

# WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

## AGENDA

Wednesday, September 28, 2016 9:30 am – 3:30 pm

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

9:15 a.m. **Coffee and Treats:** Breakfast refreshments will be served at 9:15. Please come early to enjoy them. **The meeting will start promptly at 9:30 a.m.**

Time	Agenda Item (Action items are marked with "!")	Objective (Information, Discussion, Action?)	Presenter(s)
9:30	<b>Welcome &amp; Introductions, Agenda Review</b> <ul style="list-style-type: none"> <li>• Welcome by Chair Garrett Dalan</li> <li>• Introductions, including coastal updates</li> <li>• Review agenda</li> <li>! Adopt summary of June meeting</li> <li>• Public Comment</li> </ul>	<b>Information</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>• Agenda</li> <li>• Draft Meeting Summary</li> </ul>	Garrett Dalan, WCMAC Chair Susan Gulick, Facilitator
10:15	<b>Other Potential MSP Recommendations</b> <ul style="list-style-type: none"> <li>• Statutory requirements</li> <li>• Other suggestions</li> </ul>	<b>Information, Discussion</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>• Discussion Guide</li> <li>• Draft Recommendations</li> </ul>	Jennifer Hennessey, Ecology  Facilitated Discussion Susan Gulick, Facilitator
11:00	<b>Draft Recommendations Recommended by Technical Committee</b> <ul style="list-style-type: none"> <li>• Discuss proposed revisions from the Technical Committee</li> <li>! Approve draft recommendations for inclusion in the draft MSP</li> </ul>	<b>Discussion, Action</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>• Discussion Guide/Draft Recommendations</li> </ul>	Facilitated Discussion Susan Gulick, Facilitator
11:30	<b>WCMAC Spatial Recommendations</b> <ul style="list-style-type: none"> <li>• Presentation of Draft Spatial Recommendation Components</li> <li>• WCMAC Discussion</li> </ul>	<b>Information, Discussion</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>• Presentation Materials</li> </ul>	Jennifer Hennessey, Ecology  Facilitated Discussion Susan Gulick, Facilitator
12:30	<b>Lunch Break</b>		

1:00	<b>Continue Discussion of WCMAC Spatial Recommendations</b>		
2:15	<b>WCMAC Funding Recommendation</b> <ul style="list-style-type: none"> <li>Review Draft letter to Governor requesting funding for the 2017-19 Biennium</li> <li>! Approve funding request</li> </ul>	<b>Discussion, Action</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>Draft Letter to Governor</li> </ul>	Garrett Dalan, WCMAC Chair Susan Gulick, Facilitator
2:50	<b>Microenterprise Support for Coastal Communities</b> <ul style="list-style-type: none"> <li>Update on potential program for the coast</li> </ul>	<b>Information</b>	Lisa Smith, Enterprise for Equity
3:00	<b>Updates</b> <ul style="list-style-type: none"> <li>Work Plan</li> <li>MRAC (Ocean Acidification Panel)</li> <li>Technical Committee Update</li> </ul>	<b>Information</b> <i>Reference Materials:</i> <ul style="list-style-type: none"> <li>Updated Work Plan</li> <li>Technical Committee Table of Unresolved Issues</li> </ul>	Staff/WCMAC Members
3:15	<b>Upcoming Meetings</b> <ul style="list-style-type: none"> <li>Agenda Topics for Next Meeting</li> <li>Reminder of Dates and Times for Future Meetings</li> </ul>	<b>Information</b>	Susan Gulick
3:20	<b>Public Comment</b>	<b>Information</b>	Public/Observers
3:30	<b>Adjourn</b>		Garrett Dalan

### Upcoming Meetings

*(Meetings will be held in Aberdeen unless otherwise noted)*

- November 9, 2016
- February 15, 2017
- May 10, 2017

# WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Wednesday, June 15, 2016 9:30 am – 3:30pm

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

## MEETING SUMMARY

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	
Carol Ervest, Wahkiakum MRC	Mark Plackett, Citizen
Brian Sheldon, Shellfish Aquaculture	Michal Rechner, DNR
Casey Dennehy, Recreation	Michele Culver, WDFW
Dale Beasley, Commercial Fishing	Randy Lewis, Ports
David Fluharty, Educational Institution	R.D. Grunbaum, Conservation
Garret Dalan, Grays Harbor MRC	Rich Osborne, Science
Sally Toteff, Dept. of Ecology	Rod Fleck, N. Pacific MRC
Julie Horowitz, Governor's Office	Jessica Helsley, WCSSP
Larry Thevik, Commercial Fishing	Mark Cedergreen, Recreational Fishing
Doug Kess, Pacific MRC	

Council Members Absent	
Alla Weinstein, Energy Industry	Joshua Berger, Dept. of Commerce
Penny Dalton, Sea Grant	Randy Kline, WA State Parks
Tiffany Turner, Economic Development	Jeff Ward, Coastal Energy
Charles Costanzo, Shipping	

Liaisons Present	
Katie Krueger, Quileute Tribe Liaison	

Others Present (as noted on the sign-in sheet)	
Kevin Zerbe, Cascadia Consulting, Note-taker	Ross Barkhurst, WA Waterfowl
Jennifer Hennessey, Ecology (WCMAC Staff)	Kevin Decker, WA Sea Grant
Katrina Lassiter, DNR	Gus Gates, Surfrider
Libby Gier, DNR	Jessi Doerpinghaus, WDFW
Susan Gulick, Sound Resolutions, Facilitator	Craig Zora
Kelsey Gianou Ecology	Corey Niles, WDFW
John Foster, Quinault Nation	Kara Cardinal, TNC
Katie Wrubel, Makah Tribe	Kris Wall, NOAA (phone)

### 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 (no public comments were made at this time).

- Casey Dennehy reported to the group that the Surfrider Leadership Academy nominations were due by Sunday, June 19 at 12 P.M., and encouraged members to talk to him for more information.
- Julie Horowitz thanked everyone who attended the Washington Shellfish Week festivities.
- Dale Beasley reported on the new dredge disposal sites planned for the Columbia River.
- RD Grunbaum mentioned that the North Sound Baykeepers/Friends of Grays Harbor published a report titled "Troubled Bridges over Clean Water" that may be of interest to WCMAC.
- Mark Plackett reminded the group that June 24-26 is the festival at Ocean Shores; July 5 is the coastal cleanup and information can be found at coastsavers.org.
- Garret Dalan informed the group that Libby Gier is moving to a different position within Ecology and will no longer be working with WCMAC.
- Susan Gulick reviewed the agenda. No questions were asked or comments made.

### **Adoption of April Meeting Summary**

- Susan Gulick initiated the vote to adopt the April Meeting Summary after a few minor corrections were sent in via email.
- Brian Sheldon abstained from the vote; all other WCMAC members approved.
  - ! The April Meeting Summary was adopted.

### **Public Comment**

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

## **2. Overview: MSP contents and process, and potential recommendation gaps.**

Jennifer Hennessey gave a presentation on the Marine Spatial Plan (MSP) - reviewing the scope of the planning area, potential uses, plan goals, and re-capped the State's role in the MSP. She also reviewed the outline of the MSP, which was included in hard-copy form in the meeting packet. She reminded the group that Parts 3 and 4 will not be drafted until the WCMAC policy recommendations are finalized. Once ready, an informal draft of the plan will be shared with WCMAC to: 1) Enable members to see how things are fitting together and 2) Identify any missing or incomplete information. After that, a draft plan will be released for formal public comment.

### *Key takeaways:*

- The MSP has to rely on existing authorities. The plan cannot be used to establish new rules or regulations, and cannot undermine existing permitted activities or uses or those uses/activities currently undergoing permitting.
- The MSP provides a case for asking NOAA for approval to review federal actions in federal waters in conjunction with the MSP via the "geographic location description."
- The state is examining MSP requirements and potential gaps in WCMAC recommendations such as: refining ecosystem indicators, monitoring and reporting on plan implementation, developing a process for tribal coordination, and engaging the public as the plan is implemented and updated. As the state works on these, staff will seek WCMAC feedback on them

### *Questions and Comments*

- Dale Beasley commented that the intent of the MSP is not only to address potential new uses but is also to preserve and protect existing uses. Jen explained that the plan will address potential conflicts between new

uses and existing uses. It will not tell existing uses where to operate (i.e. will not address where fishing or shipping or any other existing uses should or should not occur).

- David Fluharty asked what the nexus with NOAA was and need for their approval, since this is a non-regulatory plan. Would their review only apply to how we are treating federal waters? Jennifer Hennessey explained that since the state is using the marine spatial plan to further detail how we use of our state's federal consistency review authority (under the federal Coastal Zone Management Act), NOAA has a role in reviewing how the state proposes to refine and detail its coastal program in both state and federal waters. For example, through this plan and under the CZMA, a state can spell out specific data and information that will be required of applicants, but it needs to be tied back to the enforceable policies that are in a state's coastal zone management program.
- Sally Toteff asked if individuals will have the opportunity to comment on projects in federal waters. Kris Wall explained that, outside of the federal consistency process, individuals do not have much opportunity to comment – this is unique to CZMA.

Kelsey Gianou gave a short presentation on her progress with writing and coalescing the context chapters of the MSP (Parts 1 & 2). As part of the process, she conducts research, talks with experts, and reviews information from MSP projects. After a draft is developed, it goes first to a group of experts to ensure she has accurately captured the information, often this step includes experts from within WCMAC – depending on the topic of the chapter. The draft aquaculture chapter was made available to the group as part of the WCMAC meeting materials to provide an example of the type of content being summarized in the context chapters. Next chapters to be that will be ready for review soon include the ecology, fishing & recreation/tourism chapters.

#### *Questions and Comments*

- Sally Toteff asked if the sources used in the context chapters will be available to members. Kelsey assured the group that all sources will be cited.
- Larry Thevik commented that the meaning behind the visuals (i.e. maps) is critical, and that the data used to create those visuals is the best available. He also suggested that WCMAC be allowed to review and comment on the draft as soon as possible. Kelsey said she will be sharing individual chapters to sector representatives to streamline the review process, but once an entire draft is finished it will be shared with all of WCMAC.

### **3. Draft WCMAC Policy Recommendations**

Susan Gulick gave a quick overview of the process the group has followed to develop the policy recommendations. She reported that she received a new round of comments since the April meeting that have been incorporated into the draft (provided in the meeting packet). She reminded the group that they will be able to reopen a policy recommendation later if needed, but the intent was to finalize the policy recommendations today, give them to staff to incorporate into the draft MSP, and begin to focus WCMAC's efforts on developing the spatial recommendations.

#### *Questions and Comments*

- Rich Osborne reminded the group that the public review period also allows for additional comments on the recommendations.
- Larry Thevik expressed a discomfort with handing off the recommendations without first seeing the plan itself. Garret Dalan emphasized that these are draft recommendations to be included in the draft MSP, and

that the goal is to let the recommendations move forward so WCMAC can view them within the context of the MSP.

Susan Gulick led a walk-through of the new comments. Additional editing and revising of the recommendations was captured via track changes in the draft document. Because not all comments were discussed by the group (e.g., if there was no objection), the below section highlights those comments the group discussed.

### *Discussion*

- Regarding Dale Beasley's comment to add more RCW sections to the introduction – some members questioned if this was the most appropriate spot for them. Many want to avoid “cherry-picking” sections of statutes and instead include hyper-links to the full chapters of the RCW where appropriate. Some wanted the current sections left as written and add the hyper-links for Dale's new RCWs in addition to (and not instead of) the excerpts.
- Regarding Randy Lewis' comment on page 4 – Mike Rechner suggested to remove “permitting” since DNR is not a permitting agency. Larry Thevik suggested removing “benefits” and just state “economic impacts” to cover both negative and beneficial impacts.
- Regarding Larry Thevik's footnote on page 5 – the group agreed to include a list, but Dale Beasley suggested to include the list and add “including, but not limited to...”
- Regarding David Fluharty's comment to change title to “socioeconomics recommendations” – no objections.
- Regarding Larry Thevik's comment on page 6 – no objections to the content. Susan and Larry were charged with developing more concise language.
- Regarding Dale Beasley's new recommendation addressing escort tugs – many members felt this was something to consider for oil/hazardous waste transport, but the language needed revising to be explicit about what/who will be subject to escort tugs. It was decided this should be added to WCMAC's list of “other issues” to be addressed later.
- Regarding Dale Beasley's comment on page 7 (coastal sediment rights) – many members felt this exceeds WCMAC's authorities, and should be revised. Mike Rechner suggested WCMAC engage with the Governor's office or Ecology on this issue instead of addressing it through the MSP. The group agreed that more information is needed and to add this to WCMAC's list of “other issues” to be addressed later.
- Regarding Dale Beasley's comment on page 7 (entangled fishing gear) – most of the group felt that all WCMAC needs to recommend is that the project proposal include a plan to address the entanglement issue. Rod Fleck suggested removing the second sentence to remove the unreconciled burden of obligation; there were no objections from the group.
- Brian Sheldon recommended a definitions sections/appendix to be sure terms like “structures” are defined and understood. Jennifer Hennessey agreed and will be sure to include “structures” in a glossary or definitions section in the plan.
- Regarding Dale Beasley's revision to 1.3.3 – the group discussed whether replacing “or” with “and” weakens the recommendation. Jessica Helsley suggested adding “or both” to the end of the listed items with no objections from the group.
- Regarding Dale Beasley's revision to 2.1.1 – the group felt that replacing “address” with “prevent” was not needed since prevention is already mentioned in the recommendation.
- Regarding 2.1.4 – Brian Sheldon suggested changing “safety analysis” to “risk assessment.” No objections.
- Regarding Dale Beasley's new recommendation (2.1.5) – multiple members stated this was already covered in ORMA. To address the issue of cumulative impacts, Susan Gulick suggested moving this to the cumulative impacts recommendation to be created at a later date – no objections, but Katie Krueger requested language around coastal resources and uses be included in this future recommendation.

- Regarding Larry Thevik's comments on page 10 – no objections, but David Fluharty suggested that Coastal Islands NWR be included in Washington's coastline measurement.
- Regarding "other issues" – Larry Thevik suggested adding expansion of existing use of shipping (including crude oil out of Grays Harbor), arguing that expansion of this use would qualify as a new use (new for Grays Harbor).
- In the matter of reaching consensus to approve these draft recommendations: *Does WCMAC approve the draft recommendations for inclusion in the draft MSP?*
  - ! All in favor. The draft recommendations were approved.

#### 4. Data Viewer Update.

Libby Gier presented an update on the data viewer, and gave an overview of how it works and where to find the data. The viewer can be found at [msp.wa.gov](http://msp.wa.gov). The list of data on the mapping application was included in the meeting packet.

##### *Questions and Comments*

- Brian Sheldon asked about the implications of not having the estuaries mapped. Libby stated that the maps include all the data from that were available for the estuaries.

#### 5. WCMAC Spatial Recommendations

Garret Dalan gave a recap of the past work done by WCMAC to get to this stage (including the Spatial Analysis Workshops). He acknowledged that some members are concerned with MARXAN, and emphasized that it is a tool that relies on the input of good data in order to get useful results – it does not create or justify WCMAC's spatial recommendations.

##### *Questions and Comments*

- Rich Osborne reminded the group that they are required to cite in the MSP where the lowest number of impacts by new uses of Washington's coast occurs, and stated that MARXAN is the best way to identify these areas.
- Michele Culver stated that MARXAN is simply a tool that generates a result to answer whatever it gets asked. It will be up to WCMAC to interpret the results (much like a doctor interprets the results of a blood test), recognize the data caveats/gaps, and talk through the results as a group. All of the members agreed that MARXAN's usefulness will be dependent on the data being used. Some members commented on the need to reconcile potential issues with weighting the data if weighting is done subjectively.
- Mark Plackett asked why MARXAN was brought to the group. Garret Dalan explained that the MSP is required to include a series of maps and MARXAN can help give more detail on the analysis to create those maps. Susan Gulick reminded the group that MARXAN is a tool, and members could recommend a different tool if they have better ideas.

John Pierce gave an overview of the MARXAN scenarios, benefits/limitations, and their role in assisting WCMAC recommendations. He described three scenarios: 1) subsector map, 2) sensitive areas map, and 3) a combination of the previous two with extra weight on crab and crabber tow lines. He updated the analysis to consider a visual barrier effect, with new maps showing the 24-mile buffer zone. He also mentioned that the

models do not account for real potential impacts for different energy technologies – they currently assume all three wind energy types used in the analysis impact the environment and existing uses the same way.

### *Discussion*

- David Fluharty explained that decision support tools like MARXAN do not make decisions for you. Their results will require further validation and analysis by WCMAC. He also stated that MARXAN is the most widely used and trusted decision support tool for marine spatial planning.
- Rich Osborne suggested using MARXAN to winnow down potential use areas to 4 or 5 instead of having to analyze the entire coast.
- Rod Fleck asked the group if their reservations about MARXAN is because it uses qualitative values instead of quantitative values. David Fluharty responded that the social data is not of high enough quality to assign numerical values; no data tool could do this. That is why you need a group like WCMAC to review the output and make recommendations that are informed by—but not dictated by—the output of MARXAN. WCMAC needs to overlay the qualitative information that cannot be quantified and included in MARXAN's output and make recommendations based on both MARXAN and the qualitative information that WCMAC members bring to the discussion.
- Dale Beasley commented that having to evaluate the MARXAN results based on the future potential of 200-500 MW of wind energy is not realistic, and is part of the reason why it is difficult to give the tool the right data.
- Larry Thevik commented that WCMAC needs to retain the opportunity to modify how the data gets characterized in the tool. He also stated that WCMAC is mapping high conflict areas, not high value and that U&A areas need to be mapped as well.
- Michele Culver stated that WCMAC is not required to recommend specifically where energy should go – they are only required to produce maps showing where energy would be suitable with minimal impacts on existing uses. She also reiterated that maps are not an assessment of impacts and that such an assessment will only happen once a project is proposed.
- Jessica Helsley cautioned that if WCMAC doesn't suggest where renewable energy should/could go now, the group leaves it up to politics to decide where it will eventually go.
- In response to questions from a couple members about State authority, Kris Wall explained that states have no authority to restrict federal activity in federal waters. CZMA allows states to identify areas of state-managed waters they want to exclude from federal activity, but will require reasons why it is necessary to exclude those areas and describe where that project would be allowed instead.
- Garrett Dalan tasked the Steering Committee to address ways for WCMAC to address spatial recommendations over the summer and be able to make progress before the September meeting.
- The Technical Committee will also work on spatial recommendations that address cumulative impacts, scale of projects (i.e. large projects are more problematic than small projects), data and analysis requirements for project proponents, and ongoing data needs for spatial analyses.

### **6. Updates**

- Jennifer Hennessey reported that the work plan is being updated but she does not expect a final plan to be ready by December. The revised work plan reflects additional proposed meetings and an extended timeframe for finalizing the MSP.
- Katrina Lassiter reported that the NOAA ship conducting the sea floor mapping needed repairs, but it was able to survey a portion of the Quinault Canyon. A contract is the works for data-processing. The ship is also not only looking at bathymetry, but methane vents as well.

## 7. Public Comment

- Gus Gates updated WCMAC that the last MRAC meeting focused solely on the new report from the West Coast Ocean Acidification and Hypoxia Panel. The report can be viewed on their website.
- Ross Barkhurst asked that handouts be available to the public in the future. He also stated WCMAC should analyze the estuaries, and is concerned they are not being mapped. He commented that a “data blackout” won’t protect those areas.

## Summary of Decisions

- ! The April Meeting Summary was adopted.
- ! The draft WCMAC policy recommendations were approved to be included in the draft MSP.

## Links

All meeting materials and presentations can be found on the WCMAC

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

### Upcoming Meetings

- September 28, 2016
- November 9, 2016
- February 15, 2017
- May 10, 2017

*Meetings will be held in Aberdeen unless otherwise noted*

**Discussion Guide: Other Potential MSP Recommendations**  
**September 28, 2016**

**Purpose:**

To learn about and provide feedback on other potential MSP recommendations that are under consideration by state agencies.

**Background:**

While WCMAC has provided substantive and thorough policy recommendations related to protecting existing uses and resources and evaluating new uses, several gaps remain related primarily to plan implementation. Therefore, state agencies are considering including additional recommendations in the marine spatial plan to: 1) satisfy the requirements in the MSP statute or 2) improve effectiveness of plan implementation.

The Marine Spatial Planning law requires the plan to include several things, including:

- Developing key ecosystem indicators.<sup>1</sup>
- Monitor implementation of the MSP.<sup>2</sup>
- Identify data gaps, create a strategy to acquire scientific information, and create a process to adjust plans with new scientific information.<sup>3</sup>
- Identify and report on existing management plans that are substantially inconsistent with the MSP.<sup>4</sup>

Including other recommendations can address remaining issues that will increase effectiveness of plan implementation such as governmental coordination and adaptive management. See separate handout for the full, draft language of potential other recommendations for the MSP.

**Next Steps:**

- Agencies will consider WCMAC feedback and suggestions in revising the draft other potential recommendations.
- Agencies will incorporate additional recommendations into the preliminary plan (Part 4 – management framework).

**Key Questions:**

- What is your general feedback on the list of potential recommendations?
- Do you have suggested changes to these potential recommendations?
- Should agencies consider additional elements or recommendations?

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<sup>1</sup> RCW 43.372.040(6)(c)

<sup>2</sup> RCW 43.372.005(g)

<sup>3</sup> RCW 43.372.005(b)

<sup>4</sup> RCW 43.372.040(10) and RCW 43.372.050(2)and(3)

# Draft: Other Potential MSP Recommendations

## September 28, 2016

### 1. Finalize Ecosystem Indicators

Ecosystem indicators provide important context for decision-making. Ecosystem-level ecological integrity indicators provide important insights into the big-picture of ecosystem health. The current list of ecological and social indicators is too long to be an effective management tool or operationalized. While the economic indicators report provides a list of the top 5 economic indicators, the economic indicators report lists other potential economic indicators. More work is needed to refine and select key indicators for monitoring ecosystem health for Washington's Pacific Coast.

In implementing the plan, state agencies will work with federal agencies, tribes and others to refine the current list of ecosystem indicators using the steps outlined below. The state will leverage existing expertise and seek additional resources, where necessary, to follow through on these steps.

Process steps to finalize ecosystem indicators:

- A. **Establish Management Priorities:** Convene state, federal and tribal resource managers to narrow large pool of potential ecosystem indicators to manageable list. Identify key priority indicators using conceptual models to refine why they are meaningful to various managers/management actions. Identify baselines and targets, where able.
- B. **Perform Risk Assessment:** Use models to test sensitivity of key indicators to management actions and scenarios. Evaluate effectiveness of current monitoring strategies.
- C. **Monitor Indicators:** Create list of indicators for monitoring and pursue funding or adjustment in current monitoring efforts to address any gaps.
- D. **Evaluate and Adapt Indicators:** Revisit indicators on regular basis and revise list of indicators as needed to target most effective set of monitoring for management needs.

### 2. Science Research Agenda

The interagency team (State Ocean Caucus) will develop and implement a Pacific Coast Science Research Agenda in coordination with researchers, tribal, federal, state and local governments, the Washington Coastal Marine Advisory Council and others, to improve information available for managing ocean resources. The Science Research Agenda will allow the state to:

- A. Continue to learn about Washington's Pacific Coast resources and activities;
- B. Better understand potential effects of future developments and other human impacts; and
- C. Increase understanding of projected impacts of climate change and other changes occurring in the marine system.

Building off of work begun in the marine spatial planning process, the state will bring together key scientists, ocean users, government agencies, and others to help the state identify data gaps, short- and long-term research priorities, potential partners and potential funding sources.

## Draft: Other Potential MSP Recommendations September 28, 2016

### 3. Review and Update Washington's Ocean Action Plan

Working with the Washington Coastal Marine Advisory Council, government entities (tribal, federal, state, local), and others, the interagency team (State Ocean Caucus) will review and update the Ocean Action Plan for Washington's Pacific Coast. Context has changed significantly since adoption of the Washington Ocean Action Plan in 2006. Updating the Ocean Action Plan would allow the actions to be more relevant to present day. The Ocean Action Plan provides a mechanism for the state to review other significant ocean stressors (e.g. ocean acidification, hypoxia, climate change effects) and emerging ocean issues (e.g. species declines and marine transportation) that the Marine Spatial Plan does not address directly, to identify existing management activities and needs, and to create actions that can meaningfully address the gaps and needs.

### 4. Plan Performance Monitoring

This is the performance monitoring goal, include something about measures and reporting here (required by RCW).

The agencies will monitor plan performance to assess progress on implementation, including the following monitoring activities:

- A. Regularly engage Washington Coastal Marine Advisory Council, the public and others in discussions and reviews of implementation of the Marine Spatial Plan including: exchanging new research findings, information and data; discussing strategies to strengthen implementation, including identifying any existing management plans that are inconsistent with the Marine Spatial Plan; and identifying emerging issues and potential plan revisions.
- B. On an ongoing basis, the state agencies will assess progress of the Marine Spatial Plan including the following activities:
  - o Establishing and monitoring ecosystem indicators.
  - o Other activities implementing the plan described in this section.
  - o Plan effectiveness and governance, including decisions, policy implementation, lessons-learned and adaptations.

This information will be conveyed on the website and formally reported to the public annually.

- C. Four years following the adoption of the Marine Spatial Plan, Ecology, in coordination with the interagency team (State Ocean Caucus), will report to the State Legislature (i.e. marine waters committees in the House and Senate) on provisions of existing management plans that are substantially inconsistent with the Marine Spatial Plan and make recommendations for eliminating the inconsistency per RCW 43.372.050(3).

## **Draft: Other Potential MSP Recommendations September 28, 2016**

### **5. Governmental Coordination**

Washington State is committed to coordination and communication with local governments, tribes, federal agencies and other states on Washington's Marine Spatial Plan on an ongoing basis. The interagency team (State Ocean Caucus) will pursue mechanisms (e.g. Memorandum of Understanding) that foster recognition of and implementation of the state's Marine Spatial Plan. Such efforts can:

- A. Continue to improve our understanding of and management of ocean and human uses through ongoing data collection, maintenance, and prioritization.
- B. Foster greater collaboration and communication among government entities in an efficient and strategic manner, including ensuring early notification of proposed projects and activities.
- C. Assist in marine spatial plan implementation and adaptation, including integration with tribal plans and federal recognition and use of Washington's Marine Spatial Plan.

### **6. Adaptive Management**

Since conditions can change, it is helpful to have a regular process to review and adapt the plan as needed. Using the processes described above:

- A. The interagency team will address minor revisions to update information and clarify plan processes on an ongoing basis, as needed.
- B. The interagency team will identify new information and update data on the website, as resources allow. The mapping application is designed to automatically receive updated data from many, but not all, data sources.

The interagency team recommends reviewing the entire plan at least every 8 years and that funding be provided for the plan review process. Using the monitoring processes described above, the interagency team will evaluate if conditions warrant a more major revision to the plan prior to the suggested review period.

# Discussion Guide

## Technical Committee Proposed Recommendations

Wednesday, September 28, 2016

### Background

The Technical Committee has met over the past few months to discuss recommendations that could supplement the draft policy recommendations.

Topics included:

- Cumulative Impacts
- Scale of Projects
- Project Phasing/Pilot Projects
- Data Needs

The Technical Committee reviewed examples of various recommendations from other states' plans on each of these topics.

The Technical Committee decided not to propose a recommendation regarding the scale of projects, but do have proposed recommendations regarding cumulative impacts and data needs. The Technical Committee is still working on a recommendation regarding Project Phasing/Pilot projects; this will be discussed at the November meeting.

### Proposed Recommendations

#### 1. Cumulative Impacts

WCMAC recommends that, to evaluate cumulative impacts of a new use and the potential for harm to an existing use, decision-makers consider historical trends, current conditions, and temporary or permanent effects associated with past, present, and reasonably foreseeable future projects. Cumulative impacts and potential tipping points for harm to existing uses should be considered when applying the planning and project review criteria required by RCW 43.143.030.

For reference, here is the language from RCW 43.143.030:

**43.143.030****Planning and project review criteria.**

- (1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW [43.143.010](#) shall guide the decision-making process.
- (2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:
  - (a) There is a demonstrated significant local, state, or national need for the proposed use or activity;
  - (b) There is no reasonable alternative to meet the public need for the proposed use or activity;
  - (c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;
  - (d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

- (e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- (f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;
- (g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
- (h) The use or activity complies with all applicable local, state, and federal laws and regulations.
- [1989 1st ex.s. c 2 § 11.]

## 2. Data Needs

WCMAC recommends that project applicants be required to use up-to-date information that is adequate to evaluate the project and its potential effects. If new data gathering is required, it should be done at the applicants' expense. [If possible] data should include multiple years and multiple seasons within those years.

### Notes:

- There was disagreement among Technical Committee members whether the words "if possible" should be included. This will be decided by the full WCMAC.
- This recommendation would be in addition to the data recommendation that is already included in the policy recommendations:  
**4.1.1. WCMAC recommends that state agencies identify a systematic process to update existing datasets, gather new data to keep baseline information current, and fill data gaps.**

### Questions for WCMAC

- Do you have any suggested improvements to these recommendations?
- Do you support including these in the draft MSP?

**WCMAC Discussion Guide:  
Draft Spatial Recommendations  
September 28, 2016**

**Purpose:**

To present the potential components of draft spatial recommendations for the Marine Spatial Plan and to discuss WCMAC's questions and initial feedback on them.

**Background:**

The state is proposing several potential components for draft spatial recommendations. They include:

1. Limitations and Background
2. Important, Sensitive and Unique Areas (ISUs)
3. Draft Spatial Recommendations for renewable energy based on use analysis process
4. Other Uses

More information on these components is provided below.

**1. Limitations and Background**

- a. Spatial recommendations only apply to state waters. Under the Coastal Zone Management Act, the state does not have the authority to apply its policies or recommendations to federal waters.
- b. Spatial recommendations should be based on coastal effects and substantial evidence. They should not discriminate against a particular use, user or activity.
- c. The data and analysis contained in the MSP provides important context to enable the state to review and influence projects in federal waters.

**2. Important, Sensitive and Unique Areas (ISUs)**

Development would be presumptively excluded from ISUs. Maps indicate current known location of ISUs, but designation applies wherever ISUs occur.

DRAFT Criteria

- a. Areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures [RCW 43.372.040(6)(c)].
- b. Areas with known sensitivity to development and where scientific data indicates high certainty in and knowledge about the potential impacts.
- c. Areas with features that have limited, fixed and known occurrence.
- d. Areas with inherent risk or infrastructure incompatibilities (e.g. buoys or cables).

Potential ISUs

- a. Biogenic Habitats: Kelp and Coral
- b. Rocky Reefs
- c. Bird colonies
- d. Pinniped haul-outs
- e. Historic and archaeological sites
- f. Buoys and cables
- g. Other key fish habitats:

**WCMAC Discussion Guide:  
Draft Spatial Recommendations  
September 28, 2016**

- i. Essential Fish Habitat for juvenile rockfish.
- ii. Forage fish spawning areas and nursery areas for breeding sharks, including within the estuaries.

### **3. Spatial Recommendations**

The Marine Spatial Planning law requires a plan to include a series of maps that identify: “appropriate locations with high potential for renewable energy production with minimal potential for conflicts with other existing uses or sensitive environments” RCW 43.372.040(6)(c)

WCMAC has played an important role in advising on the criteria for the process and recommended actions for the outputs of the Use Analysis throughout the process, including maps of ecologically important areas, maps of human activities, workshops on fisheries maps (November 2015) and the Marxan tool and outputs (May and June 2016).

The **Use Analysis** involved the following main activities:

- i. Assessing and compiling data on existing uses and ecological information in two ways:
  - o Intensity of uses – how frequently an area is used
  - o Number of uses – how many uses occur in an area, regardless of how often
- ii. Using spatial analysis tools to compare existing use data to renewable energy data. Marxan was used to enable spatial analysis of multiple sets of spatial data (GIS or mapped) using different scenarios to produce different options that meet multiple planning objectives.
  - o The analysis was structured to find areas for renewable energy at various scales of development (“industrial” 300-400 MW) and for various types of energy and technologies. Various parameters were applied, such as clumped vs. dispersed and cost thresholds, to illustrate results.
  - o The analysis compared renewable energy potential with available, mapped information on existing uses (intensity, where available) and ecologically important areas.
  - o The analysis incorporated feedback from WCMAC on the treatment of data, particularly crab data.
- iii. Developing spatial recommendations

#### Potential spatial recommendations:

These draft spatial recommendations focus on the intersection between renewable energy potential and existing uses and ecologically important areas.

- a. Potential for conflict exists everywhere. Outputs from analysis illustrated areas with high potential for renewable energy and fewer uses or less heavily used areas.
- b. Recommend no industrial-scale projects in state waters to minimize impacts to existing uses and resources. Potential definitions:
  - Industrial - energy at scale for regional grid (larger production/more devices).

**WCMAC Discussion Guide:  
Draft Spatial Recommendations  
September 28, 2016**

- Community-scale - energy at scale for local community/communities (smaller production/fewer devices) and with support of local community.
- c. Recommend renewable energy projects avoid areas that are highly used by lots of existing uses and ecologically important areas in state waters. These areas would be very difficult to permit.
- d. Recommend further evaluation of proposed projects in areas that have moderate or lower level of use by existing uses and ecologically important areas on a case-by-case basis. Projects would still need to provide information, meet criteria and statutory requirements, and follow the process describe in the MSP.

**4. Other Uses**

The MSP is addressing a range of other ocean uses – offshore aquaculture, mining (sand/gravel, methane hydrate), bioextraction, and new dredge disposal sites. There is limited spatial data available on the areas of interest for these potential uses and the spatial scale of some uses is too small for the use analysis to be helpful.

Draft spatial recommendations:

- a. The plan provides data and information that can be used to understand potential conflicts with existing uses and resources. Recommend using the data to understand potential conflicts, resources and concerns.
- b. Where particular uses have similar coastal effects (e.g. structures or cables), recommend applicants use the criteria, information and process described for renewable energy as a starting point.

**Key Questions:**

- What clarifying questions do you have about the potential components for draft spatial recommendations?
- Do you support the proposed criteria to identify ISUs?
- Do you support the potential spatial recommendations?
- What changes would you suggest and why?

September 28, 2016

**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.

<b>Meeting</b>	<b>Information</b>	<b>Advice/Action</b>
June 15, 2016	<ul style="list-style-type: none"><li>• Recap of Spatial Analysis workshops</li><li>• Policy and spatial recommendations (continued)</li><li>• Update on draft MSP</li><li>• Discuss work plan topics/next steps (2017 meeting dates)</li></ul>	<ul style="list-style-type: none"><li>• Finalize WCMAC policy recommendations</li><li>• Discuss WCMAC spatial recommendations</li><li>• Meeting dates 2017</li></ul>
September 28, 2016	<ul style="list-style-type: none"><li>• Review potential other MSP recommendations</li><li>• Discuss draft spatial recommendations</li><li>• Update on draft MSP</li></ul>	<ul style="list-style-type: none"><li>• Approve Technical Committee spatial recommendations</li><li>• WCMAC budget request</li></ul>
November 9, 2016	<ul style="list-style-type: none"><li>• Discuss spatial recommendations (continued)</li><li>• Update on draft MSP</li><li>• Discuss 2017 WCMAC work plan</li><li>• MSP outreach update</li></ul>	<ul style="list-style-type: none"><li>• Approve any additional Technical Committee recommendations</li><li>• Finalize WCMAC spatial recommendations</li><li>• Input on MSP outreach</li></ul>
February 15, 2017	<ul style="list-style-type: none"><li>• Update on draft MSP</li></ul>	<ul style="list-style-type: none"><li>• TBD</li></ul>
May 10, 2017	<ul style="list-style-type: none"><li>• TBD</li></ul>	<ul style="list-style-type: none"><li>• TBD</li></ul>

Other information needs to fit in:

- Background on state vs. federal jurisdiction.
- Lessons-learned from other planning processes.

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

## Technical Committee Discussion of Unresolved Issues

July 21, 2016

<b>ISSUE</b>	<b>WCMAC (Y/N)*</b>	<b>MSP (Y/N)*</b>	<b>Involved Organizations/Agencies</b>	<b>Experts/Contacts</b>	<b>Goal (Information, Recommendation, etc.)</b>	<b>Next Steps</b>
Expansion of Shipping of Hazardous Materials (including crude oil); and Escort Tugs for Navigational Safety and Spill Prevention	Y	State says no; fishing reps disagree	<ul style="list-style-type: none"> <li>• Harbor Pilotage Commission</li> <li>• Harbor Safety Committees</li> <li>• Makah Tribe (escort tug history)</li> <li>• Dept. of Ecology Spills Program</li> <li>• US Coast Guard</li> <li>• EPA</li> </ul>	<ul style="list-style-type: none"> <li>• Fred Fellman, Seattle Port Commissioner</li> <li>• Dennis O'Meara, DNGBL</li> <li>• Doug Zimmer (retired DFW) involved in real-time spill response</li> </ul>	<ul style="list-style-type: none"> <li>• Education/Information particularly on risk assessment.</li> <li>• Substantive discussion of options</li> <li>• Recommendations to the appropriate agencies, Governor and possibly legislature.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule a WCMAC briefing and discussion at a time that does not interfere with completion of the MSP.</li> </ul>
Prohibitions/Restrictions on Non-Native Finfish in Offshore Aquaculture	Y	N (conflicts with SMA that has aquaculture as a preferred use)	<ul style="list-style-type: none"> <li>• Ecology</li> <li>• DNR</li> <li>• Fish and Wildlife</li> <li>• NOAA</li> <li>• US Army Corps of Engineers</li> </ul>	.	<ul style="list-style-type: none"> <li>• Determine if there is a need to develop a WCMAC recommendation</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain more info from NOAA on large scale off-shore aquaculture.</li> <li>• Re-distribute Kelsey's research</li> </ul>
Cumulative Impacts of New Uses	Y	Y			Develop recommendation for WCMAC consideration	Take proposed recommendation to WCMAC
Data Gaps/Data Needs	Y	Y			Develop recommendation for WCMAC consideration	Take proposed recommendation to WCMAC
Project Phasing/Pilot Project Recommendations	Y	Y			Develop recommendation for WCMAC consideration	Discuss at next TC Meeting

**Date**

**TO:** Governor Jay Inslee  
Office of the Governor

**FROM:** Garrett Dalan  
Chair, Washington Coastal Marine Advisory Council

**RE:** 2017-2019 Biennial Budget Request for the WA Coastal Marine Advisory Council

Dear Governor Inslee:

As the chair of your Washington Coastal Marine Advisory Council (Council), I want to thank you for your support for marine resource issues affecting Washington's Pacific Coast. At your direction, this diverse group of coastal stakeholders and state agencies has spent the past three years focused on advising the state's development of a Marine Spatial Plan for Washington's Pacific Coast. While the Marine Spatial Plan is scheduled to be completed by July of 2017, RCW 43.143.060 assigns many other duties to the Council. In effort to carry out these duties and to support the Council operations, the Council recommends and requests \$217,000 in your 2017-2019 proposed biennial budget.<sup>1</sup>

Marine resources are a crucial part of the coastal economy – fishing, aquaculture, recreation, and shipping all rely on our marine waters. When considering these extensive and valuable existing uses within the critical ecological systems, it can be seen that changes in the marine environment and potential new uses, such as marine renewable energy, will increase the likelihood for conflicts and environmental harm.

The Council has focused on the development of a Marine Spatial Plan (MSP) to help ensure that future developments related to marine activities and uses are appropriately sited such that existing activities and new development can successfully coexist, while maintaining a productive, healthy marine ecosystem. Coastal communities will also be able to develop new economic opportunities and diversify marine-resource jobs while protecting the jobs they already have. This plan should be completed by the end of this biennium.

During the next biennium, the Council's needs will be less than during the development of the MSP, but the council will still need modest resources to continue to operate. The legislature established the following duties for the Council<sup>2</sup>:

- Serve as a forum for communication concerning coastal waters issues.
- Serve as a point of contact for government agencies regarding coastal waters issues.
- Serve as an interagency resource to respond to issues facing coastal communities and resources.
- Identify and pursue public and private funding opportunities.
- Provide recommendations on specific coastal waters resource management issues.

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<sup>1</sup> The Council recommends these funds be appropriated, and authorized for use, from the Marine Stewardship Trust Account which is set up for these purposes.

<sup>2</sup> RCW 42.143.060

Specific needs in the upcoming biennium include providing advice and assistance to state agencies on the following tasks:

- Preparing science agenda for the coast.
- Updating the Ocean Action Plan.
- Finalizing ecosystem indicators

We believe WCMAC can effectively operate, including regular meetings, with a biennial appropriation of \$217,000. This is significantly less than the \$925,000 appropriated in the past biennium. Additional details on this appropriation are provided in the attached decision package.

We thank you and the Legislature for giving our Council the opportunity and resources to advise the state's marine plans and policies and ensure its success. Thank you also for the ongoing support to develop an innovative plan that enables coordinated, efficient management of our marine resources and a vibrant future on Washington's Pacific Coast. A small, continued investment in the Council will pay dividends in providing better communication and collaboration between state agencies and the coastal communities.