

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Final Summary

Wednesday, April 20, 2016 9:30 am – 3:30pm

Location: Port of Grays Harbor Commissioners Chambers, 111 S. Wooding St., Aberdeen, WA

NOTE: A link to all the meeting materials and the meeting presentations can be found at the end of this document.

| Council Members Present | |
|---|-----------------------------|
| Carol Ervest, Wahkiakum MRC | Mark Plackett, Citizen |
| Casey Dennehy, Recreation | Michal Rechner, DNR |
| Dale Beasley, Commercial Fishing | Michele Culver, WDFW |
| David Fluharty, Educational Institution | Penny Dalton, Sea Grant |
| Garret Dalan, Grays Harbor MRC | Randy Lewis, Ports |
| Jeff Ward, Coastal Energy | R.D. Grunbaum, Conservation |
| Julie Horowitz, Governor's Office (phone) | Rich Osborne, Science |
| Larry Thevik, Commercial Fishing | Rod Fleck, N. Pacific MRC |
| Mark Cedergreen, Recreational Fishing | Jessica Helsley, WCSSP |
| Tiffany Turner, Economic Development | |

| Council Members Absent | |
|--------------------------------------|----------------------------------|
| Alla Weinstein, Energy Industry | Joshua Berger, Dept. of Commerce |
| Brian Sheldon, Shellfish Aquaculture | Randy Kline, WA State Parks |
| Charles Costanzo, Shipping | Sally Toteff, Dept. of Ecology |
| Doug Kess, Pacific MRC | |

| Liaisons Present | |
|---------------------------------------|--|
| Katie Krueger, Quileute Tribe Liaison | |

| Others Present (as noted on the sign-in sheet) | |
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| Kevin Zerbe, Cascadia Consulting, Note-taker | George Hart, USN |
| Jennifer Hennessey, Ecology (WCMAC Staff) | Katie Wrubel, Makah Tribe |
| Katrina Lassiter, DNR | Brice Boland, Surfrider |
| Libby Whiting, DNR | Gus Gates, Surfrider |
| Susan Gulick, Sound Resolutions, Facilitator | Kevin Decker, WA Sea Grant |
| Tim Stearns, Dept. of Commerce | Yunzhou Li, U.W. |
| Shelby Oliver, Portland State | George Galasso, NOAA |
| Jesse Doerpinghaus, WDFW | Corey Niles, WDFW |

1. Welcome and Introductions – Agenda Review

Garrett Dalan welcomed everyone to the meeting. All attendees introduced themselves and were invited to provide updates. Members of the public were invited to provide comments

- Garrett informed the group of its newest member: Jessica Helsley, from the Washington Coast Sustainable Salmon Partnership.
- Casey Dennehy reminded the group that the coastal beach clean-up is Saturday, 4-23-16. Interested parties can go to www.coastsavers.org to find meeting locations. Rich Osborne also mentioned that following the clean-up, there will be an ocean and river film festival in Forks showcasing 12 locally produced films.
- Susan Gulick reviewed the agenda. No questions were asked or comments made.

Adoption of February Meeting Summary

- No comments were made or questions asked at the meeting.
- ! The February Meeting Summary was adopted.

Public Comment

- No public comments were made at the beginning of the meeting.

2. Overview of Relationship among WCMAC Spatial and Policy Recommendations; existing laws, policies and processes; and the Marine Spatial Plan

Jennifer Hennessey gave a presentation on the Marine Spatial Plan (MSP) Conceptual Diagram. (A link to the presentation is included at the end of this document.) A print-out of the diagram and discussion guide were included in the meeting packet. (A link to the meeting materials/handouts is included at the end of this document.) Jennifer emphasized that the MSP is a foundation to provide baseline information on existing conditions and uses, and provides a lot of context around siting, monitoring, stakeholder engagement, etc.

Questions and Comments

- Several members had questions regarding the pre-application process. What will that process entail and what agency would be responsible for reviewing the pre-applications and implementing the process? Examples from other states show that the pre-application process is flexible. Multiple members wondered whether WCMAC could be involved in discussions with applicants during the pre-application process, which could help applicants avoid problems down the road.
- Several members agreed that the pre-application process should provide enough information to allow the reviewing body to make a rational decision, but not require so much detail that it presents an exorbitant cost to the applicant and potentially cause Washington to lose bids for development.
- Some members suggested that the MSP should include specific fisheries protection, conservation, and recreation standards the applicant would have to acknowledge in their proposal.

Shoreline Master Programs, Federal Consistency, and Marine Spatial Planning FAQ document

Jennifer Hennessey informed the group that the Coastal Zone Management Act allows state agencies to review federal actions in federal waters (i.e. beyond 3 miles from shore).

- State agencies can concur, concur with conditions, or object to federal actions, but an objection does not necessarily mean federal actions will be stopped.
- State agencies can request to review federal projects occurring in federal waters on a case-by-case basis. The MSP will not give the state authority to approve/deny federal actions, but information within the MSP can be used by the state to establish a "geographic locator description" that would initiate an automatic state review of federal activities in certain areas. This automatic review would allow the state to require a project to provide specific information (such as those recommended within the MSP) and to review a project for

consistency with the enforceable policies of its coastal program, including the Ocean Resources Management Act (ORMA).

WDFW Overview of Existing Laws & Policies that Protect Fishing

Michele Culver presented a walk-through of the Ocean Resources Management Act (ORMA), Chapter 43.143 RCW, and how it can be used to protect fishing. She discussed how ORMA relates to WCMAC authority, fishing, and criteria for new activities in protection fisheries and other coastal resources. A handout outlining Michele's presentation was included in the meeting packet. Michele went over the draft WDFW Proposed Project Review Process (for fisheries), also included in the meeting packet.

Questions and Comments

- Garrett Dalan clarified that DFW is proposing that a recommendation of the MSP be that the sequence used for fisheries protection in ORMA be rolled into the MSP. Michele concurred.
- Many members agreed that a broader scope should be applied to fisheries and expressed appreciation for the ORMA handout and the importance of include ORMA considerations in the MSP.
- Rod Fleck asserted that applicants have the right to be present and receive meeting minutes when state/federal agencies make decisions regarding a project's consistency with state policies on the use of ocean and marine resources and/or schedule meetings with affected fishery advisory groups.

Timeline for MSP/WCMAC Recommendations

Members reviewed the draft timeline and process to complete WCMAC Recommendations and MSP. Members were reminded that the final MSP is to be issued/adopted by the state in December of 2016. Following workshops in May and June on spatial scenarios, WCMAC hopes to have policy recommendations completed by June 15th.

3. Draft WCMAC Policy Recommendations

Susan Gulick reminded the members that the recommendations to be reviewed today are not spatial recommendations, but are the draft overarching policy recommendations for the MSP. WCMAC did not do line-by-line wordsmithing and instead focused on specific issues raised by members before the meeting. Proposed changes to wording were written on index cards to be captured later. Garrett Dalan reminded the group that the goal of the exercise was consensus from the group that this was a package they could all approve.

Questions and Comments

1.1 Economic Recommendations

- Multiple members suggested citing existing policies where they overlap in these recommendations (e.g., WAC, ORMA).
- Mark Plackett suggested editing item 1.1.1.b to allow proponents to review/respond to an economic assessment in addition to a neutral third party.
- Many members expressed concerns over how to define a neutral third party. The idea is not that the project proponent will just present their economic analysis, but that the party doing the analysis as part of the permitting should be as neutral as possible.
- Several members suggested the economic assessments completed for the MSP process should be used as a baseline for the assessment, and applicants should state in the proposal how the project could change the baseline.

- Garrett Dalan asserted that 1.1.1.b be taken out and folded into 1.1.1.a.
- Dave Fluharty asked if the third party review will include a feasibility analysis. Other members suggested that it should not, that it is not the permitter's job to judge a project based on whether it thinks the project will be successful. It is best to let the economic analysis focus on impacts to existing uses, the community, and who pays for those impacts.
- Dale Beasley suggested adding to 1.1.1.c language about impacts to taxpayers and to include those impacts in the economic assessment. Others felt that this is already covered.

1.2 Infrastructure and Technology Recommendations

- Dale Beasley wanted to add to 1.2.5 that a clear threshold for denial/approval should be established regarding aesthetics. Garrett Dalan reminded the group that SEPA already addresses aesthetics; staff will confirm.
- Many members agreed that 1.2.6 cite ORMA, as it is covered in that law.
- Regarding the note on 1.2.7 (entangled fishing gear): Larry Thevik suggested that language be added to the problem statement acknowledging that gear movement is common, and that gear recovery is essential to the fishing industry of Washington. WCMAC should take steps mitigate entanglement.
- Regarding the 1.2.7 Entangled Fishing Gear, the group decided to incorporate into the problem statement that entangled gear can pose risks to ecological stability and is an adverse impact for existing uses (i.e. fisheries). Overall, the recommendations cannot be too specific given they can address multiple issues. One possibility is to include in an approved permit that the collection of entangled fishing gear is the responsibility of the infrastructure's owner.
- On 1.2.2 (dredge disposal), Randy Lewis suggested replacing "mitigate coastal erosion problems" with "provide beneficial use to the greatest extent possible" to capture more than coastal erosion mitigation.

1.3 Ecological Recommendations

- On 1.3.1, Jeff Ward is concerned about excess noise from tidal/offshore wind energy projects and the influence it can have on animal behaviors. .
- Members discussed invasive species and whether it was necessary to reference non-native species. Members decided to say "to avoid inadvertent introduction of invasive species". Some questions remained about the difference between non-native and invasive species.

2.1 Offshore Aquaculture Issues

- Jennifer Hennessey stated that Dale Beasley's comment to add 2.1.4 regarding non-native finfish would be contrary to current state laws and policies within the Shoreline Management Act because aquaculture is a preferred use under that law. The group decided to remove this recommendation, but save it for consideration as a recommendation to the state legislature.
- There was a suggestion to add "predation" to 2.1.3 but it was decided that "fish health" covers this (you aren't healthy if you are being eaten), that finfish would be included there.
- Dale Beasley suggested adding a 2.1.5 (pesticide controls issue) because of the potential trophic level impacts of pesticides. Many members felt this was covered but didn't object to it being added.

3. Additional issues for consideration

- Larry Thevik suggested a textual explanation in the problem statement of limited ocean space, unique limitations, and multiple uses.

- On 3.1.4, Rod Fleck suggested rejecting Dale Beasley's edit (changing "consider" to "conform") because counties cannot make federal agencies conform. Others agreed, but noted that federal agencies should be aware of the permitting process and try to align new projects with existing policies.
- On 3.1.2, Michelle Culver suggested to replace "fishery advisory board" with "project review process" to get broader participation from affected fishing license-holders. Other members requested including both as an option. Staff will work on language and come back with language to review.

4. Spatial Recommendations: Update on Use Analysis

Tim Stearns, from WA Department of Commerce, presented insights on the MSP from a commerce perspective. He stated that WCMAC recommendations are a key part in ensuring Washington meets its energy demand over the next 20 years through efficiency and renewable energy, as well as adhering to the Clean Power Plan regulations.

Jennifer Hennessey presented an update on the Use Analysis. (A link to the presentation is included at the end of this document.)

- The Use Analysis is a process to compile information on existing uses and sensitive environments and compare that renewable energy information. The state law requires the plan to provide a series of maps of areas with high potential for renewable energy that minimize conflict with existing uses and sensitive environments.
- Because of ORMA, estuaries are always considered important. The Use Analysis is focused on offshore uses, not the estuaries.
- Each hexagon is one square mile. The mapping application will show the final data products where users can select a hexagon and find a list of uses that occur there. There are over 8,000 total hexagons.

Questions and Comments

- Larry Thevik suggested adding a popup with textual descriptions and collection dates for each online data layer, given that fisheries change over time.
- Casey Dennehy pointed out that the military data layer does not reflect military activities on the southern coast. Jennifer clarified that this was best available information provided about in-water military uses. Dale Beasley asked if use by recreation boats were captured. Jennifer Hennessey informed the group that, according to recreational boating organizations, most recreation boats on the coast are fishing and would be adequately represented by the recreational fishing data. There are very few non-fishing recreational vessels and they are mostly long-distance travelers, so are not included in the vessel densities. Contextual information in the plan can describe the general routes these boats typically take.

5. Spatial Recommendations Analyses and Scenarios: Introduction to MARXAN

John Pierce, senior wildlife biologist with DFW, gave the members an overview of MARXAN – a software organization tool that enables spatial analysis of multiple sets of spatial data using different scenarios to produce different options that meet multiple planning objectives. Links to his presentation and to the discussion guide can be found at the end of this document.

- MARXAN was specifically developed for marine planning, with its first use for the Great Barrier Reef Marine Protected Area in Australia. It has been used in many marine and coastal planning processes in the US and around the world.
- John compared the Use Analysis maps with the energy suitability index created by the Pacific Northwest National Laboratory to identify hypothetical “best solution” sites for energy developments along Washington’s coast (according to those criterion). This analysis was done for illustrative purposes only
- Best solution sites identified by MARXAN do not mean “no impact” to existing uses. These sites are those with the smallest impact relative to other sites.
- More detail will be covered in the workshops coming up in late May and early June.

Questions and Comments

- Larry Thevik asked if it is possible to include a site’s community importance in MARXAN analyses. John Pierce informed him that it is possible if a numerical weight can be assigned to the site. The same can be done for other qualitative values.

6. Funding Decisions

Katrina Lassiter updated the group about the NOAA research vessel that is conducting seafloor mapping along the Washington coast. A discussion guide was included in the meeting packet. NOAA has agreed to pay for the collection of bathymetry and water column data off of the Washington coast and share it with the state. However, the data will be in a raw format and would require extensive analysis. She informed the group that a member of Chris Goldfinger’s lab at Oregon State University has the expertise and is currently available to perform the data analysis at a cost of \$75,000. She reminded the members that WCMAC currently has between \$125 – 150,000 in uncommitted funds.

Questions and Comments

- Some members questioned whether these funds could be used for other expenditures.
- Several members advocated that the money be spent on processing the NOAA data given it will provide information of ecological use that is very important. Additionally, since the funds, raw data, and OSU analysts are available, it is important to take advantage of the opportunity.
- Mark Plackett did not agree that funds should be spent to analyze the NOAA data without a better understanding of other needs and potential uses for the funds.
- Consensus could not be reached. WCMAC was required to vote on this funding decision.
- ! Decision before WCMAC: Does WCMAC recommend funding of up to \$75,000 for processing the backscatter data and integrating it into the seafloor atlas?
 - o 14 thumbs up
 - o 1 thumb down
 - o 3 abstentions
- ! The decision was passed.

7. Updates and Elections

Steering Committee Members

- ! Rod Fleck and Mike Rechner were approved to remain as Steering Committee members.

Technical Committee Leads

- ! Rich Osborne and Casey Dennehy were approved as the Technical Committee leads

Workplan

- Finalized recommendations from WCMAC are needed by the September 28th meeting.
- Garrett Dalan reported the next MRAC meeting is next Monday, April 25, 2016 in Seattle. He sent an email on this topic via the WCMAC listserv.

8. Public Comment

- Gus Gates gave “kudos” to WCMAC for acknowledging the need for fisheries standards in the MSP. He expressed concern that the goal of completing the MSP by December is too ambitious and suggested the group meet more often or for longer periods of time. He was enthusiastic that the MSP be completely implementable, and said the opportunity to review before public comment is key to its success.
- Garrett Dalan, regarding more meetings, acknowledged it is realistic to think of adding a meeting in the fall.

Meeting adjourned at 3:51pm.

Summary of Decisions

- ! The February Meeting Summary was adopted.
- ! The expenditure of \$75,000 for processing the backscatter data and integrating it into the seafloor atlas was approved by vote.
- ! Rod Fleck and Mike Rechner were approved to remain as Steering Committee members.
- ! Rich Osborne and Casey Dennehy were approved as the Technical Committee leads.

LINKS:

Meeting Materials/Handouts: <http://www.ecy.wa.gov/programs/sea/ocean/pdf/April2016materials.pdf>

Presentations: <http://www.ecy.wa.gov/programs/sea/ocean/pdf/April2016presentations.pdf>

Upcoming Meetings

- Tentative date: May 24 or 31, 2016 (Workshop)
- Tentative date: June 8, 2016 (Workshop)
- June 15, 2016 (WCMAC Meeting)
- September 28, 2016 (WCMAC Meeting)

Meetings will be held in Aberdeen unless otherwise noted

Written Comments submitted by Key McMurry

The "Email Listserve"-Myself and several other members of the public people are on the list serve, but never get any information about WCMAC unless a WCMAC member forwards it to us.

2. The lack of public involvement with the entire CMSP process is been very limited. The "Draft CMSP" plan does not provide any time for public review. In fact I haven't seen any timeline for the plan.
3. The maps are still not very accurate in many areas. For example the fishing, the uses of Grays Harbor and Willapa Bay (should not just be listed as valuable).
4. I don't think the entire economic value of our Marine Resources or the impacts to the whole coastal economy has been captured very well. For example: it should not just be based on fish caught, but everything and every job it took to catch and eventually use/eat that fish. Things like boat repairs, restaurants, nets, tourism, fish licensing, deck hands, etc.
5. I fully support making our WDFW Fishing and Crabbing Rules and Regulations (State Authority) part of the "Enforceable Acts" in our Washington State Coastal Zone Management Program. In addition after our WDFW Fishing and Crabbing Rules and Regulations (State Authority) have become an Enforceable Act, I fully support a "Geographic Location Description" be developed. This would allow our Pacific County SMP rules to meet the 200 mile CZMA line. We the public have asked countless times to have the CMSP authority extended out to the CMZA line. Pacific County Commissioner Frank Wolf also suggested this at the meeting on 1/13/2016 with DOE, and NOAA.
6. I support the prohibition of any fixed/permanent structures, within Pacific County SMP/CMZA waters. Ocean energy is simply not cost effective, invades upon existing sustainable uses and jobs. Why not look more into solar power or land wind turbines?
7. We have had to repeatedly ask/fight for "existing sustainable uses" to be included in the plan. Somehow it keeps getting omitted, thanks to a Surfrider petition this wording got put back into the draft CMSP plan.