Meeting Notes

Shellfish Aquaculture Regulatory Committee
September 24, 2007
11:00 a.m. - 4:45 p.m.
John L. O'Brien Building, Hearing Room A
Olympia, Washington

Members Present: Russ Svec, Krystal Kyer, Bruce Wishart, Sarah Dzinbal, Ward Willits, Diane Cooper, Nick Jambor, Pat Prendergast, Dick Wallace, Eric Hurlburt, Bryan Harrison

Alternates Present: Miranda Wecker, Laura Hendricks, Jeff Dickison, Dave Risvold, Peter Downey, Yongwen Gao, Blain Reeves

Guest Speakers: Matt Niles (Ecology), Penny Dalton (SEA Grant), Raechel Waters (SEA Grant)
Ecology Staff: Sally Toteff (facilitator), Jeanne Koenings, Candice Holcombe (note taker)

Introductions

Approval of Proposed Agenda and Meeting Goals

(Sally Toteff, Facilitator)

- Meeting Goals:
  - Work toward finalizing ground rules.
  - Continue presentations on technical permit processes.
  - Discuss the framework and qualities that the committee thinks of in envisioning an integrated permit system.
  - Comments on research workshop.
  - Status of Sea Grant RFP process.
- Discussion of proposed agenda:
  - Diane Cooper has information she'd like to present to the group and would like to make comments when distributed (response to last Patrick Townsend's presentation at August meeting). Discussion:
    - Others should have a chance to respond to last meeting too.
    - Think it's appropriate; if there's info that is helpful to our goals, we should entertain it.
    - **Agreed: Diane can present this during discussion of last meeting's minutes.**
  - Regarding public comment period: The suggestion from the last meeting should not be approved in the meeting notes if it's not agreed upon by committee. (Committee will discuss this when approving minutes from August meeting.)
  - Some technical presentations (e.g., Corps) have not been long enough to be of real value and cover everything that we need to know. Please remember that some of us don't have backgrounds in this area.
  - Response from facilitator: We can give additional time to this, and perhaps others, for more in-depth presentation in a future meeting.
  - Two recordings of today's meeting are being made.

Quick Announcements

- Travel reimbursements (Candice Holcombe, Ecology): Signed letters of agreement must be returned before Ecology can reimburse you for travel expenses. If you are a new alternate and haven't received your letter yet, you should receive it later this week.
- Proposed next meeting dates: October 15th, Nov 5th and 19th
- Should we seek an alternative meeting site with better parking? Please make suggestions, we can discuss in planning the next meeting.

Committee Business

(Sally Toteff, Facilitator)

1. Approval of 8-27-07 Meeting Notes:

- Is the Committee r**e**ady to adopt the meeting notes as written, or are there any comments or suggested changes?
- Laura Hendricks: When taking notes, please name members specifically when they offer comments or discussion.
- **Agreed: Note taker will do her best to record names and capture the essence of comments and discussion about major concerns.**
- Comments and handout from Diane Cooper: She asked if she could make available follow-up technical information in response to the August 27 presentation of property owner concerns. Committee members acknowledged and allowed the request. Diane distributed CDs around the table and set a stack at the sign in table..
- Dick Wallace: I suggest we further consider the suggestion made during last meeting's public comment period that the Committee come together and prepare a joint presentation on shellfish aquaculture that all Committee members would agree to. Let's keep this idea in mind. It maybe helpful to reconcile differences.
- **Consensus: Adopt August meeting minutes. Ecology staff will post the notes as "final" on the Committee website.**

2. Comments on last meeting and research conference:

- Diane Cooper: I thought it was great. Sea grant did an outstanding job of bringing together world-renowned researchers in a short amount of time. They presented lots of good information that will be helpful is decision-making process.
- Sarah Dzinbal: This may be the best workshop I've ever been to, with regard to useful information.
- Bryan Harrison: It helped to set the groundwork for what we know and don't know about the industry.
- Laura Hendricks: The summary of recommendations will be helpful to county planning departments and others.

3. Discussion, and (if ready) adoption of Ground Rules:

- Facilitator distributed ground rules handout from first meeting.
- How does "silence implies consent" really work? Facilitator suggests that on procedural issues such as approval of agenda, meeting notes, etc., she will look around to see if anyone disagrees or has comments. She will not make that assumption when it's an issue of substance.

- How will the committee handle tangential discussions that do not directly relate to the work of the committee?
    - Dick Wallace: If someone feels a comment is not pertinent, we should all agree what venue we should redirect it to, to allow it to be addressed. We should all accept responsibility to stay within the charge of the committee.
- How should members differentiate between statements of fact and opinion?
    - Bryan H.: Through disclosure. Preface by saying you're speaking from your own experience or opinion.
    - Facilitator: People should be willing to ask speaker when want to clarify.
    - Sarah D.: Prefers that people ask rather than requiring members to preface each statement they make.
    - **Agreed: Will try to do both. Speakers will try to qualify statements of opinion or personal experience; if anyone wants to clarify, can ask speaker.**
- Electronic communications: Ecology is continuing to work out the technical glitches with the Listserv. Should be live very soon.
    - Nick J.: I thought we were going to try to limit the amount of electronic communications.
    - Response: The Listserv will send comments to central place where, if you want, you can view them. It's a way of avoiding excessive personal emails.
    - At the last meeting, didn't we agree that we'd try to conduct our business in the room, and will use Tom C. as a gatekeeper to submit information and comments to. He can then forward them to the committee as needed.
    - The public would like to share information and viewpoints; the Listserv will provide the opportunity for them to do that.
    - **Agreed: We will work through Tom and Jeanne as gatekeepers on official committee business. Listserv will function as a channel for public to share views and information informally.**
- How will the committee handle questions and comments from the public that come in through meetings or Listserv?
    - Sarah D. pointed out that comments often don't require a response. Need to clarify whether we're talking about comments or questions.
    - **Public Comments:**
    - Diane C.: My understanding of our charge is to advise Ecology in their effort to write rules and integrate this regulatory scheme. If the public has comments, they should be providing them to Ecology. If Ecology feels they should be forwarded to committee to inform their decision making, they can do that. But Ecology, not the committee, should be the recipient of public comments. Public will also be able to provide official comment in rule-making process.
    - Nick J.: We have a good representation of all interests here at the table. Citizens can bring concerns to their representative on the committee.
    - Laura H.: This is public process being funded by public money. Public comment should not be censored by the Department of Ecology. All comments need to get to the committee. Committee members can read the Listserv, and public can bring comments to the meeting.
    - **Agreed: Public comments can come through a committee member, the Listserv, or can be directed to Ecology**.

- **Public Questions:**
- Nick J.: This issue may not be pertinent. Responding to all of these would require adding agenda items, and we don't really have answers. We're all very early in the learning process.
- Jeff D.: It's not the committee's responsibility to answer questions from the public. If we spent time crafting committee responses to every question, we would get nothing else done.
- Ward Willits: Agrees, let's move on. We should be asking questions, not trying to answer them.
- Sarah D.: It depends on the question. If it pertains to procedural issues regarding the committee's work, Ecology could answer. If someone asks a question relating to DNR, I'd like to receive that so we can answer it. Maybe we should direct questions to the people/agencies they directly pertain to.
- Dick W.: If a committee member brings public questions to a meeting, the committee should respond. If it comes through the Listserv or Ecology, Jeanne or Tom can handle or coordinate response.
- Jeanne K.: We can also provide a list of questions and how we've responded at each meeting so committee members don't feel like they're being kept out of the loop.
- **Agreed: We're not, as a committee, going to be answering public questions.**

- Public Comment period: Is it a necessary, good use of committee time? If so, how to organize and facilitate?
  - Bryan H.: Didn't we reach a consensus to keep a public comment period at the end of meetings, and committee members could stay or not stay. Ecology would record the comments in writing.
  - Jeff D.: I suggested removing it entirely. Creating the impression that this is a public forum creates the expectation that people *should* comment. Receiving public comment should not be an official committee function.
  - Bruce W.: I am comfortable with a public comment period at the end of meetings. To the greatest extent possible, members of the public should work through their representative on the committee. But I don't want to limit public comment in any way. We can revisit if public comment become excessive (long lines, etc.).
  - Krystal K.: It is important to provide the opportunity to public to comment. If they're going to come to the meeting and listen to us for over four hours, it's only respectful to give them a few minutes to comment.
  - Russ S.: It is important to have a public comment period, but I can see where it can get challenging with regard to time. But these are decisions that will affect the public, and tribes. Regarding tribal issues, I would support letting tribal members come to me with comments or questions. If they are relevant, I would bring these to the committee.
  - Sarah D.: This is a public process, responding to legislation created by the public. If we're limiting each comment to 2 minutes, I can't imagine it would take that much time. If people are still waiting to submit comments at end of 20 minutes, they could be allowed to submit written comments.

    - Facilitator: What I am understanding is that public comment should be allowed at the end of meetings and should be recorded by Ecology. Is that correct?
    - Jeff D.: That is a blend of the suggestions of people who want public comment.
    - Krystal K.: How are we going to make decision on this? (Answer: Decision making process not in place yet). In the three meetings we've had, we've spent more time discussing whether to have public comment than we have spent actually entertaining public comment.
    - Facilitator: How does the Committee want to resolve this?
    - **Bryan H.: Let's table it until after we discuss the decision-making process and then test the process on this issue.**
- Discussion of decision-making process:
    - Bruce W.: I raised concerns in the first meeting about this and would like to restate and clarify my position on majority vs. consensus. I'm concerned about voting: the committee is not completely balanced. There will be variety of opinions on many issues and when that happens, Ecology needs to make a decision. It may not be appropriate for a majority vote to determine Ecology's decision. Moving toward voting and majority is moving away from consensus.
    - Comment: If consensus is not reached, Ecology needs to entertain all views and make a decision.
    - Comment: Good point, but one pitfall of that is the power it gives the minority to block consensus. We need to have some way to capture that.
    - Bruce W.: Supermajority may be an option. Ecology can just read the room and sense agreement.
    - Bryan H.: We haven't asked Ecology what is most useful to them.
    - Facilitator: If Tom were here, he would say that consensus would be the most useful. One of the goals of this legislation was to move the parties closer to consensus in order to advise Ecology.
    - Jeff D.: The tribes are here to offer insight from the perspective of tribal governments, but we do not represent all tribal governments who are not at the table. We generally don't participate in these processes on a voting basis. We do participate on a consensus basis. We are an advisory committee to help Ecology to write guidance. This is not final law being written. There can be multiple opinions in the room, and the committee should not pretend that one is more important using mathematical methods. Squaxin tribe is willing to participate on a consensus basis. If you want to use a voting system, we will have to reconsider our decision to participate.
    - Dick W: Gordon White did indicate that consensus is most valuable to Ecology. We need to gauge how close we are to consensus, i.e., is it worth continuing to spend time on? If so, let's do. If not, let's move on and note varying viewpoints. If there is no consensus on certain issues, at least Ecology has a record of the varying viewpoints. I suggest we not get too focused on the details of procedural issues.
    - Bruce W. and Pat P.: Ecology can make decisions part-way through the process, decide they have adequately heard varying viewpoints and are ready to make a decision to move on. Ecology could play a more active role.

- Diane C.: Tom could take note that we are not at consensus, and we could move on. Ecology should play more of a role in these substantive issues. We‘re here to give you guidance, not to solve everyone’s problem.
- Dick W: Let’s remember that Ecology has several roles with the Committee process. Tom and Jeanne are the Technical and Policy staff who are coordinating the committee and will be the ones to gauge consensus. My role is as a participant on the Committee and to engage in discussions.
- **Agreed: The committee will use a consensus decision-making process. If consensus is not reached, Ecology will factor the differing positions and make an independent decision. This means Ecology will gauge when it’s worthwhile to keep pushing the committee toward consensus, and when it’s no longer worth further discussion. If this occurs, Ecology will speak up and indicate that it’s time to close the discussion because consensus does not seem possible. Ecology will describe the steps they will take to reach their decision. One example is that Ecology would say, “Thanks for the dialogue – the committee needs to move on. Ecology will take your varying viewpoints under consideration and make a decision.”**
- Does this mean that we will know what Ecology will do with our point of view?
- Sometimes Ecology’s response may just be that we will take it into consideration.
- Bruce: I rescind my suggestion of a supermajority. Let’s avoid those terms.
- Krystal K.: Do we need to establish quorum requirements? (Several others echoed this.)
- Diane C.: Let’s respect everyone’s time and the importance of this to the shellfish industry by attending regularly or sending alternates.
- Comment: It’s best to have clear number set so we don’t have to make the decision on the spot.
- Dick W.: We need to know a month ahead of time if we are going to be asked to make a decision at the next meeting. If a situation arises that keeps a majority away, or a key interest is not represented, we should hold off on the decision.
- Diane C.: I would expect Ecology to reschedule if extenuating circumstances come up.
- Jeanne K.: Clarification: Every interest at this table is a key interest in Ecology’s view. What this means is we should delay decisions when both members and alternates representing a particular interest are absent.
- The facilitator suggested several options for members to participate from a remote location: conference call phone line or by sending advance comments on specific agenda items Teleconference capability may also be a future option.

- Revisiting the public comment issues:
  - Jeanne, how will Ecology handle public comment? Response: What I heard was that you want us to use common sense. If there are questions to answer, we’ll do our best to answer them or forward them to appropriate parties.
  - What about public comment period at end of meeting? Jeanne would like to talk to Tom about it.

- Let's keep in mind that we should be finding ways to reach consensus. In the interest of doing that, can we suggest that we have public comment at the end of meeting off agenda, and members can stay or not?
- **No consensus on whether to have public comment built into the agenda. Jeanne and Tom will make this decision.**

Technical Presentations

Bryan Harrison (Pacific County)
Aquaculture and the Growth Management Act (GMA)
(Presentation posted on committee website.)

Discussion:

- Diane C.: Pacific County sets a high bar: aquaculture is protected, it's an important part of the community and economic base. Where is Pacific county accommodating growth? Where are your urban growth areas around South Bend, Ilwaco, and South Beach?
- We default to the City Urban Growth Area densities of 7-8 units per acre to absorb the majority of growth. It's an incentive for folks to get into the urban growth area,where they can build higher-density development and where the infrastructure is already in place to support it. Everything north of Long Beach to Surfside, from Highway 103 to the ocean, is designated shoreline residential (1 unit per acre). That's where the value is, and the development pressure is. We are starting to see more clustering in newer development areas, with shared infrastructure (septic systems, etc.)
- Laura H.: Are you saying that in most of Willapa Bay, most aquaculture is sited in non-residential areas, so there is little conflict?
- Answer: Due to setback buffers, aquaculture is visually far from the land base. We're lucky that most development didn't hit until after the GMA and other regulations that laid out requirements.
- Laura H.: So people moving in and building in the area will know in advance that they are building in an aquaculture area, rather than having their residence established and aquaculture moving in?
- (Note taker did not catch response. Presenter does not recall.)
- Nick J.: Are there some issues with nighttime harvesting, bright lights, etc? How would the county handle this?
- Answer: It's difficult, issues that are visual, aesthetic, light, noise, etc. are fall under nuisance ordinances. Falls to local governments, police powers, but then you get into the issue of proving what is a nuisance and what's not. It's much better to have a rule and BMPs in place (or internal pressure from within industry to regulate themselves) to outline exactly under what conditions, what wattage lights and number, angle, etc. Complaint-based management is difficult to respond to effectively. It's similar to dairy farms: a guy moves next door and complains about the smell or hours of operation.
- Comment: In reading farm papers over time, a lot of farmers lose their right to carry on their business. Is there any provision in GMA or other laws to protect one use over another?

- Under GMA you can designate protection and regulation of various uses. Pacific County has always been explicit. We require people to acknowledge in writing that they know they're moving into area of this kind of use.
- Eric H.: We've got the right to farm law in this state that tends to protect farmers against nuisance complaints. (RCW 7.48.300-.320 provide protection to agricultural activities and forest practices from nuisance lawsuits. The law was modified during the last legislative session (HB 1648). Per Eric H.)
- Comment: Maybe having someone from CTED who has a broader view of all jurisdictions in relation to GMA would be helpful.
- Diane C.: I think that part of the solution may lie in looking at different zoning options. One problem is protecting areas with established, high value aquaculture lands and operations. The second is the expansion of industry: in order to sustain, it needs to grow. Where do we go from here? How is GMA and SMA going to fix these problems? We (the industry) don't expect and haven't suggested that we have an automatic right to be everywhere at all times. It would be helpful to talk to Puget Sound counties to work toward a solution.
- Facilitator: Need to look at GMA as a potential tool for the committee.
- Nick J.: Pierce County is under rapid growth and development. Willapa is probably 20 years out from these high development rates (and the septic and stormwater issues it brings). It's only a matter of time, though. We need to look forward and come up with solutions now.
- Facilitator: Would you like to invite CTED and additional counties to a future meeting?
- Sarah D.: Does inviting people to speak on GMA help Ecology make recommendations?
- Bruce W.: I'd like to see a combined discussion of integrating SMA and GMA.
- Dick: It's a good idea to have CTED and SMA discussion together. Let's ask them to come with the permit process in mind. They can help explain how it works with shellfish aquaculture and areas of the regulatory process that might be ready for improvement.

Matt Niles (Department of Ecology, Shoreline Management)
Aquaculture and Shoreline Master Programs (SMPs)
(Presentation posted on committee website.)

Discussion:

- Matt N.: It's important to make the distinction between permitting for **structures** vs. permitting for **uses**. The Supreme Court upheld that you can regulate a use even if it doesn't involve development of a structure that requires a permit.
- Bruce W.: It doesn't seem to me that we're bound by the 7-year timeframe for updating SMPs ; I believe the legislation intended in adopting a certain timeline to allow changes to SMPs in the interim period;
- Matt N.: The statute requires SMPs to be updated every 7 years. Local jurisdictions have the option to make minor changes to their SMPs in the interim period, but we can't through rule amendment force local jurisdictions to amend their SMPs before the 7-year update cycle is up under existing statute.
- Laura H.: In Pierce county, they say no permit is requires under SMA. That doesn't match what you said about being able to require conditional use permits.

- Matt N. Each jurisdiction varies. Some jurisdictions will require certain permit, others won't.
- Laura H.: If you have a county with mostly residential and virtually no agriculture, and you choose to rezone it, do you change the tax structure, does the state take the property over? What about people whose property goes from a high-bank residential zone to an industrial/commercial zone?
- Pat P.: SMP requires jurisdictions to take in to account the existing character of shoreline environment, and uses are set out accordingly.
- Diane C.: The crux of the problem is a land use problem. We have more people moving in, more development. The fear that property owners have of aquaculture encroaching on residential development is the same fear that the shellfish industry has about residential coming into aquaculture land. This is about setting standards about being "good neighbors."
- Matt N.: The existing SMP Guidelines include that language; these problems were anticipated. Part of reason we're here is that it's not specific enough. The challenge is to translate it to specific rules.
- Question: Regarding impact of aquaculture industry, new Guidelines, no net loss (NNL). Does Ecology have its head around the issue of ecological function and no net loss?
- Matt N.: We've talked a lot of about how to define "function." Do we mean individual component functions of a specific area or a broader underlying function over a larger area (e.g., Puget Sound)? Ecology does want to allow flexibility.
- We are getting to the point where the legislature is starting to want specific details.
- Laura H.: How do you define NNL if there's no baseline data?
- Matt N.: That's what we're working to decide now.
- So there's no clear definition of NNL; it's left up to counties. Once defined, who determines if there's no net loss?
- Matt N.: That's the goal of this scientific work and information.
- Nick J.: If you lose one critter but end of with ten times as many of twenty different critters, is that a net loss?
- Laura H.: Does NNL look at the ecosystem level?
- Matt N.: NNL happens at two scales: the SMP as whole, and on a project-by-project basis.
- Sarah D.: Maybe this a two-step process, because the scientific information is not going to be available for a number of years.
- Matt N: One of the things Ecology does require in SMPs is an extensive inventory and characterization of existing shorelines and functions.
- Sarah D.: I think we should clarify that the SMP Guidelines are law.
- Matt N.: Yes, the name "Guidelines" can be misleading. They are part of the Washington Administrative Code (WAC). Jurisdictions are legally required to follow them.
- Matt N.: Jurisdictions can make interim (limited) amendments to their SMP before the comprehensive update.
- Eric H. (?) Weren't there some aquaculture rules back in 1983? Let's check into that.
- Bryan H.: What if we were to just dive into the realm of having incomplete knowledge? Let's not be paralyzed by that. Let's use what we have now, i.e., landscape-scale models of environmental functions, inventory & characterization analysis. Then go to whoever is

proposing a specific use or development and the burden is on them to demonstrate how they will preserve function.

- Comment: A baseline survey could be a requirement before a new development is initiated, to establish a reference point.
- Jeff D.: Are SMA and GMA really part of the solution, or part of the problem? I don't know that we should necessarily constrain ourselves to thinking we must fix this problem in the confines/frameworks of SMA/GMA. Look back to the salmon recovery issue: we negotiated a compromise, agreement, endorsement of SMA as a way to do things, and the tribes were not a party to these decisions. You can appeal to history in citing the importance of SMA and GMA, but most of the problems have developed since the time they were enacted. (With the exception of single-family residences. The single-family residences blanketing Puget Sound are the biggest problem we face right now.) We need to look at the bottom line concern: Puget Sound is not healthy; it must be improved. Talk about no net loss is meaningless in that context; it leaves us where we are now, with an unhealthy Puget Sound. What we need are improvements. Who are going to be the best neighbors for those improvements?
- Matt N.: No net loss is a new concept. Ecology has only approved two SMPs under the new guidelines. The restoration plan is the biggest piece that gets you to toward improvement. No net loss ensures that you at least maintain the same level of health, then restoration is added on top of that.
- Russ S.: I understand the frustration in trying to identify impacts, and not having the necessary background information to recognize whether it has an impact or not. We struggle with this every day with the timber industry and freshwater systems: their argument to us (especially with regard to turbidity in the long term) is that we don't have information to support our concerns. Where does an environmental impact statement fit into all of this and how does it work?
- Matt N.: The SMP update process has its own requirements to go out and document what is out there on the landscape level, and how the SMP will protect existing ecological functions. Ecology prepared an environmental impact statement prior to adopting the new Guidelines, and each individual jurisdiction is required to comply with State Environmental Policy Act requirements. Depending on the specific SMP, some jurisdictions may choose to prepare an EIS, and others may determine that an EIS is not required. Local governments are responsible for complying with SEPA requirements during the SMP update process.
- Jeff D. to Laura H.: You made a comment that began "If you destroy the habitat..." Is that fact or opinion?
- Laura H: We have a letter from a lawyer outlining the argument and citing studies.
- Nick J.: What about using shellfish as mitigating factors for upland environmental impacts (runoff, etc.) What about bulkheads?
- Matt: Single family residences may be exempt from the substantial development permit, but they're not exempt from the rest of the SMA, including NNL. Exemption from a permit is not an exemption from having to meet all those other requirements.
- (Bryan H.?) In buying mitigation rights (reconverting wetlands in order to sell), mitigation doesn't have to occur even within same watershed or almost within the same state. Is that what we're going to see: I can farm 100 acres over here and have to give up 200 acres over here?

- Matt N.: There is a sequence of steps to mitigation. When it comes to things like wetland banks, we look at wetland functions, applicable within a geographic scope for which that mitigation is appropriate. First, what are the functions we are concerned about: water quality, onshore sedimentation processes, habitat…then we look at the scale at which those functions occur. Some are closer to site-specific, some are broader (e.g., sub-basins within the Sound).

Raechel Waters and Penny Dalton (WA Sea Grant)
Overview of workshop and other things SEA Grant activities.

(Presentations to be posted on website once received.)

Debriefing on aquaculture research workshop (Rachel W.):

- We had a full house at the workshop. Excellent attendance and enthusiasm.
- The literature review is now available online at the WA Sea Grant website. It is available for comment. The deadline has been extended to this Friday (September 28th).
- The workshop was very helpful in identifying current research in progress that is not yet published – very up to the minute.
- Sea Grant will be posting expert research recommendations on our website once they are formatted and ready to post.
- We compiled all research recommendations (expert, comment cards, and discussion). Conclusion: HB 2220 did an excellent job of identifying the spectrum of research needs.
- The take home message: independent recommendation from the research community mirrored the recommendations made in the bill, which is encouraging.
- However, these recommendations are not the basis of the criteria for the request for proposals.
- Question: Could the science and policy interaction perhaps be addressed in the Public Information document you are writing? As we are making recommendations on guidance for local governments in shoreline planning, it would be helpful if Sea Grant could tell us 1) your level of confidence in the science, and 2) some ways to characterize risks for policy decision-making. Can Sea Grant tell us, for example, which issues involve high-level, high-probability risks vs. low-level, low probability risks?
- Answer: Only the scientists themselves would be qualified to answer as to confidence level. Peer review is a vital part of the process to establish the credibility of the research and conclusions. We need to remember Sea Grant's role in this. We cannot provide risk assessment, nor can the researchers. We can help you build and focus the body of information. We will not be answering the questions and drawing conclusions ourselves. We can translate the findings into understandable documents for the public and policy-makers.
- Clarification: How do the recommendations translate into priorities? We have limited funding; what if there's not enough for everything? How do we make those decisions? (Penny will speak to prioritization in a moment.)

Presentation of request for proposals (RFP) and committee discussions (Penny D.)

- Revised RFP schedule;

- October 8: Sea Grant will issue RFP.
- October 29: Pre-proposals and reviewer lists due.
- November 9: Requests for full applications based on proposal evaluation.
- December 10; Full proposals are due.
- December/January: Proposal review and evaluation.
- February: Research begins.

Questions:

- Question: How does the clause about "no connection to industry or public interest group" work in practice?
- Sea Grant: The language in the legislation only requires up-front disclosure; it doesn't say it will be a cause for rejection. We are interested in how the committee would like this to be handled. Keep in mind the difference between industry-affiliated principle investigators and simple partnerships. All projects will go through extremely stringent peer review; reviews are very tough on potential bias. A certain amount of partnership is necessary; otherwise the state must fund 100%.
- Sarah D.: The research funding rolls over into the next biennium, right? (Answer: Yes.) So we don't have to complete all of these projects within the biennium. Because if you start from scratch, with pre-planting conditions, you have to wait at least 6 years to harvest.
- Bryan H.: Is there going to be research focused on finding out more about the practical, industrial side of aquaculture, such as netting predators out, using tubes, etc. Will the projects involve any technology development for alternatives to tubes and current harvesting methods?
- Sea Grant: Answer: There is definitely room for comparison of exclusion and harvesting methods, but this would not be the venue for actual product development.
- Diane C.: There is a lot of research going on right now to identify alternatives to tubes, etc. I would be happy to share this information with the committee (not in a presentation, just on paper.)
- Question: Will the committee have input into the weighting of criteria and prioritization?
- Sea Grant: We are open to discussing how input from the committee and Ecology might be incorporated into the process. It does get tricky due to confidentiality agreements with researchers, etc.
- Question: Can we be confident that the researchers who are funded will deliver?
- Sea Grant: Researchers who have a history of not completing work or turning in reports are not eligible for funding through Sea Grant. Reviewers know these investigators' history and are relentless with each other. They are not shy in sharing that information.
- **Sea Grant request: Please identify members to help with RFP process, to advise on the applicability of science to the regulatory process.**
- Eric H.: Suggest that it should be someone with Ecology, as they are the most neutral group involved. And we should make sure it's someone we can reasonably expect to stay on for the duration of the research. Seemed to be general agreement on this idea.
- Sea Grant: Is the committee comfortable with researchers partnering with industry or public interest groups:
- Diane C.: The legislation is clear on the disclosure requirement; criteria are clear requiring non-affiliated principle investigators. I don't see a problem.

- Bruce W.: I also don't see a problem with partnerships within the parameters that are established.
- Sea Grant: Our intent is to use the literature review as an evaluation tool. Does the committee have any concerns with this? The literature review has been a great resource document, a point of reflection to confirm that the scope is correct. Of course, each investigator will be required to do their own project-specific literature review to make sure there is an existing gap in the area they intend to investigate.
- Question: Can research going on in British Columbia be included?
- Sea Grant: As emerging studies undergo peer review and publication, we can include them in the literature review.
- Sarah D.: I recall a conversation I had a past conversation Lisa Veneroso, Penny Dalton, and others, in which we considered asking for QA/QC and ownership of data.
- Response: We are trying to write a data management plan right now to determine how to handle that. Regarding accreditation, the work being done might not fit into the procedures that are used to determine accreditation. Our data management plan will get to the QA/QC aspect. It will set standards for procedures and instrumentation (e.g., how it is calibrated, who calibrates it). It is customary for ownership of data to reside with principle investigators until publication.
- Laura H.: The literature review doesn't seem comprehensive enough with regard to environmental concerns; it is heavy on genetics-related research. I hope that the literature review isn't going to be used as the primary guiding document. It needs increased coverage of habitat issues. The scientific recommendations on data gaps need addressed in the literature review.
- Raechel W.: We were tasked with reviewing the existing, published, peer-reviewed studies. If studies exist in relation to habitat, they can certainly be included in peer review.

Summary and Next Meeting (Facilitator):

How did we do today with regard to the meeting goals we set out?

- Goal 1: Finalize ground rules. Met goal.
    - Krystal K.: Are we clear on the committee decision-making process and the public participation process? It would be helpful if Ecology could provide a summary in writing so the conclusion is very clear.
    - **Agreed: Facilitator will summarize the committee's decisions in a revised ground rules document. Will have it ready by the next meeting.**
- Goal 2: Finish the series of technical presentations. Met goal.
    - Sarah D.: It will be helpful to have the Corps of Engineers here for these discussions.
    - Jeanne K.: Casey Ehorn has committed to come to the October 15th meeting and has a conference call with Tom and Jeanne scheduled before that to get up to speed.
- Goal 3: Envisioning an integrated regulatory structure. This item was postponed until next meeting due to time shortage.
- Goal 4: Obtain update on SEA Grant workshop and RFP process. Met goal.

What should we plan for the next meeting?

- Discussion of qualities of an integrated permit system.
- Follow-up with further analysis of Fill and Dredge Permit, Water Quality Cert, CTED.
- Diane C.: Have the counties represented here been in touch with other counties to hear their point of view?
- Bryan H.: I'm not sure all counties are even aware of this; we need to contact the Washington Association of Counties to work with them. Also, I've been studying GMA and SMA for years and still can't fully understand it. It is complex and dynamic. I suggest we move forward and, starting getting things on paper to see where we are.
- Facilitator: Questions to consider in visioning process:
    - What's wrong with the current permit process?
    - What needs to be done to correct the problems?
    - What is the appropriate scope of an aquaculture permit?
    - Are there certain areas that lend themselves to regulatory reform? Some things may be fixed in statute and don't have much flexibility. We should consult with the permitting agencies where the areas of flexibility are.
- Eric H.: There seem to be two main questions: 1) Geoduck guidelines for SMPs; and 2) How to integrate and streamline existing aquaculture regulations? I feel like I'm being whipsawed between the two.
- Facilitator: We can start to focus our effort more deliberately on one issue at a time.
- Laura H.: It would be helpful to know the status of county and local permits, which counties permit geoduck aquaculture and which don't. We should rush to judgment to get answers on paper. The precautionary principle should guide us.
- Facilitator: Much of what you're talking about is decided at the county level. The schematic of current permits required (provided by Ecology at the meeting) is a starting point to evaluate whether they're working or not.
- Suggestion: It would be helpful to evaluate all fourteen counties and how they address aquaculture in their SMPs. And maybe consult with someone at CTED to get a similar overview of non-shoreline local regulations (GMA).
- Matt N.: I sent an email to all shoreline planners to get that information; what you saw in my presentation is what I've received from them to date.
- Eric H.: The vast majority of aquaculture is done on land that has been used for aquaculture for 100 years or more.
- Diane C.: If we can't get specific information from the counties on their permitting requirements, I can provide that information. Taylor Shellfish does business in each of the counties, so we know the range of requirements for each.
- Facilitator: What I'm hearing is that the committee doesn't want more experts to come in and give detailed technical presentations right now, that you think it's time to turn toward questions that will focus your attention on what needs to be done.
- Bryan H.: It's hard to determine what's "broken" with the current regulatory process if you don't have a clearly defined goal of the permit. What are the values we're trying to protect through the permit process (for example, environmental function, economic growth, aesthetics)?
- **Agreed: Ecology will send out these questions in advance so members will be prepared for active dialogue.**

Public Comments:
Paul Sparks (WA Council of Trout Unlimited): If there's going to be cleanup of the Sound, aquaculture has to be involved in it. We have to look at both culture and harvest practices. Our concern is that--given the casual the permitting structure at county level and long distance range on scientific studies--we'll have a lot of new acreage of geoduck aquaculture grandfathered in before we know the risks. The Washington Council of Trout Unlimited has concerns that there are unanswered questions about the potential for harm by a major expansion of geoduck aquaculture to ESA-listed Chinook Salmon and Steelhead in the near-shore environment. In the late 1980s/early 1990s, the Department of Fish and Wildlife made a determination on the harvest of wild geoduck, established the standard of 18 feet (water column), determined that harvest in the intertidal zone would be a risk to forage fish and others. Those documents probably exist and would be helpful for the committee to consider. Also, this is the first meeting I've attended where members could leave before public comment: I hope in the future you will change that.

Meeting adjourned.