

Washington Coastal Marine Advisory Council Meeting

January 29, 2014 ~ 10:00am – 3:00pm

Port of Grays Harbor Commissioners Chambers, Aberdeen WA

MEETING SUMMARY

Council Members Present	
Brian Sheldon, Shellfish Aquaculture	Mark Cedergreen, Recreational Fishing
Carol Ervest, Wahkiakum MRC	Mark Plackett, Citizen
Casey Dennehy, Recreation	Michal Rechner, DNR (via phone)
Charles Costanzo, Shipping	Michele Culver, Dept. of Fish and Wildlife
Dale Beasley, Commercial Fishing	Steve Sewall, Dept. of Commerce (via phone)
David Fluharty, Educational Institution	Penny Dalton, Sea Grant
Sally Toteff, Dept. of Ecology	RD Grunbaum, Conservation
Doug Kess, Pacific MRC	Rich Osborne, Science
Garrett Dalan, Grays Harbor MRC	Rod Fleck, N. Pacific MRC
JT Austin, Governor's Office (via phone)	Linda Rotmark, Economic Development
Ray Toste, Commercial Fishing (via phone)	Randy Kline, WA State Parks
Jeff Ward, Coastal Energy	Marc Horton, Ports
Miles Batchelder, WA Coast Sustainable Salmon Partnership	

Council Members Absent	
None	<i>Note: Energy Industry seat is vacant</i>

Others Present	
Jennifer Hennessey, Ecology (WCMAC Staff)	Susan Gulick, Sound Resolutions, Facilitator
Dana Golden, Cascadia Consulting, Note-taker	Bridget Trosin, Sea Grant
William Heck, City of Forks - NPMRC	Key McMurry, PCMRC
Cheryl Chen, Point 97/Ecotrust	Libby Whiting, DNR
Katie Wrubel, The Nature Conservancy	Mikaela Freeman, UW Grad Student
Joe Schumacker, Quinault Indian Nation	Ross Barkhurst, W.A.A Waterfowl Assoc.
Kara Cardinal, The Nature Conservancy	Mike Backman, Wahkiakum MRC
Tami Pokorny, Jefferson County/NPMRC	Katrina Lassiter, DNR
Brian Lynn, Ecology	

1. Welcome and Agenda Review

- Garrett Dalan, presiding as Interim Chair of the WCMAC, welcomed everyone to the meeting. The Council introduced themselves.
- Susan Gulick asked if the Council would accept the Ground Rules until the bylaws could be adopted.
- ! ***The proposed ground rules were approved by consensus for use at this meeting.***

2. Council Operations

- Susan Gulick provided the Council with a background of the work done on the bylaws up to this point. The Bylaws Committee, consisting of Rod Fleck, Miles Batchelder, JT Austin, and Doug Kess created a new draft of the bylaws which was reviewed during a November WCMAC wide conference call. The bylaws were then sent back to the Committee with further changes which were discussed during a second WCMAC wide conference call. After this process, the two outstanding issues were proxy voting and recording meetings. The Governor's office compromised and agreed to both of these requests.
- Garrett Dalan asked for any outstanding questions concerning the current draft of the bylaws.
 - Charles Costanzo said on page 9, section 6, the category "can live with recommendation" seems unclear.
 - Susan Gulick noted that the definitions in this section allow for variation in showing consensus.
 - Dale Beasley asked if there is a way to abstain and let things move forward.
 - Susan Gulick said anyone can abstain whether it's consensus or majority vote.
 - Dale Beasley asked why new positions, like tourism, couldn't be added to the Council in the future without going to the legislature.
 - Susan Gulick responded that the voting members of the Council are listed in the statute. There are opportunities for liaisons, but not for additional voting members.
 - Jennifer Hennessey confirmed that membership is prescribed, and the legislature would need to approve any changes.
 - Dale Beasley proposed that individual votes of members be recorded for majority votes.
 - Susan Gulick stated the proposed amendment to Section IV, E, v. "The vote, including the roll call, will be recorded in the meeting summary."
 - Brian Sheldon commented that he prefers Robert's Rules to the consensus process in the bylaws. He also sees a lot of language that is deferential to the Governor's Office in the bylaws. A key driver for the creation of the Council was for it to be a bottom up process to give the Washington Coast a voice.
 - Susan Gulick explained that Robert's Rules are very effective for majority decision-making but are not designed for consensus decision-making. She noted that the bylaws committee came up with a detailed process that is intended to offer the same results as Robert's rules.
 - The Council then discussed the limitations around the Open Public Meetings Act. Substantive deliberations cannot occur over email or in private meetings with half or more of the Council. Subcommittees can be created for work outside of Council meetings. Several council members supported the idea of creating an operational protocol for Council communications that is in line with the Open Public Meetings Act in the future.

- The Council also discussed the role of the Technical Committee. Council members are invited to join Technical Meeting phone calls at any time.
- Dale Beasley noted that he is concerned that the Work Plan referenced in the bylaws was created before the first meeting, but should be determined by the needs of the Council.
- Dale Beasley noted that he would like to add “contributing individuals” to the definition of a liaison on page 2 in order to include a broader range of expertise in Council meetings.
 - Several Council members noted that this language came directly from the statute and noted that anyone would be welcome to attend the meetings, give public comment, or ask to be on the agenda for a presentation. Garrett Dalan clarified that the role of a liaison is to be a consistent participant and attendee with more responsibility.
 - The Council discussed the issue further. Several Council members suggested that the definition of a liaison be left unchanged.
- Brian Sheldon asked about the language on page 10 in section B. He noted that it’s confusing about the Council’s responsibilities on Marine Spatial Plans.
- Susan Gulick noted that the intent is for the Council to provide formal recommendations to be transmitted to the Governor. There are different types of recommendations, but they follow the same process. WCMAC does need a written protocol about what its role should be with funding recommendations.
- Dale Beasley suggested on page 8, under “meeting advice and recommendations” word communications so that it would read “providing recommendations and communications to the Governor...”
- Several members of the Council suggested it was time to vote on the bylaws.
- Dale Beasley asked a question about proxy voting on page 4 of the bylaws.
 - Brian Sheldon asked if there is a reason that a proxy can’t be assigned.
 - Jennifer Hennessey said that because the voting members are appointed by the governor, other people cannot fill the seats of voting members.
 - Susan Gulick said the Governor’s Office was willing to add phone representation, and the ability to assign a proxy vote to another member of the Council.
- Susan Gulick then proposed a recommendation to adopt the Bylaws with the following amendments:
 1. Page 2; III Committees, A; I; c; 1; b. Add “The Agenda may include input or participation by persons that are not WCMAC Members.”
 2. Page 8; VI Advice and Recommendations; A: Strike “and carry out” and add the sentence “The work plan will be adopted by the Council.” The last sentences now read: “The Steering Committee will develop a work plan and meeting schedule that allow the Council to provide timely and relevant advice and recommendations to the Governor, legislature, and state and local agencies. The work plan will be adopted by the Council”

3. Page 9; E Decision-Making; a; v: In the last sentence add “including the roll call.” The sentence reads “The vote, including the roll call, will be recorded in the meeting summary.”

! ***The draft Bylaws were adopted with the three amendments by consensus.***

3. **Elect Chair and Vice Chair**

- The elections for Chair and Vice Chair were conducted by roll call votes.
- Chair Election: 4 votes for Doug Kess, 18 votes for Garrett Dalan. See roll call attached.
- Vice Chair: 5 votes for Rod Fleck, 17 votes for Doug Kess. See roll call attached.

4. ***Garrett Dalan was elected Chair, and Doug Kess was elected Vice Chair.***

5. **Steering Committee Election**

- The Steering Committee consists of the Governor’s representative (JT Austin), the Chair (Garrett Dalan), and the Vice-Chair (Doug Kess), and two at large members. Garrett Dalan invited the Council to make nominations for the two at large Steering Committee positions keeping in mind the guidelines of geographic and interest diversity.
 - Doug Kess noted that the purpose of the Council is to bring information from the Washington coast to the Governor’s office, so the at large members should be from the coast rather than agency representatives.
 - Garrett Dalan suggested Rod Fleck because the Vice-Chair position was previously a tie and he would fit the role of geographic distribution.
 - Randy said that since the committee is providing input to the Governor’s office on the content of the agenda, it may be useful to have a state agency as part of that group. Randy nominated Michael Rechner.

! ***Rob Fleck and Michael Rechner were selected as the at large members of the Steering Committee by consensus.***

6. **Technical Committee Co-leads**

- The Technical Committee is an open committee with two co-leads.
- Garrett Dalan recommended Rich Osborne and Brian Sheldon as co-leads of the Technical Committee.

! ***Rich Osborne and Brian Sheldon were elected co-leads of the Technical Committee by consensus.***

7. **Science Panel Update**

- Bridget Trosin from Sea Grant gave an update on the Science Panel. On the ~~Master Shore Plan~~ [Marine Spatial Planning](#) website, there is a publicly accessible GIS mapping tool (Marine Planner Tool.) Last year, a group of graduate students worked with Sea Grant to review data in the viewing tool.
- The Science Panel will be working to pull in a range of expertise. Bridget is conducting a scoping project on what key issues the Science Panel should address to influence what type of expertise needs to be recruited. Bridget will be contacting the entire WCMAC for their input on two questions. 1. What is the role of the Science Panel? 2. What key issues need to be addressed by the Science Panel?
- Questions and Comments:

- Dale Beasley noted that some of the existing data in the viewer needs to be validated.
 - Bridget said that specific recommendations of areas that need further work are very helpful.
- Doug Kess asked about the normal process for action through the science panel. Does it need to go through the entire Council, or just the technical committee?
 - Rich Osborne said that the science panel hasn't been formed, and after Bridget's scoping process those things will be determined.
- Michele Culver clarified those two separate issues. First, the Council needs to discuss what specific analyses need to be done for the MSP, and second, what do we want the science panel to do?
- Marc Horton asked if Sea Grant is limiting their experts to people from the University of Washington.
 - Penny Dalton from Sea Grant said they will bring in scientists from a variety of places, not just the UW.

8. Briefing on Scoping for MSP

- Jennifer Hennessey gave a high level overview of the results of the SEPA scoping process, highlighting major changes to the scope of the draft EIS and Marine Spatial Plan as well as ongoing opportunities for WCMAC involvement.
- Jennifer provided a Summary of Comments. The summary is not required by SEPA but Ecology chose to publish it for clarification on the changes made. The public comment period was 69 days, and 45 comment letters were received.
- Four major areas have changed (reflected in section 4):
 1. The EIS and Marine Spatial Plan addresses proposed new uses, rather than modifying existing uses. A paragraph was added a paragraph to further describe this.
 2. The list of proposed new uses was refined.
 3. There were several changes to the goals and objectives.
 4. The 700~~th~~ fathom depth contour was chosen as the boundary for the EIS because it is best supported by the criteria in scoping document.
- Jennifer Hennessey reviewed the ongoing opportunities for input from the WCMAC which include:
 1. Draft actions list under each of the goals and objectives.
 2. Input on additional information needs.
 3. Input on the development of planning scenarios and specific analyses.
- Questions and Comments
 - Charles Costanzo asked about the definition of "potential new uses," and whether it would include the transition of an existing use such as shipping.
 - Marc Horton asked about the timing of the draft EIS and the plan.

- Sally Toteff said that doing the draft EIS and the permit at the same time allows them to see things together and get comments all at once.
 - Brian Sheldon commented that 700 fathoms is not far enough, and doesn't take fisheries data into consideration.
 - Jennifer Hennessey noted that [WNR-Ecology](#) still has the authority to request review of any project that is within 200 miles of the coast. The boundary was based on what is likely to occur in the near future.
 - Mark Plackett commented that the Marine Planner Tool should include data that is farther out, to allow the best decision making.
 - Michele Culver noted that there is a time lag in data provided and what is available. The data that was included in the viewer was not truncated to a certain distance, everything available was entered. There may be some federal data that could be requested to supplement the current data in the viewer.
 - Rich Osborne supported the idea of requesting federal data sets that the state doesn't currently have access to.

8. Technical Committee Report

- Susan Gulick gave a report from the Technical Committee. WCMAC members are invited to join the Technical Committee at any time.
- To date the Technical Committee has reviewed the following projects:
 - An outreach project with Sea Grant. The Committee provided input on the scope of work.
 - Coordinating the science scope of work. They asked for a more robust approach with the project. This contract is signed and underway.
 - Supported bringing the recreational use study forward today.
 - Gave feedback on the sector analyses RFP. The RFP has been issued.
 - Discussed the economic assessment and seafloor mapping.
- Questions and Comments:
 - Charles Costanzo asked if the sector analyses RFP is available.
 - Susan Gulick noted that it has been sent to the list serve, and will be open until February 28th.

9. MSP Draft Actions

- The WCMAC was presented with a MSP Draft Actions list, and asked to adopt a process for providing input. The list was developed by the State Ocean Caucus. Electronic versions will be sent out to the WCMAC to share with respective constituencies.
- Rod Fleck proposed that feedback on the list, including new actions and changes to existing ones, be sent to Jennifer Hennessey by the end of February. The WCMAC would then have a conference call in March, the Technical Committee would work on a new variation, and a new version could be discussed at the April meeting.

- Jennifer Hennessey said it would be helpful to include comments on why suggested wording changes are made.

! **WCMAC agreed to send comments on the MSP Draft Actions list by February 28.**

10. October WCMAC Meeting Summary

- Garrett Dalan noted that there was disagreement on what was approved at the October meeting. The issue provides opportunity for discussion about how decisions in the future can be clear. As discussed in the bylaws, all actions will be read back by the note taker.
- Brian Sheldon said that two specific votes were taken: one to authorize Susan's contract and one for the forage fish study. A bucket list for an extra \$1.4 million was not authorized, and the meeting summary doesn't reflect what happened. He also expressed concern that the Forage Fish Survey cost changed from \$250,000 to \$350,000.
- Michal Rechner said that DNR staff were not asking for specific authority to spend specific amounts of money, but rather to develop desired deliverables.
- The Council discussed possible changes to the meeting summary including a note at the end or a sentence to say that the decision was not made with unanimity.
 - Dale Beasley noted that Mike Norton should be included in the observers of the October meeting. It was clarified that only the persons who signed in are included on the meeting summary.
 - Miles Batchelder said the notes reflect what happened in the meeting.
 - Rod Fleck said he did not support a note at the end of the summary.
 - Michal Rechner said that a note blurs the lines of consensus decisions and voting, and he doesn't support a note.
 - Susan Gulick noted that "moving forward" meant different things to different people.
 - Michele Culver said her recollection was that Katrina Lassiter gave a presentation on projects that were identified to fill the required elements in the RCW with the understanding that hard numbers and signed contracts were not set yet. We authorized the Forage Fish study because an immediate decision was needed.
 - Mark Plackett noted that his understanding is that the role of the Council is to get information to decision makers about priorities.
 - Miles Batchelder agreed, and said the Council can't authorize funding.
 - Linda Rotmark said that the Council should be looking to give general opinions on priorities, rather than reviewing specific funding.
- Garrett Dalan asked the Council if there were any proposed changes to the meeting summary.
 - Brian Sheldon recommended adding the specific amounts that were voted for. On Page 6, include \$250,000 for the Forage Fish survey, and \$60,000 for the RFP on page 7.
 - Michal Rechner said that a specific amount was not asked for. We asked if the list of actions was approved with our best estimate of the cost.
 - It was noted that the cost of \$250,000 for the forage fish study was noted earlier in the meeting summary.
 - Michele Culver recommended the following changes:

1. On page 6 of the meeting summary, specifically include the language of the staff recommendations ~~anyone will know what we meant~~(rather than referencing the document) so that it is clear to readers.
 2. On page 6, item 8, there is a typo. It was “agreed” not “greed”.
 3. On Page 7 of the meeting summary, include that the cost of the contract is proposed to be \$60,000.
- The Council took a consensus vote, two members did not agree. A roll call vote was taken.
 - ! ***The Council voted to adopt the October Meeting Summary with Michele Culver’s proposed amendments. 17 voted for adoption, 3 voted against adoption, and 3 abstained from voting. Roll call voting record is attached.***
 - Michele Culver recommended that the Steering Committee develop a better way to take roll call votes instead of by alphabetical order.

11. MSP Budget Update

- Katrina Lassiter provided a MSP Budget Update (Document: Budget Update 1-14).
 - The Forage fish project was discussed at the Technical Committee. In order to continue the duration of the study for a full year, an additional \$100,000 was required as a carry-over from the beginning of the biennium.
- Dale Beasley asked if technical support includes the map and data tool.
 - Katrina Lassiter said that the contract with Ecotrust was to develop a mapping system and data portal, and is still being developed. Most of the work will be done within resources, and this cost does not include staff DNR time.
- Brian Sheldon asked why MRAC funding is coming from WCMAC funding.
 - Katrina Lassiter said this was decided by the Governor. An RFP went out for the MRAC facilitation, and a contractor is in place to facilitate and staff the Council.
- Doug Kess commented that the economic analysis discussion should involve the whole Council not just the Technical Committee.
 - Rod Fleck commented that he would like a clarification of how the estimated cost was generated, and it may need to be reassessed.
 - Casey Dennehy supported the notion that the economic assessment needs to be done well, and have an increased budget.
 - Katrina Lassiter noted that the deliverables and scope of work need to be determined before a more accurate cost can be determined.

12. Recreational Use:

- Casey Dennehy provided a brief overview of the Recreational Use Study.
- Several Council members expressed support of the study, noting that it provides missing information that will be helpful for the MSP. The project didn’t go out for an RFP because it was determined to be a sole source contract, there was only one group qualified to do this type of study.
- Michele Culver asked if there is a goal for how many people will be surveyed.
 - Casey Dennehy said that it is tracked by County and is statistically powerful.

- Brian Sheldon said that he supports this study, and similar studies need to be done for each sector. This study could be a model for sector analyses.
- Public Comments were solicited for the Recreational Use Study.
 - Key McMurry strongly supports the study.
- Michal Rechner clarified that the estimated budget for the study is not part of the Council recommendation or proposal.

! ***The WCMAC approved the following recommendation by consensus: The Washington Coastal Marine Advisory Council recommends that a Recreational Use Study be completed and used as appropriate in developing the Marine Spatial Plan.***

13. Agenda Topics for the Next Meeting

- Miles Batchelder asked if the request from the last meeting to extend the invitation to Treaty tribe liaisons had been completed.
 - Jennifer Hennessey said that letters were sent to all four Treaty Tribes. They have responded, but no liaisons have been officially designated. Jennifer agreed to give a status update on this topic at the next meeting.
- Dale Beasley requested an update on the map data including where we are and what still needs to be done.
 - Brian Sheldon would like to see a current version and how it compares to the required deliverables.
- Mark Plackett would like to develop guidelines for how Council members can represent their groups, especially large groups.
- Michele Culver requested to give a presentation on the proposed process for the identification of ecological areas.
- Doug Hess-Kess said it is urgent that the Steering Committee develop operating procedures for funding and how recommendations are made.
- Dale Beasley recommended Rick Lovely as a liaison with practical experience related to the needs assessment for the coast.

14. Public Comment

- Ross Barker from the Washington Water Fowl Association commented that managing a budget by consensus seems like a difficult process. He also asked if public comment would still be accepted for each recommendation.
 - Susan Gulick responded that yes, public comment would be accepted, as it was in the Recreational Use Study discussion.
- Key ~~McCurry~~ McMurry said that the meeting agenda was too full to get through. The Council should have more than 4 meetings per year, and they should be 8:30-5:00. The Council is supposed to use the funding to the maximum extent with recommendations, and there were no specific recommendations made. There needs to be transparency in all spending.

15. Adjourn

Upcoming WCMAC Meetings

Meetings will be held in Aberdeen from 9:30-3:00.

- Wednesday, April 23, 2014
- Wednesday, July 9, 2014

DRAFT

WCMAC Record of Voting

Action: Chair Election

Date: 1/29/14

Name	Seat	Garrett Dalan	Doug Kess		Absent	Abstain
JT Austin	Gov's Office				X	
Miles Batchelder	WCSSP	X				
Dale Beasley	Commercial fishing	X				
Mark Cedergreen	Recreational fishing	X				
Charlie Costanzo	Shipping	X				
Michele Culver	DFW	X				
Garrett Dalan	Grays Harbor MRC	X				
Penny Dalton	Sea Grant	X				
Casey Dennehy	Recreation		X			
Carol Ervest	Wahkiakum MRC	X				
Rod Fleck	N. Pacific MRC	X				
Dave Fluharty	Educational institution	X				
RD Grunbaum	Conservation	X				
Marc Horton	Ports	X				
Doug Kess	Pacific MRC		X			
Randy Kline	State Parks	X				
Rich Osborne	Science	X				
Mark Plackett	Citizen	X				
Michal Rechner	DNR				X	
Linda Rotmark	Economic Development	X				
Steve Sewell	Commerce				X	
Brian Sheldon	Shellfish Aquaculture		X			
Ray Toste	Commercial fishing		X			
Sally Toteff	Ecology	X				
Jeff Ward	Coastal Energy	X				
VACANT	Energy industry or org.					N/A
Total		18	4		3	

WCMAC Record of Voting

Action: Vice-Chair Election

Date: 1/29/14

Name	Seat	Rod Fleck	Doug Kess		Absent	Abstain
JT Austin	Gov's Office				X	
Miles Batchelder	WCSSP		X			
Dale Beasley	Commercial fishing		X			
Mark Cedergreen	Recreational fishing		X			
Charlie Costanzo	Shipping		X			
Michele Culver	DFW	X				
Garrett Dalan	Grays Harbor MRC		X			
Penny Dalton	Sea Grant		X			
Casey Dennehy	Recreation		X			
Carol Ervest	Wahkiakum MRC		X			
Rod Fleck	N. Pacific MRC	X				
Dave Fluharty	Educational institution		X			
RD Grunbaum	Conservation		X			
Marc Horton	Ports		X			
Doug Kess	Pacific MRC		X			
Randy Kline	State Parks		X			
Rich Osborne	Science	X				
Mark Plackett	Citizen		X			
Michal Rechner	DNR				X	
Linda Rotmark	Economic Development	X				
Steve Sewell	Commerce				X	
Brian Sheldon	Shellfish Aquaculture		X			
Ray Toste	Commercial fishing		X			
Sally Toteff	Ecology	X				
Jeff Ward	Coastal Energy		X			
VACANT	Energy industry or org.				N/A	
Total		5	17		3	

WCMAC Record of Voting

Action: Approve October Meeting Summary

Date: 1/29/14

Name	Seat	Yes	No		Absent	Abstain
JT Austin	Gov's Office				X	
Miles Batchelder	WCSSP	X				
Dale Beasley	Commercial fishing					X
Mark Cedergreen	Recreational fishing	X				
Charlie Costanzo	Shipping					X
Michele Culver	DFW	X				
Garrett Dalan	Grays Harbor MRC	X				
Penny Dalton	Sea Grant	X				
Casey Dennehy	Recreation	X				
Carol Ervest	Wahkiakum MRC	X				
Rod Fleck	N. Pacific MRC	X				
Dave Fluharty	Educational institution	X				
RD Grunbaum	Conservation	X				
Marc Horton	Ports		X			
Doug Kess	Pacific MRC		X			
Randy Kline	State Parks	X				
Rich Osborne	Science	X				
Mark Plackett	Citizen	X				
Michal Rechner	DNR	X				
Linda Rotmark	Economic Development	X				
Steve Sewell	Commerce	X				
Brian Sheldon	Shellfish Aquaculture		X			
Ray Toste	Commercial fishing				X	
Sally Toteff	Ecology	X				
Jeff Ward	Coastal Energy					X
VACANT	Energy industry or org.				N/A	
Total		17	3		2	3