

**SAN JUAN COUNTY
MARINE RESOURCES COMMITTEE (MRC)
Meeting Minutes
Wednesday, September 21 2011 8:30-10:30 a.m.
Islanders Bank Community Meeting Room
225 Blair Street
Friday Harbor WA 98250**

Members Present: Steve Revella (Chair), Laura Arnold, John Aschoff, Rene Beliveau, Barbara Bentley, Michael Durland, Johannes Krieger, David Loyd, Barbara Marrett, Kit Rawson, Jonathan White

Members Absent: Gregg Dietzman, Ken Sebens, Jim Slocomb, Tina Whitman

Staff: Janice Biletnikoff, Helen Venada

Guests:

Lisa Brown, SJC Community Development and Planning (CDP)

Terry Carten, WA Department of Natural Resources (DNR)

Dennis Clark, DNR

Bob Fritzen, WA Department of Ecology

Shireene Hale, (CDP)

Sally Hawkins

Kyle Loring, Friends of the San Juans

Lee McEnery, CDP

Colin Maycock, CDP

D. Mayer

Barbara Rosenkotter, Salmon Recovery Coordinator

Gregory Simon

Julie Thompson, CDP

Jason Wilkinson, DNR

Presentation: “How WA DNR Lands and Programs Relate to the Shoreline Master Program (SMP) update Process” by Hugo Flores, DNR (Sedro Woolley) and Lalena Amiotte, DNR (Olympia)

Discussion: “Planning for the Marine Managers Workshop: Land use, Oil spills, Research”

Upcoming Events

- MRC regular meeting, October 5, 2011, 8:30-10:30am, Islanders Bank, Friday Harbor
- Salish Sea Ecosystem Conference co-hosted by Environment Canada and Puget Sound Partnership, October 25th-27th, 2011, Vancouver B.C. (www.salishseaconference.org)
- Northwest Straits Commission (NWSC) meeting, November 4th, 10:30am, Friday Harbor Grange
- NWSC Conference, December 2nd and 3rd, Northwest Maritime Center, Port Townsend [see <http://www.nwstraits.org/Whats-New/Meetings-Events/2011-MRC-Conference.aspx>]

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The meeting was called to order by Chair Steve Revella at 8:30am.

Minutes: Minutes of the September 7, 2011 meeting were approved as read.

Northwest Straits Commission (NWSC) update: Jonathan White said that the main topics of discussion at the late August NWSC meeting on Whidbey Island were NWSC's long-term funding and re-authorization. Senator Patty Murray helped convene a "blue ribbon" committee, which met at Padilla Bay in late August. Bill Ruckelshaus, Senator Kevin Ranker, and other agency representatives were present. Jonathan said that the NWSC (and the work of the MRCs) have struggled to get recognition from agencies and one of the positive outcomes of this blue ribbon committee is an acknowledgement of the invaluable contribution we make to the conservation efforts in Puget Sound. He added that Bill did a look back of the NWSC five years ago showing the value of its work. The funding challenge remains and will be pursued through Patty Murray's office and elsewhere. John Aschoff will attend the yearly staff meeting next Wednesday. John said that one of the discussion items will be how the various MRCs will work with the Northwest Straits Foundation (NWSF). He asked that members let him know of other topics to be brought to the meeting. John said that the "Getting to the Water's Edge" proposal could be a good fit for NWSF help.

There was discussion on monitoring needs. Barbara Bentley said that targeted baseline data is needed right now for projects like the Friday Harbor raingarden and the Eastsound constructed wetland. Kit Rawson noted that with today's new reality and new focus, it likely that MRC work plan elements will be shifted; he said this would be a good topic for the annual MRC retreat. David Loyd pointed out that several proposals suggested by Kwiaht and others may also benefit from NWSF assistance. Barbara Marrett reiterated that the MRC needs a full-time coordinator. Rene Beliveau said that, based on County Council direction, Janice Biletnikoff will be returned to full-time planning work and Lisa Brown has been assigned to provide the MRC with some administrative services, with Janice available on a limited basis. Rene added that the Council also directed that the Local Integrating Organization (LIO) Coordinator and the MRC Coordinator positions be consolidated; applicants for the job will be interviewed in about two weeks. One big gap, Rene noted, is that MRC help is needed to work on grants.

Kit reminded everyone that the NWSC and MRCs were initiated as a response to the rejected alternative of a national marine sanctuary. He said that a whole lot of excellent work has been accomplished with free volunteer labor. Kit asked if anyone has ever looked at the cost to implement a sanctuary.

Jonathan asked for a quick review of MRC members signed up to spend time with individual Council persons. There was an informal re-commitment to the effort and Jonathan said that it would be good to re-visit Council members before January 1st and to report back to the committee. Kit said that he had a constructive conversation with Rich Peterson who seems to be very concerned with scientific advice informing the Critical Areas Ordinance (CAO) update process. Another suggested topic for discussion with the Council is the overlap of Shoreline Master Program (SMP) and CAO documents. There was talk about the MRC needing more signs of support from the Council. Rene said that there are very vocal and well-organized interest groups out there to provide input but environmental groups are not so well represented.

Steve announced that Ken Sebens is stepping down as chair of the science subcommittee.

Implementation Committee update: Barbara Rosenkotter reported that a final list of Action Agenda strategies has been drafted for presentation to the AOC (the policy body) and to the County Council next Friday. Barbara asked when to present the updated list to the MRC. The Puget Sound Partnership

is planning a public outreach meeting for October 19th (on the ferry?) and Barbara wondered if the MRC was interested in providing a display for the event. The LIO grant pre-proposals are moving forward and Barbara said they are available for MRC review. Kit strongly recommended that local people take action to help get the message out to the community about local Action Agenda efforts; he suggested that MRC members attend the October 19th meeting. Laura Arnold suggested that there be a subcommittee meeting after the next regular MRC meeting in order to prepare for that.

Presentation: “How WA DNR Lands and Programs Relate to the Shoreline Master Program (SMP) update Process”

Hugo Flores said that he is part of the policy unit at DNR. He provided a brief history of the Washington Territory, noting that it became the 42nd state on November 11, 1889. The Equal Footing Doctrine asserts that the state owns 2.6 million acres of aquatic lands (tidelands, shorelands, harbor areas, waterways, and navigable waters). From 1890-1950, Washington promoted the sale of aquatic lands to encourage economic development and to raise funds for the state. In the 1950's there was a shift to leasing these lands. In 1970 the Washington Legislature eliminated sale of tidelands and shorelands.

Copies of a packet of information prepared by DNR was distributed. It is designed to assist local planning staff in coordinating with WDNR while updating shoreline management programs or other planning activities. SMP updates, for instance, require identification of shorelines with state-wide interest. If a local entity identifies a specific shoreline use (e.g. aquaculture) then DNR would be involved in the planning process.

Hugo pointed out that DNR is not a regulator (like WA Department of Ecology); DNR manages land use. The basic principles of the agency include ensuring environmental protection while fostering sustainable uses of natural resources; encouraging public access and generating income for DNR; managing navigable interstate and intrastate waters. The goal for working and planning with local governments is to share information and to prevent management conflicts.

Lalena Amiotte explained that Habitat Conservation Plans are part of the leasing program and are negotiated agreements with federal services. She said that DNR wants to minimize its liability in leased areas on Endangered Species Act issues; HCPs address ways to avoid/minimize impact and reduce harm to listed and sensitive species while describing commitments for compensation. Along with DNR's goal to reduce impacts to HCP-covered species and habitat, DNR aims to improve/restore habitat quality and to improve/protect important habitat through conservation, restoration, and landscape planning. The scoping process involves studies of 86 species, 35 activities, and 14 ecosystems to look at what causes harm. Lalena discussed some of the activities under study: log booming/storage, overwater structures causing harm, shellfish aquaculture/fish net pens. Strategies for habitat protection for all uses in all lands include protection of native aquatic vegetation (e.g. w/ buffers, surveys, and monitoring) and forage fish spawning areas as well as landscape prioritization and planning. DNR has the ability to restrict activity if the use is not consistent with its goals. Lalena said that DNR works to assure that resources are managed in accordance with lease goals. She noted that ensuring environmental protection may be the best use for a given area.

For forage fish protection, siting criteria and surveys can be used to help define the line between avoidance and minimization. One consideration is whether a given area historically supported forage fish. The Landscape Prioritization Tool uses GIS information to help DNR identify the most precious lands in Washington and to learn what to do to protect remnant populations in need of conservation in nearshore environments. Using HCP standards, and to avoid more toxic pollution, no treated wood or tires can come into contact with water bodies, Lalena noted. Copies were distributed of fact sheets on

identifying high priority aquatic ecosystems for conservation. Lalena outlined the 2010 review process: applications (\$25 fee) are subject to scientific review and site inspection; recommendations are then submitted and a Land Manager has discussion with the applicant on alternatives to be assessed. Lalena said that draft complete HCPs, similar to EISs, are subject to NEPA and SEPA formal review. Renewing leases follows the same process as new leasing; an HCP is good for 50 years. Leases are required on state-owned (not private) tidelands; easements are for non-exclusive use.

Terry Carten said that there are multiple forms of “use authorizations”: for instance, leases are required on state-owned (not private) tidelands; easements are for non-exclusive use. Laura said that it is important that SMP builds in protection where DNR is not active. Terry added that where private lands are adjacent to public aquatic lands, DNR wants to see the same level of protection through the SMP/SMA process. There was discussion about the mechanism for withdrawal of leases (by DNR Commissioner order); a lease could be discontinued at the end of its term or under consideration for protection of specific species/embayments/water bodies. The overlaps, differences, and regulatory confusion of DNR's HPA process and Washington Department of Fish and Wildlife jurisdiction were discussed. It was agreed that it is important for the two agencies to work together early in the process.

David Loyd said that summary of the literature would be helpful. There were questions about interim CAO changes (e.g. regarding docks) and about enforcement (e.g. mooring buoys). The MRC was encouraged to help to spread the word locally that mooring buoys need to be authorized and there are benefits to doing so.

Marine Managers Workshop planning: Steve introduced the question of who would organize the event in the absence of a full-time MRC Coordinator. Could the MRC partner with CDP? Jonathan will appeal to the NWS for help. Could the NWS Foundation help to find funding? Janice suggested that a \$50 fee might be considered as well as reducing the workshop to one day.

Discussion on County Council request for input on Reverse Osmosis water systems as a primary water source: Steve said that Dr. Richard Strathmann told him that there has been no new information since his 2009 study to change his point of view. Copies of his report, “Standards for Reverse Osmosis Desalination Systems,” were distributed. The current request is for new development. Laura said that with the science on marine resources being at issue here, the timing of this request is very relevant. Maintenance, build out, salinity changes, monitoring, enforcement remain concerns. Barbara Bentley will draft a re-packaged response to the Council which Steve and Johannes will edit.

There was discussion on the Council's feedback to the recent MRC letter on CAO. The Council's recommendations include the use of the term buffer, not setback. Laura noted that one does not replace the other and there needs to be new language regarding armoring. What are the correlation factors?

Barbara Bentley said there will be a Council meeting on Orcas on September 27th with a field trip to a wetland area with a constructed pond. Barbara hopes to include a visit to the old quarry.

Barbara Rosenkotter announced that there will be an opening ceremony of the new bridge at Cascade Creek, Buck Bay, on October 20th.

The meeting was adjourned at 10:30am.

Submitted by Helen Venada