

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Wednesday, December 9, 2020 9:00 am – 12:30 pm

WEB-EX ONLY: Web-Ex instructions are included at the bottom of the agenda

AGENDA

Please try to call-in around 8:45 so that everyone can be online and ready to go by 9:00. **The meeting will start promptly at 9:00 a.m.**

Time	Agenda Item (Action items are marked with "I")	Objective (Information, Discussion, Action?)	Presenter(s)
9:00* (10 min)	Welcome & Introductions, Agenda Review <ul style="list-style-type: none"> Welcome and Introductions Review agenda I Adopt summary of September meeting summaries 	Information <i>Reference Materials:</i> <ul style="list-style-type: none"> Agenda Draft Meeting Summaries: Sept. 23 and Sept. 28 	Garrett Dalan, WCMAC Chair Susan Gulick, Facilitator
9:10* (30 min)	Updates <ul style="list-style-type: none"> MRC Updates, Agency Updates, General Coastal Updates, MRAC update Budget update Coastal Economic Resilience Workshops Ecosystem Indicators 	Information	WCMAC Members Susan Gulick, Facilitator
9:40* (30 min)	Proposed Recommendation from Dale Beasley: WCMAC recommends that the Pacific County SMP Ocean Section 6 receives CZM Certification <ul style="list-style-type: none"> Overview of process to make recommendations <ul style="list-style-type: none"> Need for criteria? WCMAC Discussion of proposed recommendation Next Steps 	Information, Discussion, Action <i>Reference Materials:</i> <ul style="list-style-type: none"> WCMAC Procedures to Make Recommendations Proposed Recommendation from Dale Beasley WCMAC Bylaws (see section VI, pages 8-9) 	Susan Gulick, Facilitator Dale Beasley, Fishing Rep WCMAC Members
10:10* (60 min)	Green Crab Panel Discussion <ul style="list-style-type: none"> Overview of green crab management challenges Summary of green crab coastal captures Proposed WCMAC recommendation I WCMAC Discussion and potential ACTION Next Steps 	Information, Discussion, Action <i>Reference Materials:</i> <ul style="list-style-type: none"> Invasive European Green Crab Proposed Recommendation to Fund Green Crab Management 	Allen Pleus & Chelsey Buffington, WDFW Emily Grason and P. Sean McDonald, WA Sea Grant Dave Beugli and Brian Sheldon, Oyster growers Adrienne Akmajian, Makah Tribe Susan Gulick, Facilitator
11:10*	10 Minute BREAK		
11:20* (30 min)	Seabed Mining <ul style="list-style-type: none"> Overview of seabed mining <ul style="list-style-type: none"> WA coastal considerations Pew recommendations WCMAC questions and discussion 	Information, Discussion <i>Reference Materials:</i> <ul style="list-style-type: none"> Infographic on seabed mining Pew article on threats posed by seabed mining 	Tom Rudolph, Pew Charitable Trusts
11:50* (15 min)	WCMAC Elections <ul style="list-style-type: none"> Elect Chair and Vice Chair for 2021-23 		Susan Gulick, Facilitator
12:05* (10 min)	WCMAC 2021 Workplan <ul style="list-style-type: none"> Finalize Workplan 	<i>Reference Materials:</i> <ul style="list-style-type: none"> WCMAC Workplan & Meeting Plan 	Susan Gulick, Facilitator
12:15* (5 min)	Public Comment	Information	Public/Observers Susan Gulick, Facilitator
12:20* (10 min)	Other Issues <ul style="list-style-type: none"> Reminder of Dates and Times for Future Meetings <ul style="list-style-type: none"> Agenda Topics for Next Meeting Agenda Topics for Future meetings Other issues or announcements 	Information	WCMAC Members Susan Gulick, Facilitator
12:30*	Adjourn		Garrett Dalan, Chair

* All times are estimates and subject to change.

<p>Upcoming WCMAC Meetings</p> <p>Wednesday, March 17, 2020</p>	<p>Wednesday, June 16, 2021</p>
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WEB-EX INSTRUCTIONS

Click here to join the meeting: <https://cascadia.webex.com/cascadia/j.php?MTID=m8857b01d883becb07152b4dd1815860c>

Meeting number: 177 499 5776

Password: WCMAC2020

Join by video system

Dial 1774995776@cascadia.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 177 499 5776

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Draft Summary

Wednesday, September 23, 2020 9:30 am – 12:30pm

All meeting materials and presentations can be found on the

[WCMAC Website](#)

<p>Highlights</p> <ul style="list-style-type: none"> • Presentations about <ul style="list-style-type: none"> ○ MSP data assessment and survey results ○ Qualitative network models for certain habitat/systems ○ Changing ocean conditions and biological and physical responses <p>Summary of Decisions</p> <ul style="list-style-type: none"> ! The June Meeting Summary was adopted. <p>Follow-up Items</p> <ul style="list-style-type: none"> • Reminder of the Federal Consistency webinar on September 28. 	<p>Upcoming Meetings</p> <ul style="list-style-type: none"> • Wednesday, December 9, 2020 • Wednesday, March 17, 2020 • Wednesday, June 16, 2020 <p><i>Meetings will be held in Aberdeen unless otherwise noted.</i></p>
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Council Members Present	
Corey Niles, Dept. of Fish and Wildlife	Jennifer Hennessey, Governor's Office
Mayor Crystal Dingler, Citizen Rep	Michal Rechner, DNR
Corey Niles, Dept. of Fish and Wildlife	Mike Cassinelli, Recreational Fishing
Mayor Crystal Dingler, Citizen Rep	Randy Lewis, Ports
David Fluharty, Educational Institution	RD Grunbaum, Conservation
Doug Kess, Pacific MRC	Rich Doenges, Dept. of Ecology
Garrett Dalan, Grays Harbor MRC	Rich Osborne, Science
Genevra Harker-Klimes, Coastal Energy	Rod Fleck, N. Pacific MRC
Gus Gates, Recreation	Russell Calendar, Sea Grant
Jay Carmony, WA State Parks	Todd Souvenir, Wahkiakum MRC
Council Members Absent	
Alla Weinstein, Energy	Larry Thevik, Commercial Fishing
Brian Sheldon, Shellfish Aquaculture	Mara Zimmerman, Sust. Salmon Partnership
Dale Beasley, Commercial Fishing	VACANT, Economic Development
Joshua Berger, Dept. of Commerce	VACANT, Shipping
Others Present (as noted in role call)	
Teresa Pucylowski, Ecology	Susan Gulick, Sound Resolutions, Facilitator
Casey Dennehy, Ecology	Mike Chang, Cascadia Consulting Group
Ann Skelton, Pacific County MRC	Kevin Decker, Sea Grant
Melanie Roberts, PNNL	Laurie Weitkamp, NOAA
Henry Bell, ECY (Coastal Resilience Fellow)	

Welcome and Introductions

Garrett Dalan welcomed everyone to the virtual meeting. Susan Gulick covered technological logistics, a roll call of attendees, and reviewed the agenda.

June Meeting Summary

- There were minor changes to the attendee list from Garrett that Susan received ahead of time.
- The June Meeting Summary was adopted.

Updates

MRC Updates

- Pacific County MRC is planning a virtual MRC Summit for October and planning presentations. They have presentations on seafloor mining, erosion, ecosystem management. Presentations will be made available to people beforehand. The summit will be focused on Q&A with the presenters.
- Wahkiakum MRC updated on some projects. The High School has been put on hold due to COVID-19 – though the kitchen has been completed, just not being used. The viewing pier went out to bid, secured, and approved – hoping that lumber prices will come back down.
- North Pacific MRC gave kudos to Ian Miller and Tammy Pokorny for the [River and Oceans Film Festival](#). Also considering grant funding allocations, especially projects with students because of COVID.
- Grays Harbor MRC approved funding for the Pacific Education Institute to create a specific and local science curriculum.

Agency Updates

- WA ECY
 - BHP withdrew application for construction at Grays Harbor Terminal;
 - Also continued to make progress with integrated pest management effort in Willapa Bay – currently has funding from Department of Agriculture for candidate chemical controls. There will likely be a SEPA process for this.
- WA State Parks
 - Marine sanctuary and Coastsavers conducted successful beach cleanup on 9/19. Identified need for site volunteers – signups important for liability. Thankful for the volunteers.
 - Lots of coordination between Parks, WDFW, and local/County officials to do a clam dig – things have been successful so far – thankful for WDFW, local and County officials for providing sanitation things.
 - Record-breaking camping – roads are the busiest we've seen since the end of June. Highest demand and use – great for revenue, people getting out and enjoying landscapes – but also administering them with record low staffing and deteriorating facilities is a challenge. Recognize rangers, park staff, area managers, maintenance staff for their work.
- WA DNR
 - Katrina is no longer DNR representative on WCMAC and will be replaced by Mike Rechner. DNR has a new Deputy Supervisor who will start on October 1.
 - Have finalized derelict vessel funding program – will remove the Hero. Have \$5.6 million.
- WA DFW
 - Much of their focus is on business assistance for fisheries through the CARES Act.
 - Assistance for fisheries that are experiencing issues with tariffs.

- From Corey: <https://wdfw.wa.gov/news/wdfw-announces-39-digs-through-december-7-days-approved-razor-clam-digs-start-sept-16>

Coastal Updates

- Rich Osbourne stated that Strait of Juan de Fuca had low number of volunteers for cleanups. There were some HABs, though no toxins. NOAA funding has supported WOAC (Jan Newton) to distribute additional \$10,000 to each of the Treaty Tribes to do HAB sampling.
- Russell Calendar gave updates on green crabs. They have finished an assessment in Grays Harbor and will do another assessment in Ocean Shores. There are also a few WSG personnel changes relevant to WCMAC, including a newly hired Fisheries Specialist focused on Southwest WA and a replacement for Alex Stote for the green crab work. Also acknowledged the River and Ocean Film Festival.
- Brian Sheldon gave an update on finding green crabs in Willapa in South Bay this summer.
 - Susan asked if anyone had heard an update from Allen Pleus on developing a green crab management approach.
 - Corey to follow-up with Allen on status of this.
 - UPDATE: Corey said that Allen Pleus is meeting on green crabs this week and should have an update in the following week.
- Geneva gave an update that PNNL is partnering with UW Tacoma to set up Salish Sea Modeling Center. ECY has helped develop Salish Sea Model over the past 10 years, this modeling center will make it more accessible to others. Focused on nutrient changes, river discharges, and future forecasting. Open to ideas in how this modeling center can be used.
 - Rich asked if the model can go backwards in time?
 - Geneva answered that the model has been calibrated to the 30-year dataset, could be used to look at historical factors, but no use it couldn't be with correct parameters.
- Garrett sent the August 5 MRAC Meeting Summary to the WCMAC listserv.
 - Presentation happening with the marine sanctuary happening right now
 - Marine sanctuary as a sentinel site happening over the course of this week: <https://climateweeknyc.org/event/climate-ocean-impacts-food-security-and-ocean-economies-assessing-risk-and-leveraging>
- Coastal Economic Resilience Workshop: Rod and Mayor Dingler gave the updates on this workshop, which included a reminder of the goals and adjustments that needed to be made due to COVID-19. There are four main topics, which include: ocean & marine industries, forest resources and industries, tourism and service industries, and economic resilience. They are currently recruiting speakers and have 4 meeting dates set (2nd Thursday of each month, but no time), which are November 12, December 10, January 14, and February 11.
- WA Coastal Restoration Resiliency Initiative (WCRRI) Update: Garrett provided an overview and update of WCRRI.
 - Ask: Are there WCMAC members who would be willing to support WCRRI in the next budget update? We have electronic sign-on letters – one that goes to the Governor's office. Will do something similar for legislators as well.
 - This will be the 4th round of WCRRI – the past 3 have supported about 40 projects totaling in several millions of dollars to support family-supported jobs.
 - Asking for \$15 million this next round, anticipated about making 130 jobs for the coast.
 - This is part of the capital project – so not part of the operational budget.

Technical Updates (Teresa)

Teresa gave an overview of the MSP Planning Data Assessment and survey results and an overview of an upcoming qualitative network models for marine habitats workshop. Links to these presentations are on the [WCMAC Website](#).

- MSP Planning Data Assessment and Survey Results
 - This was an overview of the results of the survey regarding MSP planning data. There were 3 surveys that were sent out previously regarding: 1) climate change and ocean acidification; 2) human wellbeing and socioeconomic information; and 3) process for continued evaluation.
 - There was some overlap between important data to collect versus what is feasible to collect for climate change / OA data and for human wellbeing data. However, there is some data that was ranked “important” that might not be feasible.
 - For continued evaluation, some of the biological/ecological data could be collected between 1-5 years. Human wellbeing indicators could be collected every 6-10 years.
- Qualitative Network Models for WA Marine Habitats and Upcoming Workshop
 - Qualitative Network Modeling is a mathematical approach to simplify dynamics of a data-limited system with cumulative human and environmental impacts. Based on these models, you can evaluate how a system responds to a variety of pressures (e.g., increased temperature, reduced fishing).
 - Examples include: NPFMC management considerations of Pribilof Island blue king crab populations in the Bering Sea; PSFMC risk assessment of Salish Sea Pacific herring
 - Interpreting outputs
 - Each variable has either increased or decreased relative to change before. Shows only the direction of change, not the magnitude of change.
 - Potential indirect effects – benthos not directly interacting with fishery or temperature
 - Uncertainty in outcomes shown by percent of simulated reactions
 - Purpose and use:
 - Creating models of seafloor and kelp forest habitats
 - Use it to run scenarios
 - Identify ecosystem indicators that State should prioritize
 - Relate to current resource management concerns
 - Potential for further development
 - Opportunities for partnerships
 - Upcoming workshop on Oct 1 (9am – 12pm) and Oct 5 (10am – 12pm) to create foundation of habitat models to assess resource management concerns under WA MSP and foster investment in the process. Target audience is experts or users. Invitation will be sent to the WCMAC listserv on September 24.
- Questions:
 - Rich – I thought there was outer coast estuary model that was being developed?
 - Teresa – building off of the conceptual models that were developed as part of the 2015 process. There are base models for all 6 habitats that MSP describes, which includes estuaries. The issue with the estuaries is the time and resources, still have a lot of data that needs to be gathered. Estuaries is likely the next habitat to focus on, because it has been brought up a lot!

2021-2022 WCMAC Workplan and Budget

Susan Gulick led a discussion on the 2021-2022 workplan and budget. Workplan goes from June 2021 until June 2023, though we treat the workplan on an annual basis. We should discuss what topics we want to discuss in the coming biennium.

Jennifer Hennessey gave an overview of the state’s budget to set the context for the WCMAC workplan discussion. Summary of her talking points include:

- State operating budget is not looking good – there will need to be many adjustments to balance the budget.
- Process is underway for next biennial budget – requests being submitted, Governor’s budget request is finalized in December. Legislators will also be working on budgets.

- Reducing operating budget for WCMAC – likely reducing meetings (down to 2 a year, rather than 4).
- Questions:
 - Gus - Will virtual meetings help reduce travel and logistic costs?
 - Jennifer – not feeding helps save money! But also there are staff and facilitations costs.

Susan Gulick picked up after Jennifer's comments to bring it back to the 2021-2022 meeting plan. Still have 3 meetings left in this year – December 9, March 17¹ or 31 (depending on other commercial fishing meetings), and June 16. Potential topics include: officer elections, invasive species, green crab management, North of Falcon updates, coastal hazards, and economic resilience.

RD proposed SEPA seabed mining idea as a WCMAC agenda item. There has been some discussion that seabed mining would occur off the WA Coast in the near future. Thought it would be important for all of us to gain understanding of the habitat and fishery impacts if it was permitted. Been in contact with Pew Charitable Trusts (Tom Rudolph) who is knowledgeable about this subject and can talk about this to WCMAC.

- Dave Fluharty had a follow-up question on what type of resources they are proposing to mine? Curious because hadn't seen any proposals for state or federal waters in this area, but maybe Tom has some additional insight?
- Doug said he didn't know any specifics – his sense is wanting to be pre-emptive because of the potential damage to the fishing industry.
- Gus said there is no proposals at the time, but there have been EOs that might be pushing these permits on U.S. Coastlines.
- RD said it points to a need for a preemptive policy on seabed mining.
- WCMAC members support this idea as a topic for the December meeting.

Rich Osbourne proposed offshore aquaculture also as a potential topic. Has been a big concern, especially in its implementation. And Rich knows that NOAA and NWFSC has an interest in developing offshore aquaculture. Dan Tonnes might be a good speaker for this.

Susan Gulick asked about the need to have a discussion on invasive species in December, especially if seabed mining and offshore aquaculture might fit together well. Which ones are more important to have in December?

- Brian Sheldon said green crabs and other invasive species are important all the time. Would love the invasive species council speak up on what they are doing. Japanese oyster drills also an issue and can't transfer seeds – economic impacts. Also how does climate change affect invasive species?

Susan Gulick suggests that December meeting has 3 agenda topics – invasive species, offshore aquaculture, and seabed mining. The Steering Committee will discuss and decide if all three can fit on one agenda or if one needs to be postponed until March.

For the next biennium (beginning July of 2021) with two meetings a year there will need to be more discussion on the topics and the workplan.

Changing Ocean Conditions (Laurie Weitkamp, NOAA)

Casey introduced Laurie. Laurie will be speaking on issues that have been on WCMAC's mind for a while – changing species distribution and other changing ocean conditions. Laurie is a salmon biologist and have been focused on these topics for about 15 years. The bottom line: Marine heat waves off coast have triggered a lot of response. Laurie's full presentation is available here: [WCMAC Website](#)

¹ It was later decided that the meeting will be on March 17

Key themes of Laurie's presentation include:

- Anomalies are values with the seasonal trend removed. Negative anomaly is below average for that time of year; positive anomaly is above average for that time of year. They are not indicative of positive/negative impacts.
- There have been multiple marine heat waves and positive anomalies, despite El Niño and La Niña events, in the North Pacific, which include the "Blob". These marine heat waves have continued through 2020. Current information is available here: [California Current IEA Marine Heat Wave Tracker](#)
- Biological responses have been varied and pronounced during this time across all trophic levels. These responses include:
 - Seeing new species off the waters of WA (e.g., barracuda, squid, albacore)
 - A variety of impacts to salmon, hake, Pacific cod, sardines, pink shrimp, rockfish, flatfish, razor clams, and Dungeness crab
 - Seeing pyrosomes
 - Huge biological responses across all trophic levels.
- There is also a biological lag, or the idea that impacts to early life stages (egg, larvae, juveniles) won't manifest in data until a few years later when species reach commercially important or viable ages.
- Future Predictions and Forecasts
 - El Niño/La Niña
 - ENSO Outlook – updated Sept 21, 2020 – La Niña Advisory.
 - La Niña means a stormy winter and high snowpack
 - SST anomalies
 - NOAA predicts that there will be warm water in North Pacific / NE Pacific through April 2021.
 - Continuing marine heat waves won't favor cold water species.
- Questions:
 - Rich Osbourne: cool band of water along coastline, has that affected HABs in WA?
 - Laurie – this is more due to upwelling. Whale entanglements in crab gear because they follow the food.
 - Jay Carmony: curious about modeling for the Blob – early indicators of next Blob?
 - Laurie – not oceanographer, but likely NOAA folks are working on this to determine indicators. A lot of this work is more establishing correlations – so not causations.
 - Dave Fluharty: did we see Humboldt squid?
 - Laurie – all market squid, Humboldt squid have not come back.
 - Dave Fluharty: was there a bump in anchovies or sardine?
 - Laurie – sardines are kind of collapsing.
 - Gus: interested in increased catch of some of the long living rockfishes! Curious if rockfish conservation area comes in to play.
 - Laurie – Yes! They opened this summer for the very first time, but they are likely to help (though not a rockfish expert). Huge rockfish recruitment in 2016.

Public Comment

There was no public comment.

Other Issues

Susan Gulick reminded of future meetings – the second half of this meeting will be on Monday 9/28 on federal consistency. Casey Dennehy sent prep materials for that meeting and encourage everyone to review materials in advance.

Susan reminded folks to think about March WCMAC dates and future topics. Corey thinks March 17 is preferable for fishing interests.

WASHINGTON COASTAL MARINE ADVISORY COUNCIL MEETING

Draft Summary

Monday, September 28, 2020 9:00 am – 12:00pm

All meeting materials and presentations can be found on the [WCMAC Website](#)

Highlights <ul style="list-style-type: none"> Presentations about federal consistency as it applies to coastal zone management from the federal perspective, from the State's perspective, and case studies. 	Upcoming Meetings <ul style="list-style-type: none"> Wednesday, December 9, 2020 Wednesday, March 17, 2020 Wednesday, June 16, 2020 <p><i>Meetings will be held in Aberdeen unless otherwise noted.</i></p>
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Council Members Present	
Brian Sheldon, Shellfish Aquaculture	Jay Carmony, WA State Parks
Corey Niles, Dept. of Fish and Wildlife	Michal Rechner, DNR
Mayor Crystal Dingler, Citizen Rep	Mara Zimmerman, Sust. Salmon Partnership
Dale Beasley, Commercial Fishing	Mike Cassinelli, Recreational Fishing
David Fluharty, Educational Institution	RD Grunbaum, Conservation
Doug Kess, Pacific MRC	Rod Fleck, N. Pacific MRC
Garrett Dalan, Grays Harbor MRC	Rich Osborne, Science
Genevra Harker-Klimes, Coastal Energy	Todd Souvenir, Wahkiakum MRC
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Council Members Absent	
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Jennifer Hennessey, Governor's Office	Russell Calendar, Sea Grant
Joshua Berger, Dept. of Commerce	VACANT, Economic Development
Larry Thevik, Commercial Fishing	VACANT, Shipping
Randy Lewis, Ports	
Others Present (as noted in role call)	
Bobbak Talebi, Ecology (WCMAC Staff)	Susan Gulick, Sound Resolutions, Facilitator
Teressa Pucylowski, Ecology	Mike Chang, Cascadia Consulting Group
Casey Dennehy, Ecology	Kris Wall, NOAA
Ann Skelton, Pacific County MRC	Tommy Moore, Northwest Indian Fisheries Commission
Sue Joerger	Brian Shay
Henry Bell, WA ECY	Loree' Randall, WA ECY
John Shaw	Terry Swanson, WA ECY
Julie Struck, Mayor of South Bend	Becky Smyth, NOAA
Shawn Humphreys	Steve Black
Whitney Roberts, WA DFW	Kim Van Zwalenburg, WA ECY
Brian Lynn, WA ECY	Mike Runyon, Pacific County Commissioner

Welcome and Introductions

Casey noted that federal consistency has been talked about a lot with WCMAC, and this is a webinar meant to provide more information and answer questions that have been raised.

Introduction to Federal Consistency under the CZMA (Kris Wall, NOAA Office for Coastal Management)

Kris Wall gave a presentation that introduced the concept of federal consistency under the CZMA. The full presentation is on the [WCMAC Website](#) . Key points were:

- CZMA has 3 primary objectives:
 - Encourage states to better manage coastal and water uses.
 - Give full consideration to ecological, cultural, historic, aesthetic values as well as the need for compatible economic development.
 - Encourage participation and cooperation of the public, state and local governments and federal agencies in carrying out the Act.
- Federal consistency – CZMA requires that all **federal actions** that may have reasonably **foreseeable effects** on the uses or resources of a state's coastal zone be consistent with the **enforceable policies** of the state's coastal management program. States can review, but not manage, federal action.
- The purpose of federal consistency recognizes that there are overlapping state and federal interests in coastal uses and resources, provides a role for states in the federal decision-making process when local interests are affected by federal actions, and enhances state-federal coordination and cooperation.
- 3 main questions to ask:
 - Q1: What is the Federal Action?
 - Q2: Are there reasonably foreseeable effects?
 - Q3: Is the federal action consistent with the state's approved enforceable policies?
- Enforceable policies must be based on state authority that can compel someone to do or not do something; must contain a standard; and must be approved by NOAA.
- Geographic reach of federal consistency can include the coastal zone (in WA, the coastal zone is all coastal counties and up to 3 nautical miles (nm) off the coast) and can apply to areas outside the 3nm, but only under certain circumstances.
 - A state can have a Geographic Location Description (GLD), or a geographic area outside the coastal zone where certain activities will have reasonably foreseeable effects on state resources, which allows states to review associated activities within that geographic area.
- Questions:
 - Gus: Back on March 11, 2019, there was an obscure notice for advanced notice of proposed rulemaking on NOAA's proposed streamlining of federal consistency promises, potentially removing/weakening State's review for offshore energy products. Any update on the status of this or detail on what this looks like moving forward?
 - This has not been finalized. No specifics to offer because it hasn't been finalized. Website will have information as soon as it is available.
 - Coastal States Organization (CSO) has been tracking this and submitted comments. Last we heard, rulemaking process was put on hold until after the election.
 - Rich O.: Is the MSP our attempt to get a GLD?

- WA MSP was submitted and approved. There are a few policies that can be used for federal consistency, though not the same as a GLD. The MSP provides a lot of information that can form the basis of one.
- Brian: Our intent was the MSP was sequenced so we can build a case for a GLD.

WA's Coastal Program (Brian Lynn, WA ECY)

Brian Lynn from Dept. of Ecology gave an overview of WA's Coastal Program. Brian's presentation is available on the [WCMAC Webpage](#). Key points are:

- WA CZM Program covers all 15 coastal counties, including land and waters that extend seaward for 3nm into the ocean. This excludes tribal reservations and federal lands.
- There is a new publication that covers WA Enforceable Policies in CZM. These include:
 - Shoreline Management Act and Regulations
 - State Water Pollution Control Act (and regulations)
 - WA Clean Air Act (and regulations)
 - Ocean Resources Management Act (and regulations)
 - Marine Spatial Plan
- The role of shoreline master programs allows for state and local partnerships. Historically, SMP changes have been submitted to NOAA, but things have evolved and now WA doesn't submit SMPs as enforceable policies.
- Questions
 - Dale: Prohibition on fixed structures offshore is not included in CZM as regulated in Pacific County SMP. Why?
 - Kris: State not required to submit updates. Prohibition on fixed structures is discriminatory. However, can rewrite by focusing on the "effects". Kris can be at the table to help talk about this more as well.
 - Garrett: Could you talk a little more about what (other than the 3-mile line) makes a project inside or outside WA's zone. Fixed structure location? New use of port or access? Other?
 - Kris: Generally speaking, it is the physical location within the coastal zone. However, certainly some projects could cross multiple jurisdictions. Then, there might be portions of the project.
 - Loree: First thing to be triggered is the need for federal permit or license, which triggers federal consistency process. Also, can be any location within the coastal county and need a federal permit/license.
 - Garrett follow-up: If there is a project in federal waters, but part of it runs through state water, does the whole project qualify for review or just the part that runs through state water.
 - Loree: Will look at the entire project, will work with NOAA. Especially if something is tied within WA waters. Ex: offshore aqua buoys that do have cables that run through state waters, which initiated review for the entire project.
 - Rich Osbourne: Should your workgroup/workshops be separate for Puget Sound versus the Coast?
 - Brian: Probably better to do that, but would need to think about the specific issues (since they are different...). But also need to be efficient.
 - Brian Shay: Did NOAA review ORMA when it was adopted by our state for federal consistency and has NOAA reviewed ECY's new enforcement of ORMA since 2017?
 - Submitted ORMA in its entirety in early 2000s, then resubmitted for approval as part of Coastal Zone Program. Approved in 2018 with the caveat that not every single piece of ORMA is qualified as an enforceable policy.

Applying WA's Enforceable Policies (Loree' Randall & Terry Swanson, WA ECY)

Loree Randall and Terry Swanson from WA Dept. Of Ecology described how federal activities are reviewed, enforceable policies are applied, and provided a few case studies. Their presentation is available on the [WCMAC Website](#). Key points include:

- Scenario: Any project applicant needing a federal license or permit for work within our coastal zone:
 - WA ECY has 6 months from receipt of a consistency form/certification to issue a decision for projects that need a federal permit or license. These decisions can be:
 - Concur
 - Concur with conditions
 - Object (does not meet enforceable policies)
 - Presumed consistent if ECY does not act within 6 months
 - Example: Westport Marina. ECY received certification of consistency form, and there was an agreement to two “stays”. Issued the WQC, but Shoreline Permit was still pending. Issued a **conditional concurrence** that required shoreline permit to be obtained prior to start of dredging.
 - Questions:
 - Where is the dividing line on the coast between the Seattle and Portland Crops? Must be someplace north of North Head as Portland is disposing of dredge material north of North Head from Portland USACE authority?
 - Doesn't matter who is proposing a project, just where the project is. So if project is in WA, it still needs to meet all of WA's enforceable policies.
- Scenario: Federal agency activities include plans (EISs, proposed federal rules, fisheries management allotments, etc.), projects (construction, modification, repair, or removal of public works, etc.), and EPA's issuance of a general NPDES permit.
 - Federal agency determines whether or not there are foreseeable effects, and then the Fed's send consistency determination. There are excluded federal lands, but if projects in those areas have foreseeable effects within the coastal zone, it would still require consistency determination.
 - Only 60 days to review consistency determination for activities of federal agencies, rather than 6 months for non-federal activities. There is also a public notice period.
 - Example: BPA Holcomb-Naselle Power line extension project in Pacific County (federal activity in coastal zone) that would have added access roads and other activities. Evaluated for water quality and shorelines, and followed Pacific County's SMP. Coordinated with local government and Corps for 401 actions. This led to a **concurrence** decision.
 - Example: NPDES Permit (federal activity in non-coastal zone) to Factory Processing ships to allow them to discharge fish processing waste into the Pacific Ocean. ECY required permission to review federal consistency and was eventually approved. ECY was concerned about waste affecting water quality and fishing/shellfish harvesting in coastal zone (foreseeable effects). Issued **conditional concurrence** for factory ships to monitor and report water quality under NPDES permit. However, most ships out of compliance, so working with EPA, OR, Quinalt, and Quileute to enforce these conditions.
 - Example: US Navy's NW Training and Testing Supplemental SEIS (federal activity) that would include sonar and launching torpedoes. Navy found effects to marine resources and ECY added effects of water quality. ECY issued **conditional concurrence** under ORMA and WPCA to protect SRKW's to minimize sonar effects and of monitoring and reporting of water pollution.
- Questions:
 - Brian Shay: ORMA doesn't apply to all of the counties in the Puget Sound, only those along the coast. Will ECY look to expand ORMA to control development in Puget Sound, not just on the coast?
 - Correct. Don't know of any current proposal to expand ORMA for the Sound.

- Brian Sheldon: You stated you prohibit chemical release in Puget Sound. Could you reconcile that with the fact that for years sewage treatment plants have been releasing chemicals into Puget Sound under their DOE issued discharge permits?
 - No. ECY is in charge of water quality in the state. ECY water quality program offers discharge permits (not the Coastal Zone program). Can't speak for the water quality program about the discharge permits.

Public Comment

There was no public comment.

Operating Procedure: Formal WCMAC Recommendations

—Adopted by WCMAC July 9, 2014—

A. WCMAC's Role and Responsibilities in Making Formal Recommendations

1. WCMAC's role and responsibilities in making recommendations to the governor, legislature, and state and local agencies on specific coastal waters resource management issues are described RCW 43.143.060 (f).
 - a. The Governor may ask WCMAC to focus on specific coastal issues during certain periods of time.
2. WCMAC does not have approval authority for RFPs, scopes of work, or expenditures, and does not have authority to enforce policy, create rules, or administer policy, programs or services.

B. Procedures for WCMAC Members to Request a Formal Recommendation from WCMAC

1. Proponent would complete the attached form;
2. Proponent would forward it to the facilitator and/or chair AT LEAST forty-five days prior to the upcoming meeting;
 - a. If the request is less than 45 days prior to the upcoming meeting, it must clearly explain why the value of consideration by the WCMAC would be significantly reduced if it does not occur at the next WCMAC meeting
3. Facilitator/Chair would include the request in the Steering Committee meeting regarding the agenda for review and scheduling;
4. Steering Committee would:
 - a. Decide whether to schedule the item for WCMAC discussion;
 - b. Would identify and request any additional information needed from proponents or other interested stakeholders in the issue;
 - c. Determine the date and the amount of time to allocate for this discussion;
 - d. Draft, if possible, a proposed recommendation letter/resolution as needed per the request; and,
 - e. Ask the Facilitator to distribute the materials as part of the agenda.
5. Facilitator will distribute the information as part of the packet to go to the WCMAC and public with the agenda.
6. Agenda will clearly identify the request for a WCMAC action on the request for a recommendation.
7. When the meeting occurs, the Chair or the facilitator will follow the procedures in the WCMAC Bylaws under Section VI. Advice and Recommendations, Sub-section E. Decision-Making¹.

¹ E. Decision-Making

- a) *When the Council is making formal recommendations consistent with RCW 43.143.060 or taking other formal actions a formal decision-making process will be used:*
 - i. *The Chair or the neutral convener will state the proposed recommendation.*
 - ii. *The note-taker will read back the proposed recommendation.*
 - iii. *The Chair or the neutral convener will ask Council members to indicate (by a show of hands and/or thumbs up/down/middle) whether they are in consensus (in full agreement; not in full agreement, but can "live with" the position of the Council; or cannot live with the position).*
 - iv. *If consensus has not been reached, efforts will be made to address outstanding concerns.*
 - v. *After substantive efforts have been unsuccessful in reaching consensus, the Chair or neutral convener may call for a vote, following the same procedures in steps i-ii above. The Chair or neutral convener will ask "Who supports this recommendation" and count the hands, followed by "Who opposes this recommendation", and count the hands. The vote, including the roll call, will be recorded in the meeting summary.*
 - vi. *If a majority of the Council can live with the recommendation, that position will be reported as the position of the Council. However, in summarizing the decision, the minority concerns will also be captured.*
 - vii. *All recommendations will be recorded in the meeting summary and added to a formal list of Council recommendations, maintained by the Steering Committee and provided at every Council meeting. As provided in RCW 43.143.060, these recorded recommendations will be transmitted, as appropriate, to the Governor, Legislature and other agencies in a timely manner.*

C. Recommendations Regarding Funding:

1. At the spring meeting, WCMAC will note what issues may exist for funding/appropriations:
 - a. WCMAC operations;
 - b. Studies and assessments needed for Marine Spatial Planning (MSP);
 - c. MSP preparation and development;
 - d. Other identified funding needs.
2. At the summer meeting, WCMAC will make a formal recommendation to the Governor of the funding needs for the WCMAC and MSP pursuant to the statutory requirement. The recommendation will be a resolution of WCMAC asking the Governor to share this recommendation with the State Legislature within the state budget process.
3. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington Coastal Marine Advisory Council's recommendations, the responsible agency receiving the appropriation shall provide the Council and appropriate committees of the legislature with a written explanation. (RCW 43.372.070 (4))

Washington Coast Marine Advisory Council

Proposed Policy or Action-based Recommendation

Requested Action:

For example: "The WCMAC recommends to entity Y that they undertake Z." [NOTE: Per statute, entity Y could be "the governor, the legislature and state and local agencies"]

Reason for the Action:

Briefly articulate why the Council needs to undertake this action.

Timing Associated with this Action:

Briefly state when action must be taken by the person to whom the recommendation has been made.

Format needed:

State whether a letter is needed, legislation proposed, etc.

Washington Coast Marine Advisory Council
Proposed Policy or Action-based Recommendation

Requested Action:

For example: "The WCMAC recommends to entity Y that they undertake Z." [NOTE: Per statute, entity Y could be "the governor, the legislature and state and local agencies"]

CCF/CRCFA RECOMMEDS that the WCMAC fulfill their duties as outlined by the legislature in all of RCW 43.143.060 including but not limited to (1) (a) through (2) (b).

<https://app.leg.wa.gov/rcw/default.aspx?cite=43.143.060>

RCW 43.143.060 (1) (d) "Serve as an interagency resource to respond to issues facing coastal communities and coastal waters resources in a collaborative manner." And RCW 43.143.060 (2) (b) "The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy."

CCF/CRCFA would appreciate the Washington Coastal Marine Advisory Council to fulfill their duties as outlined in the RCWs work diligently to carry out the provision in RCW 43.143.060 (2) (b).

Specific ASK is that the Washington Coastal Marine Advisory Council Recommend to all concerned including federal, state, and local entities that they move forward in an expeditious manner to achieve a **Washington/NOAA CZM Certification of the Pacific County Shoreline Master Program Section 6**. The word entities is an all-inclusive word which means everyone including the citizens of this state and others in addition to multiple governments.

The current makeup of the WCMAC may not realize why the WCMAC even exists or why the legislature added additional legislation to ORMA which was originated in 1989 to prevent additional oil spills (Exxon Valdez in Alaska and the Nestucca oil spill at Grays Harbor). The WCMAC and Coastal Marine Spatial Planning was a series of legislative actions in 2010, 2012, and 2013 spawned by an extensive Grays Harbor Ocean Energy company that proposed putting so many wave energy buoys between Westport and the Columbia River to reduce the overall ocean wave climate by 11%. In 2010 there were 243 proposals to place ocean energy in our marine waters. The legislature was concerned that existing ocean uses would be HARMED and the **Legislative INTENT** of these new additions to ORMA was specifically spelled out in RCW 43.143.060 (2) (b). CCF/CRCFA was instrumental in getting these additions to ORMA into legislation to Protect Fishing from displacement and we were also cognizant that other existing uses also needed protections. WCMAC must also recognize that Washington is UNIQUE as the only state in the nation to adopt Coastal Marine Spatial Planning with the express legislative INTENT to protect and preserve existing uses as a number one priority. All other states in the nation adopted CMSP to install ocean energy and other industrial uses in their offshore waters.

WCMAC MUST also recognize that ORMA has been to the Washington Supreme Court only once since its original legislation in 1989 in the form of the Grays Harbor Oil Terminal Case.

<https://earthjustice.org/sites/default/files/files/grays-harbor-court-decision.pdf> The Supreme Court decision was a UNANIMOUS 9-0 decision that was 24 pages long that basically clarified agency responsibilities under ORMA:

1. Agencies must ascertain the INTENT of the legislature and carry it out
2. ORMA is to be interpreted broadly
3. ORMA is to preemptively Protect Fishing

CCF/CRCFA is requesting WCMAC to follow the Unanimous Washington Supreme Court Decision and carry out the INTENT of the legislature to interpret ORMA broadly, and preemptively protect existing marine water uses including fishing. The Pacific County SMP Ocean Section 6 carries out the specific Supreme Court decision, the INTENT of the Washington state legislature, and preemptively protects existing uses. Also note that the Pacific County SMP Ocean Section 6 also provides for a SMALL industrial development area that basically AVOIDS CONFLICT with existing uses of marine waters so as to avoid discrimination in marine water use which is similar to other provisions a bit further inland that restricts additional industrial use to several port properties. The Pacific County SMP has been approved by Ecology as state law which supersedes the ecology WACs. In this particular case where ecology and NOAA have unilaterally decided to bury superior state law by suppressing the Pacific County SMP in 98.5% of the waters offshore SW Washington and limiting state law to inside 3 miles.

The Pacific County SMP Section 6 includes two SPECAIL provisions that are not found in other sections of state or federal law including but not limited to ORMA or other agency WACs that were included by the Pacific County Commissioners SMP to better protect and preserve our coastal Fish Dependent Community, the 4th most Fish Dependent Community in the nation. These provisions were also included to help reduce the fatality rate in Fishing. Dungeness crab fishing has had the highest fatality rate of any occupation in the nation at 466/100,000. These two provisions are:

1. General "Prohibition of Fixed Structures" in marine waters with a few limited exceptions including but not limited to navigation buoys, weather buoys, scientific buoys, and does allow minor use of some "Fixed Structures" for up to 3 years and then they must be removed.
2. Prohibition on dredge disposal that "Prohibits Mound Induced Wave Amplification of over 10% above predump bathymetry.

Please note and understand that the Coastal Counties of Clallam, Jefferson, Grays Harbor, and Pacific Counties have SPECIAL legal responsibilities and capabilities that NO other counties in the state of Washington MUST accommodate. The legislature gave ORMA (Ocean Resource Management Act) powers to these coastal counties to help them better meet the needs of the coastal counties that the legislature recognized as SPECIAL to protect and preserve the existing sustainable uses (including fishing) for current and future generations including those economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy. Recognize that the Pacific County SMP Ocean Section 6 not only protects these invaluable waters for Pacific County citizens but all citizens in the state and the nation that currently fish or use them for freedom of navigation. These waters are especially invaluable to our state coastal Dungeness crab fishermen where over 90% of our entire Washington crab fleet is forced to fish in only 38 miles of the SW Washington coast south of Westport, 32 of those extremely precious miles are offshore of Pacific County. Council members should also recognize that many "Fixed Structure" Industrial development become mutually exclusive of fishing due to their tripoint

anchoring systems which are interconnected and form a spider web of huge cables underwater that will irretrievably entangle crab gear that is well documented to travel great distances in severe winter weather and has significant potential to put a large number of small family owned businesses into bankruptcy. Our young next generation fishermen are currently very vulnerable and the highest debt fishermen with the least access to sustainable fish (crab) of any generation in the history of the nation and are the only fishermen in the nation that are subject to the Rafeedie Decision where the federal government has treaty obligations to share all fish (crab) 50/50 on 70% of the Washington coast with a few coastal Indian tribes. This sharing obligation is UNIQUE in the nation to only Washington that NO other state has to accommodate placing our Washington coastal fishermen at a UNIQUE economic disadvantage to maintain a viable living wage from sustainable fisheries resources. This 50/50 sharing has cost the WA crab fleet over \$175 million to date and accruing annually at over \$10 million/year. In Washington the Boldt decision was accompanied by a number of fisheries buybacks to help alleviate the loss of 50% of the harvestable salmon. Dungeness Crab has never had any such mitigation placing them into an extremely vulnerable economic situation which is critical for our future generations of Washington fishermen. In addition, this vulnerability is especially critical to the ports of Ilwaco/Chinook where sufficient commercial tonnage is required to receive federal funding for dredging the long channels into the ports which are the economic backbone of the communities. When it comes to small test facilities for ocean energy there is already a facility off Newport, OR which is almost finished with available permitting in place as a viable alternative to a LONG EXPENSIVE PROCESS required offshore Washington. WCMAC should also recognize that BOEM has a policy to Prohibit Industrial Development in National Marine Sanctuaries and tribal fishing rights essentially ;means that the only place that any Industrial Development can possibly occur offshore Washington is south of Westport where the CONFLICT with fishing and navigation is the greatest on the entire west coast; a CONFLICT that the legislature mandated be kept to a MINIMUM in ORMA. If more information is needed for the WCMAC to make this specific Recommendation CCF/CRCFA will supplement the information required. The Pacific County SMP Section 6 supplies a specified OUTCOME protecting and preserving our coastal Fish Dependent Communities. The current alternative without the **Washington/NOAA CZM Certification of the Pacific County Shoreline Master Program Section 6** there would be an extensive PROCESS that has NO guaranteed result, where most of the time the project is permitted to the detriment of our coastal people and in the case of ocean energy very little benefit if any to the nation; especially where tripoint anchoring of an industrial complex is necessary.

Reason for the Action:

Briefly articulate why the Council needs to undertake this action.

The reason that the WCMAC should recommend the **Washington/NOAA CZM Certification of the Pacific County Shoreline Master Program Section 6** is to fulfill RCW 43.143,060 (2) (b), "The protection and preservation of existing sustainable uses (fishing) for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy" and provide for future resiliency of our coastal people that have few if any viable options to provide good family wage JOBS in our coastal communities and prevent a further skid into disastrous demographics in our coastal communities which are already suffering more social indignities than most areas of the state.

Timing Associated with this Action:

Briefly state when action must be taken by the person to whom the recommendation has been made.

The WCMAC should recommend the **Washington/NOAA CZM Certification of the Pacific County Shoreline Master Program Section 6** as soon as possible.

Format needed:

State whether a letter is needed, legislation proposed, etc.

This recommendation that the WCMAC makes should be a “standing general resolution” that can be cited and utilized as necessary in the future to protect and preserve our coastal communities’ economic resiliency. But specifically, at this time should be a strong letter to both Washington Ecology and NOAA CZMA officials to encourage them to do the RIGHT thing, carry out the INTENT of the legislature, and CZM Certify the Pacific County Shoreline Master Program and any other coastal county SMP that applies now or in the future.

This Recommendation is not in CONFLICT with the existing PROCESS that Pacific County, Ecology, NOAA, and the Fishing Industry are currently engaging in. This WCMAC Recommendation is a supplement to the ongoing process and can provide a wider consensus of support to protect and preserve existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy as the legislature INTENDED and specifically stated in RCW 43.143.060 (2) (b).

**BYLAWS OF THE
Washington Coastal Marine Advisory Council
Adopted January 14, 2014
Amended March 28, 2018**

I. Purpose

- A. The Washington Coastal Marine Advisory Council (the Council) shall serve as the Governor's advisory body on coastal resource management issues for Washington's Pacific Coast and shall perform such duties as enumerated in RCW 43.143.060.

II. Membership

- A. The Council is established in the Office of the Governor. Voting members of the Council shall be appointed by the Governor or the Governor's designee.
- B. The council consists of the following voting members:
- a) The Governor or the Governor's designee;
 - b) The director or commissioner, or the director's or commissioner's designee, of the following agencies:
 - i. The Department of Ecology;
 - ii. The Department of Natural Resources;
 - iii. The Department of Fish and Wildlife;
 - iv. The State Parks and Recreation Commission;
 - v. The Department of Commerce; and
 - vi. Washington Sea Grant;
 - c) The following members of the Council established by the department of ecology and as existing on January 15, 2013:
 - i. One citizen from a coastal community;
 - ii. Two persons representing coastal commercial fishing;
 - iii. One representative from a coastal conservation group;
 - iv. One representative from a coastal economic development group;
 - v. One representative from an educational institution;
 - vi. Two representatives from energy industries or organizations, one of which must be from the coast;
 - vii. One person representing coastal recreation;
 - viii. One person representing coastal recreational fishing;
 - ix. One person representing coastal shellfish aquaculture;
 - x. One representative from the coastal shipping industry;
 - xi. One representative from a science organization;
 - xii. One representative from the coastal Washington sustainable salmon partnership;
 - xiii. One representative from a coastal port; and
 - xiv. One representative from each outer coast marine resources committee, to be selected by the marine resources committee.

- C. **Terms:** The term of office of each member appointed by the Governor is four years and the chair's term shall be one year, in accordance with RCW 43.143.050.

D. Liaisons: The Council may invite state, tribal, local governments, federal agencies, scientific experts, other states or Canadian provinces, and others with responsibility for the study and management of coastal and ocean resources or regulation of coastal and ocean activities to designate a nonvoting liaison to the council pursuant to RCW 43.143.050 (3). The Council may provide these invitations in a letter as a standing invitation. The Council may delegate the responsibility for sending letters of invitation to specific entities to Council staff (Ecology) or the Governor's representative, as appropriate. Council members may request that the Council invite liaisons to participate in Council meetings.

E. Resignation: If a member, prior to his/her term expiring, is no longer willing or able to serve on the Council, the member will notify the Governor's office and Council staff.

F. Removal: Members may be removed from the Council by the Governor for just cause. Just cause includes, but is not limited to, inability of Council members to regularly attend Council meetings.

G. Reimbursement: Members are not eligible for travel or per diem reimbursement [RCW 43.03.220]. If funding is available, food and refreshments may be provided to maximize time and efficiency of the meeting.

H. Appointment recommendations: If a Council member or the Council as a whole would like to recommend a person who has applied for a seat on the Council for the Governor's consideration, recommendations may be submitted to the Director of the Boards and Commissions office through the Governor's website at:
<http://www.governor.wa.gov/boards/application/recommend.aspx>.

III. Committees:

A. Committees will report to and advise the Council.

i) Steering Committee

- a) The Steering Committee will be comprised of the Chair of the Council, Vice-Chair of the Council, the Governor's representative, and two to four members-at-large. The members at large will be nominated by the Steering Committee and confirmed by the Council. In nominating the members at large, the Steering Committee will consider balancing geographic and interest group representation on the Steering Committee.
- b) The neutral convener and Council staff will provide support to the Steering Committee, including scheduling committee meetings.
- c) The duties of the Steering Committee include:
 - 1) Preparing agendas for Council meetings.
 - a. The agenda for each meeting must be developed as a collaborative process by councilmembers, as required by RCW 43.143.050 (4).
 - b. Agenda topics must be consistent with duties of the Council enumerated in RCW 43.143.060. The Steering Committee will also consider whether agenda topics advance the charge from the Governor and the Council's Work Plan.
 - c. The agenda may include input or participation by persons who are not

Council members.

- d. The Steering Committee will consider member input in preparing agendas for Council meetings. The Chair or neutral convener shall seek input from Council members on meeting agenda topics at every Council meeting. In addition, the Chair, staff or neutral convener will ask members for suggested agenda items one month prior to scheduled meetings.
 - e. If a Council member other than the Governor's office is requesting the Council provide a recommendation on a topic, the Council member will
 - 1) request the topic be added to the agenda via the Steering Committee; and
 - 2) provide the Council an overview of the issue at the selected Council meeting.
 - 2) Maintaining an annual schedule of topics to be addressed by the Council.
 - 3) Developing amendments to the bylaws and other documents related to the operations of the Council.
 - 4) Developing recommendation documents for the Council's review and approval in conjunction with other involved committees.
- ii) Technical Committee
- a) The duties of the Technical Committee include:
 - 1) Providing recommendations on technical issues as directed by the Council.
 - 2) Providing recommendations on desired deliverables and outcomes on issues before the Council.
 - b) Technical Committee recommendations are not formal recommendations of the Council unless adopted by the entire Council in accordance with Section VI of these bylaws.
 - c) All Council members may participate in Technical Committee meetings, and participation may vary as topics of interest arise. The neutral convener or staff will communicate the topics and meeting logistics to Council members prior to each meeting.
 - d) The Council will appoint 2-3 co-leads for the Technical Committee. The leads will commit to ongoing participation in Technical Committee meetings and will work with neutral convener and staff in preparing agendas for Technical Committee meetings.
 - e) At least one Steering Committee member should participate in Technical Committee meetings if possible.
 - f) The neutral convener and Council staff will provide support to the Technical Committee, including scheduling committee meetings and supplying meeting materials in a timely manner.
 - g) The Technical Committee may solicit input from experts with specific scientific or technical expertise to assist them. However, the Technical Committee must be attentive to state procurement policies and not seek input from someone who, by providing input, will potentially become ineligible to compete for related contracts.
- iii) Other Committees
- a) When necessary and as resources allow, the Council, in consultation with the Governor's office, may create additional committees to carry out specific assignments between meetings. Prior to creating a new committee, the Council will identify the purpose of the committee, including how it relates to the Governor's charge and the duties of the council in RCW 43.143.060. The Council will also identify the membership and the duration of

the committee. Committees will report to and advise the Council.

IV. Roles and Responsibilities

A. Council Members: Council members will have the following responsibilities:

- a) Place a high priority on preparing for, attending and actively participating in meetings, including being familiar with and operating within the governing statutes, state and federal laws, and Council bylaws at all times.
 - i. Proxy Voting: If a council member cannot attend a council meeting, the member may designate another voting member of the council as their proxy for voting purposes only. The designation must be transmitted prior to the meeting in writing (e-mail is acceptable) to the Chair, neutral convener, Governor's representative and the proxy designee. The proxy may vote on behalf of the absent member if a majority vote is taken (Section VI(E)(a)(v) of these bylaws). Proxies may not be used for consensus-based decisions, and will not count as part of a quorum. Proxy designations should only be used when absolutely necessary; as noted in sections II and IV of these bylaws, regular attendance and participation in meetings is a primary expectation of Council membership.
 - ii. In the event of unforeseen circumstances, Council members may request to participate in meetings remotely via phone or other technology. This will be accommodated if the meeting space has the appropriate technology available.
 - iii. E-mail communication between and among members is voluntary. It is not assumed or expected that all Council members will read all e-mail communications (or attachments) shared among members; it is expected that all Council members will read materials included with meeting agendas in preparation for Council meetings and committee meetings.
- b) Represent the points of view of their interest area in Council discussions. However, members are also asked to focus on the overall good of the Coast, not just the perspectives of individual interest areas. Additionally, members should notify the Council if there is a potential conflict of interest and recuse themselves from participation in that topic.
- c) Keep constituents informed on what is happening at meetings, solicit input on issues discussed, and share this input with the Council for discussion, even if those opinions differ from the member's own personal views. Be prepared to participate in meetings as necessary to represent the member's specific constituent group position on items contained on the agenda, including developing consensus or voting on issues as listed on the previously circulated agenda.
- d) Work cooperatively with each other, the neutral convener, Council staff, and liaisons to accomplish the purposes of this process and acknowledge that all participants bring with them legitimate purposes, goals, concerns and interests, whether or not they are in agreement with them.
- e) Use discretion to avoid the appearance of speaking for the Council, unless specifically authorized to do so. Council members should not represent matters pertaining to the Council without the consent of the Council as a whole.
- f) Interact in a respectful manner, including respecting the diversity of opinions and refraining from personal attacks either at meetings or away from the meeting in other venues.
- g) Listen to all points of view and perspectives on issues and alternatives and seek to identify areas of agreement as well as reasons for different points of view. Ask genuine questions

- (to learn or clarify) not rhetorical ones (to persuade or argue).
- h) Express concerns and interests clearly. Advocate for your interest while also seeking approaches that build on common ground with differing interests. Do your best to provide thorough yet concise answers to questions, either during meetings or afterwards.
 - i) Focus on the subject at hand, share discussion time, avoid interrupting, respect time constraints, keep reactions and responses from being personal, and avoid side conversations.
 - j) Inform Ecology, the Chair or the neutral convener as far in advance as is possible if unable to attend a scheduled meeting.
 - k) Abide by the discussion ground rules listed in Appendix A.

B. Chair and Vice Chair

- a) The Council shall nominate and elect a Chair and Vice Chair from its membership. Nominees for these positions should commit to providing sufficient time to fulfill assigned duties. The term of the Chair is one year and the position is eligible for reelection. The Council is encouraged to elect new leadership after a Chair or Vice Chair has served two consecutive terms. The Council shall consider geographically diverse representation in selecting these two positions. If elected, the Chair and Vice Chair shall perform the following functions:
 - 1) The Chair will preside over Council meetings. In the Chair's absence, the Vice Chair will preside.
 - 2) The Chair and Vice Chair shall serve on the Steering Committee.
 - 3) The Chair will serve as the Council's representative on the Washington Marine Resources Advisory Council.
 - 4) The Chair and the Vice Chair will communicate with members between meetings when needed to discuss issues, opportunities, concerns, strategies and alternatives that need to be discussed for meeting the Council's goals and purposes.
 - 5) When appropriate, the Chair and/or the Vice Chair will assist in keeping communication open between the Council, Ecology, Governor's representative, and legislators.
 - 6) The Chair will act as the Council's formal spokesperson. If an alternate spokesperson is needed, the Vice Chair will assume this role if appropriate, otherwise the Council can designate a particular spokesperson for that specific issues as needed. Public statements by the Chair, Vice Chair or designated spokesperson on behalf of the Council should reflect the Council's adopted recommendations and positions. If asked about a matter that the Council has not discussed, then that should be the response.

C. Ecology

- a) Ecology will act as the administrative and primary staff support for the Council in accordance with RCW 43.143.050. In this role, Ecology will:
 - i. Assist the Governor's office, the Steering Committee, and the neutral convener in administrative and operational functions such as meeting materials, meeting logistics, list management, agenda development, etc. Ecology will assist other Council Committees as time allows.
 - ii. Assist in the relay of appropriate information from the Council to various agencies and forums for ocean policy activities.

- iii. Ensure appropriate and relevant information is provided to facilitate Council discussions and tasks, including presentations by subject matter experts, background reports and materials, etc.
- iv. Abide by the discussion ground rules listed in Appendix A.
- v. Absent a neutral convener, work with Governor's office and the WCMAC chair to ensure the roles and responsibilities of the neutral convener are met by either the Governor's office, Ecology, or a substitute facilitator.

D. Liaisons - Liaisons invited to participate under section II D. will be considered non-voting liaisons to the Council and may participate in meetings upon the request of the Council [RCW 43.143.050].

E. Neutral Convener - Consistent with available resources, the Council may approve of hiring a neutral convener to assist in the performance of the Council's duties, including but not limited to the dissemination of information to all parties, facilitating selected tasks as requested by the Council members, and facilitation of setting meeting agendas.

- a) The responsibility of the neutral convener is to help keep the Council focused on tasks and may suggest process ideas, strategies, approaches, alternative methods and procedures to promote the work of the Council. The neutral convener will keep discussions moving forward, encourage participation by all members, document decisions and action items, and enforce the Council's ground rules.
- b) Specific tasks of the neutral convener may include:
 - i. Facilitate meetings of the Council. Maintain a neutral stance in facilitating discussions to achieve the Council's purposes and goals. Ensure that meeting business is conducted in a timely and efficient manner, and that all members have the opportunity to contribute.
 - ii. Communicate with members between meetings when needed to discuss issues, opportunities, concerns, strategies and alternatives regarding the Council's goals and purposes.
 - iii. Work with the Governor's office, Ecology, and Steering Committee to prepare meeting agendas so that meetings are productive and accomplish the goals of the Council.
 - iv. Assist in keeping communication open among members.
 - v. Prepare meeting summaries and/or action item lists, and distribute them to members.
 - vi. Assure that relevant information is provided to the Council in a timely and effective manner relative to the advice the Council is asked to provide.
 - vii. Abide by and enforce the discussion ground rules listed in Appendix A.

F. Observers - Meetings of the Council are open to the public. At each meeting, a brief public comment period will allow observers to offer comments related to issues at hand, subject to time limits stated on the agenda. Public comment will be included on Council agendas at a time prior to Council decisions if practical.

V. Meetings

A. Meetings are held at least twice per year or as needed and will typically be held on Washington's

Pacific Coast. The Governor's office, with input from the Council, will determine the need for and schedule any additional meetings of the Council.

- a) According to the Open Public Meetings Act (RCW 42.30.030), Council meetings will be open to the public. The schedule of regular meetings will be published in the state register per RCW 42.30.075. Meeting times and locations will also be publicized in advance on Ecology's website and standing listserv of interested individuals. Agendas will include time for public comment.
- b) Meeting agendas will be sent to members at least 7 days prior to meetings.
- c) Member communications may be subject to disclosure pursuant to existing state law.
- d) Meetings will begin and end on time and will adhere to the topics on the agenda.
- e) Meetings will be task-oriented with an agenda and materials prepared and distributed in advance, to support informed discussion.
- f) Meeting agendas may be altered at the beginning of the meeting with the consent of the Council, PROVIDED that agenda items seeking formal recommendations may not be added. Formal recommendations must be noted on the agenda distributed prior to the meeting in order to be acted on by the Council.
- g) Members will provide questions or issues for inclusion on the agenda to the Steering Committee. The Steering Committee, working with the neutral convener or staff, will work to incorporate these items as appropriate given the Council's charter, scope of work, and time available. Time will also be set aside at the conclusion of each meeting for members to identify agenda items for consideration by the Steering Committee.
- h) Non-council members are welcome to observe meetings. At the end of the meeting, or as part of an agenda item there will be opportunity for public comment. Public comment will be permitted prior to Council decisions if practical.
- i) The Council may approve of hiring a neutral convener to facilitate and manage Council meetings and perform other functions. [RCW 43.143.050].

B. Quorum. A simple majority (51%) of the Council's voting members is necessary to constitute a quorum. A quorum is necessary for the Council to make decisions or recommendations. If a quorum is not present, the meeting may continue with no actions being taken.

C. Meeting Summaries. A draft written summary of discussion from each meeting will be prepared by the neutral convener and approved by the Council before being considered final.

- a) In the absence of a neutral convener, draft meeting summaries will be prepared by a member of the Department of Ecology in attendance.
- b) The final summary will provide Council members and members of the interested public with a concise and clear summary of the meeting, including overview of each agenda item, discussions and decisions, and reference to related materials. It will not attempt to capture each statement or comment, such as would be found in a meeting transcript.
- c) The meeting summary will report the Council's advice, decisions, action items, assignments from each meeting, and seek to state points of view fairly and clearly—including minority opinions.
- d) Meeting summaries will be sent to Council members via e-mail in a timely manner. Summaries will also be posted on the Council's website and available to the public.

D. Meeting Recordings. Meetings will be recorded if appropriate technology is available. The quality of the recording, particularly in providing a clear recording of voices that are distant from the recorder, is not guaranteed. Meeting breaks are not part of the meeting and will not be recorded, nor included as part of the meeting record. When meetings are officially recorded, the recordings will be maintained by Council staff and made available upon request.

VI. Advice and Recommendations

A. Because the Council is charged with providing recommendations to the Governor, the legislature, and state and local agencies on specific coastal waters resource management issues, it is important that there is a clear and effective process for determining the content of those recommendations, as well as on other Council business. Proposed recommendations shall be provided in writing using an established template that includes background information on the issue and rationale for the recommendation. The Steering Committee will develop a work plan and meeting schedule that allow the Council to provide timely and relevant advice and recommendations to the Governor, legislature, and state and local agencies. The work plan will be adopted by the Council.

B. In making recommendations, the Council shall consider:

- a) The principles and policies articulated in *Washington's Ocean Action Plan* [RCW43.143.060].
- b) The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy. [RCW 43.143.060]
- c) The charge or other direction from the Governor
- d) Existing state laws and regulations.

C. The Council shall normally operate by consensus pursuant to RCW 43.143.050.

- a) Definition of Consensus: Consensus is a group process where the input of everyone is carefully considered and an outcome is crafted that best meets the needs of the group as a whole. The root of consensus is the word consent, which means to give permission to. When members consent to a decision, they are giving permission to the group to go ahead with the decision. Some members may disagree with all or part of the decision, but based on listening to everyone else's input, all members agree to let the decision go forward because the decision is the best one the entire group can achieve at the current time.
- b) Levels of Consensus:
 - i. I can say an unqualified "yes"!
 - ii. I can accept the decision.
 - iii. I can live with the decision.
 - iv. I do not fully agree with the decision, however, I will not block it and will support it.

D. The Council will attempt to reach consensus with thorough, substantive discussion of the issue, including the presentation of differing perspectives and consideration of various options.

E. Decision-Making

- a) When the Council is making formal recommendations consistent with RCW 43.143.060 or taking other formal actions, a minimum of 12 Council members must support a recommendation.
- b) The following formal decision-making process will be used:
 - i. The Chair or the neutral convener will state the proposed recommendation.
 - ii. The note-taker will read back the proposed recommendation.
 - iii. The Chair or the neutral convener will ask Council members to indicate (by a show of hands and/or thumbs up/down/middle) whether they are in consensus (in full agreement; not in full agreement but can “live with” the position of the Council; or cannot live with the position).
 - iv. If consensus has not been reached, efforts will be made to address outstanding concerns.
 - v. After substantive efforts have been unsuccessful in reaching consensus, the Chair or neutral convener may call for a vote, following the same procedures in steps i-ii above.
 - i. The Chair or neutral convener will ask “Who supports this recommendation” and count the hands, followed by “Who opposes this recommendation”, and count the hands. The vote, including the roll call, will be recorded in the meeting summary.
 - ii. If a two-thirds (66%) majority of those voting supports the recommendation, and there is a minimum of 12 affirmative votes as required in a) above, the recommendation will be reported as the position of the Council. In summarizing the decision, the minority concerns will also be reported.
 - vi. All recommendations will be recorded in the meeting summary and added to a formal list of Council recommendations, maintained by the Steering Committee. As provided in RCW 43.143.060, these recorded recommendations will be transmitted, as appropriate, to the Governor, Legislature and other agencies in a timely manner.
- c) Informal decisions that do not result in a formal Council recommendation or constitute a formal action may be made informally and are not required to follow the steps in sub-section a.

F. The Council will not revisit topics upon which it has already held a discussion and made a decision unless there is new information that warrants a new discussion, and the Steering Committee agrees to add it to the agenda.

VII. Communication

A. Representing Council Views. Council members may speak or advocate for themselves or their organization but may not represent the views of the Council unless specifically authorized to do so.

B. Communication Among Council Members.

- a) Meeting materials and other Council information will be provided to Council members by email listserv established for the Council. Council members may contact Council staff (Ecology), the neutral convener or chair to discuss issues or questions that arise between meetings.
- b) Substantive deliberations and development of recommendations amongst members should occur at regular Council or Committee meetings.
- c) Member communications may be subject to public disclosure pursuant to existing state law.

VIII. Funding:

- A. Council's operating funds.** Any recommendation associated with the Council's operating funds shall be submitted to Ecology and the Governor's office. Both are responsible for proposing any state funding requests for the Council's operations through the established state budget process.
- B. Annual Recommendation on Coastal Marine Spatial Planning.** The Council shall establish a standing operating procedure regarding its statutory responsibility regarding providing the Governor and the Legislature recommendations associated with coastal marine spatial planning expenditures and projects, including uses of the marine resources stewardship trust account. (See RCW 43.143.060 and RCW 43.372.070)

IX. Amendments

These bylaws may be adopted and amended at any regular meeting upon a two-thirds vote of the Council, provided that the amendment has been submitted to all Council members in writing two weeks before the meeting.

Appendix A – DISCUSSION GROUND RULES

In order to ensure that the Council's discussions and deliberations are efficient, productive and civil, the Council, Council staff, neutral convener, and liaisons all agree to abide by the following discussion ground rules. The Council grants the neutral convener the permission to remind the Council of these ground rules when needed.

Neutral Convener

The neutral convener is an impartial individual who guides the process and facilitates meetings. The neutral convener's job is to keep the Council focused on the agreed-upon agenda, suggest alternative methods and procedures to move forward when necessary, encourage participation by all Council members, and halt or redirect dialogue that is disrespectful, off-topic, or dominating the conversation so that others are not able to effectively participate. In the absence of a neutral convener, the Chair will assume these responsibilities.

Council Members

Council Members agree to:

1. Be Respectful

- Listen when others are speaking. Do not interrupt and do not participate in side conversations. One person speaks at a time.
- Recognize the legitimacy of the concerns and interests of others, whether or not you agree with them.
- Cooperate with the facilitator to ensure that everyone is given equitable time to state their views. Present your views succinctly and try not to repeat or rephrase what others have already said.
- Silence cell phones and refrain for using laptops during the meeting, except to take notes.

2. Be Constructive

- Participate in the spirit of giving the same priority to solving the problems of others as you do to solving your own problems.
- Share comments that are solution focused. Avoid repeating past discussions.
- Do not engage in personal attacks or make slanderous statements. Do not give ultimatums.
- Ask for clarification if you are uncertain of what another person is saying. Ask questions rather than make assumptions.
- Work towards consensus. Identify areas of common ground and be willing to compromise.
- Minimize the use of jargon and acronyms. Attempt to use language observers and laypersons will understand.

3. Be Productive

- Arrive on time and stay until the meeting is adjourned.
- Adhere to the agenda. Respect time constraints and focus on the topic being discussed.
- Volunteer for tasks between meetings.

4. Bring a Sense of Humor and Have Fun.

Observers

Meetings of the Council are open to the public. At each meeting, a brief public comment period will allow observers to offer comments related to issues at hand, subject to time limits stated on the agenda.

Appendix B—Statutes Governing WCMAC Activities

RCW 43.143.050 - Washington coastal marine advisory council.

(1) The Washington coastal marine advisory council is established in the executive office of the governor to fulfill the duties outlined in RCW [43.143.060](#).

(2)(a) Voting members of the Washington coastal marine advisory council shall be appointed by the governor or the governor's designee. The council consists of the following voting members:

- (i) The governor or the governor's designee;
- (ii) The director or commissioner, or the director's or commissioner's designee, of the following agencies:
 - (A) The department of ecology;
 - (B) The department of natural resources;
 - (C) The department of fish and wildlife;
 - (D) The state parks and recreation commission;
 - (E) The department of commerce; and
 - (F) Washington sea grant;
- (iii) The following members of the Washington coastal marine advisory council established by the department of ecology and as existing on January 15, 2013:
 - (A) One citizen from a coastal community;
 - (B) Two persons representing coastal commercial fishing;
 - (C) One representative from a coastal conservation group;
 - (D) One representative from a coastal economic development group;
 - (E) One representative from an educational institution;
 - (F) Two representatives from energy industries or organizations, one of which must be from the coast;
 - (G) One person representing coastal recreation;
 - (H) One person representing coastal recreational fishing;
 - (I) One person representing coastal shellfish aquaculture;
 - (J) One representative from the coastal shipping industry;
 - (K) One representative from a science organization;
 - (L) One representative from the coastal Washington sustainable salmon partnership;
 - (M) One representative from a coastal port; and
 - (N) One representative from each outer coast marine resources committee, to be selected by the marine resources committee.

(b) The Washington coastal marine advisory council shall adopt bylaws and operating procedures that may be modified from time to time by the council.

(3) The Washington coastal marine advisory council may invite state, tribal, local governments, federal agencies, scientific experts, and others with responsibility for the study and management of coastal and ocean resources or regulation of coastal and ocean activities to designate a liaison to the council to attend council meetings, respond to council requests for technical and policy information, perform collaborative research, and review any draft materials prepared by the council. The council may also invite representatives from other coastal states or Canadian provinces to participate, when appropriate, as nonvoting members.

(4) The chair of the Washington coastal marine advisory council must be nominated and elected by a majority of councilmembers. The term of the chair is one year, and the position is eligible for reelection. The agenda for each meeting must be developed as a collaborative process by councilmembers.

(5) The term of office of each member appointed by the governor is four years. Members are eligible for reappointment.

(6) The Washington coastal marine advisory council shall utilize a consensus approach to decision making. The council may put a decision to a vote among councilmembers, in the event that consensus cannot be reached. The council must include in its bylaws guidelines describing how consensus works and when a lack of consensus among councilmembers will trigger a vote.

(7) Consistent with available resources, the Washington coastal marine advisory council may hire a neutral convener to assist in the performance of the council's duties, including but not limited to the dissemination of information to all parties, facilitating selected tasks as requested by the councilmembers, and facilitation of setting meeting agendas.

(8) The department of ecology shall provide administrative and primary staff support for the Washington coastal marine advisory council.

(9) The Washington coastal marine advisory council must meet at least twice each year or as needed.

(10) A majority of the members of the Washington coastal marine advisory council constitutes a quorum for the transaction of business.

[2013 c 318 § 1.]

RCW 43.143.060

Washington coastal marine advisory council — Duties.

(1) The duties of the Washington coastal marine advisory council established in RCW [43.143.050](#) are to:

- (a) Serve as a forum for communication concerning coastal waters issues, including issues related to: Resource management; shellfish aquaculture; marine and coastal hazards; ocean energy; open ocean aquaculture; coastal waters research; education; and other coastal marine-related issues.
- (b) Serve as a point of contact for, and collaborate with, the federal government, regional entities, and other state governments regarding coastal waters issues.

- (c) Provide a forum to discuss coastal waters resource policy, planning, and management issues; provide either recommendations or modifications, or both, of principles, and, when appropriate, mediate disagreements.
- (d) Serve as an interagency resource to respond to issues facing coastal communities and coastal waters resources in a collaborative manner.
- (e) Identify and pursue public and private funding opportunities for the programs and activities of the council and for relevant programs and activities of member entities.
- (f) Provide recommendations to the governor, the legislature, and state and local agencies on specific coastal waters resource management issues, including:
 - i) Annual recommendations regarding coastal marine spatial planning expenditures and projects, including uses of the marine resources stewardship trust account created in RCW [43.372.070](#);
 - ii) Principles and standards required for emerging new coastal uses;
 - iii) Data gaps and opportunities for scientific research addressing coastal waters resource management issues;
 - iv) Implementation of Washington's ocean action plan 2006;
 - v) Development and implementation of coast-wide goals and strategies, including marine spatial planning; and
 - vi) A coastal perspective regarding cross-boundary coastal issues.

(2) In making recommendations under this section, the Washington coastal marine advisory council shall consider:

- (a) The principles and policies articulated in Washington's ocean action plan; and
- (b) The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy.

[2013 c 318 § 2.]

RCW 43.372.070 - Marine resources stewardship trust account.

- (1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.
- (2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.
- (3) Until July 1, 2016, expenditures from the account may only be used for the purposes of:
 - (a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW [43.372.040](#)(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;
 - (b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

[2013 c 318 § 3; 2012 c 252 § 4; 2011 c 250 § 2; 2010 c 145 § 10.]

Invasive European Green Crab – A Real Threat to Washington’s Coastal Resources



Aggressive, adaptable, and highly invasive, the European green crab has significantly impacted coastal ecosystems worldwide and now threatens Washington’s coastlines.

THREAT

Unchecked, European green crabs threaten to:

- disrupt production of the nation’s high-valued shellfish industry;
- damage productive salt marshes and eelgrass beds that are critical Dungeness crab, salmon, forage fish, and waterfowl habitat;
- reduce the number of Chinook salmon, which support fisheries and orca recovery;
- harm recreational and cultural resources upon which the region’s tribes and other communities rely; and
- impact commercial and tribal fisheries worth more than \$320 million annually.

STATUS

European green crabs have eaten or outcompeted commercially, culturally and ecologically important species and taken over and damaged valuable habitats across the globe. Now this highly invasive species threaten the waters of Washington State. These impacts can still be prevented within the

Salish Sea and reduced along the outer coast.

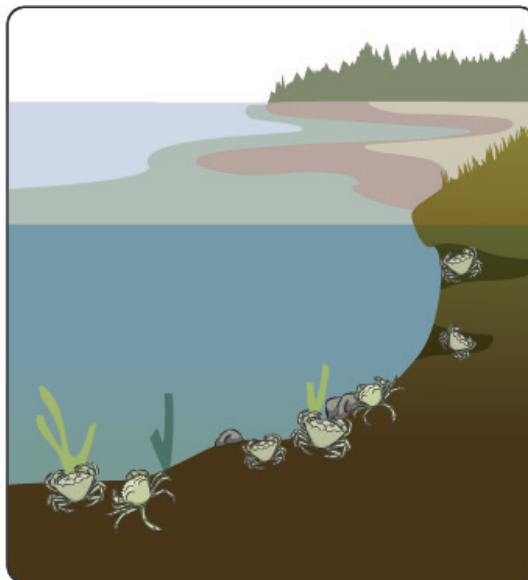
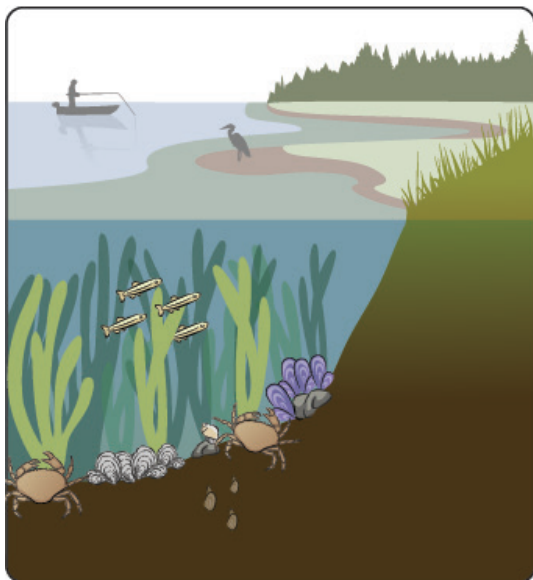
Strong partnerships among state natural resource managers, researchers, tribes, shellfish growers, non-governmental organizations, and volunteers allow us to do so.

With legislative support in the 2019 – 2021 biennium, Washington Sea Grant, the Washington State Department of Fish and Wildlife (WDFW), and hundreds of volunteers and partners have been able to conduct monthly early detection monitoring at more than 50 sites in the Salish Sea, establish monthly monitoring sites in coastal estuaries, and conduct additional assessment in the Salish Sea and on the coast. In addition, removal efforts led by WDFW, the Makah Tribe, Lummi Nation, and United States Fish and Wildlife Service (USFWS) have successfully removed more than 5,000 green crabs from Washington ecosystems.

Early detection and assessment efforts have shown that green crabs have never been more widespread in Washington waters. With increasing northern Puget Sound detection and higher numbers on the coast, populations are poised to

“Washington State is at a critical stage for successful management of invasive European green crab. WDFW is in consensus with a broad coalition of state and federal agencies, tribal co-managers, local governments and partners that decisive action is necessary to protect our state’s irreplaceable natural and economic marine resources from this threat.”

*Allen Pleus,
WDFW Aquatic Invasive
Species Unit Lead*



The rich and productive ecosystems of the Salish Sea (left panel) could be dramatically altered by abundant European green crab (right panel). If this invasive species becomes established, it could compete with and prey upon juvenile Dungeness and other small native crabs, consume shellfish such as clams, mussels and oysters, increase erosion of beneficial marshes through burrowing, and damage eelgrass beds, which are critical nursery habitats. These effects would ripple out to the native salmon, migratory shorebirds, and humans that rely on pocket estuaries and salt marshes for protection, recreation, and sustenance.

Infographic by Kate Hourihan

grow dramatically. We are at a critical point to control the spread and impact of green crab and protect economically and culturally important habitats and species. The science on invasions is clear — management is most effective and least costly when decisive action is taken before infestations enter a rapid growth phase. Trapping efforts in 2020 have confirmed we are at the cusp of this critical phase.

Swift and sustained actions by USFWS, community members, and partners have successfully reduced the number of green crabs at Dungeness Spit from nearly 100 in 2017 to just three in 2020. This potent example highlights early detection and rapid response effectiveness, which is being further tested with response efforts in Drayton Harbor and elsewhere in Whatcom and Skagit Counties.

To effectively manage green crab impacts on the Pacific coast and better understand threats to the Salish Sea, scientists and managers need sustained monitoring and surveillance. Initial trapping supported by the Washington Legislature in 2020 showed an alarming pattern of broader distribution and higher numbers of green crabs than ever before. Progress to date has resulted from robust partnerships among coastal tribes, shellfish growers, agencies, and university partners, and these groups are positioned to continue efforts that will inform next steps.

RESPONSE FUNDING NEED— 2021-2023 BIENNIUM

For the 2021-23 biennium, strong, sustained monitoring and response actions are needed to control European green crab in areas of Clallam, Jefferson, San Juan, Island, Whatcom, and Skagit counties and to understand and minimize threats to resources and livelihoods in Pacific and Grays Harbor counties. While the WDFW budget request includes support for the Aquatic Invasive Species Unit's work on European green crab, success will depend upon the

continued efforts of tribes and partner organizations. The support outlined below will enable current tribal and partner efforts to understand the present status and trends on the Pacific coast and to respond with effective early detection and rapid response in the Salish Sea to continue. These efforts are critical to preventing the economic, cultural, and ecological impacts documented elsewhere in the world.

Current Funding Status

\$360,000 has been awarded from the Habitat Strategic Initiative to Washington Sea Grant to support the core Salish Sea Crab Team through December of 2022. This support will extend early detection monitoring at more than 50 sites in the Salish Sea.

The WDFW AIS Unit 2021-2023 biennial budget request of \$2.8 million, which includes \$1 million specifically to support the WDFW Green Crab Lead (1 FTE) and five seasonal technicians (2.5 FTE). Work will continue to focus on removal efforts in northern Puget Sound and assessment on the Pacific Coast.

Additional Funding Needed — \$1.2 million/biennium

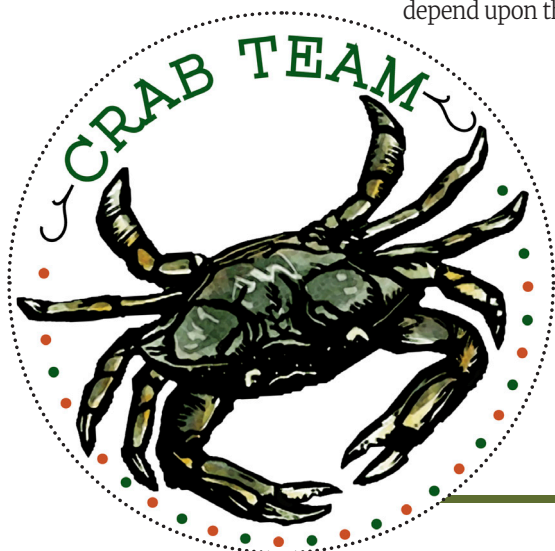
Additional support is needed to sustain tribal and partner efforts critical to response and management of this significant threat in Washington:

\$400,000 for the Lummi Nation to continue critical removal efforts in the Lummi Sea Pond and Lummi Bay. The number of green crabs found in the Sea Pond is particularly concerning, as this unique area provides ideal conditions for dramatic population growth. Without continued removal efforts, this local population will grow exponentially and likely seed other areas of the Salish Sea.

\$150,000 for the Makah Tribe to continue removal efforts in Makah Bay. Removal efforts from 2018-2020 have successfully removed 3,500 green crabs. This is an important area for removal given proximity to the Strait of Juan de Fuca and potential for influx into the Salish Sea.

\$340,000 for the Northwest Straits Commission to expand current capacity to 2 FTEs dedicated to removal efforts in northern Puget Sound, including coordination with shellfish growers, other partners, and volunteers committed to green crab removal in Washington.

\$310,000 for Washington Sea Grant to continue coordination of monthly monitoring sites and expanded assessment on the Pacific Coast, provide scientific support for assessment and removal efforts throughout the state, and extend core Salish Sea Crab Team monitoring through June 2022.



MORE INFORMATION

wsg.uw.edu/crabteam



Lummi Nation

Karl W. Mueller
Lummi Natural Resources
Department
KarlM@lummi-nsn.gov
360.312.2316



DIAHT, WAATCH, OSETT, TSOO-YESS, BAADAH

Makah Tribe

Adrienne Akmajian,
Marine Ecologist
marine.ecologist@makah.com
360.645.3079



Northwest Straits Commission

Lucas Hart,
Director
hart@nwstraits.org
360.391.7190



Washington Sea Grant

Russell Callender,
Director
wrc4@uw.edu
206.543.6600

WSG-AS 20-03

Washington Coast Marine Advisory Council

Proposed Recommendation to Fund Green Crab Management Efforts

Requested Action:

- The WCMAC recommends to the governor and the state legislature that they provide funding (\$300,000/biennium) to support the Washington State Department of Fish and Wildlife (WDFW) to develop a forum and facilitate policy-level advice on the management of the highly invasive European green crab in Washington, including the development of a coastal management plan and an update to the 2019 Salish Sea Transboundary Action Plan (SSTAP). WCMAC recommends that WDFW (or the Washington Invasive Species Council (WISC)) be provided with the funds necessary to facilitate the policy-level forum that will include representation from natural resource managers, scientists, tribal representatives, and stakeholders, including shellfish growers. WCMAC members are willing to serve on the policy forum and all of WCMAC is prepared to provide input and advice.
- WCMAC recommends to the governor and the state legislature that they support the WDFW agency request for Aquatic Invasive Species (\$2.8 million/biennium)– which includes \$1 million specifically to support staff dedicated to European green crab field management.
- WCMAC recommends to the governor and state legislature that they provide additional funding (\$1.2 million/biennium) to continue critical partner efforts that are currently underway, but in jeopardy of ending without continued funding. These include efforts by the Lummi Nation and Northwest Straits Commission focused on removal trapping in north Puget Sound; the Makah Tribe focused on removal trapping in Makah Bay; and Washington Sea Grant (WSG) for continued assessment and monitoring in the coastal estuaries of Willapa Bay and Grays Harbor. Funds should be directed to either WSG or WDFW for distribution to partners. While funding these current efforts is essential, WCMAC also recommends to the governor and state legislature that that additional funds (TBD) will be needed to support new partner efforts focused on expanded assessment and management efforts in the coastal estuaries.

Reason for the Action:

Aggressive, prolific and highly invasive, the European green crab has disturbed and diminished marine ecosystems worldwide. The green crab is classified as ‘injurious’ by the U.S. Fish and Wildlife Service and as a Level 1 (highest risk) prohibited species in Washington State. Unchecked, European green crabs in Washington threaten to:

- disrupt production of the nation’s highest-valued shellfish industry;
- damage productive salt marshes and eelgrass beds that are critical Dungeness crab, salmon, forage fish, and waterfowl habitat;
- reduce the number of Chinook salmon, which support fisheries and orca recovery;
- harm recreational and cultural resources upon which the region’s tribes and other communities rely;
- and
- impact commercial and tribal fisheries worth more than \$320 million annually.

Though green crab was first detected in Washington in the late 1990s, trapping and observational evidence suggest that, following more than a decade of extremely low detection rates, population numbers and geographic range began to increase dramatically starting in 2015. Within Washington, the first sign of a shift was

the first detection of green crab along inland shorelines (i.e., Strait of Juan de Fuca and Puget Sound) in 2016 as part of proactive early detection effort. Since then, detections of green crab have increased slowly, but steadily. In response, WDFW, WSG, tribes, and other partners launched collaborative efforts to manage green crabs where they were detected, including removal trapping programs, and developed a Salish Sea Transboundary Action Plan (SSTAP) in collaboration with Fisheries and Oceans Canada. This plan, completed in 2019, guides bi-lateral management strategies, and has helped garner resources for ongoing response and control efforts in the Salish Sea. Thus far, removal trapping has shown some local success, including at Dungeness National Wildlife Refuge, and critical response efforts are ongoing in northern Puget Sound (Drayton Harbor and Lummi Bay).

More recent concern over green crab population growth along Washington's Pacific Coast, particularly in Willapa Bay and Grays Harbor, has been triggered by a growing number of observations reported by shellfish growers, and detection of green crabs in Makah Bay starting in 2017. In response, with supplemental funding in the state budget in 2020, WSG and WDFW initiated an effort to reassess green crab status along coastal shorelines, the first large scale trapping conducted since 2002. Combined observational and trapping evidence clearly indicates that green crab are 10 times more abundant and much more widespread than has ever been previously observed in the large coastal estuaries. Moreover, green crabs are much more abundant at sites along the coast than along inland shorelines – in 2020, the site with the greatest number of green crab in the Salish Sea was similar in abundance to the sites with *lowest* detection rates on the coast. While in the past, green crab numbers dropped to undetectable levels every few years, several lines of evidence suggest we may now be facing a turning point, and coastal shorelines could face substantial ecological and economic damage without significant intervention.

These early findings underscore the need to develop a green crab management plan for Washington's Pacific Coast. Geography and biology have resulted in different histories of green crab spread between Washington's coastal and inland shorelines, and thus WCMAC acknowledges the necessity for a separate management plan from the SSTAP. Yet, it is imperative that management efforts are aligned so that strategies and resources can be appropriately coordinated to maximize the impacts of intervention. This is best achieved by a single coordinating body that can leverage the expertise and knowledge of green crab managers and researchers working across the State.

With a statewide policy forum, a management plan for Washington's Pacific Coast, the Salish Sea Transboundary Action Plan, and funding to support robust early detection, assessment, response and management actions *now*, we have the opportunity dramatically reduce the impact of this highly invasive species on Washington's economically and culturally important coastal habitats and species.

Timing Associated with this Action:

Action is needed by the governor and state legislature to include funding for the policy forum, WDFW AIS green crab agency request, and additional partner efforts in the upcoming biennial budget.

WCMAC would encourage the governor, state legislature, WDFW, and WISC to explore whether there are options to fund the creation of the policy forum even before the start of the next biennium. Time lost in invasive species management will mean that management and response will be more expensive in the future – development of a coastal management plan for green crab is urgent.

Once the policy forum is established, WCMAC recommends that the coastal management plan is developed within no more than six months, in order to support future management actions in coastal estuaries and align coastal and Salish Sea management goals and objectives.

Format needed:

A letter addressed to the Governor and Chairs and Vice Chairs of the Senate Ways & Means Committee; Senate Environment, Energy & Technology Committee; Senate Agriculture, Water, Natural Resources & Parks Committee; House Appropriations Committee; House Environment & Energy Committee; and House Rural Development, Agricultural & Natural Resource Committee.

Senator Christine Rolfes, Chair, Senate Ways & Means Committee (christine.rolfes@leg.wa.gov; haylee.anderson@leg.wa.gov; linda.owens@leg.wa.gov)

Senator David Frockt, Vice Chair, Senate Ways & Means Committee (david.frockt@leg.wa.gov; crystal.chindavongsa@leg.wa.gov)

Senator Reuven Carlyle, Chair, Senate Environment, Energy & Technology Committee (reuven.carlyle@leg.wa.gov; joshua.peck@leg.wa.gov)

Senator Liz Lovelett, Vice Chair, Senate Environment, Energy & Technology Committee (liz.lovelett@leg.wa.gov; jordan.kronen@leg.wa.gov)

Senator Kevin Van De Wege, Chair, Senate Agriculture, Water, Natural Resources & Parks Committee (kevin.vandewege@leg.wa.gov; peter.steelquist@leg.wa.gov)

Senator Jesse Salomon, Vice Chair, Senate Agriculture, Water, Natural Resources & Parks Committee (jesse.salomon@leg.wa.gov; john.elder@leg.wa.gov)

Representative Timm Ormsby, Chair, House Appropriations Committee (timm.ormsby@leg.wa.gov; shannon.waechter@leg.wa.gov)

Representative Steve Bergquist, 2nd Vice Chair, House Appropriations Committee (steve.bergquist@leg.wa.gov; syd.locke@leg.wa.gov)

Representative Joe Fitzgibbon, Chair, House Environment & Energy Committee (joe.fitzgibbon@leg.wa.gov; noal.alsharbini@leg.wa.gov)

Representative Debra Lekanoff, Vice Chair, House Environment & Energy Committee (debra.lekanoff@leg.wa.gov; kaylee.galloway@leg.wa.gov)

Representative Brian Blake, Chair, House Rural Development, Agricultural & Natural Resource Committee (brian.blake@leg.wa.gov; dawn.thomas@leg.wa.gov)

Representative Sharon Shewmake, Vice Chair, House Rural Development, Agricultural & Natural Resource Committee (sharon.shewmake@leg.wa.gov; kaylee.galloway@leg.wa.gov)

WCMAC Workplan

12/1/20

	Topic	Purpose	Source*	WCMAC Focus	Timeframe	Tasks	Information Needs	Notes/Status Updates
A.	Coastal Resilience	Prioritize needs and actions to carry out the recommendations in the Ruckelshaus "Washington State Coast Resilience Assessment Final Report (2017)"	C	Information Sharing; Informal Advice; Formal Recommendations	Ongoing	<ol style="list-style-type: none"> 1. Guide Ecology and Washington Sea Grant in completing the "Washington Coast Resilience Action Demonstration (RAD) Project" 2. Guide and participate in a science-policy workshop on coastal hazards 3. Help shape recommendations to the Governor, the Legislature, and state and local agencies to further support long-term pre-disaster risk reduction for Washington's Pacific coast-wide resilience initiative. 		* 18 month NOAA grant was awarded to Ecology's Coastal Program to partner with WCMAC on the "Washington Coast Resilience Action Demonstration (RAD) Project" * Coastal Hazards workshop is being planned for 2021
B.	Ecosystem Indicators	To provide feedback to the state on refining the list of ecosystem indicators.	C	Informal Advice	thru 6/21	<ol style="list-style-type: none"> 1. Compile existing lists of indicators, summary of methods, and proposed process for refining indicators (<i>WCMAC staff</i>) 2. WCMAC briefing and discussion (<i>WCMAC Meeting</i>) 3. Staff and other experts participate in OCNMS Ecological Indicator selection process 	<ol style="list-style-type: none"> 1. List of current potential indicators 2. Summary of methods used to identify current list 3. Informational briefing on developing scientifically robust indicators 4. Presentation from OCNMS on Conditions Report and Ecological Indicators 	*Need to consult with NOAA (NWFSC)
C.	Economic Resiliency Workshop	To convene a 1-day workshop on economic resiliency in coastal communities	W	Information Sharing	3/19-6/21	<ol style="list-style-type: none"> 1. Develop scope of work/approach for a 1-day workshop to address economic resiliency in coastal communities (now looking at virtual alternatives in response to Covid-19) 	TBD	*Rod has agreed to chair this effort. *The recommendations from the workshop will be by WCMAC for formal recommendation by WCMAC
D.	Science and Research Agenda	To provide feedback to the state on the development of a science and research agenda, including data gaps and WCMAC's priorities.	C	Informal Advice	Ongoing	<ol style="list-style-type: none"> 1. Compile Data Gaps (<i>WCMAC Staff</i>) 2. WCMAC Discussion on Initial List of Gaps and Priorities (<i>WCMAC Meeting</i>) 3. Coordinate with ecosystem indicators work 	<ol style="list-style-type: none"> 1. List of data gaps (initial list from MSP) 2. Summary of existing, current science needs documents for WA Coast (e.g. OCNMS, PFMC) 	
E.	Monitor Implementation of MSP	To keep WCMAC informed of MSP implementation efforts To consider practical applications of the MSP	C	Information Sharing (See also A. above)	Ongoing	<ol style="list-style-type: none"> 1. Summarize status of MSP implementation tasks (<i>WCMAC staff</i>) 2. Federal Consistency: Review Washington's authority in reviewing federal activities 	<ol style="list-style-type: none"> 1. Informational Briefing on Status of MSP Implementation 	*Include briefing on how the plan gets used, particularly regarding new applications *Review plans that are inconsistent with MSP
F.	Annual Work Plan	To develop an annual workplan to guide planning for WCMAC meetings and activities.	B	Operations/Admin	12/20	<ol style="list-style-type: none"> 1. Compile topics and outcomes (<i>Steering Committee</i>) 2. Develop draft annual workplan (<i>Steering Committee</i>) 3. Discuss and adopt work plan (<i>WCMAC Meeting</i>) 	<ol style="list-style-type: none"> 1. Input from WCMAC members and Gov's office on topics and priorities 	* Initial draft work plan discussed at September meeting with final work plan addressed at Dec. meeting.
G.	WCMAC Meeting Agendas and Operations	To fulfill Steering Committee responsibilities as listed in the by-laws	B	Operations/Admin	Ongoing	<ol style="list-style-type: none"> 1. Set WCMAC Agendas for each meeting 2. Conduct officer elections every 2 years 		

Source: C= Governor's Charge; B=Bylaws; W=WCMAC Generated

Other Topics of Interest/Future Consideration	Notes/Comments
1 Coastal Erosion	Coastal Resiliency Work Group is planning a Science-policy
2 Sea-level rise	workshop on Coastal Erosion and Sea Level Rise: 2020-21
3 Shipping overview	
4 Oil terminals	
5 Commercial Net Pen Aquaculture	
6 Offshore Aquaculture	
7 Shellfish Aquaculture Management issues (e.g. invasive species, burrowing shrimp, etc.)	Will provide ongoing updates to WCMAC as appropriate; update on settlement agreement was provided at 12/11/19 meeting
8 Invasive Species and Pest Species Management (other than Green Crab)	Benthic impacts of burrowing shrimp (Kathleen Sayce) (Green Crab presentation provided at 4/1/20 meeting)
9 Changing Fishing Fleets and Alternative Fishing Methods	
10 Coastal Energy	Other coastal groups are considering hosting a workshop
11 Economic Development: How do coastal communities adapt to changing economy?	Workshops planned for 2020-21
12 Building Local Capacity	
13 Watershed Protection	
14 Ecosystem Services Valuation	
15 Ecology's Spill Program	
16 Ecological Indicators in Estuaries	Technical Committee will discuss
17 Regular Financial Updates on WCMAC's budget status	Will be periodically added to WCMAC's agenda
18 Sea Floor Mapping Update	
19 Recreation and tourism issues	
20 Ocean Acidification Sentinel Site	
21 Nanoos Data	Nanoos presentation on new data products/apps for ocean users that help improve understanding of ocean conditions and safety (ideally Jan or Rachel)
22 Renewable Energy and Economics	Presentation by Brian Pologye of UW/PMECC and also a member of the science advisory panel. Could also speak to research happening in OR
23	
24	
25	

Topics Addressed in Previous Meetings	Notes/Comments
Vessel Traffic/Navigational Safety/Transport of hazardous substances	Briefing on Grays Harbor Vessel Traffic Risk Assessment occurred at 3/28/18 meeting.
Ocean Acidification	Presentation by MRAC members at 6/13/18 meeting
Tsunami/Disaster Preparedness	Presentation at 6/13/18 Meeting
Juvenile salmon survey results and ocean conditions	Webinar in 9/18
Briefing from WDFW on recreation and commercial fishing allocation	Presentation at 12/12/18 meeting
Salmon Management	Workshop at 10/2/19 meeting
Potash Terminal in Grays Harbor	Presentation at 12/11/19 meeting
Harmful Algal Blooms (HAB)	Presentation at 4/1/20 meeting
Federal Consistency	Presented in Sept. 2020
Trends in changing ocean conditions	Presented in Sept. 2020

2020-21 WCMAC Meeting Plan

12/2/2020

March 17, 2021	
Topic	Presenter
• Offshore Aquaculture	▪ Dan Tonnes, NOAA
• Update on Erosion/Dynamic Revetment	▪ George Kaminski, ECY
• Ecosystem Indicator modeling	▪ Robert Wildermuth, WCMAC Contractor
• Discuss Proposed Recommendations from Economic Workshop (if completed)	▪
• Discuss Proposed Recommendations from Coastal Hazards Workshop (if completed)	▪
• Approve 2021-23 Steering Committee Members	▪

June 16, 2021	
Topic	Presenter
• Update on N of Falcon	▪ WDFW (Ron Warren)
•	▪
•	▪

Topics to weave into 2020-21 agendas:

- Discussion of data gaps/research needs
- Briefing on status of MSP implementation
- Ecosystem indicators