WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Summary

Wednesday, February 10, 2016 9:30 am – 3:30pm
Location: Port of Grays Harbor Commissioners Chambers, 111 S. Wooding St., Aberdeen, WA

Council Members Present	
Joshua Berger, Dept. of Commerce	Michele Culver, Dept. of Fish and Wildlife
Casey Dennehy, Recreation	Penny Dalton, WA Sea Grant
David Fluharty, Educational Institution	Randy Kline, WA State Parks
Garrett Dalan, Grays Harbor MRC	Rich Osborne, Science
Jeff Ward, Coastal Energy	Rod Fleck, N. Pacific MRC
Mark Plackett, Citizen	Sally Toteff, Dept. of Ecology
Michal Rechner, DNR	Larry Thevik, WDCFA
Brian Sheldon, Shellfish Aquaculture	Randy Lewis, Ports
Tiffany Turner, Economic Development	Julie Horowitz, Governor's Office

Council Members Absent	
Alla Weinstein, Energy Industry	Carol Ervest, Wahkiakum MRC
Dale Beasley, Commercial Fishing	Doug Kess, Pacific MRC
Charles Costanzo, Shipping	Mark Cedergreen, Recreational Fishing
RD Grunbaum, Conservation	

Liaisons Present	
Katie Krueger, Quileute Tribe Liaison	

Others Present (as noted on the sign-in sheet)	
Marie Novak, Cascadia Consulting, Note-taker	Jessi Doerpinghaus, WDFW
Corey Niles, WDFW	Katie Wrubel, Makah Tribe
Gus Gates, Surfrider Foundation	Katrina Lassiter, DNR
Jennifer Hennessey, Ecology (WCMAC Staff)	Kevin Decker, Washington Sea Grant
Michael Taylor, Cascade Economics	Kara Cardinal, The Nature Conservancy
Susan Gulick, Sound Resolutions, Facilitator	Kevin Zerbe, Cascadia Consulting

1. Welcome & Introductions, Agenda Review

Garrett Dalan welcomed everyone to the meeting. All attendees introduced themselves and were invited to provide updates.

- Garrett is working on a Washington Coastal Projects Initiative and Washington Coast Works; if anyone is aware of coastal projects with restoration and employment benefits, please inform him. He will also request project ideas via email.

- The two new WCMAC members introduced themselves. Tiffany Turner is a hotel and restaurant owner and represents Economic Development, and Joshua Berger has filled Steve Sewell's role as the Maritime Sector lead at the Dept. of Commerce.
- Several members were absent today due to unavoidable circumstances and family obligations.
- Rich Osborne informed everyone that Jess Helsley has been hired to replace Miles Batchelder at the Washington Coast Sustainable Salmon Partnership.

Adoption of September Meeting Summary

Susan Gulick asked for revisions and comments to the December meeting summary. There was a clarification on page 6 to one of Katie Krueger's comments, which was included in the summary in the meeting packet. Links directly to presentations will also be inserted.

Brian Sheldon relayed a comment from Dale Beasley expressing concern that a document he provided was not distributed to the group. Jennifer Hennessey and Susan clarified the process for distributing materials to the group. Susan only sends materials to the list-serv related to things on the agenda, but members are welcome to use the member contact list to distribute materials. Members should keep in mind, however, that an email conversation with enough participants to constitute a quorum is considered a meeting and is not allowed under the Open Public Meetings Act. Therefore, members should not reply all or engage in any discussion of materials sent out via the contact list; discussion should happen at meetings. Dale's document will be attached to the meeting summary. There was also a request for clarification about how written public comment is distributed or recorded. Garrett said that they would discuss this issue at the next Steering Committee meeting.

- **!** The December meeting summary was adopted as amended.

Public comment:

- Gus Gates emphasized the importance of publicly sharing documents in a timely fashion on the website, and asked about the public release date for the draft Marine Spatial Plan. He also commented that he would like to see more clarity in the recommendations, including more standards and review criteria by which to evaluate proposals. He would like to have the Plan include a vision for a pre-consultation process that brings parties into a conversation about proposals. Rod Fleck mentioned that the Office of Regulatory Assistance can help bring together applicable agencies to discuss issues. Randy Lewis emphasized that project developers are looking for clarity before they approach the Office of Regulatory Assistance.
- Brian expressed frustration on behalf of Dale that they have requested models for energy project footprints but the response has been that a specific proposal is needed first. He remarked that it would be helpful to have information about a specific, plausible situation as a frame of reference.

2. Update on Use Analysis – Jennifer Hennessey

Jennifer Hennessey gave a presentation on the Use Analysis, available HERE*. A discussion guide was included in the meeting packet.

- They have included ecologically important areas, although they are still working on some layers such as sea birds.
- They are looking at using Marxan for incorporating renewable energy data, and would like to discuss with this group.

Questions and Comments

- Several members expressed concern that map data was based on static data that might not accurately represent the dynamic nature of fish stocks over time. Fisheries boundaries can also change over time due to management and regulatory changes. They requested that this be noted in narratives. There was discussion about the possibility of recommending funding and technical staffing capacity for updating and maintaining these maps so they are an accurate picture of circumstances and conditions at different points in time. Garrett recommended discussing more at the next meeting. Mike Rechner clarified that DNR is building a mapping tool for internal agency planning and other purposes in addition to the MSP, so will continue updating it. He also noted that some of the data is drawn from the data providers, so it is updated automatically by the data provider.
- Larry Thevik reiterated his concern that excluding tribal fishing misrepresents the true picture. Rich suggested tribal Usual & Accustomed Areas be overlaid on the maps. Larry also suggested including "non-tribal" in the titles of each of the maps that exclude tribal data.
- Katie asked about including species that are not only positively ecologically important but those that are damaging or invasive.
- Casey Dennehy repeated his comment from the previous meeting that the total use map is misleading due to the military layer.
- Mark Plackett commented that it would be useful to include storm data as the coast is experiencing significant erosion. Jennifer responded that they have a section in the plan about physical coastal processes as well as a section on climate change projections.
- Larry had questions about the information sources for renewable energy maps as well as assumptions for various energy scenarios, for example, how much space would be required to produce one MW of power? Others responded that the pace of technology change and efficiency assumptions would be so uncertain that results would be unreliable.

3. Oil Transport Issues and Marine Spatial Planning

Sally Toteff described the MSP's parameters for oil transportation inclusion and reminded the group of the requirements of the MSP planning law, which does not provide state and local governments with additional authorities, cannot impose requirements on projects that are already permitted or undergoing permitting, and must be consistent with existing laws and regulations.

Sally noted that she understands that the group is also concerned with what's being done to prepare for and prevent oil spills from oil transport, but her presentation is focused on how oil transport fits into the MSP. Specifically, the MSP can look at barge and vessel traffic numbers as well as rules and requirements for spill response. The MSP can have policy recommendations supporting strong future rulemaking to strengthen prevention and response laws, and can comment on current shipping on the coast, vessel types, cargos, volumes, inclusion of information about vulnerable and sensitive areas in need of protection, information about the risk of collision and spills, and can include information from other documents about risk assessments and vessel traffic. Rod reviewed the commerce clause from the U.S. Constitution. Sally also presented a slide showing the different authorities and agencies working to address oil spill risk, available HERE*.

Questions and Comments

- Several members expressed concern about the scale of proposed new oil transport projects as well as the nature of the materials to be transported, such as diluted bitumen from the Canadian tar sands. Several consider it a large expansion of a minor existing use and definitely a new risk. Sally responded

that we can describe areas of new risk as well as provide data-driven ways to understand areas of potential conflict.

- Mark asked if the group could make recommendations about sensitive areas in terms of access to ports.
- Rod commented that one approach might be to articulate to the federal delegation an expectation of assurances that compliance and attention to detail will be met by responsible federal agencies, or the creation of objective measures to be included as a reference.
- Several members expressed interest in having more briefing presentations from different perspectives on this issue, especially on the level of current risk and gaps that need to be addressed.
- Randy shared that marinetraffic.com is a way to view commercial vessel traffic in real time.

4. Recommendation Sorting Exercise

Garrett provided instructions for the recommendations exercise, intended to gauge the group's perspective on the recommendations that came out of the technical committee. He emphasized that this was not a prioritization exercise and will provide guidance for the technical and steering committees in further refining recommendation options.

Members completed the exercise during lunch, after which the results were tallied and presented to the group. Members not in attendance will have the opportunity to participate via email. The recommendations will also be emailed out to members again to provide further comments and recommendations.

5. Draft WCMAC Recommendations – Susan Gulick

Susan asked for feedback on the format and structure of the draft recommendations, using the economic recommendation (I.A.1) as an example and a template for other recommendations. The Technical Committee will help revise the recommendations prior to the April 20 WCMAC meeting.

- Next technical committee meetings are March 9 and March 30 from 2:30 – 4:30 pm.
- The recommendations table will be sent out again with space for comments or proposed changes where members can productively comment. Please spend some time providing input for the technical committee to use.

Questions and Comments

- Katie suggested including another section with legal references and regulatory considerations. She will distribute a framework describing regulatory authorities that she developed to the group.
- Several people commented about the need to address legality, format, and language of draft recommendations. If possible, providing background information on legality of recommendations as well as the reformatted version should be provided before the next meeting.
- Penny Dalton and Rich commented that there should be regulatory as well as non-regulatory options which include processes for communication and advisory groups to collaboratively address issues.
- Larry commented on the content of recommendation I.C.5., noting that the Coast Guard has advocated for that rule based on an actual disaster. While not in law, Larry noted that this is current practice for safety reasons, and requested a green dot be added.

6. Seafloor Mapping

Penny discussed the potential to use the *Rainier*, a hydrographic survey ship in NOAA's fleet, to map prioritized areas of the seafloor off Washington's coast. A discussion guide was provided in the meeting packet. The mapping expedition was scheduled for April and the group was originally to decide today

whether to dedicate funding, however the ship is being repaired and the trip has been rescheduled for October. The proposal is to spend approximately $75,000 for this seafloor mapping. Susan clarified that there will be more information forthcoming and that the group will decide at the next meeting. Questions should be submitted to Jennifer, Katrina, and Susan.

Questions and Comments

- Brian commented that this group has spent money on seafloor mapping already and wants to ensure that there is enough funding to finish the economic assessment.
- Several members expressed enthusiastic support, seeing it as an opportunity to learn about an area that we know very little about and which could help support the development of a strong and durable MSP for the future. Some members also said it would be useful to learn more about seafloor sediments and what infrastructure it might be able to support.

7. Economic Assessment

Mike Taylor from Cascade Economics presented the draft FAQ document for the MSP Economic Analysis. The presentation can be found HERE*, and the FAQ document was included in the meeting packet. The purpose of the economic analysis was to analyze the current economic environment in order to be able to look at impacts and implications of proposed new uses on Washington coastal industries, especially job and income effects of specific types of potential proposals. Data limitations and time constraints restricted the study. Remaining questions should be submitted to Mike Taylor to be addressed in the final FAQ document.

Questions and Comments

- Several members felt that many of the questions are difficult to answer with any true degree of certainty. The economic studies thus far haven't really captured the stories of the ocean-dependent coastal economy. Larry commented that there are contradictions within the study about numbers of fishing jobs and questioned the absence of multipliers to estimate economy-wide effects.
- Several members commented that the inclusion of Port Angeles, Sequim, and Port Townsend tend to skew the data and should be explained in the document.
- Brian requested to know what else needs to be done to have a complete assessment and how much it would cost.

8. Updates and Elections

Re-election of Chair and Vice-Chair

- The discussion guide in the meeting packet includes information about the process by which to nominate and elect chairs. Garrett Dalan and Doug Kess were re-nominated and no other nominations were received.
- **!** Garrett Dalan and Doug Kess were nominated and re-elected as Chair and Vice-Chair, respectively.
- The Chair and Vice-Chair will work with the Governor's Office representative to nominate steering and technical committee members and leads. There were no new nominations for these positions so it is likely that the current members will be reappointed and finalized at the next meeting.

Work Plan

- Jennifer Hennessey went through the updated Work Plan, included in the meeting packet. The group should discuss what the WCMAC will do after 2017 and develop a "post-Plan plan."

MRAC (Ocean Acidification Panel)

- Garrett provides updates via email. Sally requested that Garrett do a short presentation on these issues at a future meeting

9. Upcoming Meetings

- Susan reviewed the current April agenda items and reminded everyone of upcoming meeting dates.
- Technical committee meetings will be on March 9 and 30 from 2:30 – 4:30 pm.
- The goal is to have the final MSP by the end of the calendar year. A workshop might be necessary to complete all deliverables.

10. Public Comment

Gus Gates thanked Jen for clarifying the intent for the draft MSP and thanked Sally for her discussion of oil transport. He commented that he found a number of inaccuracies related to ecological resources in the draft EIS for the Grays Harbor terminals, and requested that Sally help to ensure that the final EIS incorporates best available science specific to whale migration routes that increase probability of collision with vessel transport. Sally responded that it was missed in the draft but any data publicly available will be considered in the final EIS.

Meeting adjourned at 3:34 pm.

Summary of Decisions:

- ! The December Meeting Summary was approved as amended.
- ! Garrett Dalan and Doug Kess were re-elected as WCMAC Chair and Vice-Chair, respectively.

** All presentations have been combined into a single PDF document, which is available by clicking on the links provided. You will have to scroll through the PDF to find all the presentations.*

Upcoming Meetings

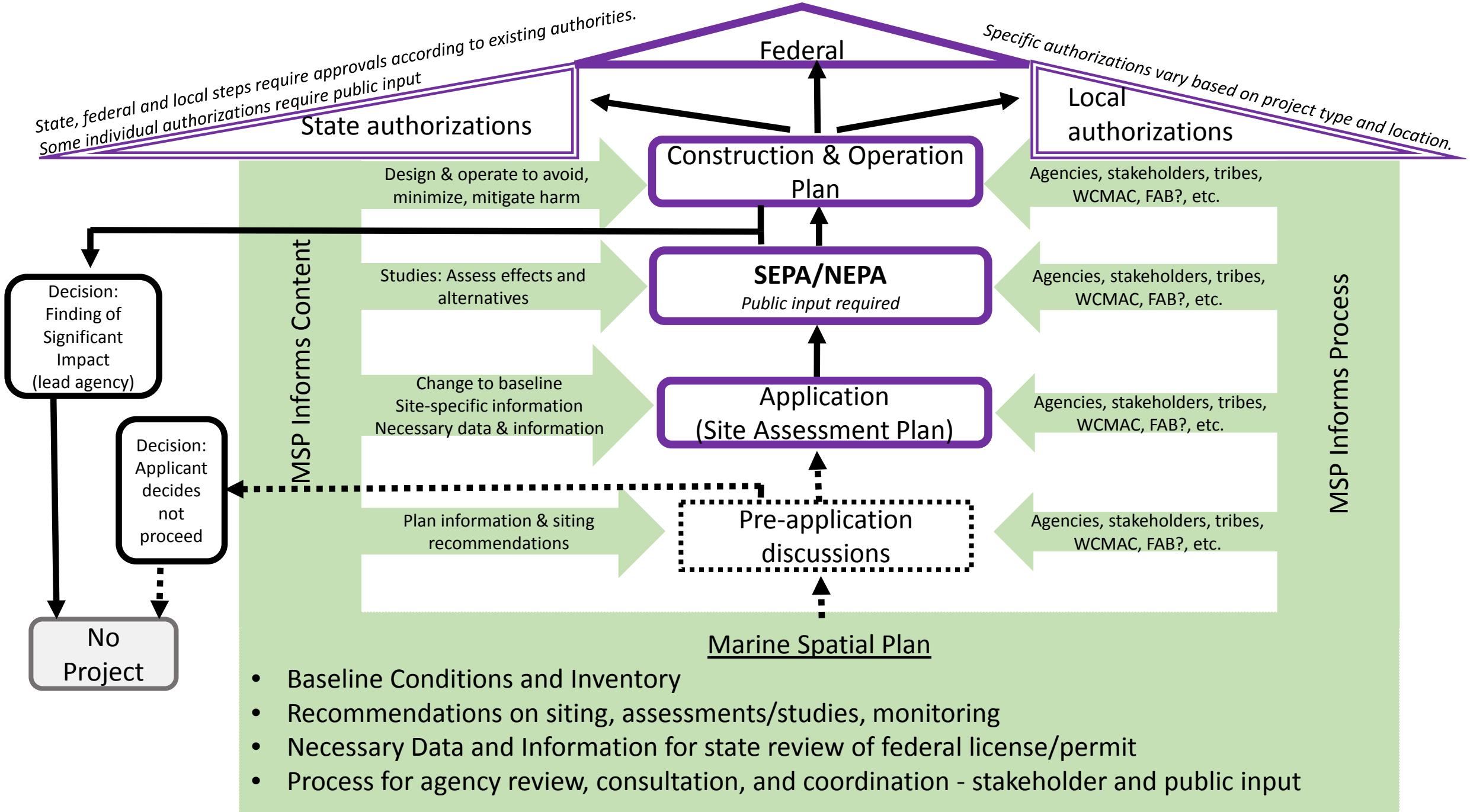
- April 20, 2016
- June 15, 2016
- September 28, 2016

Meetings will be held in Aberdeen unless otherwise noted

Attachment: Written Comments from Dale Beasley

DRAFT

Draft: Conceptual Diagram – MSP influence on existing federal permit/license/lease process



Washington's Pacific Coast:
Shoreline Master Programs, Federal Consistency, and Marine Spatial Planning

This document provides background information and answers to frequently asked questions on Washington's Pacific Coast related to the relationship among local Shoreline Master Programs, the state's federal consistency authority under the Coastal Zone Management Act (CZMA), and marine spatial planning (MSP).

Background

Washington manages its coastal zone through a partnership with the federal government established under the federal Coastal Zone Management Act (CZMA). Passed in 1972, the Act calls for the "effective management, beneficial use, protection, and development of the coastal zone", and encourages state involvement in achieving those goals. In 1976, Washington became the first state to receive federal approval of a Coastal Zone Management Program (CZMP). The Department of Ecology's Shorelands and Environmental Assistance Program is responsible for administering Washington's program.

Benefits of a federally approved coastal program include eligibility for federal coastal zone grants and federal consistency review authority over some federal agency actions. The federal consistency component ensures that federal actions with reasonably foreseeable effects on coastal uses and resources of the state are consistent with the enforceable policies of a state's approved coastal management program.

The enforceable policies of Washington's CZMP include provisions from the:

- Shoreline Management Act (SMA)
- State Environmental Policy Act (SEPA)
- Clean Water Act
- Clean Air Act
- Energy Facility Site Evaluation Council (EFSEC)
- Ocean Resource Management Act (ORMA)

Under the Shoreline Management Act (SMA), cities and counties with shorelines develop local shoreline master programs (SMPs) in partnership with the local community and Ecology. They must comply with the SMA (RCW 90.58) and its regulations (WAC 173-26). The Ocean Management Guidelines (WAC 173-26-360) are state regulations that provide specific guidance on how to address ocean uses within a local SMP.

Largely driven by concern over proposals for offshore renewable energy, Washington adopted the Marine Waters Planning and Management Act in 2010 (RCW 43.372). This state law employs Marine Spatial Planning (MSP) to develop non-regulatory plans for addressing uses in marine waters. Planning for Washington's Pacific Coast began in Summer 2012 and is expected to be completed by December 2016. This MSP aims to ensure that future developments related to marine activities and uses are appropriately sited, so existing activities and new development can successfully coexist, while maintaining a productive, healthy marine ecosystem. Therefore, the plan will identify locations where potential new uses should not be sited, could be suitable, or would be preferred.

Frequently Asked Questions

1. What is the jurisdiction of Washington State and local governments under the Shoreline Management Act?

Washington State has jurisdiction in state waters from the shore out to three nautical miles (n.m.). The regulatory function of a local Shoreline Master Program depends on a local jurisdiction's geographic boundaries. For counties on Washington's Pacific Coast, westward regulatory limit of a Shoreline Master Program is the same as the extent of Washington's state waters -- three n.m. offshore.

The federal government maintains jurisdiction from 3 to 200 n.m. offshore. The Shoreline Management Act, Ocean Resources Management Act, and the Ocean Management Guidelines do not authorize local shoreline permitting in federal waters and do not authorize local policies for federal waters or federal agencies.

The planning function of a SMP may look beyond the territorial limits of shorelines of the state to adjacent lands (see also SMP Handbook Chapter 2: Shoreline Management Overview, Chapter 5: Shoreline Jurisdiction and Chapter 7 Inventory and Characterization). For example, the shoreline inventory and characterization for an SMP should include consideration of ecosystem-wide processes and functions that pertain to shorelines, but which are often outside of shoreline jurisdiction.

2. What is Washington's coastal zone?

Under its CZMP, Washington's coastal zone covers the full extent of 15 coastal counties, including offshore to 3 n.m. and all inland areas of the county. Washington's coastal zone counties are: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Wahkiakum.

The coastal zone has diverse regions: the Pacific Ocean coastal area including its estuaries and uplands; the Puget Sound basin including the upland areas to the crest of the Cascade Mountain range; and the lower Columbia River and its uplands.

3. What is "federal consistency"?

Under the federal Coastal Zone Management Act of 1972 (CZMA), Section 307 is the "federal consistency" provision that gives a coastal state a strong voice, that it would not otherwise have, in federal agency decision-making for activities that may affect the coastal uses or resources of a state's coastal zone. Generally, federal consistency requires that federal actions (which includes federally-permitted actions and federal government projects), within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal zone management program (CZMP).

Washington Department of Ecology (Ecology) administers the state's CZMP and is responsible for implementing the state's coastal management program and conducting federal consistency reviews. The specific type of federal action will determine whether a consistency determination or certification is required and what procedures must be followed to demonstrate consistency with the enforceable policies of Washington's CZMP. Ecology then reviews the federal action for consistency and either

concurs with, concurs with conditions, or objects. See NOAA's regulations at 15 C.F.R. Part 930 and NOAA's Federal Consistency Overview document for additional information about federal consistency and enforceable policies.

4. How do Shoreline Master Programs apply to federal consistency decisions for federal actions in state waters?

The SMA contains enforceable policies that have been incorporated into Washington's CZMP. When a federal action occurs in state waters, the federal consistency review must evaluate how that action is consistent with the enforceable policies in the SMA and its regulations.

The state's federal consistency review can be informed and guided by policies and standards within local SMPs that the state has approved and adopted. The review can include consultation with the local government with jurisdiction where the federal action is occurring. While the state may consider local SMPs, any federal consistency objection by the state must be based on the enforceable policies in the SMA and regulations.

5. What are "coastal effects" under the CZMA federal consistency provision?

At the heart of federal consistency is the "effects test." A federal action is subject to CZMA federal consistency requirements if the action will affect a coastal use or resource. (*See* 15 C.F.R. § 930.11(g)). NOAA's regulations define "coastal effects" as:

> "Any reasonably foreseeable effect on any coastal use or resource resulting from a Federal agency activity or federal license or permit activity. Effects are not just environmental effects, but include effects on coastal uses. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.
>
> Indirect effects are effects resulting from the incremental impact of the federal action when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions."

The effects test can apply to activities, uses, or resources that occur outside a state's coastal zone, as long as the uses or resources impacted are, in fact, uses or resources of a state's coastal zone. The burden for determining or demonstrating effects is greater the farther an activity is from a state's coastal zone. The test is whether impacts that occur outside of the coastal zone will result in reasonably foreseeable effects to uses and resources of the coastal zone. Merely showing impacts from an activity outside of the coastal zone is not sufficient to demonstrate that reasonably foreseeable effects extend to uses or resources of the state's coastal zone.

6. Do state or local authorities apply in federal waters?

No. For counties on Washington's Pacific Coast, the territorial and regulatory limit of a Shoreline Master Program is the same as the extent of Washington's state waters -- three n.m. offshore. The federal government maintains jurisdiction from 3 to 200 n.m. offshore.

As part of its CZMP, Washington may, study federal waters and identify uses, resources, and areas of federal waters that are of interest to the state. However, it may not establish regulatory standards or enforceable policies for federal agencies, lands, or waters.

A state coastal program can seek authority to review a project occurring in federal waters to evaluate whether that project may have effects on the state's coastal uses or resources. (see questions #5, #7 and #8)

7. **What's the process for Washington to use federal consistency to review a federal license or federal permit in federal waters?**

Under Washington's CZMP, Ecology can seek authority to review a federal permit or license activity in federal waters in one of two ways: 1) request approval from NOAA to review a federal permit or license in federal waters on a case-by-case basis or 2) amend its CZMP to describe specific geographic areas in federal waters (called a geographic location description or GLD) where specified federal license or permit activities would be automatically subject to state review. (See 15 C.F.R. §§ 930.53 and 930.54).

8. How can Washington review federal activities outside of state waters?

Under certain circumstances and through the federal consistency processes described above, Ecology can review federal actions in federal waters. Again, this review requires Ecology to describe reasonably foreseeable effects from the federal action to coastal uses or resources in Washington's coastal zone (see Questions 3 and 5). The federal action would then be evaluated for consistency with each of Washington's approved enforceable policies, including the Shoreline Management Act (SMA).

Ecology's federal consistency concurrence or objection must be based on enforceable policies contained in the state's NOAA-approved coastal management program. The CZMA does not give Washington jurisdiction in federal waters, and Washington's coastal management program cannot include enforceable or regulatory policies for federal waters or lands. This means that enforceable policies in Washington's coastal management program and Washington's ocean management plans, such as the marine spatial plan, can only be written to apply to state waters or areas of state jurisdiction.

9. Is there any opportunity for public participation in the Coastal Zone Management Act federal consistency process?

Yes. Public participation in Ecology's federal consistency reviews is an important element of the state's CZMP. Ecology's public involvement process includes distribution of a public notice with a 21-day comment period to interested parties. Ecology has the option of holding a public meeting or hearing for projects needing federal approval or projects conducted by a federal agency.

10. What is Marine Spatial Planning (MSP)?

Under a state law (RCW 43.372), Washington State is developing a Marine Spatial Plan (MSP) for Washington's Pacific Coast. The purpose of the MSP is to ensure that future developments related to marine activities and uses are appropriately sited, so existing activities and new development can successfully coexist, while maintaining a productive, healthy marine ecosystem. The MSP study area includes both state and federal waters along Washington's entire Pacific Coastline and is focused on

addressing a suite of potential new ocean uses. However, any policies or project siting recommendations will only apply to state waters as the state has no jurisdiction in federal waters.

The result of this non-regulatory plan will be an improved information resource to support decision-making; a coordinated interagency framework for applying existing policies; and recommendations to guide future uses of the ocean. This will increase the efficiency of decision-making, improve predictability for existing and future ocean users, and create a better baseline of information for monitoring and evaluating impacts to ocean resources and uses.

11. How will the MSP affect federal consistency decisions?

As part of its CZMP, Washington State may study federal waters and identify uses, resources and areas of federal waters that are of interest to the state. However, it may not establish enforceable policies or regulatory standards for federal agencies, federal waters or federal lands.

A state may incorporate an ocean management plan, like Washington's MSP, into its coastal management program under the CZMA, subject to NOAA approval. Any policies within the MSP that Washington wishes to apply for federal consistency reviews must first be approved by NOAA for incorporation into the state's coastal management program. In addition, Washington would have to establish a Geographic Location Description, approved by NOAA, before the MSP enforceable policies could be applied to federal actions in federal waters *through the CZMA federal consistency provision*. (*See* 15 C.F.R. Part 923, Subpart H; and 15 C.F.R. § 930.53).

Washington's MSP will include studies of federal waters, including a substantial amount of environmental, ecological, and human use information. This information will be useful for environmental reviews and other planning and regulatory decisions. Ecology will be able to use the MSP data and maps to assess coastal effects from a proposed project in federal waters, which will be helpful for conducting federal consistency reviews.

For example, the Ocean Resources Management Act, another source of enforceable policies incorporated into Washington's CZMP, requires state approvals for ocean uses to meet a number of broad policies. These policies include avoiding and minimizing significant adverse impacts to the environment, economy, and society. The MSP may assist by identifying and analyzing these important resources and uses upfront. This, in turn, provides the information needed for Ecology to evaluate whether a federal action may have reasonably foreseeable effects on the state's coastal uses or resources.

12. What is the relationship between MSP and Shoreline Master Programs?

The MSP and SMPs for Washington's Pacific Coast share many common traits and are compatible planning processes that can be mutually beneficial. The MSP can provide information and analysis on ocean resources and uses and policy recommendations for local shoreline comprehensive updates or future local program amendments. SMPs can be a source of information for the MSP and provide a detailed implementation mechanism for the MSP in state waters.

The data and information products from the MSP's initial stages can contribute to the ocean component of a local coastal shoreline inventory, analysis, and characterization. Once the draft marine spatial plan is completed, the resulting informational maps, recommended environment designations, and policies can

be assessed and further refined by a local jurisdiction for the SMP's environment designations, policies and regulations, and for use in the cumulative impacts analysis.

Further, local SMPs on Washington's Pacific Coast are required to address the Ocean Management Guidelines. The Ocean Management Guidelines are state regulations that provide specific guidance on how to address ocean uses within a local SMP. Since the MSP law requires the integration and use of existing authorities, the Ocean Management Guidelines' policies will also be incorporated into the information, analysis, and recommendations in the final MSP.

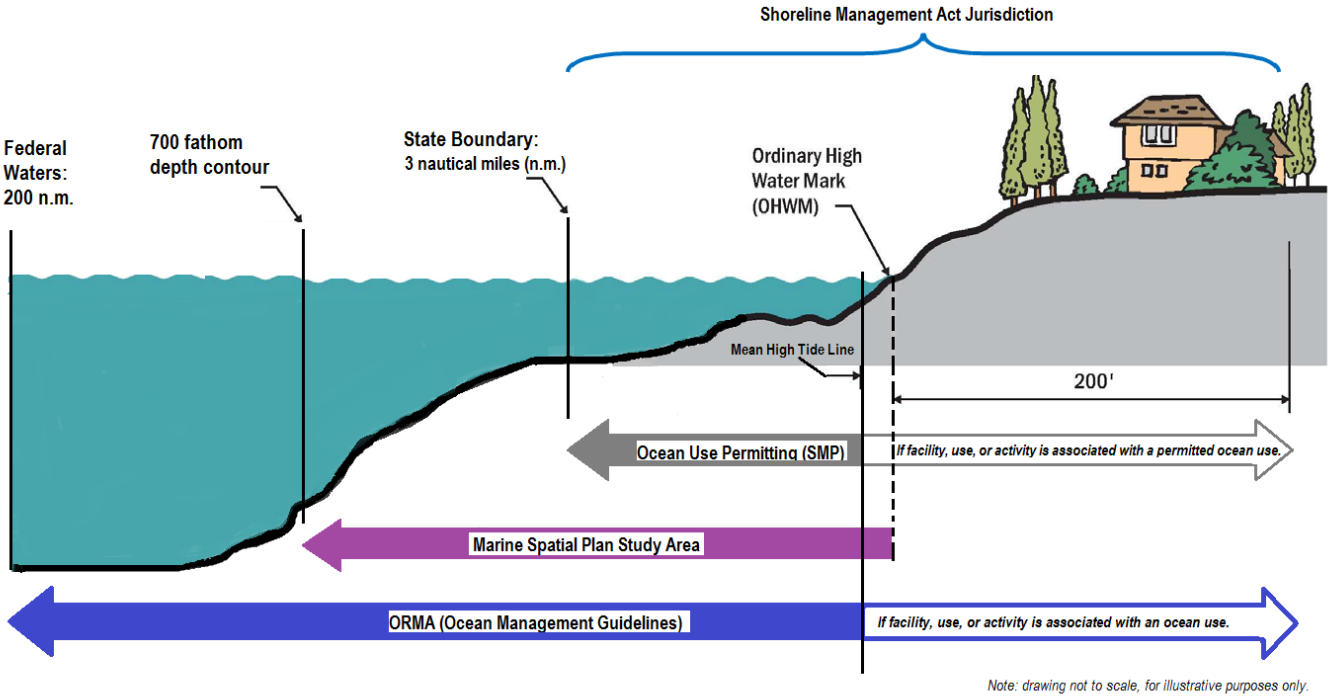


Figure 1: The geographic coverage of the Shoreline Management Act, Ocean Resources Management Act and Ocean Management Guidelines, and Marine Spatial Plan varies based on their associated laws and regulations. Local governments may regulate ocean use activities that meet the guidelines and shoreline master program from mean high tide out to 3 nautical miles.

For additional information, please contact Washington Department of Ecology staff:

Federal Consistency
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How the Ocean Resources Management Act (ORMA) May be Used to Protect Fishing

Michele Culver, WDFW – 4/20/16

Background

- There are two primary pieces of legislation that provide policy guidance relative to protection of ocean resources and uses and the development of a coastal marine spatial plan: RCWs 43.143 and 43.372.

- Much of the work that the WCMAC has focused on is relative to 43.372, which outlines the structure and required elements of the marine spatial plan.

- However, the Ocean Resources Protection Act (ORMA) [RCW 43.143] has been in place since 1989 and it describes the overarching legislative policies governing the protection and management of Washington's ocean resources.

- The language creating the WCMAC is contained within ORMA and RCW 43.372 refers back to the ORMA for consistency purposes.

Overarching Policy Guidance within ORMA

RCW 43.143.010 describes the policies and guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines. Includes:

1. Prohibition on leasing of Washington's tidal or submerged lands along coast, in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production.

2. Priority given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

3. Actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

4. The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

How the Ocean Resources Management Act (ORMA) May be Used to Protect Fishing

Michele Culver, WDFW – 4/20/16

Overarching Policy Reference to Fishing

RCW 43.143.010 (5)

New uses and activities are subject to planning and review criteria **[described in RCW 43.143.030 below]**.

Note: It is not the intent of the legislature to apply these criteria to recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean uses, but it also does not permanently exclude them.

ORMA Criteria for New [Non-Fishing] Activities and Protection for Fishing

RCW 43.143.030 Planning and project review criteria.

(1) When the state of Washington and local governments develop plans **[including marine spatial plans]** for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW 43.143.010 **[described above]** shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals **[e.g., renewable energy development, offshore aquaculture, artificial reefs]** 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 [including fishing]**

(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;

How the Ocean Resources Management Act (ORMA) May be Used to Protect Fishing

Michele Culver, WDFW – 4/20/16

(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 [including fishing];**

(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.

Interpretation and Application of Criteria

Summary of Criteria:
New uses or activities that will adversely impact fishing, aquaculture, recreation or other existing ocean or coastal uses, may be permitted only if there is a demonstrated significant local, state, or national need; there is not reasonable alternative to meet that need; there will be no likely long-term significant adverse impacts to coastal or marine resources or uses; all reasonable steps are taken to avoid and minimize adverse environmental, social, and economic impacts, including impacts on aquaculture, and recreational, commercial, and tribal fishing; and compensation is provided to mitigate the adverse impacts to coastal resources and uses, such as fishing.

Interpretation:
Our interpretation of the criteria is that it would pertain to all new [non-fishing] uses or activities within state waters and would guide the state's recommendations relative to approval for activities within federal waters within the geographic scope of the marine spatial plan. As such, these overarching policies and criteria should be referenced in the plan relative to the WCMAC's recommendations.

Application:
It is our understanding that the Department of Ecology's current "enforceable policies" for the Coastal Zone Management Act reference the ORMA. Additional language could be added to the "enforceable policies" to specifically reference fishing and draw the connections to the criteria noted above.

Additionally, within the marine spatial plan, we need to describe the process by which the State would receive and disseminate information and solicit input on new activities that would be subject to these criteria.

Marine Spatial Plan (MSP) Policy Recommendations
WCMAC Discussion Guide
April 20, 2016

Background
The Technical Committee has spent the past year developing draft MSP policy recommendations for WCMAC consideration. WCMAC members participated in a process to refine these draft recommendations (the dot exercise) at the last meeting. The Technical Committee had two meetings in March to refine the draft recommendations (see companion document for the full list of draft recommendations).

The draft policy recommendations have three sections:

1. *Issues Related to All New Uses (with subsections addressing economic, infrastructure, and ecological concerns)*
   This section addresses concerns and potential problems that may arise with all the potential new uses that are being evaluated in the MSP (marine renewable energy, offshore aquaculture, dredge disposal in new locations, marine product extraction, and mining (methane hydrate mining and sand and gravel mining)).
2. *Additional Issues Related to Specific New Uses*
   This section addresses concerns with a particular new use that are not addressed in Section 1. The draft currently only includes recommendations related to offshore aquaculture but WCMAC may choose to add recommendations regarding other potential new uses.
3. *Additional Issues Related to Protecting and Preserving Existing Sustainable Uses*
   This section addresses concerns with protecting existing sustainable uses that were not addressed in the previous sections.

There are two parts to the draft policy recommendations. The first part is a problem statement, which describes the problem that the recommendations are designed to address. Problem statements describe concerns about new uses; they should not include statements about what should happen—those statements should be in the recommendations.

Additional Considerations
Consensus: WCMAC is required by statute to use a consensus approach to decision making. Consensus is achieved when all members agree to let the decision go forward because the decision is the best one the entire group can achieve at the current time. This does not mean that you fully support every recommendation in the plan; it means that you can live with the package of the recommendations in the plan, and will not block passage of the package due to opposition to a particular recommendation. If you feel that a particular recommendation will cause you to oppose the package of WCMAC recommendations, it is important that you voice that objection to the group so that we can work to revise that recommendation.

Representation: WCMAC members each represent interests or organizations (or both). It is important that you are communicating with the groups or interests you represent and bring any concerns, ideas, or objections to WCMAC's discussions.

What's Missing? One of the most challenging part of developing a package of recommendations is to determine what is missing. It is much easier to react to draft recommendation before you than to think of where there are gaps or key issues that are not addressed. Please try to ask yourself "what else should be here?" as we work through the recommendations.

Timeline: In addition to the policy recommendations, WCMAC will also develop spatial recommendations. It is hoped that work can be completed on the policy recommendations at the June WCMAC meeting, and the spatial recommendations can be completed by the September WCMAC meeting.

Questions for WCMAC

- Are there suggested improvements to any of the draft recommendations or problem statements?
- What topics are missing? Are there additional recommendations that should be considered?
- Will you consent to the recommendations, with one of these levels of consensus?
    1. I can say an unqualified "yes"!
    2. I can accept the decision
    3. I can live with the decision
    4. I do not fully agree with the decision, however, I will not block it and will support it.
- If you do not consent, can you propose an alternative that you believe the full WCMAC can support?

This version includes revisions made by the Technical Committee at their March 9th and March 30th meetings.

POTENTIAL MSP RECOMMENDATIONS

March 30, 2016

Recommendations from the Washington Coastal Marine Advisory Council (WCMAC) are intended to support and reinforce statutory requirements, including RCW 43.372.040 (4) (a-h):

(4) The marine management plan must be developed and implemented in a manner that:

- (a) Recognizes and respects existing uses and tribal treaty rights;
- (b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;
- (c) Addresses potential impacts of climate change and sea level rise upon current and projected marine waters uses and shoreline and coastal impacts;
- (d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;
- (e) Preserves and enhances public access;
- (f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, shellfish aquaculture, and other water-dependent uses;
- (g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and
- (h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable.

1. Issues Related to All New Uses

1.1. Economic Recommendations

Problem Statement

New uses (including significant expansion of existing uses) may have acute and cumulative impacts on the local economy, both positive and negative. There is concern that some new uses could have short-term economic gains followed by long-term economic loss due to displacement of current uses by short-term projects (such as pilot projects or abandoned or failed projects). Additionally, a new use could result in national or global economic gain, but a significant economic loss at the local level. Local stakeholders and affected parties would like a clear understanding of the potential economic impacts of new uses, and a clear understanding of the interactions with existing uses, prior to the use being permitted.

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Draft Recommendations

1.1.1. Prior to permitting new uses or expansions of existing uses which may cause impacts to either existing uses or to the local economy, an economic assessment should be completed. The assessment should include:

a) Process
   - Early stakeholder notice, including a detailed description of the project proposal.
   - A designated time period for review and comment that provides time for stakeholder input at key stages throughout the project.
   - A clear timeframe for response to comments.

b) Methodology
   - The assessment should be prepared by neutral party independent of project proponents.

c) Content
   - An assessment of short-term and long-term costs and benefits.
   - An assessment of the economic costs and benefits to the affected community, including social costs and benefits. The assessment should specifically address the social costs to vulnerable ocean users.
   - As appropriate, an assessment of the costs and benefits to the larger economy (state, national, global).
   - An assessment of various scenarios which include the full project footprint, and scenarios where the new use fails and is abandoned or decommissioned.

1.1.2. The determination of costs and benefits should not be completed without input from local stakeholders and affected parties.

1.2. Infrastructure and Technology Recommendations

Problem Statement

New ocean[1] infrastructure presents many concerns to coastal communities, ranging from loss of views and aesthetics to safety concerns.

New infrastructure may pose an increased risk to the navigational safety of all vessel types and sizes. Impacts mat be both direct impacts, such as risk of collision, damage to or loss of fishing gear, and reduction or elimination of existing fishing operations and maritime commerce, and indirect impacts, due to consolidation of traffic patterns or changes in ocean conditions. New

[1] The terms “ocean” and “offshore” throughout this document include estuaries

uses that disturb the seafloor could harm or bury cultural or historic resources, habitat for marine species, and fishing grounds, and could also create hazardous ocean conditions that endanger existing uses and infrastructure.

Harsh coastal conditions on the Washington Coast, including storms and tsunamis, may harm or destroy infrastructure. If a structure becomes obsolete, is destroyed, or is abandoned, there are concerns about the ongoing impacts of leaving unmaintained structures in place, the impacts of the removal process, associated debris, and footprint scars.

Draft Recommendations

1.2.1. Navigational Safety

WCMAC recommends that a vessel traffic risk assessment or a risk-based modelling analysis be presented or prepared prior to permitting to evaluate navigational safety. WCMAC recommends that permitting agencies deny permits that have an adverse impact on navigational safety.

1.2.2. Dredge Disposal and Wave Amplification

WCMAC recommends implementation of recommendations established by the Mouth of the updated Columbia River Regional Sediment Management Plan (August 2011) and local Shoreline Master Programs that address navigation safety and dredge disposal. WCMAC recommends that dredge disposal should be sited in areas where the disposal will mitigate coastal erosion problems, whenever feasible.

1.2.3. Historic and Cultural Resources

WCMAC recommends that, for new uses that will impact the ocean floor, a high-resolution seafloor archeological assessment be conducted prior to permitting, and that the project be sited and mitigated to avoid and preserve historic and cultural resources.

1.2.4. Coastal Erosion and Sea-Level Rise

WCMAC recommends that state agencies continue to monitor erosion and sea-level rise on the Washington coast. The effects of projected coastal erosion, future sea-level rise, and other climate change impacts should be evaluated to determine the long-term suitability of a proposed new use prior to permitting.

1.2.5. Aesthetics

WCMAC recommends that the environmental review process require conceptual site drawings of visual impacts and assess the effect new infrastructure will have on views, aesthetics, and public access.

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1.2.6. Structure Survivability

WCMAC recommends that a survivability assessment be required of all new ocean structures. Permit conditions should include a requirement that applicants for new infrastructure provide proof of insurance, sufficient bonding, and decommissioning plans to return the area back to pre-construction conditions.

1.2.7. Entangled Fishing Gear

WCMAC recommends requiring a monitoring and assessment program for new uses that pose a risk for entangling fishing gear or other debris. WCMAC also recommends that identifiable fishing gear to be returned to the owner or replaced. NOTE: The second half of this recommendation needs to be discussed by the full WCMAC. If WCMAC wants to include it, a suggested revision is that fishing gear must be uniquely identified or labeled so that the finder can contact to owner.

1.3. Ecological Recommendations

Problem Statement

New uses raise ecological concerns, including impacts to species and habitats; changes to migration routes and physical processes; degradation of water quality; impacts to the food web; degradation of aesthetics and public access; and introduction of invasive species. In addition, offshore uses are often supported by on-shore infrastructure, and it is important to understand and assess the positive and negative impacts of changes to infrastructure on local coastal communities.

Draft Recommendations

1.3.1. WCMAC recommends that, prior to permitting new uses or expansions of existing uses, a thorough environmental assessment should be completed. Environmental assessments required under SEPA or NEPA should thoroughly address:

- Degradation of sensitive and important habitat for representative important species, including, but not limited to, ESA listed and commercially, recreationally and ecologically valuable species.
- Potential for direct injury or harm to species, including ESA listed and commercially valuable species (e.g. strikes, entanglement).
- Alteration or impairment of existing animal migration routes.
- Degradation of water quality (chemicals, petroleum products, nutrients, oxygen, temperature, acidification, etc.).

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- Changes in physical processes, including currents and waves, sediment processes, coastal erosion and accretion, electromagnetic fields, acoustics and wave amplification.
- Unintended impacts, including impacts to the food chain, changes to physical processes, introduction of disease or genetic pollution, and access to existing resources.
- Inadvertent introduction of invasive species, organisms, etc. that could affect native populations and/or existing aquaculture.
- Comparison of alternatives and best-available technologies if appropriate.
- Evaluation of impacts and demands on existing infrastructure, both on and offshore.

If environmental review is not required by SEPA or NEPA, WCMAC recommends that state and local agencies ensure that these concerns are addressed by applicants for new uses.

1.3.2. WCMAC recommends that all environmental assessments include a process for stakeholder input, including scoping, review of draft assessments, and a period for public comment. Agencies should establish adequate time for notice and public comment based on the complexity of the project.

1.3.3. WCMAC recommends applicants be held liable for damages and provide mitigation of adverse impacts to coastal resources or uses, consistent with existing law.

1.3.4. For projects that pose a risk for invasive species introduction, WCMAC recommends applicants be required to prepare a prevention, monitoring and control plan.

2. Additional Issues Related to Specific New Uses

2.1. OFFSHORE AQUACULTURE ISSUES

Problem Statement

Offshore aquaculture presents unique concerns. The infrastructure and activities from offshore aquaculture could harm other species, particularly predators such as pinnipeds, cetaceans, and sharks. The infrastructure could also alter habitat and food sources for marine species. Offshore aquaculture may introduce new species, genetic mixing, and diseases into the environment, potentially harming existing populations and ecosystems. Fin-fish aquaculture could have economic, ecological and spatial impacts on existing fishing, and there is currently no feasible recovery method for escaped fin-fish from net-pen aquaculture.

Draft Recommendations

2.1.1. WCMAC recommends that applicants for offshore aquaculture prepare prevention, monitoring and response plans that address escapement, disease, and nutrient pollution.

2.1.2. WCMAC recommends that applicants for offshore aquaculture avoid and minimize impacts to pinnipeds, cetaceans, sharks and other species through facility design, siting and operation.

2.1.3. WCMAC recommends that agencies deny permits for offshore aquaculture facilities with species that pose a significant risk of introducing disease, illness or genetic pollution into the area.

New Idea for further discussion: Should WCMAC recommend that non-native species be prohibited for offshore aquaculture?

3. Additional Issues Related to Protecting and Preserving Existing Sustainable Uses

Problem Statement

New uses could irrevocably change coastal communities. While some new uses may bring positive changes, there are concerns that new uses could also harm communities in ways that are difficult to repair. There is a concern that harmful changes are likely to occur without adequate stakeholder involvement and input during all aspects of the decision-making process for new development.

The Washington coast has unique limitations on usage. Ocean space is limited and already hosts multiple uses. Additional spatial displacement along the Washington coast could place an undue burden on existing uses.

There is concern that new uses could degrade or alter existing sustainable uses in the marine waters. There is concern that new uses could degrade or alter existing fisheries and aquaculture directly through displacement of fishing grounds or estuary functions, or indirectly by degrading water quality or impacting the habitat fish and wildlife populations rely on, which will result in a net loss of these existing uses. New uses could also degrade recreational opportunities, public access, and aesthetics.

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Draft Recommendations

3.1.1. WCMAC recommends public and stakeholder involvement all aspects of project development and review, including:

- working collaboratively with stakeholders, including but not limited to fishing, aquaculture, maritime commerce, conservation, tourism and recreation interests;
- providing timely and effective notice; and
- initiating both formal and informal pre-application discussions between stakeholders and applicants.

3.1.2. WCMAC recommends the creation of a fishing advisory board that works with project proponents to provide advice on siting and construction of other uses in marine waters. The advisory board should identify potential adverse impacts on commercial and recreational fisheries and opportunities to avoid, reduce, or mitigate impacts.

3.1.3. WCMAC recommends that project proponents use WCMAC as a forum for early notification and discussion of potential proposals, including feasibility, impact to habitat, impacts on existing uses, etc.

3.1.4. WCMAC recommends that through the permitting and review process, applicants prepare site specific impact assessments addressing impacts to current uses, including fishing and aquaculture, and agencies thoroughly consider local Shoreline Master Programs.

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This version includes suggested revisions made by WCMAC members.

POTENTIAL MSP RECOMMENDATIONS

March 30, 2016

Recommendations from the Washington Coastal Marine Advisory Council (WCMAC) are intended to support and reinforce statutory requirements, including RCW 43.372.040 (4) (a-h):

(4) The marine management plan must be developed and implemented in a manner that:

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   - A clear timeframe for response to comments.

b) Methodology
   - The assessment should be prepared by neutral party independent of project proponents. Proponents should be allowed to review and respond to the assessment as they may have knowledge pertinent to outcomes not available to a neutral third party. **(MARK PLACKETT)**

c) Content
   - An assessment of short-term and long-term costs and benefits.
   - An assessment of the economic costs and benefits to the affected community, including social costs and benefits. The assessment should specifically address the social costs to vulnerable ocean users.
   - As appropriate, an assessment of the costs and benefits to the larger economy (state, national, global).
   - An assessment of various scenarios which include the full project footprint, and scenarios where the new use fails and is abandoned or decommissioned.
   - Needs more on specific content and criteria required to support or reject new use projects (**DALE BEASLEY)**
   - Project proponent needs to clarify who pays and how much for their project if taxpayers and ratepayers will see increased taxes or fees (**DALE BEASLEY)**

1.1.2. The determination of costs and benefits should not be completed without input from local stakeholders and affected parties.

1.2. Infrastructure and Technology Recommendations

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Problem Statement

New ocean[1] infrastructure presents many concerns to coastal communities, ranging from loss of views and aesthetics to safety concerns.

New infrastructure may pose an increased risk to the navigational safety of all vessel types and sizes. Impacts may be both direct impacts, such as risk of collision, damage to or loss of fishing gear, and reduction or elimination of existing fishing operations and maritime commerce, and indirect impacts, due to consolidation of traffic patterns or changes in ocean conditions. New uses that disturb the seafloor could harm or bury cultural or historic resources, habitat for marine species, and fishing grounds, and could also create hazardous ocean conditions that endanger existing uses and infrastructure.

Harsh coastal conditions on the Washington Coast, including storms and tsunamis, may harm or destroy infrastructure. If a structure becomes obsolete, is destroyed, or is abandoned, there are concerns about the ongoing impacts of leaving unmaintained structures in place, the impacts of the removal process, associated debris, and footprint scars.

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WCMAC recommends implementation of recommendations established by the Mouth of the updated Columbia River Regional Sediment Management Plan ~~(August 2011)~~ and local Shoreline Master Programs that address navigation safety and dredge disposal. WCMAC recommends that dredge disposal should be sited in areas where the disposal will mitigate coastal erosion problems, whenever feasible.

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WCMAC recommends that, for new uses that will impact the ocean floor, a high-resolution seafloor archeological assessment be conducted prior to permitting, and that the project be sited and mitigated to avoid and preserve historic and cultural resources.

[1] The terms “ocean” and “offshore” throughout this document include estuaries

1.2.4. Coastal Erosion and Sea-Level Rise

WCMAC recommends that state agencies continue to monitor erosion and sea-level rise on the Washington coast. The effects of projected coastal erosion, future sea-level rise, and other climate change impacts should be evaluated to determine the long-term suitability of a proposed new use prior to permitting.

1.2.5. Aesthetics

WCMAC recommends that the environmental review process require conceptual site drawings of visual impacts and assess the effect new infrastructure will have on views, aesthetics, and public access. Needs clear threshold analysis for a permit denial as well as acceptance. (**DALE BEASLEY)**

1.2.6. Structure Survivability

WCMAC recommends that a survivability assessment be required of all new ocean structures. Permit conditions should include a requirement that applicants for new infrastructure provide proof of insurance, sufficient bonding that adequately covers ~~, and~~ decommissioning ~~plans~~, and required actions to return the area back to pre-construction conditions. **(DALE BEASLEY)**

1.2.7. Entangled Fishing Gear

WCMAC recommends requiring a monitoring and assessment program for new uses that pose a risk for entangling fishing gear or other debris. WCMAC also recommends that identifiable fishing gear to be returned to the owner or replaced. NOTE: The second half of this recommendation needs to be discussed by the full WCMAC. If WCMAC wants to include it, a suggested revision is that fishing gear must be uniquely identified or labeled so that the finder can contact to owner.

1.3. Ecological Recommendations

Problem Statement

New uses raise ecological concerns, including impacts to species and habitats; changes to migration routes and physical processes; degradation of water quality; impacts to the food web; degradation of aesthetics and public access; and introduction of invasive species. In addition, offshore uses are often supported by on-shore infrastructure, and it is important to understand and assess the positive and negative impacts of changes to infrastructure on local coastal communities.

Draft Recommendations

1.3.1. WCMAC recommends that, prior to permitting new uses or expansions of existing uses, a thorough environmental assessment should be completed.

Environmental assessments required under SEPA or NEPA should thoroughly address:

- Degradation of sensitive and important habitat for representative important species, including, but not limited to, ESA listed and commercially, recreationally and ecologically valuable species.
- Potential for direct injury or harm to species, including ESA listed and commercially valuable species (e.g. strikes, entanglement, etc.), or indirect injury related to exposure to noise, light, vibration, electromagnetic fields or other related stressors associated with the new use. **(JEFF WARD)**
- Alteration or impairment of existing animal migration routes.
- Degradation of water quality (chemicals, petroleum products, nutrients, oxygen, temperature, acidification, etc.).
- Changes in physical processes, including, but not limited to, currents and waves, sediment processes, coastal erosion and accretion, electromagnetic fields, acoustics and wave amplification.
- Unintended impacts, including, but not limited to, impacts to the food chain, changes to physical processes, introduction of disease or genetic pollution, and access to existing resources.
- Inadvertent introduction of invasive species, organisms, etc. that could affect native populations and/or existing aquaculture, fishing or other sustainable uses. **(DALE BEASLEY)**
- Comparison of alternatives and best-available technologies if appropriate.
- Evaluation of impacts and demands on existing infrastructure, both on and offshore.

If environmental review is not required by SEPA or NEPA, WCMAC recommends that state and local agencies ensure that these concerns are addressed by applicants for new uses.

1.3.2. WCMAC recommends that all environmental assessments include a process for stakeholder input, including scoping, review of draft assessments, and a period for public comment. Agencies should establish adequate time for notice and public comment based on the complexity of the project.

1.3.3. WCMAC recommends applicants be held liable for damages and provide mitigation of adverse impacts to coastal resources or uses, consistent with existing law at the time of the application. **(DALE BEASLEY)**

1.3.4. For projects that pose a risk for invasive species introduction, WCMAC recommends applicants be required to prepare a prevention, monitoring and control plan.

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2. Additional Issues Related to Specific New Uses

2.1. OFFSHORE AQUACULTURE ISSUES

Problem Statement

Offshore aquaculture presents unique concerns. The infrastructure and activities from offshore aquaculture could harm other species, particularly predators such as pinnipeds, cetaceans, and sharks. The infrastructure could also alter habitat and food sources for marine species. Offshore aquaculture may introduce new species, genetic mixing, and diseases into the environment, potentially harming existing populations and ecosystems. Fin-fish aquaculture could have economic, ecological and spatial impacts on existing fishing, and there is currently no feasible recovery method for escaped fin-fish from net-pen aquaculture.

Draft Recommendations

2.1.1. WCMAC recommends that applicants for offshore aquaculture prepare prevention, monitoring and response plans that address escapement, disease, and nutrient pollution.

2.1.2. WCMAC recommends that applicants for offshore aquaculture avoid and minimize impacts to pinnipeds, cetaceans, sharks and other species through facility design, siting and operation.

2.1.3. WCMAC recommends that agencies deny permits for offshore aquaculture facilities with species that pose a significant risk of introducing disease, illness or genetic pollution into the area.

2.1.4. Introduction of non-native finfish species should not be permitted in Washington offshore waters **(DALE BEASLEY)**

~~2.1.3.~~2.1.5. Pesticide controls should undergo rigorous safety analysis before use is allowed (example: Cypermethin is not compatible with a number of marine benthic infauna) **(DALE BEASLEY)**

New Idea for further discussion: Should WCMAC recommend that non-native finfish species be prohibited for offshore aquaculture? Should there be something here about genetically modified species being raised in this fashion? **(MARK PLACKETT)**

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3. Additional Issues Related to Protecting and Preserving Existing Sustainable Uses

Problem Statement

New uses could irrevocably change coastal communities. While some new uses may bring positive changes, there are concerns that new uses could also harm communities in ways that are difficult to repair. There is a concern that harmful changes are likely to occur without adequate stakeholder involvement and input during all aspects of the decision-making process for new development.

The Washington coast has unique limitations on usage. Ocean space is limited and already hosts multiple uses, many are UNIQUE and found nowhere else in the nation. **(DALE BEASLEY)** Additional spatial displacement along the Washington coast could place an undue burden on existing uses.

There is concern that new uses could degrade or alter existing sustainable uses in the marine waters. There is concern that new uses could degrade or alter existing fisheries and aquaculture directly through displacement of fishing grounds or estuary functions, or indirectly by degrading water quality or impacting the habitat fish and wildlife populations rely on, which will result in a net loss of these existing uses. New uses could also degrade recreational opportunities, public access, and aesthetics.

Draft Recommendations

3.1.1. WCMAC recommends public and stakeholder involvement all aspects of project development and review, including:

- working collaboratively with stakeholders, including but not limited to fishing, aquaculture, maritime commerce, conservation, tourism and recreation interests;
- providing timely and effective notice; and
- initiating both formal and informal pre-application discussions between stakeholders and applicants.

3.1.2. WCMAC recommends the creation of a fishing advisory board that works with project proponents to provide advice on siting and construction of other uses in marine waters. The advisory board should identify potential adverse impacts on commercial and recreational fisheries and opportunities to avoid, reduce, or mitigate impacts.

3.1.3. WCMAC recommends that project proponents use WCMAC as a forum for early notification and discussion of potential proposals, including feasibility, impact to

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habitat, impacts on existing uses, project location and maximum size, etc. **(DALE BEASLEY)**

3.1.4. WCMAC recommends that through the permitting and review process, applicants prepare site specific impact assessments addressing impacts to current uses, including fishing and aquaculture, and agencies thoroughly ~~consider~~ conform to local Shoreline Master Programs. **(DALE BEASLEY)**

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Discussion Guide: Use Analysis Process Update
April 20, 2016

Purpose:
The Use Analysis is a process:

- To summarize geographic data on current uses: 1) patterns/intensity and 2) total number of uses occurring in a given area.
- To assess the potential spatial interaction between existing and new potential uses.
- To inform the development of spatial recommendations (e.g. protection of existing uses and sensitive resources) and consultation and communication with project proponents.

Background:
The Marine Spatial Planning law requires a plan to include maps of: "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)

At the October 22, 2014 meeting WCMAC agreed to participate in the Use Analysis Process. WCMAC has an important role in advising on the criteria for the process and recommended actions for the outputs of the Use Analysis.

Creating a Marine Spatial Plan requires compiling and evaluating spatial, or mapped, data including existing uses and potential new uses. The state has outlined its approach to this process called a "Use Analysis". The Use Analysis involves the following main activities:

- Assessing and compiling data on existing uses and ecological information in two ways:
    - Intensity of uses – how frequently an area is used
    - Number of uses – how many uses occur in an area, regardless of how often
- Using spatial analysis tools to compare existing use data to renewable energy data
- Developing spatial recommendations

What is Marxan?

Marxan is a software optimization tool that enables spatial analysis of multiple sets of spatial data (GIS or mapped) using different scenarios to produce different options that meet multiple planning objectives. In the case of marine spatial planning, the tool can:

- Include data on human uses, ecological information (e.g. species/habitat) and potential new uses (e.g. renewable energy).
- Identify spatial overlap between existing uses and resources and potential new uses.
- Illustrate areas that avoid and minimize socio-economic and environmental costs, while still achieving various potential targets for new uses such as renewable energy.
- Incorporate stakeholder interests using different scenarios.

Marxan was originally developed in and used by Australia for marine conservation planning efforts and has since been used in a variety of coastal and land planning applications around the world. Marxan can

be a useful tool for WCMAC to illustrate various scenarios and to support WCMAC's subsequent consideration of and development of spatial recommendations.

Completed:

- Sector input on spatial data for the use analysis.
- Updated data and maps for the analysis, including refining intensity and footprint of data (e.g. definitions for high, medium and low intensity use).
- Fisheries maps workshop (Nov. 9, 2015)
- Most GIS work to produce sector-based maps and aggregate (all-sectors) maps for:
    - Intensity of uses
    - Number of uses
- Overview on process for tribes (Dec. 4, 2015) and individual tribal meetings.

Where we are now:

- Presenting mostly completed sector intensity and footprint maps.
- Introducing an option for renewable energy data comparison and illustrating scenarios (Marxan).

Next steps:

- Compare existing use data to renewable energy data
    - Proposed Spatial Analysis Workshop – late May (24th? 31st?)
- Discuss and develop spatial recommendations
    - Proposed Spatial Recommendations Working Session - June 8th (to replace technical committee meeting)
    - Discuss spatial recommendation options June 15th WCMAC meeting

Seafloor Mapping

WCMAC Discussion Guide

April 20, 2016

Background

In the last biennium, the marine spatial planning effort supported *a seafloor mapping spatial prioritization effort* to identify gaps in and priorities for bathymetric and seafloor habitat data. The coastal managers and scientists who participated in this effort identified areas of priority interest (Fig. 1) for seafloor mapping and reached consensus on a seafloor mapping strategy. As a result of this effort, Washington has attracted NOAA support to conduct mapping this month off of the Washington coast.

From April 19-May 5, 2016, the NOAA offshore hydrographic survey ship *Rainier* will be collecting data in Quinault (inside of the green area in Fig. 1), Willapa, and Guide Canyons (inside of the purple area in Fig. 1) off of the Washington coast. Because the ship will be in the area, the cost of collecting seafloor and water column data is minimal. However, NOAA does not have funding to process this data. Without additional funding, the data collected will not be useable.

Who/how

Chris Goldfinger's lab at Oregon State University has the expertise to work with the data. The lab also has the prior experience creating the seafloor atlas last biennium.

Cost

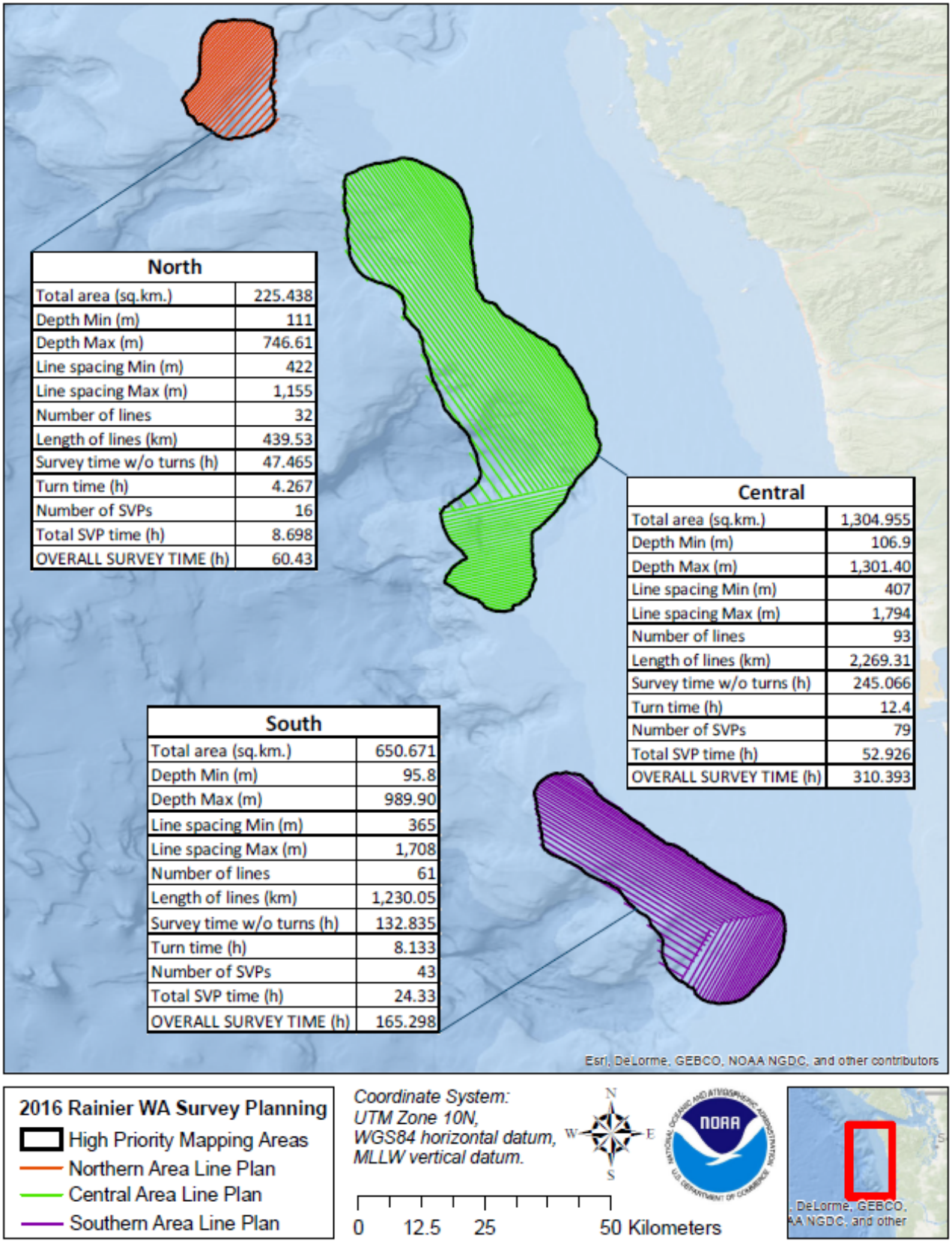
$75,000. (There is approximately $130,000 – $150,000 in uncommitted funds in the Marine Stewardship Account).

Staff Recommendation

WCMAC staff and the State Ocean Caucus believe this data fills an important data gap, and will provide information that is currently unknown. The areas (Quinault, Willapa, and Glide Canyons) are important to WCMAC and to coastal managers.

Question for WCMAC

- Does WCMAC recommend funding for the processing of the backscatter data and integrating it into the seafloor atlas?



North	
Total area (sq.km.)	225.438
Depth Min (m)	111
Depth Max (m)	746.61
Line spacing Min (m)	422
Line spacing Max (m)	1,155
Number of lines	32
Length of lines (km)	439.53
Survey time w/o turns (h)	47.465
Turn time (h)	4.267
Number of SVPs	16
Total SVP time (h)	8.698
OVERALL SURVEY TIME (h)	60.43

Central	
Total area (sq.km.)	1,304.955
Depth Min (m)	106.9
Depth Max (m)	1,301.40
Line spacing Min (m)	407
Line spacing Max (m)	1,794
Number of lines	93
Length of lines (km)	2,269.31
Survey time w/o turns (h)	245.066
Turn time (h)	12.4
Number of SVPs	79
Total SVP time (h)	52.926
OVERALL SURVEY TIME (h)	310.393

South	
Total area (sq.km.)	650.671
Depth Min (m)	95.8
Depth Max (m)	989.90
Line spacing Min (m)	365
Line spacing Max (m)	1,708
Number of lines	61
Length of lines (km)	1,230.05
Survey time w/o turns (h)	132.835
Turn time (h)	8.133
Number of SVPs	43
Total SVP time (h)	24.33
OVERALL SURVEY TIME (h)	165.298

Figure 1. WA High Priority Mapping Areas

Additional Information

The *Rainier* will focus its mapping efforts on two of the offshore priority areas (Fig. 1) identified in the Summary Report for Spatial Prioritization Seafloor Mapping for Washington's Pacific Coast (2015) – the southern half of the central area (in green) including Quinault Canyon and the entirety of the south area (in purple) including Willapa and Guide Canyons. These areas were identified as important locations needing additional seafloor mapping data based on input provided by Federal, State, Tribal, Academic and NGO groups.

This project will conduct a habitat mapping and characterization survey of the identified areas with emphasis on bathymetry, backscatter, and sidescan imagery to produce high resolution geomorphology, sediment profile, and imagery. A complete benthic survey and habitat classification can determine the balance between protecting fragile natural resources and maintaining the economic viability of coastal fishing communities. Examples of data applications include:

- Fisheries management
- Tsunami hazard mapping
- Identifying upwelling
- Identifying sensitive species and habitats

April 20, 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.

Meeting	Information	Advice/Action
February 10, 2016	• Use Analysis – draft maps • MSP – general/policy recommendations (Technical Committee)	• Develop general MSP recommendations (continued) • Develop spatial MSP recommendations
April 20, 2016	• Overview on WCMAC recommendations and MSP • Use Analysis – update on maps and overview of spatial comparison tool (Marxan) • Policy and spatial recommendations	• MSP – WCMAC policy recommendations
June 15, 2016	• Policy and spatial recommendations (continued) • Update on draft MSP • MSP outreach update • Discuss work plan topics/next steps (2017 meeting dates)	• Finalize WCMAC policy recommendations • Discuss WCMAC spatial recommendations • Input on MSP outreach • Meeting dates 2017
September 28, 2016	• Spatial recommendations (continued) • Update on draft MSP	• Finalize WCMAC spatial recommendations (if needed)

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.

<u>Other dates:</u>

- Spatial Analysis workshop – late May – 24/31?
- Spatial Recommendations working session – June 8?

Overview: Draft Timeline and Process to Complete WCMAC Recommendations and MSP

Date - 2016	Marine Spatial Plan	WCMAC Policy Recommendations	WCMAC Spatial Recommendations
April 20*	MSP/EIS research, writing & outreach	Draft Policy Recs Discussed	Update on Use Analysis/Intro to MARXAN
May 24 or 31?	MSP/EIS research, writing & outreach		****Workshop**: Review Various Spatial Scenarios
June 8 (Replaces TC Meeting)	MSP/EIS research, writing & outreach		****Workshop**: Develop Options for Spatial Recommendations
June 15*	MSP/EIS research, writing & outreach Incorporate WCMAC policy recommendations into draft MSP	Policy Recs Completed	Draft Spatial Recs Discussed
Sept 28*	Incorporate WCMAC spatial recommendations into draft MSP		Spatial Recs Completed
October	Ecology issues Draft MSP and Draft EIS		
Fall	Public Comment period (30-45 days) & outreach Ecology reviews comments		
December	Ecology issues Final EIS with response to comments		
December	Final MSP issued/adopted by state		

* WCMAC Meetings

** For Workshops, remote access will be available for those who can't participate in person.