

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Draft Summary

Wednesday, May 10, 2017 9:30 am – 3:30pm

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

All meeting materials and presentations can be found on the WCMAC website:

[WCMAC Website](#)

Council Members Present	
Joshua Berger, Dept. of Commerce	Casey Dennehy, Recreation
Carol Ervest, Wahkiakum MRC	Dale Beasley, Commercial Fishing
David Fluharty, Educational Institution	Garrett Dalan, Grays Harbor MRC
Jeff Ward, Coastal Energy	Larry Thevik, Commercial Fishing
Mark Plackett, Citizen	Michal Rechner, DNR
Penny Dalton, Sea Grant	Sally Toteff, Dept. of Ecology
RD Grunbaum, Conservation	Rich Osborne, Science
Rod Fleck, N Pacific MRC	Doug Kess, Pacific MRC
Corey Niles, WDFW	Tiffany Turner, Econ. Development (via phone)

Council Members Absent	
Alla Weinstein, Energy	Charles Costanzo, Shipping
Randy Lewis, Ports	Julie Horowitz, Governor's Office
Jessica Helsley, WCSSP	Brian Sheldon, Shellfish Aquaculture

Liaisons Present	

Others Present (as noted on the sign-in sheet)	
Kevin Zerbe, Cascadia Consulting, Note-taker	Tami Pokorny, North Pacific MRC
Mike Nordin, PCMRC	Jessi Doerpinghaus, WDFW
Mike Backman, Wahkiakum Co.	Kara Cardinal, The Nature Conservancy
Jon Gonzalez, Pacific Seafood	Susan Gulick, Sound Resolutions, Facilitator
Rowan Kelsall, WA State Legislature	Kevin Decker, WA Sea Grant
Gus Gates, Surfrider	Katie Krueger, Marine Sanctuary
John Foster, Quinault	Jennifer Hennessey, Ecology (WCMAC Staff)
Katrina Lassiter, DNR	Ashleigh McCord, DNR
Erica Bates, Ecology	Claire Dawson, The Nature Conservancy

Welcome and Introductions

Garrett Dalan initiated the meeting at 9:34 AM, followed immediately by introductions and updates from present members. Susan Gulick reviewed the agenda.

Updates

- Susan let WCMAC know that this was Kevin Zerbe's last meeting as WCMAC's note-taker because he is moving.
- Jennifer Hennessey announced that Julie Horowitz was back from maternity leave, but will not be attending that day's meeting.
- Doug Kess promoted the Pacific County Science Conference. Its focus will be on Willapa Bay and erosion. Kevin Decker will be one of the speakers.
- Casey Dennehy said the Capitol Chapter of Surfrider Foundation is working with the Army Corps to restore the wave at Westport as part of their "Care for the Cove" campaign.
- Larry Thevik invited the other WCMAC members to attend a protest on May 11th at the Capitol in opposition to crude-by-rail facilities in WA State.
- Penny Dalton let WCMAC know that WA Sea Grant has received funding to carry it through September.
- Sally Toteff told the members that Ecology has issued the final EIS on the coal terminal in Longview. It can be found on the web.
- Jeff Ward mentioned that Rhode Island now has a functioning offshore wind farm with 5 turbines. It is known as Deep Water Wind – Block Island.
- Katie Krueger is now the Citizen-at-Large for the Olympic Coast National Marine Sanctuary.
- Garrett reminded the group that a large portion of the members' appointments will be expiring in October, so re-appointment process should begin in mid-summer. Also, this meeting is the last WCMAC meeting before the draft MSP goes into public review. He reminded the group that the MSP process began in 2009 and credited the group for its progress since then.

February Meeting Summary

- No comments were received from members.
- ! The February Meeting Summary was approved.

Public Comment

- Mike Nordin asked that meeting materials be posted on the website for the public before the meeting and/or that copies of the materials are available for the public at the meeting. He also requested that a discussion of shoreline master planning be added to the agenda.

Feedback from NOAA on Preliminary Draft MSP

A summary overview of NOAA's comments was included in the meeting packet. Jennifer went over the highlights and major takeaways from the overview. She reviewed the process. Washington's MSP law requires the state to submit the MSP to NOAA to be incorporated into the state's Coastal Zone Management Program. The preliminary draft was shared with NOAA's Office of Coastal Management which oversees state coastal zone programs and administration of the CZMA. Some of the comments from NOAA were structural, asking to consolidate sections or for more clarification. The most significant issue with the draft MSP is that NOAA felt the presumptive exclusion for industrial scale energy was not based on effects, making it discriminatory. Ecology staff are revising this provision.

Discussion and questions

- Multiple members had questions about the requirement for having the review agency hold a meeting with an applicant within 21 days of submitting their application. Some members felt this seemed ambitious for holding a meeting.
- Doug asked if there was a version of the MSP with tracked changes or notes that WCMAC members could review. Garrett explained that members can easily do a “compare documents” to show the changes; Alla has offered to do this for the group and distribute the PDF.
- Jeff commented that the ISU protection standard seemed like it would be impossible for a developer to meet. Jen indicated that ISU protection standards are applied to important, sensitive, and unique areas to protect them from adverse effects caused by development. NOAA recommends the state list the types of damage they want to avoid happening in ISU areas, but it is discriminatory to presumptively exclude certain types of development. Larry wondered if there was another way for the state to get around this potential barrier and keep the ISU designation as is.
- Mark Plackett suggested that one of WCMAC’s post-MSP roles could be around the notification of a new project proposal since the MSP identifies WCMAC as an important mechanism for information sharing.
- Penny Dalton asked if NOAA was able to share specific guidelines with the group. Jen indicated that NOAA has some guidance, but that NOAA’s response on many specific issues (e.g. Necessary Data and Information) does not contain further written guidance. She said she could share links to the guidance NOAA does have on their website.
- Casey encouraged Ecology staff, in the course of their edits, to do what they can to maintain the original language as much as possible. He also asked Ecology to follow up with him about including dredge disposal sites as ISUs.
- Dale Beasley asked if there was room for the state to pushback against these changes since NOAA is also required to be fully consistent with local and state policies under CZMA. Jen suggested the provisions would still need to change because NOAA considers them discriminatory and inconsistent with their policies and regulations. Larry suggested that in some cases, natural resource policies can be discriminatory to certain user groups when the regulation has to do with resources within their state and/or jurisdiction.
- Sally reminded the group that this draft will be open for public comment soon, so it will be important to think about who else you want to see, comment on, and absorb the MSP.

Comments on Preliminary Draft MSP

A written summary of WCMAC members’ comments on the preliminary draft MSP was provided. Jen gave an overview. Comments ranged from a few lines to 26 pages. Most fell into a few recurring categories: clarifications or technical fixes, substantive comments that required more research, differing ideas on the same subject that would change the substance of recommendations, and issues/comments that the interagency team were unable to address. Jen said state staff plan to address the comments in a number of ways. For Part 1, staff will be: adding an executive summary, providing more detail on WCMAC and the process, moving WCMAC recommendations to a stand-alone section in the plan, adding missing tribal descriptions, and doing some global format changes. For Part 2: providing more detail on Harmful Algal Blooms, ocean acidification, sea otter predation on shellfish, and other topics; steering away from legal interpretations of treaties. For Part 3: adding more details on Marxan methods and uncertainty and data limitations. For Part 4: adding references to the Supreme Court case and existing ocean use regulations and definitions, including county commissioners and city council to demonstrate local support for project, and adding more details on requirements to consult and comply with applicable local Shoreline Master Programs.

The group discussed revised maps, including a couple options for the executive summary that show all the uses and ecological resources combined, and another that provided an example of a caveat for fisheries data. The group also discussed ways to add more details about uncertainty in Part 3.

Discussion and questions

- Multiple members had comments on including the Marxan results on the maps. Some felt the maps still looked like WCMAC were proposing uses in front of important fishing and recreational beaches. Many members recommended using the map without the Marxan results in the Executive Summary since Marxan may not need to be referenced that early in the document. Other suggestions for the maps included: having the same fathom curves and latitude/longitude information on each map to make it easier to have visual reference points, showing where in WA state the mapped area is for people who aren't familiar with WA's coast, and making it more clear what are considered maps and what are considered figures in the report.
- Rich Osborne asked, if it's possible, to include a table on uncertainty and data limitations in the report. Jeff Ward recommended including information about where data was collected, especially when field data on uses may be missing.
- Larry suggested more explanation is needed around what it means that tribal fisheries are not included in the use analysis.
- Casey expressed thanks to Ecology and other state agency staff for going through the process of writing the MSP.
- Jen said a likely timeframe for release of the draft MSP will be early summer and it will likely be open for public comment for longer than 30 days.

Public Comment #1

- Gus Gates (Surfrider Foundation) said he felt WCMAC may have some of these challenges with NOAA compliance because NOAA isn't at the table. He encouraged WCMAC to make a strong case on potential ecological, economic, cultural, and social impacts from industrial scale development. He also suggested doing a Marxan analysis for community scale projects.
- Mike Backman (Wahkiakum County) expressed concerns regarding commercial finfish aquaculture, and felt that NOAA should have a representative on WCMAC. He felt this was an oversight and represented a waste of money and time. He requested the name and email of the NOAA employee Ecology is in contact with to be able to send his comments directly.
- Mike Nordin (Pacific County) asked who is involved in responding to NOAA's comments. Jen answered that it is a combination of Ecology, DNR, and WDFW staff. He felt that the map that showed all the uses along the WA coast should be put on the cover of the MSP.

WCMAC Post-MSP Activities

Susan presented three categories of potential WCMAC activities after the MSP is completed: 1) information sharing, 2) informal advice on coastal issues, and 3) formal advice on coastal issues to agencies, legislature, or the Governor. More detail was provided to members in the meeting packet.

Discussion and questions

- Mark asked which of the three categories would the notifying WCMAC of a new project fit. Jen pointed out that it would currently be included under information sharing as a starting point.
- Doug Kess expressed concern about whether WCMAC would be able to convene in a timely manner if an urgent issue arises. Other members commented that WCMAC shouldn't be considered a "rapid response team" and should reserve its involvement for high level issues only. The Steering Committee, however, could make it a priority to be aware of emerging issues.
- Casey suggested that WCMAC could also perform conflict resolution activities when such issues arise.
- A couple of members asked about staffing and funding for WCMAC in the future. Garrett commented that every proposed budget in the legislature includes funding at the level it was asked for, which is enough for four meetings. It will be up to the Steering Committee to determine best uses of WCMAC's funding.

- Jen told the group that representatives from the Governor's office have reviewed this framework for WCMAC activities post-MSP but have not provided further guidance on specific priorities.
- Regarding the list of potential topics for post-MSP meetings, Rod recommended tackling the less controversial items first. Casey suggested that coastal erosion would be a good place to start, and the group agreed.
- The group agreed to develop working groups as a good mechanism to address some of the topics.
- Dave expressed support for conducting additional economic studies.
- Penny advocated for WCMAC to prioritize work on the Science and Research Agenda, as it would assist entities (e.g. Sea Grant) who issue research grants in targeting funds toward priority needs.
- The group decided that the following topics should be priorities post-MSP:
 1. Developing key ecosystem indicators.
 2. Create Science and Research Agenda--Identify data gaps, create a strategy to acquire scientific information, and create a process to adjust plans with new scientific information.
 3. Coastal erosion
 4. Invasive Species Management
- The group would also like a brief update on vessel traffic and safety every meeting.
- Staff will develop a work plan and present it to the group. The plan will include funding and agencies needed.

Draft MSP Outreach Efforts

Doug Kess, as Vice-Chair, took over in Garrett's absence at this time. Jen updated the group on various outreach initiatives underway. Kevin Decker, of WA Sea Grant, has been discussing the MSP process at a number of MRC meetings. The state is also planning meetings along the coast and potentially Puget Sound, contacting media and developing press releases, and considering other multimedia outlets (e.g., webinars).

Discussion and questions

- Doug encouraged members to brainstorm ideas on how to get good attendance at public meetings, realizing that digital meetings in conjunction with face-to-face might be best. Mark suggested having food at the meetings, and Susan suggested tagging on to community meetings already taking place.
- Dale expressed concern that the meetings and public comment period will likely be during the time of the year when commercial fishermen are out to sea or fishing in Alaska. Larry suggested that extending the comment period may be the best way to ensure commercial fishermen will be able to comment.
- Sally reminded the group that many of the most useful comments come from those who write in their comments online, and not necessarily meeting attendees.

TNC Review of Ecological Important Areas Analysis

Claire Dawson, Hershman Fellow from TNC, gave a brief presentation on their analysis of WCMAC's EIAs. The purpose of the analysis was for TNC to better understand the MSP process in order to better their involvement in that process around the world. Her interest was in the distribution of EIAs along WA's coast, and to compare this distribution with hotspot maps and Marxan outputs. Her work will help to identify data gaps and lay the foundation for potential grant applications in the future. The report will include a roadmap of how to move forward with filling data gaps, including studying topics like climate change impacts on species abundance and mapping habitat connectivity.

Updates

- Gus Gates gave an update on MRAC in Garrett's absence. The focus of MRAC has been on ocean acidification, and they had a big meeting last month around a five-year review of ocean acidification impacts since the Blue Ribbon Panel published its report. Gus saw this as an opportunity to refresh and expects an update in the fall.

- Doug stated the Pacific County Shoreline Master Program (SMP) was developed after thousands of volunteer hours. He commented that Ecology is not submitting SMPs to NOAA to be formally included as “enforceable policies” of the state’s Coastal Zone Management Program, as originally thought. He cited Ecology’s proposed “housekeeping change” to the SMP regulations. Pacific County Commissioners have sent a letter advocating that Ecology not make the proposed change to the SMP rules and that Ecology submit Pacific County’s SMP to NOAA to be considered “enforceable policies” under Washington’s Coastal Zone Management Program.
 - Larry expressed interest in being part of a letter in support of the Commissioners.
 - Jen told the group that the public comment period on Ecology’s proposed change is open until May 15th and encouraged WCMAC members to send in comments. She clarified that the housekeeping change reflects current practices that Ecology has followed for the last ten years.
 - Mike Nordin stated that he supports SMPs being “enforceable policies” under Washington’s Coastal Zone Management Program.
 - Susan suggested that Shoreline Master Programs’ relationship to coastal planning and permitting could be a topic for a future WMCAC briefing.
- The Working Groups formed on specific topics for the Post-MSP agendas will replace the regularly scheduled Technical Committee meetings. However, everyone is welcome to participate in the Working Groups and the time and call-in information will be distributed to all WMCAC members (not just the Working Group members).
- The September 27th meeting is the only planned future WCMAC meeting right now. The group will discuss post-MSP topics at that time. Future meeting dates will be suggested after the legislature approves the final appropriation for WCMAC.

Public Comment #2

- Mike Backman asked if there was any way to emphasize how Ecology has taken public comments and made changes. He suggested using some stories to show the public examples of how the information gets used to improve the perception around whether stakeholder comments are actually listened to.
- Mike Nordin reported to the group that thousands of volunteer hours were used to get the Pacific County SMP finished. He stated to the group that there is no requirement for every county’s SMP to have consistency with each other, just consistency with law – which he felt was the responsibility of Ecology to check. He also let the group know that Immigration and Customs Enforcement agents have been arresting some people employed in the shellfish industry along the coast. He also expressed support for a study on invasive species and their ecological impact on estuaries. He reiterated that the Pacific County Science Conference is taking place on May 20th.

Summary of Decisions

- ! February meeting summary was adopted.

<p>Upcoming Meetings</p> <ul style="list-style-type: none"> • September 27, 2017 <p><i>Meetings will be held in Aberdeen unless otherwise noted</i></p>
