



Interim Progress Report:

House Bill 2220 Shellfish Aquaculture Regulatory Committee

Report to the Washington State Legislature

**House Committee on Ecology and Parks
House Committee on Agriculture and Natural Resources
Senate Committee on Natural Resources, Ocean & Recreation**

December 2007
Washington State Department of Ecology
Ecology Publication 07-06-027

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Overview

This is the interim report to the Legislature on the progress of the Shellfish Aquaculture Regulatory Committee (Committee) created by House Bill 2220, which was adopted in 2007. (See Appendix A for excerpts from the bill related to Committee purpose and membership.)

HB 2220 (Section 4) directs that:

The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

The Committee began meeting in July 2007. As of December 2007 the Committee has made significant progress; however, formal recommendations have not yet been adopted. Thus, this December 2007 report provides a brief overview of the work accomplished by the Committee to date. It also provides a look ahead at future work and anticipated products.

Recommendations and findings of the Committee will be provided in a second report to the Legislative committees by December 2008. The project is expected to conclude by June 2009.

Background: Purpose and Membership per HB 2220

The 2007 Washington State Legislature passed HB 2220 relating to shellfish aquaculture.

This bill:

- Creates a Shellfish Aquaculture Regulatory Committee with members representing a wide range of perspectives and interests.
- Commissions a series of scientific research studies on the effects of intertidal geoduck aquaculture in Puget Sound. The bill assigns Washington Sea Grant the lead role, with the Department of Ecology (Ecology) and the Committee serving in an advisory role in this effort.
- Directs Ecology to adopt by rule Shoreline Master Program Guidelines for geoduck aquaculture siting and operation. The bill assigns the Committee an advisory role in this process.
- Directs the Washington Department of Fish and Wildlife to expand the information required for aquatic farm registration.

Tasks of the Shellfish Aquaculture Regulatory Committee

The Committee is assigned three tasks under this legislation:

Task 1: Develop recommendations for an integrated regulatory process for all current and new shellfish aquaculture projects.

The shellfish regulatory review will include the U.S. Army Corps of Engineers new 404 permit, Shoreline Master Program permitting, Department of Fish and Wildlife registration functions, and all other permit and approval processes. The legislation requires the Committee to report its recommendations and findings to the Legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

Task 2: Oversee the intertidal geoduck scientific research program authorized by the bill.

Through Ecology, the Committee will advise Washington Sea Grant on research topics and priorities, and ensure that research meets planning, permitting, and data management needs. A budget proviso was included in the biennial budget to support Washington Sea Grant in conducting this research.

Task 3: Advise Ecology on new geoduck aquaculture guidelines to assist local Shoreline Master Program updates.

The Committee will serve as the advisory committee to Ecology on geoduck aquaculture guidelines. These guidelines are to be adopted by rule into Ecology's Shoreline Master Program Guidelines. Committee recommendations on guidelines are anticipated by mid-2008. The rule adoption process will occur mid-2008 to mid-2009.

Committee Membership

As specified in HB 2220, the 14 Committee members represent the shellfish industry, environmental community, shoreline property owners, four state agencies (Departments of Ecology, Fish and Wildlife, Agriculture, and Natural Resources), and tribal governments.

Members are identified in Appendix B.

Ecology provides staff support to the Committee. A proviso related to the bill was included in Ecology's biennial budget.

Progress to Date

The Committee held five monthly meetings from July to November 2007. Meetings have been 5–6 hours long. Agendas from these meetings are included in Appendix C. The Committee also took a field trip to an intertidal geoduck farm in Totten Inlet in August 2007. Committee members directly observed intertidal geoduck farming and harvesting activities and gained a better understanding of shellfish aquaculture siting and operations.

More information, including meeting notes and presentation materials, is available on the project web site: <http://www.ecy.wa.gov/programs/sea/shellfishcommittee/index.html>.

Task 1 Progress: Integrating existing regulatory processes for shellfish aquaculture

The initial focus of Committee work on Task 1 was gaining an understanding of the various existing permits and approvals related to shellfish aquaculture. Presentations from federal, state, and local agencies addressed the following permits and approval processes:

- U.S. Army Corps of Engineers Federal 404 (Clean Water Act) Permits
 - Nationwide Permit 48: Existing Commercial Shellfish Aquaculture Activities
 - Individual Permits for Section 10 and 404
 - Ecology 401 Water Quality Certification
- Washington Department of Ecology Coastal Zone Management Consistency Determination

- Washington Department of Fish and Wildlife Aquatic Farm Registration and Shellstock Transfer Program
- Washington Department of Health Harvest Site Certification
- Washington Department of Health Shellfish Operations License
- Washington Department of Natural Resources Shellfish Leases
- Shoreline Management Act: Shoreline Master Programs & Shoreline Permits
- Growth Management Act Resource Lands Designation

Following the technical presentations, Committee members identified problems with the current regulatory system and potential measures to improve it.

As a result of Committee discussions, most members do not believe that substantive permit integration or streamlining is needed. This opinion is largely due to changes and improvements in the federal permit processes that have occurred since spring 2007.

However, there may be opportunity to improve administrative efficiencies, such as creating common portions of application forms or establishing a common database of existing aquaculture.

Upcoming work on Task 1: State agency staff from the Departments of Ecology, Fish and Wildlife, Agriculture, Natural Resources, and Health agreed to examine means to improve the aquaculture regulatory administrative process. They will report to the Committee in early 2008.

Task 2 Progress: Intertidal geoduck aquaculture research program

Washington Sea Grant presented the Committee with an overview of the scientific research program. The Committee reviewed the project selection process and provided comments on the Request for Proposals for the research. Ecology has provided the Committee with periodic updates on the selection process.

A majority of the Committee attended the *Northwest Workshop on Bivalve Aquaculture and the Environment* in Seattle on September 13–14, 2007. The workshop was convened by Washington Sea Grant and University of Washington School of Aquatic and Fisheries Sciences, in partnership with Washington Department of Ecology, NOAA Fisheries' Northwest Fisheries Science Center and Northwest Regional Office, Washington Department of Natural Resources, and Alaska Sea Grant College Program.

The workshop brought together experts from the United States, Canada, and Europe to share the latest research on a range of topics related to shellfish aquaculture, including genetics and disease, culture of native species, use of predator exclusion structures, habitat utilization, water quality, and public health. The information presented provided a baseline of current knowledge and the framework for identifying research and information needs.

Recommendations for further research needs were developed by the experts and the workshop participants. These needs were presented under four categories intended to match the research

requirements of HB 2220—Genetics and Disease; Effects of Aquaculture Structures; Water Column Effects; and Benthic Effects.

Priority needs identified at the workshop include:

Genetics and Disease

- Investigate the possible creation and culture of sterile forms of geoduck and the potential impacts of doing so.
- Estimate specific genetic and environmental traits of geoducks and develop models to determine interaction between cultured and wild geoduck management regions.

Effects of Aquaculture Structures

- Identify any ecological alterations associated with current and alternative geoduck aquaculture practices.
- Improve understanding of how structures associated with geoduck culture and competing uses of tidal areas affect ecological functions.
- Evaluate alternative farming practices for (1) effectiveness and (2) the potential to reduce ecological impacts.
- Develop knowledge-based decision matrices to inform managers.

Water Column Effects

- Obtain data on the effects of typical farming methods on nutrient and sediment changes in adjacent water.
- Develop a geographic information system (GIS) with physical data of Puget Sound to identify places that are suitable for geoduck aquaculture.
- Conduct long-term monitoring of aquaculture sites and adjacent to sites.
- Monitor effects of different stocking densities on experimental farms.
- Develop “ecological carrying capacity” models for shellfish aquaculture.

Benthic Effects

- Characterize natural disturbances in order to tell the difference between natural and aquaculture-caused disturbances.
- Determine the effects of aquaculture on benthic ecosystems through experiments at multiple scales.
- Improve mapping of benthic characteristics and flow models to better understand existing conditions and potential impacts.
- Determine the relationship between planting density in aquaculture plots and ecological responses.
- Determine the proportion of Puget Sound, by region and habitat type, for which aquaculture development is anticipated.

The workshop agenda, with links to abstracts and presentation materials, is available online at http://www.wsg.washington.edu:16080/research/geoduck/workshop_agenda.html.

The full report summarizing the results and research recommendations produced through the workshop is available online at http://www.wsg.washington.edu/research/geoduck/WSGBivalveWorkshop_Recommendations.pdf.

Following the workshop, Sea Grant issued a Request for Proposals to solicit research proposals to meet the needs identified at the workshop. A team of expert reviewers evaluated seven pre-proposals and provided comments to the research teams for areas to be improved or clarified.

The Committee's representative on the Sea Grant review team is Perry Lund, biologist and supervisor of the Permitting and Technical Assistance Unit in the Department of Ecology's Southwest Regional Office. He is there to provide a regulatory perspective and to ensure that the research proposals selected move us toward meeting the objectives of HB 2220.

Upcoming work on Task 2: Seven full proposals have been submitted for final review, which will take place on February 1, 2008. Research projects are expected to begin as soon as possible after the final selection decisions are made. The projects are all expected to take two to three years to complete. The Committee will be kept fully apprised as the research efforts moves forward.

Task 3 Progress: Recommendations for geoduck aquaculture guidelines for Shoreline Master Program updates

At the November 2007 meeting, Committee members agreed to begin work on Task 3 (as work on Task 1 is nearly completed). Initial sources of information for potential recommendations will include the Best Management Practices document issued by Washington Department of Natural Resources and other existing documents. The technical presentations provided during the fall will also help the Committee with Task 3.

Upcoming Work on Task 3: Monthly meetings are expected from January through June 2008. Recommendations from the Committee to Ecology are anticipated by mid-2008. Ecology will then initiate rulemaking to incorporate additional guidance for geoduck aquaculture into the Shoreline Master Program Guidelines. Ecology intends to complete the rulemaking process by June 2009.

Future reports to the Legislature

Ecology will provide the Committee's recommendations from Task 1 and Task 3 in its second report to the Legislature, to be provided by December 2008.

FOR MORE INFORMATION

Project web site:

<http://www.ecy.wa.gov/programs/sea/shellfishcommittee/index.html>

Contact:

Tom Clingman, Project Lead
Department of Ecology
(360) 407-7448
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Appendix A: Excerpts from House Bill 2220 regarding function and membership of the Shellfish Aquaculture Regulatory Committee (headings added)

Section 1. (4) Oversight of intertidal geoduck scientific research program:

In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4 of this act as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that is beneficial to complete other than what is listed in subsection (5) of this section.

Sec. 4. Advice to Ecology on regulatory processes:

- (1) The shellfish aquaculture regulatory committee is established to, consistent with this section, serve as an advisory body to the department of ecology on regulatory processes and approvals for all current and new shellfish aquaculture activities, and the activities conducted pursuant to RCW 90.58.060, as the activities relate to shellfish. The shellfish aquaculture regulatory committee is advisory in nature, and no vote or action of the committee may overrule existing statutes, regulations, or local ordinances.
- (2) The shellfish aquaculture regulatory committee shall develop recommendations as to:
 - (a) A regulatory system or permit process for all current and new shellfish aquaculture projects and activities that integrates all applicable existing local, state, and federal regulations and is efficient both for the regulators and the regulated; and
 - (b) Appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act. When developing the recommendations for guidelines under this subsection, the committee must examine the following:
 - (i) Methods for quantifying and reducing marine litter; and
 - (ii) Possible landowner notification policies and requirements for establishing new geoduck aquaculture farms.

Committee membership:

- (3) (a) The members of the shellfish aquaculture regulatory committee shall be appointed by the director of the department of ecology as follows:
 - (i) Two representatives of county government, one from a county located on the Puget Sound, and one from a county located on the Pacific Ocean;
 - (ii) Two individuals who are professionally engaged in the commercial aquaculture of shellfish, one who owns or operates an aquatic farm in Puget Sound, and one who owns or operates an aquatic farm in state waters other than the Puget Sound;
 - (iii) Two representatives of organizations representing the environmental community;
 - (iv) Two individuals who own shoreline property, one of which does not have a commercial geoduck operation on his or her property and one of which who does have a commercial

geoduck operation on his or her property; and

(v) One representative each from the following state agencies: The department of ecology, the department of fish and wildlife, the department of agriculture, and the department of natural resources.

- (b) In addition to the other participants listed in this subsection, the governor shall invite the full participation of two tribal governments, at least one of which is located within the drainage of the Puget Sound.

Staffing and operation of the Committee:

- (4) The department of ecology shall provide administrative and clerical assistance to the shellfish aquaculture regulatory committee and all agencies listed in subsection (3) of this section shall provide technical assistance.
- (5) Non-agency members of the shellfish aquaculture regulatory committee will not be compensated, but are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (6) Any participation by a Native American tribe on the shellfish aquaculture regulatory committee shall not, under any circumstances, be viewed as an admission by the tribe that any of its activities, or those of its members, are subject to any of the statutes, regulations, ordinances, standards, or permit systems reviewed, considered, or proposed by the committee.
- (7) The shellfish aquaculture regulatory committee is authorized to form technical advisory panels as needed and appoint to them members not on the shellfish aquaculture regulatory committee.

Reports to Legislature:

- (8) The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

Sec. 5. Advice on intertidal geoduck guidelines rule:

- (1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4 of this act, which shall serve as the advisory committee for the development of the guidelines.
- (2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4 of this act.
- (3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under section 1 of this act.

Appendix B: HB 2220 Shellfish Aquaculture Regulatory Committee Membership

#	Member represents:	Member	Alternate
1	County located on the Puget Sound	Pat Prendergast Pierce County Planning and Land Services	Dave Risvold Pierce County Planning and Land Services
2	County located on the Pacific Ocean	Bryan Harrison Pacific County	None
3	Owner or operator of an aquatic farm in Puget Sound	Diane Cooper Taylor Shellfish Farms, Inc.	Peter Downey Discovery Bay Shellfish
4	Owner or operator of an aquatic farm in state waters other than the Puget Sound	Nick Jambor Ekone Oyster Co.	David Hollingsworth Markham Oyster Inc.
5	Organization representing the environmental community	Krystal Kyer Tahoma Audubon	Miranda Wecker Willapa Hills Audubon
6	Organization representing the environmental community	Bruce Wishart People for Puget Sound	Cyrilla Cook People for Puget Sound
7	Shoreline property owner who does not have a commercial geoduck operation on his or her property	Patrick Townsend Olympia	Laura Hendricks Gig Harbor
8	Shoreline property owner with a commercial geoduck operation on his or her property	Ward Willits Olympia	None
9	Department of Ecology	Dick Wallace Department of Ecology, Southwest Regional Office	Jeannie Summerhays Department of Ecology, Northwest Regional Office
10	Department of Fish and Wildlife	Lisa Veneroso Department of Fish & Wildlife	Morris Barker Department of Fish & Wildlife
11	Department of Agriculture	Eric Hurlburt Department of Agriculture	Linda Crerar Department of Agriculture
12	Department of Natural Resources	Sarah Dzinbal Department of Natural Resources	Blain Reeves Department of Natural Resources
13	Tribal government within the Puget Sound drainage	Andy Whitener Squaxin Island Tribe	Jeff Dickison Squaxin Island Tribe
14	Tribal government	Russ Svec Fisheries Manager Makah Tribe	Yongwen Gao Makah Tribe

Appendix C: Meeting Agendas

Shellfish Aquaculture Regulatory Committee		Monday, July 23, 2007 1:00 to 4:00 p.m. Room R1S-16/17, Department of Ecology Building, Lacey (Note room change)
Members: Pat Prendergast (Dave Risvold alt.), Bryan Harrison, Diane Cooper (Bill Dewey alt.), Nick Jambor, Krystal Kyer (Miranda Wecker, alt.), Cyrilla Cook (Bruce Wishart alt.), Patrick Townsend, Ward Willits, Dick Wallace, Lisa Veneroso, Eric Hurlburt (Linda Crerar alt.), Sarah Dzinbal, Andy Whitener, Russ Svec		
Agenda	Person Leading Discussion	
Introductions	Tom Clingman	10 minutes
Overview of HB2220: Citizen involvement in creating HB2220; Committee tasks	Rep. Pat Lantz	20
How the Committee will work	Sally Toteff, Facilitator	60
Introduction to shellfish industry in Washington State	Diane Cooper, Taylor Shellfish	20
Break		15
Work Program	Tom Clingman	15
Existing Regulations for Shellfish Aquaculture	(See reverse: Questions to be addressed)	
<ul style="list-style-type: none"> • Federal 401/404 Permits <ul style="list-style-type: none"> ○ Nationwide Permits ○ Individual Permits ○ Linkage to ESA/EFH • Ecology 401 Certification • Coastal Zone Management (CZM) Consistency • WDFW Aquatic Farm Registration 	Casey Ehorn, Corps of Engineers	10
	Loree Randall, Dept of Ecology	10
	Frank Hawley, WDFW Licensing Division	10
Scheduling Future Meetings and Field Trip	Tom Clingman, Jeanne Koenings	10
Summary	Sally Toteff	10
Meeting materials:		
1. Excerpts from HB 2220 regarding Committee role and process		
2. Shellfish Aquaculture Regulatory Process graphic		
3. Preliminary Committee Work Plan		
4. Committee Member Roster		

Basic questions about shellfish permit and approval processes to be addressed:

1. What is the **intent** of this permit or approval process?
2. What is the **geographic extent** of the permit or approval?
3. How much **time** does it typically take to obtain the permit or approval? What is the **cost** to apply?
4. Who gets **notified**? How are they notified?
5. Is your permit or process dependent on **SEPA completion or other permits**/approvals?
6. Who can **appeal**? What is the cost to file an appeal?
7. What is the **duration** of approval?
8. Is this process **consistently applied** at this time to all shellfish growing areas?
9. Other key features of the permit or process.

Shellfish Aquaculture Regulatory Committee

Monday, August 27, 2007
12:45 to 4:30 p.m.
House Hearing Room A, John L. O'Brien Building,
Olympia
(Note room change)

Members: Pat Prendergast (Dave Risvold alt.), Bryan Harrison, Diane Cooper, Nick Jambor, Krystal Kyer (Miranda Wecker alt.), Bruce Wishart (Cyrilla Cook alt.), Patrick Townsend, Ward Willits, Dick Wallace, Morris Barker, Eric Hurlburt (Linda Crerar alt.), Sarah Dzinbal (Blain Reeves alt.), Andy Whitener, Russ Svec

Goal of Meeting: Follow up Committee's Ground Rules; provide additional background on regulations for shellfish aquaculture; provide information on research contracts; talk about the Symposium/Workshop

Agenda	Person Leading Discussion	
Settle in, get coffee, find a seat		12:45 – 1:00
Approval of Proposed Agenda and Meeting Goals	Sally Toteff, Facilitator	1:00 – 1:05
Ecology's Roles and Perspective on Committee's Work	Gordon White, SEA Program Manager, Ecology	1:05-1:15
Committee Business		1:15 – 1:55
<ol style="list-style-type: none"> 1. Approval of 7-23-07 Meeting Notes 2. Comments on last meeting and field trip 3. Review accomplishments 4. Follow up on Ground Rules <ul style="list-style-type: none"> • Review agreements, final discussion on decision-making process • Adoption of proposed ground rules. 	Sally Toteff, Facilitator	
<ol style="list-style-type: none"> 5. Work plan and Future Meetings 	Tom Clingman, Ecology Jeanne Koenings, Ecology	
Overview of Property Owner Concerns	Patrick Townsend, Protect Our Shorelines	1:55 – 2:15
Technical Presentations		
<i>Purpose: Provide background on environmental rules and approvals needed for shellfish aquaculture.</i>		
Dept. of Health Harvest Site Certification and Shellfish Operations License	Jessie DeLoach, WA Dept of Health	2:15 – 2:30
Shoreline Management Act: Shoreline Master Programs & shoreline permits	Pat Prendergast, Pierce County Bryan Harrison, Pacific County	2:30– 2:45

BREAK		2:45 – 3:00
Technical Presentations - continued		
DNR Shellfish Leases	Sara Dzinbal, Dept. of Natural Resources	3:00 – 3:15
Other Presentations		
Sea Grant Research Contracts Process <i>Purpose: Provide background that will help members give feedback to SEA Grant</i>	Penny Dalton, WA Sea Grant	3:15 – 3:30
Shellfish Research Workshop Planning (9/13 & 9/14) <i>Purpose: Discuss format of Workshop and logistics</i>	Raechel Waters, WA Sea Grant	3:30 – 3:45
Summary and Next Meeting	Sally Toteff, Facilitator	3:45 – 4:00
Public Comments	Committee Facilitator	4:00 – 4:30
Meeting materials: Draft Meeting Notes from July 23, 2007 meeting Revised Ground Rules Proposed Revised Work Plan		

Shellfish Aquaculture Regulatory Committee

Monday, September 24, 2007

10:45 a.m. to 4:45 p.m.

(Box lunch provided for Committee Members, Alternates, Speakers, and Staff.)

House Hearing Room A, John L. O'Brien Building, Olympia
(Same room as August 27th meeting)

Members: Pat Prendergast (Dave Risvold alt.), Bryan Harrison, Diane Cooper (Peter Downey alt.), Nick Jambor (David Hollingsworth alt.), Krystal Kyer (Miranda Wecker alt.), Bruce Wishart (Cyrilla Cook alt.), Patrick Townsend (Laura Hendricks alt.), Ward Willits, Dick Wallace (Jeannie Summerhays alt.), Lisa Veneroso (Morris Barker alt.), Eric Hurlburt (Linda Crerar alt.), Sarah Dzinbal (Blain Reeves alt.), Andy Whitener (Jeff Dickison alt.), Russ Svec

Meeting Goals: Finalize Committee's Ground Rules; hear presentations on Shoreline Master Program Updates and the Growth Management Act; discuss framework for building regulatory recommendations; discuss workshop and WA Sea Grant's proposed Request for Proposals.

Proposed Agenda

10:45-11:00	Settle in, Get Coffee, Find a Seat	
11:00-11:15	Review and Approval of Proposed Agenda and Meeting Goals	Sally Toteff, Facilitator
11:15-11:25	Quick Announcements	
11:25-12:30	Committee Business: <ul style="list-style-type: none"> • Approval of 8/27/07 Meeting Notes. • Comments on last meeting. • Discussion and (if ready) adoption of Ground Rules. 	Sally Toteff, Facilitator
12:30-12:40	BREAK (Lunch Provided)	
	Technical Presentations <i>Purpose: Provide background on environmental rules that apply to shellfish aquaculture.</i>	
12:40-1:00	<ul style="list-style-type: none"> • Growth Management Act: Implications for regulating aquaculture. 	Bryan Harrison, Pacific County
1:00-1:45	<ul style="list-style-type: none"> • Shoreline Master Program (SMP) Updates: Aquaculture provisions in Ecology's current SMP Guidelines rule; how counties currently address aquaculture in their SMPs. 	Matt Niles, Dept. of Ecology

1:45-2:00	<ul style="list-style-type: none"> • Quick wrap-up review of regulatory presentations. 	Committee Staff
2:00-2:15	<ul style="list-style-type: none"> • Mechanics for building recommendations for an integrated shellfish permit system. <ul style="list-style-type: none"> ○ What additional information do you need to make recommendations? ○ What format will be most useful for delivering background information? 	Sally Toteff, Facilitator
2:15-2:30	BREAK	
	<p>WA Sea Grant Presentations</p> <p><i>Purpose: Provide background for Committee's discussion on research grants.</i></p>	
2:30-3:00	<ul style="list-style-type: none"> • Discussion of workshop, outcomes, and next steps. 	Penny Dalton, WA Sea Grant
3:00-4:00	<ul style="list-style-type: none"> • Presentation of the Request for Proposals (RFP) and Committee discussion. 	Raechel Waters, WA Sea Grant
4:00-4:15	Summary and Next Meeting	Sally Toteff, Facilitator
4:15-4:45	Public Comments	Committee Facilitator

Shellfish Aquaculture Regulatory Committee

Monday, October 15, 2007

10:45 a.m. to 4:45 p.m.

(Box lunch provided for Committee Members, Alternates,
Speakers, and Staff.)

Hearing Room A, John L. O'Brien Building, Olympia, WA

Members: Pat Prendergast (Dave Risvold alt.), Bryan Harrison, Diane Cooper (Peter Downey alt.), Nick Jambor (David Hollingsworth alt.), Krystal Kyer (Miranda Wecker alt.), Bruce Wishart (Cyrilla Cook alt.), Patrick Townsend (Laura Hendricks alt.), Ward Willits, Dick Wallace (Jeannie Summerhays alt.), Lisa Veneroso (Morris Barker alt.), Eric Hurlburt (Linda Crerar alt.), Sarah Dzinbal (Blain Reeves alt.), Andy Whitener (Jeff Dickison alt.), Russ Svec (Yongwen Gao alt.)

Meeting Goals: Approve 9/24/07 meeting notes; Hear Ecology's conclusions on public comment and decision-making processes; Discuss the list of questions designed to help committee identify problems and envision solutions.

Proposed Agenda

Agenda and Discussion facilitated by Sally Toteff.

10:45-11:00	Settle in, Get Coffee, Find a Seat.
11:00-11:15	Introductions; Review and Approval of Proposed Agenda and Meeting Goals.
11:15-11:20	Quick Announcements.
11:20-11:35	Committee Business: <ul style="list-style-type: none"> • Approval of 09/24/07 Meeting Notes. • Distribution of revised ground rules. • Other.
11:35-12:00	Follow-up from Last Meeting: <ul style="list-style-type: none"> • Report from Ecology committee staff: <ul style="list-style-type: none"> ○ Whether or not meetings will include public comment period. ○ How Ecology will respond when consensus is not reached. • Status of RFP process, posting of literature review, etc.
12:00-4:15	COMMITTEE DISCUSSION AND ROUND TABLE
12:00-1:30	What are the functions and values we want to protect? Are environmental permits the best way to protect each of these?
(12:30-12:40)	Get lunch (provided to Committee).
1:30-1:40	BREAK
1:40-2:00	In general, what are the qualities of an integrated permit system or streamlined permit system?

<p>2:00-3:00</p> <p>3:00-4:15</p> <p>(3:30-3:40)</p>	<ul style="list-style-type: none"> • Handout: HB 2220 language detailing Task 1. <p>In what ways does the current regulatory system work well? In what ways does it NOT work well?</p> <ul style="list-style-type: none"> • Handout: Summary of required permits. • Handout: How counties implement aquaculture requirements. <p>What could be done to correct the problems? What are the best opportunities for streamlining? (This discussion is expected to extend into next meeting.)</p> <p>BREAK</p>
<p>4:15-4:30</p>	<p>Summary and Next Meeting.</p>
<p>4:30-4:45</p>	<p>Committee Roundtable: Is the committee process working for you? What improvements do you suggest?</p>
<p>4:45-5:00</p>	<p>Public Comments.</p>

Shellfish Aquaculture Regulatory Committee

Monday, November 26, 2007
**10:45 a.m. to 4:45 p.m. (Box lunch provided for
 Committee Members, Alternates, Speakers, and Staff)**
Room R0A-36
Department of Ecology Headquarters, Lacey
(Note location change.)

Members: Pat Prendergast (Dave Risvold alt.), Bryan Harrison, Diane Cooper (Peter Downey alt.), Nick Jambor (David Hollingsworth alt.), Krystal Kyer (Miranda Wecker alt.), Bruce Wishart (Cyrilla Cook alt.), Patrick Townsend (Laura Hendricks alt.), Ward Willits, Dick Wallace (Jeannie Summerhays alt.), Lisa Veneroso (Morris Barker alt.), Eric Hurlburt (Linda Crerar alt.), Sarah Dzinbal (Blain Reeves alt.), Andy Whitener (Jeff Dickison alt.), Russ Svec, (Yongwen Gao alt.)

Meeting Goals: Improve Committee member understanding of aquaculture permitting under 401/404 permits and Shoreline Management Act; direction to staff toward developing recommendations; discuss approach to providing interim report to legislature.

	Proposed Agenda	Person Leading Discussion
10:45-11:00	Settle in, Get Coffee, Find a Seat	
11:00-11:15	Review Proposed Agenda and Meeting Goals Quick Announcements	Sally Toteff, Ecology
11:15-11:30	Committee Business: <ul style="list-style-type: none"> • Approval of 9/15/07 Meeting Notes • Approval of Ground Rules 	Sally Toteff, Ecology
11:30-12:30	Presentations and Discussions Review and Reflections on Last Meeting <ul style="list-style-type: none"> • What Works/ Doesn't Work with the Current Regulatory System • Possible Solutions for Improving the Regulatory Process 	Tom Clingman, Ecology
	<i>Purpose: Review and comment on staff summary of Committee discussion</i>	
12:30-12:45	BREAK (Lunch Provided)	
	Technical Presentations and Discussions	

12:45-2:00	<p>Federal Aquaculture Permits: Requirements, processes, outstanding issues and permit examples</p> <ul style="list-style-type: none"> • Nationwide Permit 48: Existing Commercial Shellfish Aquaculture Activities • Individual Permits for Section 404 and 401 • Coastal Zone Management Consistency Determination 	<p>Casey Ehorn, Army Corps of Engineers Loree' Randall, Ecology</p>
	<p><i>Purpose: Improve Committee understanding of 404/401 permits, particularly where these processes fit in improving the aquaculture regulatory process.</i></p>	
2:00-2:15	<p>BREAK</p>	
2:15-3:15	<p>Shoreline Management Act: Requirements and gaps</p> <ul style="list-style-type: none"> • What is included in <i>State framework</i> for SMA? What is at discretion of <i>local governments</i>? • How is aquaculture addressed in current SMPs? • What can we anticipate after comprehensive SMP updates? Remaining gaps? • Committee discussion of questions posed by staff; next steps toward recommendations 	<p>Tom Clingman, Ecology</p>
	<p><i>Purpose: Discuss gaps in aquaculture permitting under current and updated SMPs; comments and direction to staff.</i></p>	
3:15-4:00	<p>Regulatory gaps and opportunities: What we have heard, direction to staff on next steps</p>	<p>Sally Toteff and Tom Clingman, Ecology</p>
4:00-4:15	<p>Legislative Interim Report: Framework, content, Committee review process</p>	<p>Tom Clingman, Ecology</p>
4:15-4:30	<p>Summary and Next Meeting</p>	<p>Sally Toteff, Ecology</p>
4:30-4:45	<p>Public Comments</p>	