

Draft MSP Actions: Coastal MRCs Comments Crosswalk

The draft MSP actions list describes the next level of detail for the goals and objectives of Marine Spatial Planning on Washington’s Pacific Coast. The draft actions list describes information and analyses the state will incorporate in the general content of the marine spatial plan (MSP) or in the activities that the state will pursue as part of the process for developing the plan. The draft list does not include implementation details such as specific methods used. The term “significant adverse impact” as used below is meant to be the same as it is used in the context of the State Environmental Policy Act (RCW 43.21C) and its rules (WAC 197-11).¹ This law also prescribes the approach to identifying mitigation measures.

The draft list does not include implementation details such as specific methods used. Actions in the draft list should meet the following criteria:

- Compatibility with specific requirements in the Marine Spatial Planning law.
- Compatibility with SEPA scoping decisions, including the list of issues “in scope” for the plan.
- Relevance to the listed goal and objective.
- Relevance to and compatibility with existing state ocean policies that are appropriate for a planning scale (as opposed to those addressed by specific project permitting).

Draft actions comments and suggested revisions/responses

The table below provides a crosswalk of MRC comments and suggested changes to the draft MSP actions list. It contains a column with the MSP Goal/Objective (Far Left), the MRC comments related that goal (Middle), and the suggested revised draft action language or response (Far Right). Suggested changes are noted in track changes. **A separate document contains all the draft MSP actions including all the suggested changes below.**

Goal/Objective	MRC Comment <i>*indicates priorities of all coastal MRCs</i>	Suggested Revised Action Language or Response
<p>Goal 1: Protect and preserve existing sustainable uses to ensure economic vibrancy and resource access for coastal communities.</p> <p>Objective 1: Protect and preserve healthy existing natural resource- based economic activity on the Washington Coast.</p>	<p>*Better understand and define all existing sustainable uses (commercial, recreational, cultural, ecological).</p>	<ul style="list-style-type: none"> • Better understand, <u>define</u> and document <u>all</u> existing marine activities taking place in the study area (<u>commercial, recreational, cultural, ecological</u>) through scientific research and traditional knowledge research. <u>Document context for existing uses and current and future trends of existing uses, including information on present conflicts and potential future conflicts for existing uses.</u>

¹ See Revised Code of Washington 43.21C.031; and Washington Administrative Code for definitions of “impact” WAC 197-11-752 and “significant” WAC 197-11-794, and “scope”, including types of “impacts” WAC 197-11-792.

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	Develop locally verified maps associated with each of these defined uses. Local verification of data and mapping these existing uses should be built into process and actively engage stakeholders (in order to capture traditional knowledge)	<ul style="list-style-type: none"> Involve individuals and organizations representing existing uses in planning process such as documenting current and future trends of existing uses, <u>reviewing data and maps of their use</u>, understanding potential impacts and evaluating scenarios and plan recommendations.
<p>Goal 2: Maintain maritime coastal communities from now into perpetuity.</p> <p>Objective 2: Sustain diverse traditional uses and experiences to ensure continuity of WA’s coastal identity, culture, and high quality of life.</p>	<p>*Improved oil spill prevention, preparedness and response for the outer coast and Columbia River</p> <p>*Increased vessel traffic, potential vessel collisions and increased risk of oil spills are identified as key threats to our marine ecosystems and quality of life</p> <p>Understand current and future trends of</p>	<p>The MSP will evaluate the potential significant adverse impacts from potential new uses to the environment and to other users. This includes evaluating whether a particular type of new use or particular location for that use poses greater or less risk, including risks of spills. See new draft action under Goal 5.</p> <p>Existing information on environmental sensitivity to spills will be assessed and used, where appropriate.</p> <p>Ecology’s Spills Program has responsibility for comprehensive spill prevention, preparedness and response. This program routinely assesses and updates plans, response capabilities, and coordinates management actions to manage spill risks. Any relevant information on state management of spills that pertains to proposed new uses covered by the MSP will be incorporated in the plan, see draft actions under Goal 4.</p> <p>Vessel traffic will be documented in the plan as an existing use - both current and future trends, including potential future state of this industry (such as new facilities/terminals) and how that may relate to the new uses covered in the plan.</p>

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	increased maritime traffic and implications for the plan	See revised actions under Goal 1.
<p>Goal 3: Ensure that our marine ecosystem is preserved for future generations.</p> <p>Objective 3: Foster healthy and resilient marine ecosystem functions, biodiversity and habitats.</p>	<p>*Ecosystem services valuation study that is tied to the economic impact analysis.</p>	<ul style="list-style-type: none"> Understand current status of the natural resources, ecosystem conditions, and impacts of natural variability and natural stressors on the marine ecosystem over the short and long-term. <u>Where possible, document information on ecosystem services and values.</u> Understand the implications of various human activities to the marine ecosystem including documenting species and habitats that face higher potential risk or impact from proposed activities.
	<p>*Increased vessel traffic, potential vessel collisions and increased risk of oil spills are identified as key threats to our marine ecosystems and quality of life.</p>	Repeat of earlier comment, see above under Goal 2.
<p>Goal 4: Develop an integrated decision making process which supports proactive, adaptive and efficient spatial planning.</p> <p>Objective 4: Develop a locally supported and collaborative process that is coordinated with existing authorities for aligning management decisions.</p>	<p>Address climate change impacts and identify adaptation strategies</p> <p>*Develop a strategy for improving interagency communication and management decisions, aligning MSP with other state management plans and goals, and outline how the plan will be implemented and adaptive.</p> <p>Agencies communicate within and between each other on proposed new uses, projects, and funding requests to result in more collaboration.</p>	<ul style="list-style-type: none"> <u>Synthesize information on climate change and predicted impacts to marine resources and existing uses in the study area. Address how climate change may influence plan scenarios and potential impacts of new uses. (New draft action bullet)</u> Engage local, state, federal and tribal governments in all phases of the planning process to ensure relevant management information and requirements are integrated into the process. The use or activity must comply with all applicable local, state, and federal laws and regulations. Describe the management and implementation framework, including existing state laws, policies and regulations <u>and how</u>

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	Each agency works together using the same maps and same data to make better holistic, ecosystem-wide decisions.	<u>they address existing and proposed uses. The plan will articulate a strategy for ongoing interagency communication, adaptation, implementation and review of the Marine Spatial Plan, including aligning MSP with other state management plans and goals and incorporating it into state plans and processes.</u>
	*Local, state, federal and tribal governments, along with individuals and organizations representing existing uses and proposed new uses, are involved in all phases of the planning process.	<ul style="list-style-type: none"> Engage local, state, federal and tribal governments in all phases of the planning process to ensure relevant management information and requirements are integrated into the process. The use or activity must comply with all applicable local, state, and federal laws and regulations. Involve individuals and organizations representing existing uses and proposed new uses as well as individuals working on similar issues around the globe in <u>all phases of the planning process.</u>
	*Have an open and transparent decision making process.	<ul style="list-style-type: none"> <u>Provide opportunities for public engagement and input throughout the planning process including public education, workshops and meetings. Identify barriers to participation and work with local stakeholders to address and reduce barriers to public participation. Document comments and provide responses, as appropriate. (New draft action bullet)</u>
	Develop a science-expert committee and data standards for ongoing data collection and analyses.	<ul style="list-style-type: none"> <u>Engage scientific experts in review of data and methods. Develop data standards for data collection and analysis. (New draft action bullet)</u>
	Best available science and information is used throughout the planning process and drafting the plan.	<ul style="list-style-type: none"> <u>Use best available science and information throughout the planning process and drafting of the plan.</u> Provide a common information

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		base to assist management decisions, including through the use of Geographic Information Systems.
<p>Goal 5: Encourage economic development that recognizes the aspirations of local communities and protects coastal resources.</p> <p>Objective 5: Enhance sustainable economic opportunities to achieve a resilient economy and improved quality of life.</p>	<p>Understand all potential new uses and associated impacts on existing uses.*</p> <p>Assess acute (short-term) versus chronic (long-term and cumulative) risk</p> <p>Appropriate use of mitigation measures, not an acceptable solution for displacement; scale and scope according to circumstance.</p>	<ul style="list-style-type: none"> • <u>Understand potential new uses and their potential benefits and potential significant adverse impacts on existing uses and the environment. Evaluate direct, indirect and cumulative impacts in environmental review documents for plan. (New draft action bullet)</u> • Identify <u>appropriate</u> mitigation measures to address significant adverse impacts posed by proposed future uses of Washington’s coastal waters. <u>Develop mitigation measures in accordance with state laws and regulations.</u>

Comments that weren't able to be addressed

The following other suggestions were not addressed in the suggested revisions to the draft actions:

- Establish (not just understand) a baseline of and current status...(of natural resources, ecosystem conditions, etc. – under goal 3)
 - **Response:** This is outside the scope of the marine spatial plan, which is non-regulatory [RCW 43.372.040(6)(e) and RCW 43.372.060]. However, the plan will establish ecological indicators, which provide a mechanism for tracking ecological health of the system over time.
- Determine how decisions in neighboring states will impact the resources and uses we are planning for (i.e. Kitzhaber decision on fisheries, dredging locations, etc.)
 - **Response:** As part of the context for the plan, the plan will describe the activities outside the study area that may impact new or existing uses that occur or may occur within the plan's study area. However, the state's ocean management guidelines specifically excludes addressing impacts from uses occurring offshore in Oregon, Alaska, British Columbia or Puget Sound [WAC 173-26-360(2)].
- Define "avoid and minimize significant adverse impacts" and provide explanation why this cannot be "NO negative impacts"
 - **Response:** Understanding the impacts and avoiding and minimizing significant impacts are embedded in the draft actions, where state law provides a means to do that. The "avoid and minimize" language comes from the state's law for reviewing and permitting ocean uses called the Ocean Resources Management Act [RCW 43.143.030]. The law specifically requires permits to meet these criteria and refers to avoiding and minimizing "adverse impacts" as the measure for permitting ocean use activities. In addition, the Marine Spatial Planning law does not have any language requiring the plan to achieve "no negative impacts" [RCW 43.372]. An approach of "avoiding and minimizing" is also consistent with the State Environmental Policy Act. Ensuring "no negative impacts" is not consistent with the requirements or approach in the State Environmental Policy Act.

Detailed MRC Comments for Other Parts of the Planning Process

Coastal MRCs also provided specific ideas on a variety of topics. The list below attempts to reorganize these comments based on how they relate to the development of the marine spatial plan, so they can be retained as reference and guidance on more specific parts of the planning process or plan development. These topics include:

- **Specific Planning Process** – specific ideas on how to develop the marine spatial plan, such as ways to conduct outreach, involve stakeholders, or coordinate across agencies.
- **Current MSP projects** – specific input relevant to methods, available data, or process for projects that are underway or currently planned.
- **Data Needs and Methods** – ideas for specific maps, methods, models, assessments or data sources. Many of the suggested items are already included in the data viewer or planned to be included.
- **Specific Content for the plan** – more detailed ideas on content or policy considerations to include in the draft plan.
- **Other regulatory or management processes** – comments related to coastal policy or management actions, plans or data needs that are outside of the scope of the marine spatial plan. Most issues are under the purview of other existing regulatory or planning processes. While contextual information related to many of these issues will be included in the Marine Spatial Plan, the MSP will not attempt to solve these issues.

Specific Planning Process

Coastal MRCs provided the following, specific ideas on how to develop the marine spatial plan, such as ways to conduct outreach, involve stakeholders, or coordinate across agencies:

- Define terms: sustainable, aesthetic quality, working waterfronts (and associated uses), existing sustainable use (categorize into commercial, recreational, ecological and cultural), “significant adverse impacts”
 - Get public comment and agreement on final list of what an “existing sustainable use” is (establish criteria)
 - Clarify what we mean by “aesthetic quality” and how do we measure that to determine impacts as to whether they are minimal, direct, or significant?
 - Define the type of “working waterfront” we want to preserve: Landings, canneries, processing, boat docks – NOT new industrial uses
- Outreach:
 - More public workshops, attend meetings on coast (MRCs, others), go to stakeholder groups
 - More results reporting
 - Timing -- when trying to get fisherman/shellfish growers input and participation, be sure to think about seasons, tide, weather, etc. and get their input about WHEN

- Data viewer: host workshops that practice using the tool and to engage representatives, presentation in Wahkiakum
- Government coordination, consistency and implementation
 - Determine how agencies will communicate on proposed new uses, projects, and funding requests to result in more collaboration
 - Develop a framework for how agencies will work together to make collaborative holistic decisions
 - Develop a road map for local jurisdictions to effectively communicate their input throughout the process
 - Develop specific agency rules for consistency and ensure that agencies follow the plan
 - Include government authorities involved in oil spill prevention in decision making
 - Develop transparent and adaptable protocols for decision making
 - Outline how existing rules, regulations, etc., would address existing and proposed uses along the coast
 - Align this plan with other state management plans and goals, such as those from DFW for salmon, forage fish, waterfowl
 - When determining other state management plans and goals, look to the data and mapping in the MSP
 - Consider the impacts of regulatory changes on the existing uses, both interagency and cross-border
- Stakeholder involvement
 - Develop locally verified maps associated with each of these defined uses
 - Local verification of data and mapping these existing uses should be built into process and actively engage stakeholders (in order to capture traditional knowledge)
 - Include industry involved in oil spill prevention in decision making
 - WCMAC and MRCs are fully informed about the scope of each project at the forefront - Present project ideas to the WCMAC and MRC before they begin, so participants can make comments, help identify datasets and where to go for pertinent information
 - Include local input when developing these projects and not after the study is complete

Current MSP Projects

Coastal MRCs provided the following input relevant to methods, available data, or process for projects that are underway or currently planned:

- Conduct a comprehensive and robust economic analysis of existing uses that:
 - Provides a cost/benefit analysis to assess the economic risks of displacing existing uses
 - Includes the total economic multipliers (boat to plate, the fishing industry supports boat repair services, canneries, supply stores, processing plants), including the Alaska fishery
 - Includes balance of trade – consider value of exports regionally, nationally and internationally (i.e. Alaska fishermen using boat repair services in WA)
 - Is replicable every 5-10 years and establishes a trend line in order to compare and track impacts of new uses to jobs and economy
 - Includes the value and contribution of tribes to the economic picture of the state
 - Includes both tribal and non-tribal ports

- Recognizes the contributions of all communities that use the coastal resources (i.e. many people living in PA and Forks depend upon the coastal marine resources for survival)
- Uses a credible and capable source
- Looks to universities adjacent to the coast for economic expertise
- Locally collected and verified – communicate with local EDCs
- Time sensitive for Columbia River fishermen due to the Kitzhaber decision
- Results are comparable to those of an ecosystem valuation study
 - Measure direct revenue from fisheries, shellfish growers, etc. in addition to the indirect ecosystem services those resources provide
- Conduct a Social Indicators Assessment
 - Fully include the local community when determining and assessing indicators
 - Don't duplicate data and information – use existing reports and add local elements, locally validate and ground truth
 - Use data already available for this subject – i.e. DOH database for health metrics
 - Indicators should NOT be based on the number of jobs that new uses will bring in, but the jobs that will STAY
 - Set bench marks similar to work done in OR on social indicators
 - Social impacts surrounding the decline of the fisheries economy
 - Reference or use research conducted by Irene Martin on social impacts of a decline of a fishing community (<http://www.salmonforall.org/wp-content/uploads/2009/08/Social-Snapshot-by-Irene-Martin.pdf>)
- Sensitivity and suitability analysis to identify areas that new uses should avoid, where new uses are potentially suitable, and preferred areas for new uses (under identify and assess areas of ecological importance or particular sensitivity).

Data needs or methods

Coastal MRCs provided suggestions on specific maps, methods, models, assessments or data sources. Many of the suggested items are already included in the data viewer or planned to be included such as public access, recreational uses, fishing, vessel traffic and marine species. The following are the suggestions from MRCs:

- Document fishing grounds for each fisheries sector (commercial, recreational, or tribal fishery), recognizing the distinct difference in uses and access to these grounds
- Conduct a risk assessment that identifies current and potential use conflicts and threats
 - Document the existing uses that are dependent upon marine natural resources, and then identify the full spectrum of RISKS that are threatening those uses (i.e. OA, CC, pollution, oil spills, invasive species, new/changing uses, resource depletion)

- Consider and plan for the massive increases of industrial development being proposed on the Columbia river and the increase of vessel traffic transportation
- Assess the impact of increased maritime traffic to commercial and recreational fishing grounds, the preserve areas, and access to resources (i.e. temporary bar shutdowns, congested areas)
- Assess acute (short-term) versus chronic (long-term and cumulative) risk
 - Is there historic loss and recovery
 - If a new use results in a loss for existing use is it recoverable?
- Develop a methodology for documenting local, traditional and historical knowledge that is a real data set and is an integral part of the decision making process
 - Collect data and information from fishers and coastal communities on historical uses and identify the shifting baseline – heritage dependent on fishing, logging, farming and use of channels and waterways for navigation
 - Utilize Citizen Science or Local Historian Projects to help compile cultural information (Columbia-Pacific Heritage Museum has a local historian project)
- Assess and document public access areas, including maps (online, physical) for various activities (clamming, surfing, fishing, etc.). Inventory and mapping of public access points (particularly on the harbor).
- Understand, map and manage nearshore sediment transport
- Use data that tracks and documents animal migrations when making decisions on new use permits, increase or change in vessel traffic, installation of docks, piers, bridges, energy platforms, etc.
- Climate change data and methods:
 - Model and plan for new ecosystem areas as a result of sea level rise
 - Develop high-resolution models and maps for future scenarios regarding sea level rise, ecosystem trends, ocean acidification, etc.
- Conduct an ecosystem services valuation assessment that documents the economic value of the services that ecosystems provide (such as water quality, filtration, carbon sequestration)
- Oil spills - Ensure we have the best available science and baseline data in place in order to measure and monitor our vulnerability to these threats (full NRDA in the viewer for decision making?)
- Conduct an up-to-date market analysis
 - Consider how the state values fresh, local seafood against marine renewable energy
- Economic vitality of new uses or projects need to be assessed
 - Industry should fund their own projects, not the government
- Identify all areas of current or potentially new CONFLICTING USES and assess impacts of new uses and expansion of existing uses
- Assess potential economic impact if new use fails or degrades the ability of an existing use to function
- Develop a strategy for measuring not just the impact to the occupied space, but also the rippling effects and offsite impacts

Specific content for plan

Coastal MRCs provided the following more detailed ideas on content or policy considerations to include in the draft plan:

Context

- Consider how previous regulatory and management decisions have impacted where we are now, taking into account previous decisions such as Boldt, Rafeedie, and Tuttle River fisheries decisions in order to capture the shifting baseline and oscillations of coastal economies (requested “Regulatory Impact Assessment”)
- Identify sustainable new uses (all potential new uses)

Policy considerations

- Consider the possibility of an “existing sustainable uses” protected area
- Require new uses to address change in risk to fishermen’s safety and the ability to access the resource
- Develop a mechanism within the plan that requires any new use to document any impacts to this objective (objective 2) – how it will impact/change our quality of life
- Spill prevention is considered in the final plan and all decision making processes
- Implementation
 - Outline how existing rules, regulations, etc., would address existing and proposed uses along the coast
 - Align this plan with other state management plans and goals, such as those from DFW for salmon, forage fish, waterfowl
 - When determining other state management plans and goals, look to the data and mapping in the MSP
 - Outline specifically how and where there will be significant opportunities for MRC/WCMAC to provide recommendations on individual permits for a project by project basis.
- Adaptive management - Outline an adaptive management strategy and timeline – how will this plan adapt in 5, 10 years after new data is collected?
 - Assessment looking back on those regulatory changes - write an applied “Lessons Learned” report after each review of the plan
- Addressing potential new uses
 - Determine how these activities will “avoid and minimize” impacts to current activities
 - Develop a mechanism to ensure that once new projects have been permitted/installed, if they are found to have adverse impacts to existing uses/ecosystems after installation, they are required to shut down and remove all infrastructure by the permitted institution and provide appropriate settlements to existing uses damaged in the process
 - Establish a bond (or other type of insurance) to cover the losses a new use may cause to existing uses
 - Conduct a comprehensive Economic Impact Assessment along with an EIS for every project being permitted
 - Develop a protocol that all agencies will follow when new uses and projects are proposed
 - Set criteria for citing projects
 - Open transparent process for assessing ocean energy projects

- Develop a protocol/checklist that will require all new uses to prove that their project will “avoid and minimize adverse impacts to existing uses”, as well as uphold ALL of the objectives listed here (i.e. ecosystem functions, cultural identity of the community)
- Develop protocols that if any new use causes adverse impacts to “existing sustainable uses” or does not support the objectives stated in this document, it should not be permitted
- Mitigation
 - Have appropriate mitigation measures - mitigation measures should not be an acceptable solution for the displacement or adverse impacts to existing sustainable uses.
 - Mitigation should fit the circumstance and have a local scope

Other regulatory or management processes

Coastal MRCs provided other comments related to coastal policy or management actions, plans or data needs that are outside of the scope of the marine spatial plan. Most issues are under the purview of other existing regulatory or planning processes. While contextual information related to many of these issues will be included in the Marine Spatial Plan, the MSP will not attempt to solve these issues.

- Dredging:
 - Identify dredging (or lack thereof) as a major use conflict needed to be addressed in the plan. Access to resources need to be maintained via dredging, especially tributaries to the Columbia River. Identify lack of dredging in Columbia River tributaries as a barrier to fish migration and spawning.
 - Accelerate the process for completing soundings, soil samples, etc. to begin dredging
 - Recommend to the Army Corps of Engineers when dredging the main stem of the Columbia to consider and/or mitigate the impacts to the side channels
- Armoring: Conduct more stringent review of proposed armoring projects to determine impacts on sediment transport. Provide recommendations for provisions that restrict hard armoring of shorelines.
- Sustainable management of resources:
 - Identify opportunities for existing uses to become more sustainable and better support the ecosystem functions and habitats those uses depend upon.
 - Identify a framework for managing marine resources on an ecosystem basis (i.e. sea lions should be managed according to their ecosystem presences and impacts)
 - Develop maps of prioritized, restoration/protection opportunities
- Identify all fish barriers in the plan, and conduct a review of fish barrier removal projects.
- Hazard planning
 - Coordinate efforts by FEMA with the CMSP process regarding potential hazard mitigation assessment plans, processes and tools that can be utilized to ensure the existence of maritime coast communities from coastal hazards
 - Use potential hazard mitigation assessment plans, processes and tools to ensure the existence of maritime coast communities from coastal hazards

- Climate change management and adaptation:
 - Identify strategies to offset climate change and ocean acidification effects (i.e. planting of eel grass)
 - Develop a response plan for if ecosystems become unbalanced through anthropogenic or natural impacts and changes
 - Develop an adaptive plan for when species populations oscillate, habitats shift, etc.
- Spill Prevention, Preparedness and Response
 - Document baseline information as part of our preparedness planning (economic and ecological)
 - Include an assessment of coast wide oil spill response assets and effectiveness
 - Characterize coastal environments by shoreline type and relative sensitivity to spilled oil
 - Locate/document the sensitive habitats and nearest response assets
 - Consider oil tanker regulations and the need for salvage vessels in the Columbia River and Grays Harbor
 - Identify how these threats of increased maritime traffic will impact the experience of being out on the water for our local community, addressing increased impediments to navigation for recreational fishing, boating and enjoyment of our marine waters
- Develop a plan for ocean literacy and education on the importance of our marine ecosystems and dependence on the resources and services they provide.