboundary initiative. However where are joint, transboundary projects here?

<sup>234</sup> 2(b) and 2(c); The project a showcase  
2(b): An array of tools

<sup>235</sup> 2(b): Again ambiguity with respect to compliance: greatest emphasis on enforced through regulation than on voluntary?



**Intermediate vision: Aggregate ‘evidence’ relative to knowledge base**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** 2001 GB/PS research conference paper

Selected text segments	Short-handed commentary
1. “To establish and monitor specific protected zones within the Area, based on science and local/traditional knowledge, ...”	1. First time traditional knowledge is mentioned as part of knowledge basis
2. “Some species and habitat data were developed through expert interviews and through expert workshops”	2. Here expert-driven approach comes out in full view
3. “The primary variables being addressed are species occurrence as identified through surveys and expert consultation”	3. Expert driven science
4. “The Sound & Straits Coalition will continue its consultations with scientists and resource stewards, general public and decision makers, and constituencies (kayakers, whale watchers and whale watch tour operators, and scuba divers) who might be encouraged to support protection of marine resources.”	4. No mention of the CS here
5. “Government, tribal, and public consultations are expected to continue using the framework of the Orca Pass International Stewardship Area and “Richness Zone” methodology.”	5. Seems to imply first that both will be subject to few changes.

<p>6. “The overall <b>methodology</b> for identifying sites will continue to be revised to include more information...”</p>	<p>6. This qualifies somewhat remark under 5 as it suggests methodology but not framework to be adaptive up to a certain point.</p>
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**Primary source no. 2: NAFEC application**

Selected text segments	Short-handed commentary
<ol style="list-style-type: none"> <li>1. “...<b>focus attention of First Nations/Tribes (...)</b> (who otherwise were difficult to engage);”</li> <li>2. “...feedback from key scientific and government contacts and stakeholders, and additional biological resource information obtained through GIS mapping.”</li> <li>3. “Over the next six months, using scientific data on resource and habitat values, incorporating <b>local knowledge</b>, ...”</li> <li>4. “...we will <b>strive</b> to engage (...) First Nations/Tribes in helping us define the specific areas within Orca Pass that need special protection,</li> <li>5. “...<b>win</b> First Nations/Tribal support...”</li> <li>6. “<b>Expand outreach to Tribes</b> through NW Straits Commission process, NWS Commission tribal liaison subcommittee, NW Indian Fisheries Commission and individual Resource Committees...”</li> </ol>	<ol style="list-style-type: none"> <li>1. Admission of difficulty in relation to the CS</li> <li>2. TEKW left out</li> <li>3. Traditional knowledge missing</li> <li>4. The verb ‘strive’ hints at uncertainty as to successful results; whole phrase also suggests ‘take-it-as-it-is’ attitude</li> <li>5. Again admission that such support is lacking.</li> <li>6. Implicit recognition of difficulty for CS nations <i>qua</i> governmental bodies to take part in a citizen-driven set up like the OPI?</li> </ol>

<p>7. “First Nation-Tribal commitment to high levels of protection for specific areas within Orca Pass”</p>	<p>7. No mentioning of distinctive and possibly diverging CS perspectives</p>
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## Annex 11

### Intermediate vision: Aggregate ‘evidence’ relative to ethics

[Words/text segment elicited as capta are marked in red]

#### Primary source no. 1: 2001 GB/PS research conference paper

Selected text segments	Short-handed commentary
1. “The area is rich in (...) sites of <b>cultural and spiritual importance</b> to Coast Salish Tribes and First Nations on both sides of the border. “	1. New Dimensions
2. “..the Orca Pass approach (...) places habitats and <b>natural resources</b> on both sides of the boarder into a common framework.”	2. Again instrumentalisation of marine life

#### Primary source no. 2: NAFEC application

Selected text segments	Short-handed commentary
“Orca Pass” was selected as the name <b>in honour of the Orca whales</b> that transit these waters regularly and are truly “international” <b>citizens.</b> ”	Orcas to be honoured and granted a quasi-human status

**Intermediate vision: Aggregate ‘evidence’ relative to OPI process and MPA concept and approach**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** 2001 GB/PS research conference paper

Selected text segments	Short-handed commentary
<p>1. “<b>Within this larger Stewardship Area</b>, three “core” sites on the US side have been preliminarily identified as “Richness Zones” for special protection” (to constitute) “..an efficient <b>network of sites</b> intended <b>to protect</b> those <b>species</b> identified as being <b>at greatest risk</b>.”</p> <p>2. “<b>Although</b> (...) <b>discrete locations</b> identified in this area of interest, (...) <b>methodology and criteria</b> used for identifying and selecting sites for protection and for promulgating appropriate management are <b>applicable throughout the Salish Sea</b>.”</p>	<p>1. Welcome clarification: RZ are special areas that together will form a network within the OPISA.</p> <p>2. Shows awareness of connectivity across spatial scales</p>

**Primary source no. 2: NAFEC application**

Selected text segments	Short-handed commentary
1. “The establishment of MPAs is a new tool in marine fisheries management and faces many barriers to acceptance and implementation.”	1. Admission of controversy but....
2. “The effectiveness, however, of MPAs in protecting species at risk, allowing recovery, and achieving long-term sustainability is beginning to be well documented internationally.”	2. Confidence in MPAS
3. “Although Orca Pass is not yet officially "on the map," our project is laying critical groundwork towards establishment of MPAs in the area,“	3. OPISA project a model for other MPAs in the area
4. “Gain scientific and political acceptance of resource/habitat selection criteria”	4. Suggests recognition of MPAs’ hybrid nature (Jentoft et al. 2007)
5. “...a network design with sufficient levels of protection”	5. Suggests the OPISA to include a network of (smaller) protected areas

**Intermediate vision: Aggregate ‘evidence’ relative to governance regimes and practices**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1: 2001 GB/PS research conference paper**

Selected text segments	Short-handed commentary
<p>1. "...citizens' initiative that complements and enhances governmental and local protection efforts,..."</p>	<p>1. Positioning of the OP-project between governmental action and local protection efforts.</p>
<p>2. "...full recognition of tribal co-management rights, the involvement of all interested publics, and compliance—through education and enforcement—of all applicable federal, provincial, state and local laws and regulations."</p>	<p>2. Two options for obtaining compliance and first time tribal co-management is expressly mentioned</p>
<p>3. These "Richness Zones" (...) are likely candidates for designation as marine protected areas, marine reserves, marine parks or protection using other tools."</p>	<p>3. 'RZ' envisioned designated in different ways. NB! Protection using other tools are envisioned.</p>
<p>4. "(...) methodology and criteria used for identifying and selecting sites for protection and for promulgating appropriate management..."</p>	<p>4. Two governance options: Protection and management</p>

**Primary source no. 2: NAFEC application**

Selected text segments	Short-handed commentary
1. "...the <b>empowerment of citizen-stakeholders in identifying and effecting resource recovery programs,</b> "	1. Suggest the possibility of direct citizen involvement in implementing the OPISA
2. "... <b>citizen-stakeholders..</b> "	2. Reduces the citizenry's role to defending their specific interests?
3. "...engage citizens and <b>First Nations/Tribes</b> in helping us define the specific areas, along with a <b>proposed management plan.</b> "	3. First time 'management plan is mentioned'; hints at co-management with CS
4. "The complex jurisdictional issues involved mean <b>Orca Pass will not be established unless there is a strong desire for action and commitment from citizens.</b> "	4. Underlining of citizens' role.
5. "Effect a <b>governmental/tribal framework for adoption of designated MPAs within Orca Pass</b> under a long-term agreement that includes measures for <b>monitoring, compliance and enforcement.</b> "	5. No mentioning of self-regulation and/or local control
6. "...ability to deliver a compelling plan for special protection areas (including <b>no-takes</b> )."	6. First time we find this concept evoked
7. "...resources at risk in ecosystems shared by different countries can be protected and restored through <b>scientific evidence, citizen-stakeholder involvement, and government responsiveness.</b> "	7. Three options complementary?
8. "... explore and develop indicators for measuring and evaluating the effectiveness of the <b>enforcement and compliance strategies</b> in a transboundary context"	8. Does juxtaposition of 'enforcement' and 'compliance' signal preference for coercive/regulatory rather than voluntary compliance?



**Intermediate vision: Aggregate ‘evidence’ relative to shared governance across the border**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** 2001 GB/PS research conference paper

<u>Capta</u>	<u>Short-handed commentaries</u>
<p>1. “transboundary”</p> <p>2. “...citizens’ initiative to move governments and Tribes towards cooperatively establishing protected areas in the transboundary waters.”</p> <p>3. “Despite the political boundary, the transboundary waters within the Stewardship Area between BC and Washington State really make up a single ecosystem.”</p> <p>4. “The Orca Pass International Stewardship Area captures a functional unit that is considered as a whole despite its crossing an international border.”</p> <p>5. “The critical, and in some ways unique, components of the Orca Pass approach are that it places habitats and natural resources on both sides of the boarder [sic] into a common framework. In this way, Orca Pass can be seen as a regional effort that is attempting to use an ecosystem approach for targeting conservation decisions, rather than basing these decisions on single species management goals or politically relevant but biologically meaningless geographic constraints.”</p>	<p>1. Why in quotation marks?</p> <p>2. Cooperation across the border</p> <p>3 + 4: Contrast between ecological and political units</p> <p>5. Recognition of OPI’s approach as unique as it breaks new ground through a regional ecosystem approach and by transcending the political border.</p>

## Primary source no. 2: NAFEC application

Selected text segments	Short-handed commentary
<p>1. “transboundary”</p> <p>2. “Orca Pass” was selected as the name in honour of the Orca whales that transit these waters regularly and are truly “international” citizens.”</p> <p>3. “Provide support to the Islands Trust/San Juan County transboundary <b>voluntary</b> marine protection area initiative with objective of expanding that effort into active promotion of broader Orca Pass concept, with <b>eventual formal designation of special protection areas.</b>”</p> <p>4. “Federal (in Canada) and state (In US) agency commitment to advance the initiative (...) towards <b>eventual marine protected area designation.</b>”</p> <p>5. “The degree to which this process enhances <b>compatibility and responsiveness between the two national environmental marine protection systems.</b>”</p> <p>6. “...the willingness of <b>governments to respond</b> in a positive manner to a <b>constituency of concerned citizen-stakeholders that spans a political border.</b>”</p> <p>7. “At the continental level, the project is an important step forward in <b>showing</b> how resources at risk <b>in ecosystems shared by different countries</b> can be protected and restored...”</p>	<p>1. Again inverted commas around transboundary</p> <p>2. No suggestion for the <b>human inhabitants</b> bordering these waters to share such labelling.</p> <p>3. Complementarity/division of labour between voluntary initiative (IT/SJC Initiative) and initiative with coercive enforcement (OP- concept)?</p> <p>3 + 4. The possibility of joint formal designation of <i>one</i> transboundary area still not explicitly evoked</p> <p>5. Implies initiative coming from below; first time transboundary constituency of citizens is evoked.</p> <p>6 + 7: Showcasing how protection and restoration can be addressed in shared ecosystems; however, again silence about governments coordinating policies, and citizens carrying out joint practical monitoring and recovery projects spanning the border.</p>

**Ultimate vision - Primary source no. 1: Extract from the ‘Wave of the Future’ publication**

*(Revised edition May 2<sup>nd</sup>, 2002)*

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

**INTRODUCTION**

“A lifetime of living on the coast and years as a mayor of a coastal city and premier of the province, I am determined to find new and better ways of protecting the most beautiful ocean in the world. The shared waters of the Pacific, known as the Salish Sea, between British Columbia and Washington need our help. Designating the waters between us special and sensitive seas worthy of the highest levels of protection requires immediate attention.”

*Mike Harcourt, former Mayor of the City of Vancouver and Premier of the Province of British Columbia.*

The **Orca Pass International Stewardship Area** is an ambitious plan for a marine protected area (MPA) connecting the Canadian southern Gulf Islands and the US San Juan Islands—a plan for a practical, intelligent and flexible framework of protection for the marine plants, animals and habitats that make the area so valuable<sup>236</sup>.

Orca Pass lies at the heart of the Salish Sea, the home for millennia of the Coast Salish peoples. You won’t find the words “Salish Sea” on most maps, but as a moniker for the region, the name is growing in popularity. The Salish Sea is a transboundary region, bounded roughly by Vancouver Island, the British Columbia and Washington mainland, and the Olympic Peninsula. It includes parts of Puget

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<sup>236</sup> 2(c): No explicit mentioning of ‘transboundary’ + 2(a); flexibility emphasised but exclusively protection, not restoration;

1(b): Two aspects here: No longer mere ‘resources’ + valuable but for whom?

Sound, the Strait of Georgia, and the Strait of Juan de Fuca, along with the channels connecting these waters. Surrounded by mountains and fed by freshwater from immense rivers as well as salt water from the open ocean, it is a unique and highly productive ecosystem, a critical transportation route and a home for millions of people and countless animals.

Unfortunately, it is also in trouble. A combination of factors including pollution, habitat loss, and over harvesting have led to the decline of a number of different species. The southern resident orcas, which have become symbolic of the area, have suffered an unprecedented population decline in the last five years. Rapid human population growth in the region, along with climate changes resulting from human activities, are undermining the ecological and social health of the area. Unless we change the way we look after the Salish Sea, it will be irrevocably damaged and we will lose the values that make it such a great place to live and visit.

Marine protected areas are a way to help safeguard the environments upon which we rely. They are becoming popular and effective tools all over the planet but unfortunately in North America we have been very slow to implement them. The Georgia Strait Alliance and People for Puget Sound, along with a coalition of many other non-governmental organizations, believe the Orca Pass International Stewardship Area proposal is particularly important as it encompasses an area that is well loved and used by both US and Canadian citizens. This proposal is not a government decree—it comes from a coalition of citizen groups working in concert with the local governments of the region. It's a work in progress, and input from anybody who is interested is welcome and encouraged—we've included a response form on page 35 and hope you'll fill this in. This openness will help make the Orca Pass initiative acceptable and ultimately beneficial to everyone in the region.

### **What is an MPA?**

MPA stands for marine protected area—but **the degree of protection applied is open to some wide interpretations**<sup>237</sup>. At one end is some version of a “no-take” zone, where all extractive or destructive activities are prohibited. No dredging, hooking, dragging, netting,

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<sup>237</sup> 2(a): Implicit recognition of controversy?

blasting, drilling, spearing, dumping and so on. Also called “marine reserves” or “harvest refugia”, these are areas in which we minimize our effects. Most of us are familiar with such areas on land, such as wilderness zones in National Parks or Wildlife Refuges. Remarkably, Canada and the US, both of which have extensive and renowned park systems, have been reluctant to create “no-take” zones in our oceans.

An MPA isn't *all* a marine reserve though—successful systems in other countries combine no-take zones with buffers and outlying areas of varying types and levels of protection<sup>238</sup>. This seems to work best when zones are flexible, well thought out and tailored specifically to the region and its different ecosystems. Dad and the kids might be able to spin-cast for lunkers near the boundary of the no-take zone, while farther out in the Strait a purse seiner could fill its net. Permits for the Massive Oil Platform and Dynamite Fishing Co. would be refused.

While our governments claim they have already established numerous MPAs, they are using the term in a limited sense. In BC, for example, the government claims over 100 MPAs, but very few of these were designed with ecology in mind<sup>239</sup> and few if any meet minimum accepted standards. Most conservation groups agree that MPAs need to include no-take marine reserves if they are to be useful ecologically—the research data backs this up<sup>240</sup>. When no-take zones aren't included, MPAs are usually ineffective. Remarkably, the best protection is also the easiest to apply—inside a marine reserve nobody takes, so enforcement is easier than other approaches and different stakeholders do not feel cheated or suspicious of each other.

Most conservation groups in British Columbia agree on the following MPA definition:

- Marine protected areas should consist of one or more marine reserves (“no-take” areas) along with surrounding buffer zones.
- In no-take areas, all fishing, harvesting, non-renewable resource exploitation, open cage aquaculture, dumping and dredging should be prohibited.

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<sup>238</sup> 2(a): Again controversy?

<sup>239</sup> 1(a): Reliance on scientific data

<sup>240</sup> 2(a): Where is sensitivity to CS perspectives here?

- In buffer zones, some forms of extractive activities (such as fishing) would be permitted but the above restrictions would apply, and bottom trawling would be prohibited.

In rare cases, an MPA might not include a no-take component, but it should have some other form of special protection that is appropriate to the specific ecological needs in that area (for example, a bird refuge, a “quiet” zone for whales, or a fixed-mooring-only zone to protect sensitive eelgrass beds from anchor damage).

### Why Orca Pass?

Orca Pass is being proposed because it lies at the heart of the Salish Sea. It includes chains of islands on both sides of the border that have exceptionally high value for human quality of life, wildlife, recreation and tourism. Three pods of resident orcas (fish-eating killer whales) frequent the area every summer, regularly crisscrossing the border like much of the region’s wildlife. **We cannot help them by addressing problems from just one side of an invisible line that they cross daily.** Orca Pass is a great opportunity for two countries to reach across the border in a spirit of international cooperation and stewardship and **show the world that we can protect marine life. And it would be the first transboundary MPA in North America**<sup>241</sup>.

### What are the Benefits?

**Scientists<sup>242</sup> have been hard at work the past few years, studying MPAs and effectiveness.** The verdicts are pouring in—from Belize to Australia, MPAs work when they include marine reserves. Recently a group of 161 leading marine scientists released a joint consensus statement, hoping to prod governments into action (see sidebar). They concluded there is already enough evidence to support the creation of marine reserves immediately. The potential benefits of an MPA with marine reserves in the Orca Pass region are many.

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<sup>241</sup> **Important!**

<sup>242</sup> 1(a): Exclusive emphasis on science!

## Habitat Protection

On land, managers try to preserve representative examples of the continent's ecosystems, from the grandeur of the mountains to highly endangered prairie grasslands or eastern hardwood old growth. **We have altered so much of our world—it doesn't seem like too much to ask to save some portions of each habitat for future generations to benefit from and enjoy<sup>243</sup>.**

## Precautionary Principle

1. People have a **duty** to take anticipatory action to prevent harm<sup>244</sup>. (“If you have a reasonable suspicion that something bad might be going to happen, you have an obligation to try to stop it.”)
2. The burden of proof of harmlessness of a new technology, process, activity, or chemical lies with the proponents, not with the general public.
3. Before using a new technology, process, or chemical, or starting a new activity, people have an obligation to examine a full range of alternatives, including the alternative of doing nothing.
4. Decisions applying the **precautionary principle** must be “open, informed, and democratic” and “must include affected parties.”

From the Environmental Research Foundation, P.O. Box 5036, Annapolis, MD 21403.

The precautionary principle is not really new. The essence of the principle is captured in common-sense aphorisms such as “An ounce of prevention is worth a pound of cure,” “Better safe than sorry,” and “Look before you leap.” However, environmental policy in the US, Canada and Europe for the past 70 years has been guided by entirely different principles perhaps best reflected in the aphorisms, “Nothing ventured, nothing gained” and, “Let the devil take the hindmost.”

Unfortunately, the ocean has not received the same protection. Since everything below the surface is mostly out of sight and mind, we tend to treat it all as one big unit, barely noticing as unique and productive ecosystems are degraded and eventually lost.

A network of MPAs would change that, identifying and protecting key examples of each of the Northwest's diverse underwater

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<sup>243</sup> 1(b): Future generation taken into consideration

<sup>244</sup> 1(b)

environments. One of the more interesting findings of recent scientific studies is that a surprisingly large number of marine creatures that have drifting larval stages (including fish and invertebrates) seem to somehow end up “back home”. This is great news for MPAs because it means that protecting a certain area will provide juveniles to restock that area itself, something we take for granted on land but not in the ocean. Spillover and recruitment enhancement (more juveniles) would therefore benefit the specific fishermen that give up a portion of their traditional fishing grounds, providing a more dependable, sustainable harvest.

As technology advances, our children will likely thank us for saving places so close to home, including underwater places they will be able to visit more easily than we can. Believe it or not, submersibles for tourists are already operating in most of the world’s oceans. How long will it be before adventurous cruise ship passengers, wide-eyed school groups and local museum field-trippers are popping down to the bottoms of our underwater cliffs and exploring deep inlets and subtidal canyons? Imagine the beauty that awaits them below the waters of Orca Pass.

## Insurance for the Future

MPAs can help protect ecosystems from more subtle problems like habitat destruction, localized pollution and overuse. Properly administered, they make good use of the precautionary principle (see sidebar). In contrast to many years of economics that “grab the cash and try to ignore the mess afterward”, applying the precautionary principle would help regions maintain healthy environments and viable economies far into the future. Fully exploiting the remarkable resources in Orca Pass could help pay for that new car you want—however, **if we look after these resources properly they will not only support us now, but also put dollars into the pockets of our grandchildren**<sup>245</sup>.

If they are big enough, marine reserves can also help protect stocks and ecosystems from catastrophes. We are now realizing that events like superstorms, El Niño, massive die-offs and devastating oil spills aren’t a matter of “if”. We have to plan for the inevitable “when” and marine reserves with high biodiversity and resilience are

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<sup>245</sup> 1(b): Again intergenerational argument but instrumentalised resources



excellent insurance policies.

## **Mind, Body and Spirit**<sup>246</sup>

Finally, a system of MPAs can help protect all those values that don't translate well to dollars, yen or pounds. The escape, the invigoration, the adventure, the peace of mind, the challenge, the spirituality—being in the outdoors gives us something we cannot easily quantify or even explain. Besides boosting tourism, MPAs will encourage visits by people that often don't get a chance—locals. MPAs should allow local residents to enjoy nature in whatever (non-destructive) ways we like, from thrilling surf outings and gonzo deep dives, to sunrise yoga love-ins and character-building family camping outings.

## **CHALLENGES & RESPONSES**

Sound and Strait Coalition groups agree that there is no one “right” legislative mechanism to establish the Orca Pass International Stewardship Area. They recognize that a variety of approaches may need to be taken because of the transboundary nature of the area, and because good MPAs provide zones and a flexible framework that can be updated and improved as new information and conditions warrant.<sup>247</sup>

## **First Nations and Tribes**

Aboriginal rights, concerns and jurisdiction are important on both sides of the border<sup>248</sup>. In Washington, treaty tribes are co-managers of resources and therefore need to be intimately involved with the process of creating MPAs as well as participating in continuing administration<sup>249</sup>.

In British Columbia it's a bit more complicated, as many First Nations are currently involved, with the provincial and federal governments, in a process to settle land claims and other outstanding matters. As a result they may be understandably

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<sup>246</sup> 1(b): Continuum or separate dimensions? No reference to sites of spiritual importance for the CS.

<sup>247</sup> 2(b): Variety of approaches and flexibility

<sup>248</sup> 2(a) + 2(b): NB! 'concerns'

<sup>249</sup> 2(b): Need for bottom-up involvement in governance

nervous about entering into any arrangements that might prejudice how treaties are eventually written<sup>250</sup>. Yet at the same time, First Nations need some mechanisms in place now, to ensure that at the end of the lengthy treaty process, they can count on healthy fisheries and a clean environment. While it could take years to negotiate treaties, interim measures agreements can be developed to enable First Nations to work with other governments in the region to develop a common approach to protecting and managing special places like Orca Pass<sup>251</sup>.

More study needs to be done on conservation and marine reserves within a tribal context. Were there areas that were traditionally left alone? Why? How can we apply that knowledge to our present situation in order to develop an effective and workable system of marine reserves or other special protection areas?<sup>252</sup>

## Stakeholders

Another challenge in creating any MPA is the number of stakeholders involved, and the potential for conflicting concerns<sup>253</sup>. One of the problems with **top-down** creation of protected areas (on both land and water) is **that many groups perceive it as an arbitrary, insensitive process in which they have little or no say**<sup>254</sup>. Orca Pass is different—not only does it have grassroots support—it is being designed and pushed from the bottom up and input is welcome and encouraged from all stakeholders. Other regions with experience creating MPAs report that “public acceptance and support has tended to increase with direct experience”.

## THE PROCESS

### Mapping

The process of identifying areas in Orca Pass that need special protection is underway now, but this is difficult work<sup>255</sup>. Balancing

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<sup>250</sup> 2(a) Recognition of controversy about MPAs

<sup>251</sup> 2(b): Common approach with FNs

<sup>252</sup> 1(a): Acknowledgement of TEKW’s contribution

<sup>253</sup> 2(a): Again acknowledgement of controversy

<sup>254</sup> 2(b): Need for bottom-up involvement in governance

<sup>255</sup> 2(a): Again controversy hinted at

good science with pragmatism and the concerns of stakeholders is a delicate matter—social and environmental matters need to be addressed on a case-by-case basis<sup>256</sup>. Some of the best candidates for marine reserves are representative areas from different ecosystems with high biodiversity. GIS computer mapping work is being coupled with local knowledge and anecdotal evidence gathered through public consultation to identify areas needing special consideration<sup>257</sup>.

## Zoning

While the proposed Orca Pass International Stewardship Area is relatively large, it's worth remembering that the Sound & Straits Coalition is not trying to make the whole area a marine reserve (no-take zone)<sup>258</sup>. What we are proposing is that some smaller, specific areas within Orca Pass receive special protection, including some marine reserves<sup>259</sup>.

Marine reserves are the most important part of an MPA, but they are usually fairly small. Surrounding buffer zones allow activities with limited impact, including fishing (though not bottom trawling). One of the strengths of large MPAs with variable zoning is that they allow local managers to address very specific concerns. This concept has been so successful that there are efforts to apply it to terrestrial parks, which often have abrupt “all or nothing” borders<sup>260</sup>.

Besides the essential marine reserves, there are a number of other possibilities<sup>261</sup>. One zone might be a “quiet” spot for the much-beleaguered orcas, a sanctuary where boats are kept at a healthy distance and engine noise is minimized. Other zones might prohibit activities we know to be harmful to marine life (for example, jet-skis); or provide specific protection to places where species are vulnerable, such as shallow bays and wetlands used seasonally by migrating birds; or protect sensitive eelgrass beds by establishing

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<sup>256</sup> 2(a): Recognition of the MPA concept's 'hybridity'

<sup>257</sup> 1(a): Where is TEKW here?

<sup>258</sup> 2(a): Implicitly a response to concerns/ objections.

<sup>259</sup> Clarification of what governance regimes are envisioned for the OPISA

<sup>260</sup> 2(a) + 2(b): Flexibility and pragmatism

<sup>261</sup> 2(b): opening up to other governance options.

fixed moorings for boats instead of allowing anchoring. Applying ecosystem management concepts and the precautionary principle will go a long way towards keeping life healthy and abundant in all the zones.

Certain spots in Orca Pass already have some level of protection—Mandarte Island, a barren rock popular only with nesting birds and stalwart researchers with permits, is one example. But current protection is a hodgepodge of different departments and jurisdictions that is poorly understood by the public. An MPA would help integrate areas that already receive some protection under an ecosystem approach, making them more valuable to both people and wildlife.

North of the border, Georgia Strait Alliance, the Canadian Parks and Wilderness Society, Living Oceans Society and other Sound and Straits Coalition partners have been gathering anecdotal and scientific evidence to identify areas of special importance. In Washington, People for Puget Sound has a GIS program underway to compile the data from both sides of the border, in order to identify spots with high biological richness. Some of these areas are shown on the map on the next page.

## Designation

Orca Pass could be established as a multi-zoned MPA through a number of governmental processes on both sides of the border, and it's likely that designation will come through a combination of these and perhaps in several stages over the next few years. In Canada, the legislative avenues include:

- **Fisheries & Oceans Canada**—Marine Protected Areas (under the Oceans Act)
- **Parks Canada**—National Marine Conservation Area (under the proposed Marine Conservation Areas Act, expected to pass in Parliament early in 2002)
- **Environment Canada**—National Wildlife Areas (Canada Wildlife Act) and Bird Sanctuaries (Migratory Birds Convention Act)
- **BC Ministry of Water, Land and Air Protection**—Ecological Reserves, Provincial Parks, Wildlife Management Areas and “Protected Areas” (under a variety of acts)
- **Islands Trust and other local governments**—local zoning in foreshore areas

Each of these agencies has part of the overall mandate to protect habitat and/or species. As aboriginal treaties are established over the coming years, First Nations may have legislative tools for

protecting some areas as well.

On the US side, in the wake of the failure of the Northwest Straits National Marine Sanctuary proposal, there appears to be no viable federal designation available for Orca Pass. Even if that proposal had succeeded in designation, marine reserves are rare to non-existent in federal National Marine Sanctuaries. There is considerable pressure to beef up the level of protection in certain areas—California and the Florida Keys are leading the way. However, **it will require the coordinated efforts of federal and state governments and treaty tribes to provide an effective regulatory framework for Orca Pass<sup>262</sup>**. In the meantime, San Juan County is using public education and voluntary “bottom fish recovery zones” to build support and implement effective interim protection.

## Management

A system needs to be developed that will minimize the bureaucracy and maximize the benefits, for the environment, the residents and the visitors. No-take zones are relatively easy to monitor and enforce but the details of buffer zones and guidelines for different industries that benefit from the MPA can be devised and revised as new evidence and changes in conditions warrant. The MPA system will provide a workable framework for governments, First Nations, Tribes and stakeholders<sup>263</sup>.

Another important role of the Orca Pass International Stewardship Area is that it can and will raise awareness—putting it on the map will inspire citizens to help out and stakeholders to take proper care of the area. The value of this should not be underestimated. The public pressure that can come from increased citizen awareness can inspire individuals, local governments, shipping companies, fishermen and tour operators to be more responsible. Citizen monitoring efforts can help with enforcement. In many cases, peer pressure can be a very effective and inexpensive management

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<sup>262</sup> 2(b) + 2(c): Coordination between different kinds of governments mentioned for the first time but no explicit mention that such coordination should also span the border.

<sup>263</sup> 2(a): Seems to take for granted the MPA system’s ‘workability’ also for FNs and Tribes.

technique<sup>264</sup>.

### **Is this simply more unnecessary bureaucracy?**

Well, something sure needs to be done—the status quo is eating away at the natural wonder and economic value of our coast. MPAs have proven to be effective tools in other parts of the world so why aren't we making the most of them? Our current patchwork of laws and conflicting jurisdictions is a mess. **If interested citizens and stakeholders get involved in developing a management plan, we can design a system that keeps bureaucracy to a minimum<sup>265</sup>.**

### **THE HEART OF THE MATTER**

For all of us, no matter which side of a political boundary we live, the fate of the ocean is intimately connected with our own health and well being. The threats facing our world's oceans are many and grave, and they require immediate action. I hope all citizens will join me in striving to protect the shared waters of British Columbia and Washington. The Orca Pass International Stewardship Area will be a positive and important step in protecting and restoring the region's marine life, and it will serve as an important reminder that we can take tangible actions to save the endangered orcas, fishes and the full range of biological diversity in our beautiful region, for which Canada and the United States are stewards.

*Elliott A. Norse, Ph.D., President of Marine Conservation Biology Institute and Pew Fellow in Marine Conservation*

Scientific studies continue to show that no-take marine reserves are essential to make MPAs work<sup>266</sup>. Implementing them quickly and effectively is the most important step we can take—buffers and special protection areas can be designed and refined over time.

Beyond the immediate benefits of these relatively small refuges lies the bigger picture. Buffer zones will certainly help and we can examine what works in other countries that have successful systems in place. The exact nature of buffer zones and areas of special

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<sup>264</sup> NB! Role of citizens

<sup>265</sup> 2(b): Direct citizen involvement in mgt plan

<sup>266</sup> 2(b): No backing down on no-takes' here

protection can be tailored specifically for each spot with plenty of input from local stakeholders. **But MPAs alone will not solve all the problems threatening the Salish Sea<sup>267</sup>. We all need to fundamentally rethink how we view the oceans<sup>268</sup>**—they are no longer bottomless refuse pits or limitless food sources. This is where the “Stewardship” part of the Orca Pass International Stewardship Area becomes important.

Stewardship is about undertaking initiatives and making changes in our approaches to everyday decisions and activities that will help in the overall effort to reduce pollution, protect habitat, and conserve biological diversity. And stewardship means that there’s a role for everyone to play in making sure that the Orca Pass International Stewardship Area is effective now and for the long- term<sup>269</sup>.

Fisheries managers need to become less focused on individual species—what good is slashing salmon quotas if there are no herring for the salmon to eat anyway? Governments need to crack down on scofflaws—anti-pollution legislation already on the books, such as Canada’s Fisheries Act, is often ignored or regularly abused. The shipping industry needs to safeguard against oil and chemical spills. **And we all need to work at reducing our own impacts—there are numerous changes we can make that will help, even in our own homes<sup>270</sup>**. Something as simple as minimizing the amount of toxic household chemicals we use will prevent these substances from finding their way from our drains to the tissues of killer whales, diving ducks or eagles. We may not see immediate impacts from all of these changes, but **future generations of animals, plants and people will benefit<sup>271</sup>**.

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<sup>267</sup> 2(a): **Important!** For the first time admission of limits to the MPA approach as a concept for addressing threats to the Salish Sea.

<sup>268</sup> 2(a) **Important!**

<sup>269</sup> 1(b): Rehabilitation of stewardship in relation to everyday decisions by ‘everyone’; Longer - term vision.

<sup>270</sup> 1(b): Again responsibility of everyone

<sup>271</sup> 1(b): **Important!** Future generations of humans and non-humans alike will benefit

Government and citizen groups need to get together<sup>272</sup>, plow through the necessary bureaucracy and get this done. Much of the work and study has been started or even completed—it just needs to be assembled into a system that will work. From the upper levels of government down to individual citizens, sharing ideas, information and resources will make it happen.

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<sup>272</sup> 2(a): Gov/NGO partnership



**RQ. I. Ultimate vision - Primary source no. 2: 2003 GB/PS  
research conference paper (*in extenso*)**

[Text segments in red form the basis for commentary under **Step 3** and discussion under **Step 4**. Footnotes have been added and replace annotations in the margin]

Site Conservation Planning for Marine Biodiversity Richness  
Zones Within the Orca Pass International Stewardship Area

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Abstract:

Regional conservation planning efforts require both science to identify sites to be conserved and policy to identify conservation and management options<sup>273</sup>. Within the Orca Pass International Stewardship Area, we have used regional species and habitat information to identify distinct richness zones. We used a representation-based conservation strategy to identify these sites, which has enabling us to overcome some of the limitations of species-by-species approaches by expanding the focus of conservation to include overall biodiversity and, by association, ecosystem process.

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<sup>273</sup> 2(a) + 2(b): Both scientific and political considerations

While the overall goal for the Orca Pass International Stewardship Area is to steward, conserve and restore local marine associated living resources<sup>274</sup>, there is a gap between identifying the distribution and abundance of resources and appropriate management of those resources. Therefore, identifying priority sites for conservation completes one phase and leads directly into another – site conservation planning. Site conservation planning in Orca Pass involves combining a suite of resources known or believed to occur at a given site with a prospective list of regulations and best management practices. This approach provides a transparent, repeatable process for identifying locations for enhanced conservation and stewardship actions and for partnering with local and regional interests to establish tailored management plans for specific zones within a larger stewardship area<sup>275</sup>.

### **Site Conservation Planning for Marine Biodiversity Richness Zones Within the Orca Pass International Stewardship Area**

Establishment of the Orca Pass International Stewardship Area was initiated in 1999 by the Sound & Straits Coalition, an alliance of British Columbia and Washington State non-governmental groups, and joined by the local governments of San Juan County (WA) and the Islands Trust Foundation (BC) in 2000. The local governments, the Sound & Straits Coalition, government agencies, and Native Tribes have since engaged in discussions of a shared strategy to protect and restore critical habitats and resources through designation of protective zones within the transboundary Stewardship Area between the Washington San Juan Islands and the British Columbia Southern Gulf Islands. This cooperative effort had as its condition the full recognition of tribal co-management rights, the involvement of all interested publics, and compliance—through education and enforcement—of all applicable federal, provincial, state and local laws and regulations<sup>276</sup>.

The Orca Pass International Stewardship Area boundaries have evolved through the process of species and habitat data analyses and

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<sup>274</sup> 2(b): NB! Protection left out, restoration included

<sup>275</sup> 2(b): New governance option

<sup>276</sup> 2(b): Tribal co-management rights emphasised

public consultations. As of the time of this paper (May 2003), the area is bordered on the south by the northern and western edge of the San Juan Archipelago (including the north shores of Orcas and San Juan Islands, and the western shores of San Juan and southern portions of Lopez Island). The area extends north through the southern Gulf Islands (to the southern edge of Galliano Island) in the north, and includes portions of the Saanich Peninsula to the west.

Despite the political boundary, the transboundary waters within the Stewardship Area between British Columbia and Washington State make up a single ecosystem. These lands and waters are home to the same marine creatures—from orca whales to oystercatchers—and are affected by the same types and sources of pollutants and habitat and population disruptions.

On the US side, the Orca Pass International Stewardship Area of Interest was defined by using publicly available species data collected from the Puget Sound Ambient Monitoring Program, Washington Department of Fish and Wildlife, the Natural Heritage program and the Whale Museum. Habitat data were developed primarily using the Washington Department of Natural Resources' Shorezone data set and bathymetry data collected from the Washington Department of Fish and Wildlife. In Canada, species data were collected from federal and provincial agencies including LUCO for data that is publicly available. Additional data on both sides of the border were also collected through expert interviews and expert workshops.

**The overall biological goal of the Orca Pass initiative is to protect and enhance biodiversity**—marine mammals, marine fish, seabirds, invertebrates, and vegetation—by using regional data to delineate localized zones of high biodiversity, by collecting detailed data in these zones, by developing site-specific conservation plans for these zones, and by implementing these conservation plans.

Within this larger Stewardship Area, 14 “core” sites have been identified based on criteria for species aggregations (such as seal haul out sites), sedentary species (such as adult rockfish habitats), sensitive species or life stages (such as seabird nesting areas), pristine habitat representations (such as eelgrass meadows and kelp forests), and unique habitat features. These 14 “biodiversity hotspots” total 55,000 acres, or approximately 16 percent of the Stewardship Area's total 340,000 acres. These “richness zones” form the basis for a

resource-driven site conservation process intended to protect biological richness in the Orca Pass Stewardship Area.

[Insert **map\_OP.jpg**]

Within each of these 14 Richness Zones, more data will be collected in detailing elements of biodiversity in habitat and rare wildlife and ecosystem processes of connectivity and viability. In addition, specific stressors to marine species and habitats will be identified by consulting with users, owners, and managers of these sites.

Each site-specific management plan requires developing an inventory of site-specific marine species and habitats, conservation goals, strategies to achieve these goals, identification and consultation with decision-makers, and analysis of effects on both the biological and human communities.

An application of this methodology to the Sucia Island/Patos Island Richness Zone demonstrates both the opportunities and barriers site-specific management planning encounters. The Sucia/Patos Richness Zone includes a number of small islands in the northern portion of San Juan County. Both Sucia and Patos Islands are primarily in public ownership of the Washington State Parks and Recreation, the US Fish & Wildlife Service, and the Bureau of Land Management. The marine area of interest is approximately 10,000 acres in size (another 1,000 acres in upland area).

[Insert **map\_SucPat.jpg**]

Available data indicates concentrations of harbor seals and haulout sites, rockfish, Pacific cod, walleye pollock, bald eagles, common murrelets, great blue herons, harlequin ducks, marbled murrelets, pelagic cormorants, seabird colonies, abalone, clams, spiny scallop, Dungeness crab, red and green sea urchin, eelgrass and kelp.

In October 2002, workshop participants identified a conservation goal to preserve the intertidal and subtidal environments and species the same way the upland habitats and species were protected. Participants identified “decision-makers” as including managers of the Bureau of Land Management, US Fish & Wildlife Service, Washington Parks and Recreation, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, and

Washington treaty tribes with Usual and Accustomed fishing areas at Sucia/Patos. Identified as “users” were boaters, commercial and sport harvesters, and recreational SCUBA divers. Participants identified a two-pronged strategy to achieve this conservation goal: to “lobby” managers to limit or prohibit harvest using existing management regulations to protect and enhance species diversity and to educate users as to why it was important to limit or refrain from species harvest<sup>277</sup>. Participants identified anticipated effects of carrying out this conservation goal as both negative (harvesters will be upset) and positive (potential “seeding” of fish and shellfish populations to adjacent areas).

Participants also identified a conservation goal to limit the “human footprint”<sup>278</sup> in both the marine and terrestrial environments of the Sucia/Patos Richness Zone. Since Sucia/Patos is a Washington State Marine Park, the primary “decision-maker” manager is Washington State Parks and Recreation and users are recreational boaters. In addition to educating users in best boating practices, participants identified a strategy of both providing a pumpout station in the zone and limiting with a reservation system the number of boats using the area. The effect of carrying out this conservation goal would put a premium on visitation which would have a positive effect (enhancing the visitation experience and making it more democratic) and negative (bumping boating to other marine sites).

Similar site-specific management planning is underway through locally-driven efforts in the Waldron Island and Eastern Saturna Island Richness Zones. Future site-specific management planning will be initiated either by local residents or initiated<sup>279</sup> in a partnership of local and government interests in other Orca Pass Richness Zones:<sup>280</sup> Stuart and Spieden Islands, Henry Island and Roche Harbor, Lime Kiln Point/False Bay, Deer Harbor, and San Juan/Middle Channel on the US side and Belle Chain Islets and Cabbage Island, Active Pass, South Pender Island, Portland Island, Gooch Island, and D’Arcy Island and Zero Rocks on the Canadian side.

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<sup>277</sup> Alternative to no-takes?

<sup>278</sup> Again foregrounding of constraints

<sup>279</sup> 2(b): Local residents to take part in site-specific management planning

<sup>280</sup> Additional option

Implementing these site-specific management plans will require the exercise of the political will of federal, provincial, state and tribal co-managers of resources and habitats in applying all existing authorities to protect species, to control pollution sources, and to manage protected sites. A combination of regulatory measures, user education, and development and adoption of “best practices” guidelines such as those adopted by commercial whale watch operators and SCUBA dive organizations are necessary conditions to achieve long-term compliance with site-specific management<sup>281</sup>.

The approach taken to protect and enhance biological diversity by non-governmental groups and local government proponents of the Orca Pass International Stewardship Area and its richness zones is supported by the Washington/British Columbia International Task Force of federal, provincial and state agencies. The ITF formally supports the goals of Orca Pass to 1) protect and restore important habitats, 2) to establish and monitor specific protected zones, 3) to sustain healthy populations of key species, and 4) to prevent land and water pollution. The ITF has recommended working together to 1) study habitats and richness zones in Orca Pass, 2) to educate the public on the ecological, historical and cultural values of the Area, and 3) to advance best management practices in the Area.

The Orca Pass initiative and its approach to site-conservation planning of richness zones complements the Canadian government’s new initiative to establish a National Marine Conservation Area in British Columbia’s Southern Gulf Islands, San Juan County’s initiative to designate all county waters as a protected area, and the US Fish & Wildlife Service’s development of a new management plan for its 84 National Wildlife Refuge sites in the San Juan Archipelago<sup>282</sup>.

For updated information on the Orca Pass International Stewardship Area initiative and site-conservation planning within its richness zones, go to [www.orcapass.org](http://www.orcapass.org).

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<sup>281</sup> 2(b); NB! Combination of different options

<sup>282</sup> 2(b): The OPI to complement what federal agencies and what San Juan County do.

**Ultimate vision: Aggregate ‘evidence’ relative to knowledge base**  
 [Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Extract from the ‘Wave of the Future’ publication

Selected text segments	Short-handed commentary
<p>1. “<b>Scientists</b> have been hard at work the past few years, studying MPAs and effectiveness.”</p> <p>2. “Most conservation groups agree that MPAs need to include no-take marine reserves if they are to be useful ecologically—the <b>research data backs this up.</b>”</p> <p>3. “<b>More study</b> needs to be done <b>on conservation and marine reserves within a tribal context.</b> Were there areas that were traditionally left alone? Why? <b>How can we apply that knowledge</b> to our present situation in order to develop an effective and workable system of marine reserves or other special protection areas?”</p> <p>4. “GIS computer mapping work is being coupled with <b>local knowledge and anecdotal evidence</b> gathered through public consultation to identify areas needing special consideration.”</p> <p>5. “<b>Balancing good science with pragmatism and the concerns of stakeholders is a delicate matter — social and environmental matters need to be addressed on a case-by-case basis.</b>”</p>	<p>1.+ 2: Continued emphasis on science</p> <p>3. Acknowledgement of TEKW as complementary knowledge base!</p> <p style="text-align: center;"><b><u>But:</u></b></p> <p>4. Why no reference here to traditional knowledge also?</p> <p>5. Recognition of the ‘hybrid’ socio-ecological dimension of MPAs making it difficult to stick to scientific arguments only.</p>

**Primary source no. 2:** 2003 GB/PS research conference paper

Selected text segments	Short-handed commentary
1. “Regional conservation planning efforts require both <b>science</b> to identify sites to be conserved <b>and policy</b> to identify conservation and management options.”  2. “The <b>overall biological goal</b> of the Orca Pass initiative ...”	1. + 2.: Recognition of two different logics <u>but</u> one prevails



**Ultimate vision:** Aggregate ‘evidence’ relative to ethics  
 [Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Extract from “Wave of the Future”  
 publication

Selected text segments	Short-handed commentary
1. “Three pods of resident orcas (...) regularly crisscrossing the border like much of the region’s wildlife. <b>We cannot help them</b> by addressing problems from just one side of an invisible line that they cross daily.”	1. Implicit notion of care but the border exclusively seen from the point of view of the orcas. Human inhabitants silenced.
2. “We have altered so much of our world—it doesn’t seem like too much to ask to save some portions of each habitat <b>for future generations to benefit from and enjoy.</b> ”	2 + 3: Responsibility towards future generations but for human (economic) benefit and enjoyment - again instrumentalisation of marine life.
3. “...if we look after <b>these resources</b> properly they <b>will not</b> only support us now, but also <b>put dollars into the pockets of our grandchildren.</b> ”	
4. “We may not see immediate impacts from all of these changes, but <b>future generations of animals, plants and people will benefit.</b> ”	4. Future generations of non-humans are here juxtaposed to humans
5. “People have a <b>duty</b> to take anticipatory action to prevent harm.”	5. New ethical notion

<p>6. "... stakeholders to take proper care of the area. (...) ...increased citizen awareness can inspire individuals, local governments, shipping companies, fishermen and tour operators to be more responsible."</p> <p>7. "Stewardship is about undertaking initiatives and making changes in our approaches to everyday decisions and activities (..). And stewardship means that there's a role for everyone to play in making sure that the Orca Pass International Stewardship Area is effective now and for the long-term."</p> <p>8. "...we all need to work at reducing our own impacts..."</p> <p>9. "We all need to fundamentally rethink how we view the oceans—they are no longer bottomless refuse pits or limitless food sources. "</p>	<p>6 + 7 + 8: Individual and collective responsibility</p> <p>9. Qualitative shift in thinking about the oceans</p>
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**Primary source no. 2: 2003 GB/PS research conference paper**

Selected text segments	Short-handed commentary
1. “..historical and cultural values of the Area”	1. No reference to spiritual/sacred dimension
2. “These lands and waters are home to the same marine creatures...”	2. ‘Home’ a notion borrowed from the human world; marine creatures denotes greater respect than ‘resources’

**Ultimate vision: Aggregate ‘evidence’ relative to OPI process and MPA concept and approach**

*[Words/text segment elicited as capta are marked in red]*

**Primary source no. 1:** Extract from ‘Wave of the Future’ publication

Selected text segments	Short-handed commentary
<p>1. “This proposal is not a government decree—it comes from a coalition of citizen groups working in concert with the local governments of the region. It’s a work in progress, and input from anybody who is interested is welcome and encouraged”</p>	
<p>2. “One of the problems with top-down creation of protected areas (...) is that many groups perceive it as an arbitrary, insensitive process in which they have little or no say. Orca Pass is different—not only does it have grassroots support—it is being designed and pushed from the bottom up and input is welcome and encouraged from all stakeholders.”</p>	<p>1+2: Contrast between bottom up and top down processes.</p>
<p>3. “Government and citizen groups need to get together, “</p>	<p>3. Government/citizen group partnership</p>
<p>4. “In Washington, treaty tribes are co-managers of resources and therefore need to be intimately involved with the process of creating MPAs (..).”</p>	<p>4+ 5: Some inconsistency here since seemingly little room for discussion here</p>

<p>5. “The MPA system will provide a workable framework for governments, First Nations, Tribes and stakeholders.”</p> <p>6. “Another challenge in creating any MPA is (..) the potential for conflicting concerns.”</p> <p>7. “The process of identifying areas in Orca Pass that need special protection is underway now, but this is difficult work. Balancing good science with pragmatism and the concerns of stakeholders is a delicate matter.”</p> <p>8. “Orca Pass could be established (..) through a number of governmental processes (..) and it’s likely that designation will come through a combination of these and perhaps in several stages over the next few years.”</p> <p>9. “... MPAs alone will not solve all the problems threatening the Salish Sea.”</p>	<p>4+ 5: Some inconsistency here since seemingly little room for discussion here</p> <p>6 + 7: Implicit and explicit recognition of MPAs as controversial</p> <p>8. Openness to several processes and phasing over time</p> <p>9. Explicit recognition of limits to MPAs</p>
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**Primary source no. 2: 2003 GB/PS research conference paper**

Selected text segments	Short-handed commentary
<p>1. “Regional conservation planning efforts require <b>both science</b> to identify sites to be <b>conserved and policy</b> to identify conservation and management options.”</p> <p>2. “The <b>overall biological goal</b> of the Orca Pass initiative is to <b>protect and enhance biodiversity</b> (..) by using regional data to delineate localized zones of high biodiversity, (..) by developing site-specific conservation plans for these zones, and by implementing these conservation plans.”</p> <p>3. <b>The Orca Pass initiative and its approach</b> to site-conservation planning of richness zones <b>complements</b> the Canadian government’s new initiative to establish a National Marine Conservation Area in British Columbia’s Southern Gulf Islands, San Juan County’s initiative to designate all county waters as a protected area, and the US Fish &amp; Wildlife Service’s development of a new management plan for its 84 National Wildlife Refuge sites in the San Juan Archipelago.</p>	<p>1. Both scientific and political considerations required</p> <p>2. Goal of the OP proposal focused on biodiversity</p> <p>3. The OP process and approach complement what is done by CA and US federal initiative + San Juan County but what about the CS?</p>

**Ultimate vision: Aggregate ‘evidence’ relative to governance regimes and practices**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Extract from the ‘Wave of the Future’ publication

Selected text segments	Short-handed commentary
<ol style="list-style-type: none"> <li>1. “ Sound and Strait Coalition groups agree that there is <b>no one “right” legislative mechanism to establish the Orca Pass International Stewardship Area.</b> They recognize that <b>a variety of approaches may need to be taken</b> because of the transboundary nature of the area, and because good MPAs provide zones and a <b>flexible framework that can be updated and improved as new information and conditions warrant.</b>”</li> <li>2. “...details of buffer zones and guidelines for different industries (..) <b>can be devised and revised as new evidence and changes in conditions warrant.</b>”</li> <li>3. ”Besides the essential marine reserves, there are <b>a number of other possibilities.</b>”</li> <li>4. “ <b>One of the strengths of large MPAs with variable zoning is that they allow local managers to address very specific concerns.</b>”</li> </ol>	<p>1 - 4: Openness to different approaches and flexibility in response to new information and conditions</p>

<p>5. “ ...the Sound &amp; Straits Coalition is not trying to make the whole area a marine reserve (no-take zone). What we are proposing is that some smaller, specific areas within Orca Pass receive special protection, including some marine reserves.”</p> <p>6. “No-take zones are relatively easy to monitor and enforce...”</p> <p>7. “(..) no-take marine reserves are essential to make MPAs work.”</p> <p>8. “In Washington, treaty tribes are co-managers of resources and therefore need (...) participating in continuing administration.”</p> <p>9. “...interim measures agreements can be developed to enable First Nations to work with other governments in the region to develop a common approach to protecting and managing special places like Orca Pass.”</p> <p>10. “ Citizen monitoring efforts can help with enforcement. In many cases, peer pressure can be a very effective and inexpensive management technique.”</p> <p>11. “...citizens to help out and stakeholders to take proper care of the area...”</p> <p>12. “ If interested citizens and stakeholders get involved in developing a management plan, we can design a system that keeps bureaucracy to a minimum.</p>	<p>5. Cautious positioning to ‘no-takes’</p> <p style="text-align: center;"><u>but</u></p> <p>6 + 7: Advocacy for ‘no-takes’</p> <p>8. Seems to imply consensus</p> <p>9. NB! New ideas: provisional measures + notion of common approach for protecting and managing (but not restoring)</p> <p>10. <u>Important</u>: Citizens’ contribution to enforcement spelt out for the first time.</p> <p>11. Distinction between ‘citizens’ and ‘stakeholders’ here</p> <p>12. NB! Direct citizen involvement in developing managing plans</p>
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**Primary source no. 2:** 2003 GB/PS research conference paper

Selected text segments	Short-handed commentary
<p>1. "...the overall goal for the Orca Pass International Stewardship Area is to steward, conserve and <b>restore</b> local marine associated living resources, ..."</p> <p>2. "<b>Site conservation planning</b> in Orca Pass involves combining (..) resources (..) at a given site with a prospective list of regulations and best management practices. "... approach (..) for (..) <b>partnering with local and regional interests to establish tailored management plans for specific zones within a larger stewardship area.</b>"</p> <p>3. "This cooperative effort had as its condition the <b>full recognition of tribal co-management rights, the involvement of all interested publics, and compliance—through education and enforcement—of all applicable federal, provincial, state and local laws and regulations.</b>"</p> <p>4. "A <b>combination of regulatory measures, user education, and development and adoption of "best practices" guidelines</b> (..) are necessary conditions to achieve long-term compliance with site-specific management."</p> <p>5. "... two-pronged strategy to achieve (..) conservation goal: <b>to "lobby" managers to limit or prohibit harvest</b> using existing management regulations to protect and enhance species diversity and <b>to educate users as to why it was important to limit or refrain from species harvest.</b>"</p>	<p>1. NB! Protection left out, restoration included</p> <p>2. New governance option coupling regulations with best management practices; NB! 'tailored' management plans suggest case-by-case pragmatism and flexibility</p> <p>3+4: Combination of a variety of governance options</p> <p>5. While focusing on limitation and prohibition, possibility of self-regulation on the part of user/harvester groups evoked for the first time</p>

**Ultimate vision: Aggregate ‘evidence’ relative to shared governance across the border**

[Words/text segment elicited as capta are marked in red]

**Primary source no. 1:** Extract from ‘Wave of the Future’ publication

Selected text segments	Short-handed commentary
<p>1. “Three pods of resident orcas (...) regularly crisscrossing the border like much of the region’s wildlife. We cannot help them by addressing problems from just one side of an invisible line that they cross daily.”</p> <p>2. “This would be the first transboundary MPA in North America.”</p> <p>3. “Aboriginal rights, concerns and jurisdiction are important on both sides of the border.”</p> <p>4. “Orca Pass could be established as a multi-zoned MPA through a number of governmental processes on both sides of the border ... “</p> <p>5. “Three pods of resident orcas (...). We cannot help them by addressing problems from just one side of an invisible line that they cross daily.”</p> <p>6. “...Orca Pass is a great opportunity for two countries to reach across the border in a spirit of international cooperation and stewardship and show the world that we can protect marine life.”</p> <p>7. “...it will require the coordinated efforts of federal and state governments and treaty tribes to provide an effective regulatory framework for Orca Pass.”</p>	<p>1. The border seen from the perspective of the orcas but what about the humans and notably the islanders and the CS?</p> <p>2. The OPISA as a frontrunner experiment</p> <p>3. What about possibilities for the CS working together across the border?</p> <p>4. ‘Parallel play’</p> <p>or</p> <p>5 + 6: Shared governance?</p> <p>7. Coordination between different kinds of governments mentioned for the first time but no explicit mention that such coordination should also span the border.</p>

**Primary source no. 2:** 2003 GB/PS research conference paper

Selected text segments	Short-handed commentary
<p>1. “Despite the political boundary, the transboundary waters within the Stewardship Area between British Columbia and Washington State make up a single ecosystem. These lands and waters are home to the same marine creatures— from orca whales to oystercatchers—and are affected by the same types and sources of pollutants and habitat and population disruptions.”</p> <p>2. “ This cooperative effort...”</p>	<p>1. Contrast between political boundary and single ecosystem</p> <p>2. Cooperative but not yet coordinated or joint</p>

### Qualitative ratings of the intermediate and ultimate visions with respect to differentiation and complexification

#### Intermediate vision

1(a)		1(b)		2(a)		2(b)		2(c)	
Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)
/)	/)	(+)	(+)	(+)	/)	(-)	/)	/)	(+)

#### Ultimate vision

1(a)		1(b)		2(a)		2(b)		2(c)	
Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)
/)	(?)	(+)	(+)	/)	/)	(-)	(-)	(?)	(+)

#### Key:

- + = Requirements deemed fully met (optimal scenario)
- (+) = Requirements deemed substantially but not fully met
- /) = Requirements deemed partly met
- (-) = Requirements deemed insufficiently met
- (?) = Inconclusive

**Text segments extracted from primary sources [TBMPA reports]  
(primary sources)**

[Words/text segment elicited as capta are marked in red]

**1(a): Knowledge base**

**Sub-Cycle 1 - October 1999 - May 2001**

Tbmpa meetings	Selected text segments	CS attendees
October 13 <sup>th</sup> , 1999	<p>Area 2 -- all (senchathan) - speaking</p> <p>“Lummi (pointy-headed people) would be very helpful in determining criteria. Henry Island used to be called Home Island - this was one of the greatest fishing stations (this area is all Saanich-speaking language. Stuart Island used to be called Whale Island.)”</p> <p>“Often we know the areas that have been depleted better than the environmentalists because we have been there longer.”</p> <p>“ The landscape includes us all “.</p>	1 Saanich Elder
December 6 <sup>th</sup> , 1999	?	2 from the CSSC (1 Elder + 1 non-nat.) + 1 tribal member from Lummi Nation
February 15 <sup>th</sup> , 2000  February 15 <sup>th</sup> , 2000	<p><u>CSSC Head</u>: “FN initiatives on living in this territories, naming these places for fishing &amp; incubation, all are important for MPA designating today &amp; in the future.”</p> <p><u>CSSC Head</u>:</p> <p>“We have known these areas for years, and want our info to be used to help restore and manage.”</p>	2 from the CSSC (1 Elder + 1 non-nat.)  2 from the CSSC (1 Elder + 1 non-nat.)

February 15 <sup>th</sup> , 2000	“I would suggest to avoid <b>miscommunication</b> (which I’d like to say in our own language), but we should have a <b>workshop strictly dealing with language of marine conservation.</b> “	/
April 3 <sup>rd</sup> , 2000	/	1 natural resource staff from Lummi Nation
June 5 <sup>th</sup> , 2000	/	1 from the CSSC (Elder)?
January 12, 2001	/	2 from BCAFC + 2 from Aboriginal Tourism, BC
March 28 <sup>th</sup> , 2001	/	No CS attendees but FN/tribes on the agenda

**Sub-Cycle 2 - June 2001 - May 2003**

<b>Tbmpa meetings</b>	<b>Selected text segments</b>	<b>CS attendees</b>
January 31 <sup>st</sup> , 2002	/	1 official from the NWIFC
May 2 <sup>nd</sup> , 2002	/	No CS attendees but FNs/tribes on the agenda
October 4 <sup>th</sup> , 2002	/	No CS attendees but FNs/tribes on the agenda
February 3 <sup>rd</sup> , 2003	<u>Samish tribe representative:</u> “ - <b>the horseshoe shaped ring we’ve defined for Orca Pass would almost exactly match the map of reef-net sites in 1850</b> (...). Salmon came into shore at about 40 sites along that horseshoe shape & Salish people were intensively harvesting them	1 non-nat. representative of the Samish Indian Nation, (WA) +

February 3 <sup>rd</sup> , 2003	<p>(...). The reef nets suggest to us the importance of Orca Pass as the migration &amp; foraging route. <b>We therefore have a historical reason for supporting Orca Pass (...).</b>”</p> <p><u>FN Outreach &amp; Liaison Facilitator:</u></p> <p>“<b>Holistic</b> approach”</p>	FN Outreach & Liaison Facilitator
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**1(b): Ethics**

**Sub-Cycle 1 - October 1999- May 2001**

<b>Tbmpa meetings</b>	<b>Selected text segments</b>	<b>CS attendees</b>
October 13 <sup>th</sup> , 1999	<p>Area 1 -</p> <p>“(W)e had to remove a cemetary from a small bay on Portland Island - south end near Brackman Island. Still interested in getting this area back - <b>not pleased about this being a tourist-friendly area.</b>”</p>	1 Saanich Elder
December 6 <sup>th</sup> , 1999	?	2 from the CSSC (1 Elder + 1 non-nat.) + 1 tribal member from Lummi Nation
February 15 <sup>th</sup> , 2000	<p><u>CSSC Head:</u></p> <p>“These issues we’re discussing are of extreme importance (...) in terms of the <b>FN’s relationship to these resources.</b>”</p> <p>“<b>We’ve learned from these critters that we can’t survive without them, and we need to inject this thinking into the MPA discussion.</b>“</p> <p>“<b>...the governments have been about making money.</b>”</p>	2 from CSSC (1 Elder + 1 non-nat.)

February 15 <sup>th</sup> , 2000	““Encourages us <b>all to work hard. We can take the High Road</b> , the Middle Road, or the Status Quo. You Choose!”	/
April 3 <sup>rd</sup> , 2000	/	1 natural resource staff from Lummi Nation
June 5 <sup>th</sup> , 2000	/	CSSC Head?
January 12, 2001	BCAFC (Elder): “ <b>All is one</b> ”. “ <b>Moral suasion</b> is the way to get “no-go zones”	2 Elders from BCAFC + 2 from Aboriginal Tourism, BC
March 28 <sup>th</sup> , 2001	/	No CS attendees but FN/tribes on the agenda

**Sub-Cycle 2: June 2001- May 2003**

<b>TBMPA meetings</b>	<b>Selected text segments</b>	<b>CS attendees</b>
January 31 <sup>st</sup> , 2002	/	1 official from Northwest Indian Fisheries Commission
May 2 <sup>nd</sup> , 2002	/	No CS attendees but FNs/tribes on the agenda
October 4 <sup>th</sup> , 2002	/	No CS attendees but FNs/tribes on the agenda
February 3 <sup>rd</sup> , 2003	<u>Swinomish Elder</u> [quoted in comment to meeting report]: “.. <b>they want us to define a certain area as sacred, when to us it is all sacred</b> ”.	1 staff from Samish Indian Nation, WA + FN Outreach & Liaison Facilitator



## 2(a): Approach to marine conservation/MPA concept and process

### Sub-Cycle 1 - October 1999- May 2001

TBMPA meetings	Selected text segments	CS attendees
October 13 <sup>th</sup> , 1999	<p><u>Saanich Elder:</u>  “Many Tribes would not disagree with our three areas...”  “<b>But we are not very difficult people - and we are very concerned about the fate of these marine resources. (...) - mutual understanding will pave the way.</b>”</p> <p>“ “Tribes (...) are not opposed to the concept of a marine protected area.”</p>	1 Saanich Elder
October 13 <sup>th</sup> , 1999	<p>“We should expand First Nations participation in our meetings. “</p> <p>“The Fraser River affects the whole region here.”</p> <p>[Points summarised in the report]:</p> <ul style="list-style-type: none"> <li>* Consult with First Nations on specific sites</li> <li>* Government Processes need to include First Nations</li> <li>* First Nations resource needs to participate</li> <li>* MPAs can't infringe on prior agreements *</li> <li>* Need to discuss MPAs openly w /Tribes</li> <li>* Don't want to go lawsuit route</li> <li>* First Nations sympathetic with issues of marine conservation /</li> <li>* Expand First Nations involvement in our group</li> <li>* Note distinct interests of each Tribe - they will vary.</li> </ul>	1 Saanich Elder

December 6 <sup>th</sup> , 1999	<p>“Lummi Nation rep. said he could make no commitment, but he would take information back to Lummi and talk about what had been decided.”</p>	2 from the CSSC (1 Elder + 1 non-nat.) + 1 tribal member from Lummi Nation
February 15 <sup>th</sup> , 2000	<p><u>CSSC Head:</u>  “...we’ve worked to help Tribes get involved in MPAs, and to identify whole area of Coast Salish territory.”  ““We must get involved in this process or else we will all be only guessing about where MPAs should be placed.”</p> <p>“ ... have a workshop (...) [of] (O)ne or two days (..) to deal with our concepts of MPAs and marine environment in general.”</p>	2 from the CSSC (1 Elder + 1 non-nat.)
April, 3 <sup>rd</sup> , 2000	<p>[Reference to talk by Lummi Elder] “..their approach to marine conservation and positions on MPAs (...) was cautious but left room for further talks.”</p>	1 natural resource staff from Lummi Nation
June 5 <sup>th</sup> , 2000	/	/
January, 12, 2001	<p>[Points under First Nations and Tribal Government Roles and Liaison]:</p> <p>“First Nations recognize the need for conservation”.</p> <p>“Problems with consultation during the Race Rocks process.”</p> <p><u>BCAFC (Elder):</u> “BCAFC will continue to work with us and bring their Tribal brothers alongside.”</p>	2 from BCAFC + 2 from Aboriginal Tourism, BC
March 28 <sup>th</sup> , 2001	/	No CS attendees but FNs/tribes on the agenda

**Sub-Cycle 2 - June 2001- May 2003**

<b>TBMPA meetings</b>	<b>Selected text segments</b>	<b>CS attendees</b>
January 31 <sup>st</sup> , 2002	/	1 official from Northwest Indian Fisheries Commission
May 2 <sup>nd</sup> , 2002	/	No CS attendees but FN/tribes on the agenda
October 4 <sup>th</sup> , 2002	[Barrier identified]: “ <b>Lack of tribal support</b> ”.	No CS attendees but FNs/tribes on the agenda
February 3 <sup>rd</sup> , 2003  February 3 <sup>rd</sup> , 2003	<u>Samish representative:</u> “ <b>Samish Nation supports Orca Pass.</b> ”  <u>FN Outreach &amp; Liaison Facilitator:</u>  “ <b>Chiefs in my area are quite excited when they hear about MPAs, but they’re quickly drawn to other key issues in marine environment like pipeline, fish farms and fresh water. Might have to start in another area to get support on MPAs. Holistic approach.</b> ”	1 staff from Samish Indian Nation, (WA) + FN Outreach & Liaison Facilitator  1 staff from Samish Indian Nation, (WA) + FN Outreach & Liaison Facilitator

## 2(b): Governance regimes and practices

### Sub-Cycle 1 - October 1999 - May 2001

Tbmpa meetings	Selected text segments	CS attendees
<p>October 13<sup>th</sup>, 1999</p>	<p>Saanich Elder: "...the areas that have been depleted..."</p> <p>"(T)here was a guy who did a lot of dragging - they tore the whole place up and there is nothing left now".</p> <p>"Douglas Treaties were pre-Crown treaties, and are still considered legitimate - but with some details still needing to be worked out. (...) these treaties are not beyond regulation of all-kind (e.g. for conservation purposes?)*. But something like no-take MPAs would be quickly taken to courts for clarification if attempts are made to apply them to First Nations."</p> <p>* [Comment by note-taker]</p> <p>"Cherry Point on BC side is Treaty land."</p> <p>"Many Tribes (...) will not like any infringement on their rights. The treaties are not to be tampered with by Federal Crown, let alone NGOs."</p> <p>[In short]* : "First Nations sympathetic with (...) no-take areas worked out properly."</p> <p>*[Summarised by note-taker]</p> <p>"Tribes might have a tough time supporting a blanket no-take approach, but are not opposed to the concept of a marine protected area."</p>	<p>1 Saanich Elder</p>

October, 13 <sup>th</sup> , 1999	“(A)t Goldstream River, there was a point where there were only 25,000 pieces of salmon in that river. <b>The Canadian Feds were trying to run different fish in there, and we told them they weren’t the right fish for that river.</b> They stopped, and 6 years later there are over 100,000 fish there. That’s despite highways, watershed degradation, etc... So <b>leaving them alone was exactly what worked and what we wanted to do.</b> “	1 Saanich Elder
December 6 <sup>th</sup> , 1999	?	2 from the CSSC (1 Elder + 1 non-nat.) + 1 tribal member from Lummi Nation
February 15 <sup>th</sup> , 2000	<u>CSSC Head:</u> “The Tribes are concerned, twenty years ago <b>we warned the state governments poor planning would lead to these fisheries disappearing.</b> ”	2 from the CSSC (1 Elder + 1 non-nat.)
April 3 <sup>rd</sup> , 2000	“Lummi’s havn’t had opportunity to harvest some of these marine areas while the details were being worked out in the courts. Now we have finally won access, we get only what is left over from <b>years of mismanagement and environmental abuse. It will not seem entirely fair to ask First Nations to go along with recovery efforts at this point, and restrain our harvest activities, when the damage was done by Americans and Canadians.</b> ”	1 Natural Resource staff from Lummi Nation
June, 5th, 2000	[Reference to talk by Lummi Elder]: “Their <b>approach to marine conservation and positions on MPAs (...)</b> was <b>cautious but left room for further talks.</b> ”	CSSC Head?
June, 5th, 2000	They are looking at <b>potentially protecting a multi-species nursery area in an MPA.</b> ”	CSSC Head?
January, 12, 2001	“ <b>Contentious issue of no-take zones: Moral suasion is the way to get “no-go zones”.</b> Traditionally herring spawning beds were <b>“no-go zones”.</b> Emphasized the importance of recognizing Section 35.1 (guarantee of access to food sources).”	2 from BCAFC + 2 from Aboriginal Tourism, BC

March, 28 <sup>th</sup> , 2001	“ .no No-take goes down w/o FN Sign-off” “Time-limited no-takes” “ Section 35 rights for food, ceremony ...”	No CS attendees but FNs/tribes on the agenda
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**Sub-Cycle 2 - June 2001- May 2003**

<b>TBMPA meetings</b>	<b>Selected text segments</b>	<b>CS attendees</b>
January 31 <sup>st</sup> , 2002	NWIFC official: “...it was in the <b>long-term interests of the Tribes to protect marine resources</b> , and that there were going to be some overlapping goals for conservation, but it would <b>depend a lot on how protections were proposed and perceived.</b> ”	1 NWIFC staff (did not represent the tribes)/ BCAFC invited but did not turn up
May 2 <sup>nd</sup> , 2002	[ <u>Summary of points under ‘Tribes and First Nations’ heading</u> ]: “Issues identified are: (...); MPAs generate treaty rights concerns; stewardship is a positive concept with tribes; conservation groups approach environment as place to escape to whereas native perspective sees it as place to live, hunt, fish; tribes lack financial resources/”	No CS attendees but FNs/tribes on the agenda
October 4 <sup>th</sup> , 2002	/	No CS attendees but FN/tribes on the agenda
February 3 <sup>rd</sup> , 2003	<u>Samish Indian Nation representative</u> :  “ We believe <b>the big issue now is</b> not dividing up harvest, but <b>seeing that there are fish</b> . Simplify regimes (...) rather than having a lot of different agencies with different plans.”	1 staff from Samish Indian Nation, (WA) + FN Outreach & Liaison Facilitator

## 2(c): Shared governance across the border

### Sub-cycle 1 - October 1999- May 2001

Tbmpa meetings	Selected text segments	CS attendees
October 13 <sup>th</sup> , 1999	“We should expand First Nations participation in our meetings. <b>From American &amp; Canadian sides.</b> “	One Elder from the CSSC
December 6 <sup>th</sup> , 1999	/	2 from the CSSC (1 Elder + 1 non-ab.) + 1 tribal member from Lummi Nation
February 15 <sup>th</sup> , 2000  February 15 <sup>th</sup> , 2000 (cont.)	CSSC (Elder): “...we’ve worked to (...) to <b>identify whole area of Coast Salish territory.</b> ” “We are asking Lummi Tribe to host one of <b>two major coastal meetings with all Coast Salish Nations.</b> We are working to <b>promote the idea of working together</b> to ensure these MPAs are inclusive of FN concerns and effective in restoring & preserving the Salish Sea.”	2 from the CSSC (1 Elder + 1 non-ab.)
April 3 <sup>rd</sup> , 2000	/	1 natural resource staff from Lummi Nation
January 12, 2001	<u>BCAFC</u> (Elder): “ <b>BCAFC will continue to work with us and bring their Tribal brothers alongside.</b> ”	2 from BCAFC + 2 from Aboriginal Tourism, BC

**Sub-Cycle 2- June 2001- May 2003**

<b>TBMPA meetings</b>	<b>Text segments/capta</b>	<b>CS attendees</b>
January 31 <sup>st</sup> , 2002	/	1 NWIFC staff
May 2 <sup>nd</sup> , 2002	[Summary of points under ‘Tribes and First Nations’ heading]:  “Issues identified are: <b>differences in US/Canada treaty status;</b>	No CS attendees but FN/tribes on the agenda
October 4 <sup>th</sup> , 2002	/	No CS attendees but FN/tribes on the agenda
February 3 <sup>rd</sup> , 2003	<u>Samish representative:</u>  “Salmon came into shore at about <b>40 sites along that horseshoe shape &amp; Salish people were intensively harvesting them (...)</b> . The reef nets suggest to us the importance of Orca Pass as the migration & foraging route.”	1 staff from the Samish Indian Nation, WA + 1 FN Outreach & Liaison Facilitator



**Interruption: Capta and inferences pertaining to Pointer 1 drawn from primary and secondary sources of relevance for both sub-cycles**

*[Parentheses indicate inferences we drew under Steps 4 and 6]*

**Sub-Cycle 1- October 1999 - May 2001**

**Primary sources**

1(a)	1(b)	2(a)	2(b)	2(c)
<p><u>CSSC Head/Feb. 2000:</u></p> <p>“miscommunication” (between those informed by CS knowledge and those unfamiliar with such knowledge).</p> <p>(Criteria underlying designation of MPAs too narrow since they leave out human use)</p>	<p><u>Saanich elder/ Oct. 1999:</u></p> <p>“(W)e had to remove a cemetary - not pleased about this being a tourist-friendly area.”</p> <p><u>Feb 2000:</u></p> <p>“..governments about making money”</p>	<p><u>CSSC Head/ Feb. 2000:</u></p> <p>“ We must get involved in this process or else we will all be only guessing about where MPAs should be placed”</p> <p><u>BCAFC Elder/ Jan. 2001:</u></p> <p>“Problems with consultation during the Race Rocks process”.</p>	<p><u>Saanich Elder/ Oct. 1999:</u></p> <p>“...something like no-take MPAs would be quickly taken to courts (...) if attempts are made to apply them to First Nations”;</p> <p>“ Many Tribes (...) will not like any infringement of their rights”</p> <p>“ ...The treaties are not to be tampered with by federal Crown, let alone NGOs”</p> <p>“ Tribes might have a tough time supporting a blanket no-take approach”;</p>	<p>/</p>

/	/	/	<p><u>Jan. 2001</u> “Contentious issue of no-take zones...”.</p> <p><u>GSA/P4PS Conf. call on</u> <u>March 2001:</u></p> <p>“.. no No-take goes down”[1] without First Nation sign-off”</p>	/
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**Secondary sources**

1(a)	1(b)	<u>2(a)</u>	<u>2(b)</u>	<u>2(c)</u>
<p><u>BCAFC Recommendations 1999/2000:</u> (No to narrow biological objectives)</p> <p><u>CS Gathering/ June 2000:</u> (Hegemony of the English language)</p>	/	<p><u>BCAFC Recommendations 1999/2000:</u> (No MPA pilot projects without consent of affected FNs)</p> <p><u>Transborder Partners Conf. calls /Tulalip representative:</u> “Skepticism about local efforts”</p>	<p><u>CS Gathering/June 2000:</u> “Boldt decision anti-Indian”</p> <p><u>NWIFC Tribal Forum/Tulalip Elder:</u> “The way U&amp;As areas were set up” meant “no other place to go”</p> <p><u>Transborder Partners Conf. calls/Tulalip representative:</u> MPAS and ESA “causing some chaos”.</p>	<p><u>CS Gathering/June 2000:</u> (Partitioning of Coast Salish territory as a result of the border)</p>

**Period 2: June 2001- May 2003**

**Primary sources**

1 (a)	1(b)	2(a)	2(b)	2(c)
<p><u>Feb 2003/FN Outreach &amp; Liaison Facilitator:</u></p> <p>(Holistic knowledge <i>versus</i> western science’s disjunctive ways of thinking)</p>	<p><u>Swinomish Elder/Feb 2003:</u></p> <p>“They want us to define a certain area as sacred, when to us it is all sacred.”</p>	<p><u>Under heading Tribes and First Nations/May 2<sup>nd</sup>, 2002:</u> (Two contrasting ways of thinking about the ‘environment’): “a space to escape to” <i>versus</i> “a place to live, hunt, and fish.”</p> <p><u>TBMPA meeting of Oct., 4<sup>th</sup>, 2002, under Heading ‘What are the barriers?’:</u> “Lack of tribal support”.</p> <p><u>FN Outreach &amp; Liaison Facilitator/ Feb. 2003:</u> “(M)ight have to start in another area to get support on MPAs”</p>	<p><u>May 2<sup>nd</sup>, 2002:</u> MPAs generated “treaty rights concerns”.</p> <p><u>TBMPA meeting of Oct., 4<sup>th</sup>, 2002, under Heading ‘What are the barriers?’:</u> “Lack of tribal support”.</p>	<p>/</p>

**Secondary sources**

<u>1(a)</u>	<u>1(b)</u>	<u>2(a)</u>	<u>2(b)</u>	<u>2(c)</u>
/	<p><u>Pt Ludlow, Oct. 2002/ Tulalip speaker:</u>            "...significant level of distrust among some tribes regarding various county discussions and decisions that affect their lands and resources."            [MRC report]</p> <p>"History has shown that agreements, treaties and such have failed to be followed through"            [Observation notes]</p> <p>"Healing to do"            "Fix what is broken"</p>	<p><u>NWS Com./June 2001:</u>            "Lummi and Tulalip Tribes against the OP-proposal"</p>	<p><u>Pt. Ludlow/ Tulalip speaker/ Oct 2002:</u>            Tribes and (in particular) Lummi opposition to sanctuaries [Observation notes]</p> <p>Opposition to ESA - marine mammals [Summary report]</p>	/

**Pedagogic ‘subjectivation’: Capta and inferences pertaining to Pointers 2 + 3 drawn from primary and secondary sources of relevance for both sub-cycles)**

*[Parentheses indicate inferences we drew under Steps 4 and 6]*

**Sub-Cycle 1: October 1999 - May 2001**

**Primary sources**

	1(a)	1(b)	2(a)	2(b)	2(c)
<p><b><u>Pointer 2:</u></b></p> <p>Proposals informed by a traditional worldview</p>	<p><u>Saanich Elder/Oct. 1999:</u> (Knowledge about particular sites linked to how they were used by humans)</p>	<p><u>Saanich Elder/Oct. 1999:</u> “We’ve learned from these critters...” (Non-human creatures can teach humans that they depend on marine life for their survival and therefore need to be respected.)</p>	<p><u>CSSC Head, Feb. 2000:</u> a. “...identify whole area of Coast Salish territory.” b. “... ensure these MPAs are inclusive of FN concerns and effective in restoring &amp; preserving the Salish Sea.”</p>	<p><u>Saanich Elder/Oct. 1999:</u> Goldstream River case: (Non-intervention preferable to inappropriate practices)</p>	/

<p><b><u>Pointer 2:</u></b> (cont.)</p>	<p>/</p>	<p><u>BCAFC Elder/ Jan. 2001:</u> “ All is one” (everything is connected).</p>	<p>(Preference for protecting and restoring the entire Salish Sea as one seamless area rather than concentrating on limited areas.) c. Cross-scale connectivity: “The Fraser River affects the whole region here.”</p>	<p>/</p>	<p>/</p>
<p><b><u>Pointer 3:</u></b> Pride in ability to bring distinctive contribution</p>	<p><u>Saanich Elder/Oct. 1999:</u> a. The Lummi “pointy-headed people”  b. “Often we know these areas (...) better...”</p>	<p><u>CSSC Head, Feb. 2000:</u> “The traditional way of thinking about marine creatures needed to be injected into the MPA discussions” “...work hard “ and take “the High Road” (Moral mentoring)</p>	<p><u>CSSC Head, Feb. 2000:</u> (Proposal for workshop denotes wish to familiarise non-natives with CS concepts of MPAs...”)</p>	<p><u>Saanich Elder/Oct. 1999:</u>  <u>a.</u> “...the greatest fishing stations..” (Thanks to prudent governance, harvests were plentiful)  b. (Thanks to advice given by First Nations, the Canadian feds put an end to inappropriate practices)</p>	<p><u>CSSC Head, Feb. 2000:</u> (All CS working together would help ensure effective restoration and preservation of the Salish Sea.)</p>

**Secondary sources**

	1(a)	1(b)	2(a)	2(b)	2(c)
<p><b><u>Pointer 2:</u></b> Proposals informed by a traditional worldview</p>	/	/	<p><u>BCAFC 1999/2000:</u> a. Linkage between MPAs and integrated coastal management b. Multi-use MPAs part of local fisheries strategies</p> <p><u>Tulalip Commissioner (NWIFC Tribal Forum/ Nov. 2000:</u> The MPA-approach only one part of an overall management strategy for fisheries.</p>	<p><u>BCAFC 1999/2000:</u> “FN to be given first opportunity to participate in MPA management, monitoring and enforcement” (Multi-use rather than just conservation and protection)</p> <p><u>BCAFC/ Spring 2001:</u> “Return to whaling” (Room to be left for traditional practices)</p>	/
<p><b><u>Pointer 3:</u></b> Pride in ability to bring distinctive contribution</p>	/	/	/	<p><u>BCAFC 1999/2000:</u> “FNs to participate in MPA enforcement”</p>	/



**Sub-Cycle 2: June 2001- May 2003**

**Primary sources**

	1(a)	1(b)	2(a)	2(b)	2(c)
<p><b>Pointer 2:</b> Proposals informed by a traditional worldview</p>	<p><u>Outreach &amp; Liaison facilitator/ Feb.2003:</u>  (Holistic ways of knowing)</p>	<p><u>Swinomish Elder/Feb 2003:</u>  “ ...to us it is all sacred”.</p>	/	<p><u>Samish representative/ Feb. 2003:</u> (Restoration important next to conservation)</p>	<p><u>Samish representative/ Feb. 2003:</u> (Conjuring up of a picture of a borderless space in which the same practices and protocols applied.)</p>
<p><b>Pointer 3:</b> Pride in ability to bring distinctive contribution</p>	<p><u>Outreach &amp; Liason facilitator/ Feb.2003:</u>  (Holistic ways of knowing)</p>	/	/	/	/

## Secondary sources

	1(a)	1(b)	2(a)	2(b)	2(c)
<p><b>Pointer 2:</b> Proposals informed by a traditional worldview</p>	/	<p><u>Tulalip speaker at training seminar/ Oct 2002:</u> [Summary report]: “Get better understanding of (...) types of projects that represent long-term tribal values.” “ Precautionary principle”</p>	<p><u>Tulalip speaker (NWS Commission meeting/ June 2001):</u> “Include education of the general public about tribal rights in OP- proposal”</p>	/	/
<p><b>Pointer 3:</b> Pride in ability to bring distinctive contribution</p>	/	<p><u>Tulalip speaker at training seminar/ Oct 2002:</u> a. “Get better understanding of (...) types of projects that represent long-term tribal values.” [Summary report] b. As co-managers the tribes “share authority and responsibility.” c. Tribes “committed stewards of the marine environment”</p>	/	<p><u>Tulalip speaker at training seminar/ Oct 2002</u> [Summary report]: “Treaty-based rights strengthen existing protection and restoration efforts.” “..need to work together to make a difference”</p>	/

<p><b><u>Pointer 3:</u></b> Pride in ability to bring distinctive contribution</p>	/	<p>d. “You have your way of living, and we have ours. We can still live alongside each other”. [Observation notes]</p>	/	/	/
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**Qualitative rating of CS messages with respect to interruptive and differentiating potential**

**Key:**

- + = Significant potential
- (+) = Some potential
- (-) = Negligible potential
- ? = Question kept open

**1. Interruptive potential**

	1(a)	1(b)	2(a)	2(b)	2(c)
<b>Sub-Cycle 1</b>	(-)	+	?	+	(-)
<b>Sub-Cycle 2</b>	(-)	+	?	+	(-)

**2. Differentiating potential**

	1(a)	1(b)	2(a)	(2(b)	2(c)
<b>Sub-Cycle 1</b>	<u>Pointer 2:</u> (+)	<u>Pointer 2:</u> +	<u>Pointer 2:</u> +	<u>Pointer 2:</u> +	<u>Pointer 2:</u> ?
	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> ?
<b>Sub-Cycle 2</b>	<u>Pointer 2:</u> ?	<u>Pointer 2:</u> +	<u>Pointer 2:</u> (-)	<u>Pointer 2:</u> +	<u>Pointer 2:</u> ?
	<u>Pointer 3:</u> ?	<u>Pointer 3:</u> +	<u>Pointer 3:</u> (-)	<u>Pointer 3:</u> +	<u>Pointer 3:</u> ?

## Overview of qualitative ratings informing the level-jumping analysis

### A. Qualitative ratings of CS messages with respect to interruptive and differentiating potential

#### 1. Interruptive potential

	1(a)	1(b)	2(a)	2(b)	2(c)
<b>Sub-Cycle 1</b>	(-)	+	?	+	(-)
<b>Sub-Cycle 2</b>	(-)	+	?	+	(-)

#### 2. Differentiating potential

	1(a)	1(b)	2(a)	(2(b)	2(c)
<b>Sub-Cycle 1</b>	<u>Pointer 2:</u> (+)	<u>Pointer 2:</u> +	<u>Pointer 2:</u> +	<u>Pointer 2:</u> +	<u>Pointer 2:</u> ?
	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> +	<u>Pointer 3:</u> ?
<b>Sub-Cycle 2</b>	<u>Pointer 2:</u> ?	<u>Pointer 2:</u> +	<u>Pointer 2:</u> (-)	<u>Pointer 2:</u> +	<u>Pointer 2:</u> ?
	<u>Pointer 3:</u> ?	<u>Pointer 3:</u> +	<u>Pointer 3:</u> (-)	<u>Pointer 3:</u> +	<u>Pointer 3:</u> ?

**Key:**

- + = Significant potential
- (+) = Some potential
- (-) = Negligible potential
- ? = Question kept open

**B. Qualitative ratings of the intermediate and ultimate visions with respect to differentiation and complexification**

**Intermediate vision**

1(a)		1(b)		2(a)		2(b)		2(c)	
Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)	Std (a)	Std (b)
(/)	(/)	(+)	(+)	(+)	(/)	(-)	(/)	(/)	(+)

**Ultimate vision**

1(a)		1(b)		2(a)		2(b)		2(c)	
Std (a)	Std (b)	Std (a)	Std (b)						
(/)	(?)	(+)	(+)	(/)	(/)	(-)	(-)	(?)	(+)

**Key:**

- + = Requirements deemed fully met (optimal scenario)
- (+) = Requirements deemed substantially but not fully met
- (/) = Requirements deemed partly met
- (-) = Requirements deemed insufficiently met
- (?) = Inconclusive

**Recording of decisions taken and challenges encountered during proto-exploration: Methodological and self-reflexive comments**

**A. General remarks:**

1. Some might ask why we opted for a retrospective study rather than action research. They might point out that the latter would have enabled us to witness firsthand emergence of new concepts and visions rather than, as we did, seek to reconstruct them *ex-post* from at times sketchy sources as well as retrospective conversations inevitably bearing the distorting marks of hindsight, post-rationalisations and more recent understandings. To this we would reply that only retrospective study enabled us to retrace the trajectory that the vision relating to the OPISA followed over time while also minimising the researcher's impact on the directions it took.

2. By adopting a longitudinal gaze, we sought to compensate for the time span separating us from the protagonists, placing ourselves, as it were, 'in their shoes' in each of the phases we identified, therefore not knowing 'how it would all end'.

3. In our attempt to be as transparent and meticulous as we possibly could, we might have ended up going too far in that direction, at times spelling out what seemed plain obvious. However, this did not do away with the perennial problem of deciding what is to be considered obvious/taken-for-granted and for whom.

4. As we carried out the interpretive analysis (**Step 4**), it increasingly occurred to us that any statement, assertion or claim as to "what was actually said" or 'what was the case' ultimately rested on debatable

judgments. As a consequence, however well argued for, we realized that most, if not all, of our claims could be called into question.

5. We found choice of layout particularly challenging since we felt caught between two conflicting considerations: on the one hand, making presentation of our way of proceeding as transparent and articulate as feasible; on the other hand, ensuring that the report would not be unnecessarily long and cumbersome, let alone boring. We also had an issue with how much needed to be repeated for readers' convenience.

## **B. RQ.I**

*Comment # 1:* Going through the seven-step procedure for the purpose of construing the early vision proved quite laborious since we had to figure out as we went along how we would translate into practice the guidelines set out in Section 4.3. (**Book I**).

*Comment # 2:* To keep our mind open, we only began reading the sources we singled out as our primary sources when duly equipped with a more elaborate thematic framework. The primary consideration informing our selection of primary sources was their presenting the S&S Coalition's vision for the area of interest/OPISA at certain stages of the OPI's history rather than their being particularly explicit about the sub-themes in which we were interested.

*Comment # 3:* Procedures under **Steps 2** and **3** proved largely simultaneous. It thus turned out to be near impossible to dissociate selection of relevant text segments in the light of our thematic



framework from reflecting, commenting and raising questions in relation to these segments.

*Comment # 4:* We did not always find it obvious to distinguish sharply between the different steps as some seemed to overlap or blend into each other. This was particularly conspicuous with regard to the commentary under **Step 3** and to internal sense making under **Step 4**. The analysis under both steps was informed by the same text segments just as both involved raising questions. An example is found under 1.2.3. for 2(c) - **Step 3**, where we pondered about possible reasons for why CS cooperation across the border was not being evoked or, under 1.3.3. when we hinted at possible repercussions of 9/11. As we experienced it, the main difference between the two steps was that Step 4 implied decisions or judgments following argumentation for and against different ways of understanding certain ‘capta’.

*Comment # 5:* Under **Step 4** we noted that, as soon as we paraphrased ‘evidence’, we fiddled with ‘reality’, often adding nuances that were not present in the original text. Moreover, we found it difficult at times to dissociate the mental process of inferring from the understandings that came out of this process.

*Comment # 6:* It soon became clear to us that the function of secondary sources consulted under **Step 6** was not limited to testing the plausibility of understandings reached under **Step 4**. It was also to dispel ambiguities and doubts we were left with under the latter step. Lastly, where appropriate, it was to check whether silences we noticed under **Step 3** were simple oversights or, rather, pertained to ‘othering’.

*Comment # 7:* We found the questions we addressed under the five sub-themes to undergo some change as some aspects became more prominent over time, for example the process through which the OPISA would be established.

*Comment # 8:* As we iteratively went through the analytical procedure several times, rather than orthodoxly replicating what we did in the preceding phase, gradual honing of our skills allowed us recursively to adapt, refine and in some cases abbreviate our analysis.

*Comment # 9:* As we injected partial understandings derived from **Steps 4 and 6** into the comparative discussions under **Step 7**, we in effect resorted to a recursive way of proceeding.

*Comment # 10:* As we formulated our questions under **Step 4** and conducted the comparative discussions under 1.2.7. and 1.3.7., we did not have clearly in mind the standards we consciously identified later. In other words, at these earlier stages, we intuited what turned out to be central under the latter standards. While, under **Step 4** our primary pre-occupation was to pick up noticeable changes, under the comparative discussions, we focused on noteworthy differences between the successive visions. As we re-read the gauging discussion, it nonetheless occurred to us that the latter was in many cases a direct extension of the discussion under Step 4. Consequently, one problem we encountered under the gauging discussion was how best to avoid repetitions and redundancies.

*Comment # 11:* Once we reached the stage where the task at hand was to provide a tentative reply to the four research questions, no longer did we have the seven-step procedure to lean upon. At this stage we therefore had the feeling of being on the open sea, with no other buoys for finding our way than the standards and yardsticks we

would devise ourselves. The approach and methods we ended up by applying were invented from day to day. Often to our own amazement, we discovered ways of proceeding that we had not even imagined so far. In that sense one could say that our inquiry embodied an experimental process the guiding ideas of which emerged as we went along. We also noticed that, quite often, after a spell of painstaking doubt and confusion, reflections and arguments seemed to fall into place by themselves as if under a self-organising impetus.

**Comment # 12:** We had some doubts whether it would be best to draw conclusions regarding ‘distance’ versus ‘closeness’ to bifurcation thresholds, sub-theme by sub-theme, or whether we should take a comprehensive look at respectively the intermediate and the ultimate vision. Our conclusion was that the two approaches, far from being, mutually exclusive might instead be seen as complementary. We thereby applied the ‘and/and’ logic characteristic for complexity thinking.

**Comment # 13:** As we embarked upon our gauging discussion, we found ourselves wary of how we might best formulate possible critique. In view of the deliberately limited material upon which we drew, we wished to avoid as much as possible unfounded critique. Above all, we wished to avoid anything near a disapproving tone. Far from belittling in any way the remarkable efforts and admirable commitment that the S&S Coalition mustered in the course of the OPI’s heyday, the idea of an ‘optimal scenario’ was meant as a way of pointing to unactualised potentialities we deemed inherent to the OPI.

**Comment # 14:** As we strove to resist temptation to bend the observations we made in a direction that might confirm our own pre-understandings, when embarking upon our gauging discussion, we were nonetheless aware that these observations could be brought to point to opposite conclusions depending on the relative weight ascribed to them. This became clear in cases where we made contradictory observations in relation to either differentiation or complexification. The question became here: to which of the two sets should we ascribe most importance? In such cases, a way out of this conundrum seemed to be to assess the extent to which the ‘negative’ observations ran counter what we should have expected in an optimal scenario.

**Comment # 15:** We found upholding of a clear distinction between standard (a)/differentiation and standard (b)/complexification particularly challenging as far as sub-theme 2(c) was concerned. One important reason for this seemed to be that this sub-theme is in itself centered on interrelations. We nonetheless proposed to understand differentiation in terms of number of different actors envisioned to join forces across the border.

**Comment # 16:** It only occurred to us at a fairly late stage that breaks with or moves away from disjunctive ways of thinking in effect paved the way for relational and contextualising thought. Under such conditions one could therefore establish a direct link between interruption and complexification.

**Comment # 17:** We found it challenging to consider differentiation in isolation without, in a near automatic way, evoking also the potential for constructive relationships between the distinctive aspects or dimensions identified. We wondered here if this could be a side-effect

of our subscribing to complexity thinking, the core concern of which are precisely interrelationships.

**Comment # 18:** We did not always find it straightforward to establish whether inclusion, in the intermediate or ultimate vision, of a wider array of perspectives and options for action as well as shifts towards more relational and contextualising principles and options could legitimately be considered to denote qualitatively decisive shifts in ways of thinking as compared with ways of thinking already in place.

**Comment # 19:** In case we are criticised for largely repeating under 1.4. what we said under 1.2.7. and 1.3.7, we shall reply that what is new and different under the former is our structuring the discussion according to the two standards we introduced.

**Comment # 20:** In our gauging discussion is became increasingly clear to us that what we called our ‘optimal scenario’ was in effect largely, albeit not exclusively, informed by principles, values and approaches underpinning a traditional CS worldview as we understood it.

**Comment # 21:** As with all rating, be it qualitative or quantitative, we met limit cases where we seriously wavered regarding what score to ascribe. This was for example the case for example when it came to decide whether to ascribe a (+) or a (/) to the intermediate vision in relation to 1(b) as far as standard b/ complexification was concerned.

### **C. RQ.II + RQ.III:**

**Comment # 1:** As we pondered about how best to structure and organise the micro-level analysis, to avoid unnecessary repetition, we made the decision, to look at RQ. II and RQ.III in turn under each of

the seven steps. It nonetheless took considerable discipline to stick to the different steps without anticipating the next ones. The worst moment occurred when we had to decide whether or not to split the commentary under **Step 3** between RQ. II and RQ. III. Since this would have required introducing the three pointers already at that stage, after much trepidation we decided not to. The rationale was here that the pointers formed an inextricable part of interpreting/drawing inferences and therefore arguably belonged under **Step 4** only. Accordingly, under **Step 3**, we opted for strictly directing our commentary to the text segments selected under **Step 2**, organised according to sub-themes and sub-cycles, as shown in **Annex 23**.

*Comment # 2:* Under both RQ. II and RQ. III it became increasingly clear that what was expressed at TBMPA meetings convened by the S&S Coalition to a considerable degree reflected what happened ‘outside’ the OPI. In other words it did not seem tenable to isolate what was seemingly expressed during these meetings from what occurred in the wider contexts in which the OPI was nested. This made it all the more legitimate, from a complexity point of view, to draw in CS voices that made themselves heard in other fora dealing with the plight of the Salish Sea. Accordingly, whether relayed in these meetings or expressed elsewhere in the presence of non-aboriginal OPI-protagonists, we assumed that these voices would potentially affect what emerged at the macro-level at least as much as CS voices expressing themselves directly at TBMPA meetings.

*Comment # 3:* When subjecting statements made by CS Elders to our thematic analysis under **Step 2**, we soon realised that we were up against one major challenge. A direct corollary of the relational

thinking that we often found to underpin these statements, this challenge became particularly conspicuous when we looked at inputs from CS *tribal* members (as distinguished from scientifically trained natural resource staff working for tribal councils). For instance, unlike the rationality undergirding conventional western science, the indigenous worldview does not distinguish sharply between knowledge production - 1(a) -, ethics - 1(b) - and regimes or practices for governing the commons - 2(b). Since the indigenous worldview tends to foreground interconnectedness of ‘everything there is’, chopping up issues into distinct themes or precise categories runs directly counter this worldview. In that sense one could say that the logic underlying thematic framework analysis contradicts that informing CS thinking. To overcome in part this difficulty we often went back to wider sections of the sources to figure out to what the extracted text segments might best be understood to refer.

**Comment # 4:** When looking under **Step 4** at the pattern of CS participation in TBMPA meetings through the two sub-cycles, while still adopting an interpretive attitude, we realised that the *capta* from which we derived our inferences were no longer certain words and expressions alone but also a certain *behaviour* transpiring from the examined reports, such as CS attendees remaining silent or staying away from meetings.

**Comment # 5:** When seeking to link the two concepts of ‘interruption’ and ‘pedagogic subjectivation’ to the empirical context of the OPI, we experienced first-hand the slipperiness of these concepts. We thus realised that each of these concepts could be associated with several notions - for interruption: dissent, critique, objections, staying away and, for the subjective/intersubjective

dimension of pedagogic ‘subjectivation’: pride, sense of (collective) self-worth, moral mentoring - each of which could in turn be associated with a new set of notions and so forth.

**Comment # 6:** Linkages between issues we understood to pertain to respectively 2(a) and 2(b) became particularly conspicuous under **Step 6** when we discovered that much of the Tribes’ objection to MPAs was grounded in their fear that governance in such areas would not respect tribal rights as co-managers.

**Comment # 7:** Under Step 7 we found it far from obvious at times to draw a clear distinction between messages pertaining to respectively Pointer 2 and 3. This was notably the case when we discussed the notion of responsibility: was this notion to be considered a distinctive ethical feature introduced under Pointer 2 or was it part of the tribal speaker’s experience *or both*? As we were unable to settle on one of these options in particular, we decided to allocate this discussion to both pointers.

**Comment # 8:** When judging whether or not some messages ‘deserved’ the status as potentially interruptive of differentiating messages, these judgements clearly reflected what we found convincing or striking. At the same time we remained aware that the same set of messages might not have impressed the S&S Coalition’s key organisations in the same way while, conversely, other messages that we did not pick up upon might have.

**Comment # 9:** We sometimes found it difficult to maintain a sharp analytical distinction between messages with interruptive and differentiating potential. On several occasions, we thus found one and the same statement tying together critical and constructive messages.



#### **D. RQ.IV**

*Comment # 1:* When gauging the possible effect of differentiating messages, we found it near-impossible to decide between which of the two, namely respectively messages pertaining to Pointers 2 and 3, seemingly had the greatest impact at the macro-level.

*Comment # 2:* We realised that distinguishing between effects stemming from respectively interruptive and differentiating messages might be illusive since these effects at times appeared to blend into and possibly re-enforce each other.





