

Meeting Notes

Shellfish Aquaculture Regulatory Committee

June 9, 2008

9:15 a.m. – 3:00 p.m.

Ecology Headquarters Auditorium

Lacey, Washington

Members Present: Bryan Harrison, Ward Willits, Dave Risvold, Trish Byers (alt.) Sarah Dzinbal, Yongwen Gao, Peter Downey (alt), Nick Jambor, Eric Hurlburt, Laura Hendricks (alt.), Morris Barker, Krystal Kyer, Rich Childers (alt.), Cyrilla Cook (alt.)

Ecology Staff: Perry Lund, Jeanne Koenings, Tom Clingman, Elizabeth Van Deren

Interested Government Staff: Senator Karen Fraser, Adrienne Stuart (Rep. Lantz's Office), Curt Gavigan (Senate Committee Services), Jessie DeLoach (DOH), Cinde Donoghue (Thurston County), Bob Fink (Mason County)

Other Interested Parties: Paul Sparks (WCTU), Marco Pinchot (Taylor Shellfish), Kris Mansfield (Harstine Island), Denise McElney (Case Inlet Shoreline Association),

Presenters: Cathy Barker (DOH), Jessica Moore (Ecology), Rick Mraz (Ecology)

Facilitator: Annie Szvetecz, Department of Ecology

Note taker: Candice Holcombe, Department of Ecology

Introductions

Committee Business

(Perry Lund, Ecology)

- **Review Agenda –**
 - No comments. **Approved by consensus.**
- **Comments and approval of May meeting summary**
 - **No comments. Approved by consensus.**
- **Quick Announcements**
 - Perry introduced Elizabeth Van Deren, the new intern from UW who will be helping Ecology with committee work.
 - Ecology hopes to hire someone by next month to focus exclusively on SARC business – compilation of recommendations, rule-making, SEPA, etc.

Aquaculture Licensing Collaboration Update (Cathy Baker DOH)

- Cathy's notes from her presentation are available on the committee website under June Meeting Presentations.
- Subcommittee has been meeting to discuss info that each agency is collecting and how it might be integrated:
- Participants: Department of Health, Department of Ecology, Department of Agriculture, Department of Natural Resources, Department of Fish and Wildlife.
- DFW – Aquatic Farm Registration Application (name, address, own/lease, species, culture use intertidal/subtidal/hatchery), both shellfish and finfish, aquatic district number, location of activity, managed acres and cultivated acres, what's being harvesting (from quarterly reports)
- DOH: operator's license + harvest site application or certificate listing all properties being harvested from. Fee based on biotoxin testing, number of harvest sites and type of license. Applicant's name, harvest site certificate, company name, address, harvest site owner, harvest

- site address, species, parcel number, section/township/range, lease agreement, copy of tax statement to prove ownership, county parcel map.
- Working to get to the point where applicants can fill out one application that can be used for both agencies.
 - Ecology – requires JARPA for any project needing water quality certification, and supplemental Nationwide Permit 48 form (species, name of owner, etc., Jessica will detail)
 - Current ways data is collected or stored:
 - DOH database on server; building a new system.
 - DFW database – also building new system; have GIS to map all harvest sites (not available to public yet – in the works). Can get WQ growing areas and their classifications
 - DOE SEPA server
 - None of the agency databases can currently exchange info. They brought IT folks into the last meeting to talk about ways to share data, possibly have one application that is shared among agencies.
 - Continue to explore whether one system can be designed to meet all agencies needs. Modify current business processes to share info to prevent duplicate effort.
 - Agencies need to explore funding support - working to develop legislative budget package.
 - DOH has FTP site listing all harvest site applications (certified, denied, and pending),
 - <ftp://ftp3.doh.wa.gov/shellfish/public/harvest/>: Does licensing apply only to commercial farms, or also hobby farms? A: Only if they are going to harvest commercial quantities (i.e., significantly more than their personal limit). Department of Health WAC specifies commercial quantities.
 - Peter D. There's a problem with the way it's reported. For example, on a five-parcel plot, I reported the center parcel; realized after the fact it was more than one parcel – it's 4000 sq ft of beach, cutting across parts of several parcels. Cathy says Peter should report each parcel and the number of acres on each parcel.
 - Laura: I've recently seen advertising for shellfish gardens – what if a landowner puts in a shellfish garden for commercial purposes? Morris – If they're going to sell the shellfish, they would need an aquatic farm registration; if it's for environmental or personal use, they would not. The product must be for sale to be considered commercial.
 - Nick: so you can have a commercial quantity in your garden as long as you don't harvest and sell it, right? Morris: Yes.
 - Nick: Is any one agency taking the lead on data collection and sharing? Cathy – no, we have not discussed which agency will take the lead. Nick: Does it appear that if one takes lead, the other agencies will accept that info and I'll only have to deal with one agency? Cathy: That's what we're working toward.
 - Perry: The data sharing issue is 95% of what we need. We have three databases asking for three different (but overlapping) sets of info, and they're not talking to one another.

Nationwide Permit 48: Information and Data Collection / Current Geoduck Acreage (Jessica Moore, Ecology)

- See PowerPoint and Handout on Committee website (under June Meeting Materials)
- Ecology requested that all farmers submit NWP48 reports to Ecology last June, to give us an initial look at what's going on with geoduck aquaculture. Covered general info: company, location, species, methods, predator exclusion. Sample of report in handout.
- Ecology developed NWP48 worksheet to clarify and get more specific info (see example).
- This is what we're using for 401 water quality certifications under NWP48.
- Have been working with growers to get full and specific information. After verifying the 500 acres, it dropped to about 250 acres. Based on worksheets we've received to date, about 330 acres of geoduck (planted) have been reported to Ecology. Includes 144 project areas, majority are under an acre. They range in size from experimental plots to large commercial plots (70-80 acres). They are being planted at a variety of densities. We asked about future planting elsewhere on farm.
- We'll continue to collect remaining worksheets and work with growers and other agencies to verify data, and get additional info from growers and resource agencies as needed.

- Sarah: Clarification that these are species currently planted, not just “at one point in time.” A: Not necessarily planted, but currently under cultivation (may have been harvested and replanted.)
- Is there a difference between wet and dry harvests? Divers are required for wet harvests while dry harvests take place on the beach, but it’s all intertidal.
- Sarah: There are a very small number planted subtidally, and those have to do with Bush Callow Act Lands.
- Perry: Minimum water depth? Peter: Ranges from -2 to +2. When tides are in, the geoduck plots could be under 10 feet of water.
- Perry: When would you do a wet harvest? A: Depends on whether it requires a breathing apparatus or not. There might be couple of inches of standing water on the beach during dry harvest.
- Dave: Willapa Bay reports the entire bay as a 6000 acre project area, but there is no geoduck aquaculture. We were told that if you were considering possibly growing geoduck, you should include it in the permit; I don’t have any desire to grow geoduck and don’t intend to.
- So the project area is not confined to the parcel or even land owned by the applicant? A: That’s correct.
- Nick: We farm over 10,000-12,000 acres in Willapa.
- Laura: Bill Dewey stated the majority of geoduck farming is done by four companies – are those four in your numbers already? Jessica – I think that most of those have reported. Peter: Chelsea and Seattle Shellfish and Taylor have all reported, not sure about Washington Shellfish.
- Eric: How much of this is on existing shellfish farms? A: All.
- What is the distribution of geoduck farms around Puget Sound? Jessica: I’m not sure yet, we’re working on that.
- Perry: NWP48 is exclusively for existing operations. We certify NWP permits as we do any fed permits- responding to the fed action. As much as we’re trying to do this proactively, we’re still waiting for the Corps to do some of these things so we can decide how we’re going to respond. How it’s defined in federal Clean Water Act.
- Peter: most geoduck farms are in South Sound, a few in Jefferson County, and some in Samish Bay.
- Laura: Do you have parcel numbers for these 300+ acres? Do you have the report that shows how you got these numbers? Jessica: not yet – I will once we finalize the report.
- Laura: How are we going to make a decision if majority of geoduck acres haven’t reported? Surely we can get a report for what you have now rather than wait until all data for smaller growers are in. We should be able to see where the major growers and their acreage are.
- Jessica: We have sent worksheets to 19 companies; 14 have returned information so far.
- Perry: what more do we need to see the actual locations involved?
- We have the reported locations – parcel number, lat/long number, all had to submit map with NWP 48. Peter: The way this is being reported--might have a single point representing a number of acres -- may be misleading.
- Perry: Regarding brokers: can we assume that the people these brokers are getting product from are reporting their farms?
- Laura: Cathy, can you map to show cumulative breakdown/overlay of species by location to see density, and cumulative effects? Could you do that long-term?
- Cathy – I can break it down by company. Sure, I could do that, but the map would probably be pretty busy. Don’t think it lists species on the GIS map, but it does on the Harvest site certificate.
- Perry: Section 6 of HB2220 – DOH agency requirements – does that data collection involve species? Morris: We are collecting species data. But it’s a list of potential species, not actual.
- Peter: Farmers will always try something new. If you want to try a new product, you can try it but it doesn’t necessarily work out. But we need the flexibility to change species and growing techniques as the market evolves, otherwise we wouldn’t be in business

Local Government Planning Subcommittee Update (Rick Mraz, Ecology)

- See PowerPoint on Committee website under June meeting materials.
- Subcommittee of people with planning background familiar with SMP development and implementation. We've been talking about infrastructure of SMP, SMA, and how what the committee is working toward would merge with actual SMP language. How would that look in an actual document?
- Difference between policies and use regulations (general vs. specific); Group preferred broad policy statements—e.g. referencing a SARC sanctioned BMP document.
- Emphasis on preference for local control – you will see this not only here in SARC but also with local SMP development
- Review of existing aquaculture guidance in WAC.
- Group suggestions on SMP language (see slide). Strong preference for SARC-sanctioned BMP document.
- Peter: For the EIS do you mean going through a SEPA checklist and analysis, or a full EIS?
Perry: We are amending our rule and we already have an EIS for the SMP Guidelines - we'd be amending our programmatic EIS on Guidelines (not at the project level).
- Rick: It could conceivably go the other way as well. It could be that someone applies for something and the local government issues an EIS and it's appealed as insufficient. Programmatic EIS seems to be favored over project-specific to inform guidelines, policies, and regulations.
- Annie: Tier of EIS: Ecology does programmatic EIS, local governments can incorporate by reference Ecology's EIS or amend it and add information relevant to their own circumstances. Project applicants can adopt it as well.
- Peter: Crops are taking 6-7 years until harvest – no grower in their right mind would invest in planting something they're not guaranteed of being able to harvest. You could treat aquaculture farms like agriculture farms – permit once and then they are free to farm.
- Rick: We could, but that wouldn't take the adaptive management side into account.
- Peter: Even in 2013 we'll still have questions about science. Will always have questions. This is the case with everything you permit – not unique to geoduck aquaculture. We need to keep this in perspective.
- Eric: Are you saying the only way to do Adaptive Management would be to have permits requiring permit renewals that take new science into account? Rick: It's not the only way, but that's what the subcommittee favors.
- Nick: Do counties, with docks and such, do they ever review science on those? Bulkheads, docks, marinas don't require renewal. A: Perry – if they need to go in and make improvements or repairs it would require a new permit. That gets at the difference between an ongoing use and an activity.
- Cinde Donoghue: We do have a mining permit review annually. Rick: DNR uses renewals for in-water dredge disposal sites--require reports on sediment characterization, frequency of use, how full is site. Peter: So there are regulatory models that could be adapted? Yes.
- Rick mentioned the "pristine" aquatic environment designation. Locals want autonomy in determining which designations they allow aquaculture in.
- Peter – Jefferson County is now restricting upland development in pristine environment designation.
- Discussion of mechanics of local SMPs and what it means for us to generate recommendations to Ecology for guidelines
- Nick: It sounds like what you're asking for is some guidance, but general guidance, yes?
- Rick: That's the message I got.
- Nick: That puts us back to the problem of being too general – can be interpreted widely. What is our goal? How specific do we need to get?
- Perry: This is the underlying principle of the SMA – local control. We face this balancing act every day in the work we do.

- Peter: There could be different standards between north and south Sound. Environmental conditions and dynamics are very different between the two. We have to be careful to allow flexibility.
- Nick: Willapa is full of eelgrass – if you say we can't farm near eelgrass, you shut us down. We believe shellfish farming in Willapa has positive effects on habitat.
- Laura: Regarding citizen review frameworks – costs of appeals, time involved – I don't feel like we should have to come to every meeting to appeal and bring up these issues.
- Laura: What about impacts to adjacent landowners – what will you do about silt transfer? Rick: Sediment migration would be addressed by science.
- Peter: This may be occurring on one or two sites, but not all.
- Laura: Have studies taken into account how geoduck farming affects ecological carrying capacity – Newell – no study yet for carrying capacity; or impacts on birds, and predator exclusion? If these issues aren't addressed adequately in local regulations, are citizens expected to come appeal every permit to have their voices heard? It is also important to assess the impacts of geoduck aquaculture on sand lance, forage fish, salmon migration, wave action, and marine vegetation other than eelgrass. Pentilla said this is important.
- Rick: You're right in the sense that if you feel something is not addressed and need to speak to that through the public comment process that is inherent in the SEPA determination and shoreline permits. We talked about the fact that there is a shortfall in scientific knowledge. Absence of showing harm works both ways. If there's no evidence that it's harmful...
- Laura: There has been, with clams and oysters. Rick: It's not my place to prejudge an argument, that hasn't been determined.
- Rick: Local governments can use of environmental designations to disallow aquaculture in certain environments so citizens don't have to contest every permit.
- Cyrilla: I'm hearing that locals need a tool to assess any impacts in their communities – but having an EIS based on independent science is one way to do that. Using an EIS to guide SMP updates, locals could apply these tools based on that. Could we talk more about relationship between EIS and SARC recommendations and what happens in meantime? EIS seems like the place to talk about Laura's issues, use conflicts, tool and analysis to expedite future review. Our recommendations could be a list of BMPs EIS will take at least a year, right? What do we do in the meantime?
- Perry: We're under legislative mandate to initiate rulemaking. Having a year to do EIS ...we anticipate the recommendations from this committee will form the workings of the EIS. We can discuss what we want to do about silt, forage fish, eelgrass, etc. in the EIS process. The EIS becomes the tool that guides our rulemaking.
- Eric: Do you have funding for an EIS? Perry: We got \$200k to fund this work (not counting Sea Grant). (Ecology would be a lead agency for producing an EIS on rulemaking. It would be a non-project EIS done in-house).
- Tom: We didn't really think about EIS having such an important role in the process when we put together the scope of project. We'll shift to have staff not billing as much to the committee fund, leaving more to fund this other position dedicated to EIS/rulemaking.
- Perry: I would hope that we get enough detail in our programmatic EIS that individuals can use it for their permitting and not have to conduct their own for individual projects.
- Nick: So the more complete the work Ecology does means the less work for individuals.
- Annie: And remember there's the local SMP in between to articulate details.
- Laura: Adjacent neighbors on a local basis – would that be the point where local jurisdictions look at buffers? Would that be a local or Ecology regulation?
- Rick: When you think about the way SMA is constructed vs. SMPs, yes, the SMP is the one that spells these things out. Some things in SMA and guidelines are prescriptive, but most are general.
- Laura: On environment designation, more environmental concerns than conservancy vs. rural residential and rural, concerned about adjacent landowners...are you saying natural conservancy county might expect and say you cannot do nets or tubes in these designations?
- Rick: Yes, they could do that. Although they may have new designations, conceived of differently.
- Peter: We have Aquatic and Aquatic Resource designations in Jefferson County.

- Cyrilla: Question/comment on local governments: whether EIS will address your capacity in other words some locals not requiring these permits now and may not in future, but the standard of the SMP is No Net Loss, so I assume that will still have to be the standard. Have to keep track of this somehow. Will EIS address how locals will...after permit is issues? Do we need funding so locals have compliance and enforcement funding?
- Cinde: Thurston County talked about the increased costs under the new SMP, but we don't anticipate additional funding
- Jefferson: enforcement is a big issue and is currently complaint driven – it would be nice to be able to go beyond that – realities are the budget constraints.
- Cyrilla: if this is an issue – could Ecology provide a checklist for easy ways to do compliance?
- Dave: This isn't really a process/checklist issue - we just don't have the staffing to do this.
- Nick: No net loss vs. Net Gain from shellfish farming. Mentioned the idea of SARC developing BMPs. I think that's a great idea for a tool counties can look at and choose whether to incorporate. Like a model BMP document?
- Perry: The advantage to a BMP doc is that it's more adaptable than rulemaking every time we learn something new. BMPs are easier to apply for adaptive management (easier than constant SMP updates.) And will allow us to deal with interim issues while waiting on EIS, rules etc.
- Peter: If we're concerned about effects on submerged aquatic vegetation, we'll put boundaries around (in BMP, can be changed as we find out more info).
- Laura: My concern about BMPs is that Pierce County had a large number and they weren't followed – and who will monitor and enforce?
- Cinde: We talked a little about having aquaculture plans, like agriculture plans. It would be an easy way to fold in BMPs – in order to get permit, detailed plan of regulations that would be the thing reviewed potentially every year – BMPs folded in
- Perry: Akin to a farm plan? Yes.
- Peter: PCSGA is going after grant money to assist shellfish farmers in developing farm plan.
- Laura: Are cumulative impacts part of what you look at in that? Cinde: the new updated SMPs are required to look at cumulative impacts.

Discussion of Draft Recommendations Framework (Discussion led by Perry Lund, Ecology)

- Perry: We are working to identify the distinction between general rule language and specific guidance.
- Peter: DOH classification doesn't belong under SMP rules/guidance. That is separate. We're trying to not have multiple references to the same requirements.
- Cyrilla: If the guidance is for local planners trying to develop their SMP, it may be helpful to point out DOH classification requirements, in case they're not already familiar with it. I wonder if under guidance there should be a section on environmental designations and how they relate to aquaculture (e.g., high-intensity uses may not be compatible with aquaculture because of water quality issues.)
- Cinde: WAC is specific about environment designations – you can use others, but they must be at least as protective. What it doesn't say is, for example, xyz is the density that should be associated with particular designation. First cut might be to decide where aquaculture can even occur. Geoducks can't grow everywhere. All shorelines aren't good habitat for geoduck. Technical guidance should specify the environmental conditions required for geoduck aquaculture.
- Perry: SMP Environment Designations don't come until after you've done your shoreline Inventory and Characterization.
- Cinde: If Ecology could provide criteria for what kind of marine lands would be suitable for aquaculture. Same as GMA provides criteria suitable for Agriculture. It would provide assurance that you're not going to have aquaculture everywhere, but also that you're not going to prohibit it everywhere.
- Laura: We need a designation so someone purchasing property knows they're buying in a shellfish aquaculture area. Also, we need a clarification of what defines commercial.

- Peter: The same thing happens under GMA for forest practices, for example. Adjacent property owners are notified that they are next to forestry lands.
- Bryan: Zoning, resource management, etc. is an issue for local comprehensive planning, not SMPs. Policies and goals of SMP need to be consistent – some of the details are more separate. Be mindful of how much of the local land use preference under GMA you incorporate in the SMPs. This can be directive of what to consider, but not directive on exactly what they must do.
- Cyrilla: Most locals on the land use maps designate aquaculture as a resource use. Prospective property owners could see that on county land use maps.
- Perry: It might be worth exploring more as this goes along where the line is between uses in shoreline areas and zoning, to be cautious of stepping over that line.
- Cyrilla: Seems like there needs to be a preamble in the guidelines we're writing recommendations for, establishing geoduck aquaculture's place, the intent of geoduck guidelines. (In other words, why is there a special section on geoduck?)
- We also need a preamble for permit criteria, before going into permit requirements – in what cases is Substantial Development Permit required, what is not an action requiring permit? What is/is not Development as related to geoduck aquaculture? What's an example? Definitions.
- Nick: Pacific County probably doesn't have ability to grow geoducks (Bryan: Yet. We don't know what the future holds) Nick: The existing guidelines are good general language. How is geoduck different? Maybe because it can be so nearshore, but in the Sound so are oysters and clams...how we define why geoduck is different?
- Eric: The fundamental difference is that intertidal geoduck farming is a new, developing activity moving into areas that have not traditionally been aquaculture zones.
- Laura: Bill Dewey stated that he's working with DNR on subtidal geoduck aquaculture. Then we need to address subtidal geoduck aquaculture. And if we allow geoduck aquaculture, does that mean they can bring in any species they want? Scallops too? Pierce County does require development permits for all aquaculture, so we shouldn't circumvent what Pierce County is doing. I keep noticing just herring – needs to include sand lance and surf smelt too. And eelgrass references should include all marine vegetation.
- Peter: The requirements under the "Studies" section of the outline are on par with what's required for an EIS. That's way beyond what we're requiring for anyone else. It's fine if this list is required for EIS, but on a project basis, it's excessive.
- Cyrilla: Some needs to remain, maybe just in guidance, and under a different title, e.g., Criteria for Evaluation.
- Eric: Maybe should be called "(Site) Assessment"??
- Sarah: I've reorganized some of the things under the permit section. It would be a list of what local governments can ask for in permit applications, yes? I will send ideas on this.
- Annie: I'm hearing that this whole section for criteria for permitting should be in technical guidance, not rules. Yes?
- Cyrilla: Something needs to define what you mean by no net loss. For example, "at a minimum, permit review should include...."
- Nick: Seems like we're overstepping our bounds, looking at things in too much detail. For example: Who does the site survey? If industry, will citizens find it legitimate? If county, can they afford these or have expertise?
- Perry: Generally, the applicant is presumed to be responsible for providing certain information on the projects they're proposing. I would rather start out with way more than we need and whittle it down. There is a lot of discussion and public process in front of us, plenty of chances to work out the details.
- Dave: For current applications, it would be nice to have specifics on the project (maybe under protections).
- Pierce: We ask for biological assessment (biologist chosen by applicant) for every project we approve, that gives almost everything listed here. I'm more interested in how you will keep track of BMPs because we'll be getting this info anyway.
- Peter: We have to be careful we're not requiring independent research and analysis. We just need to require project information. Issues can be addressed in BMPs and conditions of permit.

I'm worried that the level of detail you're talking about here would be so cost-prohibitive as to shut down the industry.

- Dave: I understand your concern, but it is original work based on field reviews of the site. Assess eelgrass, aquatic vegetation, baseline survey.
- Laura: A lot of counties do not ask questions at all, so we need to keep detailed info in.
- Sarah: This discussion is feeling free-form, and I'm not sure you're getting the best of out of this group. Might be best for Ecology to go through all committee materials and provide draft language for recommendations/rules, then committee members can comment on that.
- Perry: We don't have the staffing capacity to produce something like that right now, hopefully in a month or so we will. In the meantime, we hope to get feedback from the committee.
- Cyrilla: It would it be helpful to start recording alternatives...
- Annie: We're really looking today to identify any gaps in this outline, and also distinguish between rules and guidance.
- Cinde: I'm uncomfortable with all this detail (on the screen) going into the rule outline. Seems like just general headings should be in the rule, not all of these details.
- Nick: If we're going to create new suggested guidelines for geoduck, and site survey is suggested, we can suggest specifics under the site survey – like a flow chart, for example.
- Dave: This doesn't seem so detailed to me. This seems like a standard baseline study.
- The difference is requiring baseline study vs. specifying elements of the study.
- Peter: We also have baselines for tribal issues. Certain elements have to be addressed from a legal point of view, SEPA checklist has these specifics. They don't need to be part of the rule per se.
- Laura: On forage fish with SEPA, a lot of them are not even on the maps – you have to go out on site to see, vegetation and forage fish can be present but not be shown on maps.
- Perry: Do we want size and scale thresholds? i.e., make the level of review commensurate with the size of the operation and potential impacts?
- Peter: Then you might also be able to get at cumulative effects. How much of a reach is suitable for geoduck aquaculture? And look at the lands suitable for geoduck, extremely limited.
- Peter: There are only 55 acres total of suitable new lands that anyone has their eyes on.
- Laura: We have applications for over 70 new acres in Pierce County alone right now, so the number is more than 55 acres. On the cumulative effects, Newell said we have to look at cumulative effects of all aquaculture, not just geoduck aquaculture.
- Perry: And those can be two separate issues – adjacent activities can be part of our reviews.
- Laura: Look at the landscape of the area: areas with piers, bulkheads, etc. may not be suitable because so much of the habitat has already been altered.
- Trish: "Cumulative effects" are hotly contested at hearings board right now. You have to be very careful about how you define it.
- Cyrilla: Regarding a scoping and scale threshold, I would want to make sure guidelines defer to local governments for locally designated critical species or habitat – locals need to be able to be more protective than the minimum.
- Peter: Look at the example of Chesapeake Bay restoration using shellfish. Upland impacts are so much more than shellfish aquaculture - we need more shellfish in the water, not less
- Nick: We seem to have confirmed the general idea that everyone agrees a site survey should be required.
- Peter: Site survey should also identify land-use conflicts. That is the real driving issue here. It needs to address those conflicts in a way that's fair and equitable to everyone. SARC won't be successful if we don't do that.
- Perry: Outside of shoreline planning context, land use conflicts are none of our business. We will address them to the extent that we can. I think it's fair to say there are some environmental issues that need serious consideration.
- Laura: Chesapeake shellfish are in agricultural areas – it's restoration. Second, you don't know what some citizens think – the environment is our concern. Please do not make a statement that this is only about land-use conflicts – we did not buy property on Puget Sound to look at dead water and feed lots. You're growing bivalves and nothing else.

- Cyrilla: Can we move to operations? Parking. Could this be an easy place to just say “must be consistent with the rest of this code”? There are lots of “shoulds” in the Guidelines for shoreline armoring. Isn’t that the tenor of the Guidelines we should be going after? General shoulds and should nots, and if you must, then how.
- Perry: I think so. I like how you framed that: shoulds/should nots. Parking is good example of where you have “should try to stay on public right of ways” and “should not be parking in people’s front yards.”
- Bryan: I would agree so long as: if you choose to consider parking, some factors that you should consider include: xyz. It’s permissive, but you’ve raised the issues and the given issues to be considered. Can be instructive without being prescriptive.
- Cinde: I like what Bryan said. What I don’t see is about harvest boats, mooring length and locations, etc.
- Peter: I don’t think Ecology or local government should tell a farmer how to manage his farms. I agree that marine debris is an issue, but issues like net and tube removal need to be left to the farmer’s discretion.
- Laura: If it’s on the permit, whatever the numbers are goes with environmental concerns that neighbors have. If there’s no timing required on that, there’s not assurance to homeowners that farmers will be accountable to stick to a schedule. Sea Grant is doing studies on effects based on the parameters we’ve given them (e.g., 18 months for tubes) – studies need to match reality.
- Bryan: How does this blur with concept of permit and BMPs versus a farm plan capturing BMPs? There is some merit in farm planning approach because it can encompass BMPs and more rapidly capture adaptive management. So where in all this does this fit?
- Peter: I don’t want to see regulations be specific as to requiring that farmers farm in this or that way. If someone decides to keep tubes out longer they’ll have to adapt in other ways, what you’re really concerned about is litter/debris and other effects. Also, this is private property we’re farming on.
- Laura: I agree with Peter and Bryan. This is really a farm, and needs to be acknowledged and treated as such. If you site them appropriately, citizens are not going to be upset about it. Citizens just need to feel assured that certain areas will not have aquaculture.
- Perry: Looking at preferred uses section of WAC. Value of siting criteria, balancing of competing uses within SMP. Certain areas require strong protections and restoration. Prioritizing areas for water-dependent and water-related uses. It says residential development is not to displace water-dependent uses. I encourage everyone to review the full guidelines if you haven’t already – it is 108 pages and there’s already some very good material in there.
- Perry: I feel we got some good and useful information in today’s discussion. I encourage you to bring your ideas to us for the discussion over the next few months.

(continued on next page)

Action Items from previous meetings:

- Referring to Action Items on page 15 of May meeting notes:
 - Tom still needs to provide lessons learned examples of other programs for adaptive management.
 - Laura is still working to gather information on other state's strategies for managing aquaculture.
 - Krystal is still looking into other species of concern and ideas for siting criteria.
 - Everything else on list has been completed
- Laura: Regarding last meeting's comments about my lack of documentation about shellfish growers shooting ducks on their farms, I have documentation of that here today (*Staff Note: the email she is referring to will be included in the June public comment digest.*)

Summary of today's meeting and next meeting previews:

- Ken Chu will speak to benefits of aquaculture at upcoming meeting.
- Perry: We will continue to discuss the recommendations framework, and I encourage folks to bring ideas to the table on how to structure the discussion. I agree with the value of going through materials generated from previous meetings. We will be working on that.
- Peter: It is important to break down what level of detail is needed for rule vs. guidance. Important to look at other sectors besides aquaculture (residential, port, etc.) to keep it in context with SMPs and Ecology guidelines.
- Laura: You still have to remember the scale: On a given acre, aquaculture takes up the entire acre. A dock or pier takes maybe 10 feet of it. We need to take relevance into account and be mindful of the larger landscape.
- Next meeting – July 14th ? Candice will confirm.
- November meeting date? Should not conflict with Veteran's Day holiday. Meeting is scheduled for Nov 10th right now. Candice will follow up to see about alternate date and location.

Adjourn: 2:55 p.m.

Public Comments:

Denise McElney (Case Inlet): As a citizen, my concerns are about much more than land use, they are very much environmentally oriented, and I'm not unique in that respect based on the people that I know. There's a real ecological balance, and if you tilt it one way it will affect the other side. A lot of studies are coming out showing negative effects of particulate toxins from plastics. They are becoming part of the ocean food chain. The use of PVC pipes in geoduck aquaculture concerns me. If we're looking at 333 acres currently being farmed, assuming that there are approximately 8 miles of PVC pipe in an acre, that's about 2600 miles of PVC pipe in the sound. How long does it take before those toxins that have drifted away will get into our water? I'm very concerned about the environmental aspects of all of this. Also, I think that it would be a disservice for the committee to overuse the word "should" in the rules and guidelines. There's no accountability or manageability in the word "should." That's part of what I think rendered the BMPs so ineffective. What are the consequences if they are not followed? I thought this was great meeting today – it's the first time I've seen so much agreement. I want to thank you all for the hard work you're doing.

Perry: I would note that the word "should" carries a lot more weight in WAC than it might seem. (Definition in Guidelines, WAC 173-26-020(32): *"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.*)

Public Comments End 3:00 p.m.