

Meeting Summary Notes

Shellfish Aquaculture Regulatory Committee

February 11, 2008

10:45 a.m. – 3:15 p.m.

Ecology Headquarters

Lacey, Washington

Please provide comments on these meeting notes to Candice Holcombe at chol461@ecy.wa.gov prior to the March 10 meeting, or bring comments to the meeting.

SUMMARY OF KEY ITEMS

The Committee continued the work associated with Task 3—the legislative mandate to develop recommendations to Ecology for “... appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act.” The work on this task is laid out over a six-month schedule and will culminate in recommendations to Ecology.

The Committee discussed landowner notification policies and requirements, site marking, bonding, and site maintenance requirements.

The Committee also received an update on the Sea Grant Research Proposal Selection. There will likely be two discrete projects and a third project will combine several proposals into a single project. Some, but not all, of these projects will take up to six years to complete.

The Committee discussed the fish and wildlife topics that are to be covered at the March meeting.

INTRODUCTIONS AND COMMITTEE BUSINESS

Agenda Approval, Meeting Goals, and Announcements

After reviewing the proposed agenda and meeting goals, the Committee approved the agenda. One committee member was concerned that certain topics are still not on the agenda.

The Committee agreed that they would approve the January meeting notes with several changes. Committee generally liked the new format of the meeting notes.

Staff announced that the Sea Grant Literature Review is available online at:
www.wsg.washington.edu/research/geoduck/literature_review.html

PRESENTATIONS AND DISCUSSION

Discussion led by Perry Lund, Ecology

Landowner Notification

Problem Statement:

Neighbors of proposed geoduck operations should not be surprised by the activity and should be informed about project-level operations. Activity should be consistent with other uses. Rights of landowners should be addressed.

Committee Discussion:

One member said he believes that aquaculture is an agricultural activity and therefore should not have to notify neighbors of their activities, beyond whatever is required by a permit. Several members liked the idea of a fact sheet that would be distributed to neighboring landowners.

Ideas for Possible Guidelines:

1. If no shoreline permit is required, then notification of exemption.
2. Initial responsibility for notification should be on local government.
3. Ongoing work/operations have different notification needs.
4. Fact sheet should list activities and timelines.
5. Clarify who initial notification should go to:
 - Adjacent property owners
 - Property owners within 300 feet
 - Record aquaculture permit so future landowners are aware

Site Identification

Problem Statement:

If the grower is on state land, site ID ensures grower stays in the leased area. Site ID reduces trespass, identifies who owns the property, creates line from which buffers can be measured. But site ID also carries some risks: markers can invite poaching of shellfish and, depending on type of marker, they can create hazards of their own.

Committee Discussion:

Committee members talked about using GPS to delineate borders, being aware that public safety is important when placing markers, that markers could identify areas for boaters to be aware of, that markers should be durable and moveable, and that markers are also necessary for scientific monitoring and permits.

Ideas for Possible Guidelines:

1. Use casinite markers

2. Allow choice of whether marker is needed when property owners and grower agree
3. Identify hazard area for boaters
4. Decide if markers are for life of project or not
5. Use durable materials
6. Avoid rebar
7. Consider aesthetic issues and wildlife safety
8. Consider noise and light impacts when having to do maintenance on markers

Maintenance of Aquaculture Sites

Problem Statement:

If not properly maintained, debris from the operation can leave the site. There is an aesthetic issue and a sanitation issue.

Committee Discussion:

Committee members commented that proactive maintenance is needed on sites, that getting loose materials off the beach as soon as possible is important. Other members commented that growers should be allowed to bundle their loose materials so they can be picked up more efficiently, perhaps at a higher tide. Committee member talked about need for sanitation facilities for workers and also whether workers should be prohibited from having their pets on the beach.

Ideas for Possible Guidelines:

1. Bundle materials for later pick-up and to prevent small items from leaving site.
2. Have a sanitation BMP appropriate to the scale of the operation.
3. Remove unneeded materials from the beach as soon as possible.
4. Train workers about importance of taking care of the nearshore environment while working.

Bonding

Problem Statement:

Bonds provide financial assurance that geoduck tubes will be removed.

Committee Discussion:

Committee members discussed different mechanisms for providing financial assurance, such as a letter of credit, a bond, or a savings account assignment. There need to be guidelines on when and how a bond is used. A committee member said a bond should also include the cost of collecting debris, including sub-tidal debris. Other committee members talked about cleaning up derelict fishing nets and having a recreational fee to clean up litter from recreational users. One committee member asked that agency policy be checked on and reported at next meeting.

Ideas for Possible Guidelines:

1. Legally define when and how bond is called.

2. State lands have specific leasing section that references bonds.
3. Define activities that would be covered under a bond.

March Meeting Agenda

Perry Lund presented the fish and wildlife topics that will be discussed at the next meeting. Those topics include:

1. forage fish
2. aquatic vegetation, including eelgrass
3. genetics and disease
4. predator exclusion

In addition, record keeping and adaptive management may be moved from the February agenda to March.

Parking Garage

1. Spill prevention and clean up materials should be used by recreational boaters.
2. Recreational boaters should be discouraged from using the beach for personal sanitation.
3. Discussion on “environmental issues” may lead to bringing back some issues discussed in January or February.
4. Funding is needed to get derelict material picked up.
5. To go for litter clean up, create a fee when a license or permit is issued or fine can be levied via enforcement and those funds used for clean up.
6. Sites and volume of aquaculture in place is needed.
7. Perspective that geoduck aquaculture is an agricultural use.
8. Infrequent use is agricultural use.

Meeting adjourned at 3:15 p.m.

Public Comments:

(recorded by Jeanne Koenings)

Paul Sparks (Washington Council of Trout Unlimited): Concerned about ESA-listed fish species in Puget Sound. He noticed that the agendas for the next two SARC meetings do not propose discussion of fish, except forage fish. He would like to see Ecology recommend to Legislature that an Environmental Impact Statement be completed.

Jerry Johannes (Anderson Island Tidelands): Would like to examine different methods for quantifying marine litter. He understands that there are differing estimates of exactly how much marine debris there is. He asks that a technical panel be formed to find out how much marine debris there is.

Bill Burrows (Harstine Island): Read a letter from a waterfront property owner concerned about degradation of their beach, marine debris, noise, slimy surface now on

beach, and that beach has not been cleaned of litter. They think Puget Sound needs more oversight.

Steve Bloomfield (Shellfish Grower): Thankful to the committee for their work. Regarding forage fish impact, we know bulkheads have a negative impact. Regarding putting signs up, they get taken down. It's a constant problem. In addition, signs mark where people can steal geoduck. He also discussed the fact that he has picked up litter from beaches for 20 years and only 8-10% of the 300 miles cleaned twice a year by industry is from their operations. The rest is from others.

Kris Mansfield (Harstine Island): Supports Laura Hendricks and her recommendations. Believes all science needs to be done before allowing geoduck aquaculture.

Richard Wooster (*affiliation uncertain*): Agrees with Paul Sparks regarding ESA. Believes the biomass in geoduck is akin to an industrial feedlot with its impact on water quality. Feces flow from one property to another. Believes sites need markers saying who the property owner is. Says GPS has large variances so you need physical monitoring. Plan of operation is needed. Provision for sanitation is needed. Worker identification, such as tags worn by workers, is needed. Liability insurance is needed. Baseline samples are needed.

Marilyn Showalter: Concerned about DNR lease near her Shine Beach property. Notices should go out and be accurate.

Bill Trandum: Feels that the public employees on the committee are representing the interests of the shellfish industry, and not of the public. Concerned about the environmental effects of waste production from intensive geoduck farming. No one knows the true effects of this. Requests that intensive geoduck farming be stopped completely until an independent assessment of the clean water issue has been done. That is only one of many issues that need to be scientifically addressed. (Submitted detailed testimony in writing.)

Denise McElney (CISA): Making recommendations without science is negligent and irresponsible. There is a lot of room between not knowing anything and knowing everything. Let Nearshore Partnership come to committee meeting to talk about forage fish. Incompatibility exists between shellfish industry and upland property owners. Notification needs to be done to everyone with a line of sight, sound, or smell of proposed shellfish operations.

Jim Gibbons: Is overwhelmed by all the recommendations. Glad that SARC will stay focused on costs and benefits.

Hoby Douglass: Noticed increase in plastic netting on his beach. Wants costs of cleanup accounted for in running shellfish business.

Peter Downey (PCSGA): Public lands vs. private lands needs to be acknowledged. DNR lands regulation is different from private lands. Signage-notice to boaters will be ineffective because of the speed of boats. Signs will also alert poachers. It's in the farmer's interest to control litter and maintain his gear. Don't make new regulations when you don't have to. In Jefferson County, aquatic districts may be created. Local governments won't be able to enforce all these new regulations and their enforcement will take time away from other enforcement.

Present:

Committee: Diane Cooper, Jeff Dickison, Peter Downey, Sarah Dzinbal, Bryan Harrison, Eric Hurlburt, Nick Jambor, Krystal Kyer, Pat Prendergast, Dick Wallace, Ward Willits, Morris Barker, Cyrilla Cook, Laura Hendricks, Blain Reeves.

Ecology/Committee Staff: Perry Lund, Jeanne Koenings, Tom Clingman

Interested Agencies: Kathy Barker (DOH), David Fyfe (NWIFC)

Interested Parties: Paul Sparks (Trout Unlimited), Karen Rushforth (homeowner), Sarah Taylor (homeowner) Tamra Woodman (homeowner), Brian Phipps, Denise McElney (CISA), Jerry Johannes (Anderson Island Tidelands), Brad Newell, Bill Burrows (Harstine Island), Arch E. Vanbelle (Shine), Jeanne Stauffer (Shine), Barbara Case (homeowner), Mike Walker, Clayton Johnson, Kathleen Tei, Ellen Carmody, Steve Bloomfield (Shellfish Grower), Anne Mosness (Go Wild Campaign), Marilyn Showalter, Joyce Daily (Case Inlet Shoreline Association), Kris Mansfield (Harstine Island), Laurie Brauneis (Save Our Shoreline). Kyle Deerkop (shellfish grower), Kathy Kriegler (Save Our Shoreline)

Facilitator: Sally Toteff and Annie Szvetecz, Department of Ecology

Note taker: Karen VanLeeuwen, Department of Ecology