

Shellfish Aquaculture Regulatory Committee Meeting

Monday, April 4, 2011

9:30 a.m. – 12:00 p.m.

Washington Department of Ecology, Lacey Headquarters, Rm 32/24

SARC Members Present: Dave Risvold, Eric Hurlburt, Yongwen GAO, Sally Toteff, Nick Jambor, Diane Cooper, Blain Reeves, Bryan Harrison, Dave Peeler, Laura Hendricks (phone), Rich Childers (phone),

Ecology Staff Present: Perry Lund, Tom Clingman, Cedar Bouta

Sea Grant Presenters: Penny Dalton, Raechel Waters

Facilitator: Cedar Bouta, SEA Program, WA Dept. of Ecology

Notes Keeper: Jackie Chandler, SEA Program, WA Dept. of Ecology

Facilitator's Note: The meeting started approximately 9:40 a.m. due to technical difficulties with the projector screen. These notes are not verbatim and have been edited for clarity.

Welcome and Introductions

Cedar Bouta – The reason for today's meeting is to say thank you to the SARC for all your hard work and dedication in getting the geoduck provisions adopted. We also want to get your input regarding next steps for SARC.

Update on Rule Implementation Work – Cedar Bouta

[See PowerPoint presentation]

Cedar Bouta - In terms of when the rule is effective, it depends on the local government and where they are in their SMP process and current local policies and regulations. Most geoduck provisions don't actually take effect 'on the ground' until the local government completes their comprehensive update of the SMP. We are going to write a handbook chapter that will be on aquaculture, not just geoduck, because that is how local governments need to address it. We will include content that the legislative intent of the provisions is for geoduck only. We also will include some content regarding best management practices, but it will be cursory given the state of the science.

Right now we have the following documents or publications on our website: all the rule documents, SEPA documents and economic analyses. *(Post note: See*

<http://www.ecy.wa.gov/laws-rules/SMA2010/1007.html> to access documents.) You can look at the rules in Adobe Acrobat or there is a link to the Office of the Code Revisers web page. We are in the process of updating other existing Ecology web pages related to aquaculture. (Post note: See <http://www.ecy.wa.gov/programs/sea/geoduck/index.html>; this page will be reconstructed as the central page for aquaculture-related information including SARC, rulemaking, and research.)

We are training our regional planners so they are up to speed on the provisions. We have a quarterly networking meeting with local government shoreline planners on April 28 in Tukwila. We will be presenting the provisions at that meeting. The group is made up of local government planners that are in the process or are getting ready to do SMP comprehensive updates and local government contractors hire to assist with the SMP updates.

Diane Cooper – Is the handbook just designed to help the local governments? I wanted to distinguish between the handbook and the BMP document because it's different than what Ecology has ever done. What is the audience of BMP?

Cedar Bouta – The handbook and the BMP manual will both be for the planners – the handbook says what we expect from the local governments to comply with the SMP and SMA guidelines. The BMP manual would be an advisory document, more of a technical manual the planners can refer to.

Diane Cooper – Is the BMP manual going to be circulated and commented on?

Cedar Bouta – We plan on circulating the handbook in-house but we don't know if we are going to circulate it to a wider audience at this time. We haven't had a chance to think through the complete process, to decide if we would ask for comments from outside Ecology. Handbook chapters are vetted by our technical staff and we usually invite planners from local governments to review it; three or four local government planners may be involved.

Diane Cooper – I am more concerned with the BMP. I want to make sure that what Ecology feels are BMPs that the industry feels the same.

Perry Lund – We are not going to create an industry manual in any way. We are not going to assume we can guide the industry.

Diane Cooper – You are going to be meeting with planners as the local government starts to do their SMP?

Cedar Bouta – We are training our regional planners, who meet with local government planners on a regular basis. We also are offering meetings with me, Peter or others to the local governments as well. We are particularly concerned with those local governments that are close to completion such as Pierce and Thurston.

Diane Cooper – I think at some point you could offer to participate in local advisory meetings so you can get an understanding of what they are talking about. I think Ecology's input would be valuable.

Cedar Bouta – Our regional planners often participate in the local planning meetings as time and resources allow. We have to be careful though. It's a partnership between the state and the local government. We give them guidance, but we don't want to interfere.

[Ted Sturdevant, Ecology's Director, entered the room to provide a message of appreciation for SARC's work. Other discussion was put on hold. The first part of his message about appreciating SARC's good work was not captured in the minutes. He also shared the following 'ask' of the committee members.]

Ted Sturdevant – We don't want the outcome of this to be an industry that is detrimental to the Puget Sound, but on the other side we don't want to have a shellfish industry that can't grow. I have a keen awareness and appreciation of the value to have an industry that is about clean water. I have a meeting today about Samish Bay and shellfish closures. If we didn't have a shellfish industry that is closing because of water quality, I wouldn't be meeting with them today. We need to roll forward and find a way to have both the industry and a healthy Puget Sound. I believe the industry needs a healthy sound and are committed to that. I think we need to also look at the science that is out there, appreciate that different interests are engaged at the table and I think that needs to continue. That is what I would ask of you all to achieve.

[Director Sturdevant departed and the committee and Ecology staff resumed their conversation about the BMP manual.]

Dave Risvold – I don't get the understanding that the BMP is authoritative for anyone.

Cedar Bouta – You are correct. The BMP manual would be a technical reference only. What I am hearing is that the BMP manual is important to SARC and you want to be involved in the development of it. We'll keep you informed as we move forward.

Dave Risvold – I think any guidance or anything that has to do with aquaculture we would like to be involved in.

Laura Hendricks – Are the Guidelines [Ch 173-26 WAC, Part III] just guidelines?

Cedar Bouta – No the guidelines are rules and have the force of law.

Laura Hendricks – Ecology is not being asked to come in by local governments, but you aren't going to be determining what the local governments will do?

Cedar Bouta – The local governments have to comply with the SMA and the WAC, so as they develop and submit their SMPs to Ecology, we compare it to the SMA and the WAC. There is some flexibility in both the SMA and WAC in terms of how local governments can accommodate local differences.

Update on Sea Grant Research – Penny Dalton

[See PowerPoint presentation]

I am going to talk to you about where we are at as a program. We will focus on what we are doing, what our plans are, and get feedback from you on what you need from us.

Usually the University of Washington gets a bad reputation for their high overhead rates, but for this project they have forgone all administrative costs.

The way that the ecological disturbance study works is, because the aquaculture process is longer than 5 years, they have selected one site at each part of the process. They did not remove the tubes at one site when they were scheduled so now they have to maintain the monitoring until the tubes are removed and then monitor after the tubes are removed. There is a \$60K funding gap.

There is no funding currently available to initiate studies on remaining legislative tasks [set out in HB 2220].

We will continue to provide research updates. How often and what venue?

Scope – One of the things we have talked about is, do we do a report on just the research of the legislatively-defined research or all geoduck related research by Sea Grant? We think that we should do the later and include the research of all 6 years. We would like SARC buyoff on that.

Cedar Bouta – What about the cost of the two scopes. Would you need additional funding on the second option?

Penny Dalton – We actually don't have funding to do either of them so yes, funding would be good. We will do the report either way. The big thing is cost of producing the report itself. The great thing about the report is there are a lot of really invested researchers that have gone out of their way to make this happen. Broadening the scope would bring in more researchers. I don't know if they will all be as invested though.

Tom Clingman – In the next three years, is it your sense that the research on the triploidy and diploidy will provide results? Do you think that there will be work done on it?

Penny Dalton – No, there wasn't much that was done on the triploidy, they would like more funding to do more. Jeff Cornwell was involved on the initial pilot work it's integrated but not completed.

Blain Reeves – What isn't getting done? Is it the phase that they remove the tubes before harvest?

Penny Dalton – The timing is off. They haven't been able to remove the tubes and there is a gap from June 30 and before that. They have to maintain monitoring before removal and then maintain monitoring after the tubes are removed. They can't switch to another site because they wouldn't have the pre-harvest data.

Blain Reeves – If the tubes were removed next week, could they get their research done by the end of the biennium?

Penny Dalton – No, they wouldn't be able to.

Diane Cooper – I think that because the legislature gave you a specific list, I don't think that incorporating more research would hurt. The more you can put in the report the better, as long as it is peer reviewed and meets the standards.

Yongwen Gao – You have two objects almost finished. How many papers [published in journals] do you have?

Penny Dalton – We don't have any yet. The one project just finished up 6 months ago and they are working on the publications. They wanted to do some more analysis, the Sammamish Bay project is just finishing up. The geochemical was finished 6 months ago, but they wanted to do additional research.

Eric Hurlburt – The purpose of the report is to help guide policy and the people that help guide the policies, who are not always scientists. I would rather see the wider scope.

Dave Risvold- I agree with the wider scope.

Dave Peeler – I would agree with wider range. I am wondering if there is other research being done. Is there anything else that has happened that we can bring into it? There is a lot of research done in Canada. I think it makes sense to show a slide like you did to us. We didn't just use state funding. We were able to leverage other funding. Then let them know what didn't get done because of lack of funding.

I am assuming you will talk with Joel Baker at Puget Sound Institute and Jan Newton, the new chair of the PSP science panel. They have money and it has not been allocated yet.

Sally Toteff – I agree with the original idea, but if you can do more than the original scope, that would be great.

Nick Jambor – I think the research after pulling the tubes is pretty key part of this.

Diane Cooper – We are using all diploid now, but that doesn't mean they are working now.

Laura Hendricks – Can you be specific on what predators or categories they are looking at now?

Penny Dalton – We are seeking to have a greater focus on the amount of effect. This was not a proposal that we funded but funded by national competitions.

Laura Hendricks – Water column effects of the geoduck on plankton?

Penny Dalton – It's a general priority. We haven't funded anything from that priority.

Rachael Waters – A project may have proposed the zooplankton but it wasn't specified.

Cedar Bouta – Ted has a sincere interest to make sure that research is funded and continued. There is a real commitment here at Ecology to continue the research.

Diane Cooper – The legislature as lay people need to have it boiled down. The extent you can please boil it down so they can get their heads around it would be beneficial.

Next Steps for SARC – Cedar Bouta

[See PowerPoint presentation and handout]

The one ongoing task for SARC in HB 2220 is to provide oversight of the research. After talking with Sea Grant, Ecology proposes that we use the SEA Grant's grower's shellfish conference for an annual presentation of the geoduck research. We propose adding a half day to the conference, and use that time for a SARC gathering where the geoduck research is presented, and Ecology present other topics for SARC consideration as needed. The meeting would be open to the public. What do SARC members think of this proposal?

In addition to the annual meeting, Ecology intends to inform SARC of the annual Sea Grant report; web pages, handbook section and BMP manual progress, and will invite SARC expertise as issues arise.

Dave Peeler – If issues arise or new information comes in, would you convene a meeting?

Cedar Bouta – Yes, we would or we could send out an email asking you for your comments.

Sally Toteff – As you see things come in, you could screen what would be of interest to the group.

Cedar Bouta – That brings up a good point that Perry has brought many times. Do we need a shellfish "czar" for Ecology, or the state? This is under discussion right now.

Laura Hendricks – What about the marine debris already out there?

Cedar Bouta – SARC has already made a decision on that topic. We are already past that point.

My goal is to get the PCSGA's liter debris hotline better advertised through our web pages and encourage local governments to do the same. Try to advertise it better.

Laura Hendricks – I think that additional science is always welcome. This needs to be independent peer reviewed and we don't want to see any science that has not been peer reviewed. The Sea Grant report needs to be a document that can be depended on.

Duane Fagergren (Puget Sound Partnership) – I wonder what other plans, in addition to the Sea Grant conference, we should be thinking? Different venues to release the information?

Cedar Bouta – When it is research that has been part of the SARC process, should it be presented to this group first, then to others?

Tom Clingman – I think the Puget Sound Partnership has a big part in getting the research out and there are a lot of moving parts, and this is not an issue in isolation. I think we should look at other areas we can get this information out to.

Duane Fagergren – I think it is something we need to continue talking about. It is an item in the action agenda, but looking into the future, it is such a controversial issue that the release of research does need to be well thought out and done in a thoughtful way.

Penny Dalton – The researchers do non-SARC presentations and we do put them on the Sea Grant website.

Cedar Bouta – Next March is Sea Grant's next conference. Is this a good time for a geoduck research meeting, or is there a better time? Will there be a body of research available in March?

Penny Dalton – I don't know if the research should be restricted to one audience and not another.

Diane Cooper – Two issues – Cedar's concern of presentation information and having it sent out to the broader audience before SARC has had a chance to see it, and how research can be misinterpreted.

Cedar Bouta – Ecology respects the role of SARC. I just don't want you to find out three months later that there has been a presentation made of research findings, and you didn't know about it.

When we know about presentations, we could put it on our websites and let SARC know.

Facilitator's Post-Meeting Notes regarding Ecology's follow up on the preceding discussion:

- Ecology and Sea Grant will explore how to share research presentations or findings in a timely way with SARC, given the broader interest and demand for the research findings.
- Ecology and Sea Grant also will explore with the Puget Sound Partnership other opportunities for sharing the research, and potential funding.
- Ecology, DNR and Sea Grant will meet April 12 to discuss funding sources to fill the \$60K gap for the Samish Bay study.

Closing Words from Tom Clingman

When the legislature passed HB 2220, we knew this was going to be a complicated task. Thank you so much for your commitment. You folks have really kept at it and you will continue to have an important role here. I think that, over time, there will be some really interesting information come out. We will keep on this. It's an issue in our coastal counties, it's an issue for the shorelands program, and we will keep after research issues. Geoduck is not an issue we will allow to drop and we will be in touch with you.

Diane Cooper – Thank you to Ecology, I know this has been challenging. Obviously it's critical to our industry and also to Washington State – to the planners in the room, thank you for coming to all the meetings. I appreciate your time.

11:15 Meeting Adjourned

11:15 – 12:00 Celebration and networking.

No public comment.