

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Draft Summary

Wednesday, February 15, 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:

<http://www.ecy.wa.gov/programs/sea/ocean/advisorycouncil.html>

| Council Members Present | |
|---|--------------------------------------|
| Brian Sheldon, Shellfish Aquaculture | Casey Dennehy, Recreation |
| Carol Ervest, Wahkiakum MRC | Dale Beasley, Commercial Fishing |
| David Fluharty, Educational Institution | Garrett Dalan, Grays Harbor MRC |
| Jessica Helsley, WCSSP | Larry Thevik, Commercial Fishing |
| Mark Plackett, Citizen | Michal Rechner, DNR |
| Penny Dalton, Sea Grant | Randy Lewis, Ports |
| RD Grunbaum, Conservation | Rich Osborne, Science |
| Rod Fleck, N Pacific MRC | Tiffany Turner, Economic Development |

| Council Members Absent | |
|---|-----------------------------------|
| Alla Weinstein, Energy | Charles Costanzo, Shipping |
| Doug Kess, Pacific MRC | Jeff Ward, Coastal Energy |
| Joshua Berger, Dept. of Commerce | Julie Horowitz, Governor's Office |
| Corey Niles, Dept. of Fish and Wildlife | Sally Toteff, Ecology |

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

| Others Present (as noted on the sign-in sheet) | |
|--|--|
| Kevin Zerbe, Cascadia Consulting, Note-taker | Carolyn L. Winters, Navy Region NW |
| Katie Wrubel, Makah Tribe | Jessi Doerpinghaus, WDFW |
| Ross Barkhurst, WA Waterfowl Assoc. | Kara Cardinal, The Nature Conservancy |
| Key McMurry, Pacific County MRC | Susan Gulick, Sound Resolutions, Facilitator |
| Rowan Kelsall, WA State Legislature | Kevin Decker, WA Sea Grant |
| Gus Gates, Surfrider | Pat lolavera, Navy Region NW |
| Trina Bayard, Auburn WA | Jennifer Hennessey, Ecology (WCMAC Staff) |
| Katrina Lassiter, DNR | Ashleigh McCord, DNR |
| Erica Bates, Ecology | |

Welcome, Introductions, Agenda Review

Garrett Dalan called the meeting to order and initiated introductions. The WCMAC members in attendance introduced themselves. Susan Gulick reviewed the agenda.

Updates

- This will be Katie Krueger's last meeting due to her retirement from the Quileute Tribe. She is unsure if there will be a liaison to replace her.
- Dale Beasley suggested there be an extra WCMAC meeting or workshop to discuss the MSP draft, given its length.

! The November meeting summary was adopted with no changes.

Public Comment

- Key McMurry said she felt WCMAC was not given enough time to review the MSP draft since it was released the night before the meeting. Garrett Dalan said her concerns are well-represented within WCMAC.

ORMA and MSP: Recent Supreme Court Decision

Jennifer Hennessey briefed the group on the recent State Supreme Court decision regarding the Contanda crude oil terminal project and the Ocean Resources Management Act (ORMA) with a specific focus on the potential implications of the decision for the MSP. The Court ruling made it clear that ORMA applies to fossil fuel-based projects that are located in shorelines directly adjacent to the Pacific Ocean coastal waters defined by ORMA.

The preliminary draft MSP provides guidance on the process and information needed to evaluate effects of new ocean uses and their compliance with laws and regulations, particularly ORMA. The MSP considers a wide range of potential new uses and effects on coastal uses and resources. Given the Court ruling, it is reasonable to assume that the MSP, once finalized, can be used as guidance for future projects that trigger ORMA's permit criteria – such as future shoreline-based projects that are directly adjacent to the Pacific Ocean coastal waters and that involve fossil fuels.

Garrett Dalan suggested the group brainstorm specific questions to be answered at a later date, including as possible future agenda items.

Questions

- Brian Sheldon: Do you see a need to change the MSP draft to align with the decision? Jennifer indicated that staff intends to draft a reference to the recent Court decision and to clarify that uses which trigger ORMA should follow the guidance provided in the MSP.
- Larry Thevik: Should the list of new and existing uses in the MSP draft be expanded in light of this ruling and the new understanding of ORMA?
- Larry Thevik: Should we be more careful to capture the legislative intent of WACs?
- Dave Fluharty: Will Ecology be seeking a repeal of the decision? Jennifer responded that Ecology would not.
- Dave Fluharty: Does Ecology have a list of permits that are pending or "in the pipeline?"
- Randy Lewis: Is there really a need to change the plan or is the MSP guidance inclusive of the law as it is now "or in the future?"
- Larry Thevik: This case reminds us that ORMA applies to more than just ocean uses, to include shorelines and coastal resources. Doesn't this change the context within which we use terms like "ocean uses?"
- Katie Krueger: ORMA addresses actions on or near navigable waters, but the MSP refers to actions only on the water. Can we look at things that will affect waters of the state, and not just *in* the water?

As WCMAC members review the preliminary draft MSP, they should consider whether there are potential effects from projects that may be covered by ORMA, as a result of the Supreme Court ruling, *that are not already covered by WCMAC recommendations*. If so, these suggestions should be included with your comments.

Preliminary MSP 1-2: Baseline Information

The purpose of the Preliminary MSP agenda items was to present to WCMAC the structure and composition of the MSP draft plan. Jennifer Hennessey, Erica Bates, and Ashleigh McCord presented. Additional detail was provided to WCMAC members via meeting packet materials (such as summaries of the sections). Copies of the handouts and presentations are available on the WCMAC

website: <http://www.ecy.wa.gov/programs/sea/ocean/advisorycouncil.html>.

Parts 1 and 2: Baseline Information:

Jennifer reminded the group that the MSP's purpose is to address potential new uses while protecting existing uses, new economic opportunities, protect the environment, and integrate decision making. It is non-regulatory, providing only a framework for decision making (not actually making decisions). The MSP draft is ready for early input to make changes and create a formal draft for public comment. The goal for public comment period is May, allowing for adoption of a final plan in June 2017. Jennifer suggested specific comments can be emailed to mSPcomments@ecy.wa.gov once WCMAC members have had a chance to review the draft in detail. Deadline for comments is March 17th.

Part 1 of the report provides context, purpose, scope, etc. Treaty rights and description of marine sanctuary areas are included upfront. Part 2 gives baseline information on socioeconomics, historic and cultural resources, ecology, current and new uses, and climate change. Each section was informed by the many studies, analyses, and modeling that has been performed – including many commissioned by WCMAC. They also include extensive literature review, targeted outreach to experts, and review from WCMAC members.

Questions and discussion

- Larry asked about the methodology used to capture the tribal contribution to the coast's value. Erica responded that the valuation was based on economic reports and published data, acknowledging that some tribal data is not easily accessible.
 - Katie informed the group that tribal data is shared with the State. She also cautioned against lumping all tribal fishing activity together, given that tribes have both commercial and non-commercial fisheries.
 - Dale asked if the valuation is based on ex-vessel price, and Erica confirmed that it is.
- Dale suggested that Ecology and WDFW find ways to create maps that show community dependence on certain uses in addition to mapping the number of uses in each area. Jessi (from WDFW) responded that community dependency is addressed in Part 4 of the draft plan, and reminded the group that low intensity of uses does not indicate where WCMAC is recommending new uses be located.
- Brian Sheldon deemed some of the maps in the draft to be inaccurate, citing the example of a map showing no fishing activity taking place in Willapa Bay.

Preliminary MSP Part 3: Spatial Analyses

Part 3 includes a summary of ecological modelling, EIAs, and use analysis data, methods, results, and findings. Ecological modelling was done by National Centers for Coastal Ocean Science (within NOAA's National Ocean Service) for 8 species of birds and 6 species of mammals. This info was used to create EIA maps, which show hotspots and broad ecological patterns. Ecology then combined the EIA maps with all other use data to create the

Use Analysis. Ashleigh reminded WCMAC that the Use Analysis maps are not meant to show where wind energy or other new uses should go, just where they would interact with the fewest uses or resources.

Questions and discussion

- Larry asked if the industrial-scale suitability areas show areas where energy producers would prefer to go.
- Dale requested that maps include latitude, longitude, and fathom curves. Mark Plackett agreed with the suggestion.
- Brian requested that citations be more detailed – not just citing the agency, but including methods/frequency for surveys and whether the data were peer-reviewed.

Preliminary MSP Part 4: Management Framework

This sections includes the process, information, and guidance about new ocean uses – seen as the “meat” of the plan. Part 4 includes existing laws and regulations, processes for coordination and consultation, spatial recommendations, recommendations for new uses, plan implementation, and adaption. In all, it integrates and references WCMACs recommendations. Jennifer described the MSP as a lens through which a proposed new use looks, but the management framework detailed in Part provides a process for evaluating effects of a specific proposal and supporting decision-making.

Questions and discussion

- Dave wondered if it is a policy for WCMAC to identify ISUs, suggesting that it sounds regulatory.
 - Jennifer clarified that they are only strong recommendations, not regulations.
- Larry asked if WCMAC is going to reexamine the proposed plan and adapt language to accommodate recent court ruling, adding that projects that trigger ORMA will look to MSP management framework as guidance. He also asked about clarifying the difference between “state waters” and “state marine waters”.
- Dale wondered how WCMAC is supposed to preemptively avoid adverse impacts. Jennifer responded that the industrial scale project recommendation provides one way of proactively avoiding adverse impacts. Beyond that, the MSP supports a process for identifying and evaluating the potential for adverse impacts and assuring a project meets the state’s policies and regulations, including ensuring there will be no likely, long-term significant adverse impacts to coastal uses or resources.
- Brian asked if Ecology is updating finfish net pen policies. Jennifer said that Ecology are updating science and information about what they know, but not creating a new policies or regulations.
- Penny Dalton asked how WCMAC could identify marine areas that are unusable because of human uses (i.e. military operations).
- Brian requested that a new draft that can showing tracked changes be made available to see what was changed.
- Mark suggested adding a “how-to” section to help the public use the document.

Discussion of Preliminary MSP

Garrett asked the group to think about a few high-level discussion topics in order to prioritize and organize the discussion. The group suggested maps, data gaps, military operations, and process as the priorities for today’s discussion. Jennifer reminded the group that some information on data gaps and quality is included in the meeting summary packet broken down by sector.

Maps:

- Larry said that fisheries representatives in WCMAC have consistently expressed skepticism of the term “low intensity” being used for maps, suggesting that “low” is pejorative in connotation and doesn’t adequately

express the value of certain uses. He suggested including a textual explanation for each map to give a sense of their basis and meaning. He advocated against using high, medium, and low qualifications, particularly in the case of the fisheries analyses that were done using different methods (e.g., some used published data, others used surveys). He also believes that legislative intent was to use value over intensity, and WCMAC should make it clearer that they used intensity for mapping.

- Jessi responded that the caveat about the fisheries data will be detailed in the methodology section.
- Katie suggested that, for all maps showing the frequency of living creatures, an asterisk be included that states these are subject to climate change.
- Mike Rechner reminded the group that it is important to keep in mind that maps are just a way of displaying data, adding that there is no way to visually represent value. He said the high, medium, and low qualifiers allows for easy comparisons but that no value judgments were made. He reiterated that “low” does not mean “low-impact.”
- Dale advocated that fishing maps show community dependency on the uses as part of the value of fishing. Tiffany Turner agreed. Dave stated that WCMAC might have to initiate a new set of community-based analyses in order to accurately map community dependency. Rich Osborne said that value will be complicated and would put WCMAC at the risk of over-processing the data. He warned that multiple levels of analysis remove WCMAC from the raw data and increases the chance for inaccuracies. Randy said that WCMAC does not currently have the capability to determine value in dollars, and cautioned the group against trying to be the “end all, be all.”
- Jessica Helsley suggested changing high, medium, and low to tier 1, 2, and 3.
- Mark suggested that WCMAC make an effort to relabel or have caveats available for those who are looking at the maps, but won't be going through application process (such as policy makers) so they can visualize things correctly.
- Dale wondered if wind turbines will be held to same Endangered Species Act standards regarding takings of listed species. Rod Fleck commented that a take is a take, regardless of industry, under the ESA. He suggested WCMAC will have to say when certain areas are subject to certain endangered species, but if people still want to invest in new projects anyway that's their right.

Data and gaps

- Larry suggested that the Quinault commissioned study titled *Economic Impacts of Crude Oil Transport on the Quinault Indian Nation and the Local Economy* be used in this report.
- Dale requested hotlinks to the original sources be included.

Military

- Dave suggested the MSP take information from navigation charts that show areas that are off-limits, particularly related to unexploded ordinance.

Process

- Jennifer requested that WCMAC focus on missing and inaccurate information and major concerns (i.e. recommendations you “can't live with”). Rich believed that it will be unrealistic to include all WCMAC and public comments into the plan by June 30th.
- Randy suggested that, since Ecology is asking for WCMAC feedback by mid-March, that it may be prudent to move the May meeting up to April. Larry agreed with having a meeting after mid-March comment deadline.
- Tiffany suggested to have a list of comments that were submitted included in the next WCMAC meeting.

- Garrett suggested that members provide comments that included specific suggestions on how to address the comment. He said the Steering Committee will discuss a future workshop in their next call, and asked WCMAC members to send in ideas via email to Susan.

Draft Policy Recommendations

Susan walked the group through the document included in the meeting packet. Two new recommendations from the Technical Committee were submitted to the group.

Questions and discussion

- ! WCMAC approved recommendation #1:
WCMAC recommends that when decision-makers calculate amounts for performance bonding, including applying the criteria required by RCW 43.143.030 (g), the amount should be adequate to fully remove the project and return the site to pre-project condition, and should include costs to cover projected inflation and a contingency amount.
- ! WCMAC approved recommendation #2 with minor text changes:
WCMAC recommends that applicants use design, engineering, and construction methods that avoid adverse impacts on fishing and other existing uses such as the potential for entangling fishing gear. Methods may include, but are not limited to, minimizing the number of and size of anchors, spacing structures to allow for greater compatibility with existing uses, and burying cables in the seafloor and through the shoreline. Applicant's monitoring plans should address whether any of the measures used in the project are performing as desired and response plans should provide remedies for any failures.

Updates

- Garrett reported that the next MRAC meeting will be 3/17 in Olympia and will included a high level look at ocean acidification.
- Susan asked the group to send ideas for technical committee agenda items.

Public Comment

- Key McMurry said that the maps still need improvement, and some are inaccurate. She described the preliminary MSP as a review of literature, not the best available science. She felt March 17 too fast a turnaround for WCMAC comments. She felt that none of the comments or recommendations about the MSP aligned with local jurisdictions or shoreline master plans.
- Ross Barkhurst felt the MSP was an ocean wave generation spatial plan as opposed to a true MSP. He presented information on chum, herring, and waterfowl spawning since 2002, stating that WDFW doesn't count species once their numbers dip below a certain point. He pointed out that WCMAC is missing a recreational fishing representative. He feels the trend for recreation is declining overall.
- Kara Cardinal gave an update on TNC work, introducing the new Marine Policy Fellow, Claire Dawson. TNC is doing a regional ecological assessment to help with policy guidance, and offered to present their findings at a future WCMAC meeting.

Meeting adjourned at 2:45 PM.

Summary of Decisions

- ! The November meeting summary was adopted.

! WCMAC approved:

WCMAC recommends that when decision-makers calculate amounts for performance bonding, including applying the criteria required by RCW 43.143.030 (g), the amount should be adequate to fully remove the project and return the site to pre-project condition, and should include costs to cover projected inflation and a contingency amount.

! WCMAC approved:

WCMAC recommends that applicants use design, engineering, and construction methods that avoid adverse impacts on fishing and other existing uses such as the potential for entangling fishing gear. Methods may include, but are not limited to, minimizing the number of and size of anchors, spacing structures to allow for greater compatibility with existing uses, and burying cables in the seafloor and through the shoreline. Applicant's monitoring plans should address whether any of the measures used in the project are performing as desired and response plans should provide remedies for any failures.

Upcoming Meetings

- May 10, 2017
- September 27, 2017

Meetings will be held in Aberdeen unless otherwise noted

**WCMAC:
Summary of NOAA Office for Coastal Management feedback
May 10, 2017**

Purpose: To brief WCMAC on main areas of plan feedback from NOAA Office for Coastal Management and associated state plan revisions.

Background: The Marine Spatial Planning law (RCW 43.372) requires Department of Ecology to submit the final plan to NOAA for approval to be incorporated into Washington's Coastal Zone Management Program (CZMP). NOAA's Office for Coastal Management oversees these state CZMPs and reviews any proposed additions or revisions to these CZMPs in accordance with the federal Coastal Zone Management Act, federal regulations, and federal policies. Therefore, for the state plan to have maximum ability to influence federal activities, the MSP must contain policies, standards, information and recommendations that NOAA confirms will be approvable as part of the state's CZMP.

NOAA's office for Coastal Management recently reviewed the preliminary draft MSP's management framework (part 4) and provided Ecology with suggested changes that should enable the plan to be approved as part of the state's coastal program.

Summary of NOAA feedback:

NOAA's review identified the following main issues:

1. Clarify and consolidate information on federal consistency review authority and process early in the section.
2. Clarify federal jurisdiction including over federal waters and in decisions on federal actions.
3. Clarify the fisheries process to ensure a timely response and determine identifiable entity responsible for responding to applicant and coordinating with fisheries groups.
4. Refine the list of Necessary Data and Information (ND&I) to match NOAA's policies. Clarify what is specifically needed by the state to start federal consistency review process versus required later. Additional information identified in the management framework can be required and requested during the review process.
5. Spatial designations/recommendations - presumptive exclusions for offshore development are not based on effects and are discriminatory. Need to re-write as effects-based policies (e.g. what coastal effect are you trying to manage for or prevent?).
6. Clarify that plans (section 4.7) are tied to existing state requirements.

State revisions to the management framework:

Working with NOAA and the interagency team, Ecology is revising the management framework to address the issues NOAA identified. These changes include:

1. Consolidating information on federal consistency with section on state's CZMP (Section 4.1.6)
2. Adding footnotes and references to clarify federal jurisdiction.

**WCMAC:
Summary of NOAA Office for Coastal Management feedback
May 10, 2017**

3. Identifying WDFW as entity responsible for: 1) receiving meeting request from applicant and 2) coordinating with and notifying fisheries groups. Included scheduling the meeting within 21 days of receiving the request, unless applicant requests a later timeframe.
4. Revising list of Necessary Data and Information: list now identifies: 1) notification to WCMAC and 2) fisheries meeting as additional information required of applicant to start federal consistency.
5. Reworking spatial designations to identify protections from types of coastal effects and convert exclusion of industrial scale renewable energy projects into findings and recommendations.
 - a. Important Sensitive and Unique areas – includes definition for adverse effects to Ecological ISUs and Infrastructure ISUs (e.g. adverse effects include: degradation, injury, alteration, or defacement). ISU Protection Standard requires applicant to demonstrate no adverse effects will occur to ISU resources.
 - b. Renewable energy – revised recommendation to indicate that those projects requiring larger footprints (such industrial scale), in state waters, will be likely have a very difficult time demonstrating they can avoid significant adverse impacts to existing uses or resources.
6. Adding references to existing state requirements for plans.

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

Purposes: To provide WCMAC members with:

1. An overview of comments received from WCMAC members on preliminary draft.
2. An update on changes in response to comments.
3. A list of comments that cannot be addressed.

Background – Summary of Comments

Who commented?

8 members (or liaisons) of WCMAC provided comments:

| | |
|-------------------------------------|----------------------------------|
| Katie Krueger/Quileute Tribe | Casey Dennehy/Surfrider |
| Larry Thevik/commercial fishing | Jeff Ward/Energy Sector |
| Dale Beasley/commercial fishing | Randy Lewis/Port of Grays Harbor |
| Brian Sheldon/shellfish aquaculture | |
| Garrett Dalan/TNC-Grays Harbor MRC | |

The comments address all sections of the MSP. They range from 1 to 26 pages in length, some are specific line by line changes, and others provide broader feedback on certain topics.

Types of comments

Most of the comments received fall into the first 2 categories – clarifying, technical fixes or substantive comments that require a bit of work to address, but are addressable in some fashion.

- A. Clarifying and technical fixes or questions. These are relatively easy to make and staff are working to address them. Or, there is already content in the plan that addresses the question – some follow up may be needed to see if there is a specific recommendation or clarification that can be made (e.g. consideration of indirect costs in Part 4/Management Framework).
 - o Adding definitions, an executive summary, and more detail on process and role of WCMAC.
 - o Formatting: hotlinks, section headers, page numbers, and location of WCMAC recommendations.
 - o Updates or clarification on data, sources, gaps, quality, and level of detail (Part 2 – especially) – e.g. Army Corps project descriptions/status; more detail about seastar wasting disease; details/clarifications about specific uses (e.g. aquaculture, fisheries); caveats about varying data sources, methods, and gaps and their relationship to study area.
- B. Substantive comments that require more work to address. Staff are working to address these comments and incorporate changes. This includes a meeting with WDFW and Dale/Larry to discuss fishing maps and explanations. Some examples include:
 - o Existing use maps – providing a comprehensive map of existing uses up-front that illustrates the whole area is used.
 - o Adding reference to Supreme Court decision about ORMA.
 - o Fishing maps/explanations – working on descriptions and explanations about the fishing maps to address concerns about possible misinterpretation.

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

- Uncertainty, limitations and Marxan descriptions – providing more detail about Marxan process and uncertainty and limitations of data and all analyses.
 - Improving the linkage between analyses (part 3) and management framework (Part 4)
- C. Differing ideas on same subject or that would change substance of recommendations. Some examples include:
- How to demonstrate local support (city versus county elected leaders).
 - Requesting a BOEM taskforce, instead of evaluating the need for one.
 - Formal role for WCMAC review and recommendation, as opposed to being notified/stakeholder involvement.
 - How to discuss tribal treaties and subsequent court decisions.
- D. Issues/comments not addressed. Staff are developing short responses for these, so people know why they were not addressed. These include comments that:
- Are about other processes (e.g. fisheries management or rulemakings) or projects that are already complete (e.g. economic analysis).
 - Don't include a specific recommendation/way to address their comment.
 - Are not consistent with the state's legal authority, processes or role of the plan:
 - Establishing a new policy or regulation
 - Prohibiting particular scales or types of uses in federal waters.
 - Asserting an absolute outcome, when actual outcome is unknown or uncertain.

Major Revisions in Response to Comments

The following summarizes some of the major changes being made to the draft MSP in response to comments received:

- General changes
 - Adding executive summary to highlight important uses and resources that occur throughout the study area, including combined map upfront (see map handout).
 - Moving WCMAC recommendations to stand-alone chapter in the plan.
 - Adding definitions, acronym lists and acknowledgments.
 - Formatting: adding hyperlinks (e.g. to RCWs and WACs) and to other internal document references to assist in navigating the document (e.g. maps), and cleaning up page numbers, fuzzy figures, and spatial references (e.g. consistent mileage).
- Introduction (Part 1)
 - Adding more details on WCMAC composition, planning process and reports summarizing stakeholder input.
 - Filling out descriptions of tribes.
 - Clarifying background on tribal treaties, court decisions and management of fisheries.
 - Further describing study area and relationship to nearby communities and rest of state, as well as implications for context and data sources provided throughout the plan.
- Baseline Information: Current Conditions and Future Trends (Part 2)
 - Ecology: added more details on HABs, sea otter predation on shellfish, seastar wasting, invasive eelgrass, and ocean acidification impacts.

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

- Describing tribal treaty rights with regards to fishing. Legal interpretation of the treaties will be minimally discussed. Major events with regards to court decisions may be noted.
- Expanding on relation of chapter to RCWs, economic impact of fisheries to communities, and fisheries descriptions.
- Clarifying status of ESA listed stocks.
- Correcting for consistent terms (e.g. geographic references).
- Updating and clarifying information on shellfish aquaculture, including sales.
- Updating information on status of various projects, including oil terminals, marine renewable energy projects, and dredging activities.
- Spatial Analyses (Part 3)
 - Adding more details on Marxan methods.
 - Clarifying data used in use analysis and assumptions (i.e. intensity is not a direct proxy for conflict), and editing captions to ensure caveats are located closer to maps.
 - Providing more analysis of underlying patterns and results.
- Management Framework (Part 4)
 - Referencing the Supreme Court case and future applicability of the management framework to future projects that trigger ORMA's criteria (i.e. includes projects in shorelines directly adjacent to the MSP study area).
 - Adding a reference to clarify definition of ocean uses and that the ocean management regulations do not apply to or regulate currently existing uses like fishing, recreation and shellfish aquaculture.
 - Separating and adding site-specific data and information.
 - Adding more comprehensive description of "resources" – inclusive of biotic and abiotic features of the environment.
 - Adding county commissioners and city council to demonstrate local support for project.
 - Adding more details on need for applicant to consult local Shoreline Master Programs (SMPs) and comply with applicable designations and regulations for shoreline permits. Also added reference to SMPs in section of state's federal consistency review process.
 - Adding more reference to specific analyses (EIAs) for applicant to consult when developing a potential project.
 - Adding ability to provide compensatory mitigation under financial assurance plan.
- Maps
 - For all fishing maps, adding caveats and additional description of source data, including clarifications that they do not include tribal fisheries.
 - Adding comprehensive ecological and existing use map.
 - Producing closer up maps of Important Sensitive and Unique areas (ISUs).
 - Adding clearer source citations to all maps, in place of footnote references.
 - Adding fathom curves and latitude/longitude for reference.

Areas with remaining questions:

Staff want to include details on data limitations and uncertainty in Part 3:

- How much detail is appropriate to include when we can reference the technical reports?

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

Initial list of comments that are unable to be addressed

As staff have been working through comments, they have identified an initial list of comments that they will likely not be able to address. These comments and a summary of the response, are provided below.

| Comment | Commenter | Response |
|--|---------------|---|
| Already addressed in plan | | |
| <p>ORMA clear legislative intent is to Protect and Preserve Fishing.</p> <p>Originally sent in 2015: The Watershed Company referenced ORMA for inclusion in the Pacific County SMP</p> | Dale Beasley | <p>Already addressed in plan. ORMA is included in the Management Framework.</p> <p>In addition, "Protect and preserve existing sustainable uses" is included in the plan as a goal/objective and several actions addressed this goal, which includes fishing. Specifically, the draft plan:</p> <ul style="list-style-type: none"> • Documents the social & economic importance of fishing (part 2) • Includes fishing uses in analyses (part 3) • Provides recommendations (part 4) to protect fishing by: <ol style="list-style-type: none"> 1) including spatial data that can be used by project proponents during initial site selection and project design; 2) involving fishing interests early in the process to identify potential adverse impacts from proposed projects and ways to minimize impacts; 3) ensuring site-specific data and effects on fishing are compiled and evaluated in permitting process 4) recommending approaches specific to avoiding and minimizing impacts to fishing; 5) ensuring existing regulatory standards are met; and 6) requiring appropriate plans to monitor and address any remaining issues/impacts. |
| <p>This [seafloor geology, habitat and empirical mapping] is critical information when attempting to place any device on the seafloor. (Section 2.1 – Ecology)</p> | Casey Dennehy | <p>Already addressed in the plan. The management framework includes the site-specific requirements for this type of data.</p> |
| <p>"Biogenic seafloor habitat" is key for ISU designation. (Section 2.1 – Ecology)</p> | Casey Dennehy | <p>Already addressed in the plan. This is covered in Management Framework (Part 4) section about Important, Sensitive and Unique areas (ISUs).</p> |
| <p>Add to the reasons for data gaps the fact that people may not fully report bycatch. Big problem. (Section 2.1- Ecology)</p> | Katie Krueger | <p>This is referring to data gaps due to challenges with monitoring. WDFW does have estimates of bycatch. No edits necessary.</p> |

**WCMAC Discussion Guide:
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5/10/2017**

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| Part 4 Effects Evaluation - under ii: And as you discuss elsewhere, risk to trapping non-fish such as birds, bats, etc, not just fish entanglements from structures. | Katie Krueger | Species impacts (including entanglement) are already covered in the previous section under 4.5.1 a. iii. This specific section is about potential impacts to existing uses (i.e. entanglement of fishing gear). |
| Suggestion to add a bullet to the bulleted list to emphasize natural resources and biodiversity in the Study Area. Suggestion to remove "resources" from the first bullet, and add a second bullet that reads "Identify Ecologically Important Areas in the Study Area to avoid conflict with ecosystem services that support myriad marine dependent uses". (Section 4.3.2- Marine Spatial Planning Data and Analyses) | Garrett Dalan | This list is intended to be a general summary of activities supported by all the data and maps. Specific examples have been added in list below to include more detailed references to the Ecologically Important Areas (EIA) outputs and other spatial analyses. |
| New Ocean Uses Roadmap: Insert stronger vocabulary supporting biodiversity and current uses. (Section 4.2- State Plan Implementation) | Garrett Dalan | The roadmap is a simple summary of the steps and reference to relevant sections of the management framework. The protection of biodiversity and current uses occurs through the information, evaluation, and standards outlined in those sections. |
| How will Fishing be protected and preserved as required if the NEEDS of the industry are not well understood including the cumulative adverse impacts of the Rafeedie Decision that has removed 50% of all income on 70% of the coast and the resulting effort shift that has occurred to the southern 38 miles of the coast where the current and future fish pie is drastically and adversely impacted for the individual fisherman to continue to achieve a stable and viable economic future for their families (Section 4.1.2- Introduction to the Management Framework) | Dale Beasley | See fishing protections provided throughout the management framework, including project information and effects analyses that identify potential impacts to fishing posed by a project (including effort reduction and social and economic impacts), fishing consultation process, existing regulatory standards, and additional recommended approaches designed to address fishing-specific concerns (e.g. minimizing footprint of project, minimizing displacement of fishers, minimizing compaction of effort). In addition, data, maps and analyses provide a starting point for applicants to understand potential conflicts with their projects. |
| The USCG has a station in La Push. This seems worth noting, in addition to where they have lighthouses. (section 2.7- Marine Transportation, Navigation, and Infrastructure) | Katie Krueger | This is discussed under "Emergency Response" in the same chapter. Review has been provided by the USCG. No change needed. |
| Project or process already complete | | |
| CCF would also like to point out again that the arbitrary and capricious action to totally truncate the will of the WCMAC to <u>develop new economic information</u> on a county by county basis when they issued the RFP Ex-vessel value dramatically under values the community water/fish dependency and totally distorts the honest contribution of fishing to the local community, state and the nation. Fishing objects strenuously to this under reporting of fish attributed coastal economic activity. Strongly suggest a review of economic data | Dale Beasley | This project is already complete. The economic report used ex-vessel values, but then ran them through an input-output model to get the estimated total economic contribution for commercial fishing (including jobs, income and multipliers through the local economy). WCMAC was involved in developing desired deliverables for the RFP, independent economists reviewed proposed methodologies and provided suggested scientifically-valid approaches determining |

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

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| attributed to fishing, ex-vessel value is a way to display economic contribution if suppression of the coastal fishing economy is the goal which certainly is not the legislative intent. | | economic impact. WCMAC was involved in hearing and discussing the feedback received from scientists prior to the project being initiated. |
| CCF recommendations to include or clarify in the Washington Coastal Marine Spatial Plan and Associated EIS. Only 5 of 23 important suggestions were addressed, the rest ignored. The CMSP legislation demands that the WCMAC is a collaborative process where issues raised should be addressed; not arbitrarily dismissed just because they do not fit the predetermined outcome of the plan by agencies. | Dale Beasley | The Advisory Council Technical Committee reviewed the CCF's recommendations multiple times and discussed which ones they wanted to address as a group. The group identified five as having substantive merit for consideration and the Advisory Council developed recommendations accordingly. All Advisory Council recommendations have been included in the preliminary draft plan. The rest of the comments were forwarded and provided to staff for consideration in document development. |
| Questions | | |
| What is their [scientists] role in the final review of the plan? Will they continue to advise as project proposals come through? (Section 1.4: Planning process summary) | Casey Dennehy Garrett Dalan | There is no formal role for the science advisory panel in final review of the plan. Agencies and university scientists will be notified when plan is out for public comment and can comment during that time. Each agency has scientific and technical staff which can advise agencies on specific project proposals. |
| And therefore ESA listed as threatened? (In which case, please so mention). Or just overfished? and if only the latter, what does that mean for harvesters? (Section 2.1- Ecology) | Katie Krueger | The coastal population is overfished, the ESA listing is for the population in Puget Sound. Discussion of implications for harvesters takes place in the Fisheries chapter. No edits necessary. |
| No source/citation or not consistent with the state's legal authority, processes or role of the plan | | |
| Washington should consider a new concept in addressing sea level rise and associated coastal erosion which has been termed "Coastal Sediment RIGHTS" and insure that the best use of sediments to address these very serious and increasing coastal erosion issues | Dale Beasley | The plan is not a pathway to establish new state laws or policy. Sediment management, erosion monitoring and sea level rise recommendations are included in plan implementation (Management Framework – Part 4). These activities reference and acknowledge the need for beneficial uses of sediment to combat coastal erosion. |
| Mapping their occurrence [marine mammals] should be a priority as it relates to vessel transit and potential development in the estuaries. (Section 2.1-Ecology) | Casey Dennehy | This is a recommendation for future data collection and prioritization. The plan is not setting these types of priorities at this time. The Management Framework (part 4) calls for this type of prioritization to be conducted through the Science and Research Agenda process. |
| In other areas specific thresholds of viewshed protection utilizing local regulations have place ocean energy leases at least 30 miles offshore (North Carolina) – Washington has NO such threshold; relying on process alone is inadequate to protect and preserve viewshed. | Dale Beasley | This comment seeks the establishment of a regulatory threshold, which the plan is not doing. The plan provide the information and effects that should be addressed, including aesthetics. The plan includes results from the viewshed analysis, which modeled the visibility of various |

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

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| (Section 4- Management Framework) | | height objects from the shore. The plan also requires data and effects to aesthetics to be assessed and addressed (Management Framework - Part 4). The threshold in the law is no significant long-term adverse impacts and all reasonable steps taken to avoid and minimize. |
| Management Framework/Effect Evaluation - On data P. 23 change "When it exists, data should include multiple years and multiple seasons within those years" to "When it exists, data must include multiple years and multiple seasons." | Garrett Dalan | The MSP provides guidance on what the state believes will be necessary, within existing state policies, regulations, etc. Need to be able to tie this to existing requirements and authorities. We can't find one for this. |
| Recommend specifying a buffer or minimum distance for avoidance. (Section 4.6- Review Standards) | Casey Dennehy | This section is for existing regulations. Buffer will depend on type and level of disturbance in proposed project. WDFW can provide scientifically-backed buffers during project development and permit review process. Note: added buffer consultation with WDFW for ecological ISUs, which includes bird colonies, etc. |
| Review phase. Formal role for WCMAC review & recommendation could be included here. (Section 4.2- State Plan Implementation) | Casey Dennehy | Added information about WCMAC being a forum that can facilitate sharing of information. |
| "Dungeness Crab Section needs to be expanded and made crystal clear that there is quite honestly no place to put industrial scale use in Washington coastal waters and still meet the very clear legislative intent to positively protect and preserve fishing and the rural JOB base that the coastal communities rely heavily on for their economic stability and viability. Washington Coastal Marine Spatial Plan MUST limit new use in coastal marine waters to small projects that are located in areas that avoid conflict since there is not enough space available for large industrial scale development in the heart of valuable fishing area of the coast especially in the area recognized as the 4th most fish dependent community in the nation found ins SW Washington Coastal waters" | Dale Beasley | Plan provides recommendations on protecting existing uses and limiting harm from new uses in section 4. The purpose of this section is to describe the existing fishery and potential conflicts that may arise. |
| The native coastal oyster is incorrectly termed the "Olympia Oyster". This reference to native oysters is from Puget Sound, and more specifically from the Olympia area. This term was coined in a marketing effort to promote Puget Sound oysters. The correct reference to coastal native oysters is simply "native oysters". This needs to be corrected thorough out the document unless the reference is specifically to native oysters from Puget Sound. (Section 2.1- Ecology) | Brian Sheldon | No reference provided. Scientific and popular literature uses the name Olympia oyster to refer to native oysters (<i>Ostrea lurida</i>) on entire U.S. west coast, including Willapa Bay. |

**WCMAC Discussion Guide:
Preliminary Draft Comments from WCMAC members
5/10/2017**

| Not related to the plan | | |
|---|---------------------|---|
| <p>Page 97 has a reference to “widow rock” being completely rebuilt. If one dives deep enough into the information available at the PFMC it may be found that widow rock was erroneously diagnosed as overfished in the first place and should have not been forced into a rebuilding program at all depriving coastal communities’ economic sustenance and skewing the data and causing the collapse; and disaster declaration of the trawl fishery in Washington.</p> <p>CCF recommends that the Washington Plan send recommendations that the legislature address some of these fisheries issues that can be corrected and help bolster the coastal economy.</p> <p>A change back to the original fish policy of fish replacement mitigation at levels lost is one of the only positive solution to our current salmon crisis in the NW that we can actually control by policy alone. The Washington Coastal Marine Spatial Plan needs to dig into the weeds for solutions that bring the coastal economy back to life it once lived and offer meaningful solutions to stabilize the economic vitality of the coast.</p> | <p>Dale Beasley</p> | <p>The MSP is reporting which different fisheries were designated as overfished. The plan is not intended to be a substitute for fisheries management, nor refute designations that occurred. Policies and decisions related to fishing effort remain the responsibility of the existing designated agencies and entities.</p> |
| <p>WAC 173 - 27 – 060 and WAC 173-27- 080 proposed changes by ecology are at odds and inconsistent application of the law and Supreme Court GH Oil Terminal ORMA driven Decision.</p> | <p>Dale Beasley</p> | <p>Not related to the plan, nor to the application of ORMA.</p> <p>This is a separate rulemaking for Shoreline Master Programs. These particular sections referenced deal with: 1) applicability of shoreline master programs to federal lands and agencies and 2) non-conforming uses, if a local government doesn’t have a process and standards identified. Comments are being accepted on this rulemaking separately – due May 15, 2017.</p> |
| <p>As a side note - Washington/FERC MOU needs to be renegotiated/eliminated to reflect the final Washington CMSP, Pacific County SMP, Legislative intent to protect and preserve existing uses, and the recent Washington Supreme Court Decision</p> | <p>Dale Beasley</p> | <p>Not related to the plan. The FERC-Washington State MOU establishes an agreement by FERC to: 1) coordinate with the state on project proposals and 2) consider the results of any state plans developed to guide renewable energy projects (such as the marine spatial plan).</p> <p>In plan implementation, the state is committed to government coordination and will pursue mechanisms that foster recognition and implementation of the state plan. This activity would include evaluating any existing agreements and establishing or revising them, as appropriate.</p> |

WCMAC Preliminary Draft Comments: Revised Maps
5/10/2017

Background

As noted in the summary of comments, staff are revising maps and including additional maps to address comments received on the preliminary draft plan. In particular, comments received indicated concerns about:

- The composite of existing uses and ecological areas in the study area not being clearly identified in the plan.
- The interpretation of fishing maps and, particularly, intensity data.

Descriptions of maps

1. **High Use:** This map combines all the high intensity uses of all the sub-sectors. Again, it shows that the entire study area is used. Each sub-sector counts as one. For example, each type of commercial or recreational fishing or each type of shipping is counted separately. This results in a higher count of “uses” in areas, but also shows greater variation in use patterns across the study area.

Reminder: High intensity indicates the areas where there is high frequency of use within sectors and subsectors based on the data available (log book data, AIS shipping data, etc.). The areas indicated on the map are only the areas within each sector and sub-sector where there is HIGH frequency—areas with medium or low intensity/frequency are not indicated on the map.

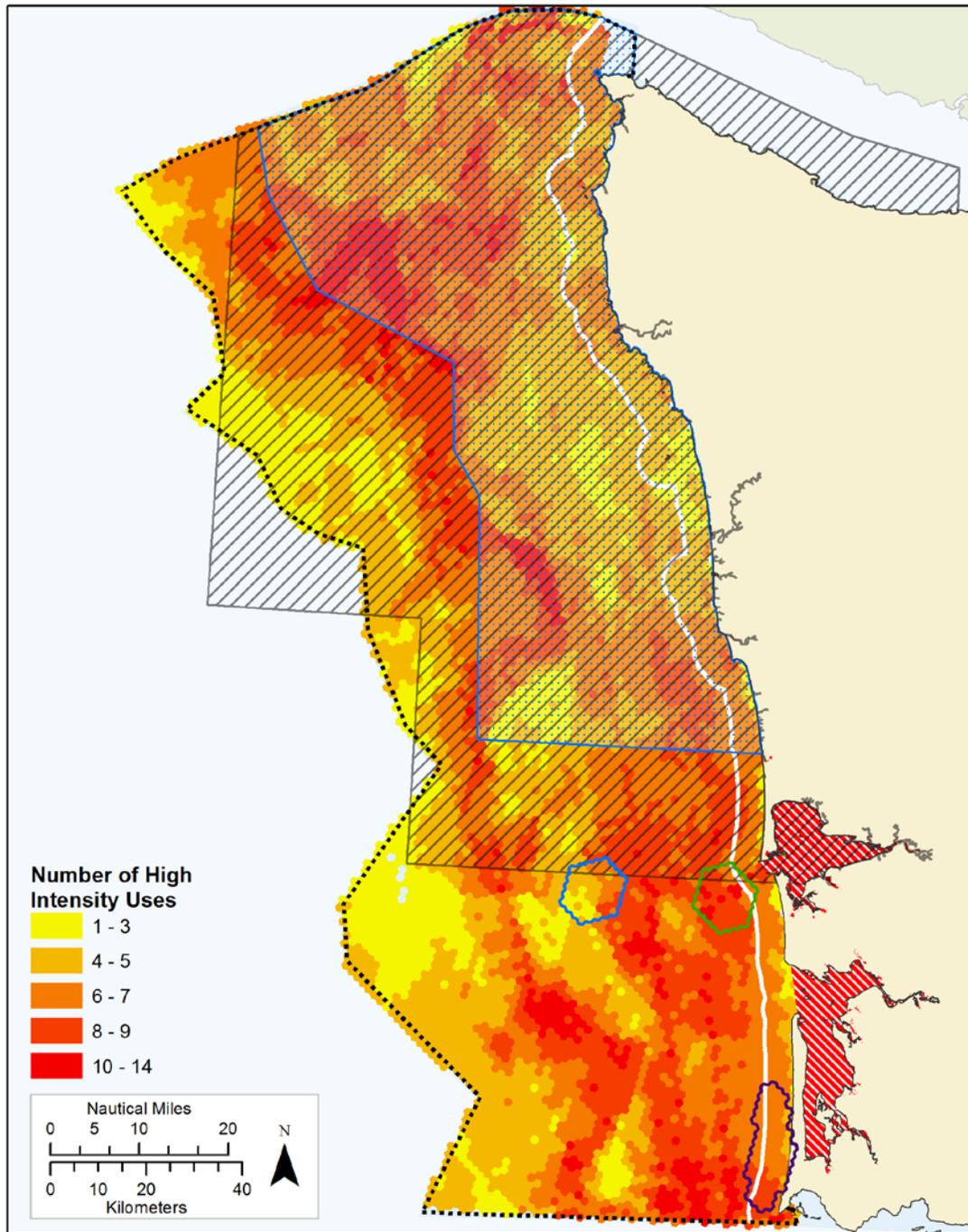
Where? This map is planned to be included in the new executive summary, which will include highlights on the important uses and resources occurring in the study area. This section will include context on the use analysis results that highlight that potential for conflicts occurs everywhere and some statistics on the types of uses occurring in the Marxan outputs. A caveat will be put near or on the map that states: “Please note that Use Analysis maps do not identify areas recommended for development, or areas with a lack of potential conflict. Analysis outputs represent theoretical scenarios and any potential development would require project- and site-specific analysis.”

2. **State Commercial Dungeness Crab Fishing:** This map includes a box that explains the use of intensity data and that it does not represent value nor potential conflict/impact. It also explains that intensity is relative to the activity for that particular fishery. The map also includes latitude and longitude lines and fathom curves. The legend contains information on the source data including the time period (years of logbooks).

Similar information is repeated in the fisheries chapter and in the appendix on data methods, sources, and limitations.

WCMAC Preliminary Draft Comments: Revised Maps
5/10/2017

High Intensity Existing Uses and Use Analysis Results



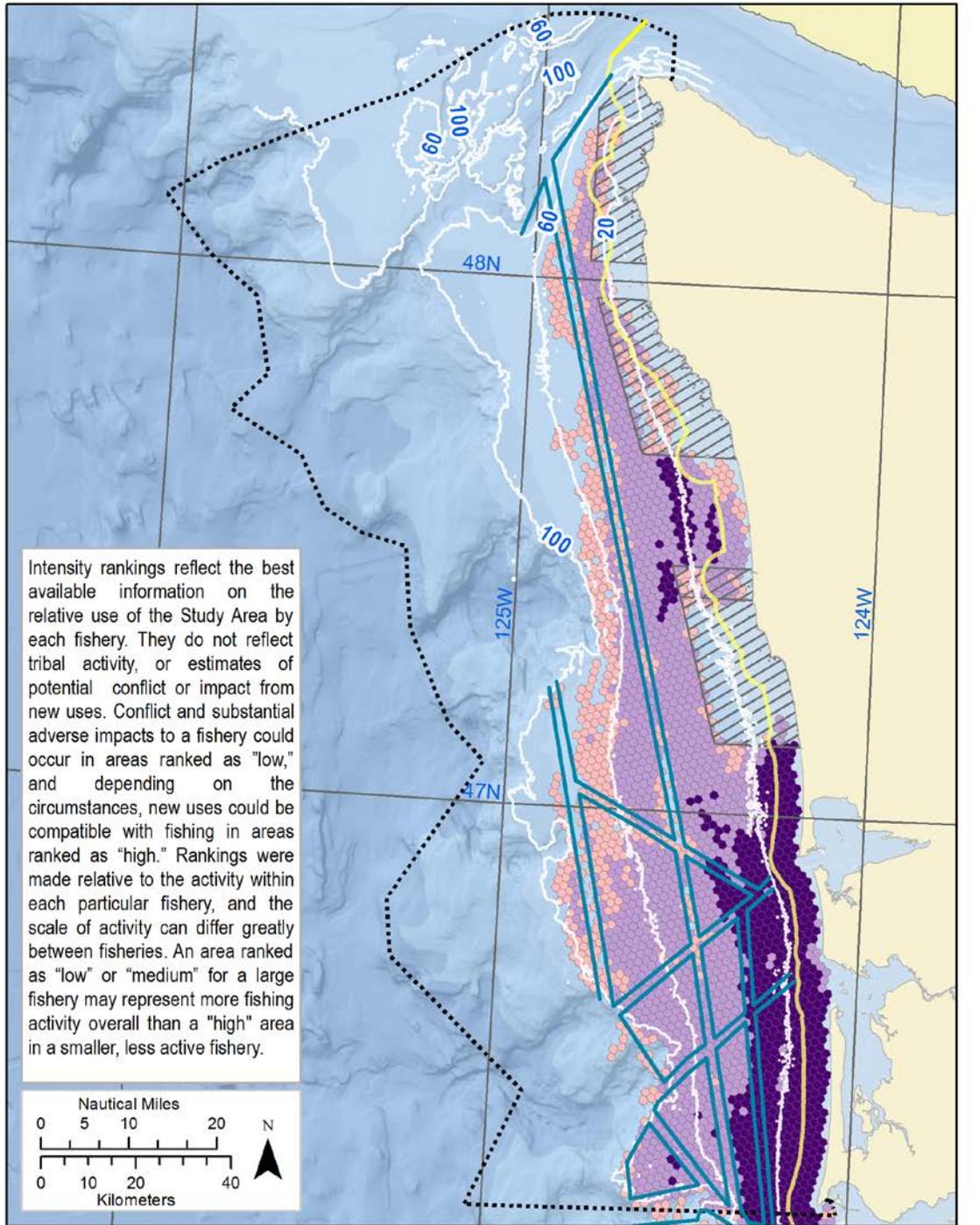
| | | | |
|--|---|--|---|
| | Washington MSP Study Area (State Ocean Caucus) | Estuaries* (WDFW) | Use Analysis Results Floating Platform Wind Monopile Wind Tripod Wind |
| | Combined Tribal Usual and Accustomed Areas (NOAA Fisheries, 2015) | Olympic Coast National Marine Sanctuary (NOAA) | |
| | WA State Boundary (NOAA) | | |

**Estuaries were not included in this map, due to inadequate comparable data across sectors. Estuaries are of high ecological importance and are heavily used by sectors such as aquaculture, which currently occurs only in these areas. Please consult other maps for available estuary data.*

Map coordinate system: North American Datum of 1983 (NAD83), Washington South State Plane Coordinate System, meters. Not to be used for legal purposes.

WCMAC Preliminary Draft Comments: Revised Maps
5/10/2017

Map 23
Commercial Fishing: Dungeness Crab



- Commercial Crabbing Intensity**
- Low
 - Medium
 - High
- WDFW 2016, based on 5 seasons of logbook data (2009/2010 - 2013/2014 seasons).
- Tribal Special Management Areas (WDFW, 2016)
 - Towboat Lanes (WSG)
 - WA State Boundary (NOAA)
 - Washington MSP Study Area (State Ocean Caucus)
 - Depth Contour in Fathoms (OSU)
 - Latitude and Longitude (ESRI)

Map coordinate system: North American Datum of 1983 (NAD83), Washington South State Plane Coordinate System, meters. Not to be used for legal purposes.

WCMAC Post-MSP Activities

DRAFT

May 1, 2017

This table outlines options for WCMAC activities after the MSP is finalized. It categorizes activities based on the desired outcome. As topics arise, WCMAC will need to decide which outcome is desired for the issue at hand, and shape the staff support and actions to fit the need. The Steering Committee will continue to develop WCMAC meeting agendas based on the input from WCMAC members at meetings or through other communications.

| Desired Outcome | Purpose | Potential Staff/Expert Support | Potential WCMAC Actions | Comments |
|--|---|--|---|---|
| 1. Information Sharing | <ul style="list-style-type: none"> Provide "expert" information to WCMAC members on topics of interest to foster a greater understanding of the data and information on coastal issues. Offer a forum for information exchange among members. | <ul style="list-style-type: none"> WCMAC Briefings/Presentations Issue Papers | <ul style="list-style-type: none"> Opportunity to ask clarifying questions Discuss how to enhance communication and coordination | <ul style="list-style-type: none"> Members would use the information to advocate as they or their organizations see fit. There will not be attempts to reach a consensus recommendation. However, WCMAC could decide to expand this from information sharing to informal or formal advice (see below) |
| 2. Informal Advice on Coastal Issues | <ul style="list-style-type: none"> Provide comments and input to agencies or other entities. | <ul style="list-style-type: none"> Staff will provide briefing materials to WCMAC and request input. WCMAC members may request the opportunity to provide informal advice. Working Groups | <ul style="list-style-type: none"> Provide comments and input that will be recorded in meeting summaries. WCMAC members may also provide written comments as individuals or as representatives of their interest group. | <ul style="list-style-type: none"> WCMAC may provide input or advice in writing, during Working Group meetings, or at full WCMAC meetings. Because this is informal advice, there will not be attempts to reach a consensus recommendation. However, WCMAC could decide to expand this from informal advice to formal advice (see below). |
| 3. Formal Advice on Coastal Issues to Agencies, Legislature, or Governor | <ul style="list-style-type: none"> Provide consensus advice on coastal issues to agencies, the legislature, or the Governor. This may be initiated by agencies, the Governor's office, legislators, or by WCMAC members. | <ul style="list-style-type: none"> WCMAC Briefings/Presentations Issue Papers Working Groups WCMAC Discussion and/or Negotiations | <ul style="list-style-type: none"> Consensus approval of recommendations (see note below) | <ul style="list-style-type: none"> Given that it takes time to build consensus, this would most likely be a multi-meeting process. WCMAC may want to decide on how much agreement results in consensus. (see note below) |

Notes

- Working Groups:** Working Groups will be tasked with addressing specific, defined issues. Working Groups will be asked to research a topic and develop options for WCMAC consideration. Working Groups will be assigned WCMAC members and staff, but all WCMAC members are welcome to attend and provide comments at Working Group meetings. WCMAC may invite non-WCMAC members to participate in Working Groups as appropriate. Working Groups will disband once final advice on the particular matter is submitted to the full WCMAC. Working Groups will be held by conference call at the frequency needed, and will replace the Technical Committee.
- Consensus:** There are challenges with obtaining unanimous consensus. There are also potential problems with calling a very narrow majority a "consensus". Groups often decide to set a minimum of somewhere between 70-90% agreement to reach consensus.
- Recusal:** There will need to be further discussion of recusal. When WCMAC members recuse themselves, how does it affect the decision-making process (quorum, consensus, etc.)?

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List of Potential Issues for WCMAC Work Plan

A. WCMAC Information and Advice on MSP Implementation Tasks

1. Developing key ecosystem indicators.
2. Monitor implementation of the MSP.
3. 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.
4. Identify and report on existing management plans that are substantially inconsistent with the MSP.

B. Topics Identified by Technical and Steering Committees

1. Shipping of hazardous materials
2. Vessel traffic/navigational safety
3. Oil terminals
4. Finfish aquaculture
5. Coastal erosion
6. Ocean conditions (e.g. temperature, ocean acidification, etc.)
7. Changing fishing fleets
8. Alternative fishing methods
9. Invasive Species Management
10. Shellfish Aquaculture Management issues (e.g. invasive species, burrowing shrimp, etc.)

May 10, 2017

**Washington Coastal Marine Advisory Council
Draft Work Plan**

The WCMAC work plan is a living document. It will be continually updated and used as a guide for planning WCMAC meetings. WCMAC members are encouraged to identify agenda requests as early as possible.

| Meeting | Information | Advice/Action |
|--------------------|---|--|
| May 10, 2017 | <ul style="list-style-type: none">• Update on draft MSP/WCMAC comments on preliminary draft• MSP Outreach• Introduce Post-MSP WCMAC work plan concept | <ul style="list-style-type: none">• Topics for WCMAC work plan |
| September 27, 2017 | <ul style="list-style-type: none">• MSP implementation: ecosystem indicators, science agenda, etc.• Finalize WCMAC Workplan for 2018 | <ul style="list-style-type: none">• Plan implementation activities |
| Date(s) TBD | <ul style="list-style-type: none">• Topics from 2018 Workplan will be added | <ul style="list-style-type: none">• |

Other topics, issues, or recommendations may be addressed through the process set up by the Council and as time and resources allow.