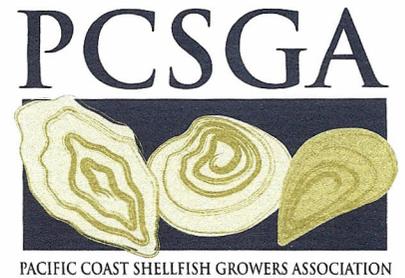


February 3, 2012

Puget Sound Partnership  
Leadership Council  
C/O Mr. Gerry O'Keefe  
Puget Sound Partnership  
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sustainably farmed  
oysters, clams, mussels, scallops

RE: Public Comment on the Puget Sound Partnership's draft Action Agenda Update

Dear Mr. O'Keefe,

December 2011 brought the Governor's public announcement of the Washington Shellfish Initiative (WSI), arguably the most significant boost to the shellfish industry and shellfish resources in the state since the passage of the Bush and Callow Acts in 1890's. The Initiative confirms the State's commitment to an industry and resource that has fueled local rural economies for decades. Combined with the work that Puget Sound Partnership has done to lead the state to a "swimmable, diggable, fishable" Puget Sound, shellfish growers are more confident that the industry can support future generations of farmers. On behalf of the Pacific Coast Shellfish Growers Association (PCSGA), I am pleased to provide these comments on the December, 2011 draft of the Action Agenda. The convergence of the WSI and the Action Agenda present an opportunity for each effort to succeed. We applaud the State's efforts to both restore the health of our marine ecosystems and economy by advancing an aggressive Action Agenda and the WSI.

The Pacific Coast Shellfish Growers Association (PCSGA), founded in 1930, represents shellfish growers from Alaska, Washington, Oregon, Hawaii and California who sustainably produce oysters, clams, mussels, scallops and geoduck. These dedicated individuals pride themselves not only on the quality and freshness of their shellfish but also in their role as environmental stewards, mindful of the dynamic conditions in the marine environment. PCSGA represents both private and tribal shellfishing interests and most members farm because their parents, grandparents and even great-grandparents did – demonstrating a longstanding commitment to the State's natural resources.

We recognize and appreciate the tremendous effort that was put forth to assemble this document and establish links between actions and recovery targets. The Draft Action Agenda (December, 2011) represents hours of meetings with stakeholders and consideration for how to restore Puget Sound. The Washington members of PCSGA are pleased to be part of this process and on behalf of those members, I respectfully submit these comments. These comments are structured to provide general comments on the document followed by specific comments on the recovery targets and Near Term Actions. The specific comments are primarily focused on *Target C.9 – Abundant, healthy shellfish for ecosystem health and for commercial, subsistence, and recreational harvest consistent with ecosystem protection.*

We understand that there are several things that remain to be done in order to complete the Action Agenda, such as more comprehensively addressing climate adaptation needs, identifying, refining and prioritizing local strategies and actions, assigning appropriate performance metrics and adequately assessing the efficacy and priority of ongoing programs before assigning priority to Near Term Actions. We see the value in this work and would like the opportunity to participate and provide input as that work progresses.

In particular, please involve the shellfish community in your discussions on climate change as the industry has already, and unfortunately, begun to experience first-hand how changes in the ocean due to climatic changes can effect marine species. The shellfish community has rallied together real-time water quality data and are exploring ways to adapt to the changing conditions. We appreciate the PSP support and involvement in these efforts to date. The WSI's soon-to-be-appointed Ocean Acidification Blue Ribbon Panel will be producing recommendations for research, monitoring, mitigation and adaptation by the end of this year. The PSP should deliberate and consider adopting the Panel's recommendations once they are available as they will address potential impacts of corrosive seawater to a range of marine species as well as shellfish.

**Strategies and sub-strategies** - The strategies as laid out do create a framework that can continue to work within the future. However, to increase the likelihood of success, the Action Agenda updates must reflect the commitment made by Governor Gregoire and the State Agencies to carry out the actions within the Washington Shellfish Initiative. The Action Agenda and the WSI have common goals and many overlapping actions. To ensure efficient and coordinated efforts that are not contradictory we ask the PSP to integrate actions from the WSI into the Action Agenda. Merging these two efforts will ensure coordination and efficiency between the two and improve the likelihood of success of both.

The WSI includes actions for our coastal shellfish industry and resources as well. The Action Agenda is just for the Puget Sound. To this end it will be critical to establish an implementation tracking, reporting and accountability for coastal actions as well. We will be coordinating through the Governor's office to determine the best way to accomplish this. PCSGA members have expressed serious concerns that coastal members will not recognize the benefits of WSI actions if oversight is delegated to an agency whose statutory authority is solely Puget Sound.

Within the document, not all strategies and sub-strategies are adequately detailed. For example C9.1 and C9.4 have additional information, where C9.2 and C9.3 do not. The discussion provided in C9.1 is extremely informative and critical to understanding current status, how strategies relate and the impact Near Term Actions may have on meeting performance. This level of information should be provided for all strategies and sub-strategies. Our specific comments will highlight areas where additional discussion is needed.

**The proposed near-term actions** - The proposed Near Term Actions are clear. However, in order to truly represent the change-agenda needed to protect and recover Puget Sound, the actions articulated in the WSI, including assigned lead agencies and timelines, need to be incorporated.

**The presentation of ongoing programs** – In the sections of the document that PCSGA spent time critically reviewing, we encountered a few situations where the text needs to be updated to reflect current status, particularly in regards to the progress of research and projects implemented during the development of this update. We strongly encourage PSP conduct a critical review and include the most current information.

**The target views and results chain diagrams** - Within our detailed comments, we point out instances where the strategies, sub-strategies and Near Term Actions don't adequately align in a manner to accomplish what is necessary to reach recovery targets. We strongly encourage PSP to conduct a critical review of the relationship between the strategies and action and seek assistance from experts in related fields and the Science Panel on the likelihood of reaching the targets based on the actions.

**The proposed approach to prioritization** - We did not review this approach and have no comments.

### **Detailed Comments**

PCSGA supports the recovery target of “A net increase of 10,800 acres of harvestable shellfish beds, of which 7,000 acres must be from beds presently classified as prohibited”. Much of the work necessary to achieve this target can be found within the details of the WSI. As stated previously, we strongly encourage PSP to integrate WSI into the Action Agenda. Specifically, in an effort to meet this target, the WSI calls for the direction of \$4.5 million in Environmental Protection Agency funding to protect and improve water quality to meet state standards in commercial, recreational and Tribal shellfish growing areas.

### ***Sub-task C9.1***

This section provides valuable information about shellfish harvesting acreage. However, as presented it is somewhat confusing and would benefit from some organization. It would be helpful if all Puget Sound numbers were presented together. Also while the net change of classified areas (i.e. downgrades and upgrades) is useful information, it is currently presented in a manner that is confusing to the reader. PSP needs to simplify the information and provide it in a clear and logical way.

### ***C9.1 Ongoing Programs***

- In an effort to better link the Near Term Actions to the discussion PSP should consider including information about programs that would be appropriate to replicate.
- First paragraph, third sentence should read: ~~Unless pollution problems are addressed,~~ “Threatened” areas still meet the standard for their current classification but, unless pollution problems are addressed, could soon be downgraded...”
- Page 243, fourth sentence should read: “They are widely believed to be one of the single best approaches to for protecting and reopening shellfish beds, and have been successfully been implemented in Henderson...”

### *C9.1 Near Term Actions*

- Near-Term Action 1 - Consider adding Samish Bay to the programs for which to replicate.
- Near-Term Action 2 - This action was included in an early draft of the WSI. While PCSGA feels it would be a valuable exercise, it was ultimately not included in the WSI due to concerns for resources to accomplish it and lack of a willing leader. In our opinion this would be an appropriate action for the Partnership. Such a review would provide an assessment of the efficacy of existing programs, identify gaps and where potential improvements could be made and replicated. Near-Term Action 2 would be stronger if it was made clear that a primary focus of the forum is to improve coordination and to ensure appropriate action is taken to address threatened areas before they are downgraded.
- PSP should add the following action from the WSI as a Near-Term Action:
  - Form an EPA and state (i.e., Departments of Ecology, Health, and Agriculture) “pollution action team” to respond quickly when water quality problems are identified that threaten shellfish areas.

### *Sub-Task C9.2*

The Sub-task would benefit significantly from a general discussion about restoration and enhancement efforts in the sound. Additional information will add perspective and is critical to understanding current status, how strategies relate and the impact Near Term Actions may have on meeting performance.

### *C9.2 Near Term Actions*

- We ask that PSP include actions relating to restoration and enhancement from the WSI, including assigned lead agencies and timelines. These actions have been vetted by state agencies and restoration partners and will further advance the targets within the Action Agenda. Accordingly, PSP should add the following to the C9.2 Near Term Actions:
  - The Washington Department of Fish and Wildlife, in collaboration with partners such as The Puget Sound Restoration Fund and The Nature Conservancy, and in collaboration with individual tideland owners, Tribes, Marine Resource Committees of the NWSC, WDFW and other state and local partners, will revise, update and continue to implement the Native Oyster Rebuilding Plan including accelerating restoration of the Olympia oyster. This will restore 19 historic large natural oyster beds throughout Puget Sound by 2020. Share the revised plan with NOAA for inclusion in the national Oyster Restoration Plan. Utilize WDFW’s standardized metrics to evaluate success.
  - NOAA will develop a hatchery breeding program for native oysters to increase seed production that meets established genetic conservation guidelines. Restore 19 historic, large, Puget Sound natural oyster beds and associated local ecosystems by 2022.
  - Increase collaboration with NOAA for assistance in funding and facilitating Olympia oyster research and restoration efforts conducted by WDFW, Puget Sound Restoration Fund (PSRF), tribal co-managers, shellfish growers and other partners.

### *Sub-Task C9.3*

We ask PSP to change the title of this sub-task to read “Encourage environmentally responsible shellfish aquaculture, shellfish culture for pollution mitigation and enhancement of recreational harvest based on sound science”. This change better reflects the intent of the task based on the Near Term Actions provided and makes a stronger statement about PSP’s intention towards Puget Sound recovery.

This sub-task would benefit significantly from a general discussion about the role of research in environmentally responsible shellfish aquaculture, shellfish culture for pollution mitigation and enhancement of recreational harvest. We ask that the first paragraph under C9.4 be edited (see below) and moved to this sub-task. Additional information should also be added that provides better context to the current Near Term Actions within C9.3. As our other comments state, such a discussion will give much needed perspective and is critical to understanding the current status, how strategies relate and the impact Near Term Actions may have on meeting performance.

### *C9.3 Near Term Actions*

We ask that PSP include actions from the WSI, including assigned lead agencies and timelines. These actions have been vetted by state agencies and restoration partners and will further advance the targets within the Action Agenda. Accordingly, in addition to C9.3 Near Term Action 1, PSP should add the following to the C9.3 Near-Term Actions:

- Sustain research on key issues related to aquaculture management and planning, including research on geoduck aquaculture, the role of shellfish in nutrient cycling and other aspects of ecosystem services provided by shellfish.
- U.S. Geological Survey will conduct a review of available filter feeding models to quantitatively evaluate the capacity of cultivated shellfish to mitigate nitrogen pollution in Puget Sound. This work will be informed by NOAA research. If appropriate and feasible, Ecology will explore the possibility of implementing a nitrogen credit system using shellfish for pollution reduction. The credit system could stimulate new shellfish culture and jobs as well as identifying the role of shellfish in reducing nitrogen discharges.
- Washington Sea Grant will host a public symposium to share latest scientific research findings on shellfish production effects on the environment. The meeting will explore the scientific basis for management decisions to balance competing land use interests, environmental protection and coastal development needs.
- We recommend C9.3 Near Term Action 2 be amended as follows to be more consistent with the WSI:
  - Ecology will publish an aquaculture revise the Shoreline Master Program Guidelines Handbook section with special emphasis on geoduck aquaculture and net pen operations, update its aquaculture web resources to make them more comprehensive, and provide direct technical assistance and training to local governments. The guidance will address regulatory and technical assistance to protect against habitat impacts and planning to minimize conflicts with adjoining shoreline owners and other marine water users. When the final findings of the Sea Grant geoduck aquaculture research are available, Ecology will review them or create targeted guidance handbook on aquaculture for local governments based on Sea Grant research and other appropriate vetted sound science suitable for

application in Puget Sound to determine if amendments are warranted to the geoduck aquaculture rule.

#### ***Sub-Task C9.4***

As in our comments under C9.3, we request that the first paragraph on this section be moved to C9.3. While HB 2220 did stem from unresolved conflicts between aquaculture and upland uses, the end result, i.e. research, as well as the discussion about HB 2220 fit better under C9.3. This change also attempts to move from the past and not perpetuate the conflict.

The language in this paragraph, whether it is moved or not, must be carefully reviewed and any biases against the shellfish industry and un-documented statements must be removed. For example, the use of the word “intensive” is subjective and not representative of the majority of shellfish farms in the state. The statements that shellfish aquaculture may *increase* pollution and *impact other resource-related jobs* need further documentation. As currently written, this sub-task does not create a framework that we can continue to work within for future updates and does not actively help protect and recover Puget Sound. Rather, the language perpetuates the conflict that this task is intending to resolve.

The sub-task would benefit significantly from a general discussion about the competing uses including: the role outreach and education can play in resolving conflicts; the role planning processes and permitting both have in attempting to reduce conflict and balance uses along the shoreline; and information from the WSI. This additional discussion offers perspective and improves general understanding of the current status, how strategies relate and the impact near-term actions may have on meeting the performance measures.

#### ***C9.4 Ongoing Programs***

This section should reflect completed or nearly-completed research. Although most results are not yet published, there has been a tremendous amount of knowledge from four years of field research and this information will be useful to decision makers. Additionally, PSP should highlight ongoing programs that educate the public about coastal ecosystems and working landscapes.

#### ***C9.4 Near-Term Actions***

We request that PSP include specific actions from the WSI focused on permitting. These actions have been vetted by state agencies and restoration partners and will further advance the targets within the Action Agenda. PSP should add the following to the Near-Term Actions within C9.4:

- Establish a Model Permitting Program that formalizes clear and efficient coordination among state and federal agencies, tribes, and local governments for permitting and licensing. Develop and implement a Model Permitting Program that ensures early and continued coordination from all parties, with an Operational Agreement that commits all parties to see each project through from beginning to end. An associated performance measure for this action could be demonstrated through the implementation of pilot projects.
- Implement pilot projects and use the Model Permitting Program to determine permitting efficiency, practicality and regulatory compliance (e.g., habitat protection). Potential pilots include a Washington Department of Natural Resources (DNR) lease site and North Sound restoration projects in bays like Sequim, Similk and Fidalgo.

- We request that PSP include near-term actions aimed at sharing research results with decision makers and reducing conflict through general education and outreach.
- We request that Near-Term Action 1 be amended as follows: ~~{Who}~~ Ecology's Shorelands Program will coordinate with interested local governments, DNR and stakeholders to support pre-planning for aquaculture development and implementation of marine spatial planning and local shoreline master program updates by: gathering, compiling and ground-truthing baseline information on current aquaculture and filling data gaps and completing research to identify areas that are suitable and unsuitable for future shellfish aquaculture.

### ***Sub-Task C9.5***

Through our comments we have identified places where the WSI intersects with and boosts the Action Agenda. We strongly encourage you to incorporate those edits. It is equally important that Sub-Task C9.5 remain and be edited to better reflect the intent and actions of the Shellfish Initiative that was launched by Governor Gregoire and NOAA Administrator Dr. Lubchenco on December 9, 2011. There are also some actions within the WSI that may not align with the tasks within C9, for example ocean acidification and monitoring for changes in ocean conditions.

We ask PSP to carefully review the Washington Shellfish Initiative which has been vetted by state agencies and assigned lead agencies and timelines. PSP should work to integrate elements of the WSI into the Action Agenda. PCSGA recommends PSP consider the addition of a new C9.6 to capture additional actions from the WSI. It could be titled: Enhance public access to and understanding of shellfish. The discussion could elaborate on the cultural, heritage and economic value of shellfish. Actions from the WSI which would be appropriate Near Term Actions under this strategy include:

- Improve and increase public access to shellfish on public tidelands for tribal and recreational harvest through signage, maps, acquisition and other efforts.
- Leverage Washington State Parks to engage the public in the Washington Shellfish Initiative.
  - Washington Sea Grant will lead the state agencies and partners through a simple planning process to develop shellfish-related messages, publicize events, and otherwise develop materials to make connections between clean water, our region's shellfish resources, and jobs.
  - State Parks will conduct shellfish interpretive programs and events to help forge personal connections between clean, productive Puget Sound waters, the shellfish we eat, and the iconic role shellfish occupy in Washington's cultural and culinary identity. State Parks will collaborate with other public/tribal/private interests and help promote support of public lands and the Discover Pass program.

### ***Task B6 – Implement a coordinated strategy to achieve the 2020 eelgrass recovery target-***

We strongly encourage PSP to review the Near Term Actions within this task. The current Action Agenda does not adequately link actions that will achieve the recovery target of 20% more eelgrass by 2020. Our understanding of the science relative to eelgrass abundance is that it is light limited. Key actions that can help achieve this are reducing nutrient inputs which result in light blocking phytoplankton blooms or by increasing the biomass of filter feeding organisms such as bivalves.

***Sub-Task C3.2 - Ensure compliance with regulatory programs designed to reduce, control or eliminate pollution from working farms.***

We request that PSP include the following specific action from the WSI into the Near Term Actions for C3.2:

- Reduce pathogen and nutrient loading by improving manure management in those areas with PIC programs by offering incentives to implement eligible agricultural best management practices including livestock exclusion fencing, off-stream watering, and livestock feeding.

***Sub-Task C5.1 - Effectively manage and control pollution from small on-site sewage systems***

We request that PSP include the following specific action from the WSI into the Near Term Actions under C5.1:

- Help local health jurisdictions carry out onsite sewage system management plans that inventory, inspect, and fix failing onsite sewage systems in Marine Recovery Areas and other areas sensitive to pathogen pollution.

Once again, the members of PCSGA appreciate the work that went into developing the Action Agenda as well as the opportunity participate through our comments. If you have any questions or need further information, please do not hesitate to contact me.

Respectfully,



Margaret P. Barrette  
Executive Director