

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Final Meeting Summary

Wednesday, Sept 23, 2015 9:30 am – 3:30pm

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

Council Members Present	
Carol Ervest, Wahkiakum MRC	Michele Culver, Dept. of Fish and Wildlife
Casey Dennehy, Recreation	Miles Batchelder, WA Coast Sustainable Salmon Partnership
David Fluharty, Educational Institution	Penny Dalton, WA Sea Grant
Doug Kess, Pacific MRC	
Garrett Dalan, Grays Harbor MRC	Ray Toste, Commercial Fishing
Jeff Ward, Coastal Energy	RD Grunbaum, Conservation
Mark Cedergreen, Recreational Fishing	Rich Osborne, Science
Mark Plackett, Citizen	Rod Fleck, N. Pacific MRC
Michal Rechner, DNR	Sally Toteff, Dept. of Ecology

Council Members Absent	
Alla Weinstein, Energy Industry	Dale Beasley, Commercial Fishing
Brian Sheldon, Shellfish Aquaculture	Julie Horowitz, Governor's Office
Charles Costanzo, Shipping	Stephen Sewell, Department of Commerce
Randy Kline, WA State Parks	

Liaisons Present	
None	

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
Kelsey Gianou, Ecology	Libby Whiting, DNR
Frank Gordon, Grays Harbor Commissioner	Susan Gulick, Sound Resolutions, Facilitator
Christine Parsons, WA State Parks	Larry Thevik, WDCFA
Charles Menza, NOAA	Molly Bogeberg, The Nature Conservancy
Jeff Leirness, NOAA	

1. Welcome & Introductions, Agenda Review

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

- Casey Dennehy mentioned several upcoming events, including the Clean Water Classic surf competition Sept 25-27 in Westport, WA, the Coastal MRC Summit Oct. 15-17 in La Push, WA, and a Nov. 17 forum at Grays Harbor College on shoreline master planning.
- Sally Toteff encouraged people to comment on two draft EIS on proposals at Port of Grays Harbor through Oct. 29th. Hearings are scheduled for Oct. 1st at Satsop Development Park, Oct. 8th at D&R facility in Aberdeen.
- Ray Toste announced this will be his last WCMAC meeting and hopes Larry Thevik can replace him.
- Mark Cedergreen clarified that recreational and commercial fishing interests on the coast oppose Sport Priority Bill due to its negative impacts to coastal community economies.
- Dave Fluharty shared that he, Jennifer Hennessey, Penny Dalton, Kelsey Gianou, and Katrina Lassiter will be at the University of Rhode Island for an international symposium on marine spatial planning.
- Carol Ervest shared that Wahkiakum MRC received \$850,000 from WCRI for restoration and a fish processing unit.
- RD Grunbaum encouraged everyone to read the Friends of Grays Harbor's Economic Impact Statement on the impacts of crude oil transport on the Grays Harbor economy, available for download at fogh.org.

Adoption of June Meeting Summary

- Sally Toteff recommended that the section on her presentation in the June meeting notes be amended as follows:
 - The first bullet on page 5 (under Sally Toteff's name) should be revised to say: "SEPA (State Environmental Policy Act): Allows communities and states a review step before making permit decisions about proposals. SEPA is a disclosure process. It is usually carried out at the local level. For a project that involves an EIS, SEPA is where you can ask questions and provide input on what should be studied."
 - The next bullet should be revised to say: "Water Quality Certification: State law is based on the federal Clean Water Act. The water quality certification identifies if a project will meet water quality standards."
- ! The summary was adopted as amended.

2. Update on Use Analysis – Jennifer Hennessey

Jennifer Hennessey gave a presentation on the Use Analysis process, which can be found on the WCMAC webpage: <http://www.ecy.wa.gov/programs/sea/ocean/documents.html>.

- Agency planning staff have had meetings with different sectors to discuss perceived conflicts; GIS work is now underway. The final product will be maps with information on where conflicts might occur between existing and new uses.
- The intention is to have an online map tool where users can select different layers or a single hexagon and see information about all existing uses and intensity. Metadata will describe where data came from and collection process.
- WDFW will hold a separate meeting on fisheries maps this fall (date TBD) and agencies will meet with Tribes in October to provide an update on the process.

Questions and Comments

- Several people voiced concerns about the need to differentiate between where there are no conflicts and where there are no data available to determine if there are conflicts. A possible solution would be to include a category for "zero uses" and another category for "no data available."

- Mark Plackett wants to ensure it is easy for people to provide useful, ongoing data so maps are as current and accurate as possible. Jennifer clarified that Kelsey is doing outreach as she builds the MSP, summarizing the studies we've done but also seeking information from other sources. They also rely on this group to make them aware of useful information.

3. Existing Policies and Authorities for the MSP – Michele Culver

Michele Culver from WDFW gave a presentation on the existing policies and authorities for the MSP and the five new uses considered. The matrix that describes permitting and authorizing authorities was included in the packet for today.

Questions and Comments

- Dave Fluharty asked about permitting authority for other things like mining, dredging, commercial and recreational fishing, and would like to see them noted in the handout. Michele clarified that authorities noted relate to proposed new uses under the MSP, which per the statute does not include fishing. Garrett Dalan asked if department has authority to change the fishing map and could an area be totally closed off to a certain use? Michele clarified that it would be in department's authority for state waters; beyond state waters there are a mix of authorities. Depending on which fishery and what it would be closed to, WDFW would have to coordinate with Pacific Fishery Management Council. Fishing is under their authority and guidelines are specified in the Magnuson-Stevens Act, as well as departmental mission to provide for recreational and commercial fishing opportunity. In looking at new uses addressed in MSP, marine reserves and areas closed to fishing are not included. Garrett requested an additional information sheet with a reference to the Magnuson-Stevens Act to make clear that fishing is within WDFW authority. Michele explained that it has been clarified in several documents available online, and descriptions of WDFW and Magnuson-Stevens Act authority are included upfront in the plan itself.
- Penny Dalton asked if they have separate authority for marine mammals and birds. Michele clarified that they do not have ESA authority; she did not include any federal fishing or wildlife protection authorities. It could be useful to also do a similar matrix describing federal authorities.
- Katie Wrubel mentioned Katie Kruger's work for the Quileute Tribe on a legal framework for local, state, and federal authorities related to ocean management. This could be used to fill in existing gaps and describe the overlay of roles.
- Michele recommended that if WCMAC wanted specific requirements for a permit or activity, it should be a recommendation in the MSP for the legislature to consider putting in a statute so that WDFW authority could absorb it more easily.
- Jennifer stated that it could be useful to list other agencies' authorities and develop recommendations to those agencies to ensure the correct steps are taken when a project is permitted.
- Rich Osborne raised the issue that some activities are within federal authority. Jennifer clarified that we cannot create new authorities within the plan for federal waters. If we can make the case that an activity will affect a coastal use or resource of the state, nesting the plan into our state's coastal program will provide mechanism to review and influence these types of federal activities. We may want to look at the Ocean Resources Management Act as this is an existing enforceable policy of the state's coastal program. Michele responded that it would be helpful if WCMAC members could identify a specific recommendation so we can determine our best path to accomplish what the group would like to see as recommendations or requirements for applicants.

- Sally Toteff suggested having a workshop before bringing to WCMAC for discussion and work through recommendations, problems to be solved, levels of authorities, gaps, opportunities to fill gaps, and other ways to address gaps if not through MSP.
- The group will also need to decide if all members can participate in discussions for members that are participants. Would they have to abstain if making recommendations to their agencies?
- Rod Fleck suggested that when making a new legal requirement, we provide some basis from another government, as many of these ideas have been stopped by courts and legislatures.

4. Technical Committee Update

Susan Gulick moved this agenda item up. The Technical Committee has gone through key issues raised at prior WCMAC meetings by topic (including economic, technology and infrastructure, and ecological issues) and is now looking at specific new uses. They have completed all except marine renewable resources, which will be covered in the October meeting. The full WCMAC will have the opportunity to refine and eliminate recommendations. The current draft of recommendations was sent to the group last week.

Questions and Comments

- Rod Fleck asked how they would like to receive comments and the process for refining the list of potential recommendations. This issue needs to be discussed more. Susan encouraged participation on Technical Committee, and/or sending written comments to Susan

5. Marine Mammal and Seabird Modeling – Charlie Menza and Jeff Leirness

Charlie Menza and Jeff Leirness of NOAA National Center for Coastal and Ocean Science (NCCOS) gave a presentation on the methods and results of the marine mammal and seabird modeling project, which can be found on the WCMAC webpage: <http://www.ecy.wa.gov/programs/sea/ocean/documents.html>

- NOAA developed maps of marine mammals and seabirds showing relative abundance of important species as a tool to be used to make more informed decisions about where human activity should be in the ocean. Maps were created using observational data, using interpolation and extrapolation to fill in observational gaps. They also did a gap analysis; there are two reports available online. They welcome feedback on the maps.
- It's important that managers do not assume the model describes ecological relationships; the model finds correlation, not necessarily causation around habitat characteristics. This should be a screening tool and then studied further with on-the-ground observation.
- The seabird report is complete and can be found at [NCOSS website](#).
- The marine mammals report is still will be completed by February.

Questions and Comments:

- Rod Fleck requested they include a caveat around correlation vs. causation to discourage agencies from using maps like this to drive regulation.
- Rich Osborne asked if they had satellite tracking data, and they do not. USGS has done some tracking; they might eventually compare tracking data sets with predictive models as another way to validate them. Monitoring program data sets did not include estuary data.
- Dave Fluharty asked if there is conflict between shipping and high abundance areas of animals since we are trying to understand interrelationships. Jeff answered that there are vulnerability assessments, for example mid-Atlantic assessment of wind farms and sea birds, but none in WA that he is aware of.
- Larry Thevik expressed concern that estuaries were left out since they are right next to the study area and agencies might make conclusions about abundance that aren't necessarily true. He recommended

acknowledging the limitations of the study scope by clearly indicating on maps that those areas do not have any developed predictions, perhaps by changing to colors or graphics on the maps

6. Ecological Indicators – Kelly Andrews

Kelly Andrews of NOAA Northwest Fisheries Science Center presented on ecological indicators for Washington's outer coastal waters, which can be found on the WCMAC webpage:

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

- Indicators allow us to measure the health of an ecosystem. Legislation mandates assessment of trends in these indicators.
- Indicator components include ecological interactions, human activity, and environmental drivers. In the conceptual model, they developed a framework for six habitat types, evaluated portfolio of indicators against 17 criteria from scientific literature, then quantified status and trends spatially and temporally.
- Kelly went through several indicators as examples (kelp coverage, copepods, ocean surface temperature, razor clam landings, etc.). There are 150 indicators in the report.
- Next steps will be to identify which indicators are most relevant to the MSP and what needs to be done to decide if an activity is having an effect on these indicators.

Questions and Comments

- Jeff Ward asked if the process allows for new species and indicators to be included. Kelly responded that it's an iterative process flexible to new developments.
- Penny asked if indicators that vary widely are not good indicators. Kelly responded that it depends on what we care about. Some highly variable indicators might still be important, but there may be other indicators that are better for that species/ecosystem characteristic.
- Doug Kess wanted to ensure that the group keeps up on what is changing and how it relates to the MSP process, especially related to climate change.
- Gus Gates suggested using significant wave height as a better predictor of kelp forest health, since buoy data is available.
- Ray Toste cautioned against thinking of indicator variability as a problem; it might just be cyclical.

7. Updates

State Budget/WCMAC Funding

- Katrina Lassiter gave status update on projects done in the last biennium and what's planned for the coming biennium. The MSP Projects Status Report was included in meeting packet. Links are included in the electronic version to the final reports from each project. There were no questions about any projects on the list.
- Libby Whiting has been working on a progress reporting tool, included in packet, and would like input. The goal is to have a simple way of looking at how projects connect to goals and objectives.
- Katrina is working with Rich Osborne to get a contract underway for the ONRC to conduct a visual resource assessment. The ONRC will do a visual resource modeling project rather than a large scale assessment.

Economic Assessment

- Cascade Economics will produce a FAQ document to address WCMAC's lingering questions from the last report. WCMAC will have an opportunity to review the questions.

Wok Plan

- Jennifer Hennessey went through Work Plan. WCMAC will meet at the Port of Grays Harbor Commission Chambers through June 2016.
- Based on Technical Committee's work, we made a few changes to the Use Analysis to provide more time to discuss general and spatial recommendations over the next few meetings.
- We are planning a future briefing on the burrowing shrimp issue based on expert availability (Kim Patten and Brett Dumbauld).

MRAC (Ocean Acidification Panel)

- Garrett mentioned that next meeting is scheduled for November. Please provide feedback or questions for him to ask when he sends out the agenda. Also please visit [UW Ocean Acidification Center website](#) for new information.
- Doug Kess invited everyone to the MRC Summit on Oct. 15-17.

8. Agenda items for next meeting

Susan reviewed the current December agenda items:

- Update on Use Analysis
- Viewshed analysis update
- Technical Committee draft recommendations
- Update on MSP outreach

WCMAC did not have additional items for agenda topics. RD Grunbaum asked about process for nominating new members. Jennifer clarified process for leaving group, including informing Governor's office, which must be done online at: <http://www.governor.wa.gov/boards-commissions/resources/appointees/resign-board-or-commission>.

Anyone can recommend someone to fill a vacancy. The simplest way would be to fill out the online recommendation form at: <http://www.governor.wa.gov/boards-commissions/board-and-commissions/recommend-applicant-0> This link is also included in the WCMAC bylaws.

You can also communicate with Julie or Keith Swenson in the Governor's Boards and Commissions Office.

9. Public Comment

Larry Thevik recognized Ray Toste's contributions to the WCMAC. He commented that marine spatial planning process is a message process and we need to convey that Washington is unique. It has the shortest coast on the West Coast that is already fully utilized, any new use would be an exemption of an existing use. We have established tribal sovereignty and marine sanctuaries, so we need to understand and effectively communicate our unique circumstances. He also asked that we consider and include export and import of crude oil in Grays Harbor as a new use. WCMAC should have a more expansive interpretation of the five new uses or add a specific new use, "transportation and storage of crude oil." Transporting tar sands oil through Grays Harbor could cause irreparable harm and should be discussed as part of marine spatial planning uses. If that cannot be accomplished, then let's at least recognize what that activity may bring to bear when we're looking at marine spaces.

All thanked Ray Toste for his service.

Meeting adjourned at 2:33 pm.

Summary of Decisions:

- ! The June Meeting Summary was approved as amended.

Upcoming Meetings

- December 9, 2015
- February 10, 2016
- April 20, 2016
- June 15, 2016

Meetings will be held in Aberdeen unless otherwise noted

DRAFT